REPUBLICATION
December 2017

CODE OF ORDINANCES

City of

MADISON, WISCONSIN

Looseleaf Supplement

This copy of the Madison, Wisconsin Code is issued as a "replacement" copy and contains all ordinances deemed advisable to be included at this time through Ordinance No. ORD-17-00061, adopted June 19, 2017. See the Code Comparative Table for further information.

This copy replaces all existing copies of the Code and future supplements will commence with "Supplement No. 1."

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PREFACE

This Code constitutes a republication of the general and permanent ordinances of the City of Madison, Wisconsin.

The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Code, as supplemented, and any subsequent ordinance included herein.

Chapter and Section Numbering System

Each section number consists of two parts separated by a period. The figure before the period refers to the chapter number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1.02, and the first section of chapter 6 is 6.01. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 3.05 and 3.06 is desired to be added, such new section would be numbered 3.055.

Page Numbering System

The page numbering system used in this Code is a prefix system. The numbers to the left of the hyphen are an abbreviation which represents a certain portion of the volume. The number to the right of the hyphen represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the hyphen indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the hyphen indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Peggy Lamar, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Diane Althaus, Ordinance Revision Specialist, for her cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

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MADISON GENERAL ORDINANCES

REPUBLICATION 2017

Republication to Volume I: All Chapters

Republication to Volume II: All Chapters

Republication to Volume III: All Chapters

Republication to Volume IV: All Chapters

Retain this page and insert in the front of Volume I in numerical sequence. If at any time you are in doubt as to whether your books are current, call the City Attorney's Office, 266-4511, and give the revision number that appears above.

MADISON, WISCONSIN



The City Colours

MADISON GENERAL ORDINANCES

VOLUME I

CHAPTERS 1-10

CITY OF MADISON

COUNTY OF DANE

STATE OF WISCONSIN

EDITOR-MICHAEL P. MAY

Published by direction of the Common Council of the City of Madison,
in accordance with Wis. Stat. § 66.0103.

N.B. Volume I includes all ordinances through June 15, 2017.

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Chapter 6	Fire Department and Fire Regulations.
Chapter 7	Public Health.
Chapter 8	Public Property.
Chapter 9	Licenses and Permits.
Chapter 10	Streets, Alleys, Sidewalks and Gutters.

THE OFFICIAL CITY FLAG

The flag was officially adopted by the City as its colors on April 12, 1962. Resolution No. 4408 reads as follows:

PREAMBLE

By the use of their artistic endeavors and ingenuity and with the aid of John Price, their color guard instructor, Rich Stone and Dennis Stone, Boy Scouts and members of the Madison Drum and Bugle Corps, have designed and created a flag which the Madison Drum and Bugle Corps will use on its trips to symbolize the spirit of the City of Madison. This flag is of light blue color and is bisected diagonally by a white band running diagonally from the lower left to the upper right of the flag, when looking at it. The two light blue segments separated by the white diagonal band represent Lakes Mendota and Monona. The white band symbolizes the isthmus between the two lakes. Superimposed on this background is a Black Cross, typifying the State Capitol and the Four Lakes, and overlaid on this Black Cross is the Indian Sun symbol in gold.

Rich and Dennis Stone, and Mr. and Mrs. Philip Stone, their parents and natural guardians, are now dedicating this flag to the people of the City of Madison for use as the official flag of the City of the Four Lakes, without any obligation of the City to any person, organization, or group.

NOW, THEREFORE, BE IT RESOLVED,

1. That the dedication of this flag by Rich Stone and Dennis Stone, and Mr. and Mrs. Philip Stone, their parents and natural guardians, for the purposes stated, without any obligation upon the part of the City to them or any other person or organization, be accepted.

2. That such flag be adopted as the official flag of the City of Madison.

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CHAPTER 1

CONSTRUCTION AND EFFECT OF ORDINANCES AND THEIR PUBLICATION

Section

1.01 Construction of Ordinances.
1.02 When These Rules of Construction Shall Not Apply.
1.03 Reference to Titles, Chapters, or Sections - Conflicting Ordinances.
1.04 Ordinances - When to Take Effect.
1.05 Effect of Repeal.
1.06 Penalty Where No Penalty Provided.
1.07 Imprisonment Upon Failure to Pay Penalty Imposed for Violation of Ordinance.
1.08 Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits. (Cr. by Ord. 5724, 1-25-77)
1.09 Duplicate License Fee. (Cr. by Ord. 6279, 6-15-78)
1.10 Disposition of and Jurisdiction Over Juveniles Adjudged to Have Violated a Civil Law or Ordinance. (R/ReCr. by Ord. 11,624, 6-28-96)
1.11 Adoption of Juvenile Justice Code. (R/Re-Cr. by Ord. 11,624, 6-28-96)
1.12 Severability. (Cr. by ORD-05-00167, 11-8-05)

1.01 CONSTRUCTION OF ORDINANCES. In the construction of the ordinances of the City of Madison the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance.

(1) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(2) Gender - Singular and Plural. Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

(3) Person. The word "person" shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

(4) Tenses. The use of any verb in the present tense shall include the future when applicable.

(5) Shall Have Been. The words "shall have been" include past and future cases.

(6) Heretofore and Hereafter. Whenever the word "heretofore" occurs in any ordinance it shall be construed to mean any time previous to the day when such ordinance shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the ordinance containing such word shall take effect.

(7) Joint Authority. All words purporting to give a joint authority to three or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

(8) Acts By Agents. When an ordinance requires an act to be done which may by law as well be done by an agent as by the principal such requisition shall be construed to include all such acts when done by an authorized agent. Wherever these ordinances direct or allow a public official to take action, that action may be taken by the official's designee. (Am. by ORD-09-00004, 1-24-09)

(9) Reasonable Time. In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

(10) Time - How Computed. The time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of the Sunday or the holiday, from midnight to midnight, shall be excluded. Except as otherwise specified in these ordinances, "holiday" means a statewide legal holiday as provided in Sec. 895.20, Wis. Stats., provided, however, that when an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this section. (Am. by Ord. 11,278, 6-19-95)

(11) Week. The word "week" shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week; and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

(12) Fine. The term "fine" shall be the equivalent of the word "forfeiture."

(13) References to Wisconsin Statutes. A reference to the Wisconsin State Statutes shall be construed to mean the most recent version of cited statute. (Cr. by ORD-14-00165, 10/29/14)

1.02 WHEN THESE RULES OF CONSTRUCTION SHALL NOT APPLY. The rules of construction set forth in this chapter shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

1.03 REFERENCES TO TITLES, CHAPTERS, OR SECTIONS - CONFLICTING ORDINANCES. In addition to the rules of construction specified in Section 1.01, the following rules shall be observed in the construction of these ordinances:

(1) All references to titles, chapters, or sections are to the titles, chapters and sections of these ordinances unless otherwise specified.

(2) If the provisions of different chapters of these ordinances conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(3) If conflicting provisions be found in different sections of the same chapter the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.

1.04 ORDINANCES - WHEN TO TAKE EFFECT. All ordinances passed by the Common Council, except when otherwise specifically provided, shall take effect and be in force from and after their publication.

1.05 EFFECT OF REPEAL. When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

1.06 PENALTY WHERE NO PENALTY PROVIDED.

(1) In any case where there shall be a violation of any City ordinance for which no penalty is provided, the person violating the same shall be subject to a forfeiture of not less than one dollar ($1.00) nor more than one hundred dollars ($100.00) for each offense, except as provided in the following subsection.

(2) In any case where any ordinance or section of an ordinance of the City of Madison shall not provide the greater penalty for a second or subsequent conviction for a violation thereof any person violating the same who shall previously have been convicted of a violation thereof shall be subject to a forfeiture of not less than ten dollars ($10) nor more than two hundred dollars ($200) for each offense, except that where the penalty provided by any such ordinance or section for a first violation thereof shall be larger than the penalty herein provided such larger penalty shall be applicable.

(3) No violation of any ordinance of the City of Madison shall be or be construed to be a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the City of Madison except in the event of a failure of the defendant to pay the forfeiture imposed by the court, any other provision of the General Ordinances of the City of Madison to the contrary notwithstanding.

1.07 IMPRISONMENT UPON FAILURE TO PAY PENALTY IMPOSED FOR VIOLATION OF ORDINANCE. When a forfeiture shall be imposed for the violation of any ordinance of the City of Madison or any section thereof the court may also sentence the defendant to pay the cost of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed six (6) months, and the court may also issue an execution against the property of the defendant for said forfeiture and costs.

1.08 ISSUANCE OF CITATIONS FOR VIOLATIONS OF CERTAIN ORDINANCES AND PROVIDING A SCHEDULE OF CASH DEPOSITS.

(1) Pursuant to the authority of Sec. 66.0113 of the Wisconsin Statutes, the City of Madison hereby elects to use the citation method of enforcement of ordinances including those for which a statutory counterpart exists. (Am. by Ord. 9623, 11-11-88)

(2) The Citation.

The citation shall be in compliance with Wis. Stat. § 800.02.

(Sec. 1.08(2) Am. by Ord. 10,496, 8-28-92; ORD-13-00186, 11-25-13)

(3) Schedule of Deposits.

(a) The schedule of cash deposits that follows this subsection is established for use with citations issued under this ordinance to persons seventeen (17) years of age and older.

1. The maximum cash deposit for persons twelve (12) to sixteen (16) years of age alleged to have committed a civil law or ordinance violation shall be fifty dollars ($50) plus the fees specified in Sec. 1.08(3)(c), except for a violation of Sec. 23.06, "Damage to Property," Chapter 38 alcohol beverage violations, and traffic violations. (Am. by Ord. 13,760, Adopted 12-14-04)

2. Pursuant to Sec. 938.343, Wis. Stats., the cash deposit for a citation issued to a person twelve (12) years of age and older alleged to have violated Sec. 23.06, "Damage to Property," is the same as listed in the schedule that follows this subsection. (Am. by Ord. 13,760, Adopted 12-14-04)

3. The maximum cash deposit for persons seventeen (17) years of age alleged to have violated Sec. 23.38, "Purchase or Possession of Tobacco Products by Children Prohibited," Sec. 25.01(4)(5), "Sale of Firearms," and Sec. 23.13, "Automobiles Not to Be Rented to Children" shall be fifty dollars ($50) plus the fees specified in Sec. 1.08(3)(c). (Am. by Ord. 13,760, Adopted 12-14-04)

4. In any case where there shall be a violation of any city ordinance by a person under the age of eighteen (18) years of age for which age is an element of the offense and for which no cash deposit is provided, the maximum cash deposit shall be fifty dollars ($50) plus the fees specified in Sec. 1.08(3)(c). (Am. by Ord. 13,760, Adopted 12-14-04)

(Intro. Par. of Sec. 1.08(3)(a) Am. by Ord. 11,624, 6-28-96)

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Contempt of court.	3.16(8)(d)	$50
Failure to comply with lawful order.	3.20	$500, 1st $1000, 2nd $2000, 3rd $4000, 4th
Failure to aid peace officer.	5.06(1)	$100
Resist or obstruct peace officer.	5.06(2)	$300
False alarm.	5.08(7)	$100
Health nuisance.	7.05	$250, 1st $500, 2nd $1000, 3rd & sub
Restaurant permit required.	7.08(2)	$100
Temporary restaurant permit required.	7.08(7)(a)	$100
Failure to register temporary food establishment.	7.08(7)(j)	$50, 1st $200, 2nd or sub w/in 5 yrs.
Violation of Tattoo and Body-Piercing Regulation.	7.15	$500
Animal slaughtering without permit or in unacceptable area or manner.	7.30	$100
Deposit of rubbish and refuse on streets, public grounds and lakes or on exterior property area.	7.32	$200
Depositing human waste products limited.	7.321	$100
Animal defecation on public or private property prohibited.	7.322(1)	$100, 1st $200, 2nd/subsqnt
Failure to carry means of animal defecation removal.	7.322(2)	$100, 1st $200, 2nd/subsqnt
Storing garbage containers or vessels other than at rear of building.	7.36(7)(b)	$50, 1st $100, 2nd
Unlawful for person or corporation to dump garbage, rubbish, etc., without permit.	7.42(1)	$100
Owner of real estate to permit or allow dumping of garbage, rubbish, etc. on property without permit.	7.42(1)	$100
Water Pollution.	7.46	$200, 1st $500, 2nd w/in 5 years $1000, 3rd & subsequent w/in 5 years
Discharge of NonStorm Water.	7.47	$200, 1st $500, 2nd w/in 5 years $1000, 3rd & subsequent w/in 5 years

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Regulation of fertilizer.	7.48	$50, 1st within 12 mos. $150, 2nd within 12 mos. $300, 3rd & subsequent w/in 12 mos.
Standards for exterior painting and remodeling.	7.49	$75, 1st $150, 2nd, subsequent within 1 year
Unlawful use of wood boilers.	7.55	$50
Driving in cemetery.	8.11(14)	$50
Throwing of rubbish in cemetery.	8.11(16)	$100
Skiing and sledding in cemetery prohibited.	8.11(18)	$50
Catering at a library facility without or contrary to a valid library facility catering permit.	8.125(1)	$200
Weight of vehicles in municipal parking lots.	8.14(2)(a)	$105
Backing into stalls/Out of indicated space (municipal lot).	8.14(2)(b)	$45
Expired meter - municipal parking facility.	8.14(2)(c)1.a.	$25
Overtime parking at meter in municipal parking facility.	8.14(2)(c)1.b.	$45
Failure to pay before exiting a municipal parking facility staffed by an attendant.	8.14(2)(c)2.	$0-20 $25 $20.05-50.00 $55 $50.05 or more $105
Failure to pay before exiting unattended municipal parking facility.	8.14(2)(c)3.	$0-20 $25 $20.05-50.00 $55 $50.05 or more $105
Trespassing on municipal parking facility.	8.14(2)(d)	$300
Causing damage at municipal parking facility while exiting without paying.	8.14(2)(c)4.	$100 $200, 2nd + sub
Trespassing in parking facility - Unsatisfied parking tickets.	8.14(2)(d)4.a.	$105
Trespassing in parking facility - Unpaid Parking Fee Notices ("PFN").	8.14(2)(d)5.	$105
Parking trailers in municipal parking facilities.	8.14(2)(e)	$105
Distributing leaflets in municipal parking lots.	8.14(2)(f)	$10
Possession and consumption of intoxicants prohibited in automobile parking lots.	8.14(2)(g)	$20
Tampering/altering prepayment receipt.	8.14(2)(i)	$200
Transfer of parking utility receipts prohibited.	8.14(2)(j)	$50
Expired receipt (Brayton ticfax).	8.14(3)(b)	$10
Private use of greenways and park lands.	8.15(1)	$50, 1st $100, 2nd in 12 mos. $200, 3rd + sub.
Unauthorized motorized vehicles prohibited on public lands.	8.16	$55, 1st $105, 2nd/subsequent
Vending in public parks regulated.	8.17	$200

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Catering at a parks facility without or contrary to a valid parks facility catering permit.	8.175(1)	$200
Parking in Law Park outside designated area.	8.18(1)(a)	$25
Expired meter in Law Park.	8.18(1)(c)1.	$15
Overtime parking in Law Park.	8.18(1)(c)2.	$25
No parking, Permit only, Law Park.	8.18(1)(c)3.	$25
Parking at Brittingham Park.	8.18(2)	$30
Parking at Olbrich Bathhouse regulated.	8.18(3)	$30
Parking at the Gates of Heaven Synagogue regulated (3 hrs.).	8.18(4)(a)	$30
No parking at the Gates of Heaven Synagogue, 10 p.m. - 4 a.m.	8.18(4)(b)	$30
Parking at Henry Vilas Park regulated.	8.18(5)	$30
Parking at Quarry Park regulated.	8.18(6)	$25
Parking in Olin-Turville Park regulated.	8.18(7)	$25
Watercraft and/or other boating equipment storage on City property.	8.185	$100
Anchor or moor watercraft within 25 yards of certain boat launch sites or piers.	8.188	$50, 1st $100, 2nd in 12 mos. $200, 3rd + sub.
Dogs prohibited in certain areas.	8.19(1)	$25, 1st $100, 2nd $200, 3rd $300, 4th, sub.
Horses prohibited in certain areas.	8.19(2)	$50, 1st $100, 2nd, sub.
Animals prohibited on zoo property.	8.19(3)	$50, 1st $100, 2nd & sub.
Public parks to be closed during certain hours.	8.21	$50, 1st $100, 2nd, sub.
Lake access permit.	8.215(1)	$50, 1st; $100, 2nd
Lake access permit display.	8.215(2)	$55, 1st $100, 2nd, sub.
Hours of launch at Olin Park.	8.215(3)	$50, 1st $100, 2nd
Fishing in certain parts of Tenney Park prohibited.	8.22	$50, 1st $100, 2nd, sub.
Use of public golf courses restricted to golfing purposes.	8.23	$50
Fermented malt beverage and liquor control on certain public property and container control.	8.24(1), (2) & (3)	$200
Trapping on public lands without permit.	8.25	$500
Temporary structure prohibited without permit (each structure subject to separate citation).	8.26(4)	$100

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Lodging in parks prohibited.	8.265	$50, 1st $100, 2nd
Miscellaneous regulations relating to snowmobiles.	8.27	$50, 1st $100, 2nd
Public address systems in park.	8.29(1)	$50
Radio-controlled model airplanes prohibited in parks.	8.30	$50
Bicycles in parks prohibitions.	8.31(4)	$50
Disc golf without a permit.	8.32	$50, 1st $100, 2nd, sub.
Gambling in parks prohibited.	8.34	$100, 1st $175, 2nd $250, 3rd
Play golf on City lands restricted to golf courses.	8.36	$50
Tournament without permit.	8.37(1)	$350
Vehicular traffic on Monona Terrace prohibited.	8.38	$100
Olin Terrace violations.	8.39	$100
Preservation of Conservation Parks.	8.40	$100
Feeding birds on public property prohibited.	8.42	$10, 1st $50, 2nd $100, 3rd, sub.
Dance hall license required.	9.03(3)(a)	$100
Power of Police to stop dance.	9.03(8)	$25
Person under 19 not to attend dances.	9.03(12)	$25
Time limits on public dances.	9.03(13)	$25
Private teen dance club license required.	9.035	$100
Licensing of theaters or public rooms used for exhibition purposes.	9.04	$25
More than one person in enclosure.	9.05(11)(a)	$100
Unlawful discharge of fluid or litter associated with sexual activity in enclosure.	9.05(11)(b)	$150
Remove, destroy or deface signs or posters.	9.05(11)(c)	$100
Damage or deface enclosure.	9.05(11)(d)	$100
Failure to carry concealed carry weapon license.	9.06(2)	$25
Licensing of amusement device distributors.	9.08(2)(a)	$100
Registration of amusement devices.	9.08(2)(b)	$25
Transfer of registration symbol or registered amusement devices.	9.08(2)(c)	$25
Amusement devices - seizure of gambling devices.	9.08(3)	$200
Cigarette license required.	9.09	$50
Street vending ordinance violations (any violation not listed below).	9.13	$200
No street vendors license.	9.13(1)	$200 $250, 2nd in 1 yr $300, 3rd & subsequent in 1 yr

Offense	Ord. No./ Adopted Statute No.**	Deposit*
General restrictions on vending.	9.13(4)	$200, 1st in 1 yr $250, 2nd in 1 yr $300, 3rd & subsequent in 1 yr
Violations of the "Regulations governing vending on State Street Mall/Capitol Concourse."	9.13(6)	$200, 1st in 1 yr $250, 2nd in 1 yr $300, 3rd & subsequent in 1 yr
Violations of the "Regulations governing vending in high density vending areas."	9.13(7)	$200, 1st in 1 yr $250, 2nd in 1 yr $300, 3rd & subsequent in 1 yr
Solicitor's and canvasser's permit.	9.14	$100, 1st; $200, 2nd
Licensing of hawkers, peddlers and truckers.	9.15	$100
Closing out sales license required.	9.16	$100
Scrap and recycling dealer license required.	9.21(3)(a)1.	$200
Motor vehicle salvage dealer license required.	9.21(3)(a)2.	$200
Scrap and recycling collector license required.	9.21(3)(a)3.	$100
Motor vehicle storage dealer license required.	9.21(3)(a)4.	$100
Solid waste hauler license required.	9.21(3)(a)5.	$200
Improper disposal of recyclables or yard waste by solid waste hauler.	9.21(4)(i)	$200
Failure to report quantities of recycling, yard solid waste and yard waste to Street Superintendent.	9.21(4)(j)	$200
Unlawful collection of scrap and recycling left for City.	9.21(9)(a)	$200
Purchases of scrap or recycling from minor or intoxicated person.	9.21(9)(b)	$200
Purchases of scrap metal from a person under 18 years of age.	9.22(2)	$200
Failure to obtain seller's identification information.	9.22(3)(a)1.	$200
Failure to obtain vehicle plate information, time and date of purchase or description of items received.	9.22(3)(a)2.	$200
Failure to obtain seller's signed declaration of ownership.	9.22(3)(a)3.	$200
Failure to obtain documentation of lawful possession of proprietary article.	9.22(3)(a)4.a.	$200
Failure to document diligent inquiry and report to Madison Police Department.	9.22(3)(a)4.b.	$200
Failure to make records available to law enforcement officers.	9.22(4)(a)	$200
Failure to maintain records for two years.	9.22(4)(b)	$200
Mobile home park license required.	9.23(4)(g)1.	$25
Mobile home park rental agreement requirements and limitations.	9.23(5)(6)(7)	$75

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Secondhand dealer license required.	9.24(2)	$150, 1st $500, 2nd $1000, 3rd/more
Failure of license holder from other municipality to comply with requirements.	9.24(2)(c)	$500, 1st $1000, 2nd $2000, 3rd/more
Failure to comply with license requirements.	9.24(7)	$150, 1st $500, 2nd $1000, 3rd/more
Failure to comply with secondhand textbook dealer requirement.	9.24(8)	$150, 1st $500, 2nd $1000, 3rd/more
Failure to comply with secondhand dealer mall or flea market requirement.	9.24(9)	$150, 1st $500, 2nd $1000, 3rd/more
Renting without a registration certificate.	9.25(4)	$500, 1st $1000, 2nd $2500, 3rd/more
Failure to post registration certificate.	9.25(6)(c)	$100, 1st $500, 2nd $1000, 3rd/more
Failure of registrant to update information.	9.25(6)(d)	$100, 1st $500, 2nd $1000, 3rd/more
Failure to comply with abatement plan.	9.25(6)(e)	$100, 1st $500, 2nd $1000, 3rd/more
Failure to comply with inspection requirement.	9.25(6)(f)	$100, 1st $500, 2nd $1000, 3rd/more
Christmas tree sales license required.	9.28(1)	$100
Cat license and tags required.	9.31	$50, 1st $100, 2nd & sub.
Regulation of massage establishments, massage technicians and employees.	9.33	$200
Dog license and tags required.	9.50	$50, 1st $100, 2nd & sub.
T or E Permit violation.	9.54	$50
Placing articles/equipment on sidewalk, terrace or roadway.	9.54(1)	$100
M Permit violation.	9.54(12)	$25
Failure to timely relocate or protect facilities in the public right-of-way.	10.05(15)	$250, 1st w/in 3 yrs. $1000, 2nd w/in 3 yrs. $2500, 3rd+ w/in 3 yrs.

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Failure to abide by right-of-way occupancy requirements.	10.05(19)	$250, 1st w/in 3 yrs. $500, 2nd w/in 3 yrs. $1000, 3rd+ w/in 3 yrs.
Street, sidewalk alley or public ground occupied without a permit.	10.055(1)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Violation of street occupancy permit conditions.	10.055(4)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Violations of Street Use Permit Ordinance.	10.056	$300
Failure to comply with sidewalk construction requirements.	10.06	$50, 1st $100, 2nd $200, 3rd/more
Failure to comply with driveway approach and parking facility construction requirements.	10.08(9)(d)	$50, 1st $100, 2nd $200, 3rd/more
Trimming, pruning, or removing a street tree without a permit.	10.101(3)(a)	$300
Trimming, pruning, or removing a street tree beyond permit conditions.	10.101(3)(e)	$300
Tearing of pavement.	10.11	$200
Deposit of inoperable vehicles prohibited.	10.16(1)	$200, 1st $400, 2nd & sub. in 12 mos.
Deposit of rubbish and throwing of glass on streets prohibited.	10.17	$200
Disposal of non-contaminated recyclable plastic bags.	10.18(7)(f)2.	$100, 1st in 1 yr $200, 2nd in 1 yr $400, 3rd & subsequent in 1 yr
Garbage containers on terrace more than 12 hours before day of collection.	10.18(1)	$50, 1st $100, 2nd
Collection of refuse by City.	10.18(2)-(5)	$50
Garbage containers on terrace more than 24 hours after day of collection.	10.18(6)	$50, 1st $100, 2nd
Unlawful to mix yard waste with curbside garbage collection, deposit yard waste or brush at landfill or collection site when site is closed, deposit yard waste on public streets, grounds or water.	10.18(7)(d)1.	$50, 1st $100, 2nd $200, 3rd/more
Regulation of recyclable waste.	10.18(7)(e)	$200, 1st/2nd $400, 3rd/more
Regulation of landfill operations.	10.18(8)	$500, 1st $1000, 2nd
Collection of solid waste.	10.18(9)(a)-(e)	$200, 1st/2nd
Removal of recyclables from private property.	10.18(9)(f)	$200
Unlawful sale or failure to recycle fluorescent bulbs, tubes or lamps or thermostats, bulbs, tubes or lamps containing mercury.	10.18(10)	$100, 1st $200, 2nd $500, 3rd & subsequent

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Fail to meet recycling or reuse requirements for multi-family dwellings or commercial buildings > 10,000 ft^2.	10.185(6)(a)1.	\$500, 1% to 10% \$1000, 11% to 20% \$2000, > 21%
Fail to meet recycling or reuse requirements for multi-family dwellings or commercial buildings < 10,000 ft^2.	10.185(6)(a)2.	\$250, 1% to 10% \$500, 11% to 20% \$1000, > 21%
Fail to meet recycling or reuse requirements for residential buildings or remodeling projects.	10.185(6)(b)	\$250, < 1 ton \$500, 1 ton to 2 tons \$1000, > 2 tons
Fail to follow compliance procedures.	10.185(6)(c)	\$250, per violation
Falsely state or represent compliance with recycling or reuse requirements.	10.185(6)(d)	\$500, 1st violation \$1000, 2+ violation
Unauthorized trash dumping on public property.	10.19(1)	\$200
Unauthorized trash dumping on private property.	10.19(3)	\$100
Hauling of rubbish over streets.	10.20	\$100
Obstruction of streets and sidewalks.	10.23(1)	\$50, 1st \$100, 2nd
Depositing snow or ice on street or sidewalk.	10.23(2)	\$50, 1st \$100, 2nd
Planting on terraces prohibited.	10.25(3)	\$20, 1st; \$50, 2nd; \$200, 3rd
Congregate, sell merchandise on streets or sidewalks prohibited.	10.26	\$200
Permitting animal to stand on sidewalks.	10.27	\$25
Snow and ice to be removed from sidewalks.	10.28	\$50, 1st \$100, 2nd
Causing or maintaining an obstruction without a privilege in street.	10.31(5)	\$50, 1st \$100, 2nd \$200, 3rd or more
Regulation of news boxes in public right-of-way.	10.32	\$50, 1st \$100, 2nd \$200, 3rd or more
Street numbers on buildings.	10.34	\$50, 1st \$100, 2nd
Unlawful use of bus shelter.	11.03	\$200
Violation of Metro Bus Rules.	11.045	\$25
Licensing and regulating conveyances of persons for hire.	11.06	\$200
Transporting passengers for hire or driving a vehicle transporting passengers for hire unless duly licensed.	11.06(2)(a)	\$500
No vehicle operator's permit.	11.06(2)(d)	\$200
Adequate 24-hour service.	11.06(7)(a)	\$200
Taxi driver rest period.	11.06(7)(d)	\$200

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Daily logs.	11.06(7)(e)	$200
Refusal to carry passengers prohibited.	11.06(7)(f)	$200
Unlawful rate of fare.	11.06(9)(a)	$200
Mileage violation.	11.06(9)(c)2.	$200
Waiting charge violation.	11.06(9)(c)4.	$200
Shortest route required.	11.06(9)(c)5.	$200
Charge on meter violation.	11.06(9)(c)6.	$200
Individual service violation.	11.06(9)(c)7.	$200
Shared ride violation.	11.06(9)(c)8.	$200
Operator name and photograph required.	11.06(10)(a)1.	$200
Vehicle permit tags and cards required.	11.06(10)(a)2.	$200
Illegal passenger load.	11.06(10)(e)	$200
Cab and bus stands.	11.07	$200
Payment of taxicab fare required.	11.09(1)	$200
Payment of motor bus fare required.	11.09(2)	$50
Time limited special registration/special ID card parking spaces.	12.031	$20
Street maintenance.	12.045(2)	$25
Emergency snow regulations.	12.045(1)(b)	$20
Entering or staying upon highway.	12.325	$25, 1st $100, 2nd w/in 1 yr. $200, 3rd/more w/in 1 yr. $300, 4th/more w/in 1 yr.
Licensing off-road motor vehicles.	12.751	$20
Improper display of license plates on off-road vehicle.	12.751(3)	$50
Off-road vehicle driven too fast for condition.	12.752(1)	$100
Reckless driving of off-road vehicle.	12.752(2)	$250
Operating off-road vehicle while under the influence of alcohol or other drug.	12.752(3)	$250
Causing loud exhaust when operating off-road vehicle.	12.752(4)	$100
Operating off-road vehicle w/out or with an improper muffler.	12.752(5)	$100
Operating on private property w/out owner's consent.	12.752(6)	$200
Operating off-road vehicle w/in 150' of dwelling between 10:30 p.m. and 7:00 a.m.	12.752(7)	$100
Operating off-road vehicle on private property w/out owner's written permission.	12.752(8)	$200
No bicycle riding on sidewalk where building abuts sidewalk.	12.76(1)	$10
No bicycle riding on footbridge.	12.76(2)	$10
Trick riding prohibited.	12.76(3)	$10
Bicycle parking violations.	12.76(4)	$15
Illegal moped/bicycle parking (w/in 15' of crosswalk/ secured to tree, etc.).	12.76(4)	$20

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Bicycle traffic-control signal violations.	12.76(6)-(7)	$10
No bicycle dealer's license.	12.78(1)	$10
Improper use of bicycle license plate.	12.78(3)	$10
Expiration of bicycle registration.	12.78(4)	$20, 1st $50, 2nd and subsequent in 12 mos.
Failure to transfer bicycle license.	12.78(5)	$10
Notification of change of address.	12.78(6)	$10
Unsafe condition of bicycle.	12.78(7)	$20
Bicycle dealer license required.	12.781(1)	$10
Mandatory bicycle sale reporting.	12.781(3)	$10
Bicycle dealer to retain copy of record of sale.	12.781(5)	$10
Sell or transfer bicycle without safety equipment.	12.782(1)	$10
Sell bicycle without proof of ownership.	12.782(2)	$10
Rent improperly equipped bicycle.	12.782(3)	$10
Rent bicycle to incapable person.	12.782(4)	$10
Operating a low-speed vehicle on illegal roadway.	12.792(2)	$100
Use of compression brakes.	12.81	$100
Procession or parade without permit.	12.87(2)(c)	$100
Failure to comply with conditions of parade permit.	12.87(2)(r)	$100
Transporting carnival equipment without permit; or loading or unloading of carnival equipment in City.	12.87(3)	$50
Heavy traffic route violations.	12.89(2)	$100
Commercial vehicles prohibited.	12.90	$100
Traffic on Edgewood Drive restricted.	12.91	$100
Overtime parking—20 minute zone (non-metered).	12.127	$35
Leaving keys in car.	12.128(1)	$45
Parked vehicle displaying advertising (if primary purpose other than "for sale").	12.128(2)	$100
Street storage (48-hour limit).	12.128(3)	$25
Vehicle abandonment.	12.128(4)	$80
Repairing vehicles on street (other than emergency repairs).	12.128(5)	$45
No parking (specified times - City-County basement garage).	12.128(6)	$45
No parking motor vehicle on highway without gas cap.	12.128(7)(a)	$15
No parking of vehicle leaking gas, oil, other fluids.	12.128(7)(b)	$40
Parking on private driveway (without permission of owner/lessee).	12.128(8)	$45
Tampering with parking enforcers' marks on tires.	12.128(9)	$100
Violation of truck loading zone.	12.128(10)	$40
Off driveway parking prohibited.	12.128(11)	$25
Parking unregistered vehicle.	12.128(12)	$55

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Unauthorized parking on school property.	12.128(13)	$45
No parking on terrace.	12.128(14)	$45
No parking in certain specified places.	12.128(15)	$45
No parking within 4 feet of mailbox.	12.128(16)	$25
Successive violations.	12.128(17)	$35
Parking violations at Dutch Mill Park-and-Ride.	12.128(18)	$30
No heavy truck parking in residential districts (in excess of 6,000 lbs.).	12.129(1)	$105
No motor bus idling in residential districts.	12.129(2)	$45
Bus parked outside bus stop.	12.130(1)	$25-1st $50, 2nd in 12 mos. $100, 3rd or subsequent in 12 mos.
Bus loading passengers outside bus stop.	12.130(2)	$25, 1st $50, 2nd in 12 mos. $100, 3rd or subsequent in 12 mos.
Bus loading passengers further than 18 inches from curb.	12.130(3)	$25, 1st $50, 2nd in 12 mos. $100, 3rd or subsequent in 12 mos.
15-minute bus parking.	12.130(4)	$45, 1st $50, 2nd in 12 mos. $100, 3rd or subsequent in 12 mos.
Taxi parking or stopping outside cab stand, where prohibited.	12.130(5)	$25, 1st $50, 2nd in 12 mos. $100, 3rd or subsequent in 12 mos.
Bus zone or cab stand.	12.131	$45
No parking (use specified periods indicated).	12.133	$45
Vehicle towing forfeiture.	12.1331(3)	$65
No stopping, standing, parking in towaway or commuter zone.	12.1331(4)	$45
Alternate side parking 8 a.m. - 4 p.m.	12.1334(99)	$25
Alternate side parking (Nov 15-Mar 15).	12.1335(6)(a)	$20
Alternate side parking (snow emergency).	12.1335(6)(b)	$60
Overtime parking—30 minute zone (non-metered).	12.1336	$35
Overtime parking—15 minute zone, 8 a.m. - 5 p.m. (non-metered).	12.1338	$35
Street sweeping parking restrictions.	12.1339	$35
Overtime parking—1 hour zone (non-metered).	12.134	$35
Overtime parking—1 hour zone, misc. time periods (non-metered).	12.136	$35
Overtime parking—2 hour zone, 8 a.m. - 6 p.m. (non-metered).	12.137	$35
Failure to remove residential parking permit.	12.138(9)(c)	$25
Residential Parking Permit violation (on vehicle not listed on permit/failure to surrender revoked permit/ copy, reproduce or resell permit).	12.138(10)(a)-(d)	$105

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Overtime parking - 2 hour zone, 8 a.m. - 6 p.m. misc. periods on streets.	12.139	$35
Overtime parking - 2 a.m. - 5 a.m.	12.140	$35
Misuse of parking hoods, restricted parking or temporary parking.	12.142 and 12.1425	$150, 1st $200, 2nd
Expired meters - streets.	12.145(1)(a)	$25
Overtime limit - streets (meter zone).	12.145(1)(b)	$35
No street vending from a parking meter.	12.145(1)(d)	$30
Expired meter - multispace.	12.145(1)(e)	$25
Deposit excess coins to prevent meter from expiring.	12.146	$10
Misuse of parking meters.	12.147(1)	$50
Deposit unlawful material in parking meter.	12.147(2)	$50
No parking bicycles on State Street Pedestrian Mall (except in designated bicycle racks).	12.167(2)	$45
No parking motor vehicle on State Street Pedestrian Mall.	12.167(3)	$25
State St. automobile parking for purposes not allowed.	12.915(5)(a)	$45
State St. automobile permit violations.	12.915(5)(c)	$45
State St. automobiles - manner of parking.	12.915(5)(d)	$45
State St. automobile - loading zone violation.	12.915(5)(e)	$45
State St. Automobile parking more than 30 minutes.	12.915(5)(f)	$45
No stopping, standing, parking of "Motor Trucks" on State St. during restricted hours.	12.915(6)(a)	$45
State St. "Motor Truck" parking for purposes not allowed.	12.915(6)(b)	$45
State St. "Motor Truck" Loading Violation.	12.915(6)(d)	$45
State St. "Motor Truck" - manner of parking.	12.915(6)(e)	$45
No stopping, standing, parking of "Large Motor Trucks" on State St. during restricted hours.	12.915(7)(a)	$45
State St. "Large Motor Truck" Parking for purposes not allowed.	12.915(7)(b)	$45
State St. "Large Motor Truck" loading violation.	12.915(7)(d)	$45
State St. "Large Motor Truck" manner of parking.	12.915(7)(e)	$45
State St. "Large Motor Truck" idling.	12.915(7)(f)	$45
Type of vehicles permitted to use State St. between 10 p.m. and 4 a.m.	12.915(8)(a)	$40
Restrictions on public passenger vehicle use of State St. between 4 a.m. and 10 p.m.	12.915(8)(b)	$40
State St. food delivery vehicles regulations.	12.915(9)(a)	$40
Outdoor water usage restrictions.	13.04	$50
Interference with access to premises.	13.06	$50
Failure to comply with notice to connect.	13.07(2)(f)	$200

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Opening of fire hydrant.	13.11	$500, 1st $1000, 2nd in 5 yrs $2,000, 3rd/sub. in 5 yrs
Cross-connection control regulation.	13.15	$50
Lead water service line replacement.	13.18	$100, 1st $250, 2nd $500, 3rd & sub.
Tampering with water meters.	13.20	$200, 1st $500, 2nd in 5 yrs $1000, 3rd /sub. in 5 yrs
Tampering with water utility mains and property.	13.205	$300, 1st $500, 2nd in 5 yrs $1000, 3rd /sub. in 5 yrs
Failure to abandon well.	13.21(4)	$200
Operating a well without a valid well operation permit.	13.21(5)(a)	$200
Failure to submit annual test results.	13.21(5)(c)2.d.	$200
Relating to piers along banks of Yahara River.	14.04	$50
Piers from park property on shoreline.	14.05	$50
Anchorage or stationary structures and winter markers.	14.30(5)	$50
Speed limitations.	14.30(6)	$100
Operate boat within restricted area.	14.30(7)	$50
Motor boat races prohibited.	14.30(8)	$50
No swimming from boat to public swimming area.	14.30(9)(a)	$50
Operating motor within Tenney Locks.	14.30(9)(b)	$50
No smoking, etc. within Tenney Locks.	14.30(9)(c)	$50
Motor driven boat on Lake Wingra.	14.30(9)(d)	$50
Houseboats.	14.31	$50
Diver without self-inflatable life preserver.	14.33(2)	$50
Loaded spear gun violation.	14.33(3)	$100
Unlicensed person performing plumbing work.	18.07(1)	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Performing plumbing work without permit.	18.09	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Installing fixtures not specified in application.	18.10(2)(e)	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Covering plumbing work before inspection.	18.11(3)	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Failure to have sign on vehicle.	18.46	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Unlicensed person performing electrical work.	19.09(1)	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Performing electrical work without permit.	19.10(1)	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Concealing electrical work before inspection.	19.12	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Failure to modify electrical service.	19.16(6)(c)	$50, 1st $100, 2nd + sub
Failure to have sign on vehicle.	19.17	$200, 1st $500, 2nd in 1 yr $1000, 3rd in 1 yr
Possession of incorrect weight or measure or representation of a false quantity in connection with the purchase, sale or advertising.	22.21(1)(b)or (c)	$200, 1st $500, 2nd or subsequent
Impersonate or hinder sealer or deputy sealer.	22.21(1)(a)	$200
Operating weighing or measuring device without license.	22.21(1)(e)	$200
Prohibition on obstructing entryways to reproductive health care facilities.	23.01	$300, 1st $500, 2nd $750, 3rd & sub
Advertising on public or private property.	23.02	$50
Election practices prohibited.	23.03	$50
Distribution of commercial handbills and advertising matter prohibited.	23.04	$50
Smoking prohibited in certain areas.	23.05	$100 $500, 2nd and subsequent in 1 yr.
Damage to property.	23.06	$500, 1st within 5 yrs $750, 2nd/subsequent within 5 yrs
Placing of scratchiti or etching acid.	23.065	$1,000
Unlawful trespass.	23.07(1), (2), (9) & (10)	$300, 1st w/in 12 mos $400, 2nd w/in 12 mos $500, 3rd, more w/in 12 mos
Trespass to health care facility.	23.07(3)	$750
Permitting animal to trespass.	23.07(4)	$50
Possess/consume alcohol beverages on private property prohibited.	23.07(5)	$200
Sleeping on private property without permission prohibited.	23.07(6)	$200
Trespassing on railroad right-of-way.	23.07(7)(a)	$25

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Trespass to street end of N. Paterson Street.	23.07(8)	$25, 1st $50, 2nd
Trespass to vehicle.	23.07(11)	$100
Person aged 14 to 17 years in violation of curfew.	23.11(2)	$10, 1st $25, 2nd & subsequent
Parent or legal guardian permitting person aged 14 to 17 years to violate curfew.	23.11(4)	$25, 1st $50, 2nd $100, 3rd & subsequent
Violate transient hotel/motel regulations.	23.12	$400, 1st $600, 2nd
Automobiles not to be rented to minors.	23.13	$100
Automobiles not to be rented to any person without driver's license.	23.14	$100
Ticket scalping prohibited.	23.15	$50, 1st $100, sub
Impersonating a law enforcement officer.	23.16(3)	$125
Cruelty to animals.	23.18(1)	$300, 1st $500, 2nd $1000, 3rd $1500, 4th $2000, 5th & sub.
Harassment of police animals prohibited.	23.185	$300
Injuring or attempting to injure or destroy wild birds.	23.19	$300
Harassment of zoo animals.	23.195	$500
Casual possession of marijuana or cannabis in a public place.	23.20	$50
Possession of drug paraphernalia.	23.201	$100
Pruning or removing trees in public places.	23.21	$300
Planting of trees in public highways.	23.22	$50
Depositing materials near trees.	23.23	$100
Injuring trees/shrubs.	23.24(1) and (2)	$300
Damaging a city tree.	23.24(3)	$250 + $30/inch, 0>3 diameter inches $155 per diameter inch over 3 inches
Attaching electric wires, etc. to trees.	23.25	$100
Failure to remove noxious weeds.	23.29	$100, 1st $200, 2nd
Permitting animals other than dogs and cats to run at large.	23.31(1)	$50, 1st $100, 2nd $200, 3rd
Harboring swine.	23.31(2)	$50
Animals prohibited during Street Use Permit.	23.315	$100

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Dogs and cats not permitted to run at large unless under control of a person.	23.32(1)	$50, 1st $100, 2nd $200, 3rd $300, 4th & sub.
Failure to comply with conditions of dog park use.	23.32(2)	$25, 1st $100, 2nd $200, 3rd $300, 4th & sub.
Failing to quarantine biter animal.	23.33(3)	$150, 1st $250, 2nd $300, 3rd
Removing stamped dog collar.	23.33(6)(a)	$50
Tags and licenses required on dogs.	23.33(6)(b) or (c)	$50
Permitting animal to injure person or other animal.	23.35	$100, 1st $300, 2nd
Possession of glass container in a Glass-Free Zone.	23.36	$200
Interfering with breastfeeding.	23.37	$50
Possession of cigarettes, nicotine products, tobacco products by individual under 18.	23.38	$25
Sale of cigarettes, nicotine products, or tobacco products to individual under 18 forbidden.	23.385(2)(a), (am), (c), (cm), or (d) 23.385(2)(b)	$10, 1st $500, 2nd $25
Biennial vaccination of dogs and annual vaccination of cats required.	23.39	$50
Dutch elm, oak wilt and emerald ash borer protections.	23.40	$300
Use of DDT spray prohibited.	23.41	$500
Unlawful removal of parking tickets.	23.42	$200
Unlawful sheltering of minors.	23.43	$300
Consumer to be offered selection of containers.	23.44	$25
Habitual truancy prohibited.	23.45 (Mandatory Appearance)	$0
Unauthorized presence on school property prohibited.	23.46	$200
Failure to spay/neuter dog.	23.47	$500, 1st $1000, 2nd & sub
Possession of exotic or wild animal.	23.49	$100, 1st $200, 2nd $500, 3rd & sub
Exhibition of certain animals.	23.495	$150
Selling, dispensing, giving away or dealing with certain turtles.	23.50	$100
Playing golf on school property prohibited.	23.51	$50
Retail theft, theft of services.	23.54	$300

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Party to a retail theft.	23.55	$300
Private parking enforcement regulated.	23.56	$300
Towing from private property without notification.	23.561(1)	$400
Towing stolen vehicle from private property.	23.561(2)	$400
Towing from lot not properly posted without citation or complaint.	23.561(3)	$400
Towing by person or entity other than tow service.	28.561(4)	$400
Theft.	23.58(2)	$500, 1st $750, 2nd $1000, 3rd & sub.
Unlawful trespass while carrying a weapon.	23.59	$500, 1st $750, 2nd & sub.
Unlawful use of 911.	24.01	$300, 1st $500, 2nd $750, 3rd & sub.
Disorderly conduct.	24.02(1)	$300
Annoying/harassing telecommunication.	24.02(2)	$300
Disorderly conduct while under the influence of alcohol.	24.02(3)	$300
Prohibition of noises disturbing the public peace.	24.04	$100
Leaving animal in parked vehicle for more than 15 minutes.	24.04(5)	$100
Unlawful to operate refuse compacting equipment between the hours of 10:00 p.m. and 6:00 a.m.	24.04(7)	$200
Submission of petition containing fraudulent information.	24.04(9)(j)2.	$375
Failure to follow notification procedure.	24.04(9)(j)3.	$375
Battery.	24.05	$750, 1st $1000, 2nd $1500, 3rd & sub.
Obstructing stairways and entrances to buildings prohibited.	24.07	$100
Noise regulation.	24.08	$100, 1st $200, 2nd $300, subsequent
Light motor vehicle noise control.	24.09	$40, 1st $100, 2nd & subsequent
Radio or other electric sound amplification device plainly audible from vehicle from a distance of 75 or more feet.	24.09(6)	$100, 1st $200, 2nd $300, 3rd and sub
Panhandling prohibited.	24.12	$100, 1st $200, 2nd $300, 3rd and sub
Sale of firearms.	25.01	$300

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Possession of a firearm (not unloaded or encased) in a public place where prohibited.	25.01(7)	$300
Possession of assault weapon prohibited.	25.025	$1000
Storage of gun powder propellants and explosives.	25.03	$250
Barbed bullets prohibited.	25.035	$250
Sparklers prohibited in public places.	25.05	$5
Discharge of firearms.	25.06	$300
Carrying glass bottles in public spectator facilities.	25.07	$200
Possessing firearms or bow and arrow in parks and recreation or conservancy districts without consent.	25.08	$300
Allowing a nuisance party.	25.10(3)	$500
Failure to cease nuisance party activity.	25.10(5)	$300
Premise owner's failure to prevent nuisance party activity after receiving 2nd notice of nuisance party.	25.10(6)	$500
Failure to contact & meet with Madison Police Department and City Attorney.	25.10(6)(a)3.	$1,000
Sale of poison.	25.12	$200
Distribution of injurious powders or medicines forbidden.	25.13	$200
Cisterns & trap doors to be covered.	25.15	$200
Excavations.	25.16	$200
Climbing upon railway cars.	25.19	$200
Catching onto moving trains.	25.20	$200
Throwing stones.	25.21	$200
Failing to impound or comply with Health Department restrictions.	25.22	$200, 1st $300, 2nd $500, 3rd/subsequent
Failing to obtain dangerous animal license.	25.225	$200, 1st $300, 2nd
Swimming regulations.	25.23(1)	$50
Abandoned icebox/refrigerator.	25.24	$300
Unapproved discharge of bows and arrows.	25.25	$300
Unlawful Possession of a Paintball Marker/"Gun."	25.26(2)	$100, 1st $300, 2nd $500, 3rd+
Unlawful Firing or Discharge of a Paintball Marker/ "Gun."	25.26(3)	$100, 1st $300, 2nd $500, 3rd+
Unlawful Provision of a Paintball Marker/"Gun" to a Minor.	25.26(5)	$100, 1st $300, 2nd $500, 3rd+
Prohibition of slingshots.	25.27	$100
Prohibition of certain weapons (numchuk).	25.28	$200
Skateboards prohibited in business districts.	25.29	$20
Unlawful Use of Facsimile Firearm.	25.30(2)	$300

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Unlawful to possess, sell or distribute synthetic chemical cannabinoid.	25.31(5)(a)	$750
Unlawful sale or display of synthetic chemical cannabinoid by commercial establishment.	25.31(5)(b)	$2500
Public decency.	26.01	$500, 1st $1000, 2nd w/in 5 yrs. $2000, 3rd w/in 5 yrs. $3000 4th w/in 5 yrs.
Loitering for purposes of prostitution.	26.08	$500, 1st $1000, 2nd w/in 5 yrs $1500, 3rd w/in 5 yrs $2000, 4th w/in 5 yrs
Loitering for purposes of soliciting prostitutes.	26.085	$500, 1st $1000, 2nd w/in 5 yrs $1500, 3rd w/in 5 yrs $2000, 4th w/in 5 yrs
Solicitation of prostitution.	26.0851	$500, 1st $1000, 2nd w/in 5 yrs $1500, 3rd w/in 5 yrs $2000, 4th w/in 5 yrs
Solicitation of prostitutes.	26.0852	$500, 1st $1000, 2nd w/in 5 yrs $1500, 3rd w/in 5 yrs $2000, 4th w/in 5 yrs
Child enticement.	26.11	$1000
Unlawful behavior in child safety zone.	26.13(2)	$1000
Failure to maintain minimum temperature of 67°F in all habitable rooms.	27.04(2)(h)	$100, 1st $200, 2nd
Use of cooking equipment in room other than a kitchen.	27.04(2)(j)	$100, 1st $200, 2nd
Failure to post contact persons for emergency work.	27.04(2)(k)	$500
Failure to provide required contact information to Building Inspection Division.	27.04(2)(k)	$500
Failure to remove noxious weeds.	27.05(2)(b)	$100, 1st $200, 2nd
Improper maintenance of private storm or building storm sewers.	27.05(2)(x)	$100, 1st $200, 2nd
Maintaining or permitting a public nuisance within the City.	27.05(3)(a) 27.08(7)(a)	$200 $200
Improper maintenance of exterior property areas.	27.05(2)(c)	$100, 1st $200, 2nd
Yard, lawn, or plantings not properly maintained.	27.05(2)(f)	$100, 1st $200, 2nd
Failure to remove noxious weeds.	27.05(2)(s)	$100, 1st $200, 2nd

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Unlawful parking in yards.	28.141(8)(c)	$100, 1st $200, 2nd
Use of land other than permitted.	28.032(1)	$100, 1st $200, 2nd
Unlawful truck parking on residential lot.	28.141(10)(a-c)	$100, 1st $200, 2nd w/in 1 yr $250, 3rd w/in 1 yr
Inoperable vehicle parked on residential lot.	28.141(10)(d)	$100, 1st $200, 2nd w/in 1 yr $250, 3rd w/in 1 yr
Vehicle parked on residential lot without current license plates.	28.141(10)(d)	$100, 1st $200, 2nd w/in 1 yr $250, 3rd w/in 1 yr
Failure to obtain zoning certificate.	28.202(3)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Commencing construction without permit.	29.05(1)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to obtain footing or foundation wall inspection.	29.08(2)(a) and Wis. Admin. Code Sec. SPS 320.10(3)(e)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to obtain structural (rough) inspection.	29.08(2)(b) and Wis. Admin. Code Sec. SPS 320.10(3)(f)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to obtain final inspection.	29.08(2)(d)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to obtain occupancy permit.	29.09	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to file Compliance Statement.	29.09(7)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to comply with roofed passageway and barricade requirements.	29.10(5)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to employ a flag person.	29.135	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Exit door bolted.	29.19 adopting IBC 1008.1.9.4	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Exit door not properly illuminated.	29.19 adopting IBC 1006.1	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Maintenance of exits and passageways.	29.20(9)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Items to be enforced over Wis. Administrative Code.	29.20(10)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to obtain insulation inspection.	29.21	$50
Permit for use of tents for merchandising or display required.	29.355(4)	$50
Heating work performed without permit.	30.01(10)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Submitting incorrect data in heating permit application.	30.01(10)(c)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Concealing heating work before inspection.	30.01(13)(a)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Failure to have sign on vehicle.	30.01(14)	$200, 1st $500, 2nd w/in 1 yr $1000, 3rd w/in 1 yr
Sign erected/repaired/altered/relocated/maintained/or change of copy without permit.	31.041(1)	$100 $200, 2nd in 12 mos. $500, 3rd & subsequent in 12 mos.
Election campaign sign violations.	31.044(1)(e)	$50
Sign erected/displayed in public right-of-way.	31.045(3)(c)	$100 $200 $500, 3rd & subsequent in 12 mos.
Prohibition of displaying signs over expressways/ highways (40 miles per hour or more).	31.045(3)(j)	$100 $200 $500, 3rd & subsequent in 12 mos.
Portable sign violations on private property.	31.046(2)(a)	$100 $200 $500, 3rd & subsequent in 12 mos.
Portable sign violations on public property.	31.046(2)(b)	$100 $200, 2nd & subsequent in 12 mos.
All other portable signs prohibited.	31.046(2)(c)	$100 $200, 2nd & subsequent in 12 mos.
Unlawful flags and decorative and promotional banners.	31.075	$100 $200, 2nd & subsequent in 12 mos.
Removing doors or windows without consent of tenant.	32.05(1)(b)	$600, 1st $1000, 2nd

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Confiscating tenants' personal property in lieu of rent.	32.05(1)(c)	$600, 1st 1000, 2nd
Entering tenant's leased premises without at least 24 hours notice.	32.05(1)(d)	$600, 1st $1000, 2nd
Failure to provide rent credit.	32.07(3)	$600
Failure to return security deposit.	32.07(8)	$600
Intentional false alarm.	34.04(4)	$500
Malfunction of alarm system, unintentional false alarm (if 2 violations in 1 month or 3 violations in 12 months).	34.04(5)	$100, 1st $200, 2nd $300, 3rd & sub
Inspection, testing, maintenance resulting in false alarm.	34.04(5)	$100, 1st $200, 2nd $300, 3rd & sub
Causing fire by negligence.	34.06	$1000
Obstructing firefighter.	34.104(1)	$500
False request for fire personnel.	34.104(2)	$500
Interference with fire alarm system.	34.104(3)	$500
Interference with firefighter.	34.104(4)	$300
Resistance to firefighter.	34.104(5)	$500
Vehicle not to be operated over street with fire house, fire apparatus.	34.104(6), (8)	$300
Interference with fire apparatus.	34.104(7)	$500
Unlawful use of pyrotechnic special-effect materials.	34.105(14)(b)	$250, 1st $500, 2nd & sub.
Public display of fireworks without a permit.	34.5608(3)(a)	$250, 1st $500, 2nd & sub.
Possess or use fireworks without a permit.	34.5608(3)(b)	$250, 1st $500, 2nd & sub.
Failure to comply with fireworks event permit requirements.	34.5608(5)(a)	$250, 1st $500, 2nd $1,000, 3rd & sub.
Failure to comply with fireworks shooters permit requirements.	34.5608(6)(a)	$250, 1st $500, 2nd $1,000, 3rd & sub.
Use or display of fireworks or pyrotechnic special-effect material after prohibition by Fire Chief.	34.5608(8)	$500
Theft of cable service and satellite cable programming.	36.06	$300, 1st $500, 2nd $750, 3rd
Conducting land disturbing activity without an erosion control permit.	37.06(2)	$200, 1st at site $500, 2nd at site $1000, 3rd + at site
Conducting land disturbing activity without a stormwater management permit.	37.06(3)	$200, 1st at site $500, 2nd at site $1000, 3rd + at site

Offense	Ord. No./ Adopted Statute No.**	Deposit*
Permitting or causing erosion.	37.07	$200, 1st at site $500, 2nd at site $1000, 3rd + at site
Failure to implement storm water management performance standards.	37.09(3)	$200, 1st at site $500, 2nd at site $1000, 3rd + at site
Violation of a Stop Work Order.	37.12(6)(a)1.	$200, 1st at site $500, 2nd at site $1000, 3rd + at site
Selling alcohol beverages and soft drinks prohibited except in strict accordance with this chapter.	38.01	$500
Adult knowingly permits underage consumption.	38.04(2)(c)	$250, 1st $300, 2nd $500, 3rd $750, 4th & subsequent in 12 months
Adult intentionally encourages underage consumption.	38.04(2)(d)	$250, 1st $300, 2nd $500, 3rd $750, 4th & subsequent in 12 months
Permit underage person on premises where activity requires alcohol beverage license.	38.04(3)(b)2.	$200, 1st $300, 2nd/subsequent
Person of legal age providing false I.D. to underage person.	38.04(6)	$500
Underage alcohol consumption at lodging establishments.	38.045(2)	$250, 1st $300, 2nd & sub. w/in 12 months
Failure to maintain.	41.14	$250, 1st $500, 2nd $1000, 3rd & subs.
Failure to obtain Certificate of Appropriateness.	41.21	$250, 1st $500, 2nd $1000, 3rd & subs.
Carrying out alcohol beverage after 9:00 p.m. — Class A License.	38.06(6)(e)	$30
Carrying out alcohol beverage after 9:00 p.m. — Class B License.	38.06(7)(g)	$30
No after hours consumption or possession of alcohol (Owner or others found in tavern after closing).	38.06(7)(h)	$50, 1st $100, 2nd
Unruly patron re-enters onto licensed premises.	38.06(10)	$300
No person to possess or consume alcohol beverages on school premises or while participating in school-sponsored activity without permission of school administrator.	38.07(2)(b)1.	$100
Drink or possess alcohol beverage in city park after 10:00 p.m.	38.07(4)	$200

Offense	Ord. No./ Adopted Statute No.**		Deposit*
Unlawful to permit person to leave licensed premises with open container which contains alcohol beverage.	38.07(5)	$200	
Unlawful to possess or consume from open container of alcohol beverage on public street or alley.	38.07(7)	$200	
Exceeding posted occupancy.	38.07(21)(a)	$300 $750	
Failure to post sign after suspension, revocation or nonrenewal.	38.10(1)(h)	$150	
Sale of alcohol to Known Habitually Intoxicated Person.	38.12	$200	

***Note:** Total deposit shall also include amounts specified in Sec. 1.08(3)(c).

****Note:** Sec. 12.011, Madison General Ordinances, adopted by reference the state motor vehicle code. This section therefore displays the applicable state traffic code for the specific violation to which that deposit amount applies.

(Sec. 1.08(3)(a) Am. by 12,482, 12,522, 1-21-00; 12,544, 2-18-00; 12,634, 6-29-00; 12,759, 2-7-01; 12,777, 3-13-01; 12,795, 4-9-01; 12,809, 5-7-01; 12,931 & 12,935, 12-11-01; 13,025, 2-26-02; 13,038, 3-26-02; 13,060, 5-29-02; 13,112, 8-2-02; 13,130, 8-28-02; 13,146, 9-24-02; 13,207, 12-10-02; 13,218, 12-20-02; 13,236, 2-25-03;13,269, 3-11-03; 13,275, 3-21-03; 13,325, 5-28-03; 13,373, 7-22-03; 13,499, 1-23-04; 13,532, 2-24-04; 13,677, 8-6-04; 13,716, 10-26-04; 13,725, 11-9-04; 13,760, 12-14-04; ORD-05-00167, 11-8-05, ORD-06-00032, 4-7-06; ORD-06-00137, 10-6-06; ORD-06-00157, 11-23-06; ORD-06-00173, 12-8-06; ORD-07-00007, 2-2-07; ORD-07-00051, 4-12-07; ORD-07-00094 & ORD-07-00100, 8-23-07; ORD-07-00116 & ORD-07-00118, 9-22-07; ORD-07-00127, 10-5-07; ORD-08-00010, 1-24-08; ORD-08-00028,3-15-08; ORD-08-00045, 4-26-08; ORD-08-00089, 8-01-08; ORD-08-00096, 8-23-08; ORD-08-00120, 10-24-08; ORD-08-00121 & ORD-08-00127, 11-22-08; ORD-08-00140, 12-23-08; ORD-09-00036, 3-14-09; ORD-09-00043, 3-19-09; ORD-09-00053 & ORD-09-00055, 4-2-09; ORD-09-00072, 5-8-09; ORD-09-00091, 8-1-09; ORD-09-00102, 7-2-09; ORD-09-00125, 8-20-09; ORD-10-00011 & ORD-10-00008, 2-4-10; ORD-10-00015, 2-18-10; ORD-10-00048 & ORD-10-00049, 5-12-10; ORD-10-00061, 6-11-10; ORD-10-00065, 7-13-10; ORD-10-00071, 7-27-10; ORD-10-00079, 8-12-10; ORD-10-00093, 9-27-10; ORD-11-00059, 4-7-11; ORD-11-00063, 5-4-11; ORD-11-00081, Pub. 6-16-11, Eff. 11-1-11; ORD-11-00097, 7-13-11; ORD-11-00099, 8-1-11; ORD-11-107, ORD-11-00108 & ORD-11-00109, 8-10-11; ORD-11-00129, 9-28-11; ORD-11-00146 & ORD-11-00147, 10-27-11; ORD-11-00171, 12-21-11; ORD-12-00001, 1-10-12; ORD-12-00021, 3-5-12; ORD-12-00027, 3-14-12; ORD-12-00035 & ORD-12-00036, 3-28-12; ORD-12-00093, 7-10-12; ORD-12-00094, 7-27-12; ORD-12-00101, 8-15-12; ORD-12-00113, 9-26-12; ORD-12-00124, 10-10-12; ORD-12-00134, 1-1-13; ORD-12-00149 & ORD-12-00150, 12-5-12; ORD-12-00157, 2-6-13; ORD-13-00004, 1-15-13; ORD-13-00018, 2-12-13; ORD-13-00024, 3-8-13; ORD-13-00032, 3-27-13; ORD-13-00064, 4-24-13; ORD-13-00082, 5-29-13; ORD-13-00102 & ORD-13-00106, 6-12-13; ORD-13-00184, 11-5-13; ORD-13-00198, 11-26-13; ORD-13-00201 & ORD-13-00203, 12-10-13; ORD-14-00044, ORD-14-00045 & ORD-14-00049, 3-6-14; ORD-14-00053, 3-12-14; ORD-14-00046, 3-26-14; ORD-14-00138 & ORD-14-00139, 8-13-14; ORD-14-00180, ORD-14-00182 & ORD-14-00183, 12-10-14; ORD-15-00016, 2-13-15; ORD-15-00023, 3-4-15; ORD-15-00036, 4-8-15; ORD-15-00043 & ORD-15-00044, 4-29-15; ORD-15-00045, 4-29-15; ORD-15-00064, 6-24-15; ORD-15-00089, 9-11-15; ORD-15-00100, 9-28-15; ORD-15-00116, 10-28-15; ORD-15-00129, 11-25-15; ORD-16-00012, 1-28-16; ORD-16-00028, 3-9-16; ORD-16-00043, 4-27-16; ORD-16-00082, 9-15-16; ORD-16-00111, 12-15-16; ORD-17-00017 & ORD-17-00015, 2-20-17; ORD-17-00051, 5-24-17)

(b) For violation of provisions of Chapter 6 (Fire Department and Fire Regulations), Chapter 7 (Public Health), Chapter 22 (Consumer Protection and Weights and Measures), Chapter 27 (Minimum Housing and Property Maintenance Code), Chapter 28 (Zoning Code), Chapter 31 (Sign Code), Section 33.24 (Urban Design

Commission ordinance), and Chapter 34 (Fire Prevention Code) of the Madison General Ordinances not enumerated in Subdivision (a) above: one hundred dollars ($100) for the first violation, two hundred dollars ($200) for the second violation and two hundred fifty dollars ($250) for the third and all subsequent violations within any twelve (12) month period. For violations of provisions of Chapter 37 (Erosion and Stormwater Runoff Control) not enumerated in Subdivision (a) above, the deposit amount shall be one hundred dollars ($100) for the first violation at the site, two hundred and fifty dollars ($250) for the second violation at the site, and five hundred dollars ($500) for the third and subsequent violation at the site. For violations of the provisions of Sec. 11.08, MGO, Wis. Admin. Code ch. Trans 305, the Revised Uniform State Traffic Deposit Schedule shall apply where applicable and in the event no deposit amount is listed for the offense, one hundred dollars ($100) shall be the deposit amount. (Am. by Ord. 11,022, 10-31-94; Ord. 13,725, 11-9-04; Ord. 13,760, Adopted 12-14-04; ORD-09-00053, 4-2-09; ORD-09-00091, 8-1-09; ORD-09-00147, 11-6-09)

(c) In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify and include as part of the deposit any penalty assessment that would be applicable under Wis. Stat. § 757.05, any jail assessment that would be applicable under Wis. Stat. § 302.46(1), any crime labs and drug law enforcement assessment that would be applicable under Wis. Stat. § 165.755, any consumer information assessment that would be applicable under Wis. Stat. § 100.261, any domestic abuse assessment that would be applicable under Wis. Stat. § 973.055(1), and court costs of $28 imposed by Wis. Stat. § 814.65. In the event that the State amends Wis. Stat. § 814.65, to allow for increased court costs, the maximum amount allowable by the amendment enacted by the State shall take effect upon passage of the State's amendment, without further action by the Common Council. (Am. by Ord. 12,014, 2-2-98; Ord. 12,677, 9-25-00; ORD-07-00073, 6-26-07; ORD-13-00186, 11-25-13)

(d) Deposits shall be paid to the Madison Municipal Court who shall provide a receipt therefore. (Renumbered by Ord. 7345, 2-19-81; Am. by ORD-13-00186, 11-25-13)

(4) Issuance of Citations. Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this ordinance. In addition, the following officials of the City of Madison are hereby authorized to issue citations for enforcement of those ordinances specified only. Such officials may delegate this authority to their subordinates upon approval by the Common Council.

Enforcement Official	Ordinance Chapter or Section and Title
Fire Chief, her/his designated Chief Officers and Officers assigned to Fire Prevention and Investigation Divisions.	Section 3.20, Emergency Management; Chapter 34, Fire Prevention Code.
Director of Public Health Madison and Dane County or her/his designee and Police Department.	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; Section 23.12, Transient Hotels and Motels Regulated; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbidden; Section 23.44, Consumers to Be Offered Selection of Containers.
City Engineer, Street Superintendent, and Building Inspection Division Director or her/his designee.	Section 8.15, Regulating Private Use of Greenways and Park Lands; Chapter 10, Streets, Alleys, Sidewalks, and Gutters; Section 23.24(3), Damaging a City tree.

Enforcement Official	Ordinance Chapter or Section and Title
Weed Commissioners and Building Inspection Division Director or her/his designee.	Section 23.29, Noxious Weed Control.
Director of the Building Inspection Division of the Department of Planning and Community and Economic Development or designee.	Section 7.55, Outdoor Wood Boilers Prohibited; Section 8.15, Regulating Private Use of Greenways and Park Lands, and the Southwest Bike Path; Section 9.13, License for Selling on Public Streets; Section 9.25, Licensing of Landlords of Chronic Nuisance Properties; Section 9.54, Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending; Section 12.128(14), Off-Driveway Parking; Section 12.145(1)(d), No Street Vending from Parking Meter; Chapter 22, Consumer Protection and Weights and Measures; Section 23.29, Noxious Weed Control; Section 24.04(7), Noise Disturbances, Refuse Collection Vehicles; Section 24.08, Noise Control Regulation; Chapters 10, 18, 19, 27, 28, 29, 30, 31, 37; Section 33.24 (Urban Design Commission,) and Chapter 41 (Historic Preservation).
Humane Officers.	Section 7.29, Keeping Fowl in Unacceptable Area or Manner; Section 7.30, Animal Slaughtering without Permit or in grounds and lakes or on exterior property area; Unacceptable Area or Manner; Section 7.32, Deposit of rubbish and refuse on streets, public Section 7.322, Animal Defecation on Public or Private Property Prohibited; Section 7.37(8), Accumulation of Animal Waste Prohibited; Section 7.38, Keeping Horse or Cattle Manure in Unacceptable Container; Section 8.19 Animals in Prohibited Areas; Section 8.25, Animal Trapping on Public Lands Without a Permit; Section 8.40(5), Prohibited Animal in Conservation Park; Section 8.42, Feeding Birds on Public Property Prohibited; Section 9.31, Cat License and Tags Required; Section 23.07, Unlawful Trespass; Section 23.18, Abusing Animals; Section 23.185, Harassment of Police Animals; Section 23.19, Injuring or Attempting to Injure or Destroy Wild Birds; Section 23.31(1), Permitting Animals Other than Dogs and Cats to Run at Large; Section 23.31(2), Harboring Swine; Section 23.32, Dogs or Cats Running at Large; Section 23.33, Tags Required for Animals, Failure to Quarantine; Section 23.35, Permitting Animal to Cause Injury; Section 23.39, Vaccination of Dogs and Cats Required; Section 23.49, Possession of Exotic or Wild Animals; Section 23.495, Exhibition of Certain Animals; Section 23.50, Selling, Dispensing, Giving Away or Dealing with Certain Turtles; Section 24.04(4), Dogs Habitually Barking; Section 24.04(5), Leaving Animal in Parked Vehicle for More Than 15 Minutes; Section 25.22, Dangerous Animals Regulated; Section 25.225 Failure to License Dangerous Animals.

Enforcement Official	Ordinance Chapter or Section and Title
Superintendent of Parks or her/his designee, and Park Rangers.	Section 7.32, Deposit of Rubbish and Refuse on Streets, Public Grounds, or in Lakes or in Any Manner to Create Any Stench or Nuisance; Section 7.321, Depositing Human Waste Products Regulated; Section 7.322, Animal Defecation on Public or Private Property Regulated; Section 8.11, Forest Hill Cemetery; Section 8.15, Regulation of Private Use of Greenways, Park Lands, and the Southwest Bike Path; Section 8.16, Unauthorized Vehicles on Public Lands; Section 8.17, Vending in Public Parks; Section 8.18, Parking Regulated in Certain Parks; Section 8.185, Watercraft and/or Other Boating Equipment Storage on City Property Regulated; Section 8.188, Anchoring and Mooring of Watercraft Regulated; Section 8.19, Animals Prohibited in Certain Areas; Section 8.21, Public Parks To Be Closed During Certain Hours; Section 8.215, Lake Access Permits; Section 8.22, Fishing in Certain Parks of Tenney Park Prohibited; Section 8.23, Use Of Public Golf Courses Restricted To Golfing Purposes; Section 8.24, Alcohol Beverage Control and Container Control on Certain Public Property; Section 8.25, Trapping On Public Lands Prohibited Except By Permit; Section 8.26, Temporary Structure Prohibited without Permit; Section 8.265, Lodging in Parks Prohibited; Section 8.27, Snow Mobile and Cross-Country Ski Regulations; Section 8.29, Public Address Systems in Parks; Section 8.30, Radio-Controlled Toys Prohibited in Parks; Section 8.31, Bicycles in Parks; Section 8.32, Disc Golf Without a Permit; Section 8.36, Play Golf on City Lands Restricted to Golf Courses; Section 8.37(1), Play of Tournament Without Permit Prohibited; Section 8.40, Preservation of Conservation Parks; Section 8.42, Feeding Birds on Public Property Prohibited; Section 9.13, License for Selling on Public Streets; Section 9.54, Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending; Section 10.056, Street Use Permit; Section 10.101, Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way of Any Street, Alley or Highway; Section 10.31, Privileges in Streets; Section 23.05(4)(d) and (f), Smoking Prohibited in Posted City Parks and Beaches and on Henry Vilas Zoo Property; Section 23.06, Damage to Property; Section 23.065, Scratchiti; Section 23.07(2), Unlawful Trespass; Section 23.19, Destruction of Birds Prohibited; Section 23.21, Pruning or Removing Trees in Public Highways or Public Places; Section 23.24, Breaking, Damaging , or Injuring Trees, Shrubs; Section 23.32, Regulation of Dogs and Cats Running at Large; Section 23.40, Dutch Elm, Oak Wilt and Emerald Ash Borer Protections; Section 24.04, Prohibition of Noises Disturbing the Public Peace; Section 25.05,

Enforcement Official	Ordinance Chapter or Section and Title
	Sparklers Prohibited in Public Parks; Section 34.5608(5)(a) and (c)4.b., Fireworks Event Permit Park Clean-Up Plan; Section 38.07(4), Drink or Possess Alcohol Beverage in City Park after 10:00 p.m.
Director of Economic and Community Development Division or his/her designee.	Sec. 9.13, License for Selling on Public Streets; Section 9.54, Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending; Sec. 10.32, Regulation of News Boxes in Public Right-of-Way; Section 12.145(1)(d), No Street Vending from Parking Meter.
Director of Transportation.	Section 12.138(10), Transferability - Residential or her/his designee. Parking Permits; Section 11.08, Adoption by Reference: State Code; Section 11.09, Payment of Taxicab and Motor Bus Fare Required; Section 11.06, Licensing and Regulating Para-Transit Services; Section 11.20, Penalty; Section 12.96(1) and (3), When Lighted Lamps Required; Section 12.99(1)(a), Head Lamps on Motor Vehicles; Section 12.103(1)-(4), Tail Lamps and Registration Plate Lamps; Section 12.104(1) and (2), Stop Lamps; Section 12.105(1) and (2), Direction Signal Lamps or Devices; Section 12.108(1)-(4), Mounting and Visibility of Lamps and Reflectors; Section 12.111(4) and (5), Restrictions on Certain Optional Lighting Equipment; Section 12.114(1) and (5)(a)-(c), Brakes; Wis. Stat. § 347.38, 347.39, 347.40, 347.41, 347.42 and 347.45, Other Required Equipment; Section 31.075(2), Banners. The Revised Uniform State Traffic Deposit Schedule, as amended, shall apply for Chapter 12 violations.
City-County Building Facility Manager or her/his designee.	Section 12.128(9)(a), Parking in City-County Building Garage.
Water Utility General Manager or designee.	Chapter 13, Public Water Supply System.
City Engineer or her/his designee.	Chapter 37; Section 19.16(6)(c), Failure to Modify Electrical Service; Section 34.5608(5)(a) and (c)4.a., Fireworks Event Permit Lake Clean-Up Plan.
Streets Superintendent and Building Inspection Division Director or her/his designee.	Section 9.21, Scrap and Recycling Dealers; Section 34.5608(5)(a) and (c)4.c., Fireworks Event Permit General Clean-Up Plan.
Police Department Program Assistant designated by the Chief of Police.	Sections 9.21, 9.22 and 9.24, Licensing and regulating scrap and recycling materials and metals; regulating the purchase and sale of scrap material; and regulating secondhand dealers.
City Traffic Engineer, or her/his designee.	Section 10.055, Occupancy of Streets or Other Public Areas.

(Sec. 1.08(4) Am. by Ord. 12,144, 6-1-98; Ord. 12,168, 7-20-98; Ord. 12,345, 3-12-99; Ord. 12,522, 1-21-00; Ord. 13,114, 8-2-02; Ord. 13,130, 8-28-02; Ords. 13,112 & 13,114, 8-2-02; Ord. 13,328, 5-28-03; Ord. 13,760, 12-14-04; ORD-06-00061, 6-3-06; ORD-05-00108, 6-8-05; ORD-07-00127, 10-5-07; ORD-07-000147, 11-2-07; ORD-08-00008, 1-24-08; ORD-08-00028, 3-15-08; ORD-08-00109, 10-7-08; ORD-08-00121, 11-22-08; ORD-09-00029, 2-19-09; ORD-10-00011, 2-4-10; ORD-10-00109, 11-17-10; ORD-11-00081, Pub. 6-16-11,

Eff. 11-1-11; ORD-12-00027, 3-14-12; ORD-12-00157, 2-6-13; ORD-13-00025, 3-8-13; ORD-13-00032, 3-27-13; ORD-14-00086, 5-7-14; ORD-14-00139, 8-13-14; ORD-15-00009, 1-28-15; ORD-15-00023, 3-4-15; ORD-15-00036, 4-8-15; ORD-15-00061, 6-10-15; ORD-15-00072, 7-29-15)

(5) Procedure. The provisions of Wis. Stat. § 66.0113(3) relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.

(6) Nonexclusivity. Adoption of this ordinance in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

(7) Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

(8) Effective Date. This ordinance shall take effect and be in force upon its passage and publication as provided by law.

(Sec. 1.08 Cr. by Ord. 5724, 1-25-77)

1.09 DUPLICATE LICENSE FEE.

The fee for any duplicate of any license required by these ordinances shall be five dollars ($5.00). (Am. by Ord. 8193, 12-28-83)

1.10 DISPOSITION OF AND JURISDICTION OVER JUVENILES ADJUDGED TO HAVE VIOLATED A CIVIL LAW OR ORDINANCE.

(1) Pursuant to Wis. Stat. § 938.17(2)(cm), the Municipal Court of the City of Madison is authorized to impose any of the dispositions under Wis. Stat. §§ 938.343 and 938.344, and any of the sanctions under Wis. Stat. § 938.355(6)(d), for a violation of a city ordinance by a juvenile. Further the Municipal Court is authorized to petition the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats., to impose any and all dispositions under Wis. Stat. §§ 938.343 and 938.344, and any and all sanctions under Wis. Stat. § 938.355(6)(d), for a violation of a city ordinance by a juvenile.

(2) In this section:

"Juvenile" means a person who has attained the age of twelve (12) years of age but who is less than eighteen (18) years of age. Except that, for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age. (Am. by Ord. 12,528, 2-10-00; ORD-06-00080, 6-30-06)

(3) Exceptions:

(a) The disposition including but not limited to forfeiture for violation by a person under the age of 18 of intoxicating liquor, beer, and drug ordinances that have been established in strict conformity to state statutes is as provided in Wis. Stat. § 938.344.

(b) The disposition including but not limited to forfeiture for violation by a person under the age of 18 of intoxicating liquor, beer, and drug local ordinances is as provided in Wis. Stat. § 938.344.

(c) The disposition including forfeiture for violation by a person under the age of 18 of Sec. 23.38, MGO, "Purchase or Possession of Tobacco Products by Children Prohibited," is as provided in Wis. Stat. § 938.343.

(d) The disposition for violation by a person under the age of 18 of Sec. 23.45, MGO, "Truancy and Habitual Truancy," is as provided in Wis. Stat. § 938.342. (Am. by Ord. 12,528, 2-10-00)

(Sec. 1.10 R/ReCr. by Ord. 11,624, 6-28-96)

1.11 ADOPTION OF JUVENILE JUSTICE CODE.

(1) Adoption by Reference. Wis. Stat. ch. 938, (the Juvenile Justice Code) and subsequent amendments, additions and recodifications thereto, are hereby adopted by reference except for those provisions in conflict with Chapter 1 of the Madison General Ordinances. In case of such conflict, the provisions of this chapter shall apply, unless conflicting provisions of the state statutes adopted by reference are mandatory.

(2) Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance, the current amendments of Chapter 1 of the Madison General Ordinances, or of the state statutes hereby adopted are hereby repealed.

(Sec. 1.11 R/ReCr. by Ord. 11,624, 6-28-96)

1.12 SEVERABILITY.

(1) This section applies to and is considered part of every ordinance and resolution adopted by the Common Council.

(2) The provisions of any part of this ordinance or resolution are severable. If any provision or subsection or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance or resolution to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included. (Cr. by ORD-05-00167, 11-8-05)

CHAPTER 2

STANDING RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL

Section	
2.01	Meetings.
2.015	Reserved for Future Use. (R. by ORD-07-00194, 12-20-07)
2.02	Call to Order.
2.025	Notification of Absence of Members. (Cr. By Ord. 8157, 11-14-83)
2.03	Procedure to Fill Vacancies on the Common Council. (Rep. & Recr. By Ord. 13,726, 11-9-04)
2.04	Order of Business.
2.05	Introduction of Business.
2.06	Questions of Order.
2.07	Presiding Officer to Preserve Order.
2.08	Motions.
2.09	Without Prejudice. (Cr. by Ord. 12,050, 3-13-98)
2.10	Motion to Adjourn Always in Order.
2.11	Previous Question.
2.12	Division of Question.
2.13	Debate.
2.14	Form of Question.
2.15	Presence Required at Meetings; Electronic Communications. (Cr. by ORD-07-00194, 12-20-07)
2.16	Roll Call Vote. (Am. by ORD-07-00194, 12-20-07)
2.17	Roll Calls to be in Continuous Rotation. (R. & Recr. by Ord. 4945, 4-18-75)
2.18	Majority Vote of All Members Required.
2.185	Call of the House. (Cr. by Ord. 8160, 11-14-83)
2.19	Resolutions or Ordinances Appropriating Funds. (Title Am. by Ord. 8156, 11-14-83)
2.20	Mayor to be Presiding Officer; Mayor Addressing the Council.
2.205	President and Vice President. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)
2.21	Reconsideration of Question.
2.22	Members May File Protests Against Council Action.
2.23	Claims Against City.
2.24	Ordinances.
2.25	Resolutions.
2.26	Motion to Rescind. (Cr. by Ord. 4608, 6-19-74)
2.27	Council Action on Solitary Reports. (Cr. by ORD-08-00072, 7-04-08)
2.28	Reserved for Future Use. (R. by ORD-07-00194, 12-20-07)
2.29	Persons' Right to Address Common Council. (Cr. by Ord. 5675, 11-26-76; Am. by ORD-17-00030, 3-8-17)
2.30	Public Hearings.
2.31	No Persons Allowed on Council Floor Except Members of Council.
2.32	Roberts Rules of Order to Govern Council.
2.33	Transaction of Business at Special Meetings.
2.34	Suspension of Rules.
2.35	Proceedings of Council Meetings.
2.36	Council Proceedings. (Cr. by Ord. 13,129, 8-28-02)
2.37	Reserved for Future Use. (R. by Ord. 12,581, 5-17-00)
2.38	Common Council Confirmation Hearing. (Cr. by Ord. 4731, 9-23-74)
2.39	Informational Hearings. (Cr. by Ord. 6739, 9-14-79)
2.40	Lobbying Regulated. (Cr. by Ord. 12,675, 9-25-00)
2.41	Organizations Making Independent Disbursements. (Cr. by ORD-13-00154, 9-26-13)

2.01 MEETINGS.

(1) The stated meeting of the Common Council shall be held in the Council Chambers on the first and third Tuesdays of every month at 6:30 p.m., except in August and December the Common Council will meet only on the first Tuesday. A special November meeting or meetings will be held for the Capital and Operating Budgets. Following a regular City of Madison election, the newly elected Common Council also shall hold an organizational meeting on the third Tuesday of April. The Council will establish the meeting dates for all meetings by resolution and post the schedule at least annually, and may modify meeting dates for holidays and elections. (Am. by Ord. 12,334, 2-26-99; Ords. 12,502 & 12,503, 11-19-99; Ord. 12,572, 5-3-00; Ord. 12,985, 12-24-01; Ord. 13,172, 11-5-02; Ord. 13,440, 11-7-03; Ord. 13,701, 9-29-04; Ord. 13,721, 11-9-04; ORD-05-00114, 6-7-05; ORD-05-00145, 9-23-05; ORD-05-00170, 11-8-05; ORD-06-0003, 1-19-06; ORD-06-00105, 8-22-06; ORD-07-00124, 10-5-07; ORD-07-00194, 12-20-07)

(2) Quorum. A quorum of the Council shall be two-thirds (⅔) of the members, excluding the Mayor, pursuant to Wis. Stat. § 62.11(3). As currently constituted, quorum is fourteen (14) alderpersons. (Cr. by ORD-15-00021, 3-4-15)

(3) The Common Council of the City of Madison shall meet no later than the first Council meeting in December to act upon the adoption of the City Budget. (Am. by Ord. 8156, 11-14-83)

(4) The Common Council shall not meet on the following holidays: New Year's Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Martin Luther King, Jr. Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Eve, Christmas Day, Rosh Hashanah, Yom Kippur, the first two nights of Passover, and any general or primary election day for local, state or national offices, or referenda. (Am. by Ord. 13,308, 4-30-03; ORD-07-00194, 12-20-07; ORD-09-00162, 12-5-09)

(5) Special meetings shall be called by the Mayor by written notice to each member, delivered to the member personally or left at their usual abode, at least six (6) hours before the meeting. (Editor's Note: Only lawful method, See Wis. Stat. § 62.11(2).)

(6) Adjournment. The motion to adjourn shall be made by any member. All agenda items not dealt with before approval of the motion to adjourn regular meetings shall be automatically referred to the next regular meeting of the Common Council. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

(7) Informal Meetings. The Council may hold meetings other than those established under Section 2.01(1) or (5). At such informal meetings no legislative business may be transacted. At meetings other than those established under Section 2.01(1) or (5), the Council may receive informational briefings from staff, make site visits, receive public comments, or conduct informal discussion, without the presence of a quorum, as long as it complies at all times with the open meeting ordinance and statutes. (Cr. by ORD-07-00194, 12-20-07)

(8) Cancellation of Council Meeting. Only the Council President, or in the President's absence, the Vice President, may cancel a scheduled meeting of the Common Council. Meetings may be cancelled only in the event of a lack of quorum, an emergency, or inclement weather such that it would be unsafe for members of the Council and the public to attend the meeting. Prior to cancelling a meeting, the President shall consult with the Mayor and City Clerk. The public and the news media shall be promptly informed of any meeting cancellation. (Cr. by ORD-15-00021, 3-4-15; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(9) Reserved For Future Use. (Cr. by Ord. 12,581, 5-17-00; R. by Ord. 13,747, 12-15-04)

2.015 RESERVED FOR FUTURE USE. (R. by ORD-07-00194, 12-20-07)

2.02 CALL TO ORDER. The presiding officer shall at the hour appointed call the members to order. In the absence of the presiding officer, any member may call the Council to order, and thereupon

the Council shall appoint one of its members to preside at such meeting. (Am. by Ord. 8156, 11-14-83)

2.025 NOTIFICATION OF ABSENCE OF MEMBERS. Every alderperson who for whatever reason cannot attend a regularly scheduled meeting of the Common Council shall notify Common Council Office staff of such absence by 9:00 a.m. the Thursday prior to the meeting in question; Common Council Office staff shall then notify the City Clerk of the absence. All such excused absences shall be entered in the record of the Common Council. In cases where unavoidable circumstances make such advance notice of absence impossible, the notification of excused absence shall be filed with the City Clerk within one week of the absence and entered in the record of the Common Council. Any alderperson who because of an emergency cannot file prior notification of absence may be excused by orally notifying, at any time prior to or during the meeting, an alderperson or the City Clerk who shall so advise the Common Council. Any alderperson who will be absent from the City for five (5) or more consecutive days shall notify the Common Council Office staff of the length of their absence. (Cr. by Ord. 8157, 11-14-83; Am. by Ord. 13,129, 8-28-02; ORD-06-00145, 11-02-06; ORD-07-00194, 12-20-07)

2.03 PROCEDURE TO FILL VACANCIES ON THE COMMON COUNCIL.

(1) The Common Council President shall oversee the application process to fill aldermanic vacancies.

(2) Applications to fill any aldermanic vacancy shall include information on:
- (a) Name,
- (b) Address,
- (c) Home telephone number,
- (d) Work telephone number,
- (e) E-mail address,
- (f) Biographical resume including education, work, neighborhood, and civic experience,
- (g) A statement on why the applicant wishes to serve.
- (h) A statement of what the applicant wants to accomplish,
- (i) If the applicant plans to run for office during the next special or regular election, and,
- (j) Such other information as the Common Council President in consultation with the Common Council Executive Committee may request. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

(3) The Common Council Executive Committee shall review the applications and, following opportunities for personal candidate interviews, shall recommend to the Common Council a candidate selected for confirmation to fill the vacancy. If the Common Council Executive Committee is unable to agree on a candidate to recommend, it may recommend more than one candidate, or it may reopen the application process to seek additional applicants. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

(4) The Common Council shall appoint and confirm the recommended candidate, or appoint and confirm another candidate from among the applicants.

(5) The appointed and confirmed candidate shall serve until an alderperson is elected pursuant to sec. 17.23(1), Wis. Stats. and is qualified.

(Rep. & Recr. by Ord. 13,726, 11-9-04)

2.04 ORDER OF BUSINESS.

(1) At all stated meetings, the following order shall be observed in disposing of business before the Council:
- (a) Opening remarks.
- (b) Suspension of rules. (Cr. by ORD-05-00015, 2-15-05)
- (c) Honoring resolutions.

(d) Early Public Comment. (Cr. by ORD-07-00128, 10-5-07; Am. by ORD-08-00115, 10-7-08)

(e) Petitions and communications.

(f) Modification of prior Common Council proceedings (upon request of a Common Council member).

(g) Presentation of consent agenda as special order at 6:45 p.m.

(h) Public hearings as special order at 6:45 p.m.

(i) Informational hearings as special order immediately following public hearings.

(j) Business presented by the Mayor, including appointments and confirmations.

(k) Business presented by the President of the Common Council.

(l) Reports of officers, departments and divisions, committees, boards and commissions presented in continuous rotation, alphabetically, including re-referrals according to the provisions of Sec. 2.05(1).

(m) Ordinances and resolutions referred to this meeting and not included in sub. (1)(l).

(n) Introduction of new ordinances and resolutions for referral without debate.

(o) Presentation of accounts and other claims against the City of Madison.

(p) Late items and addenda.

(q) Announcements and introduction of items from the floor.

(r) Any items for closed session.

(s) Adjournment.

(2) No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds (⅔) vote.

(3) The President of the Council with the consent of the Vice President may defer consideration of any item on the agenda, provided that: (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(a) the deferral is for one meeting only other than by consent of all sponsors,

(b) the item is not under Business Presented by the Mayor, and

(c) the President notifies the item's sponsors in writing of his/her intention to defer the item.

(4) Before each regularly scheduled meeting of the Common Council, the City Clerk shall, by 2:00 p.m. on the third business day before the meeting, prepare a draft meeting agenda for review by the Common Council President. The Council President shall approve the agenda by the close of business that same day. In the absence or unavailability of the Council President, the order of approval shall be the Council Vice President, the council administrative assistant, and the City Clerk. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(Sec. 2.04 Am. by Ord. 10,558, 12-30-92; Ord. 12,503, 11-19-99; Ord. 12,985, 12-24-01; Ord. 13,129, 8-28-02; ORD-05-00015, 2-15-05; Sec. 2.04(5)-(16) Renumbered by ORD-07-00128, 10-5-07; Am. by ORD-07-00194, 12-20-07; ORD-10-00085, 9-15-10)

2.05 INTRODUCTION OF BUSINESS.

(1) (a) All ordinances, resolutions or communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. The committee to which any matter is referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.

(b) Any business to be referred may be introduced from the floor, and if no fiscal note is prepared, will be referred to the Finance Director for a fiscal note. Introduction of any matters by title only or without a fiscal note shall require a two-thirds (⅔) majority vote. Any matter introduced from the floor shall be either (i) referred to

the next Common Council meeting for action or (ii) automatically referred to the next Common Council and be placed on the agenda as if for introduction, solely for the purpose of additional referrals. (Am. by ORD-11-00037, 3-8-11)

(Am. by Ord. 10,683, 6-25-93; Ord.13,129, 8-28-02; ORD-05-00046, 3-16-05; ORD-07-00194, 12-20-07)

(2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which

(a) award public works contracts,
(b) accept identified public works improvements,
(c) approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
(d) accept identified improvements by private contracts,
(e) accept identified street improvements by private contracts,
(f) approve plans and specifications for public improvements for identified subdivisions,
(g) authorize construction to be undertaken, and
(h) authorize amendments to previously executed contracts.

(Cr. by Ord. 13,129, 8-28-02)

(3) Except when introduced from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a copy of the ordinance, resolution, or report, or title of same shall be filed in the office of the City Clerk by 12 noon on the Wednesday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson. (Am. by Ord. 8671, 9-6-85; Am. and Renumbered by Ord. 13,129, 8-28-02; ORD-07-00194, 12-20-07)

(4) Appointments of residents, other than Common Council members, to boards, committees, or commissions by the Mayor, shall be submitted to the Common Council and referred to the next regular Council meeting for action. Appointments of Common Council members shall be acted upon at the meeting the appointments are introduced.

When appointing a resident, the following shall be noted:

(a) Any persons who are not City of Madison residents and the reasons for such appointment, pursuant to Sec. 3.30(2), Madison General Ordinances (MGO).
(b) Other committees the individual serves on.
(c) Initial date of the appointment.

(Cr. by Ord. 11,768, 1-21-97; Am. by Ord. 11,791, 3-4-97; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07; ORD-09-00004, 1-24-09; ORD-17-00030, 3-8-17)

(5) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of sixty (60) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without prejudice. (Am. by Ord. 12,050, 3-13-98; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07)

(6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments. The provisions of this subsection shall not apply to the following:

(a) Recommendations of the City Attorney or Risk Manager relating to claims.
(b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
(c) Changes to ordinances and resolutions which may be mandated by state or federal law.

(d) Recommendations of the Personnel Board relating to the classification of positions.

(e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.

(f) Petitions for direct legislation pursuant to the provisions of Wis. Stat. § 9.20.

(g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget or allowed under sub. (2) of this ordinance.

(h) Zoning map or text amendments allowed under Sec. 28.182(2), MGO, certified survey maps, or subdivision plats to be sponsored by the Plan Commission or Planning Division. (Am. by ORD-12-00134, 1-2-13; ORD-13-00056, 4-24-13)

(i) Changes to ordinances recommended by the City Attorney which are intended to correct errors, omissions or inconsistencies therein.

(Renum. by Ord. 11,768, 1-21-97; Renum. by Ord. 13,129, 8-28-02, Am. by ORD-05-00167, 11-8-05; Am. by ORD-07-00194, 12-20-07)

(7) For any matters not sponsored by a member of the Common Council, the sponsoring officer or body shall be indicated by name. (Cr. by ORD-07-00194, 12-20-07)

(8) Petitions or communications may be introduced in the same manner as ordinances or resolutions, or may be presented to the Clerk for inclusion on the agenda. (Cr. by ORD-07-00194, 12-20-07; ORD-17-00030, 3-8-17)

(9) No ordinance shall be introduced unless the same shall have been submitted to and approved as to form by the City Attorney. The City Clerk shall refuse to process any ordinance that has not been so approved. Upon complaint to the Common Council President that the City Attorney has unreasonably withheld approval of an ordinance, the ordinance may be introduced by a two-thirds (⅔) vote of the entire Common Council. (Cr. by ORD-14-00060, 3-26-14)

2.06 QUESTIONS OF ORDER. The presiding officer shall decide all questions of order, subject to an appeal to the Council. The City Attorney may advise the presiding officer or the Council on questions of order. (Am. by ORD-07-00194, 12-20-07)

2.07 PRESIDING OFFICER TO PRESERVE ORDER. It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The President Pro-tem or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83; Ord. 13,129, 8-28-02).

2.08 MOTIONS.

(1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk. (Am. by Ord. 8156, 11-14-83)

(2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.

(3) On any motion subject to debate, any alder may propose an amendment to the motion as a friendly amendment. Amendments may be considered friendly and accepted into the pending motion without objection from the Council. If not so accepted, the amendment shall proceed as an amendment subject to debate and vote. (Cr. by Ord. 13,727, 11-9-04; Am. by ORD-07-00194, 12-20-07)

2.09 WITHOUT PREJUDICE. "Without prejudice" means that no rights or privileges of the party concerned are to be considered waived or lost; action taken with no decision on the merits and no effect on one's ability to re-petition or refile. (Cr. by Ord. 12,050, 3-13-98)

2.10 MOTION TO ADJOURN ALWAYS IN ORDER. A motion to adjourn shall always be in order, unless the Council is engaged in voting, and shall be decided without debate, pursuant to Robert's Rules of Order. (Am by ORD-07-00194, 12-20-07)

2.11 PREVIOUS QUESTION. The Council by a two-thirds (⅔) vote may terminate debate on any question before the Council. Termination of debate, however, shall not preclude the right of any alder to ask for information from City staff. (Am. by Ord. 8156, 11-14-83; ORD-09-00147, 11-6-09)

2.12 DIVISION OF QUESTION.

(1) Any member may call for a division of the question (separation) when the question is one that may be divided. (Am by ORD-07-00194, 12-20-07)

(2) When a question has been divided, no member shall speak more than twice nor for more than ten (10) minutes on any motion with reference to any single item as to which separate consideration has been granted, unless the Council by a two-thirds vote of the members present shall grant an extension of said time. (Am. by Ord. 8156, 11-14-83)

2.13 DEBATE.

(1) When a member is about to speak to a question or make a motion, s/he shall address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor; and the member shall confine himself or herself to the question under consideration. (Am. by Ord. 8156, 11-14-83)

(2) No member shall speak more than twice on any question or motion nor more than ten (10) minutes at any one time, without leave of two-thirds (⅔) of the members present. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.14 FORM OF QUESTION. The call for the vote shall be stated substantially as follows:

(a) If a voice vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no'".

(b) If a roll-call vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no' and the Clerk will call the roll."

(Am. by Ord. 8156, 11-14-83)

2.15 PRESENCE REQUIRED AT MEETINGS; ELECTRONIC COMMUNICATIONS.

(1) No member shall be allowed to vote by proxy, nor shall meetings be conducted telephonically or electronically unless a special or emergency meeting is held.

(2) No member of the Council shall communicate electronically with another member of the Council during a meeting on any matter on the meeting agenda, unless the electronic communication is saved and available under the Public Records Law and unless such communication in no way violates the Open Meetings Law.

(Cr. by ORD-07-00194, 12-20-07)

2.16 ROLL CALL VOTE. (Am. by ORD-07-00194, 12-20-07)

(1) The ayes and noes shall be taken and recorded upon any question or motion before the Council, upon the call of any member. While the Clerk is calling the ayes and noes, it shall not be in order for any member to explain her or his vote. (Am. by ORD-14-00012, 1-14-14)

(2) Any member present who, when a matter is put to a roll call vote, passes, fails to vote or refuses to vote shall be recorded as voting "No" for the sole purpose of determining the Mayor's entitlement to vote. This rule shall not apply where a member abstains from voting by reason of a conflict of interest.

(3) Any unexcused absence at the time a roll call vote is taken shall be recorded as "not present".

(Am. by Ord. 8159, 11-14-83; ORD-07-00194, 12-20-07)

2.17 ROLL CALLS TO BE IN CONTINUOUS ROTATION. On roll call votes at Council meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote. (R. & Recr. by Ord. 4945A, 5-16-75)

2.18 MAJORITY VOTE OF ALL MEMBERS REQUIRED.

(1) All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Common Council unless an extraordinary vote is required by law. When an extraordinary vote is required, the respective extraordinary majority shall be of all the members of the Common Council. This rule is subject to the exceptions set out in Secs. 2.13(2), 2.185, 9.21(4)(g), 28.182(6)(c), MGO. (Am. by Ord. 6720, 8-23-79; Ord. 13,727, 11-9-04; ORD-07-00194, 12-20-07; ORD-12-00134, 1-2-13)

(2) Except as specifically provided in these ordinances or state law, an absence, abstention, vacancy or other failure to vote does not change the number of votes for a majority or super-majority vote.

(Am. by ORD-14-00165, 10-29-14)

2.185 CALL OF THE HOUSE.

(1) Any member may request by motion a call of the house in the presence or absence of a quorum and thereby require unexcused absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by a roll call vote and passed by an affirmative vote of a majority of all members present.

(2) While the Common Council is under call, and if a quorum is present, business may be transacted as if there were no call, except that no further action may be taken on the specific question under consideration when the call was ordered. (Am. by ORD-07-00194, 12-20-07)

(3) When the attendance of absent members is secured, each of said members shall have the opportunity to explain her or his absence; however, such explanation will not be mandatory. In addition, no fees or penalties will be assessed against any such member.

(Cr. by Ord. 8160, 11-14-83)

2.19 RESOLUTIONS OR ORDINANCES APPROPRIATING FUNDS. (Am. by Ord. 8156, 11-14-83)

No appropriation shall be made or voted from any City fund for any purpose except upon an affirmative vote of three-fourths (3/4) of all members of the Common Council provided, however, that adoption of the annual budget shall be a simple majority vote item. (Am. by ORD-05-00015, 2-25-05)

2.20 MAYOR TO BE PRESIDING OFFICER; MAYOR ADDRESSING THE COUNCIL.

(1) The Mayor shall be the presiding officer. In the absence of the Mayor, the President of the Council or the Vice President (in order) shall preside at meetings of the Council. In the absence of the Mayor, the President of the Council, and the Vice President, the Council shall designate an Alder to take the chair. An Alder acting as chair may vote on any matter before the Council. (Am. by ORD-07-00194, 12-20-07; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(2) In instances in which the Mayor wishes to address the Common Council on a substantive matter and not merely in his or her role as Chair of the Council, the following procedures shall apply:

(a) If the Mayor wishes to address the Council briefly, for purposes of information or clarification on a matter before the Council, the Mayor may do so from the Chair, provided there is not an objection from an Alder to such address. The Mayor should preface such information or clarification by informing the Council that he

or she wishes to provide such information and proceeding, unless there is an objection to the Mayor speaking from the Chair. If there is such an objection, the Mayor shall follow the procedure set out below.

(b) In the event the Mayor wishes to address the Council in an attempt to influence the vote on a matter before it, the Mayor shall relinquish the Chair until such time as the Mayor has concluded addressing the Council. The Mayor may then return to the Chair. Having once relinquished and resumed the Chair on any matter, the Mayor may not again address the Council on that matter.

(c) When the Mayor relinquishes the Chair, the Chair shall be assumed by the President of the Council or in the absence of the President, the Vice President. In the absence of both the President and Vice President, the Mayor shall designate an Alder to take the Chair. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(d) If an Alder assumes the Chair, the Alder may vote on the matter before the Council. Relinquishment of the Chair by the Mayor does not change the Mayor's right to vote.

(e) The procedure set forth in this subsection applies to any Alder who is in the role of Chair of the Common Council.

(Am. by Ord. 8156, 11-14-83; ORD-06-00022, 3-24-06)

2.205 PRESIDENT AND VICE PRESIDENT.

The Common Council shall at its organizational meeting on the third Tuesday of April of each year, elect one member of the Council to act as President of the Council and another member to act as Vice President of the Common Council, pursuant to the provision of Wis. Stat. § 62.09(8)(e). The Vice President of the Common Council shall act during the absence, inability or disability of the president. Among other duties of the Council President and the Vice President, are those set forth in Secs. 2.04 (Order of Business), 3.35(10)(b) (Ethics Board), 4.02(4) (Finance Committee), and 33.13 (Common Council Executive Committee), MGO. (Am. by ORD-07-00194, 12-20-07)

The Common Council President may, with the consent of the Common Council Executive Committee, appoint ad hoc subcommittees of the Common Council, to consist of 2-3 Council members, to address issues of a temporary nature. The subcommittees shall be subject to the rules for all ad hoc bodies set out in Sec. 33.01, MGO. (Am. by ORD-09-00117, 8-11-09; ORD-16-00079, ORD-16-00080 & ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

2.21 RECONSIDERATION OF QUESTION.

(1) It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption to move a reconsideration of such vote, at the same or next succeeding regular meeting of the Council. It shall be in order for any member who was, due to an excused absence, not present at the time the question was considered to move reconsideration of such vote at the next succeeding regular meeting of the Council. A motion to reconsider having been lost shall not be again in order. A motion to reconsider shall not be in order when the same result can be obtained by another motion. (Am. by Ord. 5188, 10-20-75; ORD-15-00088, 9-11-15)

(2) A vote by the Common Council on overriding a mayoral veto (whether the vote failed or succeeded) is subject to a motion for reconsideration. Any such motion must be made and acted upon no later than the next regular meeting of the Council or it is out of order. Any such motion may not be referred to any committee or to a subsequent meeting of the Council. (Cr. by ORD-15-00088, 9-11-15)

2.22 MEMBERS MAY FILE PROTESTS AGAINST COUNCIL ACTION. Any member in the minority on any vote shall have the right to have the reasons for his or her dissent from or protest against, any action of the Common Council entered on the proceedings. Such reasons may be

either stated orally after the result of the vote is announced or filed in writing with the Clerk and entered in the record of the Common Council. (Am. by Ord. 8161, 11-14-83; ORD-07-00194, 12-20-07)

2.23 CLAIMS AGAINST THE CITY. The City Attorney is authorized to settle claims, demands, and suits against the City up to and including the sum of twenty-five thousand dollars ($25,000) per account, claim, demand or suit. No claim, demand, or suit against the City requiring payment in excess of twenty-five thousand dollars ($25,000) shall be allowed until the same has been considered and reported upon by the City Attorney and approved by the Common Council. (Am. by Ord. 8749, 12-31-85; ORD-07-00194, 12-20-07)

2.24 ORDINANCES.

(1) No ordinance shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Section 2.34 of the Madison General Ordinances, and action on the item has been publicly noticed as required by the open meetings law. (Am. by Ord. 8156, 11-14-83; Ord. 12,671, 8-18-00)

(2) When the committee to which an ordinance has been referred reports such ordinance to the Council at a subsequent meeting, the ordinance shall stand for final action in accordance with the report of the committee. If the ordinance is modified by the committee, it will stand as a substitute if the sponsor of the ordinance so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate ordinance, provided that such alternate or substitute is germane to the ordinance originally referred to such committee. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

(3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

(4) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate. (Cr. by ORD-07-00194, 12-20-07)

2.25 RESOLUTIONS.

(1) No resolution, except for an honoring resolution, shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Sec. 2.34, MGO, and action on the item has been publicly noticed as required by the open meetings law.

(2) When the committee to which a resolution has been referred reports such resolution to the Council at a subsequent meeting, the resolution shall stand for final action in accordance with the report of the committee. If the resolution is modified by the committee, it will stand as a substitute if the sponsor of the resolution so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate resolution, provided that such alternate or substitute is germane to the resolution originally referred to such committee.

(3) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate.

(Am. by Ord. 8156, 11-14-83; Ord. 12,671, 8-18-00; ORD-07-00194, 12-20-07)

2.26 MOTION TO RESCIND. A motion to rescind an action of the Common Council will be

considered only if notice of intent to make said motion had been given at the preceding regular Council meeting. The notice of said motion shall be in writing and shall be accompanied by a copy of the appropriate legislation effectuating such rescission. A motion to rescind without such notice will be considered only in an emergency situation as determined by the presiding officer and will only be adopted by a two-thirds (⅔) vote. A motion to rescind will not be considered after publication of the legislation sought to be rescinded. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.27 COUNCIL ACTION ON SOLITARY REPORTS.

(1) As used in this section, a "Solitary Report" is a report presented to the Common Council that is not accompanied by a related request for legislative action, such as an ordinance, resolution, appropriation, claim, license, permit or other similar legislative action. A report that is accompanied only by a resolution adopting one of the actions set forth in subs (3)-(5) below is a Solitary Report.

(2) When the Council receives a Solitary Report, the Council shall adopt, accept or place on file the report.

(3) If the Council adopts the Solitary Report, such action means that the Council agrees with the report and that any policy recommendations therein are adopted as policy of the City, which the City and its agencies will be expected to follow.

(4) If the Council accepts the Solitary Report, such action means that the Council agrees with the report. Any misnomer of a motion by the use of words such as "receive" or "agree to" will be considered acceptance of the report.

(5) If the Council does not adopt or accept the Solitary Report, the report shall be placed on file.

(Sec. 2.27 Cr. by ORD-08-00072, 7-04-08)

2.28 RESERVED FOR FUTURE USE. (R. by ORD-07-00194, 12-20-07)

2.29 PERSONS' RIGHT TO ADDRESS COMMON COUNCIL.

(1) Except as hereinafter set forth, any person shall have the right to speak on any item of business that is on the agenda for Common Council action if he/she registers to speak on that item before the item comes up for action. Registration shall indicate the person's address.

(2) Except for informational and public hearings, speakers shall be limited to a three-minute address unless the Common Council agrees by a two-thirds (⅔) vote to extend the time.

(3) A speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for six (6) minutes.

(4) No person shall be permitted to speak on petitions and communications when first introduced before the Common Council and which are scheduled to be referred and reported back at a later meeting.

(5) No person shall submit a registration or appearance form for any meeting unless that person actually attends some portion of the meeting at which the registration or appearance is submitted, or personally delivers the form at the place of the meeting within thirty (30) minutes of the scheduled starting time of the meeting. This limitation does not apply to any person who is eligible to register with the City Clerk for automatic absentee balloting under Wis. Stat. § 6.86(2)(a).

(6) The Council shall provide an Early Public Comment period at each Council meeting, prior to consideration of the consent agenda. Persons who have reasons to leave the Council meeting early, due to health, scheduling or child-care needs, may speak to any agenda item at that time. The Council shall pose questions to such early speakers before moving to the Consent Agenda. (Cr. by ORD-07-00128, 10-5-07; Am. by ORD-08-00115, 10-7-08)

(Am. by Ord. 8443, 10-12-84; Ord. 13,129, 8-28-02; ORD-06-00076, 6-30-06; ORD-07-00194, 12-20-07; ORD-17-00030, 3-8-17)

2.30 PUBLIC HEARINGS.

(1) In conducting a public hearing, the Common Council shall allow all interested parties an opportunity to speak on the subject matter of the hearing before submitting questions to any of the speakers.

(2) Each speaker is limited to five (5) minutes, unless the Common Council agrees by a ⅔ vote to extend the time, provided, that a speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for ten (10) minutes.

(3) At the beginning of the public hearing, the presiding officer shall request all subsequent speakers to remain in the Council Chambers until the conclusion of the public hearing so that they may be available for questioning by the Council members.

(Am. by Ord. 11,087, 12-6-94; ORD-05-00015, 2-15-05; ORD-07-00194, 12-20-07)

2.31 NO PERSONS ALLOWED ON COUNCIL FLOOR EXCEPT MEMBERS OF COUNCIL.

No persons except members and officers of the Council or City Staff shall be allowed to come to the Council floor during the session of the Council without the permission of the presiding officer. The Council may designate certain seats in the rear of the Council Chambers for media. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.32 ROBERTS RULES OF ORDER TO GOVERN COUNCIL. In the absence of a standing rule the Council shall be governed by Roberts Rules of Order. (Am. by Ord. 8156, 11-14-83)

2.33 TRANSACTION OF BUSINESS AT SPECIAL MEETINGS. At special meetings of the Council, no business shall be transacted but that for which the meeting shall have been called. No business may be introduced from the floor at a special meeting. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.34 SUSPENSION OF RULES.

(1) The assent of two-thirds (⅔) of all members of the Council shall be required to suspend, alter, or modify any of the rules in this Chapter for a given meeting. These rules also may be amended by ordinance. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

(2) When a member moves a suspension of the rules he or she shall be required to state the reason to which his/her motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" If no such objection is made, the Clerk shall record a unanimous consent to the suspension of the rules, and the presiding officer shall then proceed to state the principal question. (Am. by Ord. 13,129, 8-28-02; ORD-14-00012, 1-14-14)

2.35 PROCEEDINGS OF COUNCIL MEETINGS.

(1) All regular meetings of the Common Council shall be recorded electronically.

(2) The recordings shall be protected and maintained and may only be destroyed in conformance with the procedures of Section 3.70 entitled "Public Records" of the Madison General Ordinances. (Am. by Ord. 8156, 11-14-83; Ord. 13,129, 8-28-02)

(3) These recordings shall be considered public records subject to inspection under Section 3.70 of the Madison General Ordinances. (Am. by Ord. 8156, 11-14-83)

2.36 COUNCIL PROCEEDINGS. As provided in Section 3.05 of these ordinances, the City Clerk shall be responsible for the publication, filing, indexing and safekeeping of all proceedings of the

Common Council. As further provided in Section 3.70(2) of these ordinances, the City Clerk is the legal custodian of the records of the Common Council.

As required by Wis. Stat. § 62.09(8)(c), the Clerk shall submit all acts of the Council to the Mayor for his/her approval or disapproval. The Clerk shall submit the proceedings to the Mayor within seventy-two (72) hours of the conclusion of the Council meeting. (Cr. by Ord. 13,129, 8-28-02; Am. by ORD-12-00003, 1-10-12; ORD-13-00199, 11-26-13)

2.37 RESERVED FOR FUTURE USE. (R. by Ord. 12,581, 5-17-00)

2.38 COMMON COUNCIL CONFIRMATION HEARING. (Cr. by Ord. 4731, 9-23-74)

(1) Appointments of managers pursuant to Sec. 3.54(9)(f), MGO, shall be submitted to the Common Council for confirmation. (Am. by Ord. 11,617, 6-13-96; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07; ORD-14-00173, 12-10-14)

(2) Action on the recommendation to confirm shall take place not less than ten (10) business days after submission of the recommendation to the Common Council. The Common Council shall place the matter on the agenda for a vote on the recommendation within thirty-one (31) days after the date of submission of the recommendation for confirmation. (Am. by Ord. 11,437, 12-4-95; Ord. 13,203, 12-10-02; ORD-07-00171, 11-29-07)

(3) The Human Resources Director shall distribute all personnel data pertaining to such appointee, including all resumes, job applications or other appropriate information to the Clerk for distribution to all members of the Common Council by the deadline set forth in Sec. 2.05(3), MGO. (Am. by Ord. 11,580, 5-1-96; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07)

(4) Any person so appointed shall be present at the designated meeting to respond to all questions directed to such appointee by members of the Common Council and shall have the right to address members of the Common Council in attendance at such meeting. (Am. by Ord. 13,203, 12-10-02)

(5) The Common Council may waive the requirements of Subsections (2), (3) and (4) in the event of reappointment of the incumbent. (Cr. by Ord. 9908, 12-13-89; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07)

2.39 INFORMATIONAL HEARINGS.

The Common Council, by motion, or the Common Council President may set any item, except those items for which a public hearing is required by operation of law, for an informational hearing to be held before the Common Council pursuant to Sec. 2.01(7), MGO. Speakers registered to speak shall be subject to the time limits set forth in Sec. 2.30, MGO. Upon the conclusion of the informational hearing the item shall be referred to a subsequent meeting for consideration and no action shall be taken on the item at the time of the informational hearing unless noticed and the Common Council suspends this rule. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07; ORD-16-00105, 12-2-16)

2.40 LOBBYING REGULATED.

(1) Legislative Intent. The Common Council finds that it is in the public interest that the fullest opportunity be afforded to the people of Madison to petition their government and to express freely to City officials and employees their opinions on legislation and on all City policies and activities. The Common Council also recognizes the right of the people of Madison to know who seeks to influence the actions of their City government. The Council finds that, in order to preserve the integrity of the City's decision-making processes, it is necessary to establish a procedure whereby persons acting as lobbyists are required to provide to the public full information as to their identity, the identity of their principal, their expenditures and their lobbying activities. It is not the intent of this ordinance to discourage or limit the exercise of constitutional rights.

(2) Definitions.

(a) "Administrative action" means the proposal, drafting, development, consideration, or issuance of staff recommendations, whether those recommendations are required by ordinance, or requested by the Mayor or by a board, committee, commission or the Common Council. "Administrative action" does not include a purely ministerial action by a City official or employee and it does not include action related to an enforcement action commenced by a written order, a citation, or a summons and complaint.

(b) "Agency" means any City department, division, board, commission, or committee.

(c) "Business entity" means any organization or enterprise whether operated for profit or not for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, cooperative, limited liability company or association. (Am. by ORD-05-00150, 10-12-05)

(d) "Business owner" means a person that conducts commercial or other business operations (including non-profit activities). For purposes of the exemptions set forth in sub. (3)(i) of this ordinance, all individuals who are owners, employees, directors or officers of a business owner are entitled to the business owner's exemption when acting on behalf of the business owner. The exemptions contained in sub. (3)(i)1.a. of this ordinance shall only apply to business owners who own or lease real property located in the City of Madison which is used on a substantial and continuing basis for its operations, provided, however, that for any business owner with business locations both within and without the City of Madison, any employee qualifying for the above exemption must be employed at the Madison location. (Cr. by ORD-05-00150, 10-12-05)

(e) "Covered City official" means the following officials of the City of Madison: elected officials, members of City of Madison boards, committees and commissions, individuals appointed by the Mayor and confirmed by the Common Council to boards, committees and commissions to represent the City of Madison, department, division, and unit heads, Deputy Mayors, Tax Incremental Financing Coordinator, and commissioned police officers holding the rank of lieutenant or above and commissioned fire department officers holding the rank of captain or above. On or before January 15 of each year, the City Clerk shall publish on-line at the City's website a list of all positions that are "Covered City officials," except for members of boards, committees and commissions. (Cr. by ORD-05-00150, 10-12-05; Am. by ORD-16-00105, 12-2-16)

(f) "Design professionals" means architects, engineers, landscape architects, land surveyors or designer of engineering systems, licensed under Wis. Stat. ch. 443, geologists, soil scientists and hydrologists licensed under Wis. Stat. ch. 470, professional planners belonging to the American Institute of Certified Planners, cultural resource specialists as defined by the U.S. Secretary of Interior Professional Standards for Archeology and Historic Preservation, and photogrammetrists as certified by ASPRS, the Imaging and Geospacial Information Society. (Cr. by ORD-05-00150, 10-12-05)

(g) "Independent contractor" means an individual who (i) is retained by a person located within the City of Madison for a service other than lobbying, (ii) is not an employee of the person, and (iii) is not an attorney, and (iv) does not hold himself or herself out to the public as engaged in the business of representing others for the purpose of lobbying. (Cr. by ORD-05-00150, 10-12-05)

(h) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or defeat of any ordinance, resolution, amendment, report, nomination or other matter by the Common Council or by any board, committee or commission or committee or subcommittee thereof, or by a Common Council member acting in an official capacity.

"Legislative action" also means the action of the mayor in approving or vetoing any ordinance or resolution, and the action of the mayor or any department, board, committee or commission or committee or subcommittee thereof in the development of a proposal for introduction to the Common Council.

(i) "Lobbying" means the practice of attempting to influence legislative or administrative action by oral, written or electronic communication with any covered City official, and includes time spent in preparation for such communication and appearances at public hearings or meetings or service on a committee in which such preparation or communication occurs. The mere appearance and registration in support, opposition or for informational purposes at a public hearing, without speaking or engaging in any further lobbying communications, is not itself an act of lobbying; if the individual otherwise engages in lobbying activities requiring registration under this ordinance, such appearances may be lobbying. Attorneys and architects are not exempt from this ordinance. However, a certain limited area of actions taken by them are not considered lobbying: the term "lobbying" does not include actions by licensed attorneys, the performance of which is prohibited under Sec. 757.30, Wis. Stats., to persons not licensed as attorneys; it does not include the practice of architecture, as defined in Sec. 443.01(5), Wis. Stats., and forbidden to unregistered persons under Sec. 443.02(2), Wis. Stats. (Am. by ORD-05-00150, 10-12-05)

(j) "Lobbying communication" means an oral, written or electronic communication with any covered City official that attempts to influence legislative or administrative action, unless exempted under Subsection (3) of this ordinance. (Am. by ORD-05-00150, 10-12-05)

(k) "Lobbying expenditure" means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research or for providing or using information, statistics, studies or analyses in communicating with a covered City official, that would that would not have been incurred but for lobbying. "Lobbying expenditure" also includes all expenditures required to be reported in sub. (10)(a)1.a. - e. (Am. by ORD-05-00150, 10-12-05)

(l) "Lobbyist" means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal, regardless of whether the individual's duties on behalf of a principal are or are not limited exclusively to lobbying. A public official acting in an official capacity on behalf of his/her governmental unit is not acting as a lobbyist.

(m) "Person" means an individual or business entity. "Person" shall also include recognized employee organizations, associations and representatives thereof. (Am. by ORD-05-00150, 10-12-05)

(n) "Principal" means any person who employs a lobbyist. If a business entity engages a lobbyist, no officer, employee, member, shareholder or partner of the business entity shall be considered a principal.

(o) "Relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé, fiancée, or registered domestic partner.

(p) "Reporting period" means each six month period from January 1 through June 30 and July 1 through December 31. (Am. by ORD-05-00150, 10-12-05)

(q) "Working day" means any day except Saturday, Sunday or a holiday designated in Sec. 1.01(10) of these ordinances.

(3) Exemptions. This ordinance does not apply to the following activities:

(a) Lobbying through communications media or by public addresses to audiences made up principally of persons other than City of Madison officials, except that lobbying communications for which expenditures are required to be reported under Sub. (10)(a)1.e. are not exempt.

(b) Except as provided in sub. (10)(a)1.e., news or feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

(c) Requests by a member of the Common Council, or by a board, committee, or commission, for information from City employees and the furnishing of the requested information by City employees, acting in their official capacity.

(d) Actions taken by a public official or employee acting in his/her official capacity. (Am. by ORD-05-00150, 10-12-05)

(e) Participation as a member of a City of Madison board, committee, commission, task force or similar body or a committee or subcommittee thereof, or participation as a member of any other board, committee, commission, task force or similar body that includes as a member thereof a City official appointed or designated as a member in his or her capacity as a City of Madison official. (Am. by ORD-05-00150, 10-12-05)

(f) Requests by a City employee, acting in an official capacity, for information from any person and the furnishing of the information by that person. Requests by any person for information from a City employee and the furnishing of the information by that employee are also exempt.

(g) Lobbying through communications which are specifically identified as services required to be furnished under a contract or tariff with the City; provided that such services are fully described in annual service reports submitted by the contractor to a City agency and made available for public inspection. (Cr. by Ord. 12,749, 1-22-01; Am. by ORD-05-00150, 10-12-05)

(h) Any person acting as an unpaid volunteer. (Cr. by ORD-05-00150, 10-12-05)

(i) Individual Right to Lobby.

1. Except as set forth in subs. (3)(j) and (k) below, nothing in this ordinance may be applied so as to require registration or reporting or interfere with the right of any individual to engage in activities that might otherwise be considered lobbying:
   a. By a business owner on behalf of his, her or its business; or
   b. By any individual or business owner appearing before any covered City official where the person is appearing at the request of a covered City official or City employee for the sole purpose of responding to questions or requests for information from the covered City official or a City employee.
   c. By an independent contractor provided that he or she does not make lobbying communications on more than five (5) days within a reporting period.

2. Except as set forth in sub. (3)(k) below, nothing in this ordinance may be applied so as to require registration or reporting or interfere with the right of any individual to engage in activities that might otherwise be considered lobbying:
   a. Solely on her or his own behalf; or
   b. By communicating solely with a Council member who represents the district in which the individual resides, whether or not such communication is made on behalf of the individual or on behalf of another person; or

c. By a representative of the owner of an owner-occupied single family home or duplex, or of the owner of a lot on which the owner is to build an owner-occupied single family home or duplex, requesting a variance or other zoning change for improvements to the single family home or duplex or lot; or

d. By any person or his, her or its representative challenging a tax assessment before the Board of Review.

(Renumbered by Ord. 12,749, 1-2-01; Am. & Renumbered by ORD-05-00150, 10-12-05)

(j) The exemptions in sub. (i)1. are not available to any of the following individuals:

1. Any individual holding himself or herself out to the public as engaged in the business of representing others for the purpose of lobbying.

2. Any individual employed by a trade association or organization, any organization that has a membership of or is acting on behalf of two or more business entities, or any organization that has as a purpose advocacy on issues of public policy.

3. Any individual employed by a business owner if one of his or her primary job duties is lobbying, provided, however, that it shall be conclusively established that lobbying is not one of an individual's primary job duties if he or she does not make lobbying communications on more than five (5) days within a reporting period.

(Cr. by ORD-05-00150, 10-12-05)

(k) Provided that the City gives notice of the registration and reporting requirements under this Sec. 2.40 to the person seeking City assistance or approval, the exemptions in sub. (i)1. and 2. are not available with respect to any lobbying activities or expenditures incurred:

1. In seeking direct cash assistance from the City in the form of a loan, grant, TIF funding, or similar assistance (not including for this purpose the provision of goods or services directly to the City or a City agency) in an amount greater than ten thousand dollars ($10,000) in a calendar year; or

2. In seeking approval of any development or redevelopment as defined in Sec. 20.04(8) located within the City of Madison that is reasonably expected to include over 40,000 gross square feet in a non-residential building or buildings or ten (10) dwelling units.

(Cr. by ORD-05-00150, 10-12-05)

(l) Design professionals providing the services within the definition of their profession, but only when preparing submittals requested for City approvals, when responding to questions of City staff or at public meetings, or when presenting information only to City staff or at a public meeting. (Cr. by ORD-05-00150, 10-12-05)

(4) Prohibited Practices.

(a) No lobbyist may:

1. Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition to the action.

2. Furnish to any City of Madison official or employee or candidate for City of Madison elective office, or to the official's or candidate's personal campaign committee:

a. Lodging.

b. Transportation.

c. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a candidate for City elective office, or to the candidate's personal campaign committee.

3. Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(b) No principal may engage in the practices prohibited under paragraph (a)2. This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(c) This subsection does not apply to food, meals, beverages or entertainment provided by the Mayor when acting in an official capacity.

(d) This subsection does not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

(e) Paragraph (a)2. does not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a City official if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the City official receives no compensation for her or his services other than reimbursement for actual and necessary expenses incurred in the performance of her or his duties, nor to the receipt of anything of pecuniary value by that City official under those circumstances.

(f) Paragraph (a)2. does not apply to the furnishing of educational or informational material by a lobbyist or principal to a City official or employee, or acceptance thereof by a City official or employee.

(g) Paragraph (a)2. does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses permitted under Sec. 3.35(6) of these ordinances.

(5) Corrupt Means to Influence Legislation; Disclosure of Interest. No person having a pecuniary or other interest, or acting as the agent of any person in procuring or attempting to procure the passage or defeat of any measure before the Council, may attempt in any manner to influence any member of the Council for or against the measure, without first making known to the member the real and true interest she or he has in the measure, either personally or as such agent. No person may give, or agree to give, or offer to give anything of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the Common Council upon the contingency or condition of the passage or defeat of the measure. No person may receive, or agree to receive anything of value for such service, upon such contingency or condition.

(6) Registration.

(a) Every lobbyist shall, within five (5) working days after the first lobbying communication made by the lobbyist, file with the City Clerk a registration statement specifying the lobbyist's name, business address, the general areas of legislative and administrative action which the lobbyist is attempting to influence, the names of any City agencies in which the lobbyist seeks to influence administrative action, and information sufficient to identify the principal who has hired the lobbyist and the nature and interest of the principal. The statement shall be signed by the lobbyist. The statement shall include:

1. If the principal is an individual, the name and address of the individual's employer, if any, or the individual's principal place of business if self-employed, and a description of the business activity in which the individual or the individual's employer is engaged.

2. If the principal is a business entity, a description of the business activity in which the principal is engaged and, in the case of a corporation, the name of its chief executive officer, in the case of a limited partnership, the name of its general partner, in the case of a manager-managed limited liability

company, the name of its manager, in the case of a general partnership, limited liability partnership, or member-managed limited liability company, the names of the partners or members.

3. If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents, including a specific description of any segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members.

4. If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.

5. Each proposed legislative or administrative action in connection with which the lobbyist has made or intends to make a lobbying communication during the period to which the registration applies. The proposed legislative or administrative action is sufficiently identified if it is sufficient to permit a person to ascertain without extraordinary diligence:

   a. the specific item of legislative or administrative action or private sector business or other activity which the effort is intended to affect and how it is intended to be affected;

   b. the industries, trades, or professions, or segments or portions thereof, that would be principally affected by the effort;

   c. in the case of an appropriation, the City program or person for which the appropriation is proposed and the approximate amount, if known; and

   d. such additional information as the Clerk deems necessary for compliance with this Subsection.

(b) The registration shall expire on December 31 of each year. If all lobbying by the lobbyist which is not exempt under Subsection (3) ceases, the City Clerk shall terminate the lobbyist's registration and any authorizations under Subsection (7) as of the day after the lobbyist files a statement of cessation and expense statements under Subsection (10) for the period covering all dates on which the lobbyist was registered.

(c) Each lobbyist registered under this section shall, before a lobbyist attempts to influence legislative or administrative action in any general area or City agency not previously filed with the City Clerk, provide written notice to the City Clerk of the specific area or agency in which the lobbyist will attempt to influence legislative or administrative action. Such notice is sufficient if it complies with Subsection (6)(a)5., above.

(d) Every person who appears before any board, committee, or commission or before the Common Council, shall indicate on a form supplied by the City Clerk whether s/he is a registered lobbyist; whether s/he represents a person or organization other than herself or himself; whether s/he is being paid or expects to be paid for the representation; the name, address and telephone number of the person s/he represents; his/her relationship (ownership, employment, etc.) to the person or organization s/he represents; whether her/his appearance is incidental to paid other duties for this person or organization; and whether she or he understands the duty of a lobbyist to register with the City Clerk. No person shall submit a registration or appearance form for any meeting unless that person actually attends some portion of the meeting at which the registration or appearance is

submitted, or personally delivers the form at the place of the meeting within thirty (30) minutes of the scheduled starting time of the meeting. This limitation does not apply to any person who is eligible to register with the City Clerk for automatic absentee balloting under sec. 6.86(2)(a), Wis. Stats. (Am. by ORD-06-00076, 6-30-06)

(Subsec. (6) Am. by ORD-05-00150, 10-12-05)

(7) Lobbyist Authorization. At the time of registration under this ordinance, a lobbyist or principal shall cause to be filed with the City Clerk a written authorization for the lobbyist to represent the principal, signed by or on behalf of the principal on such forms as the City Clerk shall direct. Such authorization shall include the lobbyist's name, current mailing address, business telephone number and whether the lobbyist is an employee of the principal. (Am. by ORD-05-00150, 10-12-05)

(8) Restrictions on Lobbying. Except as authorized under Subsection (3), no person may engage in lobbying as a lobbyist unless the person has complied with the registration requirements under Subsection (6)(a) and the authorization under Subsection (7) has been filed. (Am. by ORD-05-00150, 10-12-05)

(9) Identification of Legislative and Administrative Proposals.

Except as authorized under Subsection (3), no person may engage in lobbying as a lobbyist unless, no later than the end of the fifth working day after the lobbyist makes a lobbying communication with respect to a legislative proposal or proposed administrative action not previously identified by the principal under Subsection (6)(a)5. or reported under this section during the period for which the principal is registered, the lobbyist reports to the City Clerk in such manner as the Clerk may prescribe, each proposed legislative or administrative action in connection with which the lobbyist has made or intends to make a lobbying communication. Such report is sufficient if it complies with Subsection (6)(a)5., above. With respect to a lobbying communication relating to the capital or operating budget, the principal shall further identify from among topics provided by the Clerk the topic or topics of its lobbying communications, if any. (Am. by ORD-05-00150, 10-12-05)

(10) Expense Statement on Behalf of Principal.

(a) Statement. Every principal who makes expenditures or incurs obligations in an aggregate amount exceeding $1,000 in any reporting period for the purpose of engaging in lobbying which is not exempt under Subsection (3) shall, for the remainder of that calendar year, file with the City Clerk an expense statement covering each preceding reporting period. Every registered principal who does not make expenditures or incur obligations in an aggregate amount exceeding $1,000 in any reporting period for the purpose of engaging in lobbying which is not exempt under Subsection (3) shall, file with the City Clerk a statement indicating that expenditures and obligations for the reporting period did not exceed $1,000. Such statement shall be filed on or before July 31 and January 31. The statement shall be signed under the penalty for making false statements provided in Subsection (13)(c), by the lobbyist, if so authorized by the principal, or by the principal. The statement shall contain the following information:

1. The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations for the principal's clerical employees and lobbying expenditures and obligations specified in Paragraphs 2. and 4. below. With respect to expenditures and obligations included in the amount reported under this paragraph:

a. Lobbying expenditures made and obligations incurred for lobbying shall include compensation to lobbyists for lobbying, whether in cash or in kind, and reimbursements to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.

b. Except as provided in Subparagraph c., lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.

c. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this paragraph if the use in lobbying occurs more than three (3) years after the completion of the research or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total.

d. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies or analyses in lobbying shall be included in the aggregate total.

e. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence City of Madison legislative or administrative action shall be included in the aggregate total.

2. If a lobbyist is an employee, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies and compensation of employees who are utilized in preparing for lobbying communications. Any lobbying expenditures made or obligations incurred for the office overhead costs which are included in the amount reported under Subdivision (a)1. shall not be included in the amounts reported under this Subdivision (a).

3. The principal's expense report shall include a record disclosing each lobbying communication. The record shall be supplied on a form provided by the City Clerk and shall include identification of each covered City official contacted, the number of times each official received a lobbying communication, the subject of each communication, and the identity of the lobbyist who made the communication.

4. The total lobbying expenditures made and obligations incurred for personal travel and living expenses.

(Subsec. (a) Am. by ORD-05-00150, 10-12-05; ORD-07-00113, 9-22-07)

(b) Estimates.

1. If the principal compensates or reimburses a lobbyist or employee both for lobbying activities or expenses which are not exempt under Subsection (3) above and for other activities or expenses, for the purposes of Subdivision (a)1. a. or f., the lobbyist or principal may estimate and report the portion of the compensation or reimbursement paid for nonexempt lobbying activities or expenses.

2. Any reasonable estimate or allocation made in good faith under Subdivision (a)1.c. or 3. of this subsection fulfills the requirements of this subsection.

(c) Exempt Activities. Lobbying expenditures made and obligations incurred for activities identified under Subsection (3)(a)-(f) are not required to be reported under Subsection (10)(a), regardless of whether the principal or a lobbyist for the principal also engages in lobbying activities which are not identified in Subsection (3)(a)-(f).

(d) Reports by Lobbyist. A lobbyist whose activities and expenditures are required to be reported by a principal under Subsection (10)(a) shall provide to the principal information which the principal determines is needed to prepare the statement. The principal shall file a copy of the information, signed by the lobbyist under the penalty for making false statements provided in Subsection (13)(c) with the City Clerk at the time of filing the statement under Subsection (10)(a).

(e) Records. Each principal and each lobbyist engaged by a principal shall obtain, organize and preserve all accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement for three (3) years after the date of filing the expense statement. A principal may permit its authorized lobbyist to maintain any of the records identified in this subsection on its behalf.

(f) Suspension for Failure to File a Complete Expense Statement. If a principal, or a lobbyist if authorized to file on behalf of the principal, fails to timely file a complete expense statement under this Subsection, the City Clerk may suspend the privilege of any lobbyist to lobby. Upon failure of a principal to file the required expense statement, the Clerk shall mail written notices to the principal and to any lobbyist for whom a written authorization has been filed under Subsection (7) to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement with ten (10) business days after the date of mailing of the notices, no lobbyist may lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon the filing of the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under Section 9.49 of these ordinances regarding the suspension. (Am. by ORD-05-00150, 10-112-05)

(11) Duties of the City Clerk.

(a) The Clerk shall prescribe forms and instructions for preparing and filing registration applications under Subsection (6) and the statement required under Subsection (10).

(b) At the time of initial registration and re-registration, the City Clerk shall provide the lobbyist with a copy of the City's lobbyist law and any related material which the Clerk determines will serve the purposes of this ordinance. (Am. by ORD-05-00150, 10-12-05)

(c) Statements required under this section to be filed with the City Clerk shall be preserved for a period of three (3) years from the date of filing, shall constitute part of the public records of his or her office, and shall be open to public inspection.

(d) The Clerk shall compile and make available information filed under this ordinance in ways designed to facilitate access to the information.

(e) Any person who believes a violation has occurred may file a written complaint form with the City Clerk who shall refer the matter to the City Attorney. (Am. by ORD-05-00150, 10-12-05)

(f) The City Clerk, in consultation with the Organizational Development and Training Unit, shall conduct semi-annual training workshops concerning this ordinance. (Cr. by O RD-05-00150, 10-12-05)

(12) Duties of the City Attorney.

(a) The City Attorney shall participate in the workshops conducted by the City Clerk. (Am. by ORD-05-00150, 10-12-05)

(b) Upon receipt of a referral from the City Clerk, the City Attorney shall review alleged violations of this section to determine whether the allegation has merit. The City Attorney may summarily dismiss any allegation which s/he finds to be without merit.

(c) If the City Attorney believes an allegation has merit, s/he shall prepare and file a complaint in Municipal Court. The complaint shall identify the provision of this ordinance alleged to be violated.

(d) No later than April 1 of each year, the City Attorney shall file a report with the Mayor and the Common Council concerning actions s/he has taken under this section and the disposition of those actions, including a summary of its determinations.

(e) The City Attorney may commence a civil action to require forfeitures for any violation of this section.

(13) Duty to Cooperate. Principals and lobbyists are required to keep and maintain legible copies of all accounts, bills, receipts, books, papers and other documents necessary to substantiate any expense statement and other required filings under this ordinance. Such records shall be maintained for a period of not less than three (3) years after the filing of such expense statements or other required filings. Such records or other information requested in relation to any investigation under this ordinance shall be provided to the City Attorney within fifteen (15) days of a request by the City Attorney for the production of such records. (Cr. by ORD-05-00150, 10-12-05)

(14) Penalties.

(a) Any lobbyist who violates any provision of this ordinance may be required to forfeit not more than $5,000.

(b) Any principal who violates any provision of this ordinance may be required to forfeit not more than $1,000.

(c) Any person who files or causes to be filed a falsified statement under sub. (10) may be required to forfeit not more than $1,000 in addition to any forfeiture imposed under any other provision of this ordinance.

(d) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under subs. (7), (9), or (10) which he or she does not believe to be true may be required to forfeit not more than $1,000 in addition to any forfeiture imposed under any other provision of this ordinance.

(Am. & Renumbered by ORD-05-00150, 10-12-05)

(15) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included. (Renumbered by ORD-05-00150, 10-12-05)

(Sec. 2.40 Cr. by Ord. 12,675, 9-25-00; Am. by ORD-05-00150, 10-12-05)

2.41 ORGANIZATIONS MAKING INDEPENDENT DISBURSEMENTS.

(1) Declaration of Policy. The Common Council finds and declares that our democratic system of government can be maintained only if the electorate is informed. It further finds that excessive spending on campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest possible participation in financing campaigns by all citizens and to enable candidates to have an equal opportunity to present their programs to the voters. One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports

provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence. The Common Council therefore finds that the City of Madison has a compelling interest in designing a system for fully disclosing contributions and disbursements made on behalf of every candidate for public office, and in placing reasonable limitations on such activities. Such a system must make readily available to the voters complete information as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly. This Section 2.41 is intended to serve the public purpose of stimulating vigorous campaigns on a fair and equal basis and to provide for a better informed electorate.

(2) Definitions. The following definitions shall apply in the interpretations and the enforcement of this ordinance:

"Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, e-mail, internet posting, and any other form of communication that may be utilized for a political purpose.

"Contribution" has the meaning given in Wis. Stat. § 11.01(6), as applied to elections for Madison Mayor, Alderperson or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, except that Wis. Stat. § 11.01(6)(a)1. is adopted as follows:

A gift, subscription, loan, advance, or deposit of money or anything of value, except a loan of money by a commercial lending institution made by the institution in accordance with applicable laws and regulations in the ordinary course of business, used for political purposes. In this subdivision "anything of value" means a thing of merchantable value.

"Contributions for political purposes" as used in subs. (10), (11) and (12) of the Section 2.41 means contributions made to

(a) a candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 or

(b) a political committee or

(c) an individual who makes contributions to a candidate or political committee or incurs obligations or makes disbursements used for political purposes in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

"Designated depository account" means a depository account specifically established by an organization to receive contributions and from which to make independent disbursements.

"Disbursement" has the meaning given in Wis. Stat. § 11.01 (7), as applied to elections for Madison Mayor, Alderperson or Municipal Judge.

"Incurred obligation" has the meaning given in Wis. Stat. § 11.01 (11), as applied to elections for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

"Independent" means the absence of acting in cooperation or consultation with any candidate or authorized committee of a candidate who is supported or opposed, and is not made in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

"Organization" means any person and organizations specified in sub. (2) of this section, but does not include an individual, committee, or political group subject to registration under Wis. Stat. §§ 11.05 and 11.23.

"Person" includes the meaning given in Wis. Stat. § 990.01 (26).

"Political committee" means every committee which is formed primarily to influence elections for Madison Mayor, Alderperson, or Municipal Judge or for municipal

referendums held pursuant to Wis. Stat. § 9.20 or which is under the control of a candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

(3) A corporation, or association organized under Wis. Stat. chs. 185 or 193, or an organization recognized under Sections 501(c)(4), (c)(5), (c)(6) of the Internal Revenue Code, is a person and qualifies as an organization that is not prohibited by Wis. Stat. § 11.38 (1) (a) 1., from making independent disbursements until such time as a court having jurisdiction in the State of Wisconsin rules that a corporation, or association organized under Wis. Stat. chs. 185 or 193, or an organization recognized under Sections 501(c)(4), (c)(5), (c)(6) of the Internal Revenue Code, may constitutionally be restricted from making an independent disbursement.

(4) Upon accepting contributions made for, incurring obligations for, or making an independent disbursement exceeding twenty-five dollars ($25) in aggregate during a calendar year, an organization supporting or opposing any candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 shall establish a designated depository account in the name of the organization. Any contributions to and all disbursements of the organization shall be deposited in and disbursed from this designated depository account. The organization shall select a treasurer for the designated depository account and no disbursement may be made or obligation incurred by or on behalf of an organization without the authorization of the treasurer or designated agents. The organization shall register with the City Clerk.

(5) The organization shall file a registration statement with the City Clerk and it shall include, where applicable:

(a) The name, street address, and mailing address of the organization.

(b) The name and mailing address of the treasurer for the designated depository account of the organization and any other custodian of books and accounts for the designated depository account.

(c) The name, mailing address, and position of other principal officers of the organization, including officers and members of the finance committee, if any.

(d) The name, street address, mailing address, and account number of the designated depository account.

(e) A signature of the treasurer for the designated depository account of the organization and a certification that all information contained in the registration statement is true, correct and complete.

(6) The organization shall comply with Wis. Stat. § 11.05 (5), and notify the City Clerk within ten (10) days of any change in information previously submitted in a statement of registration.

(7) An organization making independent disbursements shall file the oath for independent disbursements required by Wis. Stat. § 11.06 (7).

(8) An organization receiving contributions for independent disbursements or making independent disbursements shall file periodic reports as provided Wis. Stat. §§ 11.06, 11.12, 11.19, and 11.20, and include all contributions received for independent disbursements, incurred obligations for independent disbursements, and independent disbursements made. When applicable, an organization shall also file periodic reports as provided in Wis. Stat. § 11.513.

(9) An organization making independent disbursements shall comply with the requirements of Wis. Stat. §§ 11.30 (1) and (2) (a) and (d), and include an attribution identifying the organization paying for any communication, arising out of independent disbursements on behalf of or in opposition to candidates, with the following words: "Paid for by" followed by the name of the organization and the name of the treasurer or other authorized agent of the organization followed by "Not authorized by any candidate or candidate's agent or committee."

(10) Scope of Regulated Activity; Election of Candidates. Individuals other than candidates and persons other than political committees are subject to the applicable requirements of Wis. Stat. ch. 11, when they:

(a) Make contributions or disbursements for political purposes in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, or

(b) Make contributions to any person at the request or with the authorization of a candidate or political committee in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, or

(c) Make a communication for a political purpose in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

(11) A communication is for a "political purpose" if either of the following applies:

(a) The communication contains terms such as the following or their functional equivalents with reference to a clearly identified candidate and unambiguously relates to the campaign of that candidate:

1. "Vote for;"
2. "Elect;"
3. "Support;"
4. "Cast your ballot for;"
5. "Smith for Mayor;"
6. "Vote against;"
7. "Defeat;" or
8. "Reject."

(b) The communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20. A communication is susceptible of no other reasonable interpretation if it is made during the period beginning on the sixtieth (60th) day preceding a special, or spring election in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 and ending on the date of that election or during the period beginning on the thirtieth (30th) day preceding a primary election and ending on the date of that election and that includes a reference to or depiction of a clearly identified candidate in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 and:

1. Refers to the personal qualities, character, or fitness of that candidate;
2. Supports or condemns that candidate's position or stance on issues; or
3. Supports or condemns that candidate's public record.

(12) Consistent with Wis. Stat. § 11.05 (2), nothing in sub. (1), (2), or (3) should be construed as requiring registration and reporting, under Wis. Stat. §§ 11.05 and 11.06, of an individual whose only activity is the making of contributions.

(13) Penalty.

Any person who violates any provision of this section or fails to comply with any of its requirements shall, upon conviction, be subject to forfeiture of not more than five hundred dollars ($500). (Each day of violation or non-compliance shall be considered a separate offense.)

(Sec. 2.41 Cr. by ORD-13-00154, 9-26-13)

(EDITOR'S NOTE: Due to the ruling in Wisconsin Right to Life, Inc., v. Barland, 751 F. 3d 804 (2014), Sec. 2.41, MGO, is not enforceable in its current form.)

CHAPTER 3

OFFICIALS, BOARDS, EMPLOYEES AND PUBLIC RECORDS

Subchapter 3A: Organization, Offices and Departments

Section

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3.02 Continuity of Government.
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3.04 Employee Assistance Programs (EAP). (Cr. by ORD-16-00035, 3-25-16)
3.05 City Clerk. (Cr. by Ord. 9146, 3-30-87; R. & Recr. CHA-06-00001, 2-24-06; Renum. by ORD-07-00048, 4-12-07)
3.055 City Treasurer. (Renum. by ORD-07-00048, 4-12-07)
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SUBCHAPTER 3A: ORGANIZATION, OFFICES AND DEPARTMENTS.

3.01 ORGANIZATION UNDER MAYOR PLAN. The government of the City of Madison is organized and constituted under Wis. Stat. ch. 62 providing for the City Mayor and Aldermanic plan with a Common Council composed of twenty (20) alderpersons, one (1) from each aldermanic district. The Mayor and alderpersons are to be elected for a term of two (2) years; provided, however, that beginning with the 1991 Spring Election, the Mayor shall be elected for a term of four (4) years.

This is a charter ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

Editor's note—Sec. 3.01 was reinstated as a Charter Ordinance and amended to provide for four-year mayoral term pursuant to adoption by the electorate at the 1987 Spring Election of Res. No. 43,063, File No. 3885-86, amending Charter Ord. 39.

(Am. by Ch. Ord. 67, 2-12-93; effective 4-17-93)

3.02 CONTINUITY OF GOVERNMENT.

(1) Policy and Purpose. Because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazard of radioactive contamination, and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibilities in the offices of the government of the City of Madison, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor, alders, supervisors, and department heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices during and immediately after an enemy attack. (Am. by ORD-09-00147, 11-6-09)

(2) Definitions. As used in this ordinance, unless the context otherwise clearly indicates:

(a) Unavailable shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and her/his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office. (Am. by ORD-14-00012, 1-14-14)

(b) Attack shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.

(c) Duly authorized deputy shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

(d) Emergency interim successor shall mean a person designated pursuant to this ordinance for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(3) Designation, Status, Qualifications and Term of Emergency Interim Successors. Succession of the office of Mayor shall be in the following order: president of the Common Council, vice president of the Common Council, and two (2) emergency interim successors to be named by the Mayor within thirty (30) days after this ordinance is adopted, and by each Mayor within thirty (30) days of her/his taking office, and the Mayor shall specify and rank in order of succession after the vice president of the Common Council, so that there will be no less than two (2) duly authorized emergency interim successors for the office of Mayor. (Am. by ORD-14-00012, 1-14-14; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(a) Whoever is nominated and whatever succession is designated shall be confirmed by the Common Council.

(b) (R. by Ord. 6703, 8-8-79)

(c) Department Heads. Within thirty (30) days after adoption of this ordinance, each department head shall appoint and specify the order of succession, after her/his deputy, of two (2) emergency interim successors, so that there will be not less than three (3) successors to the office of each department head. If there is no deputy, three (3) emergency interim successors shall be so appointed instead of two (2).

Emergency interim successors to department heads shall be confirmed by the Mayor. (Am. by ORD-14-00012, 1-14-14)

(d) Review of Designations. The Mayor, alders, supervisors, and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to insure at all times that there is the requisite number of qualified emergency interim successors. (Am. by ORD-09-00147, 11-6-09)

(e) Qualifications. No person shall be designated or serve as an emergency interim successor unless he or she may under the constitution and statutes of this state and the charter ordinances of this City, hold the office of the person to whose powers and duties he or she is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.

Emergency interim successors shall act only until the Common Council can meet as a body and appoint and confirm a successor to the Mayor, alders, and supervisors if necessary in accordance with existing statute. (Am. by ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)

(f) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he or she must be replaced if removed. He or she retains this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office. (Am. by ORD-14-00012, 1-14-14)

(4) Assumption of Powers and Duties of Officer by Emergency Interim Successor. If in the event of an attack the Mayor, any alder, or any department head and any duly authorized deputy is unavailable, her/his emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law. (Am. by ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)

(5) Recording and Publication. The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors which shall be open to public inspection.

(6) Formalities of Taking Office. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

(7) Emergency Meetings of the Governing Body. During any emergency:

(a) Any member of the Common Council or a legally constituted successor may call a meeting of the Common Council by notifying all members or their interim successors so far as practicable and by whatever means available of the time and place of such meeting, within or without the City or state as circumstances dictate.

(b) The members so meeting shall establish and be governed by its own rules during such emergency.

(8) Separability Clause.

(a) If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(b) All ordinances or a part thereof contravening the provisions of this ordinance are repealed.

(Renum. by Ord. 13,308, 4-30-03; Renum. by ORD-06-00176, 12-8-06)

3.03 MAYOR.

(1) The Mayor shall be elected on each odd numbered year for a term of two (2) years. Beginning with the 1991 Spring Election, the Mayor shall be elected every other odd numbered year for a term of four (4) years. The Mayor shall devote her/his entire time to the duties of the office of Mayor. The Mayor shall have the general supervision of all City officers and heads of departments in the performance of their official duties.

This is a charter ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Section 66.0101(5), Wisconsin Statutes. ED. NOTE: Sec. 3.03(1) was repealed and recreated as a Charter Ordinance and amended to provide for four-year mayoral term pursuant to adoption by the electorate at the 1987 Spring Election of Res. No. 43,063, File No. 3885-86, amending Charter Ord. 39.

(2) The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be

submitted to the Mayor by the Clerk and shall be in force upon the Mayor's approval evidenced by Mayor's signature, or upon the Mayor failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves the Mayor shall file his or her objections with the Clerk, who shall present them to the Council at its next meeting. A two-thirds (⅔) vote of all the members of the Council shall then make the act effective.

(3) Mayor's Staff. The Mayor's staff shall consist of up to four (4) positions of Deputy Mayor, and other personnel authorized by the Common Council.

(a) The positions of Deputy Mayor shall be appointed by the Mayor, and shall not be covered by the civil service ordinances. Their terms shall be at the pleasure of the Mayor. Deputy Mayors shall assist the Mayor in the conduct of the business of the Mayor's Office and shall be under the direct supervision and control of the Mayor.

(b) Deputy Mayors shall have the same benefits as other non-represented professional employees in Compensation Group 18 as may be provided and/or modified by the Madison General Ordinances, Resolution of the Common Council, Administrative Procedure Memoranda or other official City action.

(Sec. 3.03(3) Cr. by ORD-16-00035, 3-25-16)

(Sec. 3.03 Am. by Ord. 5556, 8-13-76; ORD-14-00012, 1-14-14)

3.04 EMPLOYEE ASSISTANCE PROGRAMS (EAP).

Under the supervision of the EAP Administrator, or designee, the City shall provide Employee Assistance services and related training to employees and family members. This shall also include delivering and managing:

(1) A Critical Incident Stress Management (CISM) program for the organization and employees;

(2) The supervision of two First Responder Peer Support Teams; and

(3) An EAP Facilitator Network.

The City's EAP program delivery structure includes the use of an external vendor for back up and specialized services, to include conflict mediation, trauma specialists and couple counseling, etc. The Mayor, or designee, will have operational oversight for budget allocation, personnel management and program utilization accountability. The EAP Administrator will produce an annual utilization report and make recommendations for program and organizational improvements.

(Sec. 3.04 Am. by Ord. 6642, 6-8-79; R. & Rec. by ORD-16-00035, 3-25-16)

3.05 CITY CLERK. The office of City Clerk is hereby established to perform the duties of Clerk as provided in Wis. Stat. § 62.09(11). The City Clerk shall be appointed by the Mayor, subject to the approval of the Common Council and shall be a managerial employee within Sec. 3.54(9), MGO. The City Clerk shall be responsible for the publication, filing, indexing, and safekeeping of all proceedings of the Common Council; shall be responsible for all election duties as required by the laws of the State of Wisconsin and shall keep and maintain all election records and be responsible for all property used in connection with the holding of elections. The City Clerk shall publish all required legal notices unless otherwise provided; shall file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere and shall issue all licenses required by ordinance or state statute, except as otherwise provided. The City Clerk shall be the custodian of the official City seal and shall notify the appointing authority and the Chair of all boards or commissions thirty (30) days prior to the expiration of the term of office of any member thereof. The City Clerk shall prepare the tax roll and tax notices as required by Wisconsin Statutes. The City Clerk shall take an oath of office to faithfully perform the duties of the office.

This is a Charter Ordinance which requires adoption by two-thirds of all the members of the Common Council and which shall take effect sixty (60) days following passage and publication, subject, however, to the referendum provisions of Wis. Stat. § 66.0101(5).

(Cr. by Ord. 9146, 3-30-87; R. & Recr. by CHA-06-00001, 2-24-06; Subsecs. (2), (3), and (4) R. by ORD-06-00031, 4-7-06; R & Rec. by CHA-06-00005, 6-3-06 (This is a Non-Charter Provision); Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00173, 12-10-14)

3.055 CITY TREASURER. The office of City Treasurer is hereby established to perform the duties of the Treasurer as provided in Wis. Stat. § 62.09(9). The City Treasurer shall be appointed by the Mayor, subject to the approval of the Common Council and shall be a managerial employee within Sec. 3.54(9), MGO. The City Treasurer shall collect and account for all taxes, license monies, fees, accounts of charges due or owing to the City, shall be responsible for the collection, receiving, safekeeping, and accounting for all monies and securities of the City of Madison and attend to all related treasury affairs, and shall perform such other duties as are required by State law, City ordinance or the Mayor. The City Treasurer shall take an oath of office to perform faithfully and impartially the duties of the office and shall execute the bond required by Section 3.31(1), MGO.

This is a Charter Ordinance which requires adoption by two-thirds of all the members of the Common Council and which shall take effect sixty (60) days following passage and publication, subject, however, to the referendum provisions of Wis. Stat. § 66.0101(5).

(Cr. by Ord. 9146, 3-30-87; R. & Recr. by CHA-06-00001, 2-24-06; Subsecs. (2), (3), and (4) R. by ORD-06-00031, 4-7-06; R & Rec. by CHA-06-00005, 6-3-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00173, 12-10-14)

3.06 CITY ASSESSOR.

(1) Effective March 1, 1989, the position of City Assessor as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option. The City Assessor shall, perform all work in assessing of property and the preparation of all assessments as required by state law.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

(Renum. by ORD-07-00048, 4-12-07; Sec. 3.14(1) Am. by Charter Ord. 60, 3-30-89; CHA-06-000002, 2-24-06; Am. by ORD-14-00173, 12-10-14)

(2) Whenever the assessment of any real property shall be increased over the assessment of the same property for the previous year, the City Assessor shall cause written notice to be mailed to the owner of the property setting forth the amount of such increase, which notice shall be mailed not more than ten (10) days after the Assessor certified the tax roll to the City Clerk.

3.07 CITY ATTORNEY.

(1) The City Attorney is a statutory office created pursuant to Wis. Stat. § 62.09(12) and shall be responsible for the duties contained therein and for the conduct of all legal services of the City and shall serve as legal advisor to the Council, the Mayor and all departments and offices of the City. The City Attorney shall be in charge of the prosecution of all cases arising out of the violation of the provisions of the City ordinances. The City Attorney shall represent the City in matters in which the municipality is interested before any court or tribunal and shall perform such other duties as may be required by the Mayor or Common Council. It shall be the duty of the City Attorney to call to the attention of the Mayor and Common Council all matters of law affecting the City.

The City Attorney shall be the official revisor of ordinances. No ordinance shall be enacted by the Common Council unless such ordinance is first referred to the City Attorney for a study respecting form and legality. In the revisions of the official codification of the Madison General Ordinances the City Attorney is empowered to renumber sections and subdivisions if in his or her opinion this is necessary, and to make editorial changes which are minor and not substantive in nature.

Effective March 1, 1989, the position of City Attorney as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

(Former Sec. 3.15(1) Am. by Charter Ord. 61, 3-30-89; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00012, 1-14-14; ORD-14-00173, 12-10-14)

(2) Public Nuisance Authority.

The City Attorney is authorized to commence and prosecute public nuisance actions on behalf of the City under Wis. Stat. ch. 823, if the following occurs:

(a) The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice will include a description of the nuisance, why action is necessary, and a reminder of the fifteen (15) day time limit in this ordinance to request Common Council consideration of a resolution.

(b) If the Mayor or any member of the Common Council wishes to have the matter considered by resolution of the Common Council, he or she shall, within fifteen (15) days of receipt of the notice from the City Attorney, provide a written request for such a resolution to the City Attorney.

(c) If there is a request for a resolution, the City Attorney shall draft a resolution (sponsored by the person requesting the same) requesting authorization to commence the nuisance action. This resolution is to be considered immediately at the next scheduled Common Council Meeting.

(d) If the City Attorney does not receive a request for a resolution within fifteen (15) days of receipt of the City Attorney's notice, the City Attorney does not need to obtain a resolution and is authorized to commence and prosecute the nuisance action as authorized under Wis. Stat. ch. 823.

(Cr. by ORD-05-00006, 1-4-05; Am. by ORD-05-00167, 11-8-05; Renum. by ORD-07-00048, 4-12-07)

3.08 CITY ENGINEER.

(1) The City Engineer shall be appointed in accordance with Section 3.54(9), MGO. (Am. by ORD-07-00193, 12-20-07; ORD-14-00173, 12-10-14)

(2) The City Engineer shall perform all engineering services for the department and for such other departments of the City as may be required. The supervision of all construction work undertaken by the City shall be furnished by the City Engineer except as otherwise ordered by the Mayor.

(3) All water and other public service mains shall be laid to a line and grade given or approved by the City Engineer, and laying of mains and location of valves and hydrants shall be directed or approved by the City Engineer.

(4) The City Engineer shall have power to engage such office and other assistance as he or she shall deem necessary, subject to the approval of the Mayor. (Am. by ORD-14-00012, 1-14-14)

(5) No other or additional engineering service shall be employed by any City department without consent duly obtained from the Mayor.

3.09 COMMON COUNCIL BENEFITS.

In addition to the salaries for Alderpersons found in Sec. 3.50, MGO, upon meeting the participation requirement(s) set by the Department of Employee Trust Funds (ETF), qualifying Alderpersons shall be enrolled in the Wisconsin Retirement System (WRS) and may be eligible for enrollment in the City's group health insurance plan. Alderpersons will be responsible for paying the employee portion of their retirement contribution and the employee portion of their selected

health insurance plan consistent with ETF policy and applicable State law and City ordinance. There is no six (6) month waiting period for the employer's contribution to health insurance but the employer's contribution shall be pro-rated based on the Alderperson's qualifying hours.
(Cr. by ORD-17-00057, 6-19-17)

3.10 FINANCE DIRECTOR. See Section 4.01, MGO. (Am. by ORD-11-00037, 3-8-11)

3.11 DEPARTMENT OF PUBLIC WORKS.

(1) There is created for the City of Madison a Department of Public Works.

(2) Duties of the Department. The Department of Public Works shall have charge of the supervision and control of:

(a) The construction, repair and maintenance of all streets, sidewalks, public alleys, bridges, viaducts, highways and rights-of-way. (Am. by Ord. 4599, 6-19-74)

(b) The construction, operation, and maintenance of all sanitary storm sewer facilities and appurtenances, including sanitary sewers and pumping stations, storm sewers, drains, ditches, culverts, and stream and water courses under the jurisdiction of the City.

(c) The control, management and supervision of all Public Works shops and garages, including all equipment and vehicles. (Am. by Ord. 4599, 6-19-74)

(d) The making of all necessary surveys, maps, public works plans, drawings and other documents.

(e) The preparation of contract drawings, specifications and cost estimates for all public works construction and maintenance and the supervision of such construction, including field inspection.

(f) The collection and disposal of all rubbish and garbage and the cleaning of all streets and alleys, including snow removal operations.

(g) (R. by Ord. 4599, 6-19-74)

(h) (R. by Ord. 6561, 3-16-79)

(i) The administration and maintenance of all public buildings.

(Am. by ORD-05-00167, 11-8-05)

(3) Exceptions. The provisions of this ordinance shall not be applicable to the activities of the Fire Department, the Board of Education, the Board of Vocational, Technical and Adult Education, the Madison Redevelopment Authority and the Madison Housing Authority.

(4) Divisions. The department shall consist of four (4) divisions.

(a) The Division of Engineering shall be directly responsible for the performance of all engineering services, including the design and preparation of all contract drawings and specifications for all public works construction; the preparation of cost estimates; the setting of line and grade for all such construction; the supervision and inspection of all such construction; the establishment of all street, alley and walk grades; all City survey and mapping operations, including supervision and maintenance of all survey and control information; maintenance of the Official Map, street and utility records; the maintenance and supervision of all street name and address records; the review of all subdivision plats for matters requiring engineering determination; and the operation and maintenance of all sanitary sewerage facilities and storm sewer systems under control of the City. All duties imposed by the Wisconsin Statutes upon the Board of Public Works regarding sidewalks shall be and the same are hereby declared to be the duty of the City Engineer.

(b) The Division of Fleet Service shall be directly responsible for the management, supervision, servicing, maintenance and repair of all municipal motor equipment, including boats. (Am. by ORD-06-00097, 8-2-06)

(c) Editor's Note: Not printed. Made obsolete by Section 3.14.

(d) (R. by Ord. 6561, 3-16-79)

(e) The Division of Streets and Sanitation shall be directly responsible for the maintenance of all streets, highways, alleys, walks, pavements and surfaces; street cleaning, street repairs; street snow and ice removal; and the collection and disposal of garbage, rubbish and other wastes.

(f) See Chapter 13.

(g) (R. by Ord. 5480, 5-6-76)

(h) The Division of Parks shall be responsible for the execution of all public works improvements in the parks.

(5) Composition of the Department. The Department of Public Works shall consist of the City Engineer, the Fleet Service Superintendent, the Superintendent of Sanitation, the Superintendent of Parks, which department heads shall perform their duties under the direction of the Director of Public Works. (Am. by Ord. 6561, 3-16-79)

(6) The Director of Public Works. The Department of Public Works shall be managed and directed by a Director of Public Works. Effective March 1, 1989, the position of Director of Public Works as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. During any period in which there is a vacancy in this position the City Engineer shall exercise the authority for fulfilling the duties, responsibilities and obligations of this position. He/she shall, together with the division heads, be charged with the duty of preparing and presenting the annual operating and capital budgets of the several divisions of the department. Such Director shall have full authority to establish technical standards, methods, and procedures for the department and its divisions and to see that they are properly executed. He/she shall have authority to employ, assign, or reassign all personnel within the various divisions and to resolve all disputes between the divisions and conflicting demands for labor and equipment. All public works construction plans adopted by the Common Council shall be carried out by him/her according to design and time schedules within allocated budgets. Effective March 1, 1989, the positions of City Engineer, Streets Superintendent, Superintendent of Parks and Fleet Service Superintendent as they become vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option. (Am. by Ord. 9745, 3-30-89; ORD-06-00097, 8-2-06; ORD-08-00048, 5-10-08; ORD-14-00173, 12-10-14)

(7) Retention of Present Boards. The creation of this Department of Public Works shall not affect the functions of the various boards and commissions as presently constituted under existing statutes or ordinances. The Director of the Department of Public Works shall be a member of the Technical Coordinating Committee of the Dane County Transportation Study. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

3.12 DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) Purpose. There is hereby established a Department of Planning and Community and Economic Development for the City of Madison which is intended to bring together the staff primarily responsible for economic and community development, for the regulation, planning and guidance of developmental activities to provide a structure conducive to more efficient coordination, for more centralized accountability and responsibility, and for more efficient delivery of services to the public.

(2) Composition of Department. The Department of Planning and Community and Economic Development shall consist of a Director of Planning and Community and Economic Development, the Planning Division, the Building Inspection Division, the Economic Development Division, the Community Development Division, and the Housing Operations Division (Am. by Ord. 9748, Adopted 4-4-89; Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-08-00025, 3-15-08; ORD-08-00109, 10-7-08)

(3) Director of Planning and Community and Economic Development. The Department of Planning and Community and Economic Development shall be managed and supervised by the Director of Planning and Community and Economic Development. The position of

Director of Planning and Community and Economic Development as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. (Am. by ORD-14-00173, 12-10-14)

(4) Department Duties, Functions, and Responsibilities. The department shall be responsible for the following duties and functions in addition to those enumerated for the various Divisions hereinafter described:

(a) To provide the necessary administrative and staff support services to the Plan Commission; the Urban Design Commission; the Landmarks Commission; the Economic Development Committee; the Zoning Board of Appeals; the Community Development Block Grant Committee, the Community Services Committee, the Early Childhood Care and Education Committee, the Committee on Aging, the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals; the Madison Arts Commission; the Long Range Transportation and Planning Commission; the Madison Area Transportation Planning Board (and any successors to these boards and commissions); the Housing Strategy Committee; the Landlord and Tenant Issues Committee and any other so subsequently created boards, committees, or commissions functioning within the purview of the department's duties or functions. (Am. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-07-00067, 6-2-07; ORD-09-00019, 3-14-09; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-12-00076 & ORD-12-00077, 6-20-12; ORD-13-00004, 1-15-13)

(b) To contract with and provide the necessary administrative and staff support services to perform any or all functions for the Community Development Authority organized pursuant to Sec. 3.17 of the Madison General Ordinances and Wis. Stat. § 66.1335; provided, however, that nothing contained in this ordinance shall be construed as nor operated in such a manner so as to interfere with the statutory powers and duties of the Community Development Authority.

(c) To provide the necessary administrative and staff support services the Community Development Block Grant Office, the Office of Community Services, the Senior Center and the Office of Business Resources.

(Am. by Ord. 11,698, 10-29-96; Renum. by ORD-07-00048, 4-12-07)

(5) Planning Division. Under the direction of the Planning Division Director, this division is responsible for the general planning activities relating to land use, comprehensive and master planning, development review, physical and special project planning, assisting other governmental Divisions to site facilities, urban design, historic preservation, transportation planning, housing planning, neighborhood planning and support, and shared data administration. This division also provides technical support services to the Madison Area Transportation Planning Board, a separate planning policy board. (Am. by Ord. 9748, Adopted 4-4-89; Renum. by ORD-07-00048, 4-12-07; ORD-12-00078, 6-20-12)

(6) Economic Development Division. This Division includes the Office of Real Estate Services, the Office of Economic Revitalization, and the Office of Business Resources. Under the direction of the Economic Development Division Director, this division is responsible for:

(a) administering the City's economic development plan and promoting the economic development of the City, including tax incremental financing,

(b) managing and coordinating the tools to revitalize neighborhoods and commercial areas through the Office of Economic Revitalization, including coordinating the provision of staff services to the Community Development Authority,

(c) performing real estate services for the City, including property acquisition and disposition, management, investigation and relocation through the Office of Real Estate Services, and

(d) providing advice and connections to a variety of information and assistance to retain, grow and attract businesses, and to promote healthy employment and commercial areas, through the Office of Business Resources.

(R./Re-Cr. by Ord. 9748, Adopted 4-4-89; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-08-00025, 3-15-08)

(7) Community Development Division. This Division includes the Community Development Block Grant office, the Senior Center, and the Office of Community Services. Under the direction of the Community Development Division Director, this division is responsible for:

(a) planning, developing and implementing a variety of programs, services and activities of interest to older people, through the Senior Center,

(b) planning, developing, implementing and evaluating community services and human services including services purchased by the City from non-profit agencies, through the Office of Community Services, and

(c) promoting healthy neighborhoods and a viable urban community through support of effective community oriented programs including services purchased by the City from private non-profit agencies through the Community Development Block Grant Office.

(Cr. by ORD-08-00025, 3-15-08)

(8) Building Inspection Division. Under the direction of the Building Inspection Division Director, this division is responsible for building inspection, consumer protection inspection, systematic code enforcement, zoning and sign administration, as well as those functions specified in Sec. 29.14 of these ordinances. (Am. by Ord. 9748, Adopted 4-4-89; Renum. by ORD-07-00048, 4-12-07; Renumbered by ORD-08-00025, 3-15-08; Am. by ORD-08-00109, 10-7-08)

(9) Housing Operations Division. Under the direction of the Housing Operations Division Director, this division is responsible for the management, administration and maintenance of the Community Development Authority's public housing units and assisted housing programs. (R/Re-Cr. by Ord. 9748, Adopted 4-4-89; Renum. by ORD-07-00048, 4-12-07; Renumbered by ORD-08-00025, 3-15-08)

(10) Child Care Program.

(a) Purpose. A Child Care Unit is hereby established in the Office of Community Services to serve the health, safety and welfare of the public by promoting those functions which cannot be provided entirely by the private sector; to improve the quality of family life; to protect parental choice in selecting from a variety of quality child care environments; to protect the growth, development, happiness and health of young children; to provide referral and supportive services to child care consumers and providers; and to provide assistance to those families with the greatest human and economic need. (Am. by Ord. 7896, 12-29-82, 12-31-82, 1-2-83; Renum. by ORD-07-00048, 4-12-07)

1. The specific aims of the Child Care Program shall be two-fold:

a. To provide a variety of support services to assist parents and child care providers who request such services in order to improve the quality of available child care services; and

b. To provide financial assistance to those families, children, and child care providers with the greatest human and economic need.

2. These objectives may be accomplished through:

a. Accreditation of child care providers that meet standards established by the Community Services Supervisor; (Am. by Ord. 8099, 8-12-83)

b. Providing in-service training and technical assistance to child care providers;

c. Providing loans to child care providers for improvement of facilities, services, or methods;

d. Providing grants for improvement, implementation, services, or expansion;

e. Providing tuition aid to those families and children with great economic or human need related to child care;

f. Providing information, and referral for child care consumers and providers.

Further, such aims shall be accomplished in a manner which ensures parental participation in the policy formation of the child care program, and provides public accountability in the use of public resources.

(b) Definitions.

1. The term "child care program" as used in this ordinance shall mean child care/child development provided by a corporation at a single location.
2. The term "afterschool child care program" as used in this ordinance shall mean child care/child development provided for school age children by a corporation or family child care providers as a supplement to school attendance hours, for four (4) or fewer hours each day.
3. The term "family child care" home program as used in this ordinance shall mean child care/child development provided for eight (8) or fewer children at one time and located in the dwelling unit of the child care provider.
4. The term "full child care" as used in this ordinance shall mean child care provided for five (5) or more hours each day.
5. The term "half day child care" shall mean child care provided for less than five (5) hours each day.
6. The "actual cost of care" shall be calculated as the actual expenditures for the preceding quarter, divided by the average number of full time equivalent service units actually provided for the same period.
7. The term "parent" as used in this ordinance shall mean parent, guardian, or legal custodian as defined in Wis. Stat. ch. 48.02, or guardian of the person appointed under Wis. Stat. ch. 880.01.

(c) Accreditation. The following shall be the standards for accreditation of child care programs:

1. Organizational Prerequisites for Eligibility for Accreditation.

a. In order to be eligible for City accreditation and participation in the Child Care purchase of service system, a child care program must be organized in one of two ways; it may be incorporated as a single service, child care program or it may be a service component of a multi-service corporation. In either case, the corporation shall be registered with the Secretary of State as a corporation within the meaning of Wis. Stat. chs. 180, 181, and 183.

A government-sponsored child care program is eligible if it is directly administered by a government agency or public educational body which has authority to contract and to sue and be sued, or if it is administered through a contract between such a government agency or educational body and an accredited child care program.

(Am. by ORD-13-00004, 1-15-13)

i. If the private child care program is a single service corporation, registered with the Secretary of State as a nonprofit corporation under Wis. Stat. § 181, it shall be governed by a Board of Directors. The Board shall have a minimum of five (5) members. A minimum of one-third (⅓) of those

members shall be parents of children who are currently enrolled in the program or whose children have been enrolled in the program in the past year. The members shall be chosen in a process in which all parents of children currently enrolled have a fair opportunity to participate. The Board shall have final authority over the budget, program and the hiring, supervision, and termination of the corporation's staff administrator.

ii. If the private child care program is part of a larger, multi-service corporation, registered with the Secretary of State as a nonprofit corporation under Wis. Stat. ch. 181, it shall:

A. Be governed by a Board of Directors.

B. The child care program of the multi-service corporation shall ensure parental participation by parents of children currently enrolled in the child care program, and provide public accountability in the use of public resources. The child care program shall have processes that ensure parent participation regarding the budget and structure of the child care program and hiring, supervision, and termination of the chief administrator of the child care program. No multi-service corporation shall allocate to its child care program an amount less than the program's gross income in tuition and fees. Parents of the child care program shall be entitled to inspect and receive copies of any papers or documents of a multi-service corporation which pertain to the funding or operation of the child care program within a reasonable time after requesting the same in writing.

(Am. by Ord. 10,516, 11-11-92; Renum. by ORD-07-00048, 4-12-07)

iii. If the child care program is a business corporation, registered with the Secretary of State under Wis. Stat. ch. 180, or a government-sponsored child care program, its Board of Directors or its governing body shall ensure parental participation by parents of children currently enrolled in the child care program in the policy formation of the child care program, and provide public accountability in the use of public resources. The child care program shall have processes that ensure parent participation regarding budget and structure of the child care program and hiring, supervision, and termination of the chief administrator of the child care program. Parents of children enrolled in the child care program shall be entitled to inspect and receive copies of any papers or documents of the corporation which pertain to the funding or operation of the child care program within a reasonable time after requesting the same in writing.

(Am. by Ord. 9915, 12-29-89; Renum. by ORD-07-00048, 4-12-07)

b. If the child care program is designed to serve primarily drop-in or transient clients, the requirement of parent representatives on the Board of Directors or Child Care Committee, as set forth in

Section 3.12(9)(c)1.a.i. and ii.B. above, is fulfilled when at least one half (½) or more of the required number consists of parents who now use the service or have used it within the last year, and the remainder are parents who use child care services, although not necessarily the services of that particular program. (Cr. by Ord. 9533, 7-15-88; Renum. by ORD-07-00048, 4-12-07)

c. The child care program shall be governed by a Board of Directors whose officers and members are not chosen for any religious or sectarian purpose. All staff including teachers must be selected on a nondiscriminatory basis without regard to religious beliefs or affiliation. (Am. by Ord. 11,297, 7-11-95; Renum. by ORD-07-00048, 4-12-07)

d. The child care program shall exhibit no religious bias in enrollment, nor shall the program exhibit religious bias in instructional policies, practices and materials. (Am. by Ord. 11,297, 7-11-95; Renum. by ORD-07-00048, 4-12-07)

e. The child care program shall be currently in compliance with all rules governing child care centers and family child care homes (where applicable) established by the Wisconsin Department of Safety and Professional Services. (Am. by Ord. 11,811, 3-14-97; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-12-00035, 3-28-12)

f. Further, if a program is categorized as a family child care home program, that program shall be affiliated with a larger umbrella organization which meets the above organizational prerequisites a. through e. The umbrella organization shall provide referral of children, supervision of program activities, and training of staff. (Renum. by Ord. 9533, 7-15-88; Renum. by ORD-07-00048, 4-12-07)

g. If a corporation locates its child care program outside the City of Madison, but provides service to residents of Madison, it may be accredited for the limited purpose of providing service to tuition aid recipients. Such programs shall not be eligible for grants, loans, or in-service training and technical assistance. (Renum. by Ord. 9533, 7-15-88; Renum. by ORD-07-00048, 4-12-07)

2. Standards of Quality for Four Different Types of Child Care: Afterschool, Full Day, Part Day and Family Child Care. In order to obtain City accreditation, a child care program must be determined by the Office of Community Services to meet the organizational prerequisites identified above and must obtain a "satisfactory" rating (reasonable compliance) on standards of quality as determined by the Community Services Supervisor, such standards to be based (whenever applicable) on the Rules for Licensing Child Care Centers and Family Child Care Homes for Children of the Wisconsin Department of Safety and Professional Services. To obtain accreditation a Child Care Program must obtain at least a "satisfactory" rating (reasonable compliance) in each of the following specific areas:

a. Organization and administration;

b. Personnel;

c. Physical plant and furnishings;

d. Program;

e. Interactional setting.

Standards of quality shall be subject to annual review. Additions or modifications shall take effect sixty (60) days after notification of all accredited programs.

(Sec. 3.18(3)(c)2. Am. by Ord. 11,811, 3-14-97; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-12-00035, 3-28-12)

3. Procedure for Accreditation.

a. The Office of Community Services shall inform all licensed day care programs in Madison of the opportunity for City accreditation and make available the prerequisites, standards and procedures for application for accreditation.

b. Child care programs shall apply for City accreditation through the office.

c. The Office shall determine eligibility for accreditation by verifying that the program meets the organizational prerequisites and the standards of quality.

d. Accreditation by the Office shall be made annually. If accreditation is denied, the Office must inform each applicant of the basis of denial within ten (10) working days after the Office has made the decision. Denials shall state areas in which improvements must be made before application can be resubmitted. Application for accreditation shall be permitted no more than two (2) times in one year.

e. i. The applicant shall not be certified if the Office determines that the applicant either does not meet the organizational prerequisites or does not meet the quality standards, or has refused to supply the Office with sufficient information. In such cases, the Office shall inform the applicant in writing of its determination not to certify, and shall include the reasons therefore.

ii. The applicant, by written request made within thirty (30) days of receipt of such a determination, may have it reviewed by the Office. The request for review shall state the ground or grounds upon which the applicant contends that the determination should be modified or reversed. The office shall complete its review within fifteen (15) days of receipt of such request. The time for review may be extended by agreement of the applicant and the Office. The applicant may file with the request for review, or within the time agreed, written evidence and argument in support of the application for accreditation. If the applicant intends to request an exception, as provided in Subsubparagraph vi., the request for review must state that an exception will be requested, and the reason or reasons for the request. (Am. by Ord. 9533, 7-15-88; Renum. by ORD-07-00048, 4-12-07)

iii. The Office may affirm, reverse or modify its determination, and shall provide the applicant with a copy of its decision on review, which shall state the reasons for such decision. The decision shall advise the applicant of his/her right to appeal the decision to the Early Childhood Care and Education Committee. The Office has no authority to grant an exception under Subsubparagraph vi. but if the applicant has requested an exception, the decision shall

contain the Office's recommendation on the request, and the reasons for the recommendation. (Am. by Ord. 9533, 7-15-88; Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

iv. If the applicant files an appeal of the Office's decision on review with the City Clerk within thirty (30) days of notice of such decision, the Early Childhood Care and Education Committee shall provide the applicant a hearing. Such hearing shall be held within fifteen (15) days after such appeal is filed, and the applicant shall be notified of the hearing date at least ten (10) days before such hearing. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

v. At the hearing, the applicant and the Office may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Early Childhood Care and Education Committee may issue subpoenas. The person conducting the hearing or another person at his/her direction shall take notes of the testimony and shall mark and preserve all exhibits. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

vi. Within twenty (20) days of completion of the appeal hearing by the Early Childhood Care and Education Committee, and the filing of briefs, if any, the Board shall mail or deliver to the applicant its written determination, including the reason therefore. Such determination shall be a final administrative determination, and is appealable to the courts. The Board is authorized to grant an exception to the technical requirements of accreditation, in those specific instances when the Board determines that such an exception would be in accord with the spirit and intent of the accreditation requirements, but only if the applicant requests an exception as part of its request for review under Subsubparagraph ii., and states reasons why an exception should be granted. (Am. by Ord. 9533, 7-15-88; Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

vii. The procedure outlined above is intended to constitute compliance with the provisions of Wis. Stat. ch. 68, entitled "Municipal Administrative Procedure."

(Sec. 3.12(9)(c)3.e. Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

f. City accreditation may be suspended or revoked by the Supervisor of Community Services when he or she has reason to believe that the terms and conditions of the accreditation are being violated or for interference with the Office in performing the duties prescribed by this ordinance. The Supervisor shall inform the corporation of such suspension or revocation in writing, and shall include the reasons therefore. Procedures for review of such suspension or revocation shall be the same as those provided in Subparagraph e. of this Paragraph.

(Sec. 3.18(3)(c)3. Am. by Ord. 8099, 8-12-83; Renum. by ORD-07-00048, 4-12-07)

4. Probationary Accreditation.

a. When the Supervisor of Community Services determines that a certified day care program no longer meets the standards of quality, the program may request that instead of suspending or revoking accreditation, the Supervisor place the program on probationary accreditation status. Probationary accreditation may not be granted unless all of the following standards are met:

i. In the opinion of the Supervisor of Community Services, the child care program is capable of correcting the deficiency.

ii. The deficiency does not jeopardize the health, safety, or welfare of the children cared for in the program.

iii. The staff and administration of the day care program recognize the deficiency and have prepared a written plan, approved by the Supervisor of Community Services, for its correction.

b. Probationary accreditation status may be granted only once during each accreditation review. Such status may be granted only for a specified time, which shall not exceed ninety (90) days, and which shall not be extended. If the child care program fails to meet all standards of quality at the end of the probationary accreditation period, its accreditation shall be revoked. After such revocation, the program may not apply for accreditation until six (6) months after the date of revocation, or until the program certifies in writing that all standards are met, whichever is sooner.

c. No child care program which fails to meet the organizational prerequisites contained in Sec. 3.12(9)(c)1. of this ordinance, may receive probationary accreditation status.

d. While a child care program has probationary accreditation status, it may continue to serve children eligible for tuition aid under Sec. 3.12(9)(g) of this ordinance, if such children were already being served on the date when the probationary status was imposed. No new children eligible for tuition aid will be referred until all deficiencies are corrected and accreditation is restored.

e. All parents of children eligible for tuition aid being served by a child care provider placed on probationary accreditation status shall be notified in writing by the Supervisor of Community Services.

f. A child care program which is placed on probationary accreditation status may apply for day care grants under Sec. 3.12(9)(f) of this ordinance. No grant funds may be released, however, until the probationary status is concluded and accreditation is granted. If the grant was approved by the Early Childhood Care and Education Committee before probationary accreditation was imposed, no grant funds shall be released until the probationary status is concluded and accreditation is granted. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

g. Notwithstanding the provisions of subparagraph f. above, grant funds may be released to a program on probationary accreditation status if the Supervisor of Community Services determines that such grant is necessary for correcting the program's deficiency and

if the Early Childhood Care and Education Committee approves. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

h. Denial by the Supervisor of Community Services of a program's request for probationary accreditation status, and failure of a program to be certified at the conclusion of its probationary accreditation status may be appealed to the Early Childhood Care and Education Committee as provided in Sec. 3.12(10)(c)3.e. of this ordinance. No other action regarding probationary accreditation status is appealable. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Sec. 3.18(3)(c)4. Cr. by Ord. 9546, 7-28-88; Renum. by ORD-07-00048, 4-12-07)

(d) In-Service Training and Technical Assistance. In-service training and technical assistance may be provided by the Office of Community Services to child care providers for the purpose of upgrading their facilities and programs. (Am. by Ord. 7896, 12-29-82, 12-31-82, 1-2-83; Renum. by ORD-07-00048, 4-12-07)

(e) Loans. The Community Services Supervisor, with the advice and consent of the Early Childhood Care and Education Committee, may authorize loans to nonprofit accredited child care programs or to nonprofit child care programs meeting the organizational prerequisites which have made application for accreditation. Loans shall be used to make staff, program and environmental improvements. No funds shall be expended for any sectarian purpose or activity including but not limited to religious worship or instruction and construction, repair or remodeling of facilities owned by a religious organization.

Criteria for loans shall be:

1. Aptness of program to consumer needs;
2. Overall program quality as established by consumer comment and City accreditation standards;
3. Fiscal efficiency and feasibility of budget in light of program goals;
4. Projected ability to repay loans;
5. Provision of service to groups with special, unserved needs;
6. Demonstration of loan use as an appropriate public priority.

(Am. by Ord. 11,297, 7-11-95; Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(f) Grants. The Community Services Supervisor, with the advice and consent of the Early Childhood Care and Education Committee, may authorize grants to nonprofit or government-sponsored certified child care programs, or to any program if the Community Services Supervisor determines that the grant is necessary to enable the program to meet accreditation requirements. No funds shall be expended for any sectarian purpose or activity including but not limited to religious worship or instruction and construction, repair or remodeling of facilities owned by a religious organization. Programs must apply for accreditation and shall meet the organizational prerequisites. Criteria for grants shall be:

1. Aptness of program to consumer needs;
2. Overall program quality as established by consumer comment and City accreditation standards;
3. Fiscal efficiency and feasibility of budget in light of program goals;
4. Provision of service to groups with special unserved needs;
5. Demonstration of grant use as appropriate public priority.

(Am. by Ord. 11,297, 7-11-95; Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(g) Tuition Aid. Tuition aid may be provided to eligible applicants for payment of child care costs to child care programs which are City accredited as provided in this ordinance. The Community Services Supervisor, at least once each year, with the advice of the Early Childhood Care and Education Committee, shall allocate available tuition aid funds to the following categories of eligible applicants: (1) applicants who need child care because of a special need, as defined in Sec. 3.12(9)(g)2. of this ordinance; (2) applicants who need child care because of employment; and (3) applicants who need child care because of training. The Supervisor may authorize disbursement of tuition aid to eligible applicants provided that, upon finding that an applicant is eligible for tuition aid, the Supervisor shall estimate the total amount necessary to provide such aid to that applicant for the rest of the calendar year; or such period of time as approved by the Common Council. He or she shall then cause that amount to be administratively encumbered. At the end of each calendar quarter, the Supervisor shall prepare a report to the Early Childhood Care and Education Committee and Common Council, specifying the number and category of applications received and the amounts encumbered in each category. If, based on such report, it appears that funds allocated for one or more categories may be exhausted while funds allocated for other categories remain unencumbered, the Supervisor, with the advice of the Early Childhood Care and Education Committee, shall be authorized to transfer funds from one to another category of eligibility. This amendment shall become effective January 1, 1981.

When the total estimated sums required to provide tuition aid are approximately equal to the amount appropriated in the Budget to provide such aid, no additional applicants shall be accepted into the program, but their applications may be on a waiting list.

If any recipients of tuition aid cease to be eligible, or are eligible for lesser amounts of tuition aid, the Supervisor shall cause the necessary adjustments to be made in the amounts administratively encumbered. When sufficient funds are available to provide tuition aid to additional applicants until the end of the calendar year, he or she may then process additional applications, in the order of the date of application.

1. Standard Tuition Aid.
    a. The applicant must be the parent of the child for whom the tuition aid is sought;
    b. The applicant must be a resident of the City of Madison for six (6) months prior to application for such tuition aid;
    c. The child for whom tuition aid is sought must be of child care age, between 0 and the completion of elementary fifth (5th) grade or its equivalent;
    d. The parent(s), legal guardian(s), or custodian(s) and all other resident household adults able to care for the child, and with whom the child resides, must be unable to provide care and supervision because of employment, training or a combination thereof.
        i. For the purpose of this provision, "employment" includes only paid employment totaling an average of at least twenty (20) hours per week.
        ii. For the purpose of this provision, "training" includes attendance in a course of study leading to a high school diploma or its equivalent, an accredited trade school or apprenticeship program, and credits in post-secondary

education sufficient to acquire an associate degree. (Am. by Ord. 12,075, 3-27-98; Renum. by ORD-07-00048, 4-12-07)

e. The applicant must be currently ineligible to receive other forms of child care assistance such as AFDC child care reimbursement or Purchase of Care.

f. The applicant must meet the income criteria established by the Common Council.

2. Special Needs Tuition Aid.

a. An applicant who is a Madison resident and who is income eligible but who fails to meet the other rules of eligibility shall be eligible if the Community Services Supervisor determines he or she meets the Special Need for Child Care criteria.

b. The Community Services Supervisor, with the advice and consent of the Early Childhood Care and Education Committee, shall establish special needs criteria. Such criteria shall be based on the needs of the family, environmental hazard, emergency, or unusual, pressing, or extreme circumstances. The purpose of Special Needs Tuition Aid is to provide assistance where child care is an essential element in protecting family stability. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

c. The Community Services Supervisor may authorize deduction of expenses related to the applicant's special need (such as the cost of physical therapy) for the purpose of determining income eligibility and family contribution.

(Sec. 3.18(3)(g)2. Am. by Ord. 8099, 8-12-83; Renum. by ORD-07-00048, 4-12-07) (Sec. 3.18(3)(g) Am. by Ord. 8704, 10-28-85; Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

3. Appeal of Eligibility Determination. If the Office determines that the applicant is ineligible for tuition aid, the Office shall inform the applicant in writing, including the reasons for such determination. Such determination is subject to review and appeal, according to the procedures set forth in Subparagraph e., Paragraph 3. of Subdivision (c) of this ordinance. (Am. by Ord. 7896, 12-29-82, 12-31-82, 1-2-83; Renum. by ORD-07-00048, 4-12-07)

4. Classification of Need. Families shall be classified as needing full time, part time, or afterschool care based on the periods of time children need care and the distribution of those periods throughout the day and the week.

5. Calculation of Rate.

a. The City Rate for full-day child care and full-day family child care shall be calculated as the average of all City accredited full-day and full-day family child care program fees to the public for children over three (3) years old. (Am. by Ord. 8704, 10-28-85; Renum. by ORD-07-00048, 4-12-07)

b. The City Rate for half-day child care shall be calculated at sixty percent (60%) of the City Rate for full-day child care.

c. The City Rate for full-day toddler care and full-day family toddler care shall be calculated as the average of all City accredited full-day child care and full-day family child care program fees to the public for children three (3) years old and younger. The rate applies through the payment period in which the child reaches her/his third birthday.

d. The City Rate for half-day toddler care shall be calculated at sixty percent (60%) of the City Rate for full-day toddler care.

e. The Early Childhood Care and Education Committee is authorized to establish a City Rate for infant care, which rate shall be no greater than one hundred fifty percent (150%) of the City Rate for toddler care. For purposes of this section, an infant is a child younger than two (2) years old, and the rate applies through the payment period in which the child reaches her/his second birthday. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

f. The City Rate for half-day infant care shall be calculated at sixty percent (60%) of the City Rate for full-day infant care.

g. The Early Childhood Care and Education Committee is authorized to establish a City rate for care of children whose parent or parents have been determined by the Community Services Supervisor to meet the Special Need for Child Care criteria, as provided in Subsection (3)(g)2. of this ordinance. The rate shall be no greater than one hundred fifty percent (150%) of the City rate for children more than three (3) years old. (Am. by Ord. 12,806, Adopted 4-3-01; Renum. by ORD-07-00048, 4-12-07)

h. The City Rate for afterschool care shall be calculated as the average of all City accredited afterschool care program fees to the public.

i. The City Rate shall be the basis for calculating the City share for each individual tuition aid recipient.

j. The City Rate shall be calculated each October 1.

k. In no case is the City share to exceed the City Rate.

l. In no case is the City share to exceed the program's fee to the public.

m. In programs offering sliding scales, the program's fee shall be calculated as the maximum fee received by a program at the time of accreditation.

n. In no case is the City share to exceed the actual cost of care.

o. The applicant will be required to submit a verified income statement. Tuition aid recipients must submit such statement regularly, as the Community Services Supervisor may require. The applicant may report a change in income at any time and request review of his/her payment level.

(Sec. 3.18(3)(g)5. Am. by Ord. 9915, 12-29-89; Renum. by ORD-07-00048, 4-12-07)

6. Payment Formula. The determination of payments to an applicant for tuition aid will be based on a formula established by the Common Council. The payment scale shall be revised as necessary.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(h) Contracts. The City may contract with accredited child care programs for child care provided for eligible applicants, provided that:

1. In at least one of the five immediately preceding school years, at least 25% of the total enrollment in the child care program has consisted of children who receive publicly funded child care assistance; and

2. The Community Services Supervisor determines that the contract will help preserve the availability of child care service in the neighborhood.

The Early Childhood Care and Education Committee shall establish rules and procedures to be followed by the Community Services Supervisor in administering the contract program.

(Cr. by Ord. 10124, 10-12-90; Ord. 12,806, Adopted 4-3-01; Ord. 13,554, 4-6-04; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Subsection (10) Renumbered by ORD-08-00025, 3-15-08)

(11) Emerging Opportunities Program. The Community Development Division (CDD), in concert with the Community Development Block Grant and Community Services Committees, and with the approval of the Common Council allocates City resources to community organizations for projects and activities that serve prioritized issues or populations. Such allocations are generally made through structured and regularly scheduled funding processes. Emerging needs or unanticipated opportunities routinely occur throughout the calendar year that cannot be properly addressed by these funding processes. This program is created and maintained so that the City can respond to such developments in a more timely manner and seize these opportunities as they are presented and most viable. It is also intended to offer opportunities for new and nascent organizations to receive financial support provided they can demonstrate broad engagement in the development of projects or activities they propose to undertake.

(a) Eligibility.

1. Applicants. Eligibility is limited to non-profit organizations and agencies that have obtained tax exempt status under 26 USC §501(c)(3) and groups that can secure, as fiscal agents, organizations that have obtained such status.

2. Activities. Grants shall be awarded under this program only to support projects or activities that are not eligible for other City funding and/or that are of such immediate need or of such a short-term opportunity that they could not reasonably be supported within the normal structures of other City funding processes.

(b) Uses. Funding may be used to support such uses as childcare, early childhood education, tuition assistance, housing, neighborhood revitalization, or other uses or activities that can reasonably be expected to enhance the quality of life in the City by responding to identified emerging needs and unanticipated opportunities. In awarding grants, the City may identify specific uses for which program dollars are to be used, which may include expenses related to such things as staffing, program operations, equipment and supplies.

(c) Process. The Emerging Opportunities Program grant process shall be administered by the Community Development Division. The Division shall solicit proposals twice per calendar year, in March and September, but may deviate from this schedule with the consent of the Council. Prior to each funding cycle, the Division shall establish program guidelines, award criteria and an application form and identify appropriate supporting documentation requirements.

(Sec. 3.12(11) Cr. by ORD-14-00010, 1-14-14)

(12) Construction. This ordinance is to be liberally construed to effectuate the broad purposes stated herein. (Renum. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07; Renumbered by ORD-08-00025, 3-15-08; Renum. by ORD-14-00010, 1-14-14)

(13) Inconsistent Ordinances. To the extent that any existing ordinance or part of an ordinance is contrary to or inconsistent herewith, such ordinance or part of such ordinance is hereby superceded. (Renum. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07; Renumbered by ORD-08-00025, 3-15-08; Renum. by ORD-14-00010, 1-14-14)

(Sec. 16.04 Am. by Ord. 8081, 7-29-83; Am. by ORD-07-00018, 2-22-07; Renum. by ORD-07-00048, 4-12-07)

3.13 HUMAN RESOURCES DEPARTMENT.

(1) Human Resources Department Established. There is hereby established the Human Resources Department. Under the management and supervision of the Human Resources Director, the department is responsible for recruiting, developing, and sustaining a talented, diverse, and engaged City workforce.

(2) Department Services. The Human Resources Department shall provide strategic HR services to Departments/Divisions in a variety of ways, including recruitment; applicant screening and examination; labor relations; classification; compensation; benefits; organizational effectiveness, development and training; workplace accommodations; and other Human Resources-related services and functions.

(3) Human Resources Director.

(a) The Human Resources Director shall be responsible for the management and supervision of the Human Resources Department and its units. The Director shall formulate, direct and manage the implementation and effectiveness of Human Resources policies, programs, and services as they relate to all City employees and applicants.

The Director shall be appointed by the Mayor pursuant to Civil Service selection procedures, subject to the approval of the Common Council, and shall serve pursuant to the terms and provisions of an employment agreement approved by the Common Council and executed by the Director, the Mayor and the Clerk. This position is not within the City's Civil Service system.

(b) The Director shall be the administrative officer of the Civil Service system, shall be the custodian of all personnel records and shall be the official upon whom or with whom all notices, open record requests, requests for hearings, communications or other official documents relating to the Civil Service system or City employment shall be served or filed, except as may otherwise be required by law.

(c) The Director shall have access to all public records and papers, the examination of which will aid in the discharge of the Director's duties. The Director or designee shall submit to the Mayor and the Common Council recommendations of the Personnel Board as to uniform standards in respect to the classification, examination, selection, employment, training, probation, promotion, suspension, demotion, and discharge of civil service employees; the nature, use, and duration of eligible lists; and rules for the conduct of disciplinary hearings by an Appeal Examiner and the conduct of appeals by the Personnel Board. S/he shall render such additional services in connection with the Civil Service system and City employees and in connection with salary classification for uniformed police officers and firefighters as may be requested by the Mayor or the Common Council.

(d) Neither the City Finance Director nor any other officer of the City, shall draw, sign, issue or pay, or authorize the drawing, signing, issuing or paying of any City payment of any salary or compensation to any person in the employ of the City of Madison other than as an elected official, unless a payroll or account for such salary or compensation containing the names of every person to be paid, have been previously certified by the Director or the Director's designee that the persons named in such payroll or account have been appointed, employed, reinstated or promoted as required by ordinance and the rules established thereunder and that the salary or compensation is within the salary range as fixed pursuant to law.

(e) 1. The Director, or designee, shall serve as the Secretary to the Personnel Board but shall not vote. All matters to be considered by the Personnel Board shall be submitted to the Director, or designee, who shall summarize these proposals, provide such information as may be deemed

appropriate, and submit recommendations to the Board for consideration. The Director, or designee, shall prepare the agenda for meetings of the Board together with appropriate supporting documentation.

2. The Director, or designee, shall serve as the Secretary to the Committee on Employee Relations but shall only vote to break a tie. All matters to be considered by the Committee on Employee Relations shall be submitted to the Director, or designee, who shall prepare the agenda for the meetings of the Committee together with appropriate supporting documentation and any other information as may be deemed appropriate.

(f) 1. The Director, or designee, is responsible for the conduct of all Labor Relations work in which the City is interested and shall deal with labor organizations representing City employees in conferences and negotiations within the scope of collective bargaining and shall develop and administer a working labor relations program as provided herein.

2. The Director, or designee, is responsible for representing the City in conferences with employees and/or employee associations.

(g) Relationship to City Departments. All departments of the City shall cooperate with the Human Resources Director or designee to the end that s/he may discharge the duties and responsibilities contemplated by this section. Department heads are directed to cooperate fully with the Human Resources Director, or designee(s), in this purpose.

1. All City departments shall make available all such information as may be required as determined by the Human Resources Director, or designee(s).

2. The Human Resources Director shall keep City department heads informed on human resources-related matters that affect their operations.

3. The City Attorney or his/her designee shall provide legal counsel to the Human Resources Director, or designee.

(4) Human Resources Services Unit.

Under the supervision of the Director, or designee, this unit is responsible for the performance of all human resources services prescribed by the Madison General Ordinances and the Rules and Regulations of the Personnel Board, including:

(a) All recruitment activities for City positions, including obtaining and screening applications for employment, conducting appropriate examinations, and referring appropriate eligible applicants to departments/divisions for consideration.

(b) Maintaining the City's classification and compensation system as prescribed by the Common Council and in accordance with City regulations.

(c) Coordinating City efforts to prevent discrimination in employment and the delivery of programs and services according to the requirements of federal, state and local legislation as they relate to City employment and employees.

(d) Providing strategic human resources support to departments/divisions on human resources-related issues, including interpretation of ordinances, APMs, collective-bargaining agreements, and other related material as it relates to human resources issues, and coordinating an appropriate human resources-related response to issues that may arise within a particular department/division.

(5) Employee and Labor Relations Unit.

(a) The Human Resources Director, or designee, shall represent the Mayor and the Common Council in all conferences and negotiations with representatives of recognized bargaining units on matters relating to wages, hours of work and conditions of employment, in accordance with the provisions of Sections 111.70, 111.71, and 111.77 and other related sections of the Wisconsin Statutes. The

Director or designee shall recommend labor relations policies to the Mayor and Common Council and shall establish labor relations standards, methods and procedures. The Director or the designee shall perform the following duties:

1. Under the direction of the Mayor, negotiate the terms of labor agreements on wages, hours of work and conditions of employment with representatives of duly recognized bargaining units, subject to the approval of the Mayor and the Common Council and in compliance with Sections 111.70, 111.71, and 111.77 and other related sections of the Wisconsin Statutes.
2. Petition on behalf of and represent the City in actions before the Wisconsin Employment Relations Commission on matters related to: bargaining unit determination, mediation, fact-finding, arbitration, declaratory rulings, and other matters within the jurisdiction of the Wisconsin Employment Relations Commission; administer the application of Sections 111.70, 111.71, and 111.77 of the Wisconsin Statutes in relation to the labor relations program of the City.
3. Interpret the provisions and applications of all duly authorized labor agreements; assist management personnel in the administration of contract grievance procedures. The Director or designee is authorized to enter into memoranda of understanding on behalf of the City to clarify the provisions and application of such labor agreements and to implement resolution of contract grievances within such labor agreements.

(b) Mayor and Common Council Control. The Finance Committee shall confer with the Mayor and the Human Resources Director, or designee, regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.

1. The Human Resources Director, or designee, shall report periodically on labor relations activities to the Mayor and the Finance Committee.
2. The Human Resources Director, or designee, shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, Finance Committee and Common Council on labor relations matters.

(Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(c) The Employee and Labor Relations Unit shall also provide support for employees in the following areas:

1. Providing workplace accommodations to employees who require such assistance;
2. Developing and maintaining an employee benefits program for employees; and
3. Administering leave policies such as Family and Medical leave and Disability Leave/Layoff as defined in the ordinances and/or collective-bargaining agreements.
4. Oversee drug testing for City employees as required.

(6) Employee Development and Organizational Effectiveness Unit.

Under the supervision of the Director, or designee, this unit is responsible for providing consultation on organizational performance, process improvement, employee engagement

and employee development to all City departments. In implementing the overall mission of assisting city agencies in achieving their goals of providing high quality, equitable, cost-effective services to residents and visitors, the unit will do the following:

(a) Provide consultation to agencies on organizational effectiveness assessment, strategic plan development, employee engagement, racial equity and social justice, process improvement and human resource development initiatives;

(b) Develop, conduct and track training programs that help agencies implement their annual goals and support employee development;

(c) Support Mayor's Office, Common Council and City boards, committees and commissions in planning, policy development and community listening sessions.

(Sec. 3.13 Rep. & Rec. by ORD-13-00071, 5-8-13; Am. by ORD-16-00035, 3-25-16)

3.14 DEPARTMENT OF TRANSPORTATION.

(1) There is hereby created a Department of Transportation for the purpose of planning, developing, coordinating, operating and regulating the various elements of transportation and transportation facilities in such a way as to provide for the safe, efficient and economical movement of people and goods in the City of Madison.

(2) Responsibilities. The general responsibilities of the department shall be those of transportation, traffic engineering and parking, with these three (3) areas to be developed and coordinated in such manner as to be of maximum benefit and economy to the people of the City of Madison. (Am. by Ord. 9462, 4-15-88; Renum. by ORD-07-00048, 4-12-07)

(3) Director of Transportation. The Department of Transportation shall be managed and directed by a Director of Transportation. Effective March 1, 1989, the positions of Director of Transportation and the City Traffic Engineer and Parking Manager, as they become vacant, shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option. The Director of Transportation is authorized, and is responsible for performing all duties as may be delegated by ordinance or resolution of the Common Council, and shall carry out all directives as may be issued by the Common Council or assigned by the Mayor. If the position of Director of Transportation is vacant, the Mayor may assign the duties of the position to other appropriate City employees. (Am. by Ord. 9745, 3-30-89; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00004, 1-15-13; ORD-14-00173, 12-10-14)

The Director of the Department of Transportation shall be the chief administrative officer and executive secretary of the Transportation Commission and may be a member of such other boards, committees or commissions as may be determined by the Mayor or Common Council. The Director of Transportation shall be charged with the responsibility of preparing and presenting the annual budgets of the department. The Director of Transportation shall have authority to establish policies, technical standards, methods and procedures for the department, and is further authorized and directed to do any and all of the following:

(a) To supervise the preparation of studies and the collection of data needed to measure existing, and estimate future traffic, parking, transit and other transportation mode characteristics, including supply and demand and needs in Madison and the metropolitan area and supervise the preparation of studies and maintain records on past, present and future transportation travel uses by mode. (Am. by Ord. 9917, 12-29-89; Renum. by ORD-07-00048, 4-12-07)

(b) To give assistance to the Director of Public Works in the planning of various highway programs or projects including applications for financial aids, grants or other assistance from Federal, State or County governmental bodies.

(c) To serve as liaison between the United States Department of Transportation and the State of Wisconsin Department of Transportation and the City of Madison in order to coordinate, as related to ground, water, and intralocal air transportation,

the various air, water, and ground transportation and safety programs and ensure eligibility for financial aids, grants, and other assistance that such programs provide; to coordinate all transportation and parking planning and traffic parking and transit operations of the City of Madison with that of the State of Wisconsin Department of Transportation, Dane County, the University of Wisconsin and surrounding governmental units and, on request, consult with and advise officials of these surrounding governmental units on traffic, transit, parking or other transportation problems and furnish, at cost, to them such standard traffic control devices or assistance as is reasonable and practical.

(d) To approve and establish experimental traffic regulations or test new or experimental traffic control devices for a period of ninety (90) days except that such experiments may be continued for an additional ninety (90) day period unless the Common Council, by resolution, determines otherwise.

(e) To supervise engineering analyses of traffic accident causes in cooperation with a designated officer of the Police Department and to jointly make such changes or take such actions as are necessary to reduce or eliminate such accidents; consult with the Chief of Police on enforcement procedures or policies which would make most effective the various traffic regulations and to meet with the Chief and Traffic Court Judge at regular intervals to review traffic and enforcement problems and procedures.

(f) To review and recommend the geometric design or redesign of all streets, highways, alleys, courts, intersections, parking lots, parking ramps and other similar type traffic and parking facilities and determine on a transportation and traffic basis the need for construction, reconstruction or improvement of these facilities and forward a list of recommended priorities to the Director of the Department of Public Works.

(g) To prepare and submit to the Mayor and Common Council an annual report of the operations and progress of the Department of Transportation and make recommendations for the establishment of ordinances or resolutions which would be needed for the further improvement of traffic conditions.

(h) To determine and make recommendations for public transportation routes and terminals and to establish bus stops for intercity and intracity buses; for regulations to prevent obstructive train switching movements and crossing blockades, and for crossing protection for pedestrians and vehicles, crossing maintenance and related items; for the types of taxicab service, their operation and regulation and establish taxi stands; for truck routes, hours of delivery and types of delivery vehicles and to establish truck loading zones and review and approve the issuance of permits for oversize vehicles, to administer the vehicle use permit program, for the need for sidewalks and pedestrian grade separations and to establish pedestrian crossing locations, markings, protection and special routing as needed.

(i) To determine and make recommendations relative to pedestrian and bicycle safety related programs; and to plan, design and implement pedestrian and bicycle facilities for the City of Madison and, where applicable, the metropolitan area.

(j) To make studies relating to alternate work schedules in the City and the surrounding metropolitan area, to meet with and confer with officials of any business or company located in the metropolitan area and to make recommendations as to work hours, ridesharing and transportation management programs for said establishments.

(k) To establish detours (jointly with the City Engineer), confer with the Chief of Police on parades (as provided elsewhere in the Madison General Ordinances), approve street or sidewalk displays (jointly with the Building Inspection Division of the Department of Planning and Community and Economic Development), approve commercial driveways and curb cuts, median breaks, passenger loading

zones, no parking zones (up to one hundred feet), safety zones and other areas of no parking in the event of such contingencies as fire, flood and other emergencies; to review for recommendation requests for street closing or vacations, zoning or rezoning proposals, lot divisions, conditional use applications, new plats or replats and all traffic and parking plans of public agencies or departments; to direct the design, fabrication, installation, operation and maintenance of traffic control devices such as traffic signals and signal systems, street lights, police and fire alarm signal system, traffic signs, street markings, warning sirens, flood or playground lighting fixtures and traffic channeling devices; to assist in the design and direct the installation and maintenance of police, fire, public works, County and other governmental agencies' telecommunications systems and equipment. (Am. by ORD-08-00109, 10-7-08)

(l) To install or order the installation of stop signs, yield signs, speed zone signs and street lights, and to control access to any public street, highway or traffic facility according to specific standards or ordinances adopted by the Common Council. (Renum. by Ord. 9462, 4-15-88; Renum. by ORD-07-00048, 4-12-07)

(m) Review all street graphics with respect to such graphics interfering with official traffic control devices, being an actual traffic hazard or being a contributory factor in actual traffic accidents and make appropriate recommendations to the Building Inspection Division of the Department of Planning and Community and Economic Development to correct the conditions. (Renum. by Ord. 9462, 4-15-88; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-08-00109, 10-7-08)

(n) Under the policy direction of the Transportation Commission to manage, operate and maintain all parking ramps and parking lots, to install, operate and maintain all parking meters and provide for the collection of all parking fees therefrom and to administer on-street and off-street parking permit programs.

(Sec. 3.51(3) Am. by Ord. 9539, 7-28-88; Renum. by ORD-07-00048, 4-12-07)

(4) Transit and Parking Commission.

(a) Created. There is hereby created a Transit and Parking Commission charged with the duties and responsibilities contained herein. The Transit and Parking Commission shall make recommendations to the Common Council regarding policies on all transit and parking matters and shall be the official body which shall constitute a public utility within the meaning of Section 66.0621, Section 66.0805, and a transit commission with the meaning of Section 66.1021, Wisconsin Statutes, and shall function as a parking utility for the operation of the parking utility system for the City of Madison, a transit utility for the operation of the transit system for the City of Madison, and a utility capable of issuing revenue bonds with Common Council approval. The Transit and Parking Commission shall be the public utility designated in any various bond revenue ordinances of the City of Madison. Acting as a Transit and Parking Commission, the commission shall be under a strict duty to comply with all revenue bond ordinances both of the Parking Utility and of the Transit Utility. Such commission shall not commingle the funds or use the assets of one utility to further the interest of another utility.

(b) Composition. The Transit and Parking Commission shall consist of nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, six (6) residents and two (2) alternates who may be either Common Council members or residents but at least one (1) of whom shall be a resident. One member shall be an individual with special transportation needs requiring accessible fixed route transit or paratransit. Overlapping membership on the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission of two (2) members shall be encouraged but shall not be required. The Commission shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. The members of the Common

Council shall serve ex officio. Two (2) members of the Transit and Parking Commission shall be appointed by the Chair of that Commission to serve on the Long-Range Transportation Planning Committee. All appointees (other than alderpersons) shall serve until their successors are appointed, confirmed and qualified. (Am. by Ord. 12,779, 3-13-01; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-12-00128, 10-24-12; ORD-17-00030, 3-8-17)

(c) Appointment and Terms of Common Council Members. Common Council members of the Transit and Parking Commission shall be appointed by the Mayor subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each Common Council member's term or as soon thereafter as the Mayor makes the appointment. In appointing Common Council members to the Transit and Parking Commission, the Mayor shall consider the need for representation of the various geographic areas of the City. (Am. by ORD-12-00128, 10-24-12)

(d) Appointment and Terms of Resident Members. Resident members of the Transit and Parking Commission shall be appointed by the Mayor subject to confirmation by the Common Council. The Mayor shall appoint one (1) resident member for a term of three (3) years ending April 30, 2000, two (2) resident members for terms of two (2) years ending April 30, 1999, and one (1) resident member for a term of one (1) year ending April 30, 1998. Thereafter, terms for resident members shall be for a period of three (3) years commencing on the first (1st) day of May. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each resident member's term or as soon thereafter as the Mayor makes the appointment. (Am. by ORD-17-00030, 3-8-17)

(e) Appointment and Terms of Alternate Members. In addition to members of the Transit and Parking Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to approval of the Common Council. The alternates may be either Common Council members or resident members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Transit and Parking Commission discussion and serve on subcommittees or as the TPC representative on other City committees at any time. (Am. by ORD-06-00058, 5-20-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00030, 3-8-17)

(f) The Transit General Manager shall be the chief administrative officer of the Transit and Parking Commission and its Executive Secretary, shall represent the Transit and Parking Commission in all matters of their concern when so requested and shall prepare and submit to the Common Council an annual report of activities of the Transit and Parking Commission. The Transit General Manager and Parking Manager shall be responsible for implementing those ordinances, policies, rules and regulations of the Common Council and of the Transit and Parking Commission as they may relate to their respective areas of responsibility in transit and parking.

(g) It shall be the general duty of the Transit and Parking Commission to develop, and recommend to the Common Council policies on the various elements of transit and parking and transit and parking facilities for the purpose of providing for the

safe, efficient and economical movement of persons and goods in the City of Madison and the metropolitan area consistent with the Commission's mission to support the City's distinct and quality neighborhoods where people will want to live, work, do business, learn and play by providing comfortable, safe and efficient transportation. To accomplish these objectives the Transit and Parking Commission shall adopt and publish in writing standards, warrants, objectives and criteria for transit, parking and paratransit operations, services and facilities in order that such operations, services and facilities function as an integrated and coordinated part of the overall adopted transportation policy. In developing such standards, warrants, objectives and criteria, the Transit and Parking Commission shall consider standards developed nationally for this purpose as well as the findings of the Regional Transportation Plan. They may also review ordinances, resolutions, regulations, policies or practices of all City departments, boards, commissions or committees concerned with any phase of transportation to eliminate conflicts with the transit and parking policies previously approved by the Common Council and the Transit and Parking Commission and may recommend to the departments, boards, commissions or committees and the Common Council changes needed to eliminate such conflicts. The departments, boards commissions or committees shall respond affirmatively or show cause why they cannot comply with such recommendations. The Transit and Parking Commission shall periodically review the City's Master Plan, specifically the Objectives and Policies, Land Use, Capital Improvement Program and Economic Development Plan/Development Strategy to ensure that these elements are consistent with the adopted Transportation Plan and its plan elements and to recommend changes to reconcile differences which are identified; and shall adopt and approve an annual work plan in furtherance of the Commission's purpose and responsibilities as set forth in this ordinance. The Transit and Parking Commission may hold public hearings on any transportation matter when requested to do so or when it appears to be in the general public interest.

(h) The Transit and Parking Commission shall be empowered to establish such rules and procedures as may be necessary to carry out the purpose and provisions of this ordinance. The duties of the Transit and Parking Commission for parking, transit, and paratransit are as follows:

1. Parking. The Commission, in addition to its responsibilities as a public utility, shall provide overall management, operation and control of the assets for the City of Madison parking system to ensure that it functions as an integrated part of the overall transportation system. The Transit and Parking Commission shall consider on-street and off-street parking policy matters, including but not limited to, insurance programs, parking ramp and lot location and size, design, construction and maintenance of parking lots and ramps, parking restrictions, permits, meter hoods, parking for people with disabilities, passenger and freight loading zones, parking meter rates and time limits, parking enforcement policies and forfeiture or deposit schedules, and may receive and approve or deny requests for changes of these items, and shall also have those responsibilities described in Sections 8.14 and 12.138 of the Madison General Ordinances.
2. Transit. The Commission shall, in addition to its responsibilities as a public utility, provide overall management, operation and control of the assets of the City of Madison transit and paratransit transportation system to ensure that it functions as an integrated part of the overall transportation system. The Commission shall consider policy matters including but not limited to service standards, performance targets, route additions, extensions or contractions, changes in schedules, fare structures,

hours of service, specifications for new transit vehicles and equipment, establish maintenance standards for all transit vehicles, bus passengers, shelters, maintenance equipment and building grounds, marketing and advertising programs, insurance programs, charter service, hiring practices and policies, personnel recruitment and training, consultation on labor and management contracts and any other policy matters pertaining to the operation of the city-owned transit and paratransit transportation system and may receive and approve or deny requests for changes of these items.

3. Paratransit. The Commission, in addition to its responsibilities described in Sections 11.06 and 12.896, Madison General Ordinances, shall consider paratransit policy matters, including but not limited to intercity bus routes and stops, intracity bus routes and stops, horse drawn vehicles, taxis, limousines, courtesy cars, hotel buses, jitney services, hire-and-drive service, ride-sharing, subscription bus service, park and ride facilities, and any other policy matters pertaining to the operation of transportation modes which fall between the private automobile and conventional transit and may receive and approve or deny requests for changes or additions to these items. The Commission shall provide the overall management and control of the paratransit operations within the City and ensure that they function as an integrated part of the overall transportation system.

(i) Bus Shelter Signs.

1. Purpose and Findings.

a. Pursuant to Section 3.51(4)(g) of the Madison General Ordinances, it shall be the general duty of the Transit and Parking Commission to develop, and recommend to the Common Council policies on the various elements of transit and parking facilities for the purpose of providing for the safe, efficient and economical movement of persons and goods in the City of Madison and the metropolitan area consistent with the Commission's mission to support the City's distinct and quality neighborhoods where people will want to live, work, do business, learn and play by providing comfortable, safe and efficient transportation.

b. Adequate mass transit services and facilities, and funding for those services and facilities, are critical to the economic well-being of the City of Madison, its residents, and its taxpayers. It is important to maximize transit revenues and transit physical amenities so as to provide Madison residents and visitors an affordable, safe and efficient means of moving about the City for work, school, recreational or personal purposes. The City has for some time considered creative options used in other communities, i.e., raising funds for these services and facilities through the sale of advertising or other signage at, in or on Madison Transit Utility bus shelters. (Am. by ORD-17-00030, 3-8-17)

c. Certain state statutes and administrative rules, specifically Wis. Stat. § 86.19, and rules adopted pursuant to that statute, raise doubts about whether such signs may be located in or on bus shelters placed within the limits of highway rights of way. The determination of whether to place signs, including but not limited to route maps, schedules, "next bus arrival" digital signs, ads or other signs on Madison Transit Utility bus shelters is a matter of the local affairs and government of the City of Madison. The ability to sell ads or other signs at, in or on Madison Transit Utility bus shelters will assist the City in meeting the transportation needs

of its residents and taxpayers; route maps, "next bus arrival" signs and other informational graphics will enhance ridership and increase transit revenues.

2. Signs on Madison Transit Utility Bus Shelters.

a. The City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to place transit informational signs or to sell and place signs or advertisements at, in or on Madison Transit Utility bus shelters within the limits of any street or highway right of way, the City will not be governed by sec. 86.19 to that extent.

b. The City, acting itself or through the services of a contractor, is authorized to contract for, accept, and place advertisements or other signs at, in or on Madison Transit Utility bus shelters, and to charge and accept fees for such advertisements or signs. Any fees collected shall go to Madison Transit Utility.

c. The Transit and Parking Commission shall recommend, and the Common Council by resolution shall approve, any plan carrying this ordinance into effect.

d. Any signs not authorized by this ordinance shall remain subject to regulation or ban pursuant to state and local law. This Charter Ordinance shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

e. This Subsection (i) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution.

(New Sec. 3.51(4)(i) Cr. by CHA-06-00006, 11-2-06)

(j) Any decision of the Transit and Parking Commission may be appealed to the Common Council. Such appeal must specify the reason therefore and be filed with the Transit General Manager. The Transit General Manager shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Transit and Parking Commission shall stand unless the Common Council, by a majority vote of its members, reverses or modifies the action of the Transit and Parking Commission. (See Note Below.)

(Renum. by ORD-07-00048, 4-12-07)

This Sec. 3.51(4)(a)-(j) is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, except as said effective date is extended herein, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). The effective date of this ordinance shall be the day after the second regular Common Council meeting of May 1997 provided that all appointments to the Transit and Parking Commission, the Pedestrian/Bicycle/Motor Vehicle Commission and the Long Range Transportation Planning Committee have been made by the Mayor and approved by the Common Council, but in no case shall the effective date be later than the day after the first regular meeting of the Common Council of June 1997.

(Sec. 3.51(4) R. and ReCr. as 3.51(4)(a)-(j) by Charter Ord. 70, Adopted 2-18-97, Effective no sooner than 5-21-97, no later than 6-4-97)

(k) Subcommittees of the Transit and Parking Commission. The following subcommittees of the Transit and Parking Commission may be created.

1. ADA Transit Subcommittee to the Transit and Parking Commission.

a. The ADA Transit Plan Oversight to the Transit and Parking Commission shall consist of nine (9) members. One (1) member

shall be a user of the City's paratransit service, one (1) member shall have a disability but shall be capable of using the City's accessible fixed route transit service, one (1) member shall be a job coach or agency representative serving people with developmental disabilities, one (1) member shall be a visually impaired representative, one (1) shall be an individual who uses a wheelchair as a mobility aid, one (1) shall be a general representative, one (1) shall be a member of the Common Council, one (1) member shall be a resident member of the Transit and Parking Commission, and one (1) member shall be a member of the Disability Rights Commission. (Am. by ORD-15-00086, 8-12-15; ORD-17-00030, 3-8-17)

b. Revised Composition. Subsequent to the effective date of this ordinance # ORD-05-00061 on April 7, 2005, as the term of the member in each of the above membership positions comes up for reappointment, the following appointment criteria shall respectively apply to the membership: one (1) member shall be an ambulatory Metro Plus user who regularly travels in sedans; one (1) member shall be a wheelchair user with a disability who regularly uses the City's accessible fixed-route transit system; one (1) member shall be a representative of a residential or supported employment agency serving people with developmental disabilities; one (1) member shall be an ambulatory person with a disability who regularly uses the City's fixed-route transit system; one (1) member shall be an individual with a disability who is a Metro Plus user with a common wheelchair who regularly travels in lift- or ramp-equipped vehicles; one (1) member shall be a general representative or a resident member of the Transit and Parking Commission; one (1) member shall be a member of the Common Council; one (1) member shall be a resident member of the Transit and Parking Commission; and one (1) member shall be any one of the following, in order of preference: a resident member of the Disability Rights Commission or a member of the Committee on Aging or a general representative who represents the interests of the disabled and/or senior community. In making selections for appointment to this committee, special consideration shall be given to ensuring that the overall composition of the Subcommittee reflects community diversity and geographic distribution. (Am. by ORD-13-00004, 1-15-13; ORD-15-00086, 8-12-15; ORD-17-00030, 3-8-17)

c. Appointment and Terms. All subcommittee members shall be appointed by the Mayor subject to approval by the Common Council and shall have a term of two (2) years from the date of appointment, with the exception of the member of the Common Council, the resident member(s) of the Transit and Parking Commission, the member of the Disability Rights Commission and other liaison bodies whose terms shall be limited to the duration of their membership on the liaison body. (Am. by ORD-15-00086, 8-12-15; ORD-17-00030, 3-8-17)

d. Duties. This Subcommittee is advisory to the Transit and Parking Commission. It is the duty of the Subcommittee to monitor compliance by Metro Transit, the City's transit utility, in providing complementary paratransit and transit service in the Metro Transit service area in accordance with the Americans with Disabilities

Act and its implementing regulations. In addition to any task assigned by the Transit and Parking Commission, the Subcommittee shall regularly assess the provision of ADA complementary paratransit and fixed route services to persons with disabilities in the Metro Transit service area, maximizing transportation options for everyone. The Subcommittee shall identify issues and recommend policies to the Transit and Parking Commission to address them, taking into account budget and service capacity limits, and shall review and develop recommendations for service-related complaints. In addition to the open public comment period at the beginning of all regular Subcommittee meetings, the body has an affirmative duty to seek public input and consultation with persons with disabilities and their representatives in the Metro Transit service area. This may include but is not limited to people with vision impairments or blindness; people who do not speak; people who do not understand spoken language; social service agencies that serve people with disabilities, including residential and vocational support providers; organizations and other coalitions of self-advocates; transit travel trainers; paratransit drivers; Dane County specialized transportation oversight staff and committees.

e. Officers. The subcommittee shall annually select a chair and vice-chair from among its members at the first meeting in May or as soon thereafter as practicable.

f. Members of the Subcommittee, in groups of three (3) each, shall serve as an appeals hearing panel for ruling on paratransit eligibility determinations. The hearing shall be conducted in accordance with the procedure contained in 49 CFR Part 37 and is the final step of the administrative appeals process. The panel shall determine if the initial finding by Metro staff and the subsequent appeal to and ruling of the Transit General Manager or designee were consistent with the eligibility standards contained in 49 CFR Part 37 and based on the substantial evidence in the record. Based on the testimony and evidence introduced at the hearing, the panel, by majority vote, shall affirm, modify or reverse the ruling of the Transit General Manager or designee.

(Renum. by ORD-07-00048, 4-12-07)

(EDITOR'S NOTE: The amendments to Sec. 3.51(4)(j)1., now Renum. to 3.51(4)(k)1., supersede Resolution Numbers 48,847 and 49,904.)

(Sec. 3.51(4)(k)1. Am. by ORD-05-00061, 4-6-05)

2. Parking Council for People with Disabilities. Under the authority of Wis. Stat. § 346.50(3m), a Parking Council for People with Disabilities is hereby created. Said Council members shall perform duties according to the descriptions herein.

a. Parking Council for People with Disabilities. The Parking Council for People with Disabilities shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of the City, four (4) of whom may be members of the Disability Rights Commission, three (3) of whom may be members of the Transit and Parking Commission, and of whom at least four (4) regular members and one (1) alternate member shall be people to whom or on whose behalf the Department of Transportation of the State of Wisconsin has issued a special registration plate under Wis. Stat. §§ 341.14(1) to (lr), or a special identification card under Wis. Stat.

§ 343.51. The members designated as alternates shall only have voting powers when temporarily filling the office of a vacant or absent council member. Members of this council shall be appointed by the Mayor, subject to approval by the Common Council.

b. Terms. Members of the Parking Council for People with Disabilities shall have terms limited to the duration of their membership on the Disability Rights Commission or the Transit and Parking Commission. Those members who are not also members of the Disability Rights Commission or the Transit and Parking Commission shall have a term of three (3) years from the date of appointment.

c. Duties. The Parking Council for People with Disabilities shall give advice and recommendations on the location of those spaces reserved for use by a motor vehicle used by a person with a physical disability that are subject to any time limitations imposed pursuant to Wis. Stat. § 346.50(3m)(b). The council may also authorize specific persons to place on a vehicle educational material relating solely to the parking privileges of people with physical disabilities if that person(s) has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by people with physical disabilities. The council may also hear and investigate matters concerning the quality and availability of parking within the city for persons with disabilities and shall report its findings and recommendations to the Common Council from time to time. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)

d. Chair. The Parking Council for People with Disabilities subcommittee shall select a chair from among its members. The subcommittee shall consider such matters and perform such tasks as are referred to them by the Transit and Parking Commission. Common Council referral of items to the subcommittee of the Transit and Parking Commission shall be referred through the Transit and Parking Commission.

(Sec. 3.14(4)(k)2. Am. by ORD-13-00162, 10-9-13; ORD-15-00086, 8-12-15)

3. Contracted Service Oversight Subcommittee. The Contracted Service Oversight Subcommittee shall consist of nine (9) members. Five (5) members shall be representatives of governmental entities which contract with the City of Madison to provide transit and/or paratransit service: one (1) member representing the City of Middleton; one (1) member representing the Town of Madison; one (1) member representing the City of Fitchburg, one (1) member representing the City of Verona, one (1) member representing the University of Wisconsin; two (2) members shall be representatives of governmental entities which are additional Metro Transit funding partners: one member representing the Madison Metropolitan School District (MMSD), one (1) member representing Madison Area Technical College (MATC); and two (2) members shall be members of the Transit and Parking Commission. In addition, the governmental entities shall each be allotted one alternate. Alternates shall be permitted to participate in meetings regardless of the presence or absence of the primary member. Notwithstanding anything in Sec. 3.30(4)(c), MGO, to the contrary, members and alternates representing a governmental entity shall be appointed and removed by their respective governmental entity in accordance with its established appointment process. The remain-

ing members shall be appointed by the Chair of the Transit and Parking Commission. The residency qualifications of Sec. 3.30, MGO, shall not apply. (Am. by ORD-05-00178, 11-25-05)

a. Terms. Members who are also members of the Transit and Parking Commission shall have terms limited to the duration of their membership on the Transit and Parking Commission. Other members and alternates shall have a term of two (2) years from the date of appointment.

b. Duties. The Contracted Service Oversight Subcommittee shall consider policy matters relating to contracted for transportation service, including but not limited to service standards, performance targets, route additions, extensions or contractions, changes in schedules, fare structures, hours of service, equipment, marketing and advertising programs, and any other policy matters pertaining to the operation of contracted for transportation services and/or additional Metro Transit funding partners transportation services contributions, and may receive, consider, and/or make recommendations to the Transit and Parking Commission regarding requests for changes to these items. The Subcommittee shall consider such additional matters and perform such tasks as are referred to it by the Transit and Parking Commission or staff. Common Council referral of items to the Subcommittee shall be referred through the Transit and Parking Commission.

c. Chair. The Contracted Service Oversight Subcommittee shall select a Chair from among its members.

d. Staff. Metro Transit General Manager and other staff as requested by the TGM will provide staff assistance to the subcommittee.

e. The ordinance adding two members who are representatives of governmental entities who are additional Metro transit funding partners shall become effective on April 1, 2008.

(Cr. by Ord. 13,136, 8-28-02; Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-08-00027, 2-26-08)

(Renum. by ORD-07-00048, 4-12-07)

(Section 3.51(4)(k) Cr. by Ord. 11,848, Adopted 4-15-97, Effective no sooner than 5-21-97, no later than 6-4-97; Am. by Ord. 12,582, 5-17-00)

(l) The Transit General Manager and the Parking Manager shall have the authority and responsibility in their respective areas to administer and carry out the published standards, warrants, objectives and criteria as adopted by the Transit and Parking Commission and only in cases of an appeal of a staff decision will the Commission review the administration of the standard, warrant, objective or criterion. (Rec. by ORD-13-00004, 1-15-13)

(5) Reserved for Future Use. (City-County Telecommunications Commission R. by Ord. 10,678, Adopted 6-1-93; Renum. by ORD-07-00048, 4-12-07)

(6) Pedestrian/Bicycle/Motor Vehicle Commission.

(a) Created. There is hereby created a Pedestrian/Bicycle/Motor Vehicle Commission charged with the duties and responsibilities contained herein. The Pedestrian/Bicycle/Motor Vehicle Commission shall make recommendations to the Common Council regarding policies on all pedestrian, bicycle and motor vehicle matters.

(b) Composition. The Pedestrian/Bicycle/Motor Vehicle Commission shall consist of nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, six (6) residents and two (2) alternates who may be either Common Council members or residents but at least one (1) of whom shall be a resident. Two (2) members of the Pedestrian/Bicycle/Motor Vehicle

Commission shall be members of the Long-Range Transportation Planning Committee. Of the total members, one (1) shall be a member of the City Plan Commission, two (2) shall be users of the City's bicycle ways, two (2) shall be pedestrian advocates, and one (1) shall be an individual with disabilities. Overlapping membership on the Pedestrian/Bicycle/Motor Vehicle Commission and the Transit and Parking Commission of two (2) members shall be encouraged but shall not be required. The Commission shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. The members of the Common Council shall serve ex officio. All appointees (other than alderpersons) shall serve until their successors are appointed, confirmed and qualified. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-12-00128, 10-24-12; ORD-17-00030, 3-8-17)

(c) Appointment and Terms of Common Council Members. Common Council members of the Pedestrian/Bicycle/Motor Vehicle Commission shall be appointed by the Mayor subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each Common Council member's term or as soon thereafter as the Mayor makes the appointment. In appointing Common Council members to the Pedestrian/Bicycle/Motor Vehicle Commission, the Mayor shall consider the need for representation of the various geographic areas of the city. (Am. by ORD-12-00128, 10-24-12)

(d) Appointment and Terms of Resident Members. Resident members of the Pedestrian/Bicycle/Motor Vehicle Commission shall be appointed by the Mayor subject to confirmation by the Common Council. The Mayor shall appoint one (1) resident member for a term of three (3) years ending April 30, 2000, two (2) resident members for terms of two (2) years ending April 30, 1999, and one (1) resident member for a term of one (1) year ending April 30, 1998. Thereafter, terms for resident members shall be for a period of three (3) years commencing on the first (1st) day of May. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each resident member's term or as soon thereafter as the Mayor makes the appointment. (Am. by ORD-17-00030, 3-8-17)

(e) Appointment and Term of Alternate Members. In addition to members of the Pedestrian/Bicycle/Motor Vehicle Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to the approval of the Common Council. The alternates may be either Common Council members or resident members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Pedestrian/Bicycle/Motor Vehicle Commission discussion and serve on subcommittees or as the PBMVC representative on other City committees at any time. (Am. by ORD-06-00058, 5-20-06; Renum. by ORD-07-00048, 4-12-07; ORD-17-00030, 3-8-17)

(f) The City Traffic Engineer shall be the chief administrative officer of the Pedestrian/Bicycle/Motor Vehicle Commission and its Executive Secretary and shall be responsible for implementing those ordinances, policies, rules and regulations of the Common Council and the Pedestrian/Bicycle/Motor Vehicle Commission, as they may relate to pedestrian, bicycle and motor vehicle, shall represent the Pedestrian/Bicycle/Motor Vehicle Commission in all matters of their

concern when so requested and shall prepare and submit to the Common Council an annual report of activities of the Pedestrian/Bicycle/Motor Vehicle Commission.

(g) It shall be the general duty of the Pedestrian/Bicycle/Motor Vehicle Commission to develop and recommend to the Common Council policies and programs addressing the use and effects of the various elements of pedestrian, bicycle and motor vehicle systems and facilities to ensure the safe, efficient and economical movement of persons and goods in the city of Madison and the metropolitan area consistent with the Commission's mission to support the city's distinct and quality neighborhoods where people will want to live, work, do business, learn and play by providing comfortable, safe and efficient transportation. To accomplish these objectives, the Pedestrian/Bicycle/Motor Vehicle Commission shall adopt and publish in writing standards, warrants, objectives and criteria for pedestrian, bicycle and motor vehicle operations, services and facilities in order that such operations, services and facilities function as an integrated and coordinated part of the overall adopted transportation policy. In developing such standards, warrants, objectives and criteria, the Pedestrian/Bicycle/Motor Vehicle Commission shall consider standards developed nationally for this purpose as well as the findings of the Dane County Transportation Study. They may also review ordinances, resolutions, regulations, policies or practices of all City departments, boards, commissions or committees concerned with any phase of transportation to eliminate conflicts with the pedestrian, bicycle and motor vehicle policies previously approved by the Common Council and the Pedestrian/Bicycle/Motor Vehicle Commission and may recommend to the departments, boards, commissions or committees and the Common Council changes needed to eliminate such conflicts. The departments, boards, commissions or committees shall respond affirmatively or show cause why they cannot comply with such recommendations. The Pedestrian/Bicycle/Motor Vehicle Commission shall periodically review the City's Master Plan, specifically the Objectives and Policies, Land Use, Capital Improvement Program and Economic Development Plan/Development Strategy to ensure that these elements are consistent with the adopted Transportation Plan and its plan elements and to recommend changes to reconcile differences which are identified; and shall adopt and approve an annual work plan in furtherance of the Commission's purpose and responsibilities as set forth in this ordinance. The Pedestrian/Bicycle/Motor Vehicle Commission may hold public hearings on a pedestrian, bicycle and motor vehicle matter when requested to do so or when it appears to be in the general public interest.

The duties of the Pedestrian/Bicycle/Motor Vehicle Commission for pedestrian, bicycle, and motor vehicles are as follows:

1. Pedestrian and Bicycle. The Pedestrian/Bicycle/Motor Vehicle Commission, in addition to its general responsibilities related to pedestrian and bicycle traffic modes, shall consider pedestrian and bicycle policy matters including but not limited to ensuring that pedestrian and bicycle modes function as an integrated part of the overall transportation system, developing and updating short- and long-range pedestrian and bicycle safety related policy, program and facility plans annual pedestrian and bicycle safety, enforcement and facility maintenance work programs including setting priorities for these work programs within the context of approved plans and policies and forwarding to the Mayor budget recommendations and priorities for these work programs, reviewing and determining Adult School Crossing Guard locations subject to funds being available in the current Police Department budget. The Pedestrian/Bicycle/Motor Vehicle Commission shall take into account the impacts of projects

and policies under consideration on the safety and/or feasibility of pedestrian and bicycle travel, and shall seek public input on pedestrian and bicycle issues.

2. Motor Vehicles. The Commission shall provide the overall management, operation and control of the City's system for motor vehicles and ensure that it functions as an integrated part of the overall transportation system and supports Madison neighborhoods. The Pedestrian/Bicycle/Motor Vehicle Commission shall consider all traffic policy matters, including but not limited to, traffic safety programs and projects, speed zones, one-way streets, traffic signals, stop and yield signs, railroad-street crossing protection, street markings, street lighting, commercial parking lot and driveway design, street access control, median breaks, traffic channelizing devices, heavy traffic routes, mass transit ways and preferential lane use, turning restrictions and limitations, parking restrictions, geometric design and redesign of streets, transportation and traffic planning and plans, transportation impact studies, vehicle use permits and any other policy matters pertaining to the physical and operational aspects of traffic and may in accordance with adopted criteria and standards receive and approve or deny requests for changes in these items.

(h) Rules. The Pedestrian/Bicycle/Motor Vehicle Commission shall be empowered to establish such rules and procedures as may be necessary to carry out the purpose and provisions of this ordinance.

(i) The City Traffic Engineer shall have the authority and responsibility to administer and carry out the published standards, warrants, objectives and criteria as adopted by the Pedestrian/Bicycle/Motor Vehicle Commission and only in cases of an appeal of a staff decision will the Commission review the administration of the standard, warrant, objective or criterion.

(j) Any decision of the Pedestrian/Bicycle/Motor Vehicle Commission may be appealed to the Common Council. Such appeal must specify the reason therefore and be filed with the City Traffic Engineer. The City Traffic Engineer shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Pedestrian/Bicycle/Motor Vehicle Commission shall stand unless the Common Council, by a majority vote of its members, reverses or modifies the action of the Pedestrian/Bicycle/Motor Vehicle Commission.

(Sec. 3.51(6) Cr. by Ord. 11,848, Adopted 4-15-97; Effective no sooner than 5-21-97, no later than 6-4-97; Renum. by ORD-07-00048, 4-12-07)

(7) Long-Range Transportation Planning Committee. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(a) Created. There is hereby created a Long-Range Transportation Planning Committee charged with the duties and responsibilities contained herein. The Long-Range Transportation Planning Committee shall address transportation planning issues and special initiatives involving the integration of the subjects of mutual concern to the Transit and Parking Commission, Pedestrian/Bicycle/Motor Vehicle Commission, Plan Commission, and Board of Public Works.

(b) Composition. The Long-Range Transportation Planning Committee shall consist of eleven (11) voting members to serve without compensation consisting of two (2) members of the Pedestrian/Bicycle/Motor Vehicle Commission, two (2) members of the Transit and Parking Commission, one (1) member of the Board of Public Works, two (2) members of the Plan Commission, one (1) member of the Dane County Board of Supervisors who resides in Madison, two (2) City representatives

of the Madison Area Transportation Planning Board, and one resident member who resides in Madison and is a member of another standing City committee, board or commission. Of the eleven (11) Committee members, three (3) shall also be members of the Common Council. The Mayor may also designate one (1) alternate. (Am by Ord. 12,466, 9-27-99; Ord. 12,540, 2-18-00; Ord. 13,431, 10-24-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00066, 7-13-10; ORD-12-00078, 6-20-12; ORD-17-00030, 3-8-17)

(c) Appointment and Terms of Members. Each board or commission with membership on the Long-Range Transportation Planning Committee shall recommend its representative(s) to the Committee except that the representatives of the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission shall include the chair of each or the chair's designee. Appointments to the Long-Range Transportation Committee shall be for the same duration as the appointee's term on the parent Commission. From the list of potential Committee members recommended by the parent bodies, the Mayor shall appoint Committee members, and ensure that three (3) are also members of the Common Council. The members appointed to the Committee by the Mayor shall be approved by the Common Council. The Common Council members' terms of service on the Committee shall coincide with their terms on the Common Council. The member of the Dane County Board of Supervisors shall be appointed by the Dane County Executive. That member's term of service on the Committee shall coincide with her/his term on the Dane County Board of Supervisors. The Mayor shall appoint the resident member who is a member of another City sub-unit and whose term shall coincide with the term on the other sub-unit. The Mayor may also designate an alternate. The Mayoral Designee Alternate may participate in Committee business as though s/he were a full member, but may vote only in the absence of at least one Committee member. The term of the alternate shall coincide with the two- (2) year terms of the Common Council members. (Am. by Ord. 12,466, 9-27-99; Ord. 12,540, 2-18-00; Ord. 13,431, 10-24-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-12-00078, 6-20-12; ORD-12-00128, 10-24-12; ORD-17-00030, 3-8-17)

(d) The Committee shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. All appointees shall serve until their successors are appointed, confirmed and qualified. The Planning Division Director or designee shall be the chief administrative officer of the Long-Range Transportation Planning Committee and shall represent the Long-Range Transportation Planning Committee in all matters of their concern when so requested and shall prepare and submit to the parent commissions of the Committee's members reports of activities of the Long-Range Transportation Planning Committee.

(e) It shall be the general duty of the Long-Range Transportation Planning Committee to develop and recommend to the Plan Commission, Transit and Parking Commission, Pedestrian/Bicycle/Motor Vehicle Commission, and Board of Public Works policies on the various elements of long-range transportation planning for all modes including but not limited to transit, parking, pedestrian, bicycle, and motor vehicles, as well as special initiatives involving the integration of the various subjects under the jurisdiction of the aforementioned bodies, for the purpose of providing for the safe, efficient and economical movement of persons and goods in the City of Madison and the metropolitan area consistent with the Committee's mission to support the City's distinct and quality neighborhoods where people will want to live, work, do business, learn and play by providing comfortable, safe and efficient transportation. To accomplish these objectives the Long-Range Transportation Planning Committee shall make recommendations to the parent commissions of Committee members regarding transit, parking, pedestrian, bicycle, and motor

vehicle operations, services, and facilities in order that such operations, services, and facilities function as an integrated and coordinated part of the overall adopted transportation policy. The Committee shall also deal with items referred to it by the parent commissions of Committee members or by the Common Council and shall advise the City's representative to the Regional Plan Commission on matters before the latter body. The Committee shall also serve as a body to consider items of mutual interest to the parent commissions of the Committee members in order to better coordinate transportation and land use planning activities. The Committee may also review ordinances, resolutions, regulations, policies or practices of all City departments, boards, commissions or committees concerned with any phase of transportation and land use to eliminate conflicts with policies previously approved by the Common Council and the parent commissions of the Committee and may recommend to the departments, boards, commission or committees and the Common Council changes needed to eliminate such conflicts. The departments, boards, commission or committees shall respond affirmatively or show cause why they cannot comply with such recommendations. The Long-Range Transportation Planning Committee shall periodically review the City's Master Plan, specifically the Objective and Policies, Land Use, Capital Improvement Program and Economic Development Plan/Development Strategy to ensure that these elements are consistent with the adopted Transportation Plan and its plan elements and to recommend changes to reconcile differences which are identified; and shall adopt and approve an annual work plan in furtherance of the Committee's purpose and responsibilities as set forth in this ordinance. The Long-Range Transportation Planning Committee may hold public hearings on any transportation and land use planning matter when requested to do so or when it appears to be in the general public interest.

(f) Rules. The Long-Range Transportation Planning Committee shall be empowered to establish such rules and procedures as may be necessary to carry out the purpose and provisions of this ordinance.

(g) Any decision of the Long-Range Transportation Planning Committee may be appealed to the Common Council. Such appeal must specify the reason therefore and be filed with the Planning Division Director. The Planning Division Director shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Long-Range Transportation Planning Committee shall stand unless the Common Council, by a majority vote of its members, reverses or modifies the action of the Long-Range Transportation Planning Committee.

(Sec. 3.51(7) Cr. by Ord. 11,848, Adopted 4-15-97; Am by Ord. 12,365, 4-13-99; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(8) Joint Transportation Subcommittee. At the request of any one commission in Subsections (4), (6), and (7), a joint subcommittee of not less than five (5) members appointed by the Chair of their respective parent commission may be established, on an ad hoc basis, to address issues of mutual and overlapping concern to the parent commissions so as to facilitate integrated and coordinated intermodal transportation planning activities.

(Sec. 3.51(8) Cr. by Ord. 11,848, Adopted 4-15-97; Effective no sooner than 5-21-97, no later than 6-4-97; Renum. by ORD-07-00048, 4-12-07)

(9) Traffic Engineering Division.

(a) The Traffic Engineering Division shall be supervised by the City Traffic Engineer and Parking Manager. The position of City Traffic Engineer as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. (Am. by ORD-14-00173, 12-10-14)

(b) Traffic Engineering Duties of the City Traffic Engineer and Parking Manager. In addition to the duties described in Chapter 12, the City Traffic Engineer and Parking Manager shall have supervision of all personnel engaged in traffic planning and design, street marking and traffic sign construction, alteration and repair, as well as installation, maintenance and operation of traffic signals, the police and fire alarm system, the street lighting systems and those engaged in the installation, repair and maintenance of the radio communications systems and warning sirens and other such activities. The City Traffic Engineer and Parking Manager or designee is the appointed City Highway Safety Coordinator as prescribed by the rules of the State of Wisconsin Office for Highway Safety. (Am. by ORD-09-00147, 11-6-09)

(Subsec. (6) Renum. to Subsec. (9) by Ord. 11,848, Adopted 4-15-97; Am. by ORD-06-00061, 6-3-06; Renum. by ORD-07-00048, 4-12-07)

(10) Parking Division.

(a) The Parking Division shall be supervised by the City Traffic Engineer and Parking Manager. (Am. by Ord. 9745, 3-30-89; ORD-06-00061, 6-3-06; Renum. by ORD-07-00048, 4-12-07)

(b) Duties of the City Traffic Engineer and Parking Manager with Respect to Parking. In addition to the duties described in Chapter 12, the City Engineer and Parking Manager shall manage all Parking Utility facilities and shall have supervision of all personnel engaged in the installation, operation and maintenance of parking meters, lots and ramps and the collection of fees therefrom for all municipal parking utility operations and other such other activities.

(Subsec. (7) Renum. to Subsec. (10) by Ord. 11,848, Adopted 4-15-97; Am. by ORD-06-00061, 6-3-06; Renum. by ORD-07-00048, 4-12-07)

(11) Transit Division. The Transit Division, under the direction of the Director of Transportation, shall be responsible for planning, developing, operating, maintaining and coordinating the Transit Systems and Facilities of the City of Madison. The Transit Manager may or may not be an employee of the City and may be an employee of an entity with whom the City has contracted to manage the Transit Systems and Facilities as an independent contractor. The Transit Manager shall report directly to the Director of Transportation for day to day administrative purposes. (Subsec. (8) Renum. to Subsec. (11) by Ord. 11,848, Adopted 4-15-97; Renum. by ORD-07-00048, 4-12-07)

3.15 DEPARTMENT OF INFORMATION TECHNOLOGY.

(1) Establishment. There is created a Department of Information Technology which shall be managed and directed by the Information Technology Director.

(2) Information Technology Director. Effective March 1, 1989, the position of Information Technology Director as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option. The Information Technology Director shall see to the proper operation of the department and shall be responsible for providing assistance to all City agencies in the form of centralized and distributed systems. This shall include the development and maintenance of the necessary equipment and programs to operate the systems. The Information Technology Director also be responsible for the operation of the Records Center and for office automation. (Am. by ORD-14-00173, 12-10-14)

(Sec. 3.78 Am. by Ord. 11,835, 4-24-97; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-07-00074, 6-26-07)

3.16 MUNICIPAL COURT FOR THE CITY OF MADISON.

(1) Court Established. Pursuant to the authority granted by Wis. Stat. ch. 755 (1989) there is hereby created and established a Municipal Court to be designated "Municipal Court for

the City of Madison", said court to become operative and function on September 1, 1992. The Municipal Court shall constitute a separate department within the City of Madison government.

(2) Jurisdiction. The Municipal Court shall have jurisdiction over incidents occurring on or after September 1, 1992, as provided in Article VII, Sec. 14 of the Wisconsin Constitution, Wis. Stat. §§ 755.045 and 755.05, and as otherwise provided by State Law. In addition, it shall have jurisdiction over all actions commenced on or after September 1, 1992, in which a violation of any Madison General Ordinance restricting or prohibiting parking, stopping or standing is alleged regardless of the date of the alleged incident. It shall have exclusive jurisdiction over actions in which the City seeks to impose forfeitures for municipal ordinance violations except as provided in Wis. Stat. § 755.045. The Municipal Judge is authorized to issue warrants under Wis. Stat. § 755.045(2) and 66.0119. The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, using the restitution procedure under Wis. Stat. § 800.093. (Am. by Ord. 10,591, 2-12-93; Ord. 13,335, 6-7-03; Renum. by ORD-07-00048, 4-12-07)

(3) Municipal Judge.

(a) Qualifications. There is hereby created the office of Municipal Judge of the Municipal Court of the City of Madison. The Municipal Judge shall be a resident of the City, shall be licensed to practice law in the State of Wisconsin and have been so licensed for five years immediately prior to election or appointment.

(b) Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. § 757.02(1), and at the same time execute and file an official bond in an amount of five thousand dollars ($5,000). The Judge shall not act until the oath and bond have been filed as required by Wis. Stat. § 19.01(4)(c), and the requirements of Wis. Stat. § 755.03(2), have been complied with.

(c) Compensation.

1. The salary of the Municipal Judge shall be sixty-seven thousand dollars ($67,000) per annum commencing with the appointment of a temporary replacement by the Common Council in July, 2003 which salary shall be in lieu of fees and costs. The salary shall be paid in approximately equal bi-weekly installments according to regular City payroll practices. The salary shall be increased effective the pay period immediately preceding the beginning of each subsequent year of the Municipal Judge's term of office by a percentage equal to the resultant percentages calculated four (4) years previously for City managerial employees pursuant to Section 3.54(9)(c)4., Madison General Ordinances, rounded to the nearest whole percentage. However, no salary shall be paid for any time during her or his term during which the Municipal Judge has not executed the official bond or official oath, as required by Wis. Stat. § 755.03, and filed under Wis. Stat. § 19.01(4)(c). The Municipal Judge shall not be entitled to receive any additional overtime compensation, compensatory time off or bonuses. (Am. by Ord. 13,335, 6-7-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00173, 12-10-14)

2. In addition to salary, the Municipal Judge shall receive the following benefits in the manner provided by the City to non-represented City employees: rights provided employees with disabilities; holiday, military, jury and bereavement leaves; ten days of paid vacation in each year of the term subject to Wis. Stat. § 800.06; paid "floating holidays"; paid sick leave; life insurance options; wage insurance options; Wisconsin Retirement Fund contributions; deferred compensation options; health insurance

options; workers' compensation and workers' compensation supplement and pre-tax flexible spending program options. (Am. by ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)

3. In the event a City employee is elected Municipal Judge, that employee shall be granted an unpaid leave of absence from City employment for the term. While serving as Municipal Judge, she or he shall be entitled to receive vacation and sick leave, longevity pay and sick leave pay-out benefits based on her or his levels thereof existing at the time of election. She or he shall also continue to accrue vacation, sick leave and longevity credits during the term as Municipal Judge as if she or he continued as a City employee. The leave of absence shall not be considered a break in the City service. All other elements of compensation shall be as provided in Paragraph 2. hereof.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.59(3)(c) Am. by Ord. 10,641, 4-30-93)

(d) Prohibition on Outside Business. No Municipal Judge elected pursuant to this section may engage in the private practice of law.

(4) Election; Term; Vacancy. The Municipal Judge shall be elected at large for a term of four years. The initial election for the office of Municipal Judge shall be held at the Spring election of 1993. In the event that the Municipal Court becomes operative prior to December 1, 1992, the office of Municipal Judge shall be filled by temporary appointment by the Mayor with the approval of the Common Council pending the election of the incumbent for the first full term which shall commence on May 1, 1993. There after, any vacancy occurring in the office of Municipal Judge shall be filled pursuant to state law.

The person appointed to fill the vacancy pending the first election may not be a candidate in the election of the Municipal Judge for the first term.

(5) Sessions of the Court. The Municipal Court shall be open daily, except Saturdays and Sundays and legal holidays, from the hour of 8:00 a.m. until not later than 4:30 p.m. unless so directed by the Municipal Judge when necessary to dispose of the daily agenda. Evening sessions may be held on Mondays or at such times as determined by the Municipal Judge and approved by the Common Council. (Am. by Ord. 13,418, 10-4-03; Renum. by ORD-07-00048, 4-12-07)

(6) Office, Where Kept. The Municipal Judge shall keep her/his office and hold court in the City-County Building in the City of Madison, or other location in the City of Madison designated by the Common Council; however, she/he may issue process and perform ministerial functions at any place in the county.

(7) Employees. The Court shall be staffed by such personnel as are authorized by the Common Council. Such employees shall be selected through the Civil Service process as are other City employees holding similar positions and shall be appointed by and operate under the jurisdiction of the Municipal Judge or, in the case of a vacancy in the office Municipal Judge, the Mayor. One of said persons shall be designated by the Municipal Judge and act as the Clerk of Municipal Court. The Court staff shall, before entering upon the duties of their offices, take the oath provided by Wis. Stat. § 19.01, which oath shall be filed with the City Clerk. The Court staff shall also give a bond as provided in Section 3.31(4), the cost of which shall be paid by the City, which bond shall be filed with the City Clerk. (Am. by Ord. 11,612, 6-3-96; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00080, 5-29-13)

(8) Procedure.

(a) State Law. The procedures in the Municipal Court shall be those prescribed by state law including, but not limited to because of enumeration, Wis. Stat. chs. 66, 755, and 800.

(b) Administrative Regulations. The Municipal Court and the Municipal Judges shall be subject to such rules of procedure as may be promulgated from time to time by the Chief Judge of the Fifth Judicial Administrative District of the State of Wisconsin.

(c) Collection of Forfeitures and Taxable Costs. The Municipal Judge shall collect all forfeitures and taxable costs in any action or proceeding before her/him and shall pay over such monies to the Treasurer of the City of Madison by the close of the business day for monies received by 3:00 p.m. and not later than the next business day following receipt for monies taken in after that time.

(d) Contempt of Court and Penalty. The judge may punish for contempt as provided in Wis. Stat. § 800.12, and may impose a forfeiture therefore not to exceed fifty dollars ($50) or upon nonpayment of the forfeiture, penalty assessment under Wis. Stat. § 165.87, and jail assessment under Wis. Stat. § 302.46, a jail sentence not to exceed seven (7) days.

(9) Illness or Absence of Judge. Whenever a Municipal Judge shall be temporarily absent, her or his office shall be filled for the period of her/his absence by one or more Municipal Judges from other municipalities within the County of Dane as provided by Wis. Stat. § 800.06.

(Renum. by ORD-07-00048, 4-12-07), (Sec. 3.59 Cr. by Ord. 10,463, 6-26-92)

3.17 COMMUNITY DEVELOPMENT AUTHORITY.

(1) Findings and Declaration of Necessity.

(a) The Housing Authority of the City of Madison (the "MHA") is a public body corporate and politic, duly organized and existing pursuant to Wis. Stat. § 66.1201 (the "Housing Authorities Law"). The MHA was created by Resolution of the Common Council of the City of Madison, duly adopted on December 14, 1945. In support of its creation of the MHA, the Common Council found that unsanitary and unsafe inhabited dwelling accommodations existed in the City of Madison and that there was a shortage of safe and sanitary dwelling accommodations in the City available to persons of low income.

(b) The Redevelopment Authority of the City of Madison (the "MRA") is a public body corporate and politic, duly organized and existing pursuant to Wis. Stat. § 66.1333 (the "Blight Elimination and Slum Clearance Act"). The MRA was created by Resolution of the Common Council, duly adopted on July 10, 1958. In support of its creation of the MRA, the Common Council found that there existed in the City a need for blight elimination, slum clearance and urban renewal programs and projects.

(c) The Housing Finance Committee (the "HFC") is a committee of the City of Madison, duly organized and existing pursuant to Resolution No. 26,020, duly adopted by the Common Council on February 26, 1974, as thereafter amended by Substitute Resolution No. 27,979, duly adopted by the Common Council on July 15, 1975. The said Resolution, as amended, vests responsibility in the HFC for: 1) approval or rejection of each application for a housing rehabilitation loan under the City's Housing Rehabilitation Services Program; 2) reviewing the administration of such Program by the City's Department of Housing and Community Development; 3) making recommendations to the Mayor and Common Council on matters pertaining to Program policies, procedures and administration; and 4) reviewing environmental impact specifically pertaining to historic preservation and sites and buildings in or eligible for the National Register of Historic Places, as required by the Housing and Community Development Act for 1974 or by any similar federal acts, state statutes, and/or local ordinances providing monies for housing loans and/or grants, according to an administrative procedure determined by the HFC. In support of its creation of the HFC, the Common Council found

that there existed a need for a City-sponsored program of financial and technical assistance to property owners of low and moderate income and nonprofit housing corporations and cooperatives in order to stimulate voluntary rehabilitation of existing housing in the City.

(d) The findings made by the Common Council in connection with its creation of the MHA, the MRA and the HFC, respectively, are hereby reaffirmed and incorporated herein. In addition, the Common Council hereby finds and declares that a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects continues to exist in the City, and that a housing and community development authority functioning within the City constitutes a more effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this ordinance is also hereby declared as a matter of legislative determination.

(2) Creation of Community Development Authority; Status as Public Body. Pursuant to Wis. Stat. § 66.1335 (entitled "Housing and Community Development Authorities"), there is hereby created a housing and community authority, which shall be known as the "Community Development Authority of the City of Madison". The Community Development (the "CDA") is deemed to be a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on housing authorities, redevelopment authorities and housing and community development authorities by applicable law.

(3) Composition of Governing Body; Powers Vested in Commissioners; Compensation. The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development and housing, who shall serve as the governing body (the "Commissioners") of the CDA. The powers of the CDA shall be vested in, and exercised by the Commissioners in office from time to time. Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement of their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties.

(4) Appointment, Confirmation and Term of Commissioners; Vacancies. The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council, as follows:

(a) Two (2) of the Commissioners shall be members of the Common Council and shall serve ex officio during their term of office.

(b) The first appointments of the five (5) Commissioners who are not members of the Common Council shall be made for the following terms: two (2) for terms of one (1) year, ending on the third Tuesday in April of 1979, and one (1) each for terms of two (2), three (3), and four (4) years, ending on the third Tuesday in April of 1980, 1981, and 1982, respectively. Thereafter, all Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until his or her successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of his or her change of residence, removal, resignation, incapacity or death.

(c) After the appointments of the original seven (7) Commissioners have been made and confirmed, vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.

(5) Filing of Certificate of Appointment. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk. Such certificate shall be conclusive

evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his or her office.

(6) Removal of Commissioners. A Commissioner may be removed from office by the Mayor for incompetence, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after he or she shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Wis. Stat. § 17.16 relating to removal for cause shall apply to any such removal.

(7) Meetings; Quorum; Bylaws. All meetings of the CDA shall be held in compliance with the provisions of Subchapter IV of Chapter 19 of the Wisconsin Statutes and Sec. 3.71 of the Madison General Ordinances. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions. (Am. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07)

(8) Selection of Officers, Agents and Employees.

(a) The CDA shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.

(b) The CDA shall appoint an Executive Director, who shall not be a Commissioner of the CDA and whose qualifications shall be determined by the CDA, in consultation with the Mayor and the City's Human Resources Department, and set forth in writing. The Executive Director shall:

1. Be an employee of the City,
2. Be selected pursuant to the process set out in Sec. 3.54(9), MGO, except that the CDA shall appoint the Executive Director, after consultation with the Mayor,
3. Serve and be compensated pursuant to the terms of the contract entered into pursuant to Sec. 3.54(9), MGO, which contract shall provide that the Mayor shall supervise the Executive Director, may impose discipline on the Executive Director, shall have authority to terminate the Executive Director during any probationary period, and may determine non-renewal of the contract of the Executive Director. Except as provided herein, the Executive Director may be terminated by the Mayor with the concurrence of the CDA Board.

The Executive Director shall be the chief administrative officer of the CDA and shall direct, manage and supervise the CDA's administrative operations and technical activities and the City's Housing Operations in accordance with the directives of the CDA and the Mayor and the terms of his or her contract of employment. The Executive Director shall also act as Secretary of the CDA and shall perform such other duties and shall have such other powers and responsibilities as may from time to time be delegated to him or her by the CDA.

(Sec. 3.17(8)(b) Am. by ORD-10-00050, 5-12-10; ORD-14-00173, 12-10-14)

(c) The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(d) Except for the position of Executive Director, which shall have the status of a noncivil service appointment, the employees of the CDA shall be selected under the provisions of the City's civil service system, shall be subject to pertinent civil service and personnel policies established for City employees generally, and shall be paid at salaries or rates of pay comparable to those of City employees with equivalent duties and responsibilities. Notwithstanding the foregoing provision, the Director of Planning and Community and Economic Development may contract under Sec. 3.54(7) of these ordinances, with Housing Monitors employed to provide security services at public housing sites owned and operated by the CDA, and such Housing Monitors shall be exempted from the City's civil service system. (Am. by Ord. 10,164, 12-28-90; Renum. by ORD-07-00048, 4-12-07; ORD-14-00173, 12-10-14)

(e) The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties and functions which could be performed by the staff of the CDA.

(9) City Assistance to CDA. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.

In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.

In addition, the CDA may contract with the City of Madison for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Madison for all services rendered to the authority. Services provided shall be coordinated through the Executive Director of the CDA.

(10) Interested Commissioners or Employees. No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any housing project or redevelopment or urban renewal project or in any property included or planned to be included in any such project, nor shall he or she have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, he or she shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office. All Commissioners and employees of the CDA shall be subject to the provisions of Sec. 3.35 of the Madison General Ordinances.

(11) Powers and Duties of CDA.

(a) The CDA shall have all the powers, duties and functions of a housing authority, as set forth in Wis. Stat. §§ 66.1201 to 66.1213, inclusive, and all housing projects initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to such sections.

(b) The CDA shall have all the powers, duties and functions of a redevelopment authority as set forth in Wis. Stat. § 66.1335 and all projects relating to blight

elimination, slum clearance, urban renewal and redevelopment programs initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to Wis. Stat. § 66.1331, 66.1335, 66.1337 and 66.1105, as determined appropriate by the Common Council on a project by project basis.

(c) The CDA may, upon the direction of the Common Council act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1973, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.

(d) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the City Plan Commission under Wis. Stat. § 66.1301 to 66.1327, inclusive, 66.1331, 66.1337 or 66.1105.

(e) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the HFC and the Department of Planning and Community and Economic Development related to the operation and administration of the City's Housing Rehabilitation Services Program.

(f) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the MHA related to the operation and administration of the City's Home-buyer's Assistance Program.

(g) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all functions of the Department of Planning and Community and Economic Development related to the operation and administration of the City's "Section 312" Rehabilitation Program and any other programs of rehabilitation financing involving financial assistance from either the Federal Government or the State of Wisconsin, or both, in which the City participates.

(h) In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.

(i) The CDA may provide counseling services to tenants and homeowners with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership. (Cr. by Ord. 12,382, 6-3-99; Renum. by ORD-07-00048, 4-12-07)

(12) Transfer of MHA Projects to CDA.

(a) All existing programs and projects of the MHA, and all debts, demands, liabilities and obligations existing in favor of or against the MHA, and all titles to real and personal property, contracts, rights and remedies of the MHA shall be transferred to the CDA, either upon adoption of this Ordinance or as soon thereafter as such transfer may be effected without weakening, diminishing, impairing, or otherwise interfering with the rights of any obligees of the MHA or any other parties to the outstanding contracts, bonds, notes, indentures or other obligations of the MHA, and the MHA shall terminate its operations upon completion of the transfer to the CDA of such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies. Upon completion of such transfer, all such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies of the MHA shall become those of the CDA as though originally initiated, incurred, accrued, executed or acquired by the CDA, and all contracts entered into between the MHA and the Federal Government, or between the MHA and other parties, shall be assumed and discharged by the CDA except for the termination of operations by the MHA. Subject to such approvals or consents by the Federal Government,

or by or on behalf of the obligees of the MHA, or by any other parties, as may be required, the MHA and the CDA are hereby authorized to execute any and all documents that may be necessary to effect such transfer.

(b) Any other provision of this ordinance notwithstanding, the MHA shall continue in existence after adoption of this ordinance, solely for the purpose of fulfilling its obligations with respect to the discharge of the indebtedness secured by its outstanding bonds, indentures or other securities until such indebtedness has been fully discharged, or has been transferred to and assumed by the CDA in accordance with the provisions of the respective resolutions pursuant to which such outstanding bonds, indentures or other securities have been issued by the MHA, whichever occurs first. Until the indebtedness secured by the MHA's outstanding bonds, indentures or other securities has been fully discharged, or has been transferred to and assumed by the CDA in accordance with such resolutions, the MHA may, to the extend permitted by such bonds, indentures or securities, authorize the CDA to act as its agent with respect to the development, construction, maintenance and operation of the respective housing projects for which such outstanding bonds, indentures or other securities have been issued, and may delegate to the CDA, as its agent, such powers or duties with respect to such housing projects as may be necessary or desirable to assure the Federal Government and other obligees of the MHA of the faithful, punctual and complete performance by the MHA of all obligations required to be performed by it in fulfillment of the covenants set forth in such resolutions, or in the outstanding bonds, indentures or other securities issued by the MHA pursuant to such resolutions.

(13) Transfer of MRA Project to CDA. All existing programs and projects of the MRA, and all debts, demands, liabilities and obligations existing in favor of or against the MRA, and all titles to real and person property, contracts, rights and remedies of the MRA shall be transferred to and assumed by the CDA upon adoption of this ordinance, and the operation of the MRA shall be terminated. Upon completion of such transfer, all such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies of the MRA shall become those of the CDA as though originally initiated, incurred, accrued, executed or acquired by the CDA, and all contracts entered into between the MRA and the Federal Government, or between the MRA and other parties, shall be assumed and discharged by the CDA except for the termination of operations of the MRA. Subject to such approvals or consents by the Federal Government, or by any other parties, as may be required, the MRA and the CDA are hereby authorized to execute any and all documents that may be necessary to effect such transfer. Upon completion of such transfer, any procedures, hearings, actions or approvals taken or initiated by the MRA on pending projects pursuant to Wis. Stat. § 66.1333 shall be deemed to have been taken or initiated by the CDA as though the CDA had originally undertaken such procedures, hearings, actions or approvals. Contracts for disposition of real property entered into by the MRA with respect to any project are deemed to be contracts of the CDA without the requirement of amendments thereto.

(14) Transfer of HFC Functions to CDA. After adoption of this ordinance and upon subsequent direction of the Common Council, all functions of the HFC related to the operation and administration of the City's Housing Rehabilitation Services Program shall be transferred to and assumed by the CDA, as agent of the City, and the HFC shall cease to exist as a committee of the City. Any procedures, hearings, actions or approvals taken or initiated by the HFC on housing rehabilitation loans made or pending loan applications under the Housing Rehabilitation Services Program shall be deemed to have been taken or initiated by the CDA as thought the CDA had originally undertaken such procedures, hearings, actions or approvals. Such transfer shall not be effective unless specifically authorized by a duly adopted resolution of the Common Council.

(15) Annual Budget. An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance Committee and the Common Council. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(16) Annual Report. As a part of its annual budget request, the CDA shall file with the Mayor and Common Council a report of its activities for the preceding year. In addition, the Mayor shall at the conclusion of three (3) years of operation file with the Common Council a report on the effectiveness of the activities performed by the CDA. Said report is to be prepared by an independent agency.

(17) Evidence of Authority. A certified copy of this ordinance shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Wis. Stat. § 66.1335.

(18) CDA Housing Operations Subcommittee. The CDA Housing Operations Subcommittee shall consist of the following seven (7) members appointed by the Chair of the Community Development Authority Board: One (1) CDA commissioner; two (2) former or current residents of CDA housing or participants in the CDA Housing Choice Voucher (Section 8) Program, one of whom may be a CDA Commissioner; two (2) resident members, either or both of whom may be a CDA Commissioner; one (1) case manager; and one (1) landlord representative. This subcommittee shall review policy and programs specifically related to housing operations. (R. & R. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00137, 10-01-09; ORD-17-00030, 3-8-17)

(19) Contravening Ordinances and Resolutions Repealed. All ordinances or resolutions or parts of ordinances or resolutions contravening the provisions of this ordinance are hereby repealed.

(20) Construction. All powers, duties and functions of a housing and community development authority, as set forth in Wis. Stat. § 66.1335, are deemed to have been granted to the CDA as though set forth in this ordinance, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein. This ordinance and the powers granted hereunder shall be construed liberally to effectuate its purpose.

(21) Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and publication.

(Cr. by Ord. 6619, 5-9-79; Renum. by ORD-07-00048, 4-12-07)
(Subsec. (22) R. by ORD-06-00052, 5-4-06)

3.18 OTHER DEPARTMENTS, BOARDS AND COMMISSIONS.

(1) The ordinances establishing other City departments not included in Chapter 3 are provided in other chapters of these ordinances.

(2) Ordinances establishing and regulating City boards, commissions, and committees may be found in Chapter 33 or, when deemed advantageous, with the ordinance related to the subject matter of the board, commission, or committee. However, those boards, commissions, or committees that are created by resolution of the Common Council are not included in the Madison General Ordinances.

3.19 EMERGENCY PROCLAMATION.

(1) Notwithstanding any other provision of law to the contrary the Common Council is empowered to declare, by ordinance or resolution, an emergency existing within the city whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation because of enumeration, which impair transportation, food

or fuel supplies, medical care, fire, health or police protection or other vital services of the City. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

(2) The emergency power of the Common Council conferred under Subsection (1) includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of the city in the emergency and includes without limitation because of enumeration the power to:

(a) Bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the local highways notwithstanding any provision of Chapter 12, Madison General Ordinances or Wis. Stat. chs. 341 to 349, or any other provisions of law. (Am. by ORD-12-00035, 3-28-12)

(b) Impose a curfew upon all or any portions of the City thereby requiring all persons in such designated curfew areas to remove themselves forthwith from the public streets, alleys, parks or other public places. Physicians, nurses and ambulance operators performing medical services, bona fide members of the news media, personnel of public utilities maintaining essential public services and firefighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew. (Am. by ORD-14-00012, 1-14-14)

(c) Order the closing of any business establishments anywhere within the City for the period of the order within the City. Emergency, such businesses to include, without limitation because of enumeration, those selling intoxicating liquor, fermented malt beverages, gasoline or firearms.

(d) Call upon regular and auxiliary law enforcement agencies and organizations within or without the City of Madison to assist in preserving and keeping peace and order within the City.

(3) If, because of the emergency conditions, the Common Council is unable to meet with promptness, the Mayor or, in the event of her/his inability to act, the president of the Council or other successor as determined under Section 3.02(3), shall exercise by proclamation all of the powers conferred upon the Common Council under Subsec. (1) or (2) which within the discretion of the Mayor or the Mayor's successor appear necessary and expedient for the purposes herein set forth. The proclamation shall be subject to ratification, alteration or repeal by the Common Council as soon as the Common Council can meet, but the subsequent action by the Common Council shall not affect the prior validity of the proclamation.

(4) The proclamation, ordinance, or resolution declaring an emergency under Subsec. (1), (2) or (3) shall be effective upon its issuance and its dissemination to the public by appropriate news media.

(5) Any person who willfully fails or refuses to comply with any lawful order or duly authorized law enforcement officers or personnel charged with the enforcement of such proclamation of emergency shall be subject to a forfeiture of not more than five hundred dollars ($500) for each offense.

(6) Each portion of this section is deemed severable and if any provision is held to be unconstitutional or invalid for any reason, such decision shall not affect any portion of this section other than the portion or portions affected by such decision.

(7) This section shall supersede all other provisions of the Madison General Ordinances in conflict with this section.

(Cr. by ORD-05-00202, 1-3-06; Renum. by ORD-07-00048, 4-12-07)

3.20 EMERGENCY MANAGEMENT.

(1) Policy and Purpose.

(a) Emergency Management requires the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are

primarily responsible, to minimize and repair injury and damage resulting from disaster of all kinds, including enemy action and natural or unforeseen disasters, it being necessary to:

1. Establish a local emergency management plan.
2. Provide for the exercise of necessary powers during emergencies resulting from disaster; and
3. Provide for cooperation and mutual assistance between this City and other political divisions.
4. Collaborate with private individuals and entities for the purpose of preparing for, responding to and recovering from such disasters and emergencies.

(b) It is further declared to be the purpose of this ordinance and the policy of the City that all emergency management functions of the City shall be carried out pursuant to this ordinance and the emergency management plan developed hereunder, as part of a county-wide emergency management program to the maximum extent practicable. Existing services and resources of this City shall be used as needed. All of this shall be carried out within the framework of Wis. Stat. ch. 323. (Am. by ORD-10-00089, 9-15-10)

(2) Definitions. In this chapter,

(a) "Biological agent" means any of the following:

1. A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is specified under 42 CFR 72, Appendix A and all subsequent and amendments. (Cr. by ORD-15-00022, 3-4-15)
2. A genetically modified microorganism or genetic element from an organism under Sub. (a) that is shown to produce or encode for a factor associated with a disease.
3. A genetically modified microorganism or genetic element that contains nucleic acid sequences coding for a toxin under Sub. (a) or its toxic subunit.
4. An agent specified by the State of Wisconsin Department of Safety and Professional Services by rule. (Am. by ORD-12-00035, 3-28-12)

(b) "Bioterrorism" means the intentional use of any biological, chemical, or radiological agent to cause death, disease, or biological malfunction in a human, animal, plant, or other living organism in order to influence the policy of a governmental unit or to intimidate or coerce the civilian population.

(c) "Chemical agent" means a substance that has chemical properties that produce lethal or serious effects in plants or animals.

(d) "Civil defense" means all measures undertaken by or on behalf of the state and its subdivisions: to prepare for and minimize the effect of enemy action upon the civilian population.

(e) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or critical systems, including computer, telecommunications, or agricultural systems. (Cr. by ORD-10-00089, 9-15-10)

(f) "Emergency" means either:

1. The imminence or existence of a major disaster or catastrophe resulting from enemy attack, sabotage, or other hostile action or by fire, flood, earthquake, or other natural or unforeseen causes which are clearly beyond the control of normal government services, personnel, equipment and facilities; or

2. When a state of emergency has been proclaimed by the governor of the state or the Mayor or designee hereunder or by the Common Council as provided in Section 3.19, M.G.O.

(g) "Emergency management" includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

1. to prepare for and minimize the effect of enemy action and natural or unforeseen disaster upon the civilian population;
2. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities or facilities destroyed or damaged by such action or disaster;
3. to develop and implement a plan to ensure the continuity of normal governmental operations during an emergency.
4. to assist as appropriate the civilian population in the recovery from an emergency.

(h) "Emergency Management Coordinator" shall mean "Head of Emergency Management Services" as that term is used in Wis. Stat. ch. 323. (Am. by ORD-10-00089, 9-15-10)

(i) "Enemy action" means hostile action by a foreign power which threatens the security of this City or a portion thereof.

(j) "Incident command system" means a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all of the agencies involved in a multi-jurisdictional or multi-agency emergency response.

(k) "National incident command system" (NIMS) is a national approach to an incident command system providing an integrated system with uniform processes, protocols and procedures for emergency response at every level of government.

(l) "Public health emergency" means the occurrence or imminent threat of an illness or health condition that meets all of the following criteria:

1. Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.
2. Poses a high probability of any of the following:
   a. A large number of deaths or serious long-term disabilities among humans.
   b. A high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

(m) "Radiological agent" means radiation or radioactive material at a level that is dangerous to human health.

(n) "State of emergency" means the interim of time between the imminence of or the beginning of an emergency or the issuance of the proclamation declaring an emergency by either the governor; County Executive of Dane County; Mayor or designee hereunder; the Common Council; or other official as authorized under Section 3.19, MGO and a terminating proclamation is issued by such official declaring the period of extreme emergency to be at an end.

(Secs. 3.20(2)(e) - (m) Renum. to Secs. 3.20(2)(f) - (n) by ORD-00089, 9-15-10)

(3) Emergency Management Coordinator.

(a) There is hereby created a position of Emergency Management Coordinator who shall serve as the link between the City and State and Dane County Offices of Emergency Management as well as between the City and private individuals and/or entities for emergency management purposes. S/he shall be appointed by the Mayor, subject to confirmation of the Common Council and shall have responsibility in matters concerning the City's emergency management as set forth in this ordinance.

(b) Duties and Authority. The Emergency Management Coordinator shall have the powers and duties set forth in Subsection (4), below. S/he shall be the coordinator of emergency management for the City and shall have direct responsibility for organizing, administering, training and operating emergency management within the framework of the City's emergency management plan and shall serve as the signatory for the City in emergency management matters during a state of emergency in the absence or unavailability of the Mayor.

(4) Powers and Duties of the Emergency Management Coordinator.

(a) The Emergency Management Coordinator shall develop and promulgate emergency management plans consistent with state plans, direct the emergency management program and perform such other duties related to emergency management as are required by the Common Council. The emergency management plan shall require the use of the incident command system and NIMS, as appropriate, by all emergency response agencies, including the local health department as defined in Wis. Stat. § 250.01(4), during a state of emergency declared by the Governor under Wis. Stat. § 323.10, or by the Mayor or Common Council hereunder, or by the Common Council under Sec. 3.19 of the Madison General Ordinances or in any other multi-jurisdictional or multi-agency emergency response. (Am. by ORD-10-00089, 9-15-10)

(b) The Emergency Management Coordinator shall coordinate and schedule City emergency management training programs and exercises, direct participation in emergency management programs and exercises ordered by the adjutant general of the State of Wisconsin and the Dane County director of emergency management, and advise the Dane County director of emergency management on City emergency management programs and submit to him or her such reports as he or she requires.

(c) In addition, the Emergency Management Coordinator shall be responsible for performance of the following activities:

1. Develop an organized and comprehensive emergency plan for the City.
2. Assess risks and potential risks and hazards.
3. Serve as a resource to organize, train, and equip emergency responders and emergency management staff.
4. Support incident command system.
5. Serve as Emergency Operation Center director.
6. Review City agency plans to ensure plans are coordinated, current and comprehensive.
7. Serve as staff advisor to the Mayor on emergency management matters.
8. Keep the Mayor apprised of the preparedness status and emergency management needs.
9. Coordinate City planning and preparedness activities.
10. Prepare and maintain a resource inventory.
11. Ensure City plan is coordinated with other state and local government plans.
12. Coordinate periodic emergency exercises.
13. Perform as necessary liaison with the state emergency management staff and other local emergency management personnel.
14. Coordinate with organized volunteer groups and businesses regarding emergency operations.
15. Prepare the City to manage emergencies from mitigation and preparedness to response and recovery.
16. Direct the activities of the Emergency Management Planning Staff Team.

(5) (Rep. by ORD-15-00022, 3-4-15)

(6) Utilizing Existing Services and Resources.

(a) Resources. In preparing and executing the emergency management plan, the services, equipment, supplies and facilities of the existing departments and agencies of the City shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such service and facilities as are required of them by the Emergency Management Coordinator.

(b) Management Services. Specific assignments to various departments for emergency management purposes shall be made in accordance with the Madison emergency management plan as approved by the Common Council.

(c) Management Cooperation. All Department and Division heads shall assist the Emergency Management Coordinator in the development of the emergency management plan to ensure the safety and welfare of the general public and the continuity of normal governmental operation during a state of emergency.

(d) Contracting Powers. The Emergency Management Coordinator is empowered to enter into contracts to purchase or provide goods and services consistent with the mission of Emergency Management, as authorized by the Emergency Management Plan approved by the Common Council and in accordance with all adopted budgetary restrictions and authorizations.

(7) Emergency Regulations. Whenever necessary, to meet an emergency for which adequate regulations have not been adopted by the Common Council, the Common Council and/or the Mayor, pursuant to Sec. 3.19, MGO, may issue a proclamation to promulgate and serve such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public's health and safety and to protect lives and property and to insure the cooperation necessary for emergency management activities. Such proclamation shall be in accordance with Section 3.19, MGO.

(8) Mutual Aid Agreements. The Emergency Management Coordinator may, subject to the approval of the Common Council, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the City Clerk and the State Adjutant General.

(9) Declaration of Emergencies.

(a) Upon the declaration of a state of emergency by the Governor, by the Mayor, or in the absence of the Mayor, by the President of the Common Council or the individual designated under Sec. 3.19, MGO, or by the Common Council under Sec. 3.19, MGO, the Emergency Management Coordinator shall disseminate all proclamations as to the existence of such state of emergency and shall issue such alerts as shall be required in the emergency management plan.

(b) Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

(c) During the continuance of a state of emergency, proclaimed as set forth herein, the Emergency Management Coordinator may contract with any person to provide equipment and services on a cost basis to be used in disaster relief and/or commandeer materials, services and property in the public interest and safety. Such authority to contract shall be limited to the provision of goods and services necessary to stop further damage and/or to maintain basic municipal services and/or infrastructures. Contracts in excess of ten thousand dollars ($10,000) shall require approval of the Mayor.

(d) Upon the completion of the work described in sub. (c) and the termination of the state of emergency, the Emergency Management Coordinator shall make a complete report of the work to the Mayor and the Common Council, stating in detail the items of cost and the total cost of doing the work. The City Clerk shall publish the report as a part of the proceedings of the Common Council.

(10) City Security. No person shall be employed or associated in any capacity in any emergency management services under this Section who advocates a change by force or violence in the constitutional form of government of the United States or this state or who has been convicted of or is under indictment or information charging any subversive act against the Untied States.

(11) Emergency Management Funds. Such money deemed necessary for the carrying out of the purposes of this ordinance, except as otherwise specifically provided, shall be disbursed in the manner prescribed for the disbursement of public funds, excepting in case of a state of emergency proclaimed as provided herein. In which event the Mayor may disburse such reasonable and necessary contingency funds within his/her discretion for emergency government purposes without the signature or countersignature of any other City officer or compliance with any other ordinance. Upon the completion of the work and the termination of the state of emergency, the Mayor shall make a complete report of the work to the Common Council, stating in detail the items of cost and the total cost of doing the work. The City Clerk shall publish the report as a part of the proceedings of the Common Council.

(12) Enforcement. It shall be the duty of every emergency government committee established pursuant to this Section and the Emergency Management Coordinator, Department Heads, officers, agents, employees and all other City and emergency government personnel to execute, enforce and obey such lawful orders rules and regulations as may be issued by the Mayor during a state of emergency.

(13) Penalty. Any person who refuses to comply with any lawful order issued under this section shall be subject to a forfeiture of up to five thousand dollars ($5000). Each and every refusal to comply with an order shall be considered a separate offense. (Am. by ORD-15-00023, 3-4-15)

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.21 Am. by ORD-05-00202, 1-3-06)

3.21 REDISTRICTING OF DISTRICTS AFTER DECENNIAL CENSUS.

Upon reapportionment and redistricting of the districts of alderpersons after the decennial census, any alderperson residing in the same numbered district from which he or she was elected shall, pursuant to Wis. Stat. § 62.08(3), represent the new district from and after the effective date of the redistricting. Any alderperson who no longer resides in the same-numbered district from which he or she was elected, due to the redistricting, may serve out the remaining portion of his or her term representing the new district of the same number. (Cr. by ORD-11-00090, 8-1-11)

3.22 - 3.29 RESERVED FOR FUTURE USE.

SUBCHAPTER 3B: QUALIFICATIONS OF OFFICIALS AND EMPLOYEES

3.30 QUALIFICATIONS—CITY OFFICERS, MEMBERS OF COMMISSIONS, AND EMPLOYEES.

(1) Citizenship. No person shall be eligible for election as an officer of the City of Madison unless he or she shall be at the time of his or her election a citizen of the United States. (Am. by ORD-05-00211, 1-3-06; Renum. by ORD-07-00048, 4-12-07)

(2) Residence: Boards, Commissions and Committees. Each person who is or shall be eligible for appointment as a member of a City of Madison board, committee or commission shall be a resident of the City of Madison, provided, however, that this provision shall not apply to a member of or candidate for appointment to a City of Madison board, committee or commission where, in the judgment of the Mayor and two-thirds (⅔) of the Common Council, the best interests of the City will be served by the appointment of a non-resident member who is particularly well qualified by reasons of education, background, and experience with Madison business concerns or other Madison-based employers and the Mayor specifies fully to the Common Council the reasons why he or she is recommending such appointment. The provisions of this subsection shall not apply to persons who are employed under a joint and cooperative arrangement with Dane County, nor shall it apply to appointments to the Equal Opportunities Commission Employment Committee if the appointee works for a business located in Madison. Wherever in these ordinances a reference is made to a resident member of a committee, the appointment is subject to this section.

In the event that any person required to reside in the City of Madison or ceases to reside in his or her respective jurisdiction, his or her position shall be deemed vacated. Such vacancy shall be filled in the manner prescribed by law or ordinance for the original appointment of that position. (Am. by Ord. 12,837, 6-26-01; Ord. 12,871, 8-7-01; R. & Recr. by Ord. 13,700, 9-29-04; ORD-06-00177; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00207, 12-10-13; ORD-17-00030, 3-8-17)

(3) Residence of Certain Employees. Each person holding or who is eligible for appointment or employment to a position in Compensation Group 21, Secretary to the Mayor, Deputy Mayor or Library Development Director shall be a resident of the City of Madison. The Mayor may grant any person covered by this ordinance six (6) months to establish residency in Madison, after which time this ordinance applies in full. In unusual circumstances as determined in the Mayor's sole discretion, the period may be extended by the Mayor for an additional ninety (90) days. In the event any such person no longer resides in the City, such position shall be deemed vacant. In the event any other City employees are required to live within a specified distance of the City and such employee fails to live in the specified area, such position shall be deemed vacant.

This a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5). (Cr. by CHA-13-00005, Pub. 12-10-13, Eff. 2-10-14; Am. by CHA-14-00001, Pub. 3-12-14, Eff. 4-29-14; ORD-16-00105, 12-2-16)

3.31 BONDS TO BE FILED BY CITY OFFICERS. The amount of the bonds required by Wis. Stat. §§ 62.09(4)(b) and 62.09(11)(i), to be paid by the City and to be filed by certain City officers shall be as follows: (Am. by ORD-13-00080, 5-29-13)

(1) Treasurer: One hundred thousand dollars ($100,000.00), provided, however, that the City Treasurer shall be exempted from giving any additional bond under the provisions of Wis. Stat. § 70.67(1) , conditioned for the accounting and paying over according to law all taxes of any kind which shall come into her or his hands and which she or he is required to pay to the County Treasurer, and in lieu thereof the City of Madison, Dane County, Wisconsin pursuant to the provisions of Wis. Stat. § 70.67(2), do and hereby does obligate

the City of Madison to pay in case the Treasurer thereof shall fail to do so, all taxes of any kind required by law to be paid by such Treasurer to the County Treasurer. (Am. by ORD-14-00012, 1-14-14)

(2) Chief of Police: Ten thousand dollars ($10,000.00). (For the amount of bond of the Finance Director, see Section 4.01(2).) (Am. by Ord. 8791, 2-14-86; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-11-00037, 3-8-11)

(3) Clerk and Deputy Clerk: Two thousand dollars ($2,000). (Cr. by ORD-13-00080, 5-29-13)

(4) Municipal Court Clerks: Two thousand dollars ($2,000). (Cr. by ORD-13-00080, 5-29-13)

3.32 ABSENCE OF EMPLOYEES FROM DUTY.

(1) Definitions.

(a) As used in this section, the term "employee" shall mean all City employees other than those holding stagehand positions, seasonal positions, hourly positions or crossing guard positions which are specifically exempted from the following provisions unless explicitly stated otherwise. This term shall include City employees who are exempted from the Civil Service System as specified by Sec. 3.53(1), MGO, except members of Compensation Groups 43 and 44. (Am. by Ord. 11,666, 9-4-96; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(2) Duties of Human Resources Director and of Division or Department Heads. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(a) It shall be the duty of each division or department head to indicate on such division or department absence record accompanying the payrolls the amount of each employee's absence from duty, together with the cause of such absence.

(b) It shall be the duty of the division of department heads to keep a record of such absence whether paid or unpaid.

(c) No person in the employ of the City of Madison shall receive compensation for time when they are absent from duty unless such absence is shown on the absence record accompanying the payroll of said division or department.

(d) An overpayment to any employee which is made by reason of a false report by the department head or other officer or employee shall be chargeable to the person making such false report who shall reimburse the City for such overpayment. Such overpayment may be deducted from any amounts due from the City to the person making such false report.

(e) No employee shall be absent from duty without permission of the division or department head. After three (3) days' absence not satisfactorily explained to the head of the division or department, the position may be declared vacant by the division or department head.

(3) Standard Workweek, Hours Per Week, Per Day.

(a) The standard number of hours per week during which nonrepresented field personnel shall be on duty, shall be forty (40) hours. The standard number of hours per week for office personnel shall be thirty-eight and three-quarters (38¾). The standard number of days per week during which all nonrepresented employees shall be on duty shall be five.

(b) The standard number of hours per day for nonrepresented non-office personnel shall be eight (8) hours. The standard number of hours per day for nonrepresented office personnel shall be seven and three-quarters (7¾) hours. Appointing authorities may establish reasonable daily starting and ending times to meet the needs of their respective departments and divisions.

(c) Department and division heads may permit their affected non-represented employees to work other than standard daily hours to avoid incurring overtime if the department or division head and the employee mutually agree in writing on the hours to be worked. A core set of hours which must be worked shall be established

by the department head and division head to meet the missions of their departments and the best interests of the City. The sets of core hours shall be approved in advance by the Mayor and the Management Team.

(d) The standard work week/work day for employees in Compensation Groups 15, 16, 20, 23, 32, 33 and 71 shall be the work week/work day in effect for that particular compensation group at the expiration of that compensation group's labor agreement.

Before making any permanent shift changes, the Department and Division head, or their designee, shall notify the representative of the particular compensation group five (5) days notice in advance of the anticipated date of the permanent shift change. Department and Division heads, or their designee, shall confer with the representative of the compensation group regarding the impact of the permanent shift change. If there is agreement among all parties, the permanent shift change may be implemented with five (5) working days advance notice to the employee. Should a Department or Division head, or their designee, implement a shift change without the required five (5) day notice or fail to provide the required five (5) working day advance notice to the employee, all time worked shall be paid at time and one-half (½) for the hours worked until the five (5) day notice period is reached. This paragraph does not apply to shift changes necessary to cover another employee's absence, employees hired in a classification as relief workers or to seasonal work assignments.

Upon expiration of the collective bargaining agreements, provisions regarding the number and duration of lunches and breaks shall continue, in accordance with City policy unless modified by mutual agreement.

(Sec. 3.36(4) Am. by Ord. 11,777, Adopted 1-21-97); (Renum. by ORD-07-00048, 4-12-07)

(e) For employees in Compensation Group 15, hourly employees are defined as persons who were hired for the period of April through the Friday following the Thanksgiving Holiday, and may be assigned to perform a variety of jobs as vacation replacements.

(f) For employees in Compensation Group 16 and 20, Seasonal employees are defined as persons who are employed and/or re-employed on a temporary basis for seasonal work of a temporary nature. Hourly employees are persons who are employed on a temporary basis or in continuously-filled positions working on average less than fifty percent (50%) time.

(g) Seasonal and hourly employees in Compensation Groups 16 and 20 shall work no more than one thousand one hundred eighty (1,180) hours in a calendar year. The City will not rotate seasonal and hourly employees in and out of a job to provide a continuously-filled position.

(h) Employees in Compensation Groups 15, 16 and 20, who work beyond the calendar or hours limitations outlined in (e) through (g) above shall receive triple time for all hours worked beyond the limitations.

(i) Employees in Compensation Group 31 are classified as Library Pages. There is no limitation on the duration or number of hours a Library Page can work.

(j) Upon expiration of the collective bargaining agreements, provisions regarding the number and duration of lunches and breaks shall continue, in accordance with City policy unless modified by mutual agreement.

(Secs. 3.32(3)(e) - (j) Cr. by ORD-15-00074, 7-29-15)

(4) Leave of Absence Without Pay. Department heads may, in appropriate circumstances, grant leaves of absences without pay to employees, including those in limited term positions, but if such leave is to extend for more than fifteen (15) working days, written approval of the Mayor must be secured. A leave of absence without pay for employees on probation shall act to extend the probationary period by the length of time of leave. (Am. by Ord. 7866, 11-15-82; Renum. by ORD-07-00048, 4-12-07)

(5) Sick Leave and Worker's Compensation Supplement.

(a) Leave of absence with pay to serve as sick leave shall mean absence from duty because of illness or bodily injury, when not a Worker's Compensation case; exposure to contagious disease; and serious illness or death in the "immediate family" of the employee, as defined in Sec. 3.32(12)(a)3.

(b) Sick Leave Eligibility.

1. All City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive sick leave. Employees in hourly positions as defined in the Personnel Rules, shall be eligible to receive sick leave except that no sick leave credit shall be granted unless earn. (Am. by Ord. 7866, 11-15-82; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00083, 6-5-09)
2. Probationary employees in their original six (6) months of employment may draw in advance of the amount of sick leave which would be accrued within the six (6) months. Thereafter no sick leave credit shall be granted unless earned. If the employee's service is terminated prior to the end of this period, the employee shall reimburse the City for any unearned sick leave.
3. In the event that a seasonal employee shall move from the status of seasonal to the status of permanent without an interruption of continuous service of more than two consecutive pay periods, then the employee so appointed shall upon completion of probation be credited for one-half day sick leave for each eighty (80) hours worked from the earliest date of employment followed by continuous service. (Am. by Ord. 6879, 1-23-80; Renum. by ORD-07-00048, 4-12-07)

(Am. by ORD-10-00019, 2-18-10)

(c) In cases where a department or division head has reason to believe that an employee has attempted to use sick leave for a reason other than for those specified in Subdivision (a), above, the department or division head may require the employee to provide a physician's certificate explaining the necessity for the employee's time of absence from work, or other documentation substantiating that the absence was for a reason specified in Subdivision (a), above. An employee's failure to provide adequate medical or other explanation may result in loss of pay for the time absent. In addition, an employee's attempt to use the sick leave benefit for reasons other than for those so specified may subject the employee to discipline, in accordance with the procedures set forth in the Personnel Rules.

In all cases in which an employee is absent for more than ten (10) consecutive work days and in which no physician's certificate explaining the necessity for the absence has been provided by the employee, the department or division head may require such a certificate before salary payment is authorized for sick leave beyond the tenth day. In cases in which the absence continues for more than thirty (30) consecutive work days, the department or division head may require the employee to provide a physician's certificate explaining the necessity for the absence and file it with the Human Resources Director before further salary payment is authorized unless in view of the physician's latest certificate, further certification appears to be either temporarily or permanently unnecessary in which case the Human Resources Director shall advise the department or division head in writing to that effect. (Am. by Ord. 10052, Adopted 6-19-90; R. & Recr. by Ord. 12,689, 10-9-00; Renum. by ORD-07-00048, 4-12-07)

(d) In cases in which a department or division head has reason to believe that an employee's fitness for duty is in question, the department or division head may, with the approval of the Human Resources Director, direct the employee to undergo a physical or mental examination by a physician of the City's choice to determine the employee's fitness to perform his or her assigned duties. The expense

of such examination shall be borne by the City. The Human Resources Director shall establish a written procedure for the conduct of any such examination or follow-up examinations. (Cr. by Ord. 12,689, 10-9-00; Renum. by ORD-07-00048, 4-12-07)

(e) Sick Leave Accumulation.

1. Earning of Sick Leave.

a. Permanent and Limited Term Employees. Sick leave shall be earned at the rate of one-half (½) day per biweekly pay period of service; provided, however, that eligible employees who work less than full-time shall earn proportionate sick leave in the same ratio as their part-time employment bears to full-time employment in the same or similar position. The term "per biweekly pay period of service" shall be construed to be any biweekly pay period in which the employee has completed six (6) days of compensated service. The term "compensated service" as used herein shall include time spent on sick leave, vacation or Worker's Compensation status.

b. Hourly Employees. Sick leave shall be earned at the rate of one (1) day (8 hours) of sick leave for each two hundred (200) hours of work to a maximum of three (3) days in the calendar year. The three (3) day maximum shall apply regardless of any payout or loss of accumulated sick leave resulting from a resignation, seasonal layoff or termination. In calculating the hours of work to be counted towards the determination of sick leave accrual, only an employee's regular hours of work shall be counted. Overtime hours shall not be included in the determination of eligibility or accrual of sick leave. Hourly employees shall be eligible to earn sick leave benefits from January 1, 2009 or from their first day of employment, whichever date occurs the most recently.

(Sec. 3.32(6)(e)1. Am. by ORD-09-00083, 6-5-09)

2. Accumulation of Sick Leave and Distribution of Value Thereof.

a. Permanent and Limited Term Employees. Sick leave may be accumulated to a total not in excess of one hundred sixty-three (163) working days. All permanent and limited term employees who retire or who become disabled and who are also eligible to receive either Social Security benefits, Wisconsin Retirement Fund annuity payments or other publicly established retirement fund annuities, shall receive the equivalent value of one hundred per cent (100%) of their accumulated unused sick leave credits.

These funds will be placed into the City of Madison Post-Retirement Sick Leave Conversion Medical Reimbursement Plan and Trust, pursuant to the terms of the Plan, or the City of Madison Governmental 401(a) Special Pay Plan and Trust, pursuant to the terms of the Plan, as the same may be amended from time to time. Other employees may participate in these plans pursuant to their terms. (Sec. 3.36(6)(d)2. Am. by Ord. 11,666, 9-4-96; Ord. 12,479, 10-9-00; Renum. to 3.36(6)(e)2. by Ord. 12,689, 10-9-00; ORD-06-00116, 8-22-06; ORD-06-00099, 8-2-06; ORD-06-00158, 12-8-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00083, 6-5-09)

b. Displaced Employees. Employees who are displaced and become unemployed as a direct cause of the transfer of a Department/ Division operation to another government or the subcontracting of said operation to a private entity shall be eligible to receive up to

the equivalent value of their accumulated unused sick leave credits computed at their prevailing rate (including longevity pay) in effect at the time of the employee's layoff not to exceed the value of six (6) months of the employer's normal contribution toward health insurance. These funds will be placed in an escrow account administered by the City and will be used to continue the City's normal contribution toward health insurance premiums for a period not to exceed six (6) months following the date of layoff until such time as he/she becomes employed or until such funds are exhausted whichever occurs first. If the eligible employee is recalled or rehired by the City of Madison within twenty-four (24) months of the layoff, the accumulated unused sick leave credits not converted to the escrow account for health insurance contributions pursuant to this section shall be restored to the employee.

c. Hourly and Seasonal Employees.

i. At the time of layoff, a seasonal or hourly employee shall be paid fifty percent (50%) of the value of any unused sick leave that they have accrued. Payment shall be made in the pay period immediately following the date of the affected employee's layoff. For hourly employees not seasonally laid off, the employee will have an automatic annual carryover of up to three (3) sick days per year. If more than three (3) sick days has accrued at the end of the calendar year, the employee shall be paid fifty percent (50%) of the value of any accrued unused sick leave in excess of three (3) days. If a seasonal or hourly employee is terminated or resigns prior to the end of the term or season for which they were hired, the employee forfeits all accumulated sick leave. However, resigning from a position for the purpose of returning to school for the fall semester shall be considered a layoff. (Cr. by ORD-09-00083, 6-5-09; ORD-13-00159, 10-9-13)

ii. Non-seasonal hourly employees will be permitted to carry over a maximum of three (3) sick days into the next calendar year.

d. Distribution Upon Moving Into A Permanent Position. If a limited term, seasonal or hourly employee moves from that position to a permanent position without interruption in their employment with the City, such employee shall upon completion of probation, if one is served, receive one-half (½) day sick leave for each eighty (80) hours worked. If the position is obtained through a non-competitive process, then such benefits shall be limited to the earliest date of uninterrupted employment with the City. The balance of any accrued sick leave earned as an hourly or seasonal employee shall be deducted from the forgoing sick leave benefit calculation. (Cr. by ORD-09-00083, 6-5-09)

3. Accumulation in Excess of One Hundred Fifty (150) Days. Employees, except as listed in 4. and 5. below, earning sick leave in excess of one hundred fifty (150) days shall receive a cash sum equivalent to employee's regular salary times the number of excess days said payment to be made on the pay date of pay period 25. (Am. by Ord. 11,666, 9-4-96; ORD-06-00158, 12-8-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00069, 4-17-09; ORD-16-00088, 10-26-16)

4. Employees in Compensation Group 15. Employees in Compensation Group 15 may accumulate up to a total of one hundred sixty-three (163) days of sick leave. At the end of each year, any employee with a sick leave balance in excess of one hundred fifty (150) days will receive a payout on the pay date of pay period 25 equivalent to the employee's regular salary times the number of excess days. (Am. by ORD-16-00088, 10-26-16)

5. Employees in Compensation Group 16 and 20. Employees in Compensation Groups 16 and 20 who have accumulated a sick leave balance in excess of one hundred fifty (150) days, their balance from the previous year will remain and fifty percent (50%) of any newly accrued sick leave days will be paid out on the pay date of pay period 25 with the remaining fifty percent (50%) added to the total accrued sick leave time. (Am. by ORD-16-00088, 10-26-16)

6. Death Benefit. Employees earning sick leave who die while employed by the City shall have an amount equal to their current rate of pay, including longevity times their accrued unused sick leave added to the last pay due the employee.

(Sec. 3.36(6)(e) Renum. from Sec. 3.36(6)(d) by Ord. 12,689, 10-9-00; Am. by Ord. 13,291, 4-5-03; Renum. by ORD-07-00048, 4-12-07)

(f) Worker's Compensation Supplement. All employees shall be considered eligible for Worker's Compensation Supplement. In the event an eligible employee is entitled to receive compensation for temporary total disability in accordance with the provisions of Wis. Stat. ch. 102, said employee shall continue to be paid by the City at eighty percent (80%) percent of the same rate and upon the same basis as he/she was paid prior to such injury, provided that no employee shall receive less than the same net regular rate of pay as he/she was paid prior to such injury. Said pay shall include the employee's Worker's Compensation pay for a period not to exceed one hundred eighty (180) working days or thirty-six (36) working weeks and during such period the employee is receiving full pay under the provisions of this subdivision said employee shall continue to accrue sick leave and vacation in accordance with the provisions of this section, provided that no employee by reason of this subdivision shall receive pay for more than fifty-two (52) weeks in any calendar year. Payment provided herein shall include the first three (3) days said employee is absent from work. Pay by the City "at the same rate and upon the same basis" and "regular rate of pay" shall mean only base salary, plus any earned step increases, plus any earned longevity in effect immediately prior to the injury or illness subject to the provisions of Sec. 3.54 or any duly authorized labor agreement. (Am. by Ord. 9446, 3-23-88; Renum. from Sec. 3.36(6)(e) by Ord. 12,689, 10-9-00; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(6) Vacation.

(a) Eligibility. All City employees who have completed an original probationary period shall be eligible to receive an annual leave of absence with pay to serve as vacation. However, employees who are required to serve a probationary period in excess of six (6) months shall be eligible to receive earned paid vacation leave after completion of six (6) months of probation, not to exceed fifty percent (50%) of the employee's authorized starting vacation balance. In the event that an employee in a seasonal or hourly position who is otherwise ineligible to receive vacation shall move from the status of seasonal or hourly to the status of permanent without an interruption of continuous service of more than two consecutive pay periods, then the employee so appointed shall upon completion of probation be credited for vacation leave of one (1) day for each two hundred eight (208) hours worked from the earliest date of employment followed by continuous service. This provision

does not apply to crossing guards. (Am. by Ord. 12,099, 4-20-98; ORD-07-00011, 2-20-07; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10; ORD-13-00068, 5-8-13; ORD-16-00083, 9-29-16)

(b) Carry-Over. Up to two (2) weeks of vacation leave which is not taken within the calendar year in which it is earned will be carried over automatically; unused vacation beyond two (2) weeks may be carried over with the permission of the Department or Division Head and Human Resources Director. (Am. by ORD-09-00017, 2-6-09)

(c) Schedule.

1. Vacation leave for the City employees described in Subdivision (a) above, except as provided in Sec. 3.32(6)(c)7. below, shall be earned at an equivalent monthly rate in accordance with the following table:

Continuous Service Time	Full-Time Equivalent Annual Work Days of Vacation
After completion of one (1) year	10
After completion of three (3) years	12½
After completion of seven (7) years	15
After completion of eleven (11) years	17½
After completion of fifteen (15) years	20
After completion of nineteen (19) years	25
After completion of twenty-seven (27) years	27

(Am. by Ord. 10,383, 2-27-92; Ord. 12,563, Adopted 4-11-00; ORD-05-00013, 1-18-05; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

2. Authorized leave of absence without pay in excess of thirty (30) working days and periods of layoff shall not qualify as service time in computing continuous service for vacation. (Am. by ORD-10-00019, 2-18-10)

3. Computation of Eligible Employee's Vacation. Eligible employee's vacation shall be computed from the date of appointment. A proportional part of each employee's annual vacation shall be earned upon completion of each biweekly pay period of service.

   a. The term "biweekly pay period of service" shall be construed to be any biweekly pay period in which the employee has completed six (6) days of compensated service. "Compensated service" as used herein shall include time spent on sick leave, holiday, vacation or any other authorized leave for which regular, full pay is received.

   b. All annual vacation allowances shall be computed to the nearest one-half (½) day.

4. Reimbursement. Vacation which would normally be earned in a calendar year may be taken during such year; but if the employee's service is terminated prior to the end of the year, the employee shall reimburse the City for any unearned vacation leave taken, which amount shall be deducted from the employee's last wages.

5. Legal holidays falling within the period of annual leave are not included in the period of such leaves. In employment where Saturday is a half work day it shall be counted as a full day.

6. Vacation Schedule. The vacation schedules for employees in a division or department shall be developed by the division or department head. It shall be the policy of each division or department head to schedule vacations over as wide a period as possible in order to obviate the need for temporary

personnel. The use of vacation in smaller increments than one week shall be allowed. Accordingly, vacation shall be granted subject to the approval of the department or division head.

7. New Appointments. Pursuant to Sec. 3.54(10)(a), MGO, the Mayor may designate a new appointment's beginning vacation leave entitlement at any step within the vacation schedule. For vacation purposes, the designation will be deemed to carry with it the minimum years of continuous service necessary for that step in the vacation schedule. Thereafter vacation leave for the person appointed shall be earned in accordance with the schedule in Sec. 3.32(6)(c)1. above. (Cr. by ORD-05-00013, 2-15-05)

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.36(7)(c) Am. by Ord. 8626, 7-2-85)

(d) Vacation Credit Upon Death. Eligible employees and officers upon death, shall have added to the last pay due, full vacation credit for that calendar year less any vacation already taken during said year.

(e) Vacation Credit Upon Retirement. Eligible employees and officers upon retirement, shall have added to the last pay due, full vacation credit for that calendar year less any vacation already taken during said year

(f) Assistant Fire Chiefs may elect to convert up to two (2) weeks of their annual vacation to an amount of cash equivalent to said vacation calculated on the regular earnings of said employee. The employee shall apply for such conversion option in accordance with department procedure no later than October 1 of each year. Assistant Fire Chiefs may, in the alternative, elect to select a Salary Option which will convert up to two (2) weeks of vacation to pay applied to the gross salary in twenty-six (26) equal payments throughout the year. Provided, however, that under no circumstances shall either such addition to the employee's gross pay be included in calculating overtime rates or any other form of premium pay. (Cr. by Ord. 7394, 5-6-8; Renum. by ORD-07-00048, 4-12-07)

(7) Designated Holidays.

(a) Eligibility. All City employees and employees holding hourly positions shall be eligible to receive paid designated holidays. (Am. by ORD-10-00019, 2-18-10)

(b) The following are designated as holidays for City employees: January 1, the third Monday in January, the last Monday in May, July 4, the first Monday in September, Thanksgiving Day, December 25 and, for permanent and hourly employees in Compensation Group 15, the Friday after Thanksgiving. (Am. by Ord. 10064, 8-2-90; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(c) Employees must work or be on authorized paid leave the work day before and after a designated holiday in order to receive pay for the holiday. All City offices except those performing required duty shall be closed on the days listed in (b) above.

(d) In those cases where employees must perform required duty on the holidays listed in (b) above, they shall be compensated or granted time off at the rate currently in effect, in the employee's division or department, such time off to be taken at a time which is agreeable to the employee and the division or department head. For Compensation Groups 15, 16, 20, 32, 33 and 71 only, the compensated rate is two (2) times the employee's regular rate of pay for hours worked on the holidays listed in (b) above.

(e) In the event that any of the holidays listed in Sec. 3.32(7)(b) fall on a Sunday, the following Monday shall be treated as a holiday. If any of the holidays listed in Sec. 3.32(7)(b) fall on a Saturday, employees shall have an additional vacation day added to their current vacation balance. (Am. by ORD-10-00019, 2-18-10)

(f) Employees occupying positions in Compensation Groups 16, 17, 18, 20, and 33 who are regularly scheduled to work a normal shift on Sundays shall receive Easter

Sunday as a designated holiday. However, such employees shall forfeit one (1) floating holiday in lieu of Easter Sunday. (Cr. by Ord. 6716, Adopted 8-14-79; Renum. by ORD-07-00048, 4-12-07)

(8) Floating Holidays.

(a) Eligibility. All City employees shall be eligible to receive three and one-half (3½) paid floating holidays except as provided for in Sec. 3.32(7)(f). (Am. by Ord. 8776, 2-5-86; Am. by Ord. 13,469, 12-11-03; Renum. by ORD-07-00048, 4-12-07)

(b) Floating holidays shall be taken on days selected by the employee subject to the approval of the department or division head.

(c) Employees who are hired on or after November 1 will be permitted to carry over unused floating holidays into the following calendar year. (Cr. by ORD-09-00017, 2-6-09)

(Am. by ORD-10-00019, 2-18-10)

(9) Paid Leave Time.

(a) Eligibility. All City employees shall be eligible for paid leave time.

(b) 1. City facilities, except in those agencies providing essential services shall be closed on the day after Thanksgiving. In cases where employees are performing required duty on said days and cannot be granted time off, they shall be granted compensatory time off at a standard time rate at a mutually agreeable time. The intention of this provision is to grant each employee a whole day of paid leave on the day after Thanksgiving Day. Those employees who have a scheduled day off or who are on vacation or sick leave shall receive equivalent compensatory time off. (Am. by Ord. 13,469, 12-11-03; Renum. by ORD-07-00048, 4-12-07)

2. City facilities, except in those agencies providing essential services may, with the permission of the Mayor, be closed the whole day or part of the day on December 24 and December 31 where said days fall on a normal Monday-Friday workday. In the event a City facility remains open, the department head may release employees from duty on that day at the department head's discretion. In those cases when persons performing required duty cannot be granted time off on said days, appropriate compensatory time off shall be granted at a mutually agreeable time. The intention of this provision is to grant each employee time off with pay on said days provided that said days fall on a week day, Monday through Friday.

When December 24th or 31st falls on either Saturday or Sunday, employees shall be provided one (1) day vacation in lieu of the benefits provided herein for both days. Employees who have a scheduled day off, or who are on vacation or sick leave shall similarly be given equivalent compensatory time off.

3. Those employees who work on a shift which requires them to work their full shift on December 24 and/or December 31 shall be entitled to one day compensatory time off even though these days fall on a Saturday or Sunday.

(c) All paid leave time granted under sub. (9)(b) above shall be at straight time. (Am. by Ord. 9951, 2-14-90; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(d) Employees in Compensation Group 15.

1. Employees shall be given one-half (½) day off on December 24 and December 31 of each year provided these days fall on a week day (Monday through Friday). If special circumstances require the employees to work, those persons required to work on these half-days shall be granted one-half (½) day of vacation at a mutually agreeable time. When December

24 and December 31 fall on either a Saturday or Sunday, employees shall be provided a one-half (½) day of vacation in lieu of the benefits provided herein. If employees work in excess of one-half (½) day (four (4) hours), an equal amount of vacation time shall be granted at a mutually agreeable time.

2. Employees who have a scheduled day off or who are on vacation or sick leave on the above specified days are entitled to receive one-half (½) day of vacation at a mutually agreeable time. This provision shall not be operative for December 24 and/or December 31 when those days fall on a Saturday or Sunday.

(e) All paid leave time granted under sub. (9)(d) above shall be on a straight-time basis.

(10) Military Leave.

(a) Eligibility. Officials and employees of the City of Madison, including those persons holding hourly positions or crossing guard positions, who are members of the uniformed services of the United States may be eligible to take leaves of absences, without loss of credited service time, in order to fulfill their official duties as members of the uniformed services of the United States. Eligibility for such leave, the requesting of such leave, the administration of such leave and an employee's rights to reemployment upon return from such leave shall be determined in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301- 4333, as amended by Pub. L. 105-368, Veterans Programs Enhancement Act of 1998, 112 Stat 3315 (10 Nov. 1998) and any subsequent amendments to that law. Members of the Wisconsin National Guard who are called to active duty by order of the Governor or by an order issued under the authority of § 32 U.S.C. 502(f), which is not considered to be service in the uniformed services of the United States, are entitled to a leave of absence without loss of credited service time, however, such leave shall be requested, granted and administered pursuant to Wis. Stats. §§ 21.80 and §45.50-45.51, as that law may be amended from time to time. (Am. by Ord. 13,354, 7-5-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(b) Pay Differential and Leave Accumulation for Active Duty Service.

1. Subject to sub. 3, an employee who is activated to serve on military duty, other than those persons who hold hourly positions or crossing guard positions, in the U.S. armed forces shall be paid his or her City salary, less any military pay and housing allowances that he or she receives, during the period in which the employee is on military duty in the U.S. armed forces, unless the military pay and housing allowances equal or exceed his or her City salary, and shall accumulate sick leave and vacation as though no interruption in service has occurred if all of the following apply:

   a. The employee is activated to serve, or is serving, on military duty in the U.S. armed forces, other than for training purposes.

   b. On the date on which he or she is activated, the employee is either a member of the National Guard or a member of a reserve component of the U.S. armed forces or is recalled to active military duty from inactive reserve status.

   c. The employee has received a military leave of absence under Sec. 3.32(10)(a), MGO, or under a collective bargaining agreement or is eligible for reemployment with the city under Wis. Stats. § 21.80, 45.50, or under USERRA, after completion of his or her service in the U.S. armed forces.

(Am. by ORD-10-00019, 2-18-10)

2. Subject to Sub. 3, a City employee, other than those persons who hold hourly positions or crossing guard positions, who is required to serve, or who is serving, in the U.S. public health service and who is on detail with any of the U.S. armed forces shall be paid his or her city salary, less any federal pay and housing allowances that he or she receives, during the period in which the employee is detailed for duty with any of the U.S. armed forces, unless the federal pay and housing allowances equal or exceed his or her City salary, and shall accumulate sick leave and vacation as though no interruption in service has occurred. (Am. by ORD-10-00019, 2-18-10)

3. Limitations on Term of Pay Differential.

   a. Except as provided in par. b., beginning on the day in which a City employee is activated to serve on military duty in the U.S. armed forces or to serve in the U.S. public health service, the employee shall receive the pay and benefits authorized under Sub. 1. or 2. There shall be no limitation on the number of times a city employee may be deployed and receive pay differential and benefits under this ordinance so long as such employee remains eligible to return to City employment under Sec. 3.32(10), MGO, or under Wis. Stats. § 21.80, 45.50, or under USERRA.

   b. This ordinance shall not have any retroactive effect. No employee who is eligible to receive the pay and benefits under Sub. 1. or 2. may receive the pay or benefits for any service in the U.S. armed forces or the U.S. public health service for any such service that has occurred before the enactment of these provisions.

4. Any city employee who is eligible to receive the pay and benefits authorized under sub. 1. or 2. and who has completed his or her duty with the U.S. armed forces or the U.S. public health service may use up to 160 hours of accumulated vacation before the employee resumes employment with the City. Any accumulated vacation that is used under this subsection must be used no later than thirty (30) calendar days after the employee has completed his or her duty with the U.S. armed forces or the U.S. public health service. If, after using any such accumulated vacation, an employee has any accumulated vacation remaining that was accumulated while on duty with the U.S. armed forces or the U.S. public health service, the employee's department/division head and the Human Resources Director shall permit the employee to carry over the leave into the next year for use in that year. This subsection shall not have any retroactive effect and shall not apply to any periods of service occurring before the enactment of this subsection.

5. Continuity of Healthcare and Life Insurance. Unless an employee ordered to active duty (other than training) with the armed forces of the United States under the authority of Titles 10 or 32, United States Code, has specifically requested otherwise and in writing, the city shall continue to pay the employer's contribution towards health and dental insurance premiums, life insurance premiums and contributions to the Wisconsin State Retirement Fund on behalf of any employee, at the rate which would be in effect for the employee had he or she not been ordered to active duty. This subsection shall not have any retroactive effect and shall not apply to any periods of service occurring before the enactment of this subsection.

6. Suspension of Benefits. If at any time, the number of City of Madison employees currently drawing benefits under the provisions of this ordinance shall exceed the greater of either the equivalent of thirty (30) full time

employees or shall meet or shall exceed one percent (1%) of the total City workforce as determined by full time equivalents the benefits provided under this subsection are suspended by action of this ordinance. The suspension of these benefits shall remain in effect until such point in time that the number of City employees otherwise eligible to actually receive the benefits provided by this ordinance has remained, for a period of not less than ninety (90) consecutive days, at or below the greater number of either thirty (30) full time employees or one percent (1%) of the total workforce, as set forth above. Any employee who is currently receiving benefits under this ordinance at the time that such a suspension of benefits becomes operative, shall receive a thirty (30) day notice of the City's intent to suspend such benefits and such employee shall continue to receive such benefits until the thirtieth day following the issuance of such notice. The suspension of these benefits does not affect the rights and entitlements of any employee as such rights and entitlements may be guaranteed under state and federal law.

7. Notice of Benefits. Within sixty (60) days of the passage of this ordinance the Human Resources Department shall create and distribute a poster that notifies eligible employees of their rights under Sec. 3.32(10), MGO. City department/division heads shall ensure that this poster is prominently posted in all city workplaces.

(Am. by Ord. 12,563, Adopted 4-11-00; Am. by Ord. 13,354, 7-5-03; Am. by ORD-06-00074, 6-3-06; Renum. by ORD-07-00048, 4-12-07)

(11) Jury Service. Employees who are called for jury service in any court of the State of Wisconsin or of the United States shall, upon reimbursement to the City of their per diem jury payment, be entitled to leave of absence from their City position without loss in time from the service of the City to serve as jurors in such courts. There shall be no deduction from nor interruption of the pay from the City because of such absence. The leave granted by this section is in addition to all other leaves granted or authorized by any other provisions of City ordinances and the time of the leave granted under this section shall not be deemed a part of any leave granted or authorized by any other provisions of City ordinances. For the purpose of determining seniority pay or salary advancement, the status of the employee shall be considered as though not interrupted by such attendance. (Renum. from Subsection (14) by Ord. 13.354, 7-5-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(12) Death in Employee's Family or Otherwise.

(a) Death in Immediate Family.

1. Where there is a death in the immediate family of an employee such City employee including crossing guard employees, shall be eligible, in accordance with the terms of this subsection, for leave without loss of pay. Employees shall be granted up to three (3) days without loss of pay and without charge to accrued sick leave or vacation of the employee. Such leave must be used within two (2) weeks of the death, memorial service, and/or funeral service which is the basis for the leave. Authorization for exceptions to this requirement can be obtained through the Human Resources Director. The leave provided under this provision is not to be considered as vacation or holiday leave but leave provided for reasons related to the death of a close relative.. (Am. by Ord. 10052, Adopted 6-19-90; ORD-10-00019, 2-18-10)

2. In the event of the death of an "immediate family" member, leave greater than three (3) days may be granted at the discretion of the Human Resources Director with such leave charged against the compensatory time, vacation or sick leave balance of the employee at the discretion of the

employee. In the event the employee's compensatory time, vacation time and sick leave time are exhausted, the Department or Division Head may authorize up to three (3) days of vacation leave from vacation time to be earned by the employee the following calendar year which would create a negative vacation leave balance until the end of the year. In the event the employee terminates employment with the City and has a negative vacation leave balance, the vacation time advanced to the employee shall be repaid to the City from the employee's final paycheck.

3. The term "immediate family" as used in this subsection shall be limited to the following:

   a. Parents or stepparents.

   b. Husband or wife.

   c. Children, stepchildren, grandchildren, or foster children.

   d. Spouse's foster children.

   e. Brother or sister.

   f. Grandfather, grandmother, great-grandfather or great-grandmother.

   g. A person designated in writing by the employee as a family partner or that partner's children, stepchildren, grandchildren, or foster children; parents or stepparents; brother, sister, stepbrother or stepsister; son-in-law or daughter-in-law; grandparents or great grandparents. The Mayor shall establish rules and procedures for such designation of family partners. (Cr. by Ord. 9560, 8-11-88)

   h. Father-in-law, mother-in-law, step-father-in-law or step-mother-in-law.

   i. Sister-in-law, brother-in-law, stepsister-in-law or stepbrother-in-law.

   j. Son-in-law or daughter-in-law.

   k. Spouse's grandparents or great grandparents.

   l. A Domestic Partner registered with the City Clerk as provided in Section 39.03(11) of these ordinances.

(Sec. 3.36(15)(a)2. Am. by Ord. 11,708, 11-13-96; ORD-06-00158, 12-8-06; Renum. by ORD-07-00048, 4-12-07)

(b) Death Other Than in Immediate Family. Where a death of a person in the employee's family, other than her/his immediate family or otherwise occurs, employees shall be entitled to one (1) day of leave with said leave to be charged against any paid leave credits due the employee at the discretion of employee. The Human Resources Director has discretion to authorize such employee additional leave from work which absence shall be chargeable to any paid credits due the employee at the discretion of the employee. In absence of paid leave credits, the time off shall be charged as leave without pay. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00017, 2-6-09)

(c) Death of Friends. Employees shall be entitled to leave without pay for one (1) day when the memorial service takes place out of town; one-half (½) day for in-town memorial services; such time off may be charged against any paid leave credits due the employee at the discretion of the employee. In absence of any paid leave credits, the time off shall be charged as leave without pay. (Cr. by ORD-09-00017, 2-6-09)

(Renum. from Subsection (15) by Ord. 13,354, 7-5-03; Renum. by ORD-07-00048, 4-12-07)

(13) Disability Leave Without Pay. Employees who are unable to perform the essential functions of their position due to a qualifying medical condition shall be entitled to a leave of absence without pay for a period not to exceed six (6) months, subject to the following provisions:

(a) The employee shall apply for such leave, in writing, to the employee's Department/ Division Head. The Human Resources Director must approve the leave of absence.

(b) The employee shall submit a physician's report including a statement of the illness, injury or disability and whether or not the employee is able to work to the Human Resources Director.

(c) The employee shall submit to her/his Department/Division Head a physician's statement of release for work before returning to work.

(d) In the event the employee is unable to return to work at the end of the six (6) months, the employee shall be placed in a layoff status for a period not to exceed an additional eighteen (18) months.

During the period of lay-off, should the employee's physician approve, in writing, that the employee can return to work, the rights of the returning employee shall be as established in the Personnel Rules.

Employees on disability lay-off must give the Human Resources Department a minimum of three (3) weeks' notice prior to exercising their right to return in order for the displacement process contained herein to occur. The employee that is selected for initial displacement shall be given written notice of the action not less than five (5) calendar days prior to the effective date; provided, however, that a junior employee shall receive no prior notice in the case of a senior employee displacing a junior employee. Displaced employees shall have forty-eight (48) hours after receiving notice to exercise whatever options may be available to them. If a decision is not made within the 48-hour period, said employee shall be deemed to have been laid off by the City. Employees who cannot displace into a lower position and therefore are to be laid off shall receive written notice of the action not less than fourteen (14) calendar days prior to the effective date.

(e) The City and/or employee shall continue to pay health insurance premiums on the same basis as existed prior to the commencement of the disability leave of absence. However, in the event that changes occur affecting the premium payment for health insurance during the disability leave of absence, payment arrangements will be adjusted accordingly.

(f) Employees in limited term positions may be granted a disability leave without pay at the discretion of the Department or Division Head, for a period not to exceed six (6) months. Limited term employees are not entitled to displacement provisions.

(g) Employees with an employment contract may be granted a disability leave without pay at the discretion of the Mayor and are not entitled to displacement options unless set forth by individual contract.

(Sec. 3.36(16) Am. by Ord. 10,810, 1-14-94; Renum. from Subsection (16) by Ord. 13,354, 7-5-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10)

(14) Return to Service. An employee in the classified service appointed to a position in the unclassified service shall be granted a leave of absence without pay from his/her former position in the classified service for the period of his/her service in the unclassified position and for one (1) year thereafter, during which time she or he shall be entitled to return to such former position or to one of equal responsibility and pay in the classified service without loss of seniority or civil service status. Any employee receiving a greater salary in the classified service than that provided for a position in the unclassified service to which she or he is appointed, shall be entitled to the same salary while serving in such position as she or he was receiving in the classified service at the time of such appointment. This

section shall supersede any provision of law relating to the civil service application and selection procedures in conflict therewith. This section shall not apply to persons leaving civil service positions to accept employment contracts with the City nor to persons who have been terminated or demoted from such unclassified positions for any reason contained in the Personnel Rules. (Am. by Ord. 10060, 7-20-90; Renum. from Subsection (17) by Ord. 13,354, 7-5-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00019, 2-18-10; ORD-14-00012, 1-14-14)

(15) Election Day Leave.

(a) State law requires that employees be allowed time off for the purpose of voting on Election Day. Any employee wishing to vote during regular work hours should notify their supervisor in advance of the Election Day. Any employee having given notice prior to Election Day may take up to three (3) hours of vacation, compensatory time, floating holiday or absence without pay for the purpose of voting on Election Day. The City, specifically the Department or Division head, reserves the right to designate the time of day in which the employee is released from work to vote.

(b) An employee appointed to serve as a City of Madison election official pursuant to Wis. Stats. § 7.30 may use his or her vacation, holiday and/or compensatory leave during the period of time he or she would have been scheduled to work and serves as an election official. In such a case, the employee receives his or her regular rate of pay and is allowed to retain any compensation earned or received for their service as an election official.

(c) For such time as an employee is serving as a City of Madison election official pursuant to Wis. Stats. § 7.30 during the twenty-four hour period of an election day, and is not using vacation, holiday or compensatory leave, he or she shall remain on the payroll for those hours which they would have otherwise worked for the City and shall receive in addition a check in the amount of the election official compensation for the hours where there is no overlap between the employee's regular or scheduled hours and the hours they serve as an election official. (Am. by ORD-08-00138, 12-23-08)

(d) An employee appointed to serve as an election official pursuant to Wis. Stats. § 7.30 for any jurisdiction other than the City of Madison shall upon proper notice and pursuant to Wis. Stats. § 7.33(3) be granted an unpaid leave of absence for the entire twenty-four (24)-hour period of each election day in which the employee serves in his/her official capacity as an election official.

(e) An employee who serves as an election official shall provide their Department/ Division Head with at least seven days written notice of their anticipated service as an election official.

(Cr. by Ord. 13,127, 8-28-02; Renum. from Subsection (18) by Ord. 13,354, 7-5-03; Renum. by ORD-07-00048, 4-12-07)

(Section 3.32 Am. by ORD-14-00173, 12-10-14)

3.33 **TRAINEE PROGRAM.** The Personnel Board may establish an in-service trainee program designed to give rigorous training in the various classes of positions in the City classified service. Each appointment shall be for such period of time and subject to such qualification as shall be determined by the Human Resources Director with the consent of the appointing authority. Trainees hereafter appointed pursuant hereto shall not have civil service status but shall be eligible to pension rights under the provisions of the Wisconsin Retirement Fund, Chapter 41, Wisconsin Statutes, and other fringe benefits provided by the general ordinances and civil service rules of the City of Madison. Permanent employees who shall be appointed as trainees hereunder shall retain their permanent civil service status. Trainees appointed hereunder shall be paid while undergoing training in accordance with the provisions of the salary schedule currently in force. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

3.34 JUDGMENTS AGAINST EMPLOYEES. As an inducement to retain experienced, qualified personnel in City employment, as well as to encourage future recruitment of qualified personnel for City service, any employee who has a judgment for damages entered against such employee growing out of any acts done in the course of her or his employment, or out of any alleged breach of her or his duty as such employee, may petition the Common Council for payment of a sum of money equal to the amount set forth in said judgment. Payment of the aforesaid sum of money to the aforesaid petitioner may be authorized by an affirmative vote of a majority of the members of the Common Council and the approval of the Mayor. (Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00012, 1-14-14)

3.35 CODE OF ETHICS.

(1) Declaration of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all City of Madison officials and employees. The purpose of this Code is to establish guidelines for ethical standards of conduct for all such officials and employees, to set forth those acts or actions that conflict with the best interests of the City and conflict with or are incompatible with the proper discharge of duties and required independence of judgment, and to direct disclosure by such officials and employees of private financial or personal interests in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Madison.

(2) Definitions. As used in this section:

(a) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the City, money or items which are permitted and reported under Sec. 3.35(6), political contributions which are reported under Wis. Stat. ch. 11, or hospitality extended for a purpose unrelated to City business by a person other than an organization.

(b) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of her or his immediate family is a director or officer or owns or controls, directly or indirectly, and severally or in the aggregate, at least two percent (2%) of the outstanding equity. Notwithstanding the foregoing, an elected official or employee who is appointed by the Mayor or approved by the Council to serve as an officer or board member of a private non-profit organization, or a public committee or board, does so in his/her official capacity as a representative of the City of Madison and, as such, is not "associated" with the private or public organization. (Am. by Ord. 12,371, 5-6-99; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00124, 7-10-13)

(c) "Economic interest" or "financial interest" means a business or cause in which a person or her or his immediate family member has a concern, responsibility, share, right or title in the ownership of property in a commercial or financial undertaking which relates to the source, production, distribution or use of the person's or immediate family member's income, wealth or goods, including debts, or which affects or is apt to affect the welfare or the material resources of the person or immediate family member.

(d) "Immediate family" means 1. An individual's spouse or designated family or registered domestic partner, or 2. An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of her or his support from the individual or from whom the individual receives, directly or indirectly, more than one-half of her or his support.

(e) "Organization" means any public or private, profit or non-profit, religious, educational, charitable or political organization or entity but does not include governmental bodies.

(f) "Personal interest" means any interest greater than nominal, direct or indirect, arising from blood, marriage, adoption, guardianship or designated family or registered domestic partner relations or from close business, political or other associations.

(3) Application. This section applies to the following persons:

(a) Elected officials of the City;

(b) All employees of the City;

(c) All members of City boards, committees, commissions, subcommittees and ad hoc committees.

Wherever the word "incumbent" appears in this section, it shall mean all those included in subdivisions (3)(a), (b), (c).

(4) Responsibility of Public Office. Incumbents are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and municipality. They are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Incumbents shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. They shall not exceed their authority or breach the law or ask others to do so, and shall work in full cooperation with others unless prohibited from so doing by law or by officially recognized confidentiality of their work. Any complaint alleging only a violation of this sub. (4) of the Ethics Code is not within the jurisdiction of the Ethics Board unless the complaint includes allegations demonstrating that another body (a court, administrative agency, or similar entity with authority to do so) has made a final determination that the respondent has violated a provision of law. If such a final determination is shown, the Ethics Board will not rehear the underlying facts related to the legal violation, but may determine whether such violation also violates this subsection or any other part of the Ethics Code. (Am. by ORD-17-00031, 3-8-17)

(5) Standards of Conduct.

(a) 1. Use of Office or Position. No incumbent may use or attempt to use her or his position or office to obtain financial gain or anything of value or any advantage, privilege or treatment for the private benefit of herself or himself or her or his immediate family, or for an organization with which she or he is associated. This paragraph does not prohibit an incumbent from using the title or prestige of her or his office to obtain campaign contributions that are permitted and reported as required by Wis. Stat. ch. 11.

2. Influence and Reward. No person or entity may offer or give to an incumbent or member of an incumbent's immediate family, directly or indirectly, and no incumbent may solicit or accept from any person or entity, directly or indirectly, anything of value if it could reasonably be expected to influence the incumbent's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on her or his part.

This Sub. 2. does not prohibit an incumbent from soliciting donations from third parties provided that:

a. The funds are to be used for a City project or for a conference to be held within the City;

b. The solicitation has been approved by a resolution of the Common Council;

c. The entity receiving the funds is not an entity with which the incumbent is associated; and

d. A report of the amount and date of contribution and contributor for all donations for the project or conference is filed with the City Clerk within six (6) months of the receipt of the donation.

(Sec. 3.35(5)(a)2. Am. by ORD-10-00105, 11-23-10)

3. Limitations on Actions. Except as otherwise provided in paragraph 4, no incumbent may:

a. Take any official action affecting, directly or indirectly, a matter in which she or he, a member of her or his immediate family, or an organization with which she or he is associated has a financial or personal interest;

b. Use her or his office or position in a way that produces or assists in the production of a benefit, direct or indirect, for her or him, a member of her or his immediate family either separately or together, or an organization with which the incumbent or her or his immediate family member is associated.

4. Paragraph 3. does not prohibit an incumbent from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an incumbent from taking official action with respect to any proposal to create, modify, or repeal a City ordinance, resolution or matter benefiting the public.

(b) Privilege and Advantage. No incumbent shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, or for that of another, except when the same are available to the public generally or except where otherwise authorized by the Common Council. No incumbent shall grant any privilege, anything of value, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law. The use of City equipment and property including City-owned vehicles, cameras, projectors, audio systems, copy machines, fax machines, computers, telephones, software and uniforms is prohibited for both partisan and non-partisan political activity. Use of City property which is available and accessible to the general public is not considered a violation of this ordinance, nor is it a violation for an incumbent to use photographs existing before the first date that nomination papers may be circulated and taken during the regular course of the incumbent's duties. For the purposes of this Subdivision (b), political activity has the meaning found in Section 3.35(8), MGO. (Am. by ORD-10-00094, 9-27-10; ORD-11-00122, 9-12-11)

(c) Outside Employment. No incumbent shall engage in or accept employment or render service whether compensated or uncompensated when such employment or service would impair or reasonably appear to impair her or his independence of judgment or action in the performance of official duties.

(d) Disclosure of Information. No incumbent may intentionally use or disclose information gained in the course of or by reason of her or his official position or activities in any way that could result in the receipt of anything of value for herself or himself, for a member of her or his immediate family, or for any other person or entity if the information has not been communicated to the public or is not a public record.

(e) Contracts or Leases. No incumbent, member of an incumbent's immediate family, nor any organization in which the incumbent or a member of her or his immediate family owns or controls at least 2% of the outstanding equity, or indebtedness, or voting rights may enter into any contract or lease involving a payment or payments

of more than $3,000 within a 12-month period, in whole or in part derived from funds administered by the City, unless the incumbent has first made written disclosure of the nature and extent of such relationship or interest to the Common Council and to the department acting for the City in regard to such contract or lease. Any contract or lease entered into in violation of this provision may be voided by the City in an action commenced within 3 years of the date on which the Common Council, or the department or incumbent acting for the City in regard to the allocation of City funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. Nothing in this provision affects the application of Wis. Stat. § 946.13, or subsequent amendments of that section relating to an incumbent's activity concerning a direct or indirect financial interest in a proposed City contract.

(f) Disclosure and Disqualification.

1. An elected official who has or whose immediate family member has a financial or personal interest in any matter coming before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest. This provision shall not apply if the elected official disqualifies herself or himself from participating in discussion of the matter and from voting on it. An elected official shall disqualify herself or himself from discussing and voting if the matter under consideration involves her or his immediate family member's financial or personal interests to the extent that such interests conflict or appear to conflict with her or his official duties or would impair or reasonably be expected to impair her or his independence of judgment or actions.
2. Any other incumbent who has or whose immediate family member has a financial or personal interest in a matter coming before the Common Council or any board, committee, commission, sub-committee or ad hoc committee, and who participates in discussions with or gives an official opinion to such body, shall disclose on the records of such body the nature and extent of such interest. This provision shall not apply if the incumbent disqualifies herself or himself from participating in discussion of the matter and from voting on it.
3. In the event a member of a City board, committee or commission is required to disqualify herself or himself from participating or voting on a matter which comes for official action before the board, committee or commission of which she or he is a member and a member of the board, committee or commission requests the disqualified member to leave the room that member shall physically absent herself or himself from that portion of the meeting involving discussion, deliberations or votes related to that matter, and the minutes of the meeting shall reflect her or his absence.

(g) Receipt of Anything of Value. No incumbent may receive and retain any transportation, meals, entertainment, fee, food, beverage, or reimbursement therefore, nor any honoraria, service fee or contract payment or anything of value except in accord with Sec. 3.35(6).

(h) Representing Private Interests.

1. No elected official shall appear on behalf of private interests with or without compensation before any City entity nor represent private interests in any action or proceeding against the City. No member of any board, committee or commission of the City shall appear on behalf of private interests with or without compensation before the board, committee or commission of which she or he is a member nor represent private interests in any action or proceeding against the City which involves, is related to or

arises out of the work or jurisdiction of the board, committee or commission of which she or he is a member or negotiate with any incumbent in connection with any such matter. No employee of the City shall appear on behalf of private interests with or without compensation before any entity for or with which they work nor appear on behalf of private interests, with or without compensation, in any action or proceeding against the City.

2. These provisions shall not apply to the appearance of any such incumbent when subpoenaed as a witness by a party involved in litigation which may also involve the City nor to employee representatives of a certified labor organization representing any group of City employees.

3. An elected official may appear before any City entity and confer with any incumbent on any matter in the course of her or his duties as a representative of the electorate or in the performance of public or civic obligations, however, she or he shall not accept any compensation therefore.

(i) Post-Employment/Appointment Restrictions.

1. No former Mayor, for twelve (12) months following the date on which she or he leaves office may appear, with or without compensation, on behalf of any person or entity, before any City entity or confer or negotiate with any incumbent on any matter which may reasonably be expected to come before any City entity for official action. During such period, no former Mayor may engage in lobbying under Sec. 2.40, MGO.

2. No former alderperson, for twelve (12) months following the date on which she or he leaves office may appear, with or without compensation, on behalf of any person or entity, before any board, committee or commission or before the Common Council or negotiate with any incumbent on any matter which may reasonably be expected to come before such board, committee or commission or the Common Council for official action. During such period, no former alderperson may engage in lobbying under Sec. 2.40, MGO.

3. No former permanent City employee, for twelve (12) months following the date on which she or he leaves City employment, may appear, with or without compensation, on behalf of any person or entity, before any City entity for or with which they formerly worked or negotiate with any current employee of such entity on any matter which may reasonably be expected to come before such City entity for official action. This provision does not apply to former employees or former elected officials seeking employment by the City. During such period, no former City employee may engage in lobbying under Sec. 2.40, MGO, before any City entity for or with which they formerly worked.

4. No former member of a City board, committee or commission, for twelve (12) months following the date on which her or his membership ends, may appear, with or without compensation, on behalf of any person or entity, before the board, committee or commission of which she or he was a member or negotiate with any incumbent on any matter which may reasonably be expected to come before such board, committee or commission for official action. During such period, no former member of a City board, committee or commission shall engage in lobbying under Sec. 2.40, MGO, before the board, committee or commission of which she or he was a member or on any matter reasonably expected to come before such board, committee or commission.

5. No former incumbent, for 12 months following the termination of her or his incumbency, may appear, with or without compensation, on behalf of

any person or entity, with regard to any matter which was under the former incumbent's responsibility within 12 months prior to the termination of her or his incumbency or in which the former incumbent participated personally and substantially within 12 months of the termination of her or his incumbency before any City entity or negotiate with any incumbent in connection with any judicial or quasi-judicial proceeding, application, contract, claim, charge or matter which may give rise to a judicial or quasi-judicial proceeding.

6. Nothing in this subdivision shall prohibit a former incumbent:
   a. From representing herself or himself before any City entity in relation to a non-commercial personal undertaking at any time, or
   b. From appearing before any City entity solely on her or his own behalf and without compensation to express her or his views on a policy matter.

(Am. by ORD-13-00130, 7-26-13; ORD-14-00013, 1-14-14)

(j) Inquiries Permitted. This subsection does not prohibit an elected official from making inquiries for information on behalf of a person or organization if she or he receives no compensation therefore beyond the City salary and other compensation or reimbursement to which the elected official is entitled by law.

(k) Employee Restrictions. No employee of the City shall engage in non-City related activities for which compensation is received to such an extent as to interfere with the proper performance of the duties and responsibilities of her or his official position.

(6) Honoraria, Fees and Expenses.

(a) During her or his term, no elected official or member of any board, committee or commission shall receive and retain anything of value unless the activity or occasion for which it is given did not arise from her or his use of the City's time, information, facilities, equipment, services or supplies not generally available to all residents of the City or from the recipient's holding or having held her or his position and was paid for a purpose unrelated to legislation, policies or issues being considered by or affecting the City.

(b) During her or his term, no elected official or member of any board, committee or commission shall receive and retain from the City or on behalf of the City transportation, lodging, meals, food or beverage, or reimbursement therefore unless the same were incurred or received primarily for the benefit of the City and not primarily for her or his private benefit or that of any other person.

(c) During her or his term, no elected official or member of any board, committee or commission shall receive and retain honoraria such as money or anything of value other than commemorative or other items of nominal value for or in recognition of activities related to or arising from their City roles or positions. Such persons may accept and retain from persons or entities other than the City the cost or reimbursement of actual and reasonable expenses related to such activities whether or not such activities arise from their City roles or positions, except that elected officials may not receive and retain any such payments from a lobbyist or from a business or organization or local government that employs a lobbyist.

(d) Employees may not use time provided under Sec. 3.32(4) for purposes of outside employment. (Am. by ORD-14-00173, 12-10-14)

(e) Employees may not receive and retain anything of value unless the employment or activity for which it is given does not arise from the employee's use of the City's time, information, facilities, equipment, services or supplies not generally available to all residents of the City. Employees shall not receive and retain from the City or on behalf of the City transportation, lodging, meals, food or beverage, or

reimbursement therefore, unless the same were incurred or received primarily for the benefit of the City, and not primarily for her or his private benefit, or that of any other person.

Employees shall not receive and retain honoraria, such as money or anything of value, other than commemorative or other items of nominal value for, or in recognition of activities related to, or arising from their City roles or positions. Employees may accept and retain from persons or entities other than the City the cost or reimbursement of actual and reasonable expenses related to such activities, whether or not such activities arise from their City roles or positions.

When employees perform or provide services for persons or entities other than the City which services arise from their City employment or from the employee's holding her or his position, and the employee's compensation and expenses related thereto are paid for or reimbursed by the City, all monies received by the employee therefore shall be paid promptly to the City Treasurer.

This subdivision shall not apply to City Police Officers or Firefighters certified as emergency medical technicians hired while off department scheduled hours in accord with departmental policies and procedures or approved contracts.

(f) Elected officials may receive and retain from a political committee under Wis. Stat. ch. 11, transportation, lodging, meals, food or beverages, or reimbursement therefore or payment or reimbursement of costs permitted and reported in accordance with Wis. Stat. ch. 11.

(g) If an incumbent receives anything of value not authorized by this subsection, the incumbent shall not retain it but shall deposit the money or the equivalent cash value of anything of value with the City Treasurer or return the payment or thing to the payor or giver.

(h) Whenever an incumbent receives anything of value permitted by this Subsection (6) from or has any fee or expense waived, prepaid or reduced by a person or entity other than the City in connection with her or his official duties, she or he shall, within ten (10) days of the occurrence file a report with the City Clerk and the Finance Director on forms provided by the Clerk. (Am. by ORD-11-00060, 4-7-11)

(i) If a third party, other than the City, is authorized to pay for any expenses, including food, travel or lodging, incurred by any incumbent under this subsection, such payments shall be reported to the Finance Director within ten (10) days of the occurrence. The incumbent shall pay to the City or the third party the amount that such reported value exceeds the City's normal travel reimbursement policies. (Cr. by ORD-11-00060, 4-7-11)

(7) Fair and Equal Treatment.

(a) Any person who is a candidate for City employment who canvasses or contacts any member of the Common Council, an appointing authority, or any person involved in the screening or examination of applicants outside scheduled procedures, in order to obtain preferential consideration in connection with any appointment to any City position, shall be disqualified from appointment. This provision shall apply to all candidates whether or not currently employed by the City.

(b) No person shall receive preferential treatment in the selection process or be appointed to or hired for or promoted in a City position nor be denied appointment, employment or promotion because she or he is a member of an incumbent's immediate family. No incumbent shall use her or his position to bring about the appointment, employment or promotion of a member of her or his immediate family.

(c) No incumbent shall participate in any final decision in any employment matter involving an employee who is a member of her or his immediate family.

(d) No incumbent shall give any advantage or preferential treatment to any person in the selection process. (Cr. by Ord. 12,917, 11-23-01; Renum. by ORD-07-00048, 4-12-07)

(e) For the purposes of this subsection only, "immediate family" means the incumbent's spouse, domestic or designated family partner, child by blood or adoption, spouse's or partner's child, fiancé or fiancée, sibling, parent, parent-in-law, brother- or sister-in-law, uncle, aunt, niece, nephew or the spouse or partner thereof, grandparent or grandparent-in-law.

(8) Political Activity.

(a) No employee while on duty or on official City business shall, for the apparent purpose of influencing the outcome of any referendum, or improving the chance of election of a person seeking elective office:

1. Wear or display any campaign material.
2. Distribute any campaign literature.
3. Solicit, receive or give subscriptions, contributions or service for any candidate or referendum position.
4. Actively campaign for any candidate or any referendum position.

(b) No employee while on duty or other official City business or off duty shall in any way coerce or attempt to coerce subscriptions, contributions or service from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity. No employee on or off duty shall use her or his title or position or indicia thereof in any elective political activity.

(c) This subsection does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce or inspect a record under Wis. Stat. § 19.35, if the request is processed in the same manner as the custodian or subordinate response to other requests to locate, reproduce or inspect a record under such section or to an employee providing other information within the knowledge of the employee by virtue of her or his City position if such information is made equally available upon request to any other person.

(d) Police officers and firefighters shall observe the applicable rules of the Police and Fire Departments relating to political activity.

(e) No elected official or candidate for a City elected office shall promise an appointment to any municipal position as an apparent reward for any political activity.

(f) Pursuant to 5 USC sec. 1502, employees whose positions are federally funded in whole or in part may not be candidates in partisan elections without first being granted an unpaid leave of absence.

(9) Disclosure of Interests.

(a) Definitions. The following definitions apply in this subsection relating to Disclosure of Interests:

1. "Appointed official" means any officer of the City of Madison appointed pursuant to the authority set forth in Wis. Stat. § 62.09, and shall include all City of Madison Department and Division Heads, but shall exclude election officials.
2. "Candidate for elective office of the City of Madison" means any person who files nomination papers and a declaration under Wis. Stat. § 8.10, for the purpose of appearing on the ballot for election to an office of the City of Madison or any person nominated for a City office in an election through the write-in process and who files a declaration pursuant to Wis. Stat. § 8.10.

3. "Elected official" means all officers of the City of Madison established pursuant to the provisions of Wis. Stat. § 62.09, or its authority, who are elected by the voters.
4. "Immediate family" has the same meaning as defined in Sec. 3.35(2)(d).
5. "Statement of Interests" means the factual statement filed pursuant to the provisions of this subsection which contains the information set forth in Subdivision (9)(g). (Am. by ORD-15-00116, 10-28-15)

(b) Disclosure of Interests; By Whom Required.

The following shall file a Statement of Interests as provided in this subdivision:

1. Elected and appointed officials;
2. Compensated and uncompensated members of all boards, committees, commissions, subcommittees and ad hoc committees unless any demonstrate to the Ethics Board that they are not involved in the regulation of economic activity, or the expenditure or granting of funds, or the entry by the city into contracts;
3. Deputy Mayors; (Am. by ORD-16-00105, 12-2-16)
4. Candidates for elective office of the City of Madison;
5. All other City employees other than clerical staff who are involved on behalf of the City:
   a. In negotiations relating to the sale or acquisition of personal property or real estate; or
   b. In negotiations relating to economic development projects; or
   c. In the appraisal or assessment of property for tax purposes; or
   d. In regulation of activities pursuant to state or federal law or city ordinance or in enforcement of state or federal laws or city ordinances. (Am. by ORD-11-00121, 9-12-11)
6. Notwithstanding any provision to the contrary, commissioned police personnel otherwise required to file the Statement of Interests shall not be required to file the Statement due to the unique need to protect the safety of such personnel and their families and the requirement that all such personnel are bound to adhere to the provisions of the Madison Police Department Manual of Policy, Regulations and Procedures.
7. If any employee required to file a Statement of Interest form under this ordinance fails to do so, the Clerk shall send a notice of such failure to the employee and to the City Attorney. If the Statement of Interest form is not filed within 10 days of the date of the notice, the City Attorney is authorized to bring an action on behalf of the City in Municipal Court seeking the penalties set out in Sec. 3.35(13)(e) of this ordinance without prior consideration or report by the Ethics Board. (Cr. by ORD-10-00047, 5-12-10)

(c) Statement of Interests, When To File. All persons who file nomination papers for an elective office of the City of Madison shall at the time of filing of such nomination papers also file a Statement of Interests with the City Clerk. The Clerk shall omit the name of any candidate from an election ballot who fails to disclose her or his interests in accordance with the requirement of this subsection. The Clerk shall notify by registered mail any candidate whose name is to be omitted from a ballot as soon as practicable after the decision is made to omit the name.

Persons to be appointed to City boards, committees, commissions, subcommittees and ad hoc committees shall file the Statement with the City Clerk at least 10 business days before their names are submitted to the Common Council for confirmation. The Clerk shall provide a copy of the Statement to the Common

Council with the submission of the name for confirmation. The Common Council shall not confirm the appointment of any nominee who has failed timely to file the Statement.

Employees who are appointed or reappointed to their positions subject to confirmation by the Common Council shall file the Statement with the City Clerk at least 10 business days before their appointments or reappointments are submitted to the Common Council for confirmation. All other employees who are required to file the Statement shall file the Statement with the City Clerk within 10 business days after they begin work as City employees.

(d) Annual Filing. Each person required to file the Statement shall annually file an updated Statement with the Clerk no later than the first Tuesday in January of each year, except that this provision shall not apply to candidates for elected office who have filed the Statement with their nomination papers pursuant to subdivision (9)(c) of this section.

(e) Amending the Statement of Interests.

1. If, after filing the Statement, the filer becomes aware of errors or omissions in the original Statement, she or he, as soon as possible, shall attach an Amendment to her or his original Statement to reflect accurately the required disclosures.
2. If, after filing the Statement, any elected official or department or division head or deputy mayor becomes aware of any change in the information contained in her or his current Statement, she or he shall amend, as soon as possible, her or his Statement to reflect accurately the change. This paragraph shall be effective on October 1, 1999.

(Am. by Ord. 12,442, 8-6-99; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-16-00105, 12-2-16)

(f) Any amendment to the Statement which is filed after the filing of a complaint against the person required to file shall not be a defense to the complaint, but the Ethics Board may, in its discretion, consider the amendment as mitigating circumstances.

(g) Form of Statement. The person filing any Statement of Interests required under this subsection shall file such Statement on the form approved by the Ethics Board and provided by the City Clerk, and shall supply the following information:

1. Persons required to file under Secs. 3.35(9)(b)1., 2., and 4. shall supply the name and address of the filer and the City office held or sought. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees) shall provide the name of the filer and the position of City employment. Pursuant to Wis. Stat. § 19.36(10), City employees are not required to provide their home addresses, home electronic email addresses, home telephone numbers or social security numbers on the Statement of Interest form. Additionally, persons required to file under Secs. 3.35(9)(b)1., 2., and 4. need not provide a home address or home telephone number if the filer or immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or immediate family member, or if such an order is in effect at the time of filing, and the filer has a reasonable belief that disclosure of such address would pose a safety risk.
2. The name and address of all employers and positions of employment held as of the date the statement is filed.
3. The identity of every organization of which she or he or any adult member of her or his immediate family is an officer or director and the identity of every organization of which she or he or any member of her or his immediate family owns or controls, directly or indirectly, severally or in the

aggregate, at least two percent (2%) of the outstanding equity; provided, however, that membership only in an organization need not be disclosed and that no identification need be made of any organization which is organized and operated primarily to influence voting at an election including support for or opposition to an individual's present or future candidacy or to a present or future referendum.

4. The name of any creditor to whom she or he or a member of her or his immediate family owes ten thousand dollars ($10,000) or more, except for credit card debt, student loans, health-related indebtedness, and mortgages on the principal residence of the person filing or of a member of her or his immediate family.

5. The identity of all real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest, other than the filer's primary or principal residence. If a person required to file under Secs. 3.35(9)(b)2., 3., or 5. or his/her immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or the immediate family member, or if such an order is in effect at the time of filing, the filer need not disclose the identity of such real estate on the Statement of Interests form if the filer has a reasonable belief that such disclosure would pose a safety risk. Instead, the identity of any such real estate shall be disclosed on a separate form created for that purpose, which will be maintained on file by the person receiving the form and not made available on the internet, as follows:
   a. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees); to the employee's department head.
   b. If the filer is required to file under Sec. 3.35(9)(b)2., to the head of the department that staffs the committee, subcommittee, board or commission on which the filer serves.

6. The identity of any person or entity not disclosed under sub. (h), owning or controlling any real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest.

(Sec. 3.35(9)(g) Am. by ORD-12-00026, 3-14-12)

(h) In addition, all elected officials, candidates for local offices and employees who are required to file shall also disclose the identity of all stocks, bonds, debentures, other forms of debt obligations of any corporation or other business or entity collectively in excess of $8,000 held by her or him or her or his immediate family, except mutual funds, personal checking accounts, time deposit accounts, or other savings or retirement fund accounts held by any financial institution, the United States Government, any City-approved deferred compensation program, the Wisconsin Retirement Fund or any other organization maintaining such debt obligation as part of a public employee retirement fund.

(i) 1. The Clerk shall send Statement of Interests forms to known filers and a filing reminder to all City department heads and staff of all boards, committees and commissions at least forty-five (45) days before the filing deadline. Staff to all boards, commissions and committees shall place the Statement of Interest form completion on the agenda for the next meetings of the board, commission or committee and shall seek to have all members complete and file the Statement of Interest.

2. The Clerk shall notify any person who fails to timely file the required Statement of Interests. The Clerk shall also notify the appropriate staff of the failure to file by any member of the board, commission or committee.

Upon receipt of such notice, the member is no longer allowed to participate in or vote on any matter before the body, but may be counted toward a quorum if necessary to conduct business. If the member fills out a Statement of Interest form prior to the revocation of appointment by the Common Council set out below, the member is automatically reinstated. The Statement of Interest shall promptly be filed with the Clerk.

3. The Clerk shall report to the Common Council the name of any member of any board, committee, commission, subcommittee or ad hoc committee who has not filed the Statement within 10 days of the mailing of the Clerk's notice. A copy of the report shall be sent to the appropriate staff of the body on which the member serves. The Common Council shall, at the second meeting after introduction of the Clerk's report, revoke the appointment of any such member who has not filed the required disclosure statement by the time of such Council meeting. (Am. by ORD-05-00167, 11-8-05; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00004, 1-15-13)

(j) For any bodies that include appointees of governmental units other than the City of Madison, and such appointees are required by the laws or regulations of that other governmental unit to file a disclosure substantially similar to the Statement of Interest required by this ordinance, the requirements of this ordinance are fulfilled if such appointees file with the Clerk a copy of the disclosure mandated by the other governmental unit. (Cr. by ORD-10-00047, 5-12-10)

(10) Ethics Board.

(a) There is hereby created an Ethics Board to consist of members who shall serve without compensation from the City.

(b) The membership of the Ethics Board shall consist of 4 resident members, 1 representative of the Mayor; the Common Council president or her/his designee who shall be an alderperson; and 1 representative of organized labor. The City Attorney shall provide necessary staff assistance to the Board, shall serve as its secretary, but shall not vote. The City Attorney shall furnish the Board whatever legal assistance necessary in the carrying out of its functions. (Am. by Ord, 13,762, 1-5-05; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00030, 3-8-17)

(c) The members of the Ethics Board shall be appointed by the Mayor, subject to confirmation by the Common Council. The term of any aldermanic member appointed to the Board shall expire with the expiration of her or his term as alderperson. Terms of office of other members of the Ethics Board shall be 3 years except that when the initial appointments are made, 2 of the members shall be appointed for 1 year, 2 others for 2 years, and the remaining 3 for 3 years.

The members of the Ethics Board as of the adoption of this ordinance are reappointed and reconfirmed to serve their terms or remaining parts of their terms for which each was most recently appointed.

(d) The Ethics Board shall elect its own chair and vice-chair and shall develop written rules of procedure which shall be submitted to the Mayor and Common Council for approval.

(e) The Ethics Board may make recommendations with respect to amendments to this Code of Ethics Ordinance.

(11) Advisory Opinions.

(a) When an incumbent or a candidate for City elected office has doubt as to the applicability of a provision of this code to a particular situation in which she or he is or may become involved or definitions of terms used in the code, she or he should apply to the Ethics Board for an advisory opinion and be guided by that opinion when given. The applicant shall have the opportunity to present her or his interpretation of the facts at issue and of the applicable provision(s) of the code

before such advisory decision is made. It is prima facie evidence of intent to comply with this section when a person refers a matter to the Ethics Board and abides by the advisory opinion, if the material facts are as stated in the opinion request.

(b) When a request for an advisory opinion is made, the name of the requester and the nature of the request may, at the requester's choice, be kept confidential. When confidentiality is requested, the Board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to this subdivision and Wis. Stat. §19.59. When confidentiality is requested, the report of the Board shall also be kept confidential, but the Board shall prepare a redacted summary of the report as a public document; however, if the requester requests in writing that the full report be made public, it shall become a part of the public record. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the Board shall release the unredacted report.

(12) Complaints.

(a) Any resident of the City may complain to the Ethics Board about the activity of any person or entity covered by this section pursuant to rules and procedures of the Ethics Board as approved by the Common Council. If a complaint is brought under this section against any member of the Ethics Board, other than the Common Council President or designee, the Common Council Executive Committee shall hear the complaint, acting as the Ethics Board and following the same rules, procedures and precedents of the Ethics Board. If a complaint is brought under this section against the Common Council President or designee, a panel of 3 persons shall hear the complaint in the manner provided in this subdivision. The Mayor shall select one panel member, the Common Council shall select one panel member and those selected persons shall select the third panel member. Panel members shall serve without compensation. The persons so selected shall not be subject to Common Council confirmation notwithstanding any other ordinance to the contrary. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

(b) The Ethics Board, and the Common Council Executive Committee and the panel described in (12)(a) above when acting as the Ethics Board, may issue subpoenas and administer oaths. Fees associated with the service of subpoenas shall be paid by the person requesting the subpoena. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

(c) No action may be taken on any complaint which is filed later than 12 months after a violation of this Ethics Code is alleged to have occurred.

(d) If a complaint is filed against a managerial employee (Comp Group 21) or a member of a City board, commission or committee, a copy of the complaint shall also be forwarded to the Mayor. (Cr. by ORD-17-00031, 3-8-17)

(13) Sanctions. Violation of any provisions of this code should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Madison. If the Ethics Board determines that any person or entity has violated any provision of this code, the Board may, as part of its report to the Common Council, make any of the following recommendations:

(a) In the case of an elected official, that the Common Council consider sanctioning, censuring, reprimanding or expelling the elected official;

(b) In the case of a member of a board, committee or commission, that the Mayor or other appointing authority consider removing the member from the board, committee or commission, or otherwise sanctioning, censuring or reprimanding the member;

(c) In the case of an employee, that the employee's appointing authority consider disciplining or discharging the employee;

(d) As an alternative or in addition to the sanctions imposed herein, that any person or entity violating Sec. (5)(a)2. of this ordinance not be awarded any City contract, grant, loan or any other thing of value for a period of 12 months from the date of finding of the violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.

(e) As an alternative or an addition to the sanctions imposed herein, that any person violating the provisions of this section shall be subject to a nonreimbursable forfeiture of not more than two thousand five hundred dollars ($2,500) per violation in an action brought by the City in Municipal Court. Each day of a violation may be considered a separate offense.

(Sec. 3.35(13) Am. by ORD-10-00072, 7-27-10)

(14) Logrolling Prohibited; Executive Favor; Freedom of Debate.

(a) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council in consideration or upon condition that any other person elected to the same Common Council will give or will promise or agree to give her or his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Common Council or shall give, offer or promise to give her or his vote or influence for or against any measure on condition that any other member will give her or his vote or influence in favor of any change in any other matter pending or proposed to be introduced in the Common Council.

(b) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council, in consideration of or on condition that the Mayor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council or in consideration or upon condition that the Mayor nominate for appointment or appoint or remove any person to or from any office or position under the ordinances of this City.

(c) Nothing in this Subsection shall be construed as prohibiting free discussion and deliberation upon any question pending before the Common Council by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

(15) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.

(16) Effective Date. This ordinance shall take effect upon publication except for the provision in Sec. 3.35(9)(c) relating to the timing of the filing of Statements of Interests by members of all boards, committees, commissions, sub-committees and ad hoc committees. That provision shall become effective upon publication but shall first be applicable to the

affected persons at the time of her or his initial appointment, re-appointment or, for those serving at the time of publication of this ordinance, the first Tuesday in January following publication, whichever is earliest.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.47 Am. by Ord. 12,243, Adopted 10-20-98)

3.36 BARGAINING AGREEMENTS. Notwithstanding any other provision of the Madison General Ordinances to the contrary, ordinances and resolutions implementing the results of bargaining relative to wages, hours or conditions of employment, of any year shall not become effective for members of any bargaining unit engaged in bargaining with the City of Madison until agreement has been reached with the bargaining representative for said bargaining unit.

(1) In the absence of agreement with the bargaining unit representative, those wages, hours and conditions of employment for the bargaining unit in effect for the previous year shall continue until an agreement has been reached.

(2) Nothing in this ordinance shall prevent the Common Council of the City of Madison from improving the wages, hours or conditions of employment of any of its employees as it sees fit

3.37 POST ENTRY TRAINING PROGRAM.

(1) Definitions.

(a) Training within the meaning of this ordinance shall have as its purpose the objective of improving the capacity of City officers and employees to perform the duties to which they have been assigned or to increase their readiness to assume broader responsibilities within the municipal service.

(b) Training program shall mean a program of study, instruction, and training which has been formulated on the basis of needs of municipal personnel and for which provision has been made in the annual budget adopted by the Common Council. The program may include on-the-job or off-the-job training and shall be administered by the Training Officer under the general direction of the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90)

(c) On-the-job training is training made available during normal working hours at the principal place of employment as a planned interruption of the normal duty period.

(d) Off-the-job training is training which is undertaken either during or outside of normal working hours or while on leave of absence for training purposes, and at a location other than the place of principal employment.

(e) Eligible City employees shall be any full-time nonelective City officer or employee. Any employee who obtains an advanced degree at the expense of the City will assure the City that upon completion of that training, she or he will remain in the service of the City for not less than one (1) year or refund to the City the amount of salary, wages, and expenses that the City has paid to employee or for her/his benefit during the training period. Exceptions to this provision may be recommended by the Personnel Board and approved by the Mayor. (Am. by ORD-14-00012, 1-14-14)

(2) Responsibility. The Human Resources Director shall be responsible for the development and execution of training programs suited to the needs of the City. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(3) Training Programs.

(a) There is hereby established provision for formal training as part of the personnel development program for eligible City employees to promote maximum effectiveness in the conduct of the City's service and to foster improved performance of official duties by City employees.

(b) Such training may include established courses in recognized schools, correspondence courses taught by recognized schools, seminars, institutes, conferences, work shops, and other types of training conducted and administered by the Training Officer.

(c) All training completed by an eligible City employee will be recorded in his personnel file with appropriate certification.

(4) Training Committee. There is established a Training Committee which shall be composed of three (3) division or departmental representatives, the Human Resources Director, and the Training Officer, who shall be chair and secretary respectively. Members of the committee shall be regular full-time employees of the City. They shall be appointed for a two (2) year term by the Mayor and serve without additional compensation. To establish the Training Committee, two (2) department or division representatives shall be appointed for one (1) year, and one (1) department or division representative for two (2) years. Thereafter, all appointments shall be made for two (2) years. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07; ORD-14-00012, 1-14-14)

(5) Committee Duties. The Training Committee, a policy group, shall meet regularly on the call of the chair and shall: (1) advise and assist the Human Resources Director in developing the policies necessary for an effective training program; and, (2) perform such other duties as the Mayor may direct. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07; ORD-14-00012, 1-14-14)

(6) Administration. The training programs shall be administered by the Training Officer under the general direction of the Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(7) Duties of Training Officer. The Training Officer shall, with the advice of the Human Resources Director: (1) develop and conduct on-the-job training program; (2) provide for on-the-job and off-the-job training programs for eligible employees; (3) prepare and submit to the Human Resources Director, an annual report and such other reports of training needs, activities, and accomplishments as to keep the City and Common Council apprised of the training programs; (4) prepare and submit to the Human Resources Director an annual budget for training programs; and (5) prepare a training manual for implementing training programs embodying rules, regulations, and procedures to be submitted through the Human Resources Director to the Common Council for approval. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(8) Facilities and Personnel Available. The Human Resources Director shall, for purposes of implementing the program, have authority to: (1) make use of City personnel and City-owned or controlled property, equipment, materials, and facilities; (2) negotiate with colleges, universities, other educational institutions, organizations and individuals to provide appropriate training courses for eligible employees; (3) negotiate with other public jurisdictions for joint staffing, participation in, and use of training facilities and programs which they may jointly provide. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(9) Employee Attendance.

(a) Attendance at on-the-job training shall be considered as attendance at work.

(b) Attendance at approved off-the-job training during working hours, shall be considered attendance at work, except where this will conflict with other sections of this ordinance.

(10) Leave of Absence. Leaves of absence with or without pay may be granted for off-the-job training by department heads. A training leave of absence without pay, but at the expense of the City of more than thirty (30) calendar days duration, or without pay and not at the expense of the City of more than ninety (90) calendar days duration, shall be subject to prior approval by the Mayor. A training leave of absence with pay of more than five (5) working days shall be subject to the approval of the Mayor.

(11) Expenses.

(a) Reasonable traveling, sustenance, and other expenses for training purposes may be incurred and paid by the City for participation by eligible employees in any training program recommended by the Human Resources Director and approved by the employee's department head. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(b) The Human Resources Director, upon advice of the Training Officer, may arrange for sharing of training expenses between the City and eligible employees, subject to provisions of Section 3.37(11)(a). (Am. by Ord. 10052, Adopted 6-19-90)

(12) Exceptions. This ordinance shall not apply to the Police or Fire Departments except that upon request of either department head, the Human Resources Director and the Training Officer shall render such assistance as may be requested in accordance with the provisions of this ordinance. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(13) Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

3.38 NONREPRESENTED TRANSIT DIVISION EMPLOYEES. (Title Am. by Ord. 9917, 12-29-89)

(1) The following designated employee benefit provisions shall apply to nonrepresented members of the Transit Division (herein called "employees"), except for employees in Compensation Group 21, notwithstanding any other provisions of Sections 3.30, 3.53, 3.32 and 3.54 of the Madison General Ordinances to the contrary. (Am. by Ord. 11,666, 9-4-96; Renum. by ORD-07-00048, 4-12-07)

(a) Employment Status Definitions for Transit Division.

1.	Full Time -	A full-time permanent employee is defined as any employee who is scheduled to work forty (40) or more hours per week on a continuing basis for a term of longer than one (1) year.
2.	¾ Time -	A ¾ time permanent employee is defined as any employee who is scheduled to work at least thirty (30) but less than forty (40) hours per week on a continuing basis for a term of longer than one (1) year.
3.	Part-Time -	A part-time permanent employee is defined as any employee who is scheduled to work at least twenty (20) but less than thirty (30) hours per week on a continuing basis for a term of longer than one (1) year.
4.	Long-Term Hourly -	A long-term hourly employee is defined as any employee who works less than twenty (20) hours per week on a continuing basis for a term of longer than one (1) year.
5.	Limited Term -	An employee in a budgeted part time, ¾ time or full time position which requires continuous employment for at least 50% of the regularly established full time work week for the duration of a project which is/are anticipated to last less than four (4) years.

(b) Absence of Employees from Duty.

1. Vacation Leave.

a. Effective January 1 of each year, all permanent full-time employees who have completed the required period of service shall receive the vacation leave indicated below:

i. Employees who have completed one (1) year of service shall receive five (5) days of vacation leave with pay;

ii. Employees who have completed two (2) years of service shall receive ten (10) days of vacation leave with pay;

iii. Employees who have completed seven (7) years of service shall receive fifteen (15) days of vacation leave with pay;

iv. Employees who have completed twelve (12) years of service shall receive twenty (20) days of vacation leave with pay; and

v. Employees with nineteen (19) years of service shall receive twenty-five (25) days of vacation leave with pay. (Am. by Ord. 12,563, Adopted 4-11-00)

vi. Employees with less than one (1) year of service on January 1 of any year shall receive paid vacation day as follows:

Hired during January/February of previous year: . .5 days
Hired during March/April of previous year: . . . . . .4 days
Hired during May/June of previous year:. . . . . .3 days
Hired during July/August of previous year:. . . . . .2 days
Hired during September/October of previous year: .1 day
Hired during November/December of previous year:.days

b. Any employee with more than one (1) year of service whose employment is terminated for any reason prior to December 31st of any year of service, shall be paid for vacation leave earned prior to the date of termination prorated on the basis of the number of months worked related to his/her total vacation allowance, adjusted to the nearest first of the month.

c. The scheduling of all vacation leave must be pre-approved by the Transit Manager.

d. Employees on an approved leave of absence shall continue to accrue vacation leave at the regular rate while on sick leave for not more than three (3) months. If such leaves of absence exceeds three (3) months, vacation leave shall be earned on a prorated base. Employees receiving worker's compensation temporarily disabled pay shall continue to earn vacation leave at the regular rate.

e. All vacation leave earned must be taken by the employee and no employee shall be entitled to vacation leave pay in lieu of vacation leave except upon termination.

f. Employees may elect to substitute vacation in the event of sickness, accident or emergency.

g. Vacation leave not taken within the year authorized may be carried over to the next succeeding year with the approval of the Director of Transportation. (Am. by Ord. 9917, 12-29-89; Renum. by ORD-07-00048, 4-12-07)

2. Leave of Absence.

a. The Transit Manager may grant leaves of absence without pay not to exceed a period of thirty (30) days. Permission for any extension must be secured from the Transit Manager. If an employee, while

on leave of absence, obtains employment with another employer without having obtained permission to do so from the Transit Manager, he/she shall be subject to discharge. All leaves of absence or extensions granted thereof shall be in writing. (Am. by Ord. 9463, 4-15-88; Renum. by ORD-07-00048, 4-12-07)

b. The Transit Manager may grant a leave of absence without pay for pregnancy, childbirth and maternity of up to one (1) year from the time the leave is granted. Permission for extension must be secured from the Transit Manager. Upon return from such leave of absence, the employee shall be reinstated to the job classification which she held when the leave began without a decrease in rate of compensation or any other right or privilege of employment. In addition, a leave granted for the above-cited reasons shall allow the employee to accrue seniority during the period of absence. All such leaves of absence or extensions thereof shall be in writing. (Am. by Ord. 9463, 4-15-88; Renum. by ORD-07-00048, 4-12-07)

c. The Transit Manager shall make every effort to allow paternity leave without pay for an attending spouse during childbirth and the day of the mother's discharge from the hospital.

3. Sick Leave.

a. Permanent full-time employees shall earn sick leave at the rate of one-half (½) day per biweekly pay period to a one hundred sixty-three (163) day maximum. (Am. by Ord. 10,305, 9-12-91; ORD-06-00158, 12-8-06; Renum. by ORD-07-00048, 4-12-07)

b. Sick or injured employees shall not receive sick leave benefits except for scheduled work hours on scheduled work days.

c. Employees in Compensation Groups 43 and 44 who retire or who become disabled and who are also eligible to receive either Social Security benefits, Wisconsin Retirement Fund annuity payments or other publicly established retirement fund annuities, shall receive the cash equivalent of one hundred percent (100%) of the employee's accumulated unused sick leave credits. These funds will be placed into the City of Madison Post-Retirement Sick Leave Conversion Medical Reimbursement Plan and Trust, pursuant to the terms of the Plan, or the City of Madison Governmental 401(a) Special Pay Plan and Trust, pursuant to the terms of the Plan, as the same may be amended from time to time. (Am. by Ord. 12,470, 10-9-00; ORD-06-00116, 8-22-06; ORD-06-00158, 12-8-06; Renum. by ORD-07-00048, 4-12-07).

d. Employees earning sick leave in excess of one hundred fifty (150) days shall receive a cash sum equivalent to the employee's regular salary times the number of any unused excess days, which payment is to be made on the pay day immediately preceding December 25th.

(Renum. by ORD-07-00048, 4-12-07; Sec. 3.52(1)(b)3. Am. by Ord. 11,666, 9-4-96)

4. Death Benefits.

a. Upon notification to the Transit Manager, paid funeral leave of up to three (3) working days will be granted for necessary absence from work caused by death in an employee's immediate family. Immediate family shall be limited to parents, brother, sister, spouse, children, foster children, grandchildren, legal guardian, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-

law, daughter-in-law, grandparents, great grandparents; a designated family partner, his or her parents, stepparents, brother and sister, and a spouse's or designated family partner's step brother, step sister, children, foster children, grandchildren, son-in-law, daughter-in-law, grandparents, and great grandparents. (Am. by Ord. 10,305, 9-12-91; Am. by ORD-06-00158, 11-21-06; Renum. by ORD-07-00048, 4-12-07)

5. Holidays.

a. All permanent full-time employees shall be allowed time off and compensated at a straight time rate of pay for the following regular holidays:
New Year's Day
Martin Luther King, Jr.'s Birthday
Memorial Day
Fourth of July
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Employee's Birthday*
Five (5) Floating Holidays**
*Effective January 1, 1992, the employee's birthday will cease to be a paid holiday.
**Subject to the provisions of subparagraphs b. and c. below.
(Am. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

b. Floating holidays are to be taken as holidays during the year authorized. If any floating holidays are not taken within the year authorized they may be carried over to the next succeeding year period with the approval of the Transit Manager. Employees must schedule their floating holiday on days approved in advance by their supervisor.

c. On the date of hire and on each subsequent January 1st each employee shall receive five (5) floating holidays. Following the first complete year of service, an employee not completing a full year of service because of an authorized leave of absence shall receive floating holidays proportionate to the full months of service completed in the preceding year. (Am. by ORD-08-00105, 9-18-08)

d. Employees receiving worker's compensation temporary disability pay shall earn floating holidays at the regular rate.

e. In those cases where employees must perform required duty on the holidays listed, they shall earn compensatory time off at a double time rate; such time off to be taken at a time which is agreeable to the employee and the Transit Manager.

f. Employees required to work on Martin Luther King, Jr.'s Birthday and the day after Thanksgiving shall receive additional floating holiday(s) in lieu of any premium compensation for working on that day(s). (Cr. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

g. If a regular holiday or a birthday holiday falls within a vacation period for an employee, he/she shall receive compensatory time off at a straight time rate which can be taken at a later date with supervisory approval. Employees are entitled to holiday compensation if the holiday falls within the first thirty (30) days of sick leave

or within the first six (6) months of absence due to work-related injury or illness. (Renum. from f. to g. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

h. If a regular holiday falls on a weekend, the Transit Manager may use his/her discretion in determining in advance when that holiday will be scheduled for the employee. (Renum. from g. to h. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

i. For the birthday holiday, the employee shall receive the day off if his/her birthday falls on a scheduled day of work. If the employee's birthday does not fall on a scheduled day of work, the next scheduled workday shall be considered as the holiday. An employee may choose to take the birthday holiday at a later or earlier time with the pre-approval of the Transit Manager. This section shall become inoperative effective January 1, 1992. (Renum. from h. to i. and Am. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

6. Military Leave.

a. In the event that any employee shall be drafted or enlisted by the government for military service, subject to the Selective Service Act of 1940, as amended, or in the event any employee is assigned or ordered to serve the government in any capacity other than military due to his/her status as a conscientious objector, and completes such assignment, or has met all the requirements of the government, he/she shall retain his/her full seniority rights and shall, upon his/her return, be reinstated to his/her former position without any loss of rights, provided, however, that he/she shall make his/her request for reinstatement within ninety (90) days of his/her discharge, and provided further that he/she is physically able to do the work and does not have a dishonorable discharge. Other employees will be required to adjust their job status to the extent necessary to accommodate such returning employees in military service.

b. Employees leaving the employer's service for defense work as a result of an order by any government agency may retain their seniority rights for a period of thirty (30) days beyond the termination of the order.

7. Disability Leave. Permanent employees who are disabled may be granted an unpaid leave of absence by the Transit Manager, subject to the following provisions:

a. The employee shall apply for such leave in writing to the Transit Manager.

b. The employee shall submit a physician's report describing the nature of the illness or injury, the physician's prognosis for recovery and a description of the physical limitations of the employee in sufficient detail to permit the Transit Manager to determine whether or not the employee is unable to perform his/her proscribed work.

c. If a disability leave has been granted the employee shall submit a physician's statement releasing the employee for work and describing the employee's ability to perform the physical and mental elements of his/her usual work before requesting the Transit Manager's permission to return to duty.

d. A disability leave without pay shall not extend beyond the employee's healing period without the permission of the Transit Manager.

(Am. by Ord. 9463, 4-15-88; ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07)

(c) (R. by Ord. 8543, 3-18-85)

(d) Payroll Reporting.

1. It shall be the duty of each section manager to indicate the amount of each employee's absence from duty, together with the cause of such absence, on an absence record accompanying the payroll information.
2. It shall be the duty of the Transit Manager to keep a record of all employee absences whether paid or unpaid.
3. No employee shall receive compensation for time when they are absent from duty unless such absence is shown on the absence records accompanying the payroll of that unit.
4. An overpayment to any employee which is made by reason of a false report by any employee shall be chargeable to the person making such false report who shall reimburse the City for such overpayment. Such overpayment may be deducted from any amounts due from the City to the person making such false report.

(e) Worker's Compensation Supplement. All permanent full-time employees shall be considered eligible for Worker's Compensation Supplement. In the event an eligible employee is entitled to receive compensation for temporary total disability in accordance with the provisions of Chapter 102, Wisconsin Statutes, said employee shall continue to be paid by the City at eighty percent (80%) of the same rate as s/he was paid prior to such injury, provided that no employee shall receive either more or less than the same net regular rate of pay as s/he was paid prior to such injury. Said pay shall include the employee's Worker's Compensation pay for a period not to exceed one hundred eighty (180) working days or thirty-six (36) working weeks and during such period the employee is receiving full pay under the provisions of this subdivision. Said employee shall continue to accrue sick leave and vacation in accordance with the provisions of this section, provided that no employee by reason of this subdivision shall receive pay for more than fifty-two (52) weeks in any calendar year. Payment provided herein shall include the first three (3) days said employee is absent from work. Pay by the City "at the same rate" and "regular rate of pay" shall mean only base salary, plus any earned step increases, plus any earned longevity in effect immediately prior to the injury or illness subject to the provisions of Sec. 3.54. (R. & Re-Cr. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

(f) (R. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07)

(g) Longevity.

1. All permanent full-time and permanent part-time employees who reside in the City of Madison shall receive longevity pay, subject to the following schedule and terms and conditions:
   a. Upon completion of 48 months of continuous service, three percent (3%) shall be added to the base hourly rate of pay.
   b. Upon completion of 108 months of continuous service, an additional 3% shall be added to the base hourly rate of pay.
   c. Upon completion of 156 months of continuous service, an additional 2% shall be added to the base hourly rate of pay.
   d. Upon completion of 180 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.
   e. Upon completion of 204 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.

f. Upon completion of 228 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.

g. Upon completion of 288 months of continuous service, an additional 1% shall be added to the base hourly rate of pay. (Cr. by Ord. 13,483, 12-23-03; Renum. by ORD-07-00048, 4-12-07)

Prospectively, the foregoing schedule of longevity increases shall be reduced by one (1) percentage for those employees in Compensation Group 44 who do not reside in the City of Madison. (Am. by Ord. 13,700, 9-29-04; Renum. by ORD-07-00048, 4-12-07)

2. Longevity payments shall be effective on the first day of the biweekly pay period following the completion of the required length of service.

3. Any time spent on authorized leave of absence without pay and any time spent on layoff status shall not act to break the continuous employment; however, any leave time or layoff time in excess of thirty (30) days shall not be considered employment time for the purpose of computing longevity.

(h) Health Insurance and Benefits.

1. Employees registered in domestic partnerships under Section 39.03(2), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Area Health Fund. (Cr. by Ord. 10,640, 4-30-93; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-15-00039, 4-8-15)

2. If an employee is laid off or is absent because of illness or off-the-job injury, the City shall make payments for the full month in which such incident occurs, and for one full month immediately following. If an employee is injured on the job, the City shall continue to pay the required contributions until the employee returns to work; however, such contributions shall not be paid for a period of more than twelve (12) months. If an employee is granted a leave of absence, the City shall collect from said employee, prior to the leave of absence being effective, sufficient monies to pay the required contributions into the health and welfare fund during the period of absence.

3. (R. by Ord. 9940, 1-25-90; Renum. by ORD-07-00048, 4-12-07)

4. The City shall continue to make its normal monthly health insurance contribution for either single or family health insurance coverage, whichever is applicable, for a period not to exceed five (5) years following the date of retirement for nonrepresented employees who have completed at least ten (10) years of full time service and who elect to retire from City service on or after reaching age fifty-five (55), provided, however, that such contribution shall terminate when any such employee reaches age sixty-five (65). The individual rights hereunder granted shall vest upon retirement and shall not thereafter be revoked. If the Wisconsin Retirement System is amended, whereby the penalty for early retirement is diminished, no additional employees will be eligible for this benefit until the Common Council approves modification of this ordinance. (Cr. by Ord. 9446, 3-23-88; Renum. by ORD-07-00048, 4-12-07)

5. The City will continue to make contributions toward the cost of health insurance coverage for any employee in a permanent position that is subject to layoff as a result of a lack of work or funding provided the employee has no other comparable coverage. The City contribution shall continue for three (3) consecutive months following the effective month of the layoff in the same manner and at the same rate as provided prior to the layoff. The City may terminate contributions prior to the end of the three (3) month period if the affected individual obtains comparable health

insurance coverage through another source. This ordinance applies to all City employees covered by health insurance provided by the City on or after January 1, 2009. (Cr. by ORD-09-00022, 2-6-09)

(i) Free Employee and Dependent Passes. Free bus passes shall be issued to employees and members of the employee's immediate dependent family for use while the employee maintains employee status. Long-term hourly and limited term employees as defined in Section 3.38(1)(a)4. and 5. shall be entitled to an employee bus pass for their personal use only. Any abuse of pass privileges by any pass holder shall result in revocation of pass privileges for the employee and holder. Immediate dependent family shall be defined as the: employee, spouse, employee's children or stepchildren under eighteen (18) years of age and living in the household of the employee. Dependent bus passes shall be issued to all dependents while attending post-high school education until the age of twenty-five (25). These dependents must be living at home and proof of eligibility may be required. All such passes shall be returned to the employer upon cessation of the holder's eligibility. (Am. by Ord. 10,305, 9-12-91; Renum. by ORD-07-00048, 4-12-07)

(j) Life Insurance. Employees shall have the option to be included in the City of Madison Group Life Insurance Plan.

(k) Disability Income Protection.

1. Employees shall have the option to be included in the City of Madison Disability Income Protection Plan for the Transit Department. (Am. by Ord. 9463, 4-15-88)
2. The employee's share and the City's share of the premiums due for each succeeding year shall be based upon the sick leave used by the employee during the preceding one-year period running from July 15th of the current year to July 14th of the preceding year and shall be allocated as follows:

Sick Days Accumulated by Employee	Employee's Share of Premium Due on Regular City Plan	Employer's Share is the Remaindered of Premium Due
10, 11, or 12	0%	
9	20%	
8	40%	
7	60%	
6	80%	
5 days or less	100%	

(l) Jury Pay. If any employee is required to appear for jury duty, or is subpoenaed to appear as witnesses at court trials or hearings concerning events arising out of his/her employment, the time so spent shall be considered as time worked and said employee shall be paid the difference between his/her regular daily rate of pay and the amount received as jury fees or witness fees.

(m) (R. by ORD-13-00207, 12-10-13)

(n) Pension Rights.

1. The City shall pay the employees' share of required contributions to the Wisconsin Retirement Fund.
2. The pension rights, privileges and benefits afforded to employees who are presently receiving such rights, privileges and benefits under the provisions of the Madison Bus Pension Trust and Madison Bus Company Pension Trust Agreement as of the date of acquisition of the Madison Bus Company by the City and as from time to time previously amended, shall be continued for said employees; provided that in no event shall the City's

level of contribution exceed the amount required to be paid by the City to sustain the present plan; nor shall the employee's level of benefits under said plan increase from the amount presently provided under said plan.

(o) Fringe Benefit Eligibility. Notwithstanding any other provision hereof to the contrary, long-term hourly and limited term employees shall not be entitled to any fringe benefits herein otherwise provided except an employee bus pass for their own personal use. Permanent employees employed at least half-time shall receive all of the benefits provided in paragraphs 1, 2, 3, 4, 5, 6, 7 of subdivision (b) and subdivisions (d), (e), (g), (h), (i), (j), (k), (l), (m), and (n) of subsection (1) on a pro rata basis based on the certified hours for the position. (Am. by Ord. 8677, 9-16-85; Renum. by ORD-07-00048, 4-12-07)

(Renum. by ORD-07-00048, 4-12-07); (Section 3.52(1) R. and (2) Renum. to (1) by Ord. 9917, 12-29-89)

(2) Overtime Compensation.

(a) Overtime Compensation for Nonrepresented Employees in Compensation Group 43.

1. Time and one-half rate of pay or compensatory time off at the rate of time and one-half shall be provided for all work beyond the normal, assigned work day or work week; provided, however, that hourly employees shall receive overtime at the rate of time and one-half for assigned work performed in excess of the standard hourly work week.
2. Hours of vacation, sick leave, holidays, or any other compensated hours not worked shall be computed as working hours for purposes of this subsection.
3. Two (2) times the rate of pay or compensatory time off shall be provided for all hours worked in excess of twelve (12) consecutive hours.
4. Overtime "pyramiding" shall be prohibited in that weekly overtime premiums shall not be paid for hours covered by daily overtime premium payments.
5. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time, provided, however, that such employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked only in the event such employee has not been directed to work beyond her/his assigned schedule or when such employee has not been called back to perform overtime work which commenced prior to midnight, or when an employee has on the previous day been directed to report to work early at a time prior to 6:00 a.m. and works continuously through the regular starting time of her/his regularly scheduled hours.
6. The decision to compensate extra hours worked in the form of overtime pay or compensatory time off shall be made by the City.

   Compensatory time off is to be granted only at a time mutually agreed to between the employee and the Transit Manager.

(b) Overtime Compensation for Nonrepresented Employees in Compensation Group 44.

1. Overtime shall be computed on the basis of forty (40) hours per week. Overtime shall not be computed on an hours-per-day basis.
2. Prescheduled hours of paid leave including but not limited to vacation leave, holiday leave and compensatory time off shall be computed as working hours for purposes of this subdivision. Unscheduled hours of

paid leave including but not limited to sick leave and other leaves granted on the day of notice or request and hours of unpaid leave shall not be computed as working hours for such purposes.

3. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time, provided, however, that such employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked only in the event such employee has not been directed to work beyond her/his assigned schedule or when such employee has not been called back to perform overtime work which commenced prior to midnight, or when an employee has on the previous day been directed to report to work early at a time prior to 6:00 a.m. and works continuously through the regular starting time of her/his regularly scheduled hours.

4. Employees in Compensation Group 44, Ranges 9 and below and hourly employees shall be compensated at time and one-half their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week.

5. Employees in Compensation Group 44, Ranges 10, 11, 12, and 13 shall be compensated at their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week unless the Transit Manager has declared an emergency in advance in which case such overtime hours will be compensated at time and one-half the regular straight time rate of pay. All declared emergencies are to be reported to the Mayor and reviewed annually by the Mayor and Department heads.

6. The decision to compensate overtime hours worked in the form of money or compensatory time off shall be made by the Transit Manager. Compensatory time shall be taken off only at times mutually agreed to between the Transit Manager and the employee. However, in the case of employees with compensatory time balances in excess of forty (40) hours as of the date of publication of this ordinance, the Transit Manager will submit plans to the Human Resources Director by December 31, 1996, showing how the balances will be reduced to forty (40) hours or less by December 31, 1998. Thereafter, all compensatory time balances shall be reduced to forty (40) hours or less by the end of each year, or by March 31 of the succeeding year with the approval of the Human Resources Director.

7. Employees in Compensation Group 44, Range 14 and above and those in Compensation Group 21 shall not be eligible to receive overtime compensation for any hours worked in excess of their standard hours.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.52(2) Cr. by Ord. 11,777, Adopted 1-21-97)

3.39 OVERTIME CONTROL. When authorized, notwithstanding any other provision of the Madison General Ordinances to the contrary, the following provisions shall apply to the authorization and assignment of overtime in all City departments.

(1) A department or division head may assign overtime work not exceeding fifteen (15) working hours in any pay period for any one (1) employee.

(2) A department or division head desiring to assign more than fifteen (15) working hours overtime to a single individual in any one pay period must first obtain approval from the Mayor through the Finance Director.

(3) The Mayor may in advance grant departmental approval to permit a department or division head to exceed the fifteen (15) work hour limit where experience in the nature of

the services performed indicates a validity of exceeding said limit. Departmental approval so granted shall be reviewed annually by the Finance Director and Human Resources Director. (Am. by Ord. 10052, Adopted 6-19-90)

(4) Department and division heads may, in emergency situations, grant overtime authorization in excess of the provisions provided herein without having first received approval from the Mayor through the Finance Director; provided, however, that retroactive approval must be requested of the Mayor through the Finance Director by said department or division head who will provide full justification for his overtime authorization.

(5) Department or division heads shall not make any overtime assignment exceeding the budget of their department or division. The Human Resources Director shall submit a Quarterly Overtime Report through the Finance Director who shall present it to the Mayor and the Finance Committee. (Am. by Ord. 10052, Adopted 6-19-90; ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(Am. by Ord. 8762, 12-31-85; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-11-00037, 3-8-11)

3.40 USE OF POLYGRAPH TESTS PROHIBITED.

(1) No Department Head, Division Head, the Chief of Police, the Chief of the Fire Department, the Director of Housing and Community Development, the Mayor, or any person responsible for employing any City of Madison personnel, either personally or through his agent or representative, shall require as a condition of employment that an employee or applicant for employment submit to an examination in which a polygraph or other lie-detecting device is used.

(2) Any person violating this section shall be subject to a forfeiture not exceeding five hundred dollars ($500.00).

(3) Any person employing such procedures is hereby put on notice that budgetary approval for such positions requiring polygraph tests will not be granted by the Common Council.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.63 Cr. by Ord. 4694, 8-30-74)

3.41 PRIVILEGE.

The conduct of a public officer or police officer, although otherwise in violation of an ordinance, is privileged when undertaken in good faith and in an apparently authorized and reasonable fulfillment of any duties of such office or position or in reasonable accomplishment of a lawful investigation or arrest. Such privilege may be considered in any decision to prosecute such officer and is a defense to prosecution. (Cr. by Ord. 6772, 10-5-79; Renum. by ORD-07-00048, 4-12-07)

3.42 - 3.49 RESERVED FOR FUTURE USE.

SUBCHAPTER 3C: COMPENSATION AND CIVIL SERVICE

3.50 SALARIES OF MAYOR AND OFFICIALS.

(1) Pursuant to the provisions of Wis. Stat. § 62.09(6), and except as set forth in sub. (2) hereof, the salaries of City officers are hereby fixed at the rates hereafter indicated and shall not be increased or diminished during the term for which said officers are elected or appointed:

	Annual Salary
Members of the Board of Public Works, excluding the Alderpersons and City employees, (each) per year	$100.00
Members of the Board of Review (each) per diem	$ 20.00

(a) Alderpersons.

Effective the term that begins April 21, 2015, the Alderpersons' salaries, except for that of President and Vice President of the Common Council, shall be $12,692. Effective the term that begins April 18, 2017, and thereafter, that amount shall be adjusted by a percentage equal to the resultant percentages calculated two years previously for managerial employees pursuant to Sec. 3.54(9)(c), MGO, rounded to the nearest whole percentage, and shall be effective the second pay period in April of each year of the Aldermanic term. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(b) Mayor.

Effective the term that begins April 20, 2011, the Mayor's salary shall be $125,500.44. Effective the term that begins April 21, 2015, that amount shall be adjusted by a percentage equal to the combined four (4) annual percentage changes calculated for managerial employees in the previous four (4) years pursuant to Sec. 3.54(9)(c), MGO. Thereafter that amount shall be adjusted by a percentage equal to the resultant percentages calculated four years previously for managerial employees pursuant to Sec. 3.54(9)(c), rounded to the nearest whole percentage, and shall be effective the second pay period in April of each year of the mayoral term. Effective April 16, 2019, the Mayor shall be entitled to twenty (20) days of vacation in each year of the first four (4)-year term in office and twenty-five (25) days of vacation in each year of any subsequent consecutive four (4)-year term in office. Credited but unused vacation in excess of ten (10) days may be carried forward to the succeeding year. The Mayor shall be paid in full for credited but unused vacation existing on the day the Mayor leaves office. In addition to this salary and vacation time, the benefit provided for in Sec. 3.54(27) of these ordinances shall be afforded to qualifying Mayors. (Am. by Charter Ord. 77, 5-6-03; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-15-00057, 5-27-15)

(c) President of the Common Council.

Effective the term that begins April 21, 2015, the President's salary shall be $15,444. Effective the term that begins April 18, 2017, thereafter, that amount shall be adjusted by a percentage equal to the resultant percentages calculated two years previously for managerial employees pursuant to Sec. 3.54(9)(c), MGO, rounded to the nearest whole percentage, and shall be effective the second pay period in April of each year of the Aldermanic term.

(d) Vice President of the Common Council.

Effective the term that begins April 21, 2015, the Vice President's salary shall be $13,692. Effective the term that begins April 18, 2017, thereafter, that amount shall be adjusted by a percentage equal to the resultant percentages calculated two years previously for managerial employees pursuant to Sec. 3.54(9)(c), MGO, rounded

to the nearest whole percentage, and shall be effective the second pay period in April of each year of the Aldermanic term. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(Am. by Ord. 12,282, 12-14-98; Am. by Charter Ord. 72, 3-28-01; Charter Ord. 75, 2-11-03; Charter Ord. 77, 5-6-03; CHA-07-00002, 4-5-07; Renum. by ORD-07-00048, 4-12-07; Am. by CHA-08-00001, 7-4-08; Rep. & Recr. by ORD-12-00133, 10-24-12; Am. by ORD-14-00166, 12-3-14; ORD-14-00173, 12-10-14)

(2) Election to Refuse Salary. Pursuant to Wis. Stat. § 66.0505, the Mayor, any alderperson, the Mayor-elect or any alderperson-elect may refuse to accept, in whole or in part, the salary that he or she is otherwise entitled to receive. The person refusing to accept such salary shall give notice to the City Clerk and Treasurer in the manner and at the times specified in, and the notice shall have the effects set forth in, Wis. Stat. § 66.0505. (Cr. by CHA-08-00001, 7-4-08)

3.51 PENSION SYSTEM.

(1) Pension System Created. For the purpose of establishing a permanent pension fund for eligible City employees of the City of Madison, the City of Madison elects to accept the provisions of and be bound by the terms and conditions of Chapter 175 of the Laws of 1943, also known as Wis. Stat. § 200.43, relating to the creation and operation of a municipal retirement system to be effective as of January 1, 1944, unless the Board of Trustees of the Wisconsin Municipal Retirement Fund shall defer such effective date pursuant to Wis. Stat. § 200.43, and the provisions, terms, and conditions of said Chapter 175 of the Laws of 1943, also known as Wis. Stat. § 200.43, are hereby incorporated herein by reference to the same force and effect as though said provisions, terms and conditions were herein set forth and enumerated.

(2) Exceptions. There shall be excepted from provisions of this ordinance persons who are eligible to be included in the Teachers' Retirement Act, persons included within any Policemen's, Firemen's Pension Fund, persons included under the provisions of the retirement system existing in the Water Department.

(3) Election is hereby made to provide prior service credits and rates equal to two (2) times the rates of municipal credits for current service for each employee of the City of Madison on the effective date hereof.

(4) Upon the enactment of this ordinance the City Clerk shall submit a certified notice of the election made hereunder to the Board of Trustees of the Wisconsin Municipal Retirement Fund. Such notice of election shall: (1) be in writing; (2) indicate that date and results of such election; (3) include a accreditation of the prior service contribution rate selected as being applicable to the employees of the municipality; (4) be officially certified by the Clerk of the municipality; (5) designate these classes of employees excluded from participation in the pension fund created by this ordinance. (Charter Ordinance adopted by the Common Council October 22, 1943)

(Renum. by ORD-07-00048, 4-12-07)

3.52 TRAVEL EXPENSE ACCOUNTS.

(1) These expense standards shall apply to all City officials and employees traveling outside the City on City business:

(a) Travel should be by the most expedient and economical means. When traveling by air, the coach fare should be used. When a personal automobile is used to travel to a destination readily accessible by air, the City will pay mileage and other expenses en route up to the equivalent of air coach fare. In most cases, the expenses will exceed the air fare. The employee may then claim the amount of the air fare in lieu of listing the expenses. In addition, the difference in travel time between air and automobile must be charged to vacation.

(b) An employee or official who travels at City expense for the purpose of attending a conference, convention, or seminar is authorized to stay at the hotel where the event is being held. Employees are urged to stay at less expensive hotels but care should be taken in selecting alternatives to insure any savings will not be more than offset by daily cab fares. Employees traveling on all other City business shall not be reimbursed more than thirty dollars ($30) per day (excluding tax) for hotel rooms.

(c) Employees and officials may be reimbursed the actual and reasonable cost for meals. No official or employee shall be reimbursed more than fourteen dollars ($14) per day for meals. (Am. by Ord. 11,948, 10-14-97; Renum. by ORD-07-00048, 4-12-07)

(d) If an employee's spouse accompanies the employee on a trip, the City will reimburse only that portion of travel expenses that would have applied if the employee had traveled alone.

(e) Any employee or official seeking a waiver of these monetary restrictions may do so by indicating a request for waiver on the "Request for Absence From the City" forms.

(f) The travel expense restrictions may be adjusted periodically to compensate for price changes.

(2) All expenditures related to travel shall be reported to the Finance Director within ten (10) working days of the return to the City by filing a "trip settlement worksheet" as established in Administrative Procedure Memorandum No. 2-5. If the report is not received within that time, any travel advance shall be deducted from the next paycheck of the employee or official. (Am. by ORD-11-00037, 3-8-11)

(3) Each employee who attends a meeting, conference, or convention at City expense shall verbally report to his or her department head on the information gained from the trip. The department head shall determine whether or not a written or oral report is needed and shall be responsible for disseminating such information to all parties who might benefit from such information.

(4) Violation of expenditure standards contained herein, Administrative Procedure Memorandum No. 2-5 and the General Travel Guidelines published by the Finance Director's Office, shall be corrected by deducting the appropriate amount from the next paycheck of the employee. This shall not apply to hotels and meals if the employee has been granted a waiver under Section 3.52(1)(e). (Am. by ORD-11-00037, 3-8-11)

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.34 Am. by Ord. 5719, 1-18-77)

3.53 CIVIL SERVICE SYSTEM.

(1) Civil Service Created - Exceptions Therefrom. There is hereby created a civil service system for the City of Madison. The term Civil Service System is defined as those provisions contained in or promulgated pursuant to Section 3.53 of the Madison General Ordinances and the City of Madison Personnel Rules. All City officers and employees except those specified below shall be selected, hold their status and be subject to Section 3.53 of the Madison General Ordinances.

(a) Officials elected by the people.

(b) The Mayor.

(c) Members of committees, boards and commissions who do not otherwise hold civil service status.

(d) Election officials who do not otherwise hold civil service status.

(e) Commissioned personnel of the Police and Fire Departments subject to Wis. Stat. § 62.13.

(f) Crossing guards except where named in specific provisions.

(g) Deputy Mayor. (Editor's Note: See Section 3.03(3)). (Am. by ORD-16-00035, 3-25-16; ORD-16-00105, 12-2-16)

(h) All positions in Compensation Group 19.

(i) All positions in Compensation Group 21.

(2) Personnel Board.

(a) A Personnel Board is hereby established which shall consist of five (5) members to be appointed by the Mayor, subject to confirmation by a majority of the members of the Council. No person shall be appointed to said Board who holds any office or employment in the City government. The members of said Board shall be qualified electors of said City and shall serve without compensation. The members of said Board shall be individuals who are in sympathy with the merit system; and at least one (1) of such members shall be a representative of organized labor, provided the representative of organized labor is not directly affiliated with any labor organization which has a contract with the City.

(b) Upon expiration of the term of office of any member of the Personnel Board, the Mayor shall on the third Tuesday of April of each year appoint, subject to confirmation by a majority of the members of the Council, successor members of said Board to hold office for a term of three (3) years from the first day of May next succeeding appointment and until a successor is appointed and confirmed. The Board shall elect one (1) of its members as Chair of the Board who shall be a voting member of the Board in all matters. (Am. ORD-14-00012, 1-14-14)

(c) Vacancies shall be filled by appointment in the original manner for the unexpired term. Each member of the Board shall serve until a successor is appointed and confirmed.

(d) A two-thirds (⅔) vote of all members of the Council shall be required to remove any member of said Board from office prior to the expiration of his term of office.

(e) Upon appointment each member shall take the official oath required by Wis. Stat. § 19.01, which shall be filed with the City Clerk.

(f) The Board shall hear appeals in any matter authorized by the Personnel Rules in accordance with the appeal procedures set forth therein; provided, however, that there shall be no appeal to the Personnel Board in any matter which is grieved or grievable under a labor agreement with the City.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.35(3) Am. by Ord. 9865, 10-13-89)

(3) Rules and Regulations. The Personnel Board shall formulate rules and regulations for the administration of said civil service system, which, with amendments thereto, shall be subject to approval by the Common Council. The Personnel Rules will be reviewed at least every five (5) years and shall be adopted by the Common Council with the full force and effect of an ordinance. The Personnel Rules shall provide for the following matters:

(a) The classification of all positions in the civil service on the basis of duties and qualifications.

(b) The selection, employment, training, probation, promotion, suspension, demotion, layoff, and discharge of all persons in the civil service.

(c) The establishment of standards for and the holding of examinations to test the relative capacity and fitness of persons to discharge the duties of the position to which appointments are sought.

(d) The nature, use, and duration of eligible lists.

(e) Rules for the conduct of disciplinary hearings by an Appeal Examiner and the conduct of appeals by the Personnel Board.

(4) Workplace Accommodations. The Mayor shall establish procedures for the provision of reasonable accommodations for qualified applicants and employees with disabilities.

(5) Employment Restrictions. No permanent full-time City employee shall be permitted to hold more than one position in the City service except as approved by the Mayor.

(6) Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this

ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(7) Repeal of Conflicting Ordinances. All conflicting ordinances or inconsistent provisions found in different sections of the general ordinances are hereby repealed.

(8) Penalty.

(a) Any willful violation or violation through culpable negligence of this section or rules established hereunder, shall be sufficient grounds to authorize the discharge of any officer or employee.

(b) Any person, firm or corporation that shall violate any of the provisions of this section shall be fined not more than two hundred dollars ($200).

(9) Grievance and Arbitration Procedure for General Municipal Employees.

(a) Grievable Matters. A matter is grievable under this ordinance if it involves members of Compensation Groups 15, 16, 20, 23, 28, 31, 32, 33, 71, 83 and the general interpretation, application, compliance with, or enforcement of the following:

1. Sections 3.32 and 3.54, MGO;
2. The General Municipal Employee Handbook;
3. Any matter designated as grievable in the Personnel Rules.

Any matter covered under a valid labor contract is excluded from this Ordinance.

(b) Grievance Procedure. Grievable matters allowed under this section (collectively "grievances") shall proceed in compliance with the time limits and procedures outlined below:

1. Employee representatives or stewards may confer with Employer representatives on grievances filed pursuant to this section without loss of pay. However, the number of such Employee representatives or stewards shall be limited to one (1) at Step One and two (2) at Step Two unless another number is mutually agreed upon by the parties.
2. All grievances must be submitted in writing within thirty (30) days of the event giving rise to the grievance, or within thirty (30) days of the time the employee knew, or should have known, about the event giving rise to the grievance with the exercise of reasonable diligence, but in no event more than ninety (90) days from the date of the occurrence; otherwise the right to file a grievance is forfeited and no grievance is deemed to exist.
3. Time limits set forth in the grievance procedure, with the exception of the initial time limit for filing a grievance, shall be exclusive of Saturdays, Sundays and Holidays. Time limits for processing grievances from one step to another in the procedure may be extended by mutual agreement of the parties.
4. All grievances shall be subject to the following procedures:
5. Employee-Management Committees shall meet monthly to discuss grievances and matters of concern to either party. The parties shall notify each other of such matters at least one (1) week before the meeting. The following steps shall apply to all grievances:

Step One: The grievance shall be reduced to writing and presented to the employee's immediate supervisor on the approved form with a copy sent to the Employee and Labor Relations Manager. Within ten (10) days of receipt of the grievance, the supervisor shall meet with the grievant(s) and the Employee's representative to discuss the grievance. Within five (5) days following the date of this meeting, the supervisor shall furnish the employee

with a written answer to the grievance, a copy of which shall be forwarded to the designated Employee representative and the Employee and Labor Relations Manager.

Step Two: The grievance shall be considered settled in Step One unless within five (5) days after the immediate supervisor's written answer is due, the grievance is again reduced to writing and presented to the Department/Division Head with a copy sent to the Employee and Labor Relations Manager. The Department/ Division Head, or his/her designee, shall, within ten (10) days of receipt of the grievance, confer with the employee and Employee's representative before making his/her determination. Within five (5) days following the date of this meeting, the Department/Division Head shall furnish the employee with a written answer to the grievance, a copy of which shall be forwarded to the designated Employee representative and the Employee and Labor Relations Manager.

Step Three: If the grievance is not settled at Step Two or if any grievance filed by the City cannot be satisfactorily resolved by conference with appropriate representatives of the employee, the parties may elect to proceed to mediation. If either party objects to mediation, the parties will proceed directly to arbitration.

(c) Mediation. The purpose of mediation is to act as a means for the parties to communicate constructively, with the assistance of the mediator, on the issue being disputed with a goal of resolving the issue using consensus based problem solving. For grievances proceeding to mediation the following procedures apply:

1. Within fifteen (15) days of the receipt of the Department/Division Head's decision at Step Two, any party wishing to pursue the grievance past Step Two can send a written "Request to Initiate Mediation" to the other party.
2. Within ten (10) days of the receipt of the "Request to Initiate Mediation," the City and the Employee Representative will endeavor to reach mutual agreement on a mediator. The mediator may come from the list of mediators supplied by the Wisconsin Employment Relations Commission or the Federal Mediation and Conciliation Service.
3. If no agreement is reached on a mediator, the parties by lot will select five (5) names from the mediator panel. The parties shall alternately eliminate names until the mediator is selected. The flip of a coin shall determine which party is to eliminate the first name. The parties shall immediately contact the selected person to ascertain the person's availability and willingness to undertake the mediation and shall notify the parties of acceptance. In the event of non-acceptance, the selection process will be repeated until a mediator is selected.
4. Each of the parties shall select their respective representative(s) to attend the mediation. Employee participants may have the grievant and two (2) Employee Representatives attend the mediation without loss of pay. Representatives must have the necessary authority to settle the grievance.
5. The procedure at the mediation will be determined by the mediator after consultation with the representatives.
6. No later than ten (10) days before the mediation, each party will notify the other party of the name(s) of those people who will appear at mediation, including that party's representative(s) and any other individuals it deems necessary to resolve the dispute.

7. No later than ten (10) days before the mediation, each party will simultaneously exchange with the other party, and send to the mediator: (a) a summary of each party's position in the dispute and the relief requested, said summary to be no longer than ten (10) pages; (b) copies of all documents each party refers to in its summary
8. To facilitate a successful resolution of the grievance at mediation, all parties agree, and understand, that mediation discussions are for the purpose of reaching a mutually acceptable resolution of the grievance. Accordingly, all parties agree that mediation discussions are confidential and may not be used by any party, in any way, at any subsequent arbitration. Further, all parties understand that they may not call the mediator as a witness in any subsequent arbitration. Notwithstanding the foregoing, nothing shall prevent any party from introducing documents at any subsequent arbitration that were utilized at mediation provided that the documents were not created during the mediation.
9. No formal record or transcript of the mediation will be made.
10. Payment of the mediator's fees and other reasonable expenses will be split equally between the parties to the mediation.

(d) Final and Binding Arbitration. For grievances proceeding to final and binding arbitration, the following procedures apply:

1. Within fifteen (15) days after the close of mediation, if the parties were unable to settle the matter at mediation, any party may file a written notice of the intent to proceed to arbitration with the other party. The notice shall identify the applicable contract provision, the grievance (s), the Department and the employee involved. If notice is not filed within fifteen (15) days, the matter is deemed settled at Step Two.
2. If the parties cannot agree on an arbitrator, either party may request that the Wisconsin Employment Relations Commission (WERC) or Federal Mediation and Conciliation Service (FMCS) submit a list of five (5) arbitrators to both parties. Within five (5) days of the receipt of the WERC's or FMCS' list, either party may notify the WERC/FMCS, and the other party, of their intent to reject the entire WERC/FMCS list. The WERC/FMCS shall submit a new list which shall not duplicate the original list. The option to reject a list may only be exercised by each party once per grievance.
3. If no agreement is reached on an arbitrator, the parties by lot will select five (5) names from the arbitrator panel. The parties shall alternately eliminate names until the arbitrator is selected. The flip of a coin shall determine which party is to eliminate the first name. The parties shall immediately contact the selected person to ascertain the person's availability and willingness to undertake the arbitration and shall notify the parties of acceptance. In the event of non-acceptance, the selection process will be repeated until an arbitrator is selected.
4. An arbitrator must be picked and the arbitration must be scheduled within six (6) months from the date the last panel was submitted to the parties or the grievance shall be moot. This provision shall not be construed to mean that the arbitration hearing must take place within six (6) months, only that it be scheduled within six (6) months.

(e) Hearing. The hearing shall be held in Madison, Wisconsin, at a time and place convenient to the parties at the earliest possible date after the arbitrator has been notified of their selection.

1. The grieving employee(s) and not more than two (2) Employee representatives may be present at the hearing without loss of regular wages if the

hearing is scheduled during their regularly scheduled workday. Not more than five (5) employees called by the Employee or Employee's representative as witnesses may appear at the hearing without loss of regular wages if the hearing is scheduled during the employees' regularly scheduled workday. Employees who appear as witnesses during their regularly scheduled work day and do not testify at the hearing will not receive their regular wages unless the matter is settled during the course of the hearing.

2. The arbitrator shall have the authority to administer oaths and to issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. Any party requesting a subpoena will be responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded stenographically or by a recording machine under the supervision and control of the arbitrator. The arbitrator shall take such evidence as in his/her judgment is appropriate for the disposition of the issue(s) presented. Statements of position may be made by the parties, documents may be submitted into evidence and witnesses may be called to testify.

3. The arbitrator shall have the initial authority to determine whether or not the dispute is procedurally arbitrable under this ordinance. If the dispute is procedurally arbitrable, the arbitrator shall proceed with the hearing and determine the merits of the dispute in accordance with this ordinance and the applicable sections of Chapter 788 of the Wisconsin Statutes. If the Wisconsin Statutes and City of Madison Ordinances are in conflict regarding any procedure for arbitration, the Wisconsin Statutes shall control.

4. In making his/her decision, the arbitrator shall neither add to, detract from, nor modify the language in any ordinance or work rule in arriving at a determination of the issue(s) presented. The arbitrator shall have no authority to change wage rates or salary schedules.

5. The arbitrator shall only decide the issue(s) submitted by the parties for arbitration and shall have no authority to determine any other issue. The arbitrator shall not submit observations of make declarations of opinion on matters that are not directly essential in reaching a determination of the issue(s) presented.

(f) Fees and Expenses. Fees and expenses for the arbitrator's services shall be borne equally by both parties.

(g) Decision. The arbitrator shall submit his or her decision affirming or reversing the action with his/her reasons in writing to the parties within sixty (60) calendar days of the close of the hearing or the submission of the parties' briefs, whichever is later. No decision may be retroactive for a period greater than thirty (30) days prior to the presentation of the grievance in Step One. The decision of the arbitrator is final and binding without recourse to further appeal.

(Sec. 3.53 Am. by ORD-14-00179, 12-10-14)

3.54 COMPENSATION PLAN.

(1) Basic Salary Schedules By Compensation Groups. Basic biweekly salaries and classifications for permanent and limited term employees, permanent full and part-time employees, hourly employees and limited term employees are maintained by the Human Resources Department in conjunction with Finance Department. A hard copy of the current salary/hourly schedule is maintained in the Human Resources Department. An online copy can be found at https: www.cityofmadison.com/finance/salaryschedule (Am. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07).

(2) Establishment and Changes to Compensation Groups and Salary/Hourly Schedules.

(a) Compensation Groups. All employees shall be in the compensation group number indicated on the Finance website at: https: www.cityofmadison.com/finance/salaryschedule as of December 2, 2014. Any changes to compensation groups shall be made according to the procedures set forth in the Personnel Rules adopted by Sec. 3.53, MGO.

(b) Salary/Hourly Schedules. For all compensation groups, the salary/hourly schedules for all employees in place as of the last pay period of 2014 are hereby adopted and will be maintained as described in Sec. 3.54(1), MGO. Any changes to the salary/hourly schedules, or creation of new salary/hourly schedules, shall be by resolution or ordinance, proposed by the Human Resources Director and approved by the Common Council, taking into consideration any recommendation of the ERC under Sec. 33.10, MGO.

(3) Salary Schedules For Compensation Groups 43 and 44.

(a) Employees in Compensation Groups 43 and 44 are covered by all provisions of Sections 3.32(3), 3.33, 3.35, 3.38 3.53 and 3.54(1), (7), (8), (11)(a), (17), (18), (19), and (20).

(b) In those cases where an employee is promoted into a position in Compensation Group 43 or 44 from Teamsters Local 695, the employee shall be entitled to a salary advancement to the minimum of the new range or to the lowest step in the new pay range which represents an increase of at least five percent (5%) over the current biweekly rate not to exceed the maximum of the range.

(c) Employees promoted into or appointed to the classifications of Transit Operations Supervisor and Transit Maintenance Supervisor shall enter at Step 2 of Compensation Group 44, Ranges 06 and 08, respectively. Such employees shall receive future salary advancements in accordance with Section 3.54(11)(a) and (b).

(4) Hourly Rate for Supported Employees.

(a) Persons certified into the nonrepresented hourly classification of "Supported Employee" by the Human Resources Director, who perform services for the City on an hourly basis may, after their regular performance level is established by means of a task analysis, be compensated at an hourly pay rate designated by the Human Resources Director which is within the Allowable Hourly Pay range. (Am. by Ord. 10,052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(b) The pay rate for each Supported Employee shall be determined by means of a specialized task analysis of the work which the Supported Employee is able to perform and which, when approved by the Human Resources Director, shall establish an hourly pay rate which is a percentage of the pay rate for a full level of performance; and, that the percentage so established will be applied to the hourly pay rate of the full performance classification to establish an hourly pay rate for the individual Supported Employee that is no lower than minimum wage. (Am. by Ord. 10,052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07)

(c) The Allowable Hourly Pay Range, within which the hourly rate of pay for any Supported Employee must be placed, shall be minimum wage and shall not exceed eighty-five percent (85%) of the hourly rate of the classification which identifies the full performance level of the work performed by the Supported Employee. (Am. by Ord. 12,140, 6-1-98; Renum. by ORD-07-00048, 4-12-07)

(Cr. by Ord. 8492, 12-28-84; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00027, 3-8-17)

(5) Compensation of Noncivil Service Code Enforcement Officers.

(a) Special Code Enforcement Officers may be hired by the Building Inspection Division of the Department of Planning and Community and Economic Development to conduct code enforcement inspections outside of the City of Madison.

(b) Special Code Enforcement Officers shall be compensated at a rate of $35 per inspection, as assigned by the Building Inspection Division.

(c) Persons in the "Special Code Enforcement Officer" class shall be exempt from Section 3.53 of these ordinances entitled "Civil Service System."

(Cr. by Ord. 11,801, 3-4-97; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-08-00109, 10-7-08)

(6) Hourly Compensation Provisions for Nonrepresented Crossing Guard Substitutes.

Nonrepresented crossing guard employees hired by the hour as substitute or temporary help where such employees are not regularly scheduled on a permanent basis, shall be compensated on an hourly basis and shall receive no other benefits. (Am. by Ord. 12,099, 4-20-98; Ord. 12,563, Adopted 4-11-00; Renum. by ORD-07-00048, 4-12-07)

(7) Housing Monitors. The Director of Planning and Community and Economic Development may enter into individual employment contracts, on behalf of the City, with housing monitors employed to provide security services at public housing sites owned and operated by the community development authority.

(a) Such contracts may require the housing monitor to occupy a dwelling unit at the site. In such cases, the fair market rental value of the dwelling unit shall be included as part of the employee compensation.

(b) Such contracts may provide for either part-time or full time employment.

(c) Such contracts shall comply in all respects with state and federal law, and shall fully describe the wages, hours, benefits, and conditions of employment, as the community development authority may direct.

(d) Such contracts shall be approved as to form by the Finance Director, the City Attorney, and the Director of Human Resources. (Am. by ORD-11-00037, 3-8-11)

(Sec. 3.38(4) Cr. by Ord. 10,164, 12-28-90; Renum. by ORD-07-00048, 4-12-07)

(8) Prevailing Rate For Skilled Trades.

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

(Am. by Ord. 10,332, 11-29-91; Renum. by ORD-07-00048, 4-12-07; ORD-14-00012, 1-14-14)

(9) Compensation of Managerial Employees.

(a) Creation. Effective January 1, 1985, there is created a plan for the annual evaluation and adjustment of compensation of certain managerial employees. Except as provided otherwise in these ordinances, the provisions of Sections 3.53, 3.32, and 3.54 shall apply to such employees.

(b) Positions. This subsection shall apply to the following positions:

Building Inspection Division Director
City Assessor
City Attorney
City Clerk
City Engineer
City Traffic Engineer & Parking Manager
City Treasurer
Civil Rights, Director of Department of Community Development Authority Executive Director
Fire Chief
Fleet Service Superintendent
Human Resources Director
Information Technology Director
Library Director
Monona Terrace Director
Parks Superintendent
Planning & Community & Economic Development, Director of Department of Planning Division Director

Community Development Division, Director	Police Chief
Economic Development Division, Director	Public Works Director
Finance Director	Street Superintendent
	Transit General Manager
	Water Utility General Manager

(Am. by Ord. 11,835, 4-24-97; Ord. 12,328, 2-26-99; Ord. 13, 379, 8-2-03; ORD-06-00097, 8-2-06; ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-07-00074, 6-26-07; CHA-06-00005, 6-3-06—Non-Charter Provision; ORD-08-00109, 10-7-08; ORD-10-00050, 5-12-10; ORD-10-00069, 7-27-10; Am. by ORD-11-00037, 3-8-11; ORD-12-00041, 4-19-12; ORD-13-00004, 1-15-13)

(c) Implementation.

1. The evaluation of each managerial employee shall be based on objective criteria which may include but not be limited to critical incident reports and performance in relation to predetermined objectives and measurement standards. The criteria shall be established and may be revised from time to time by the Mayor as administrative procedural memoranda.
2. Evaluations shall be made in the following sequence:
   a. Employees below the level of Division Head shall be evaluated by Division Heads with review by Department Heads.
   b. Division Heads and Assistant Department Heads shall be evaluated by Department Heads.
   c. Department Heads operating under a statutory governing board or commission shall be evaluated by such board or commission.
   d. Other Department Heads shall be evaluated by the Mayor who shall also review all other evaluations.

   All evaluations shall be written and reviewed with each employee. Employees rated by supervisors other than the Mayor may make a personal and written appeal of their evaluation to the Mayor within three (3) working days after notification of rating. The Mayor shall consider input from the alderpersons and other sources concerning the evaluation of any affected employee.
3. Members of the Common Council may participate in the evaluation process of managerial employees by the following procedure:
   a. The Mayor shall, at least annually, distribute to the alders a form on which they may provide comments to the Mayor to be used in the evaluation of managerial employees.
   b. Any comments or information provided by the alders shall be on a confidential basis and, pursuant to Wis. Stats. § 19.36(10), shall not be made available to the public.
   c. At least ninety (90) days prior to the specified renewal date in the contract of a managerial employee, the Human Resources Director shall notify all alders of such renewal date and the expiration date of the managerial employee's contract, and notify the alders that if they wish to provide comments to the Mayor regarding the managerial employee, they should do so promptly.

(R. & Recr. by ORD-05-00147, 9-23-05; Renum. by ORD-07-00048, 4-12-07)

4. Upon approval by the Common Council of salary adjustments for the other nonrepresented employees, the Finance Director shall calculate an amount of money for salary adjustment of the managerial employees. That amount shall be based on the sum of the percentage represented by the value of the step and longevity increases of all employees eligible to receive such increases, divided by the total salary of all employees other

than the managerial employees, plus the percentage salary increase granted to nonrepresented employees other than the managerial employees multiplied by the total salary for the current year of all managerial employees. The Mayor shall recommend an amount for the salary adjustment based on the foregoing calculations or upon such criteria as the Mayor deems appropriate. The Common Council by simple majority vote shall establish the final amount available for the salary adjustment of affected employees and include the sum in the appropriate City budget.

In addition, the Common Council shall adopt appropriate ordinances each year amending Section 3.54 to advance the applicable salary ranges for each such position in a percentage equal to the adjustment granted the other nonrepresented employees in order to maintain the relative placement of the ranges. These ordinances shall maintain a minimum thirty-five percent (35%) increase from the minimum of the range to the maximum.

(Am. by Ord. 8762, 12-31-85; Renum. by ORD-07-00048, 4-12-07)

5. The Mayor shall receive all performance evaluation information and, upon that information, shall assign to each affected employee either a salary increase or decrease, expressed in terms of a percentage of the employee's previous year's compensation.

No employee's salary shall be increased in an amount greater than one hundred fifty percent (150%) of the increase granted to the other nonrepresented employees. The Mayor's decision shall be final.

No employee's salary shall be decreased by an amount in excess of one hundred fifty percent (150%) of the percentage adjustment of the other nonrepresented employee's salaries. In the event of a salary decrease, the provisions of the Personnel Rules shall apply.

(Am. by Ord. 9345, 11-30-87 & 12-4-87)

6. The Mayor shall not be required to expend all the monies provided by paragraph 4. hereof but shall not exceed that amount in making salary adjustments. All adjustments made shall be effective as of the effective date of adjustments for the other nonrepresented employees and payable as of the first pay period after the Mayor's announcement of the adjustments. The adjusted compensation of each employee shall be the basis for the succeeding year's adjustment.

(d) The adjustments to compensation based on performance shall be in lieu of any automatic step increase or longevity increase. The managerial positions listed in Subdivision (b) hereof are excepted from such increases.

(e) No incumbent's salary shall be changed by the adoption of this ordinance. The salaries of any incumbents of included positions which exceed the maximums of the base ranges provided by this ordinance, shall not be reduced by adoption of this ordinance. Further, and notwithstanding any other provision hereof, the salaries of any incumbents which exceed the maximum of the base range shall constitute the range maximum for that position as of adoption of this ordinance. When the incumbent of the position at time of adoption vacates the position, the range maximum for that position shall be re-established as the maximum of the base range for the position according to Section 3.54(9)(c) hereof.

The salaries of incumbents of covered positions which do not exceed the maximums of the base ranges provided by this ordinance at the time of adoption may, by the merit provisions hereof, advance to the maximum of the base range established by adoption of this section.

Adjustments to compensation shall be cumulative and shall increase base salary until the employee's salary reaches the maximum of the employee's range as

adjusted for the subsequent year. Employees whose salaries have reached the maximum may be granted salary adjustments pursuant to these provisions but any such adjustment which exceeds the employee's base range maximum as adjusted shall not be cumulative and shall apply only to the year in which granted. (Am. by Ord. 8827, 4-4-86; Renum. by ORD-07-00048, 4-12-07)

(f) Employment Contracts. All new positions in Compensation Group 21 and all existing positions in Compensation Group 21 as they become vacant shall be filled through the use of employment contracts pursuant to the system outlined in the Substitute Report of the Human Resources Committee Relating to Employment Contracts for Certain Managers, ID No. 3152, adopted August 2, 1988, Substitute Report ID 3152. Incumbents of positions in Compensation Group 21 as of the effective date of this ordinance may enter into such employment contracts at their option. Notwithstanding any other provisions of these ordinances, those incumbents of positions in Compensation Group 21 at the effective date of this ordinance who do not opt to enter into such employment contracts shall be subject to the reappointment procedures to terms in effect at the time of their respective most recent appointments to the five-year term. This subdivision shall not apply to the positions of Fire Chief or Police Chief. If the employment contract so states, then in the event any provision of the employment contract directly conflicts with any City ordinance, resolution, regulation, rule or policy, the provision of the employment contract shall apply, except that nothing in any employment contract shall be interpreted as modifying the provisions of Sec. 3.35. This paragraph shall also apply to all non-civil service positions in Compensation Group 19 filled by employment contracts where performance incentives are an integral part of the service provided. All contracts described herein shall be approved by resolution of the Common Council. If there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the position opening and the time of selection, the position shall not be filled; rather, the position as changed shall be posted again and a new application and selection process will be started. (Am. by Ord. 11,527, 2-16-96; ORD-05-00079, 5-10-05; ORD-06-00023, 3-24-06; Renum. by ORD-07-00048, 4-12-07)

(Sec. 3.38(6) Repealed and Re-Created by Ord. 8323, 5-11-84; Renum. by ORD-07-00048, 4-12-07)

(10) New Appointments and Promotions.

(a) New appointments shall be made at the minimum rate in the salary range and the minimum rate in the vacation leave schedule unless the Mayor finds it impracticable to recruit qualified candidates at the minimum salary and/or minimum vacation leave entitlement in which case the Mayor or Police and Fire Commissioners may designate a beginning salary at any step within the fixed range and/or the Mayor may designate a beginning vacation leave entitlement at any step within the vacation schedule which is deemed necessary to meet the existing conditions. (Am. by 8323, 5-11-84; ORD-05-00013, 1-18-05; Renum. by ORD-07-00048, 4-12-07; ORD-13-00180, 11-5-13)

(b) In case of the appointment of a City employee to a position in a higher range classification or upon promotion the appointee's salary shall be set at the step closest to the employee's salary prior to promotion, but not exceeding the maximum of the new salary range, and that were possible, assures a five percent (5%) increase in pay. A new anniversary date shall be established and the first step increase in the new classification shall be effective the first day of the bi-weekly pay period following six (6) months of service and annually thereafter until the maximum of the salary range is achieved. At the request of the Appointing Authority, the Human Resources Director may authorize hiring above the

minimum when the selected employee has exceptional qualifications and/or experience. If this occurs, the job announcement shall reflect that potential applicants may be hired above the minimum of the salary range.

(c) No division or department head shall change the status of any employee in the civil service as to increase or decrease in rate of pay, other than automatic increases or cost of living salary adjustments, until he or she notifies the Human Resources Director, or in the case of uniformed Police and Fire personnel, the Board of Police and Fire Commissioners, in writing of such change and the reasons therefore, and receives a certification from the Human Resources Director, or in the case of uniformed Police and Fire personnel, the Board of Police and Fire Commissioners, that such action is in accordance with the ordinances fixed by the Council or action taken by the Personnel Board under the provisions of the ordinances, rules and regulations applicable thereto. (Am. by Ord. 10052, Adopted 6-19-90; Renum. by ORD-07-00048, 4-12-07; ORD-14-00012, 1-14-14)

(11) Salary Advancement.

(a) All employees hired on a permanent or limited term basis shall be granted their first basic salary increase on the first day of the biweekly pay period following completion of six (6) months of employment. This section shall apply to all permanent or limited-term employees who complete six (6) months of employment on or after the effective date of this Ordinance.

(b) Salary advancement for permanent or limited term employees shall be made to the next higher rate upon completion of each year of service until the maximum rate is received; provided, however, that the effective date of the advancement shall be the first day of the biweekly pay period following completion of the year of service. The salary for permanent part-time employees shall be based on the ratio of their part-time employment to full-time employment. "Service" shall not be construed to be interrupted by absence of an employee while receiving, from the City of Madison, Worker's Compensation payments or full salary in lieu thereof for temporary disability. (Am. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07)

(c) Step increments for the positions of Clerk, Clerk-Typist, and Police Report Typist shall occur on six-month service time intervals commencing with successful completion of their probationary period until the maximum base step is reached. Upon completion of six (6) months' service at the maximum base step, Clerks, Clerk-Typists, and Police Report Typists shall be advanced to the objective classifications of Clerk II, Clerk-Typist II, and Police Report Typist, respectively, at step three (3). The step increments thereafter shall be on an annual basis.

(d) Librarian 1 and Library Computer Specialist 1 who attain at least fifty-four (54) months of service as a Librarian 1 or Library Computer Specialist 1 and who possess a master's of library or information science shall be placed in the Librarian 2 or Library Computer Specialist 2 classification at Step 3 of that range on the later of their anniversary date or the pay period immediately following completion of the master's degree. The Library Computer Specialist 2 classification shall be exempt from the master's degree requirement. For the purposes of this section, anniversary date shall be defined as that date when a Librarian 1 or Library Computer Specialist 1 would begin the fifty-fifth (55) month of his/her service in that classification. All Librarian 1 or Library Computer Specialist 1 who become Librarian 2s or Library Computer Specialist 2 shall continue to advance through remaining Librarian 2 or Library Computer Specialist 2 steps after each twelve (12) months of service.

(e) Street and Sewer Maintenance Worker 1 employees in the Engineering Division shall, upon successful completion of a full probationary period, be classified as Street and Sewer Machine Operator 1.

(f) Salary adjustments for employees shall become effective on the first day of the biweekly pay period following the effective date of the legislation providing for any such adjustment. (Am. by Ord. 7337, 2-11-81; Renum. by ORD-07-00048, 4-12-07)

(g) In cases of reinstatement or reemployment in the same class where the beginning salary is set at or above the step earned by the employee at the time the employee left the service, the effective date for salary increases shall be the first day of the biweekly pay period following the completion of one (1) year of service. Where the salary is set at the minimum rate of the range or the employee is reinstated or reemployed at a lower class than that formerly held, the employment shall be considered as original employment for automatic salary increase purposes and the effective date of the first basic salary increase shall be the first day of the biweekly pay period following completion of a probationary period of not less than six (6) months.

(h) In cases of advancement to a higher classification the employee shall receive the first step increase in the new classification at the beginning of the first biweekly pay period following the satisfactory completion of a probationary period of not less than six (6) months.

(i) Where the promotion date coincides with an anniversary date, any step increase earned shall be considered prior to establishing the salary rate on promotion.

(j) The above step increases for civil service employees shall be granted automatically as set forth in this subsection.

(k) The provisions of this subsection shall not apply to the salaries of managerial employees identified by positions in Section 3.54(9)(b). (Cr. by Ord. 8323, 5-11-84; Renum. by ORD-07-00048, 4-12-07)

(12) Salaries of Officers Elected or Appointed for a Definite Term not Affected. The salaries of officers elected or appointed for a definite term and employees not under civil service shall not be affected by this ordinance unless otherwise provided.

(13) Positions Filled in Temporary or Acting Capacity.

(a) Members of the Fire Department filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.

(b) Members of the Police Department filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.

(c) Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within a higher salary range in Compensation Group 18 or 44 shall be entitled, while filling such position, to a salary advancement to the minimum of the new range or to the lowest step in the new pay range which represents an increase of at least five percent (5%) over the current biweekly rate not to exceed the maximum of the range. Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within Compensation Group 21 shall be entitled, while filling such position, to at least the minimum salary pertaining thereto. (Cr. by ORD-08-00107, 9-18-08)

(14) Overtime Compensation.

(a) Overtime Compensation for Employees in Compensation Groups 18, 21 and 23.

1. Overtime compensation shall be computed on the basis of forty (40) hours per week for field personnel and thirty-eight and three-quarters (38¾) for office personnel as established in Section 3.32(3) of these ordinances. Overtime shall not be computed on an hours-per-day basis.

2. Prescheduled hours of paid leave including but not limited to vacation leave, holiday leave and compensatory time off shall be computed as

working hours for purposes of this subdivision. Unscheduled hours of paid leave including but not limited to sick leave and other leaves granted on the day of notice or request and hours of unpaid leave shall not be computed as working hours for such purposes.

3. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time, provided, however, that such employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked only in the event such employee has not been directed to work beyond her/his assigned schedule or when such employee has not been called back to perform overtime work which commenced prior to midnight, or when an employee has on the previous day been directed to report to work early at a time prior to 6:00 a.m. and works continuously through the regular starting time of her/his regularly scheduled hours.
4. Employees in Compensation Group 18, Ranges 9 and below and hourly employees shall be compensated at time and one-half their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week established in Section 3.32(3) of these ordinances.
5. Employees in Compensation Group 18, Ranges 10, 11, 12, and 13 shall be compensated at their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week established in Section 3.32(3) of these ordinances unless the appointing authority has declared an emergency in advance in which case such overtime hours will be compensated at time and one-half the regular straight time rate of pay. All declared emergencies are to be reported to the Mayor and reviewed annually by the Mayor and Department Heads.
6. The decision to compensate overtime hours worked in the form of money or compensatory time off shall be made by the employee's appointing authority. Compensatory time shall be taken off only at times mutually agreed to between the appointing authority and the employee. All compensatory time balances shall be reduced to forty (40) hours or less by the end of each year, or by March 31 of the succeeding year with the approval of the Human Resources Director. Under special circumstances where workload makes it impractical for employees to meet the March 31 deadline, the Human Resources Director may extend the deadline to June 30. (Am. by ORD-09-00149, 11-6-09)
7. Employees in Compensation Group 18, Range 14 and above and those in Compensation Groups 21 and 23 shall not be eligible to receive overtime compensation for any hours worked in excess of their standard hours established in Section 3.32(3) of these ordinances.
8. For employees in Compensation Group 23, professional time shall be available. Use of professional time in these situations will require approval by the appropriate Department Head who may grant requests giving consideration to program needs, the recognition that a professional employee usually works no less than an average of 38.75 hours per week, that the concept of professional time need not be approved on an hour for hour basis for extra work performed beyond the usual work hours and that a professional employee has a high degree of job responsibility and flexibility. The Department Head's approval may be for a single occurrence or for the continuing use of professional time as determined by the Department Head. The granting and use of professional time will not be

unreasonably denied. No compensation for earned but not used professional time shall be owed an employee upon his/her termination of employment.

(b) Overtime Compensation for Other Civil Service Employees.

1. Time and one-half rate of pay or compensatory time off at the rate of time and one-half shall be provided for all work beyond the normal, assigned work day or work week as established for that particular classification; provided, however, that hourly employees shall receive overtime at the rate of time and one-half for assigned work performed in excess of the standard hourly work week established in for their particular classification.
2. Hours of vacation, sick leave, holidays, or any other compensated hours not worked shall be computed as working hours for purposes of this subsection.
3. Two (2) times the rate of pay or compensatory time off shall be provided for all hours worked in excess of twelve (12) consecutive hours. Employees may decline any hours of overtime in excess of sixteen (16) consecutive hours without penalty.
4. Overtime "pyramiding" shall be prohibited in that weekly overtime premiums shall not be paid for hours covered by daily overtime premium payments.
5. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time. Employees in Compensation Groups 16, 20, 32, 33 and 71 who are called in for overtime work shall be granted a minimum of two (2) hours of overtime unless the two (2) hours of work overlaps with the employee's normal work day. Employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked unless the three (3) hours of work overlaps with the employee's normal work day. This provision shall not apply when the employee has been directed to work beyond his/her assigned schedule, when the employee has not been called back to perform overtime work commencing before midnight, or when the employee is directed during the previous day to report early the following day to work early at a time prior to 6:00 a.m. and works continuously through the regular starting time of his regularly scheduled hours. Guaranteed report time shall end at the beginning of the employee's regularly scheduled shift. For Compensation Group 15 only, employees reporting for call-in assignments shall commence to accrue overtime twenty (20) minutes before they report. This time will be included in the two (2) or three (3) hour call-in minimum, provided the employee reports for duty within one (1) hour from the time of the call-in. (Am. by ORD-15-00074, 7-29-15)
6. The decision to compensate extra hours worked in the form of overtime pay or compensatory time off shall be made by the employee.

   Compensatory time off is to be granted only at a time mutually agreed to between the employee and the department head. All compensatory balances shall be reduced to eighty (80) hours or less by the end of each year. For Compensation Group 15, Fleet Service only, the total compensatory time off shall not exceed a total of sixty (60) hours. However, the employer may elect to carry over such accrued compensatory time for selected classifications of employees. Employees so affected shall be paid for all accrued compensatory time in excess of eighty (80) hours by

the pay period ending nearest May 1st of the following year. Maximum compensatory time balances by compensation group or position classification within each Division will not be adjusted without the mutual agreement of the parties.

7. All accrued compensatory time in excess of department-established maximums shall be paid on the pay date of pay period 26. (Am. by ORD-16-00088, 10-26-16)
8. Occasional overtime assignments do not constitute a work schedule change. No employee shall be penalized for any reasonable inability to work overtime provided sufficient employees are available to meet the requirements of the City. If sufficient employees are not available to work the overtime assignment, the junior employee within the job classification, who is capable of satisfactorily performing the work, shall be required to accept the overtime assignment.
9. In the event a Parking Enforcement Officer is notified of the cancellation of a court appearance on a scheduled day off with less than twenty-four (24) hours notice, the Officer will receive two (2) hours compensation at the overtime rate.
10. Overtime regulations of this section shall not apply to employees in Compensation Group 18, 21, 23, 43 and 44.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.38(11) Am. by Ord. 11,777, Adopted 1-21-97)

(15) Uniforms, Safety Shoes, and Tools. In the event that an employee is required, as a condition of his/her employment, to wear a uniform or other special clothing, identification patch or material, safety shoes or other protective gear or device or have certain tools, such articles shall be furnished by the City. The City shall replace uniform items damaged as a result of the performance of duty. Uniform items lost or damaged due to proven negligence by the employee shall be replaced by the employee at his/her own expense.

(a) Non-Represented Police and Fire. The City of Madison shall provide the original complete uniform for those members of the Police and Fire Departments who are not members of recognized bargaining units but who are required to wear a uniform. Such uniform shall remain the property of the City.

Thereafter the City of Madison shall contribute one hundred percent (100%) of the annual uniform expense of any member of either department required to wear a uniform but not to exceed eighty dollars ($80) per year for firefighters or ninety-six dollars ($96) per year for police officers unless approved by the Chief of the appropriate department. This amount may be accumulated over a period of three (3) years. The maximum accumulation shall not exceed two hundred forty dollars ($240).

(b) Parking Enforcement Officers. The City shall provide the original complete uniform to Parking Enforcement Officers. Such uniform shall remain the property of the City. The City shall replace uniform items as needed by normal wear and tear to an amount not to exceed three hundred dollars ($300) unless approved by the Chief of Police. This amount will increase on the date of any wage increase each year thereafter by the percent of wage increase granted if any. This amount may be accumulated over a period of three (3) years but shall not exceed a maximum accumulation of four hundred dollars ($400).

(c) Seasonal and Hourly. Following three (3) months of continuous employment seasonal and hourly employees required to wear safety shoes shall be entitled to reimbursement consistent with the annual limitation on reimbursement for permanent employees.

(d) Crossing Guards. The City shall provide protective clothing consisting of a safety vest, an orange raincoat and an orange parka. In addition to the protective clothing the City will provide a clothing allowance up to one hundred and fifteen

dollars ($115) per year towards the purchase of hats, scarves, sweaters, gloves, waterproof pants and boots. Newly hired Crossing Guards shall not be eligible to receive reimbursement during the first month of employment. Upon completion of their first month of employment, the clothing allowance shall be retroactively applied.

(e) Safety Shoes. The City may require the wearing of industry approved safety shoes for foot protection. The City shall reimburse those permanent employees required to wear safety shoes at a rate of eighty dollars and fifty cents ($80.50) per year. This amount will increase two dollars ($2.00) per year beginning on January 1, 2016 to a maximum amount of one hundred dollars ($100). Employees may choose to purchase one pair of shoes every two years and be reimbursed for twice the annual amount. Employees classified as Parking Service Workers may use the eighty dollars and fifty cents ($80.50) per year reimbursement for clothing and shoes. This amount will increase two dollars ($2.00) per year beginning on January 1, 2016 to a maximum amount of one hundred dollars ($100).

(f) Tool Allowance. For employees in Compensation Group 15, a tool allowance of twenty dollars ($20) per month shall be paid to employees with the following classifications: Automotive Maintenance Worker 2, Automotive Mechanics, Welder, Master Mechanic, Master Automotive Body Technician. Automotive Maintenance Workers will be paid a tool allowance if/when the employee has the required tools to perform the duties assigned. The employer agrees to provide coverage on the mechanical tools described in detail and approved by the Employer for each employee required to furnish his own tools. Such coverage shall be against loss or damage directly caused by the risks and perils specified in a Standard Inland Marine Tool Floater Policy subject to the following conditions:

1. A five hundred ($500) dollar deductible shall apply to each mechanic's claim for each occurrence;
2. The maximum coverage provided by the City for any mechanic shall not exceed seven thousand dollars ($7,000) for each occurrence;
3. The City at its option shall replace the lost or damaged tools or reimburse the employee based on current replacement value. When calculating the amount to be reimbursed, depreciation will be applied to all electrical and pneumatic tools using a life expectancy of ten (10) years.

(Sec. 3.54.(15) Am. by ORD-15-00074, 7-29-15)

(16) Longevity Provisions.

(a) All permanent full-time and permanent part-time employees as defined in Sec. 3.32(1)(a) except those managerial employees identified by position in Section 3.54(9)(b) who reside in the City of Madison shall receive longevity pay based on a percentage of base pay in accordance with the following schedule:

1. Three percent (3%) of base pay beginning with the fifth (5th) year of continuous employment.
2. An additional three percent (3%) (total 6%) of base pay beginning with the tenth (10th) year of continuous employment.
3. An additional two percent (2%) (total 8%) of base pay beginning with the fourteenth (14th) year of continuous employment.
4. An additional one percent (1%) (total 9%) of base pay beginning with the sixteenth (16th) year of continuous employment.
5. An additional one percent (1%) (total 10%) of base pay beginning with the eighteenth (18th) year of continuous employment.
6. An additional one percent (1%) (total 11%) of base pay beginning with the twentieth (20th) year of continuous employment.

7. An additional one percent (1%) (total 12%) of base pay beginning with the twenty-fifth (25th) year of continuous employment, effective with the pay period which includes January 1, 2003.

The foregoing schedule of longevity increases shall be reduced by one (1) percentage for those employees in Compensation Group 18 who do not reside in the City of Madison. (Am. by Ord. 8323, 5-11-84; Ord. 13,700, 9-29-04)

(b) For purposes of longevity pay, leaves of absence without pay granted in accordance with Sec. 3.32(3) of the ordinances shall not operate to break continuous employment; however, such authorized leave in excess of thirty (30) days shall not be counted in determining qualification for the period specified in Sec. 3.54(16)(a) above. This same principle shall apply to employees in layoff status, i.e., time spent in layoff status shall not operate to break continuous employment within the meaning of this ordinance; and shall not be counted in determining qualifications for the longevity periods specified in Sec. 3.54(16)(a) above.

(c) Employees who are paid in excess of the total maximum rate for their classification shall receive only that part of longevity pay which is in excess of the difference between the total maximum for their classification and their current salary.

(d) Longevity payments shall be effective on the first day of the bi-weekly pay period following the completion of the required length of service.

(e) Upon promotion of a prevailing rate employee to a permanent civil service position prior service credit shall be granted for such continuous full-time service as such service time applies to the longevity schedule.

(f) In the event that a seasonal or limited term employee shall move from the status of seasonal or limited term to the status of permanent without an interruption of work, then any such employee upon completion of probation shall have their longevity credit date established by dividing the total number of hours worked from the first date of employment followed by continuous service by the normal daily hours rounded up to the nearest full day, however, probation and base salary increases shall be related to the date of permanent employment. (Am. by Ord. 6881, 1-23-80; Renum. by ORD-07-00048, 4-12-07)

(g) Definitions.

1. For the purpose of this subsection "permanent employment" is defined as follows: a part-time or full-time budgeted position of indefinite duration for performance of a set of functions which requires employment for at least fifty percent (50%) of a regularly established full-time work week.
2. For the purpose of this ordinance "continuous employment" is interpreted to mean year-round employment as evidenced by uninterrupted payment on the payroll. "Continuous employment" shall not be construed to be interrupted by absence of an employee while receiving from the City of Madison Worker's Compensation payments or full salary in lieu thereof for temporary disability.
3. "Layoff status" is meant to include employees laid off from a permanent City position in accordance with Personnel Rules and who because of such layoff qualifies under layoff rules and procedures to have his/her name entered on the reemployment register or a person laid off pursuant to the provisions of Wis. Stats. § 62.13.

(Renum. by Ord. 6406, 10-25-78; Renum. by ORD-07-00048, 4-12-07)

(17) Premium Pay.

(a) Night and Holiday Differential. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment of seventy-five cents ($.75) per hour for any and all authorized work performed between the hours of 6:00 p.m. and 6:00 a.m. Monday through Friday or for hours worked on any designated holiday.

(b) Sunday Differential. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment of forty-five cents ($.45) per hour for any and all work performed on any Sunday. Employees in Compensation Groups 15, 16, 20, 32 and 33 will receive one dollar ($1.00) per hour for authorized work on a Sunday.

(c) Emergency and Scheduled Maintenance Work. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment according to the following schedule whenever they are assigned to perform emergency and scheduled maintenance work on communication towers or structures:

Working Height Measured From Base of Tower or Structure	Rate of Compensation
Up to 50 feet	Straight time the employee's regular hourly rate.
51 to 95 feet	Time and one-half (1½) the regular hourly rate.*
96 to 150 feet	Two (2) times the employee's regular hourly rate.*
Over 150 feet	Three (3) times the employee's regular hourly rate.*

A minimum payment of forty dollars ($40) shall be made for all emergency or scheduled repair work performed over ninety-five (95) feet in height. A minimum payment of forty dollars ($40) shall be made for all work performed between fifty-one (51) feet and ninety-five (95) feet in height while on overtime.

*This rate of pay shall not be subject to the overtime provisions of Sec. 3.54(14) of these ordinances. (Cr. by Ord. 6359, 8-30-78)

(d) Employees of the Library who are designated Multi-Site Library Assistants shall be paid a premium of five percent (5%) of their base pay, including overtime. Employees in Compensation Groups 32 shall receive an hourly premium payment of fifty-eight cents ($.58) per hour for all hours worked on a Saturday between 6:00 a.m. and 6:00 p.m. Employees in Compensation Group 33 shall receive an hourly premium payment of sixty-two cents ($.62) per hour for all hours worked on a Saturday between 6:00 a.m. and 6:00 p.m. Employees in Compensation Groups 32 and 33 shall receive an hourly premium payment of seventy-five cents ($.75) per hour for any hours worked on a Saturday between 6:00 p.m. and 6:00 a.m. the following Sunday. Saturday premium pay will be retroactive to the first pay period in January 2015.

(e) Subdivisions (a), (b), (c) and (d) of Subsection (17) hereof shall not apply to employees in Compensation Groups 21, 23, 18, or 44. (Renum. to Sec. 3.38(21) and Am. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07)

(Renum. by ORD-07-00048, 4-12-07; Sec. 3.38(17) Am. by Ord. 11,777, Adopted 1-21-97; Am. by ORD-15-00074, 7-29-15)

(18) Holiday Leave Plan. Except for employees covered in Section 3.38, all permanent employees in Compensation Groups 17, 18, and 19 required to work on a designated holiday as defined in Sec. 3.32(7) except where compensation for such work is covered by agreement, shall be compensated at two (2) times the regular straight time rate of pay plus a paid day off later to be scheduled at a time mutually agreed to between the employee and the department head in lieu of any overtime compensation. (Am. by Ord. 11,777, Adopted 1-21-97; Renum. by ORD-07-00048, 4-12-07)

(19) Out-of-Class Pay. Employees eligible to receive overtime, who by assignment perform work in a position of a classification that falls in a pay range which is higher than the pay range of the employee's classification, shall receive an additional compensation of thirty cents ($.30) per range per hour of work. Employees in Compensation Group 15 shall

receive fifty cents ($.50) per range per hour of work. This subsection shall not apply to employees in Compensation Groups 21, 23, 18, or 44. (Am. by Ord. 11,777, Adopted 1-21-97; Am. by Ord. 12,908, 10-24-01; Renum. by ORD-07-00048, 4-12-07)

(20) Standby Pay. Any permanent employee assigned to be on standby duty for emergency maintenance or repair work during hours outside the employee's general work schedule shall be compensated at the rate of one dollar and twelve cents ($1.12) per hour for such assignment. Beginning on January 1, 2016, this amount will increase by three cents ($.03) each calendar year until reaching a maximum of one dollar and fifty cents ($1.50) per hour. An employee who is on standby duty shall be immediately accessible by telephone and/or by portable radio and/or by pager as determined by the employer. An employee who cannot be immediately contacted while on standby duty or who does not report to the work site within a reasonable period after time of having received notice shall not be eligible for standby pay for that day. Standby duty shall not be counted as hours worked. Employees called in for overtime work from standby duty shall be compensated for such time worked pursuant to applicable contract provisions and ordinances and for such period of time worked shall not receive standby pay. This subsection shall not apply to employees in Compensation Group 21 or to employees in Compensation Groups 18 and 44, Range 14 and above. (Am. by Ord. 10,383, 2-27-92; Renum. and Am. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-11-00126, 9-28-11)

(21) Participation in Supplementary Retirement Program. All permanent employees of the City may, at their option, participate in the Supplementary Retirement Programs administered by the City pursuant to rules and regulations therefore as are or may be established by the City. (Am. by Ord. 6507, 2-8-79 Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07)

(22) Credit for Past Services. Credit for past services for present employees whose salaries are being adjusted to the new salary schedule shall be prescribed by the rules and regulations of the Personnel Board. (Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07)

(23) Salaries of Incumbents not Reduced. While it is the intention of the Common Council in this ordinance to establish definite salary ranges for designated City positions, nevertheless, salaries of incumbents of positions who are receiving more than the maximum base rate of the range shall not be reduced by the passage of this ordinance. (Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07)

(24) Only Basic Salaries Established. This ordinance shall be deemed to establish only basic salaries. (Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07)

(25) Health Insurance.

(a) Employees registered in domestic partnerships under Section 39.03(11), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Public Employers' Group Health Insurance Plan. (Cr. by Ord. 10,640, 4-30-93; Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00004, 1-15-13)

(b) The City will continue to make contributions toward the cost of health insurance coverage for any employee in a permanent position that is subject to layoff as a result of a lack of work or funding provided the employee has no other comparable coverage. The City contribution shall continue for three (3) consecutive months following the effective month of the layoff in the same manner and at the same rate as provided prior to the layoff. The City may terminate contributions prior to the end of the three (3) month period if the affected individual obtains comparable health insurance coverage through another source. This ordinance applies to all City employees covered by health insurance provided by the City on or after January 1, 2009. (Cr. by ORD-09-00022, 2-6-09)

(26) Ordinances in Conflict Repealed. All ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed. (Renum. by Ord. 10,640, 4-30-93; Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07; Renum. by ORD-09-00018, 2-6-09)

(27) Additional Contributions to Wisconsin Retirement Fund. Pursuant to the authority granted by Wis. Stat. § 40.05(2)(g), the City of Madison shall make additional contributions to the Wisconsin Retirement Fund for those persons who have served in an elective position for two or more terms, each year of which could qualify for Wisconsin Retirement System coverage, and who subsequently become Mayor. When such person establishes eligibility for the contribution to the City's Wisconsin Retirement System regular agent, the agent shall promptly certify the eligibility to the System. (Am. by Ord. 11,498, 1-5-96; Renum. by Ord. 12,738, 12-29-00; Renum. by ORD-07-00048, 4-12-07; Renum. by ORD-09-00018, 2-6-09)

(28) Bus Pass Subsidy. For all permanent, limited-term, hourly and seasonal employees who purchase one of the bus passes specified below and who utilize such pass for their mode of transportation to and from work, the employer shall provide a subsidy for such employees toward the cost of such bus passes as provided in the following schedule:

Madison Metro Passes	Bus Subsidy
Commuter Pass	$15.75
Monthly Pass	$15.75
Convenience Ticket Books (Paratransit)	$15.75
Adult QUIK-TIX Tickets	$ 7.90
Convenience Ticket Books (Persons with disabilities)	$ 7.90

Such employees may purchase bus passes on a pre-tax basis at such time as the program is established. In the event that and for so long as the City implements and maintains an Unlimited Ride Pass Program on Madison Metro for City employees, current employees shall be eligible to obtain such pass at no charge. While the Unlimited Ride Pass Program remains in effect, subsidized bus passes will not be available for City employees.

(Sec. 3.38 Am. by Ord. 6001, Adopted 10-4-77; Am. by Ord. 13,217, 12-20-02; ORD-05-00120, 7-12-05; ORD-06-00099, 8-2-06; Renum. by ORD-07-00048, 4-12-07; Renum. by ORD-09-00018, 2-6-09; Sec. 3.54 Am. by ORD-14-00173, 12-10-14)

3.55 - 3.59 RESERVED FOR FUTURE USE.

SUBCHAPTER 3D: ELECTIONS

3.60 PRIMARY FOR CITY ELECTIONS. A primary election shall be held in the City of Madison for the nomination of candidates for City officers whenever three (3) or more candidates file nomination papers for each City office to be filled at the general City election. Such primary shall be held on the third Tuesday in February in accordance with Chapter 5 of the Wisconsin Statutes. (Am. by Ord. 4853, 1-31-75; Renum. by ORD-07-00048, 4-12-07)

3.61 APPOINTMENT OF ELECTION INSPECTORS AND THEIR COMPENSATION.

(1) Appointment. There shall be five (5) election inspectors at each poll at each election. Provided, however, that additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Wis. Stat. § 7.30(1), the City of Madison shall allow for the selection of two (2) or more sets of officials to work at different times on election day and permits the Clerk or his/her designee to establish different working hours for different officials assigned at the same polling place. (Am. by Ord. 13,145, 9-24-02)

(2) Compensation. Election inspectors shall be paid at an hourly rate commensurate with the living wage as calculated by the Finance Director to be effective January 1 of the year in which the election occurs, with the chairperson of each ward receiving an additional 15%. (Am. by Ord. 11,061, 11-14-94; Ord. 13,000, 1-25-02; Ord. 13,237, 2-11-03; ORD-05-00134, 8-5-05; Am. by ORD-11-00037, 3-8-11)

(Renum. by ORD-07-00048, 4-12-07)

3.62 OPENING AND CLOSING OF POLLS. The polling places for all official elections in the City of Madison, whether a general election, primary election or special election, shall be opened at 7:00 a.m. and closed at 8:00 p.m. on election days; provided, however, that any voter awaiting his turn to vote, whether within the polling booth or in the line outside of the booth at the time of the closing of the polls, shall be permitted to vote.

(Renum. by ORD-07-00048, 4-12-07)

3.63 - 3.69 RESERVED FOR FUTURE USE.

SUBCHAPTER 3E: OPEN MEETINGS AND PUBLIC RECORDS

3.70 PUBLIC RECORDS.

(1) Declaration of Policy. A representative government is dependent upon an informed electorate and therefore it is declared to be the public policy of the City of Madison that all persons are entitled to the greatest possible information regarding the affairs of their government and the official acts of those officers and employees who represent them. Further, providing persons with such information is an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, this ordinance shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest and only in an exceptional case may access be denied. Therefore, the City of Madison does hereby adopt and incorporate, as though fully set forth herein, the provisions of Wisconsin's Public Records laws, Wis. Stat. §§ 19.31 through 19.39, inclusive of all future amendments and revisions to such sections of the Wisconsin Statutes. The following provisions are intended to supplement, not to replace or to supplant, the Wisconsin Public Records Laws.

(2) Records Custodians.

(a) Designation of Records Custodians and Alternate Custodians. "Custodian" means that officer, department head or division head of the City of Madison who is designated by the Mayor or by the terms of this ordinance, to keep and preserve public records, or whom is required by law to file, deposit, or keep such public record in his/her office, or is lawfully in possession or lawfully entitled to possession of public records. The City Clerk is the legal custodian of the records of the Common Council as a body politic and for all Common Council boards, committees and commissions. Each alderperson shall be the custodian of their individual official records, such as their correspondence, memorandums and e-mail. Any alderperson may designate, in writing, the staff of the Common Council Office to act as the official custodian of the alderperson's individual official records. For every Department or Division, the Department/Division Head is the custodian of records for their agency. Every custodian of records shall designate in writing one or more employees to act in his or her absence as an alternate custodian of such records.

(b) Duties. Custodians are vested with full legal power to render decisions and carry out the duties of the City under this ordinance. Each custodian shall establish a procedure for handling records and shall see that all of their employees entrusted with records are informed of these procedures. Prior to providing access to or a copy of any records, the custodian shall review the records to determine that the records are responsive to the request, whether any redactions are required or whether access should be denied as to any record. If a custodian has any question about granting or denying a request to inspect or copy any record, he or she shall consult with the City Attorney. (Am. by ORD-10-001000, 10-27-10)

(c) Public Records Training. Each custodian and alternate custodian shall receive training regarding public records laws as soon as practicable upon receiving these duties. Custodians and alternate custodians are personally responsible for keeping current with any developments or advancements in records keeping and the Wisconsin Public Records Laws.

(3) Procedural Information.

(a) Form of Request. The Wisconsin Public Records Law dictates that certain actions must be taken with regards to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, the

state law does not expressly state how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:

1. E-mail. A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.
2. Voice-mail. A request made by voice-mail shall be responded to as though it were made orally.
3. Instant Messaging/Text Messaging. A request made in either such manner shall be treated as an oral request.

(b) Treatment of Certain Data As Records. The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore the Common Council determines the following status of these technologies:

1. E-mail. The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The Information Technology Department is responsible for ensuring that all e-mails are properly preserved for such analysis.
2. Voice-mail. A voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations. Phone conversations clearly are not public records. Additionally, these messages also share many of the attributes of "personal notes" which are not public records either. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.
3. Instant Messaging (IM)/Text Messaging (TM). Except as set forth in this paragraph and in subparagraph (3)(b)9. and 10. hereof, the data involved in IM/TM communications is not subject to maintenance as a public record. IM/TM has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same technological issues as to capturing and storage of data that is present with regards to voice-mail with an additional concern - the raw data is often only briefly stored or not stored at all by the third party vendors or hosts that provide these services. Thus, this technology is even closer to a true telephone conversation than are voice-mails. Therefore, City employees and officials shall refrain from using such services for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed, unless the employee or official preserves a copy of such communications by either copying them to their email account, downloading the communications to their city computer, making a computer file of the communications or by printing and retaining a copy of such communications.
4. Voice Over the Internet Protocol (VOIP). The City does not monitor nor record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one participant in the conversation to all others involved in the conversation.

5. Audio, Video, Data Transmissions & Communications. Although audio, video, data and radio transmissions and communications may be processed through city computers, the City does not routinely copy the data nor maintain records of such communications. Whenever the City copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained according to the appropriate records retention schedule. The Dane County 9-1-1 center is the custodian for police and fire radio communications.

6. Audio/Video Recordings. Unless otherwise provided herein, are public records subject to requests and must be maintained according to the retention schedules published herein.

   a. Rewritable Recording Systems. Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the retention schedules.

   b. Recordings Made for the Purpose of Preparing Minutes of Meetings. In accordance with Wis. Stat. § 19.21(7), any tape recording of a meeting, as defined in Wis. Stat. § 19.82(2), by any city body as defined by Wis. Stat. § 19.82(1), to include each City board, commission and committee, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.

7. Electronic Document Files. Where records, as that term is defined in Wis. Stat. § 19.32(2), exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated, pursuant to sub. (9) electronic records as the official records, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy.

8. Electronic logs/Temporary Data Files. These logs and temporary data files provide detailed information about the design and functionality of the city's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to

ensure network security, these logs are available to Information Technology Director's authorized staff only. These determinations apply to the following types of logs and data files:

a. Syslogs for Network Electronic Devices. All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.

b. Network Server Security, Application and Event Logs. These logs are used to monitor activity on city network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about city network account ID's, file system structure, and hardware profiles.

c. Network Security Appliance Logs. All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the city network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the city network.

d. Application Logs. These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.

9. Emerging Technologies and Records Retention. As new information technologies emerge the Director of Information Technologies shall evaluate these technologies and their benefit to City operations. The Director shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such technologies that archiving shall be incorporated into any deployment of said technologies. Whenever the technologies do not provide for such archiving capabilities the Director of Information Technology shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks City employees shall refrain from using such technologies for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for such communications purposes the employee shall preserve a copy of such communications by either copying them to their email account, downloading the communications to their city computer, making a computer file of the communications or by printing and retaining a copy of such communications. The Director shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

10. Use of Technologies to Avoid Duty to Preserve Public Records Prohibited. No employee shall use or employ any form of communications or information technology with the intent or design to circumvent the records retention requirements of this ordinance. For example, Text Messaging

shall not be used in lieu of email to share or create a public record unless the employee complies with the provisions of subparagraph (3)(b)(9), above.

(4) Access to Records; Fees.

(a) Format For Delivery of Records.

1. Same Format as Record Exists & Redacted Records. Except as otherwise provided by law, any requester may receive or inspect a record in the very same format in which the City maintains the record. However, whenever it is necessary to redact or excise portions of a record in order to comply with the Wisconsin Public Records Laws, the redactions shall be made with the assistance of the Information Technology Department. Whenever electronic redaction or excisions cannot be done in a secure manner that preserves such redactions and prevents the viewing of the redacted information then such redactions should be made by hand, not electronically, and the requestor shall only receive a hard copy, not an electronic copy, of the redacted record. A requestor may not be charged for the time necessary to review a record and to redact or excise non-releasable materials.

2. E-mailing Records. When practicable, records may be e-mailed to the requestor. In order to ensure the integrity of City records, any e-mailed document shall be converted to a secure format prior to sending the document to anyone outside of the City government. There shall not be any reproduction charge for e-mailing records, however, such records may still be subject to payment of a location fee as established in Wis. Stat. § 19.35(3)(c).

(b) Reproduction Fees. To the extent possible, the Director of Information Technology and the Finance Director shall develop a uniform fee schedule for the reproduction of records that shall be used by every department and division. Such schedule shall include the following provisions and considerations: (Am. by ORD-11-00037, 3-8-11)

1. Fees imposed upon a records requestor may not exceed the actual, necessary and direct costs of reproducing and/or transcribing of the record, unless a fee is otherwise specifically established or authorized by state or federal law.

2. If the record exists in such a format that it cannot be easily reproduced, such as a mock-up of a building, then the custodian may photograph the record and may charge the requestor for the actual, necessary and direct costs of such photographing and photographic processing.

3. The fee schedule for photocopying records shall be:

a. No charge for copying records of which in the normal course of business ten (10) or more copies are made, such as agendas, minutes and reports;

b. Full cost of reproduction for materials such as films, tapes, computer printouts, etc. not otherwise identified in the schedule developed under this subsection. In such cases, the Department/ Division Head who is the records custodian, in consultation with the Finance Director, must determine the costs for reproduction of such records. The determination of these costs shall be made by utilizing a practice or factors that are as uniform as practicable across City departments/divisions. (Am. by ORD-11-00037, 3-8-11)

c. Other Fees.

i. Location Fee. If the cost of locating a requested record is fifty dollars ($50) or more, the requester shall pay the full

cost, as determined by the department or division head. Such cost shall not exceed the actual, necessary and direct cost of locating such record. Whenever it is determined that such location costs will exceed fifty dollars ($50) the requestor shall be required to post a deposit with the custodian that is equal to the reasonable good faith estimate of such costs.

ii. Mailing Fee. Custodians shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or record that is mailed or shipped to the requester.

d. Fee Waivers. A custodian may provide copies of a record without charge or at a reduced charge where the department or division head determines in writing that waiver or reduction of the fee is in the public interest. The Common Council has determined that for all requests of twenty-five dollars ($25.00) or less it is in the public interest to waive reproduction/duplications fees for all non-profit 501(c)3 corporations.

e. Prepayment of Fees. Custodians may require prepayment by a requester of any fee or fees imposed under this Subdivision if the total amount exceeds five dollars ($5) and a custodian shall require prepayment by a requester of any fee or fees imposed under this subdivision if the total amount exceeds fifty dollars ($50). If prepayment is required, the custodian shall not process the request until such prepayment has been posted with the custodian.

(5) Special Rules Regarding Reproduction of E-mail Records.

(a) Reproducing E-mails Dated Earlier than April 1, 2004. E-mails dated April 1, 2004 or before were not stored in an archive. The restoration and location of these e-mails is difficult and labor intensive. Such requests often take more than thirty (30) days to comply with due to labor and technical issues. Custodians who receive requests for these records should inform the requestor of these issues. Such requests must be immediately forwarded to the Information Technology Director who may prepare an estimate of the actual, necessary and direct cost of locating such records and whom shall provide technical assistance to the custodian.

(b) Reproducing E-mails Dated April 1, 2004 or Later. All City of Madison e-mail transactions dated April 1, 2004 or later have been preserved in a searchable data archive. When requests are made for such records, custodians should clarify with the requestor, the various search terms and e-mail boxes that the requestor would have the City search for. Once the requestor has specified search terms, the custodian should contact the Information Technology Director for technical assistance in fulfilling the request.

(c) E-mail chains. E-mails are often sent to multiple recipients. A requestor will be provided with one copy of such an e-mail and all responses to that e-mail. Unless a requestor specifically requests otherwise, they will not be provided with multiple copies of such an e-mail showing receipt by each of the designated e-mail recipients.

(6) Time for Compliance and Procedures.

(a) Time. The fulfillment of public records requests is a high priority for the City. Therefore, each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of her/his determination to deny the request in whole or in part and the reasons therefore. If a request may take more than ten (10) business days to process, then

the custodian must respond to the requestor within those ten days with an estimate of when such processing shall be completed and an explanation of the reasons supporting that estimate.

(b) City Attorney Consultation Required. Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney regarding the denial of access to any records. Any denial of access made by a custodian without such consultation and statement is not considered a response from the City of Madison.

(c) Public Records Opt-Out Policy and Procedures. The City shall develop a procedure whereby individuals may inform the City that their safety may be endangered by the release of any otherwise available public records and whereby such individuals may request that such records be maintained as confidential records. The Office of the City Attorney and IT shall work cooperatively to develop the necessary procedures and policies to facilitate such communications and to respond appropriately to such communications. (Cr. by ORD-12-00102, 8-15-12)

(7) No Destruction of Records While a Request is Pending or While a Denial of a Request is Being Appealed. No custodian may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date that the request is denied. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the City Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the City Attorney.

(8) Retention Schedules. The City, in accordance with Wis. Stat. §§ 19.21(4)(b) and 16.61(3)(e), adopts the following records retention schedules:

(a) Retention Schedule. The Information Technology Director, in consultation with the City Attorney, shall develop and maintain the City of Madison's Records Retention Schedule in accordance with the provisions of Wis. Stats. §§ 16.61(3)(e) and 19.21(4) and such records shall be maintained in accordance with the provisions of that schedule. Such schedule must be approved by the Wisconsin Public Records Board and published by the Information Technology Director.

(b) Records that are Evidence. No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.

(c) Compliance with Federal or Other Retention Requirements. Notwithstanding the City of Madison Records Retention Schedule set forth in sub. (8)(a) above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.

(d) Offer of Records to State Historical Society Before Destruction. The City is required to offer all obsolete records to the State Historical Society in accordance with Wis. Stat. § 19.21(4)(a), prior to destruction of those records. The Information Technology Director or any Department/Division Head, may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

(Am. by ORD-14-00130, 7-23-14)

(9) Electronic Formatting or Other Reproduction of Records. Any City officer, or the director of any department or division of City government may, with the approval of the Director

of Information Technology, may retain and preserve public records in his/her possession by means of microfilm, or another reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in Wis. Stat. §§ 16.61(7)(a) and (b), 2001-2002 Wis. Admin. Code § PR 1 (current through Wis. Admin. Reg. No. 467, Nov. 1994) and Wis. Admin. Code § Adm. 12 (current through Wis. Admin. Reg. 554, Feb. 2002). Such records shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Subsections (1) through (3) of this ordinance. This ordinance does not require that past copies of a record be converted to the new format(s). However, when the decision is made to convert old records to the new format, the original hardcopy of any document or record which has been converted to the new format may be destroyed once the Records Disposition Authorization for that records classification has been approved by the Wisconsin State Public Records Board and only when such destruction is permissible under Subsection (7) of this ordinance. (Am. by ORD-17-00029, 3-8-17)

(10) Severability. The provisions of this ordinance are severable. If any provision of this ordinance is held to be invalid or unconstitutional or if the application of any provision of this ordinance to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared the intent of the Common Council that this ordinance would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Sec. 3.70 R. & Rec. by ORD-08-00093, 8-23-08)

3.71 OPEN MEETINGS OF MUNICIPAL BODIES.

(1) Council Findings. Subchapter IV of Ch. 19 of the Wisconsin Statutes quoted hereinafter, sets forth the public policy of the State of Wisconsin with reference to open meetings of governmental bodies. Such statutes read as follows:

"19.81 Declaration of Policy.

(1) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.

(2) To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.

(3) In conformance with article IV, section 10 of the constitution, which states that the doors of each house shall remain open, except when the public welfare requires secrecy, it is declared to be the intent of the legislature to comply to the fullest extent with this subchapter.

(4) This subchapter shall be liberally construed to achieve the purposes set forth in this section, and the rule that penal statutes must be strictly construed shall be limited to the enforcement of forfeitures and shall not otherwise apply to actions brought under this subchapter or to interpretations thereof.

"19.82 Definitions. As used in this subchapter:

(1) 'Governmental body' means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasigovernmental corporation; or a formally constituted subunit of

any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

(2) 'Meeting' means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

(3) 'Open session' means a meeting which is held in a place reasonably accessible to members of the public, and open to all citizens at all times. In the case of a state governmental body, it means a meeting which is held in a building and room thereof which enables access by persons with functional limitations, as defined in s. 101.13(1).

"19.83 Meetings of governmental bodies.

(1) Every meeting of a governmental body shall be preceded by public notice as provided in s. 19.84, and shall be held in open session. At any meeting of a governmental body, all discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in s. 19.85.

(2) During a period of public comment under s. 19.84(2), a governmental body may discuss any matter raised by the public.

"19.84 Public notice.

(1) Public notice of all meetings of a governmental body shall be given in the following manner:

(a) As required by any other statutes; and

(b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to those news media who have filed a written request for such notice, and to the official newspaper designated under ss. 985.04, 985.05 and 985.06 or, if none exists, to a news medium likely to give notice in the area

(2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof. The public notice of a meeting of a governmental body may provide for a period of public comment, during which the body may receive information from members of the public.

(3) Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting.

(4) Separate public notice shall be given for each meeting of a governmental body at a time and date reasonably proximate to the time and date of the meeting.

(5) Departments and their subunits in any university of Wisconsin system institution or campus are exempt from the requirements of subs. (1) to (4) but shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice.

(6) Notwithstanding the requirements of s. 19.83 and the requirements of this section, a governmental body which is a formally constituted subunit of a parent governmental body may conduct a meeting without public notice as required by this section during a lawful meeting of the parent governmental body during a recess in such meeting or immediately after such meeting for the purpose of discussing or acting upon a matter which was the subject of that meeting of the parent governmental body. The presiding officer of the parent governmental body shall publicly announce the time, place and subject matter of the meeting of the subunit in advance at the meeting of the parent body.

"19.85 Exemptions.

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

(a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

(b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(d) Considering specific applications of probation or parole, or considering strategy for crime detection or prevention.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against

specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(h) Consideration of requests for confidential written advice from the ethics board under s. 19.46(2), or from any county or municipal ethics board under s. 19.59(5). (Am. by Ord. 12,245, 11-3-98)

(2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

(3) Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. IV or V of ch. 111 which has been negotiated by such body or on its behalf.

"19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82(1), where notice has been given by either party to a collective bargaining agreement under subch. IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84(1)(b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee.

"19.87 Legislative meetings. This subchapter shall apply to all meetings of the senate and assembly and the committees, subcommittees and other subunits thereof, except that:

(1) Section 19.84 shall not apply to any meeting of the legislature or a subunit thereof called solely for the purpose of scheduling business before the legislative body; or adopting resolutions of which the sole purpose is scheduling business before the senate or the assembly.

(2) No provision of this subchapter which conflicts with a rule of the senate or assembly or joint rule of the legislature shall apply to a meeting conducted in compliance with such rule.

(3) No provision of this subchapter shall apply to any partisan caucus of the senate or any partisan caucus of the assembly, except as provided by legislative rule.

(4) Meetings of the senate or assembly committee on organization under s. 71.11(44)(c)3 or 77.61(5)(b)3 shall be closed to the public.

"19.88 Ballots, votes and records.

(1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

(2) Except as provided in Sub.(1) in the case of officers, any member of a governmental body may require that a vote be taken at any meeting in such manner that the vote of each member is ascertained and recorded.

(3) The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in s. 19.21.

"19.89 Exclusion of members. No duly elected or appointed member of a governmental

body may be excluded from any meeting of such body. Unless the rules of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that governmental body.

"19.90 Use of Equipment in Open Session. Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

"19.96 Penalty. Any member of a governmental body who knowingly attends a meeting of such body held in violation of this subchapter, or who, in his or her official capacity, otherwise violates this subchapter by some act or omission shall forfeit without reimbursement not less than $25 nor more than $300 for each such violation. No member of a governmental body is liable under this subchapter on account of his or her attendance at a meeting held in violation of this subchapter if he or she makes or votes in favor of a motion to prevent the violation from occurring, or if, before the violation occurs, his or her votes on all relevant motions were inconsistent with all those circumstances which cause the violation.

"19.97 Enforcement.

(1) This subchapter shall be enforced in the name and on behalf of the state by the attorney general or, upon the verified complaint of any person, by the district attorney of any county wherein a violation may occur. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

(2) In addition and supplementary to the remedy provided in s. 19.96, the attorney general or the district attorney may commence an action, separately or in conjunction with an action brought under s. 19.96, to obtain such other legal or equitable relief, including but not limited to a writ of mandamus, an injunction or a declaratory judgment, as may be appropriate under the circumstances.

(3) Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable, upon action brought by the attorney general or the district attorney of the county wherein the violation occurred. However, any judgment declaring such action void shall not be entered unless the court finds, under the facts of the particular case, that the public interest in the enforcement of this subchapter outweighs any public interest which there may be in sustaining the validity of the action taken.

(4) If the district attorney refuses or otherwise fails to commence an action to enforce this subchapter within 20 days after receiving a verified complaint, the person making such complaint may bring an action under subs. (1) to (3) on his or her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs of prosecution, including reasonable attorney fees to the realtor if he or she prevails, but any forfeiture recovered shall be paid to the state.

"19.98 Interpretation by attorney general. Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances.

(Sec. 3.44(1) Am. by Ord. 12,196, 8-31-98)

(2) Place of Meetings. All boards, committees, subcommittees, commissions and authorities of the City of Madison shall hold all their meetings at some room in the City-County Building, the Madison Municipal Building, or at some other place of business accessible

to the general public, including but not limited to restaurants and hotels. No such meeting may be held in a location which is not accessible to persons with disabilities. (Am. by Ord. 10,363, 1-30-92; Renum. by ORD-07-00048, 4-12-07)

(3) Notification of Meetings. All boards, committees, subcommittees, commissions and authorities of the City of Madison shall give public notice of all their meetings by sending to the City Clerk, the official newspaper and those news media who have filed a written request for such notice, a statement as to the time, date, place, and subject matter of all meetings. This may be done by providing a copy of the meeting agenda. The Clerk shall make such notices available to the public. (Am. by Ord. 10,363, 1-30-92; Renum. by ORD-07-00048, 4-12-07)

(4) Compliance With Open Meeting Law. All of the provisions of Subchapter IV of Ch. 19, Wis. Stats., including the exceptions, shall be observed by all boards, committees, subcommittees, commissions and authorities of the City of Madison. Any member of such a governmental body who violates the provisions of that law as set forth in Sec. 19.96 thereof shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than three hundred dollars ($300) for each such violation.

(5) Any person may request advice from the City Attorney as to the applicability of this ordinance to all boards, committees, subcommittees, commissions and authorities of the City of Madison.

(Sec. 3.44 Am. by Ord. 5555, 8-4-76; Renum. by ORD-07-00048, 4-12-07)

3.72 PUBLIC ACCESSIBILITY TO MUNICIPAL DATA SETS.

(1) Declaration of Policy. It is in the best interest of city that its agencies and departments make their data available online using open standards. Making city data available online using open standards will make the operation of city government more transparent, effective and accountable to the public. It will streamline intra-governmental and inter-governmental communication and interoperability, promote efficient solutions for government, advance innovative strategies for social progress, and create economic opportunities.

(2) Definitions. As used in this ordinance:

"Agency" means any city office, department, division, or agency.

"Data" means final versions of statistical or factual information:

1. In alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and
2. Regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. Such term shall not include information provided to an agency by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents. Nothing in this ordinance shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in this subdivision.

"Department" means the Information Technology Department.

"Determination" means any final decision made by an agency with respect to a person, including, but not limited to:

1. Eligibility for services or benefits;
2. Issuing a permit;
3. Registration, certification and licensing; and
4. Liability for civil and criminal penalties.

"Measurement" means to quantify by means of comparison to a reference standard any characteristic of an observable event, occurrence or object.

"Open standard" means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee.

"Public data set" means a comprehensive collection of interrelated data that is available for inspection by the public in accordance with any provision of the Wisconsin Public Records Laws (Wis. Stats. §§ 19.31-19.37) and the Madison Public Records Ordinance (Sec. 3.70, MGO) and is maintained on a computer system by, or on behalf of, an agency. Such term shall not include:

1. Any data set or portion thereof to which an agency may deny access pursuant to the public records laws or any other provision of a federal or state law, rule or regulation or local law;
2. Any data set that contains a significant amount of confidential data pursuant to the preceding subsection and where removing such data would impose undue financial or administrative burden;
3. Data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
4. Data stored on an agency-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single agency employee or a single agency owned or controlled computing device;
5. Materials subject to copyright, patent, trademark, confidentiality agreements or trade secret protection;
6. Proprietary applications, computer code, software, operating systems or similar materials; or
7. Employment records, internal employee-related directories or lists, and facilities data, information technology, internal service-desk and other data related to internal agency administration.
8. Legacy Data. Any public data set that, due to its size or complexity, or due to technology constraints, cannot be made available on the internet, shall be classified as legacy. Agencies shall make best efforts to avoid placing public data sets into the legacy classification.
9. Any data set or portion thereof which contains any personally identifiable information that can be associated with a particular individual through one or more identifiers or other information or circumstances and specifically includes, but is not limited to, a private individual's home address, personal electronic mail address, personal telephone number, social security number and/or driver's license number.

"Technical standard" means the common and repeated use of rules, conditions, guidelines or characteristics for products or related processes and production methods, and related management systems practices; and

1. The definition of terms;
2. Classification of components;
3. Delineation of procedures;
4. Specifications of dimensions, materials, performance, designs or operations;
5. Measurement of quality and quantity in describing materials, processes, products, systems, services or practices;
6. Test methods and sampling procedures; or
7. Descriptions of fit and measurements of size or strength.

"Transaction" means any interaction between an agency and any person related to the mission of an agency.

"Voluntary consensus standards body" means a domestic or international organization that develops and maintains a technical standard that utilizes a transparent

deliberative process, permits the participation of any party, and achieves general consensus, although not necessarily unanimity, of the participating parties, including a process for attempting to resolve any differences in viewpoint.

(3) Availability of Municipal Data Sets.

(a) Compliance Date and Annual Reports. By no later than September 30, 2013 and thereafter, the public data sets that agencies make available on the Internet shall be accessible through a single web portal that is linked to the city's website. Each agency shall be responsible for identifying and publishing data sets. The Department shall be available to agencies for consultation and technical support only. The Department shall not be responsible for identifying or publishing data sets. By December 31, 2013 and annually thereafter, if an agency cannot or will not make all of its publicly available data sets available through the City's website, the agency shall file a written report with the Department and with the Common Council setting forth which public data set or sets that it is not making available, the reasons why it cannot or will not do so and the date by which the agency expects that any such public data set or sets will be available on the city's website.

(b) Metadata. Such public data sets shall have metadata (information about the data set) made available to the public through the single web portal. Agencies will be responsible for providing the metadata as defined by the Department. The Department shall provide all agencies with a template for metadata.

(c) Technical Standards. Such public data sets shall be made available in accordance with technical standards published by the Department and shall be in a format that permits automated processing using open standards where practical and shall make use of appropriate technology to notify the public of all updates.

(d) Requirement to Keep Data Sets Current. Such public data sets shall be updated as often as is necessary, or at least annually, to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the public data set.

(e) Data Set Users May Remain Anonymous. Such public data sets shall be made available without any registration requirement, license requirement or restrictions on their use provided that the department may require a third party providing to the public any public data set, or application utilizing such data set, to explicitly identify the source and version of the public data set, and a description of any modifications made to such public data set. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect against unlawful abuse or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.

(f) Data Sets Must Be Searchable. Such public data sets shall be accessible to external search capabilities.

(g) Prioritizing Availability of Data Sets. Requests received for inclusion of particular public data sets shall be considered by agencies in making determinations as to priority for public data set inclusion. Agencies shall also consider the following factors in prioritizing access to data sets:

1. Whether the data set can be utilized to increase agency accountability and/or responsiveness;
2. Whether use of the data set could improve public knowledge of the agency, its missions, operations and resources;
3. Whether it furthers the agencies missions;
4. Whether the data set creates or has the capacity to create economic opportunities;
5. Whether the data set responds to any need or demand identified by public consultation, and;

6. The accuracy and completeness of the data set, i.e., preliminary, inaccurate or misleading data sets should not be published in order to avoid misleading or confusing the public. Such a determination regarding publication does not foreclose a requesters access to such data sets under either the Wisconsin Public Records Laws (Wis. Stats. §§ 19.31-19.47) or the Madison Public Records ordinance (Sec. 3.70, MGO).

(h) Public Feedback. The Department shall investigate the feasibility of establishing an on-line forum or other mechanism to solicit feedback from the public.

(i) Preservation of Bandwidth. The Department may take reasonable measures to maintain bandwidth availability of the city's website.

(j) Cost Benefit Determination. Each agency, in consultation with the Department, shall determine whether the costs of converting any publicly available data set to a searchable and publishable digital format outweigh any potential public benefit derived from such publication. If an agency determines that such costs outweigh the benefits of publication, then such data sets shall be maintained in their original format subject to inspection as provided by the Wisconsin Public Records Laws (Wis. Stats. §§ 19.31-19.47) and the Madison Public Records ordinance (Sec. 3.70, MGO).

(k) No Release of Data Sets That Would Endanger Safety. In accordance with Wis. Stat. § 19.35(1)(am)2.a., Secs. 3.70(1) & (6)(c), MGO, the City shall not make available under this ordinance, any data or data set the release of which would endanger an individual's life or safety.

(4) Open Data Legal Policy. a. The Department shall conspicuously publish the following Open Data Legal Policy on the city's website:

"Public data sets made available on the web portal are provided for informational purposes. The City does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.

The City is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.

Discontinuance of Data: The City reserves the right to discontinue availability of content on this website at any time and for any reason. The City reserves the right to claim or seek to protect any patent, copyright, trademark, or other intellectual property rights in any of the information, images, software, or processes displayed or used at this website. If the City claims or seeks to protect any intellectual property rights in any of the information, images, software, or processes displayed or used at this website, then this website will so indicate on the webpage on or from which such information, images, software, or processes are accessed. These Terms of Use do not grant anyone any title or right to any patent, copyright, trademark or other intellectual property rights that the City may have in any of the information, images, software, or processes displayed or used at this website.

Nothing in the City's Open Data ordinance or policies shall be construed to create a private right of action to enforce any of their provisions and therefore, any failure to comply with these provisions shall not result in liability to an agency."

(Sec. 3.72 Cr. by ORD-12-00102, 8-15-12)

CHAPTER 4

FINANCE

Section

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4.01 FINANCE DIRECTOR.

(1) Finance Department Established. The Finance Department is hereby established as a department of the City's structure.

(2) Finance Director. The office shall be managed and directed by the Finance Director who shall perform the duties of Comptroller as provided in Wis. Stat. § 62.09(10) and other duties as provided in these ordinances. The position of Finance Director as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The Finance

Director shall, upon being appointed, take an oath of office to perform faithfully and impartially the duties of his/her office and shall execute a fidelity bond to the City of twenty thousand dollars ($20,000), to be approved by the Mayor, conditioned upon the faithful performance of the duties of his/her office. (Am. by Ord. 9745, 3-30-89; ORD-14-00173, 12-10-14)

(3) Functions. The Finance Director shall see to the proper operation of Accounting Services, including Central Payroll and Purchasing Administrative Support, including the Administrative Services Team and Document Services, Risk Management, and Budget and Audit Services. (Am. by Ord. 11,764, 1-3-97)

(4) Accountability. The Finance Director shall report to the Finance Committee and the Common Council on the financial status and policies of the City and to the Mayor on day-to-day operations and administrative matters. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(5) Duties of the Finance Director.

(a) The Finance Director shall have custody and control of all financial books and records of the City except as otherwise expressly provided, and shall keep suitable books of accounts and records in which shall be entered all financial transactions of the City.

(b) All accounts, demands, or claims presented to the City for payment shall be upon forms prescribed by the Finance Director and furnished by the City, and no account, demand or claim shall be received by the City or any of its officers unless the same shall be made out upon such form.

(c) It shall be the duty of each head of departments, divisions, offices, boards, or commissions to file with the Finance Director a notice of any contract or agreement entered into on behalf of the City, of the sale of any supplies, articles, or materials, for any service performed or the levy of any special assessment. They shall file with the Finance Director a notice giving the date of commencement and completion of any work or improvement whether done under contract or otherwise. It shall be the duty of the Finance Director to cause the same to be entered and made a matter of record.

(d) All resolutions, agreements, and contracts requiring the expenditure of money, before being presented to the Mayor for her/his approval, shall be submitted to the Finance Director who shall endorse thereon a statement showing the availability of funds or otherwise, as the case may be. (Am. by ORD-14-00012, 1-14-14)

(e) The Finance Director shall direct all accounting, statistical, auditing, and other activities relating to the management of the City's fiscal affairs; shall contribute to City of Madison fiscal planning and control goals by providing financial statements, analytical reports, cost studies, performance standards, budgetary controls, and related management information to ascertain, help maintain, and continually improve the City's financial position; and shall meet monthly with the Finance Committee to report on and discuss the financial affairs of the City. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(f) The Finance Director shall develop and recommend a budget program that includes both long-range capital budgeting and the annual operating and capital budgets under the direction of the Mayor, Finance Committee, and Common Council. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(g) The Finance Director shall plan, develop and recommend procedures and practices to be observed in the issuance of bonds and promissory notes. He/she shall see to the preparation of required borrowing documents and shall decide the timing of the borrowing. He/she shall review borrowing priorities with the Mayor.

(h) The Finance Director shall perform such other duties as may be required by the Mayor or Common Council.

(6) Responsibilities of the Finance Director.

(a) The Finance Director shall keep abreast of current economic, financial, and municipal finance trends and interpret such information and developments as a guide to current and long-range planning with respect to her or his activities. (Am. by ORD-14-00012, 1-14-14)

(b) The Finance Director shall review and analyze the operations of other municipalities, as pertains to his/her objectives, and make appropriate applications or recommendations resulting therefrom.

(c) The Finance Director shall review and analyze the operations of local, special district, county, state, and federal taxing agencies and aid programs as they may pertain to the financial affairs of the City and shall submit recommendations relating thereto.

(d) The Finance Director shall prepare or review all program applications for participation in county, state, and federal programs and necessary subsequent reports relating thereto.

(e) The Finance Director shall plan, develop, and recommend insurance programs for the adequate protection of the City's properties and funds and with reference to exposure to liabilities on the part of the City as they may arise in the light of all foreseeable contingencies.

(f) The Finance Director shall see to it that all employees under her or his supervision are thoroughly trained in the responsibilities of their respective positions. (Am. by ORD-14-00012, 1-14-14)

(g) The Finance Director shall coordinate with the Planning and Community and Economic Development Director and the agency directors on the Public Works Team in the analysis of the physical development effects of all capital budget requests or projections. He/she shall receive recommendations and reports from the City Plan Commission and the Board of Public Works relating to this responsibility.

(h) The Finance Director shall maintain frequent contacts with the heads of other departments, divisions, offices, and semi-autonomous City agencies on mutual problems, interchanges of information, interdepartmental matters, accounting services, procedures, and budget matters and issues.

(Sec. 3.77 R. & Re-Cr. as Sec. 4.01 by Ord. 9146, 3-30-87; Am. by ORD-11-00037, 3-8-11; ORD-14-00128, 7-23-14)

4.02 BUDGET SYSTEM.

(1) Sections 65.02, 65.03, and 65.04 of the Wisconsin Statutes Adopted. The provisions of Wis. Stat. §§ 65.02, 65.03 and 65.04 except subsection (8) of Section 65.04 and subsection (1) of Section 65.03 relating to the budget system are hereby adopted for the City of Madison and shall be in full force and effect as ordinances of said City as if fully set forth herein, except that the Board of Estimates shall be called the Finance Committee, and shall consist of the Mayor and six alders, to be selected as set forth in Section 4.02(4) of this ordinance, and except that the Finance Committee shall make and submit the proposed budget to the Common Council on or before November 15 of each year. The Mayor shall be the chair of the Finance Committee. (Am. by Ord. 6033, 11-11-77; ORD-05-00167, 11-8-05; ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)

(2) Procedure. It shall be the duty of each department to file annually with the Finance Director, on the date he or she shall specify and on forms provided by the Finance Director, an estimate in detail of the departmental needs for the ensuing fiscal year, including a statement of any permanent improvement to be made and an estimate of expenditures therefor, and including such information as the Finance Director may direct. The Finance Director shall review each departmental estimate and submit it and his or her recommendations thereon to the Mayor. Upon receipt of the departmental estimates with

the recommendations of the Finance Director, the Mayor shall review said estimates and recommendations and submit a proposed budget to the Finance Committee for its consideration. (Am. by Ord. 8762, 12-31-85; ORD-14-00012, 1-14-14)

(3) Audit.

(a) The Finance Committee shall provide a major audit program to the Common Council by the second meeting of the Common Council in February of each calendar year. The Common Council may direct additional audits of any organizational unit of City government to determine whether financial transactions have been made in a legal and proper way, to review program and performance accomplishments of the organizational unit or to determine whether the organizational unit carried out policies directed or approved by the Common Council. The Common Council shall designate which audits, if any, of any organizational unit are to be undertaken each year by the Internal Audit Section of the Finance Director's office. Each organizational unit shall be audited on a random basis subject to budgetary constraints. The following audits are exempt from the requirement of prior Common Council approval:

1. Financial audits performed with a pledge of confidentiality on a random basis.
2. Auditor investigations of defalcations, impropriety that may lead to discipline or criminal charges.
3. Audits that in the opinion of the Finance Director would be jeopardized by general prior knowledge of the audit.

(b) The Finance Director or her/his designee and the staff of the Internal Audit Section shall have full access to any books, records, notes, memoranda or other documents maintained by any organizational unit relating to its expenditures, revenues, structure, operations, instructions to employees, and any rule, policy or regulation relating to its operation whether oral or written and to all of the employees, appointees, volunteers, subcontractors, subgrantees and any person directly associated with the conduct or operation of the organization unit during regular business hours or at other times as may be mutually agreed. The organizational unit's business-related documents of any kind may be reviewed during business hours with or without advance notice to the head of the organizational unit. Failure of any of the above-listed persons associated with the organizational unit to cooperate fully with audit personnel or members of the Finance Committee shall be ground for discipline or removal from office or service or service in the organizational unit, withdrawal of funding, termination of contract or other appropriate penalty.

(c) The Finance Director shall control and be responsible for the methodology and conduct of the audit. The Finance Director may initiate other audits of organizational units in which the City has a direct or indirect pecuniary interest as the Finance Director may deem necessary to protect the City's interests. The Internal Audit Section shall prepare a draft report of the results of the audit for review by the Finance Committee and the audited organizational unit which review shall be limited to the correction of factual errors. The organizational unit may file a response to the report which response shall be a part of the final audit report. The Finance Director shall prepare resolutions for presentation to the Common Council accepting the final audit report and directing the implementation of the recommendations made by the Internal Audit Section. (Am. by ORD-14-00012, 1-14-14)

(d) The Deputy Finance Director or her/his designee shall also provide staff services to the Finance Committee to an extent not inconsistent with duties assigned the Finance Director under Paragraph 3. hereof.

(e) The Finance Committee shall monitor the chronological progress of the audits directed by the Common Council, ensure the cooperation of the involved organizational unit in the conduct of the audit, review the draft audit report with the Internal Audit Section and involved organizational unit to ensure that the report is factually correct, establish with the involved organizational unit a timetable for compliance with and implementation of the recommendations for corrections of identified problem areas or improvement of operations in the unit as approved by the Common Council, monitor the activity of the unit for continued compliance and implementation and report the same or failure thereof to the unit's appointing authority. The Committee may review the audit conclusions with the Internal Audit Section but shall not change nor direct the changing of any such conclusions. The Committee may review the recommendations of the Internal Audit Section for correction of identified problem areas or improvement of operation in the organizational unit and may submit a separate section of its recommendations to the Common Council, in the event of disagreement with those of the Internal Audit Section, in its final report of the results of the audit made to the Common Council. The Committee shall be supplied with all final audit reports conducted pursuant to this section.

(f) For purposes of this section, and unless the context requires otherwise, "Organizational Unit" shall mean any department, division, unit or subentity or agency thereof of City government, including but not limited to each board, commission, committee, ad hoc committee, examining board, public or quasi-public entity organized or authorized by the Common Council or which is funded in whole or in part by action of the Common Council, including the subgrantees or subcontractors thereof, the custodian or entity authorized to expend funds provided by the Common Council, all external facilities operations in which the City has a direct or indirect pecuniary interest.

(Sec. 4.02(3) Cr. by Ord. 10,678, Adopted 6-1-93)

(4) Selection of Alderpersons Members of Board. The Finance Committee shall consist of six (6) Alders, five (5) of whom shall be appointed by the Mayor, subject to confirmation by the Common Council. Once confirmed these members shall hold office for a term of two (2) years or until their successors are confirmed. The sixth member shall be the Common Council President serving ex officio but with power to vote. (Renumbered by Ord. 10,678, Adopted 6-1-93; Am. by ORD-09-00147, 11-6-09)

(5) Intradepartmental Transfers. The expenditures within the departments for each of the various departmental activities and the objects for which such expenditures shall be made shall not exceed the amount or the sum specified or determined in such annual operating budget; provided that the Finance Director is hereby authorized to approve intradepartmental transfer of any unencumbered balance. If such a transfer is between divisions of a department it must be approved by the Mayor as well. (Renumbered by Ord. 10,678, Adopted 6-1-93)

(6) Capital Budget and Capital Improvement Program.

(a) Capital Improvement Review Process. The Mayor or her/his designee shall consult with those members of staff the Mayor deems necessary, including the Finance Director, the Director of Public Works and the Director of Planning and Community and Economic Development and the Mayor or her/his designee shall annually review each departmental capital improvement estimate. (Cr. by Ord. 9813, 7-7-89; Am. by ORD-08-00085, 8-01-08)

(b) It shall be the duty of each department to file annually with the Finance Director by the date he/she shall specify and on forms provided by the Finance Director an estimate of its necessary capital improvements for the following six fiscal years and

estimates of the costs thereof which the Finance Director shall present to the Mayor or her/his designee. (Am. by Ord. 11,587, 5-21-96; Am. by ORD-08-00085, 8-01-08)

(c) Capital Budget. Upon receipt of the departmental estimates of capital improvement, the Mayor shall review said capital improvement estimates and submit a proposed Capital Budget for the ensuing fiscal year to the Finance Committee for their consideration. The Committee shall consider these items and make a proposed Capital Budget. (Am. by Ord. 9813, 7-7-89; Am. by ORD-08-00085, 8-01-08)

1. The Capital Budget shall be a part of the Budget and shall be summarized in the Budget Summary and the same statutory and ordinance requirements as to publications, notice and hearing shall apply to the Capital Budget as are required for the general annual budget.
2. The Capital Budget shall be considered part of the Capital Improvement Program, and adoption of the Capital Budget will constitute an appropriation of the items therein stated except those requiring the borrowing of money. The Capital Improvement Program adopted in previous years shall not be binding.
3. The Capital Budget shall contain proposed expenditures for land purchases and improvements in excess of three thousand dollars ($3,000); all projects requiring the borrowing of money including, but not limited to construction or reconstruction of public utilities, streets, sidewalks, storm and sanitary drainage facilities; new construction and construction of buildings in excess of five thousand dollars ($5,000); major alterations to buildings and facilities which are not routine repairs and which substantially enhance the value of a structure or change its use; the original equipment or motor vehicle purchases exceeding twenty thousand dollars ($20,000) in cost and having a life expectancy of ten (10) years or more; such other capital outlays as the Mayor and Common Council shall designate.

(d) Capital Improvement Program. It is the intent of this section that the Common Council shall, each year, adopt a statement of proposed expenditures for capital improvements for the following six fiscal years. This statement shall be adopted by resolution and be known as the Capital Improvement Program.

1. Upon receipt of the departmental estimates for the five years following the ensuing budget year, the Mayor shall review said capital improvement estimates and recommendations and submit a proposed Capital Improvement Program to the Finance Committee for their consideration.
2. The Finance Committee shall review all information regarding expenditures and anticipated revenue, and shall submit to the Common Council, with the budget, a proposed Capital Improvement Program.

(e) Referendum Procedure for Capital Projects.

1. Legislative Purpose. The legislative purpose of this ordinance is to provide to the people a means through referendum by which they may express their views and support of or opposition to major capital projects proposed to be undertaken by the City. The opportunity to directly influence the policy of the City through binding referendum with respect to the undertaking of major capital projects is found to be in the best interests of the City and its people.
2. The following terms whenever used or referred to in this subsection shall for the purposes of this subsection be construed as follows:
   a. Project shall mean and is to be identified as any line item designated by a separate fund number in the Capital Budget.

b. Estimated budget cost shall mean and is to be determined by the total funds to be expended on the project including future expenditures set forth in the seven-year projection for that project as it appears in the Capital Improvement Program.

c. Referendum shall mean election proceedings pursuant to the Statutes which govern special elections in general, and consistent with elections held pursuant to Wis. Stat. § 67.05(5).

d. Petition shall mean a petition the preparation and form of which is consistent with the provisions of Wis. Stat. § 8.15.

3. Petition for Referendum. The Capital Budget and the individual projects therein shall be deemed approved upon its adoption by the Common Council unless within thirty (30) days of the recording of the adopted budget with the City Clerk there shall be filed in the office of the City Clerk a petition requesting the submission of the question of the approval of an individual project, the estimated budgeted cost of which exceeds 1.5 million dollars ($1,500,000), to the electors. The petition shall be signed by electors numbering at least ten percent (10%) of the vote cast for governor in the City at the last general election, shall identify the project by the fund number and shall refer to only one project. If such petition is filed a binding referendum shall be held at the spring primary election on the question of the approval of the project; if there is no spring primary the referendum shall be held at the general spring election or at any special election called by the Common Council for this purpose.

4. Amendment to the Capital Budget. An amendment to the Capital Budget during the fiscal year which creates a new project meeting the requirements of this ordinance will be subject to the petition and referendum process if within thirty (30) days after the recording of the amendment in the office of the City Clerk a petition is filed which meets the requirements set forth above. If such petition is filed a referendum election will be held at the next succeeding election provided that such election takes place not less than six (6) weeks from the date of the filing of the petition with the City Clerk. The Council may call a special election for the purpose of conducting the referendum.

5. Limited Right to Referendum. The right to a referendum on a project is limited to the first year that funds are to be expended on that project. The failure to petition for a referendum in that year precludes a referendum in subsequent years even though the project appears and funds are to be expended pursuant to subsequent years Capital Budgets. Any modification, addition, amendment or alteration to a project or increase in cost of a project does not give rise to the right to a referendum hereunder even though said modification, addition, amendment or alteration or increase in cost results in an estimated budgeted cost in excess of 1.5 million dollars ($1,500,000). Only one referendum will be held for any eligible project hereunder and neither a change nor its appearance in subsequent years Capital Budgets shall give rise to the right to a second referendum on any eligible project.

6. Rejected Project. The results of any referendum shall be binding with respect to that project for the fiscal year in which the referendum election is held. A rejected project may be renewed in any future Capital Budget where it will if eligible hereunder be subject to the petition and referendum process as a new project.

7. Ordinance not Applicable to Following Projects. This ordinance and the right to petition for a referendum on any capital project hereunder shall not be applicable to the following programs and/or projects found in the budget:
   a. Street maintenance program.
   b. Assessable streets.
   c. Sidewalks program.
   d. Street reconstruction.
   e. Sanitary sewers.
   f. Storm sewers.
   g. Assessable tree program.
   h. Neighborhood parks.
   i. Street lighting.
   j. Heavy equipment.
8. Report on Issues Related to a Referendum Question. At least two (2) weeks prior to the day of a referendum election, the Finance Director shall produce an objective report on the issues related to the referendum question. Such report shall include arguments both for and against the project submitted to referendum election and be made available to all registered voters. (Am. by Ord. 8762, 12-31-85)
9. Severability. In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional such adjudication shall in no manner affect the other sections of this ordinance which shall be in full force and effect as if the said section or said sections were not originally a part thereof.
10. Effective Date. This subdivision and the right to a referendum hereunder shall take effect with and be applicable to the 1980 Capital Budget and the projects therein.

(Sec. 4.02(5) Renumbered to (6) by Ord. 10,678, Adopted 6-1-93; Am. by ORD-11-00037, 3-8-11; Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

4.03 CONTINGENT FUND. The Finance Committee and the Common Council shall annually provide for a contingent fund of not less than one hundred thousand dollars ($100,000). No appropriation shall be made from said fund except upon an affirmative vote of three-fourths (¾) of all the members of the Common Council. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

4.04 SINKING FUND ACCOUNT.

(1) The City Treasurer shall open and maintain in the bank or banks designated by the Council for the deposit of monies belonging to the City, an account to be designated as the Sinking Fund Account, in which shall be deposited and kept all monies derived from taxes levied and collected for the payment of bonds and interest thereon, and all monies required by Wis. Stat. chs. 62 and 67, to be placed in a sinking fund; and no money shall be paid out of or withdrawn from said account except for the express purpose of investment in the manner provided by law.

(2) All bonds and securities in which money withdrawn from said account shall at any time be invested shall be obtained by the City Treasurer, and shall continue to remain a part of the sinking fund, and all interest accruing on monies, bonds, or other securities belonging to said fund shall be credited to the same and shall be deposited in the Sinking Fund Account.

(3) If any particular bond issue shall have been retired and there shall thereafter remain in the sinking fund any money derived from interest on the proceeds of taxes levied and collected

for the retirement of said bond issue, such money shall continue to be a part of the Sinking Fund Account and available for the purpose of retiring the bonds of any other issue that the Council shall determine.

4.05 RECEIVING OF MONIES—RECEIPT FOR SAME.

(1) The City Treasurer shall not receive any money into the treasury from any source whatever except on account of taxes levied and collected during the fiscal year for which she or he may then be serving, without giving a receipt therefor in the manner herein specified.

(2) Upon the payment of any money to the City Treasurer (except for taxes as hereinbefore provided), the City Treasurer shall make out a receipt in triplicate for the money so received by him or her. She or he shall file one of the copies thereof with the Finance Director who shall thereupon charge the amount thereof of the Treasurer and credit the proper account with the same. The payment of the money to any receiving agent of the City or to the City Treasurer shall be safeguarded in such manner as the Common Council shall direct.

(3) Electronic Payment Transaction Fee. The Treasurer may accept payment by credit card, debit card or any other electronic payment mechanism of a fee or tax that is required to be paid to the City. The Treasurer shall decide which fees and/or taxes may be paid by credit card, debit card or any other electronic payment mechanism and the manner in which the payments may be made. If the Treasurer permits the payment of a fee or tax by credit card, debit card or any other electronic payment mechanism, the Treasurer may charge a transaction fee for each transaction in an amount of not less than twenty-five cents ($0.25) United States Currency. The electronic payment transaction fee shall be amended from time to time, without amendment of this ordinance, if an increased fee is approved as part of the City Budget. (Cr. by ORD-10-00034, 4-1-10)

(Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

4.06 APPROVAL AND PAYMENT OF CLAIMS.

(1) Payment of claims other than tort claims may be made by the City Treasurer after the Finance Director shall have audited and approved each such claim as a proper charge against the treasury and shall have endorsed his or her approval thereon after the following conditions have been complied with:

(a) That funds are available therefor pursuant to the budget approved by the governing body.

(b) That the item or service covered by such claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually applied or rendered in conformity with such authorization.

(d) That the claim is just and valid pursuant to law.

The Finance Director or City Clerk may require the submission of such proof and evidence to support the foregoing as in her or his discretion she or he may deem necessary.

(Am. by ORD-14-00012, 1-14-14)

(2) The Finance Director shall file with the Common Council monthly a list of the claims approved, showing the date paid, the name of the claimant, purpose and amount. (Am. by Ord. 8762, 12-31-85)

(3) There shall be an annual detailed audit of the financial transactions and accounts of the City of Madison, which said audit shall be performed by public accountants licensed under the provisions of Wis. Stat. ch. 135.

(Am. by ORD-11-00037, 3-8-11)

4.07 TIME FOR PAYMENT OF TAXES; INTEREST; PENALTY.

(1) All personal property taxes shall be paid on or before January 31. All real estate taxes and special assessments levied pursuant to Wis. Stat. § 62.21 and 66.0701 may be paid in two

installments, the first installment to be paid on or before January 31 and the second installment on or before July 31 next succeeding, in accordance with the provisions of Wis. Stat. § 74.11(2)(b). (Am. by Ord. 10,270, 6-14-91)

(2) Overdue or delinquent real estate taxes, personal property taxes and special assessments are subject to an interest charge of one percent per month or fraction of a month.

(3) This Section 4.07, MGO, will only apply to tax bills until the City Treasurer implements the multiple payment option ordinance in revised Sec. 4.07, MGO. (Cr. by ORD-13-00105, 6-12-13)

(Am. by Ord. 11,280, 7-3-95 and 7-17-95; Ord. 13,103, 7-6-02)

[EDITOR'S NOTE: The above Section 4.07, Time for Payment of Taxes, Interest; Penalty, is effective until the Multiple Payment Option Plan (ORD-13-00105) is implemented by the City Treasurer. When the Multiple Payment Option Plan takes effect, the above Section 4.07 will become ineffective, and the Section 4.07 set out below takes effect.]

4.07 MULTIPLE PAYMENT OPTION.

(1) Intent. The purpose of this Sec. 4.07, MGO is to establish a multiple installment payment option for the payment of real property taxes and personal property taxes for improvements on leased land as authorized by Wis. Stat. § 74.12.

(2) Personal Property Taxes, Special Charges, Special Assessments and Special Taxes. All personal property taxes, except those on improvements on leased land, special charges, special assessments and special taxes shall be paid on or before January 31, to the City Treasurer.

(3) Real Property Taxes. Pursuant to Wis. Stat. § 74.12, all real estate taxes and personal property taxes for improvements on leased land may be paid in one of the following ways to the City Treasurer:

(a) In full on or before January 31.

(b) In the following installments:

1. The first installment due January 31; one-fourth (¼) of the aggregate real property tax levied.
2. The second installment due March 31; one-fourth (¼) of the aggregate real property tax levied.
3. The third installment due May 31; one-fourth (¼) of the aggregate real property tax levied.
4. The fourth installment due July 31: one-fourth (¼) of the aggregate real property tax levied.

(4) Minimum Payment. The minimum payment amount for installments shall be one hundred dollars ($100) and a taxpayer shall pay the minimum installment payment on succeeding installment payment dates until fully paid. If the total real property tax or property tax levied on personal property for improvement on leased land is less than one hundred dollars ($100), the payment shall be made in full on or before January 31.

(5) Delinquent First Installment Payment. If the first installment payment of real property taxes or personal property taxes on leased land is not paid on or before five (5) working days after January 31, the entire amount of the remaining unpaid taxes for the parcel is delinquent as of February 1.

(6) Delinquent Second or Subsequent Installment Payment. If the second or subsequent installment payment of real property taxes or personal property taxes on leased land is not paid on or before five (5) working days after the dates specified in subs. (3)(b)2.-4., the entire amount of the remaining unpaid taxes for the parcel is delinquent as of the first day of the month after the payment is due.

(7) Delinquent Annual Payment.

(a) If all special assessments, personal property, except those on improvements on leased land, special charges, and special taxes that are due under sub. (2) are not paid in full on or before five (5) working days after January 31, the unpaid amounts are delinquent as of February 1.

(b) If any special assessments, special charges or special taxes are entered in the tax roll as charges against a parcel of real property and are delinquent, the entire annual amount of real property taxes on that parcel which is unpaid is delinquent as of February 1.

(8) Payment Priority. The allocation of tax payments shall be determined in accordance with Wis. Stat. § 74.12(11).

(9) Interest and Penalties on Delinquent Amounts. Overdue or delinquent real estate taxes, personal property taxes and special assessments, special charges and special taxes are subject to an interest charge of one percent per month or fraction of a month, pursuant to Wis. Stat. § 74.47(1); and penalty charge of one-half of one percent (0.5%) per month or fraction of a month imposed pursuant to Dane County Ordinance s. 26.41 in conformance with Wis. Stat. § 74.47(2).

(10) Payment of Delinquent Payments and Interest; To Whom Paid.

(a) All real property taxes, special assessments, special charges and special taxes that become delinquent and are paid on or before July 31, and all delinquent personal property taxes, whenever paid shall be paid together with interest and penalties charged from the preceding February 1 to the City Treasurer.

(b) All real property taxes, special assessments, special charges and special taxes that become delinquent and are not paid under par. (a) shall be paid, together with interest and penalties charged from the preceding February 1, to the Dane County Treasurer.

(11) Delinquent Taxes Returned; Collection by County.

(a) The City Treasurer shall retain the tax roll and make collections through July 31. On or before August 15, the City Treasurer shall return the tax roll to the Dane County Treasurer. The Dane County Treasurer shall collect all returned delinquent real property taxes, special assessments, special charges and special taxes, together with interest and penalty assessed from the previous February 1 as provided by Wis. Stat. § 74.47.

(b) The City Treasurer shall forward to the Dane County Treasurer all real property taxes, special assessments, special charges and special taxes received which were not settled for or retained for the taxation district under Wis. Stat. § 74.30.

(12) The City Treasurer may implement this ordinance for 2013 tax bills (mailed in December 2013 and payable in 2013 or 2014) or may, in the Treasurer's discretion, delay implementation for one year and implement the ordinance for 2014 tax bills)mailed in December 2014 and payable in 2014 or 2015). Current ordinances apply until this ordinance is implemented by the City Treasurer.

(Sec. 4.07 Rep. & Rec. by ORD-13-00105, 6-12-13)

[EDITOR'S NOTE: This Section 4.07 takes effect either with the 2013 or 2014 tax bills, as determined by the City Treasurer. Until then, the prior Section 4.07 remains in effect.]

4.071 MODIFIED REVERSE MORTGAGE LOAN PROGRAM FOR PAYMENT OF REAL ESTATE TAXES.

(1) Legislative Finding. The Common Council of the City of Madison hereby finds, in the interest of public health, safety and welfare, that the payment of real estate property taxes for property on which certain elderly owners reside could be considered a severe personal financial hardship. This loan program is intended to address that public need, subject to the limit of an annual budget appropriation.

(2) For the purpose of this ordinance, an eligible property owner shall be defined as any owner or owners who meet all of the following criteria:

(a) An owner who is 65 years of age or older and who owns and resides on a single-family property located within the City of Madison upon which property all or a portion of the real estate property taxes are due and payable.

(b) An owner who has a verified annual gross income equal to or less than the low income family limits for Madison, Wisconsin, published annually by the United States Department of Housing and Urban Development.

(c) An owner who has less than thirty thousand dollars ($30,000) in liquid assets. Liquid assets are defined as cash, marketable securities (stocks, bonds, treasury bills, notes and commercial paper), savings bonds, savings accounts, checking accounts, and the cash surrender value of life insurance policies.

(d) The cumulative amount disbursed under this section, plus accrued interest and other loans secured by the subject property does not exceed seventy (70) percent of the assessed value of the property as determined by the City Assessor. The Finance Director may require a letter report from a title company prior to disbursement, but this cost may be included in the maximum loan amount disbursed. (Am. by ORD-11-00037, 3-8-11)

(e) An owner who certifies to the Finance Director the payment of the real estate taxes or any installment of the real estate taxes is a severe personal financial hardship, and certifies to the above criteria. (Am. by ORD-11-00037, 3-8-11)

(3) The property owner shall sign a mortgage note and real estate mortgage in favor of the City of Madison at the time of closing, whereupon the mortgage will be recorded in the Office of the Dane County Register of Deeds. The recording fee is the responsibility of the owner, but may also be included in the loan amount disbursed. The owner may also apply for loan advances for subsequent real estate taxes and, in the event such additional application(s) are approved, shall only sign a new mortgage note in a consolidated amount that includes all principal amounts advanced and any unpaid accrued interest. Upon signing of the loan documents, the Finance Director will draw a check payable to the property owner and the City of Madison or Dane County. The property owner is responsible for paying the real estate taxes or installment thereof for which the loan is advanced. (Am. by ORD-11-00037, 3-8-11)

(4) The interest rate for loans hereunder shall be equal to the City's cost of general obligation borrowing plus one percent. The interest for such loans shall be paid as specified on the mortgage note. Interest may be accrued and paid in its entirety at the time the loan is repaid.

(5) The owner of such property, his, her or their heirs, personal representatives or assigns may repay such loan at any time, but, in any event, shall repay the loan, together with accrued interest, if any, prior to the subsequent sale or transfer of the property to such heirs or assigns, other than to a surviving spouse.

(6) All applicants shall sign an affidavit attesting to income and liquid asset criteria. Any person who provides false or inaccurate information on the application shall upon conviction thereof forfeit not less than one hundred dollars ($100) and not more than five hundred dollars ($500) and the entire amount of the loan, together with all accrued interest, shall be immediately due and payable.

(7) This is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5).

4.08 SPECIAL ASSESSMENTS—PAYMENT IN INSTALLMENTS.

(1) Whenever any special assessments shall be levied to defray the cost of any public improvement, such special assessments may be paid in annual installments of not more than fifteen (15) in number for major improvements nor more than eight (8) for sidewalk repair and installation of street lights and street tree as determined by the Common

Council. However, the number of installments may not exceed ten (10) if the special assessments are made pursuant to Sec. 16.23(9) of these ordinances. (Am. by Ord. 8748, 12-31-85; ORD-06-00115, 8-22-06)

(2) The first installment shall include a proportionate part of the principal of the special assessment determined by the number of installments, together with interest at the rate of in effect at the time the assessment is levied. The interest rate for each calendar year shall be determined by the Finance Director at the beginning of each year using the cost of the prior year general obligation borrowing (%) plus one percent (1%) for administration rounded up to the next highest one-half percent (0.5%). Said interest rate shall be computed from the date the assessment is billed through the next succeeding October 31, and each subsequent installment shall include a like proportion of the principal and twelve (12) months interest upon the unpaid portion of such assessment. (Am. by Ord. 9452, 4-15-88; ORD-06-00115, 8-22-06; Am. by ORD-11-00037, 3-8-11)

(3) The first installment shall be entered in the first tax roll prepared after said installments shall have been determined as a special tax on the property upon which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other municipal tax. One of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied.

(4) If any installment so entered in the tax roll shall not be paid to the municipal treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

4.081 DEFERRED ASSESSMENTS.

(1) The Common Council of the City of Madison has made the following findings:

(a) In the interest of the public health, welfare and safety, it is often necessary to construct certain public improvements in areas which are undeveloped or outside the territorial limits of the City.

(b) The Council also recognizes certain public improvements may have to be constructed adjacent to property which has been designated a landmark by the City or is adjacent to and could be considered to be ancillary to a landmark. It may also find that the proposed public improvements would be of benefit to the property on which the landmark is sited or the property that is adjacent to and could be considered to be ancillary to the landmark only if the property was further improved or subdivided.

(c) The Council may find that a property located within the City, less than ten (10) acres in size, with its front and back sides fronting on different streets (not a corner lot), would only be able to have access or connection to the proposed public improvement if the property was further developed or subdivided.

(Am. by Ord. 6122, 2-7-78)

(2) The Common Council may defer the due date of any special assessment levied against property abutting on or benefited by a public improvement, which abutting property meets one of the following criteria:

(a) Is zoned or used for agriculture;

(b) Lies outside the City limits;

(c) Lies within an Employment District, as defined at page 2-95 of the adopted City of Madison Comprehensive Plan (January 2006), in which the City is installing all or part of the necessary infrastructure, and the Common Council finds that deferral of the assessments will facilitate the development of the new Employment District;

(d) The property has been designated a landmark by the City or is adjacent to, and could be considered to be ancillary to, a landmark; or,

(e) The property meets all of the following requirements:

1. Is equal to or less than ten (10) acres in size;

2. The front and back side of the property both have frontage along a public street;
3. The property does not take access to the street being assessed or will not be using the improvement until further subdivision or development; and,
4. Further subdivision or development of the property is reasonably possible such that the lot, or any portion thereof, could access the street or utilize the improvements being assessed.

(Am. by Ord. 6122, 2-7-78)

(f) The property is part of a multi-unit development already served by City sanitary sewer through the use of an existing private lift station, where the assessable sanitary sewer improvements are meant to eventually relieve the private lift station. (Cr. by ORD-13-00033, 3-27-13)

(3) If the Common Council defers the due date of a special assessment levied against property abutting on or benefited by a public improvement, the following shall apply:

(a) An annual interest charge on the total deferred assessment shall be added to the total assessment for each year of deferment. The interest rate shall be the rate in effect at the time the assessment was levied and deferred. This interest rate shall be determined as set forth in Sec. 4.08(2), MGO.

(b) A deferred special assessment must be paid within 10 years of the date of the resolution making the levy, unless the Common Council permits additional time by allowing payment of the assessment in installments, in which case the assessment shall be paid within the time prescribed by the resolution permitting installment payments. If installment payments are authorized after the deferral period, said installment payments are subject to the requirements of this Section, and, to the extent not contrary to this Section, those of Section 4.08.

(c) The deferral period plus any additional time following the deferral period shall not exceed eighteen (18) years, except if specifically authorized under an approved cooperative plan entered into by the City under Wis. Stat. § 66.0307.

(Am. by Ord. 7516, 9-17-81; ORD-06-00115, 8-22-06)

(4) (a) Except as provided in Subdivision (b), all outstanding deferred assessments on the property, or the remaining balance if installments are being applied following the deferral period, shall be paid in full prior to the occurrence of any of the following actions:

1. The property is connected to the public improvements.
2. The property takes access to a street for which the assessments were levied and deferred, and the property did not previously take access to the street.
3. Improvements are made to the property that substantially changes the use of the property.
4. An undeveloped property is developed.
5. Non-agricultural related improvements are made to an agricultural property.
6. The property is subdivided.
7. The property is sold.

(b) The requirements for full payment of all outstanding deferred assessments or installment payments of Subdivision (a) do not apply to the following:

1. The Common Council permits additional time for payment of the assessment due by allowing for payment of the remaining assessment in installments. If this occurs, the assessment shall be paid within the time prescribed by the resolution permitting installment payments.
2. The owner of the parcel enters into an agreement with the City to pay the assessment plus accrued interest, plus future interest over a stipulated period of time, in equal installments of principal plus variable installments of interest as determined by the City.

3. The Common Council permits collection of the proportional share of the total assessment due against the portion of the property subject to Subdivision (a), while allowing continued deferment or installment payments on the remaining portion of the property not otherwise subject to Subdivision (a).
4. The multi-unit development of which the property is a part of continues to use the private lift station relieved by the sanitary sewer improvements for which the assessments were levied. (Cr. by ORD-13-00033, 3-27-13)

(5) Any special assessment deferred under this section shall be a lien against the property assessed from the date of the resolution making the levy.

(6) Whenever the due date of a special assessment shall be deferred under this section the following note shall be added to the schedule of assessments or resolution: "In accordance with Madison General Ordinance 4.081, the assessment for parcel(s) _____ shall be deferred for _____ years with interest. Upon completion of the deferment period, payment shall be made with interest in _____ equal yearly installments. In the event of certain occurrences as outlined in Sec. 4.081(4), the assessments shall be paid in full prior to the end of the deferral period."

(Sec. 4.081 Am. by ORD-10-00023, 3-13-10)

4.082 QUALIFIED LOANS FOR PAYMENT OF SPECIAL ASSESSMENTS OR SPECIAL CHARGES.

(1) Legislative Finding. The Common Council of the City of Madison hereby finds that, in the interest of public health, safety and welfare, it is often necessary to construct improvements in areas in which property owners reside for whom the payment of the special assessments for the improvements or special charges for services rendered could be considered as a severe personal financial hardship. This loan program is intended to address that public need.

(2) For the purpose of this ordinance, an eligible property owner shall be defined as any owner or owners who meet all of the following criteria:

(a) An owner who owns and resides on a property located in the City of Madison within a special assessment improvement district and whose property has been specially assessed for said improvement or upon which a special charge has been imposed for current services rendered.

(b) An owner who has a verified annual gross income equal to or less than the low income family limits for Madison, Wisconsin, published annually by the United States Department of Housing and Urban Development.

(c) An owner who has less than thirty thousand dollars ($30,000) in liquid assets. Liquid assets are defined as cash, marketable securities (stocks, bonds, treasury bills, notes and commercial paper), savings bonds, savings accounts, checking accounts, and the cash surrender value of life insurance policies.

(d) The cumulative amount disbursed under this section, plus accrued interest and other loans secured by the subject property does not exceed seventy (70) percent of the assessed value of the property as determined by the City Assessor. The Finance Director may require a letter report from a title company prior to disbursement, but this cost may be included in the maximum loan amount disbursed.

(e) An owner who certifies to the Finance Director the payment of the special charge or special assessment or any installment of the special assessment is a severe personal financial hardship, and certifies to the above criteria.

(Am. by ORD-11-00037, 3-8-11)

(3) The property owner shall sign a mortgage note and real estate mortgage in favor of the City of Madison at the time of closing, whereupon the mortgage will be recorded in the Office of the Dane County Register of Deeds. The recording fee is the responsibility of the owner, but may also be included in the loan amount disbursed. Upon signing of the loan

documents, the Finance Director will draw a check payable to the property owner and the City of Madison. The property owner is responsible for paying the special assessments or special charges for which the loan is advanced. (Am. by ORD-11-00037, 3-8-11)

(4) The interest rate for loans hereunder shall be simple interest equal to the interest rate for payment of special assessments in installments which is in effect at the time the special assessments or special charges are levied, and shall be paid by either of the following methods. The owner shall elect the method of payment at the time the application for loan under this section is made.

(a) Interest may be accrued and paid in its entirety at the time the loan is repaid; or

(b) Interest may be paid annually until the loan is repaid.

(5) The owner of such property, his, her or their heirs, personal representatives or assigns may repay such loan at any time, but, in any event, shall repay the loan, together with accrued interest, if any, prior to the subsequent sale or transfer of the property to such heirs or assigns, other than to a surviving spouse.

(6) Until such time as the loan is repaid, the qualifications of said owner in accordance with the criteria enumerated in sub. (2)(a) through (d) above may be reviewed periodically by the Finance Director. In the event the owner no longer meets any one of the criteria, the Finance Director may determine whether all or any portion of the loan, together with accrued interest, shall be immediately due and payable. (Am. by ORD-11-00037, 3-8-11)

(7) All applicants shall sign an affidavit attesting to income and liquid asset criteria. Any person who provides false or inaccurate information on the application shall upon conviction thereof forfeit not less than one hundred dollars ($100) and not less than five hundred dollars ($500) and the entire amount of the loan, together with all accrued interest, shall be immediately due and payable.

(8) This is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5).

(Sec. 4.082 Am. by Ord. 8436, 10-5-84; Ord. 12,543, 2-18-00; Rep. & Recr. by Charter Ord. 74, Adopted 9-4-01)

4.09 SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SANITARY SEWERS, STORM SEWERS, AND STREET IMPROVEMENTS AND SPECIAL CHARGES FOR CURRENT SERVICES.

(1) It shall be the policy of the City of Madison to protect the health, safety and property of its residents and promote the general welfare through the installation, construction or reconstruction of public sanitary sewers and appurtenances; storm sewers and appurtenances; public streets including sidewalks, or transit or pedestrian malls, landscaping, street lights and associated amenities; major transportation structures such as highway interchanges, ramps, medians, traffic turn bays, overpasses, underpasses, segregated transportation corridors such as bike paths, pedestrian walkways, and bus lanes; and assessing all or a portion of the cost to benefiting properties. In doing so, the City of Madison recognizes that it has historically financed the cost of these needed public improvements by special assessments to benefited properties and that fairness and reasonableness dictates that when these improvements are constructed or reconstructed they should be financed in like fashion. The construction and reconstruction of sanitary sewers and appurtenances, streets including sidewalks constructed or reconstructed as a part of street improvements and related landscaping and amenities may be charged in whole or in part to the property benefited thereby in accordance with the provisions of Wis. Stat. § 66.0701, except that, the assessment for highways on or across town or city boundaries shall be in accordance with Wis. Stat. § 66.0707. (Am. by Ord. 10,374, Adopted 2-4-92; ORD-12-00003, 1-10-12; ORD-17-00030, 3-8-17)

(2) The establishment of special assessments for the aforementioned improvements represents an exercise of the police power of the City of Madison.

(3) Except for special charges for current services, prior to the exercise of any powers conferred by this Ordinance, the Common Council shall adopt a resolution declaring its intention to exercise such powers to construct or reconstruct public improvements. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

(4) The report prepared by the designated municipal officer or employee shall consist of:
- (a) Preliminary or final plans and specifications.
- (b) An estimate of the entire cost of the proposed work or improvement.
- (c) A schedule of proposed assessments, constituting an exercise of the police power of the City of Madison and a statement that the property against which the assessments are proposed is benefited.

(5) A notice shall be published in the official newspaper stating that the designated municipal official or employee has prepared the required report and that the Board of Public Works will hold a public hearing on the installation and assessments. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, and mailed to every interested person whose address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after such publication and mailing. (Am. by ORD-12-00003, 1-10-12)

(6) The Board of Public Works shall hold a public hearing on the report submitted by the designated City official or employee, and at the conclusion of the public hearing, shall prepare a report to the Common Council which shall, at a minimum, consist of a recommendation on the report. In the alternative, the Board of Public Works is authorized to amend the report or recommend the Council place the report on file without public hearing, thus terminating this procedure.

(7) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the designated City official or employee's report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, in the official newspaper and a copy of such notice shall be mailed to every interested person whose address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication and mailing. (Am. by ORD-12-00003, 1-10-12)

(8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove, modify, or rerefer the report to the Board of Public Works with such directions as it deems necessary. Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date. A copy of the resolution adopted by the Common Council shall be mailed to every interested person whose address is known or can be ascertained with reasonable diligence. (Am. by ORD-12-00003, 1-10-12)

(9) Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving the same notice as provided in Subsection (7) and after a public hearing, amend, cancel, or conform any such prior assessment.

(10) If the cost of the project shall be less than the special assessment levied, the Council, without notice or hearing, shall reduce each special assessment proportionately and where any assessments have been paid, and the excess over cost shall be refunded to the property owner.

(11) The Council may, without any notice or hearing, levy and assess the whole or any part of the aforementioned municipal improvements as a special assessment on the property

specially benefited thereby or impose a special charge upon property for all or part of the cost of current services rendered whenever notice and hearing thereon is in writing waived by all owners of the property affected by such special assessment or special charge. (Am. by Ord. 12,542, 2-18-00)

(12) The construction and repair of sidewalk which has not been made a part of street or highway improvement shall be assessed in accordance with Wis. Stat. § 66.0907.

(13) Special charges for current services rendered may be imposed through the allocation of all or part of the cost to the property served. Such current services may include without limitation because of enumeration, subdivision service costs under Sec. 16.23(9)(e), unpaid public facilities impact fees imposed under Chapter 20, MGO, mall-concourse special maintenance, street sprinkling, oiling and tarring, sealcoating and dust control, repair of sidewalks, curbs or gutters, garbage and refuse disposal, street lighting and/or traffic signal operation and maintenance, financing of lead service replacement for those property owners which meet the criteria of Sec. 4.082, MGO, and tree care. The amount to be charged may include direct and indirect costs, including the resulting damages, if any, interest on City funds used in anticipation of the collection of the special charges, a reasonable charge for administrative staff services, any architectural, engineering and legal services costs, and any other item of direct or indirect cost reasonably attributed to the work or services rendered. The amount to be charged against all property for the work or services rendered may be apportioned among the individual parcels served. For street sprinkling, oiling and tarring, sealcoating and dust control, and repair of sidewalks, curbs or gutters, unless notice and hearing is waived in writing as provided above, a notice shall be published in the official newspaper that the Common Council will hold a public hearing regarding the establishment of special charges for current services. Such notice shall be published as a Class I notice under Wis. Stat. ch. 985, and a copy of the notice shall be mailed to every interested person whose address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication and mailing. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed at the cost of the property owner, at which hearing anyone interested will be heard. For all other types of special charges, no public hearing is required and notice shall be as provided on the billing of the special charge. Such special charges shall not be payable in installments. If not paid within the period prescribed on the billing, such delinquent special charges shall become a lien as provided in Wis. Stat. § 66.0627(4) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges. (Am. by Ord. 12,542, 2-18-00; Ord. 13,125, 8-28-02; ORD-06-00129, 9-21-06; ORD-09-00004, 1-24-09; ORD-12-00003, 1-10-12)

(14) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Wis. Stat. § 66.0703(12), within forty (40) days of the day of the final determination by the governing body.

(Section 4.09 R. and Recr. by Ord. 8112, 10-3-83)

4.095 URBAN FORESTRY SPECIAL CHARGE.

(1) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. The City, through its urban forestry program, provides a service to all real property in the City by maintaining, protecting and growing the City's urban forest.

2. The City's urban forestry program leads to increases in property value, greater commercial activity, increased livability of the City's neighborhoods, reduction in energy usage, cleaner air, better storm water manage-

ment and other tangible and intangible benefits. Every $1 spent on City trees yields an estimated $3.35 in benefits for the City of Madison. In addition, every street tree, a component of the City maintained portion of the urban forest, provides $122 in annual benefits, while collectively intercepting an estimated 115 million gallons of rainfall each year and removing over 175,000 pounds of pollutants from the environment.

3. Invasive species and fungal diseases known and unknown, currently threaten our urban forest and have a history of causing significant harm to the urban forest. The City is currently facing the loss of approximately 20% of the urban forest due to arrival of the emerald ash borer in 2013. According to the adopted Emerald Ash Borer Taskforce Report (RES-12-00729, File ID # 26893), the projected cost to remove and replace the approximately 22,000 terrace ash trees will be around $13 million over five years, and the cost to treat suitable trees would carry an annual cost of over $437,000. Removal, replacement and/or treatment of infested and healthy ash trees is necessary to prevent property damage, personal injury, and to reestablish the urban forest. These costs are significant and may fluctuate over time. Future infestations and diseases may cause similar harm in the future.

4. By creating this special charge, the City will be able to better perform its urban forestry obligations moving forward without sacrificing the level of service needed to adequately maintain, protect and grow the urban forest.

(b) This ordinance is adopted pursuant to those powers set forth in Wis. Stat. § 66.0627 and Sec. 4.09(13), MGO, in order to recover the costs to the City to maintain and manage the City's urban forest through its urban forestry program, which program provides a service to all real property in the City.

(2) Definitions.

(a) Urban Forest. The urban forest consists of all the trees located on public and private lands within the City.

(b) Urban Forestry Program. City operations on public lands that include, but are not limited to, the following services: planting, pruning, maintenance, treatment, integrated pest management, and the removal and stump grubbing of trees that are part of the Urban Forest.

(c) Program Costs. The Urban Forestry Program Costs shall include the costs to the City to perform the activities associated with the Urban Forestry Program. They do not include any costs incurred by the City that are reimbursed from other sources such as federal or state funding, grants, insurance proceeds, restitution, donations, endowments, or other third party sources, including, specifically, public nuisance abatement costs recovered under Sec. 23.40, MGO.

(3) Urban Forestry Charge. There is hereby imposed upon all real property in the City an annual urban forestry special charge pursuant to Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627, which charge shall recover the City's annual urban forestry program costs.

(4) Administering the Charge. The urban forestry charge shall be administered by the City Forester and the Finance Department. The proceeds from the charge shall be used to pay for the services provided by the City's urban forestry program. The City Forester shall prepare an urban forestry special charge policy that establishes the method of calculating and apportioning the charge. This policy shall be submitted to the Common Council for approval, and shall be updated as necessary to ensure that the charge is properly applied.

(5) Determining the Urban Forestry Special Charge. The Common Council shall annually approve the urban forestry charge. As part of this approval process, the Forestry Section shall prepare a report to the Common Council of the City's urban forestry program costs. The report shall detail the past and future anticipated expenditures for the program. If, after approving the charge, the actual urban forestry program costs are found to vary

materially from the approved amount, the Forestry Section shall submit an updated report to the Common Council for consideration to account for the actual costs of the urban forestry program.

(6) Payment. Upon the Common Council's approval by resolution of the special charge or updated special charge under Subsection (5), the special charge shall be due by October 31. Payment may be made before that date, and any amount not paid to the City by that date will be considered delinquent and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges.

(7) Notice. Notwithstanding the provisions of Sec. 4.09(13) regarding notice, no notice or billing is required for the urban forestry special charge except for a Class I notice under Wis. Stat. ch. 985 within twenty (20) days of the Common Council's approval by resolution of the special charge or updated special charged under Subsection (5).

(8) Appeal. Within ten (10) days of the notice provided for under Subsection (7), a property owner may appeal the application of the urban forestry special charge policy to his or her property. A property owner may not appeal the total amount of the charge approved by the Common Council under Subsection (5) or the policy itself. This appeal shall be in writing to the City Forester and shall state the specific reasons why the property owner feels that the application of the policy to the property was erroneous and the relief being sought. If, upon review, the City Forester determines that all or part of the charge imposed is erroneous, unjust or unreasonable, the City Forester shall adjust the amount of the charge against the property. The property owner may appeal the City Forester's decision to the Administrative Review Board by providing written notice to the City Clerk within ten (10) days of the mailing of the City Forester's written decision on the appeal to the property owner. Upon the filing of the notice with the City Clerk, the appeal of the City Forester's decision shall follow the rules and procedures set forth in Sec. 9.49, MGO.

(9) Sunset. No urban forestry charge shall be imposed under this section for services performed by the City after December 31, 2018.

(Cr. by ORD-14-00162, 10-29-14)

4.10 BIWEEKLY PAYDAY FOR CITY EMPLOYEES.

(1) All employees of the City of Madison, including members of the Police and Fire Department and employees of all other branches of City administration and government, where the expenditure of funds of such department is subject to the control of the Common Council, shall be paid biweekly on the Friday occurring two weeks after the end of the biweekly work week. If the Friday falls on a holiday, then employees shall be paid on the preceding work day. As used in this subsection, a week is defined to be that period of time commencing on Sunday and terminating at midnight on the following Saturday. The Finance Director is authorized to make all the necessary adjustments to add the extra week between pay periods. Although there will be an extra week for payroll processing, all employees of the City of Madison will continue to be paid every two weeks.

(2) All department and division heads or in their absence or disability their designee shall file with the Finance Director the payrolls required by subsection (1) above indicating thereon the number of days worked by each employee, the number of days of sick leave and vacation taken, the number of hours of overtime worked or compensatory time used, together with such other information as may be prescribed by the Finance Director and the Human Resources Director. Failure to report overtime hours worked or the use of compensatory time off shall constitute just cause for discipline. In the absence or disability of the department or division head and the designee, the payroll shall be certified by the Mayor. (Am. by Ord. 10052, Adopted 6-19-90)

(Sec. 4.10 Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11; ORD-15-00111, 10-28-15)

4.11 RESERVED FOR FUTURE USE. (R. by Ord. 7973, 3-25-83)

4.12 SALARIES OF MEMBERS OF POLICE AND FIRE DEPARTMENTS AUTOMATICALLY RAISED BEFORE RETIREMENT.

The salary of each member of the Police and Fire Department of the City of Madison, with the exception of the Chiefs of the said departments, as the same may be fixed by the Common Council, less any emergency increase, shall be and the same is hereby automatically increased in the sum of twenty dollars ($20) per month, beginning one month immediately preceding the retirement of such member on pension after twenty-two (22) years of service, provided that when such retirement shall be voluntary there shall be filed with the trustees of the Police and Fire Pension Fund at least two (2) months before the date of such retirement an application therefor. Provided, however, that if a member of the Police or Fire Department so retiring is receiving at the date of her or his retirement any emergency increases in addition to his base salary and the amount of said emergency increase is less than twenty dollars ($20), said automatic increase shall only be paid to the extent of the difference between twenty dollars ($20) and the amount of the emergency increase. If the amount of the emergency increase amounts to twenty dollars ($20) or more, no automatic increase shall accrue or be paid. (Am. by ORD-14-00012, 1-14-14)

4.13 FEES OF CITY CLERK. The salary fixed by ordinance for the City Clerk shall be in full compensation for all services of any kind rendered by her or him for the City, and all fees paid to and received by the City Clerk shall be turned in to the treasury, except fees received as a member of the Board of Review. (Am. by ORD-14-00012, 1-14-14)

4.14 LIABILITY OF THE CITY FOR ACTS OF AGENTS. No agent of the City having authority to employ labor or to purchase materials, supplies or any other commodities, shall have authority to bind the City in any way or incur any indebtedness for which the City may become liable without first notifying the Finance Director of such employment and having the record of appointment countersigned by the Finance Director. Each such appointment or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the City Treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn and no bill or invoice shall be presented to the Common Council for allowance except when preceded by such notice of employment or purchase order. The Finance Director shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation. He or she shall notify the proper department of the exhaustion of any appropriation and shall require that all labor or purchases in such department be suspended until further appropriations are set aside for such purposes. (Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

4.15 LIABILITY OF TREASURER FOR VIOLATION OF THIS CHAPTER. Any City Treasurer who shall violate any of the provisions of this chapter which are applicable to said Treasurer shall be subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each such violation.

4.16 RESERVE FUND.

(1) There is hereby established in the City of Madison, a fund separate and distinct from every other fund, and designated as the Municipal Reserve Fund. The sources of said fund shall be such monies, or securities, from any source whatsoever, as the Common Council may, by resolution, by a two-thirds (⅔) vote from time to time direct to be paid into said fund.

(2) The Finance Director shall keep a separate record, relating to such fund, including an accurate account of the transactions, investments, earnings and expenditures, and shall make a report annually, on or about the 15th day of January of each year, to the Common Council. (Am. by ORD-11-00037, 3-8-11)

(3) The City Treasurer shall, from time to time, recommend to the Common Council the investment of said fund, or part thereof, as it accrues. Disbursements, investments, sale or transfer of any securities held in said fund shall be, by resolution of the Common Council, on checks or City orders, signed by the City Clerk and the City Treasurer. (Am. by Ord. 9192, 5-14-87; ORD-08-00092, 8-23-08; ORD-11-00088, 6-28-11)

(4) All interest or income earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided, unless otherwise provided by a four-fifths (⅘) vote of the Common Council.

(5) Said municipal reserve fund, or any part thereof, may be expended for any municipal purpose with the consent of four-fifths (⅘) of the members-elect of the Common Council.

(6) The City Treasurer shall keep all cash on hand, belonging to said reserve fund, in a separate account in one of the depositories in the City of Madison. The said City Treasurer shall also designate a suitable, safe depository, wherein the City Treasurer shall keep all bonds, or other securities, in which said fund shall be invested. (Am. by Ord. 9192, 5-14-87; ORD-08-00092, 8-23-08)

4.17 SAVINGS RESULTING FROM USE OF GENERAL DEBT RESERVES.

In any year when general debt reserves are applied to reduce general fund debt service, an amount at least equal to the general debt reserves applied must be directly appropriated from the general fund for capital projects, unless the Common Council, by a separate vote of two-thirds (⅔) of all members during approval of the budget, votes to do otherwise.

(Cr. by ORD-12-00155, 12-19-12)

4.18 PAYMENT OF TAX EQUIVALENT AND OCCUPANCY FEE ON CITY OWNED PARKING FACILITIES AND ON-STREET METERED PARKING SPACES.

(1) In each calendar year, there shall be paid into the General Fund, as a payment in lieu of taxes, an amount equivalent to that which would be levied on the off-street land and improvements (except for parking stalls in the street right-of-way) operated as a Parking Utility by the City, based on the assessed valuations as determined by the City Assessor and the combination of the City mill rate as adopted by the Common Council in November and the most recent school district mill rate, less the State school tax credit. This Subsection shall be effective January 1, 2005.

(2) In addition to the amount in sub. (1), the Parking Utility shall pay into the General Fund at the same time an amount representing an occupancy fee for use of the right-of-way and for related City services such as snow plowing, the occupancy fee to be 10% (ten percent) of the gross revenues for on-street metered parking stalls. This Subsection shall be effective January 1, 2006.

(Am. by ORD-06-00009, 2-2-06)

4.19 CONDEMNATION ASSESSMENT FREEZE. Not printed. Held unconstitutional.

4.20 LIVING WAGE.

(1) Statement of Purpose. The City contracts with many persons to provide services to the public, and provides financial assistance to developers for the purpose of promoting economic development and job growth. Such public expenditures should be spent to set a community standard that permits workers to live above the poverty line. The Common Council finds that the use of City funds to promote the creation of living wage jobs will increase consumer income, decrease poverty, invigorate neighborhood businesses and reduce the need for taxpayer-funded social services programs. The purpose of this ordinance is to improve the quality of services to beneficiaries of City-contracted agencies and to assure that City employees, employees of City service contractors and subcontrac-

tors, and employees and contractors of recipients of City financial assistance earn an hourly wage that is sufficient to enable a family of four to live at or above the federal poverty level.

(2) Definitions. In this section:

(a) "City financial assistance" means any grant, cooperative agreement, loan, contract or any other arrangement by which the City provides or otherwise makes available assistance in an amount equal to $100,000 or more in the form of:

1. Funds;
2. Services of City personnel;
3. Real and personal property or any interest in or use of such property, including:
   a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
   b. Proceeds from a subsequent transfer or lease of such property if the City's share of its fair market value is not returned to the City.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient;
5. "City financial assistance" includes, but is not limited to, capital revolving fund loans, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.521, contracts with developers or other entities authorized by Wis. Stat. §§ 66.1333(5) and 66.1105(3)(e).
6. "City financial assistance" does not include public works contracts, supply procurement contracts, professional service contracts, contracts of insurance or guaranty, collective bargaining agreements, or contracts with nonprofit corporations, unless the nonprofit corporation passes City financial assistance in an amount equal to $100,000 or more through to a for-profit entity, in which case the for-profit entity shall be subject to this ordinance.

(b) "Employee" means any individual, except those excluded under Subsection (10), who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to or work or be at any time in any place of employment. "Employee" includes individuals whose work is permanent or temporary, or on a full-time or part-time basis.

(c) "Person" means any individual, partnership, joint venture, corporation, limited liability company or partnership, trust, association, or other entity that may employ individuals or enter into contracts.

(d) "Professional service contract" means any contract in which the majority of employees engaged in the performance of the contract perform work which:

1. Is predominantly intellectual and varied in nature, as opposed to work which involves routine mental, manual, mechanical or physical labor; and
2. Requires advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital.

(e) "Recipient of City financial assistance" means any person, including that person's subcontractors, successors, assignees and transferees.

(f) "Service contract" means any contract with the City for the provision of services to any City department or agency with a budget under the control of the Common Council, which has a value exceeding $5,000. "Service contract" does not include

any contract which involves the purchase of goods or which is a professional service contract, public works contract under Sec. 62.15, Wis. Stats., or a contract with another unit of government.

(g) "Service contractor" means any person, including that person's subcontractors, successors, assignees, or transferees.

(3) Living Wage Requirement.

(a) All employees employed in work performed as part of a service contract, employed as City of Madison employees, employed in work performed under a contract funded by City financial assistance, employed by a contractor of a City financial assistance recipient and who expends at least twenty hours a week at the project site funded by City financial assistance, or employed by a recipient of City financial assistance in work performed at a project site funded by City financial assistance shall receive and be paid a City minimum hourly wage. The City minimum hourly wage shall be $7.91 through December 31, 1999. Thereafter, the City minimum hourly wage shall be calculated as follows:

1. Effective January 1, 2000 and continuing for the remainder of 2000, an hourly rate equal to 105% of the poverty level divided by 2080.
2. Effective January 1, 2001 and continuing thereafter, an hourly rate equal to 110% of the poverty level divided by 2080.
3. As used in this section, "poverty level" means an annual income equal to the U.S. Department of Health and Human Services' then most recently published poverty guideline for a family of four.

(b) Compliance with this Section shall be required for the term of the contract between the City and the service contractor or recipient of City financial assistance.

(c) Tipped employees, employees paid on commission, employees who receive meals or lodging or both from their employers, and employees whose compensation consists of more than hourly wages shall be paid an hourly wage which, when combined with the other compensation, will at least equal the City minimum hourly wage. The value of such meals or lodging shall be calculated pursuant to Chapter DWD 272, Wis. Admin. Code.

(d) Each employee employed in the performance of a service contract or employed in work performed under a contract funded by City financial assistance shall receive the full living wage. If an employee is performing both City and non-City work and it is not possible to separately account for the time associated with work under the City contract, then the employee shall receive the full living wage. No proportional calculation is allowed. If no bids are received on a City service contract and staff determines that compliance with this subdivision contributed to the lack of bids, the contract may be rebid with a waiver of the no proportional calculation requirement. This subdivision shall be applicable to all service contracts which are first advertised or amended after the effective date of this subdivision (d) and to all contracts funded by City financial assistance which are executed or amended after the effective date of this subdivision (d). (Created by ORD-07-00108, 9-22-07)

(4) Maintenance of Effort. No service contractor or recipient of City financial assistance may use the living wage requirement of this section to reduce the wage paid to any person employed by the service contractor or recipient.

(5) Provisions in Contracts. For purposes of carrying out the intent of this section, all provisions of this section are made part of all service contracts and contracts for the provision of City financial assistance. Every service contractor and recipient of City financial assistance shall bind its contractors and subcontractors in writing, as applicable, to the provisions of this section.

(6) Contract Bid and Request-for-Proposal Specifications. A digest of the provisions of this section shall be included in all specifications for financial assistance projects and service contract work upon which the City calls for bids or issues requests for proposals.

(7) Specifications for Contracts. No service contract and no contract between the City and a recipient of City financial assistance shall be entered into by the City unless such contract contains the following stipulation or its equivalent:

> "The contractor agrees to pay all employees employed by the contractor in the performance of this contract, whether on a full-time or part-time basis, a base wage of not less than the City minimum hourly wage as required by Section 4.20, Madison General Ordinances."

(8) Posting of Wage Rate. For every service contract and for every contract between the City and a recipient of City financial assistance the minimum hourly wage required by Subsec. (3) and the phone number of the City's Affirmative Action Department shall be kept posted by the contractor or recipient at the site of the work in a prominent place where it can be easily seen and read by persons employed in the performance of such contract. In addition, copies of the living wage requirement shall be supplied to any person employed by a recipient or employed in the performance of a service contract at the request of such person and within a reasonable period of time after the request.

(9) Enforcement.

Any person who has been found by the City to have submitted any false, misleading or fraudulent information, or to have failed to comply with the provisions of this section, may be subject to any of the following sanctions, imposed by the City:

1. Withholding of payments under the contract;
2. Termination, suspension or cancellation of the contract in whole or in part.
3. After a due process hearing, denial of the right of the person to bid on future City contracts, by herself or himself, partner or agent, or by a corporation of which she or he is a member, for a period of one year after the first violation is found and for a period of three years after a second violation is found.

(10) Exclusions. This section shall not apply to student learners, on-call employees, employees under the age of 18, or employees of sheltered workshops, as those terms are defined in Wis. Stat. ch. 104, to City Special Workers as defined in Section 3.54(4), MGO, or to laborers, workers or mechanics subject to either Section 4.23, MGO, or to 40 U.S.C. 276a. (Am. by Ord. 12,594, 6-6-00; ORD-14-00173, 12-10-14)

(11) Collective Bargaining Agreements. This ordinance may be superseded and made inapplicable, in whole or in part, by an expressed declaration to such effect in any signed collective bargaining agreement between a service contractor or a recipient of City financial assistance and a labor organization.

(12) Applicability. The provisions of this section shall apply to:

(a) A service contract or contract for the provision of City financial assistance consummated after the effective date of this ordinance;

(b) A service contract amendment consummated after the effective date of this ordinance which itself meets the requirements of this section;

(c) Supplemental financial assistance provided after the effective date of this ordinance which itself meets the requirements of this section.

(13) Penalty. In addition to the sanctions set forth in Subsection (9) above, any person, contractor, subcontractor, or recipient who violates this section or fails to comply with any of its requirements shall, upon conviction hereof, be subject to a forfeiture of not less than one dollar ($1.00) and not more than two hundred dollars ($200), and in addition shall pay all costs and expenses. Each day such violation continues shall be considered a separate offense.

(Sec. 4.20 Cr. by Ord. 12,363, 3-30-99)

4.21 ROOM TAX.

(1) In this section:

(a) "Hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in Sec. 66.0435(1)(d), rented for a continuous period of more than one month and accommodations furnished by any hospital, sanitoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual. (Am. by Ord. 11,240, 4-28-95)

(b) "Gross receipts" has the meaning as defined in Wis. Stat. § 77.51(4)(a), (b) and (c) insofar as applicable. (Am. by Ord. 11,240, 4-28-95)

(c) "Transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

(2) Pursuant to Wis. Stat. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Beginning January 1, 2007, such tax shall be at the rate of nine percent (9%) of the gross receipts from such retail furnishing of rooms or lodgings. The proceeds thereof shall be subject to annual appropriation by the Common Council. Such tax shall not be subject to the selective sales tax imposed by Wis. Stat. § 77.52(2)(a)1. and may not be imposed on sales to the federal government and persons listed under Wis. Stat. § 77.54(9a). (Am. by Ord. 11,503, 1-5-96; Ord. 12,311, 1-26-99; ORD-06-00159, 11-21-06)

(3) Collection of Tax. This section shall be administered by the City Treasurer. The tax imposed for the months of January, February, and March, 1969, and for each calendar quarter thereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with her or his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or her or his duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date. (Am. by Ord. 7164, 12-17-80; ORD-14-00012, 1-14-14)

(4) Every person furnishing rooms or lodging under Subsection (2) shall file with the City Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the City Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of her or his place of business, and such other information as the City Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor,

by the person authorized to act on behalf of such sellers. At the time of making an application the applicant shall pay to the City Treasurer a fee of two dollars ($2) for each permit. (Am. by ORD-14-00012, 1-14-14)

(5) After compliance with Subsection (4) and Subsection (14) by the applicant, the City Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(6) Whenever any person fails to comply with this section the City Treasurer may, upon ten (10) days notification and after affording such person the opportunity to show cause why her or his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The City Treasurer shall give to such person written notice of the suspension or revocation of any of her or his permits. The City Treasurer shall not issue a new permit after the revocation of a permit unless she or he is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of two dollars ($2) shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked. (Am. by ORD-14-00012, 1-14-14)

(7) If any person liable for any amount of tax under this section sells out her or his business or stock of goods or quits the business, her or his successors or assigns shall withhold a sufficient amount of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, she or he shall become personally liable for payment of the amount required to be withheld by her or him to the extent of the price of the accommodations valued in money. (Am. by ORD-06-00159, 11-21-06; ORD-14-00012, 1-14-14)

(8) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

(9) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. Whenever the City Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the City Treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time. (Am. by Ord. 8895, 6-26-86)

(10) If any person fails to file a return as required by this section, the City Treasurer shall make an estimate of the amount of the gross receipts under subsection (2). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into her or his possession. On the basis of this estimate the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten per cent (10%) there-of. One or more such determinations may be made for one or more than one period. (Am. by ORD-14-00012, 1-14-14)

(11) A forfeiture of 25% of the room tax due for the previous year or $5,000, whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within 30 days after the due date of return. In addition to this forfeiture, all unpaid taxes under this section shall bear interest at the rate of twelve per cent (12%) per annum from the due date of the return until the first day of the month following the month

in which the tax is paid or deposited with the City Treasurer. All refunded taxes shall bear interest at twelve per cent (12%) per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return it shall not allow any interest thereon. (Am. by Ord. 11,292, 7-11-95)

(12) Delinquent tax returns shall be subject to a twenty-five dollar ($25) late filing fee. The tax imposed by this section shall become delinquent if not paid by the due date of the return. (Am. by Ord. 8895, 6-26-86)

(13) If a person files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of fifty percent (50%) shall be added to the tax required to be paid, exclusive of interest and other penalties. (Am. by Ord. 8895, 6-26-86)

(14) In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this section to place with him or her, before or after a permit is issued, such security, not in excess of five thousand dollars ($5,000) as the City Treasurer determines. If any taxpayer fails or refuses to place such security, the City Treasurer may refuse or revoke such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Treasurer may, upon ten (10) days notice, recover the taxes, interest and penalties from the security placed with the City Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security. (Am. by Ord. 11,240, 4-28-95)

(15) Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer requires.

(16) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following, and no others:

(a) The person who filed the return.

(b) Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue.

(c) Officers, employees, or agents of the Finance Director. (Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11)

(d) Such other public officials of the City of Madison, when deemed necessary.

(17) No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in subsection (16).

(18) Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in subsection (4), or who fails or refuses to permit the inspection of her or his records by the City Treasurer after such inspection has been duly requested by the City Treasurer, or who fails to file a return as provided in this section, or who violates any other provisions of this section, shall be subject to a forfeiture not to exceed two hundred fifty dollars ($250). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense. The total forfeiture imposed shall not exceed 5% of the tax imposed by this section. (Am. by Ord. 8895, 6-26-86; ORD-14-00012, 1-14-14)

4.22 THE MADISON AFFORDABLE HOUSING TRUST FUND.

(1) Creation; Purpose and Intent.

There is hereby created and established for the City of Madison a fund to be known and denominated as the Madison Affordable Housing Trust Fund. The Trust Fund shall be a continually renewable source of revenue to meet, in part, the housing needs of low income households in the City, as defined in (2)(b) below. The Trust Fund is to provide loans and grants to for-profit and non-profit housing developers for the acquisition, capital and soft costs necessary for the creation, repair and preservation of Affordable rental and owner-occupied housing. Preference shall be given to those projects that ensure that the Assisted Units remain Affordable for the longest period possible. Projects funded by the Trust Fund shall be disbursed throughout the City so no single neighborhood experiences a disproportionate concentration of housing units for low income households.

(2) Definitions.

In this section:

(a) "Affordable" means a housing unit that has an Affordable Housing Cost.

(b) "Affordable Housing Cost" means an amount satisfied by:

1. for owner-occupied housing, a housing payment inclusive of loan principal, loan interest, property taxes, property and mortgage insurance, and homeowners association dues which allows a household, whose gross income adjusted for family size is at or below eighty percent (80%) of Area Median Income, to purchase a home;
2. for rental housing, a housing payment, inclusive of a reasonable allowance for heating, which allows a household, whose gross income adjusted for family size is at or below sixty percent (60%) of Area Median Income, to rent a unit, while paying no more than thirty percent (30%) of their gross household income; and
3. for Housing Cooperatives and Limited Equity Cooperatives, a housing payment that allows a household whose gross income adjusted for family size is at or below sixty percent (60%) of Area Median Income, to purchase a home.

(c) "Area Median Income" means the median income for the greater Madison area adjusted for family size, as published by the United States Department of Housing and Urban Development.

(d) "Assisted Unit" means a housing unit that is Affordable and is assisted by the Trust Fund. Assisted Units shall be specifically identified in the deed restriction required under Sec. 4.22(7), MGO.

(e) "Committee" means the City of Madison Community Development Block Grant Committee created pursuant to Sec. 33.15, MGO.

(f) "Contingent Fund" means the fund created pursuant to Sec. 4.03, MGO.

(g) "Director" means the City's Community Development Division Director, or his or her designee.

(h) "Housing Cooperative" means a corporation that exists to provide housing to its owners, who are the individuals who live in the cooperative.

(i) "Limited Equity Cooperative" means a limited equity Housing Cooperative that limits the return allowed when its shares are sold.

(j) "Recipient" means any for-profit or non-profit housing developer that receives funds in the form of a loan or a grant from the Trust Fund. A Recipient may be an individual, partnership, joint venture, limited liability company or partnership, association or corporation.

(k) "Tax Incremental Financing Equity Participation Payment" means an equity payment received by the City from a developer pursuant to a TIF Development Agreement in which the tax incremental district has been dissolved.

(l) "Trust Fund" means the Madison Affordable Housing Trust Fund.

(3) Trust Fund; Sources of Trust Fund Moneys.

(a) There is also hereby established a Madison Affordable Housing Trust Fund, to be maintained by the Finance Director. All funds received by the City on behalf of the Trust Fund shall be deposited in the Trust Fund. Principal and interest from loan repayments, and all other income from Trust Fund activities, shall be deposited in the Trust Fund. All funds in the Trust Fund shall earn interest at least at the same rate as pooled investments managed by the City Treasurer. All interest earnings from the Trust Fund shall be reinvested and dedicated to the Trust Fund. (Am. by ORD-11-00037, 3-8-11)

(b) The Trust Fund shall consist of funds derived from the following:

1. Private cash contributions designated for the Trust Fund;
2. Payments in lieu of participation in current or future affordable housing programs;
3. Matching funds from a federal affordable housing trust fund;
4. Principal and interest from Trust Fund loan repayments and all other income from Trust Fund activities;
5. Any other appropriations as determined from time to time by legislative action of the Common Council, including, but not limited to, (i) Residual Contingent Reserve funds; (ii) Amounts from the Operating Budget equivalent to City fees collected from dedicated uses related to housing, such as reinspection fees; (iii) Tax Incremental Financing Equity Participation Payments; and (iv) Proceeds from the sale or use of surplus City land.

(4) Committee's Powers and Duties.

(a) The Committee shall have the following powers and duties:

1. Recommend policies, goals and objectives for the Trust Fund program to the Mayor and the Common Council;
2. Review project funding requests and recommend to the Mayor and the Common Council all disbursements from the Trust Fund;
3. Investigate and recommend to the Mayor and Common Council additional sources of money for deposit to the Trust Fund; and
4. Publish and distribute requests for proposals and notices of funding availability.

(b) All projects considered for funding will be reviewed prior to Committee action by the CDBG staff, and the Director shall submit to the Committee comments and recommendations.

(c) The Committee shall within ninety (90) days following the close of each fiscal year prepare and submit an annual report to the Common Council on the activities undertaken with funds from the Trust Fund. The report shall specify the number and types of units assisted, the amount loaned per Assisted Unit, the amount of state, federal and private funds leveraged, the geographic distribution of Assisted Units and a summary of statistical data relative to the incomes of assisted households, including their monthly rent or mortgage payments, and the sales prices of owner-occupied Assisted Units.

(5) Evaluation of Applications.

In evaluating requests for disbursements from the Trust Fund, the Committee and the Council shall give preference to developments:

(a) that leverage other public and private sources of funds;

(b) that seek loans from the Trust Fund, rather than grants, which will allow the Trust Fund to grow over time;

(c) that will tie up funds from the Trust Fund for shorter periods of time, rather than longer, which will allow the Trust Fund to be used to support a greater number of projects throughout the City;

(d) that are targeted to a mixture of household incomes, where Assisted Units are distributed throughout the building or development so as to avoid a disproportionate concentration in any one area;

(e) that ensure that the Assisted Units remain Affordable for the longest period possible;

(f) that lead to lower, long-term utility costs for occupants of Assisted Units;

(g) that meet the highest accessibility standards, as defined by federal, state and local requirements; and

(h) that are consistent with the Committee's framework and any other similar policy statements adopted by the Committee from time to time.

(6) Trust Fund Distributions.

The Trust Fund shall fund loans and grants in accordance with this Section, to assist Recipients in the creation, repair and preservation of Affordable Units. The Trust Fund program shall be administered by the Director. No disbursements shall be made from the Trust Fund without the prior recommendation of the Committee and authorization by the Common Council, subject to the following.

(a) The total disbursements from the Trust Fund in any calendar year shall be limited to fifty percent (50%) of the balance of the Trust Fund as of the prior January 1st.

(b) At least sixty percent (60%) of the funds eligible for disbursement annually shall be used to create, repair and preserve Affordable Units for households whose gross income, adjusted for family size, is at or below sixty percent (60%) of Area Median Income.

(c) At least fifty percent (50%) of funds eligible for disbursement annually shall be reserved for commitments to nonprofit corporations until September 1st, after which these reserved funds may be disbursed to any Recipient.

(d) The total disbursements from the Trust Fund for any one project shall be limited to twenty-five percent (25%) of the balance of the Trust Fund as of January 1st of the year prior to the disbursement.

(e) Recipients may use the funds directly or through an affiliated entity to pay for:

1. capital costs, including but not limited to the actual costs of rehabilitating or constructing Affordable Units;
2. preserving Affordable Units;
3. demolishing or converting existing non-residential buildings to create new Affordable Units;
4. real property acquisition costs;
5. accessibility modifications;
6. modifications for health, safety and energy conservation purposes; and
7. professional service costs, including but not limited to, those costs incurred for architectural, engineering, planning and legal services which are attributable to the creation, repair and preservation of Affordable Units, provided that no more than fifteen percent (15%) of the total funds allocated to the project from the Trust Fund may be used for such costs.

(f) Trust Fund moneys may not be used for operating expenses of any program, provided, however, that up to fifty percent (50%) of the interest income earned by the Trust Fund in the prior calendar year may be disbursed in the form of grants to be used by Recipients to pay for operating expenses of programs that provide direct assistance to buyers or renters, including, but not limited to, security deposit loan programs, private mortgage insurance guarantee programs, and homebuyer down payment assistance programs.

(g) No Recipient may refuse to lease or otherwise make unavailable any rental Assisted Units solely because an applicant for housing is a direct recipient of a federal, state or local governmental housing subsidy.

(7) Term of Affordability.

To ensure long term affordability, Assisted Units shall be deed restricted for at least thirty (30) years as follows:

(a) Owner-occupied Assisted Units shall be available only to households whose gross income, adjusted for family size, is at or below eighty percent (80%) of Area Median Income.

(b) Rental Assisted Units shall be available only to households whose gross income, adjusted for family size, is at or below sixty percent (60%) of Area Median Income.

(Sec. 4.22 Cr. by Ord. 13,476, 12-23-03; Rep. & Rec. by ORD-10-00086, 9-15-10)

4.23 RESERVED FOR FUTURE USE.

4.24 RETURNED PAYMENT CHARGES. There may be a processing charge of twenty-five dollars ($25) for any check, order, or electronic payment issued to the City or any department or utility thereof and returned unpaid by a financial institution due to insufficient funds or due to any other reason. Such charges shall be paid into the City Treasury and credited to the General Fund. (Cr. by Ord. 13,541, 3-17-04)

4.25 PROCUREMENT OF ITEMS OF APPAREL.

(1) Purpose. The City of Madison recognizes a public interest in avoiding purchasing from vendors and contractors who obtain goods that originate in sweatshops - places of work where the labor practices are inconsistent with international standards of human rights - and declares the City's intent to avoid such purchases and allocate its funds in a manner that enhances the rights and well-being of workers world-wide, while acquiring the best quality goods at reasonable cost.

The Common Council finds that contractors can have influence throughout their entire supply chain, and therefore have an obligation to workers in subcontractor and subsidiary factories in addition to their direct obligations to their own employees. The Common Council further finds that the apparel industry is one area where the City can have an impact on the rights and well-being of workers world-wide.

The purpose of this ordinance is to ensure that City procurement of apparel is made from responsible contractors and vendors who agree to adhere to the minimum employment standards required herein and to require their subcontractors and third-party suppliers to do the same, so that all employees involved in the City's procurement may be afforded the opportunity to a fair, humane work environment as described herein.

The Common Council finds the following labor practices inconsistent with international standards of human rights:

a. below-subsistence wages;
b. excessively long working hours;
c. unhealthy and unsafe working environments;
d. child, indentured, and forced labor;
e. disregard for local and international labor laws and workplace regulations;
f. disregard for fundamental women's rights;
g. repression of workers' rights to assemble and bargain collectively.

(2) Applicability - Procurement of Apparel. This ordinance shall apply to all City procurement of apparel, as defined herein, when the circumstances in sub. (a) or (b) are met:

(a) $5,000 or more in apparel with the same brand name purchased from a single contractor. All articles of apparel with the same brand name purchased from that contractor during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made, shall be counted in reaching the $5,000 total; or

(b) $5,000 or more of a specific item of apparel purchased from a single contractor, during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made.

(c) For purposes of this ordinance, "procurement" shall include the purchase, rental, lease, laundering or dry cleaning of apparel, whether by contract, purchase order, or other means; and allowance and voucher programs for city employees to make their own purchases, except where a city collective bargaining agreement establishes a clothing allowance or voucher program that specifies another method of purchase or identifies purchasing criteria in conflict with this ordinance, in which case the terms of the collective bargaining agreement shall control. This ordinance shall also apply to contracts for the provision of City financial assistance, if $5,000 or more of will be used for procurement of apparel under the circumstances in paragraph (2)(a) or (2)(b) above.

(Sec. 4.25(2) Am. by ORD-11-00066, 5-13-11)

(3) Definitions

(a) "Apparel" means all garments or items of clothing any part of which is a textile produced by weaving, knitting or felting; and all shoes and other footwear.

(b) "Contractor" or "vendor" means a person or entity from whom the City has a current procurement relationship as that term is used in sub (2) above, or who is bidding or proposing to provide apparel to the City under a procurement arrangement.

(c) "Employee" means any individual who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to or work or be at any time in any place of employment. "Employee" includes individuals whose work is permanent or temporary, or on a full-time or part-time basis.

(d) A "fair wage" is the total 'take home' or 'net' wage, earned during a country's legal maximum work week, but not more than 48 hours. A fair wage provides for the basic needs (housing, energy, nutrition, clothing, health care, education, potable water, childcare, transportation and savings) of an average family unit of employees in the manufacturing employment sector of the country divided by the average number of adult wage earners in the family unit of employees in the manufacturing employment sector of the country.

(e) "Subcontractor" means a person, partnership, corporation or other entity that enters into a contract with a contractor or vendor for performance of some or all of the City-contracted work. For purposes of this ordinance, "subcontractor" shall include all third-party suppliers or producers from whom the contractor or its contractors obtains or sources goods, parts or supplies for use on the city contract and is intended to include suppliers at all level of the supply chain.

(4) Employment Standards for Contractors and Vendors.

(a) Domestic Or Foreign Manufacturers, Presumption. It is presumed that all contractors, subcontractors, third-party suppliers and other entities involved in the production of goods under city contracts at locations within the United States are subject to and will follow all applicable federal, state and local laws such as labor, employment, and safety laws. While this ordinance is applicable to procurement of apparel from all sources, the standards in subsection (4) are intended primarily for subcontractors and suppliers located outside the United States where the applicable law or practices does not already provide the protections necessary to accomplish the goals of this Ordinance. Nothing in this Ordinance shall be construed to limit or reduce the responsibility of contractors located within the United States to follow applicable law in their jurisdiction.

(b) Standards. Contractors shall adhere to or exceed the following minimum employment standards, and shall require all subcontractors, as defined in sub. (3)(e), to do the same. Wherever the word "contractor" is used below, the same requirement shall apply to subcontractors as defined in sub. (3)(e).

These standards shall apply in all phases/aspects of the contractor's or their subcontractor's operations, including but not limited to, manufacture, assembly, finishing, laundering or dry cleaning, (where applicable), warehouse distribution, and delivery:

1. Wages and Benefits. Contractors should recognize that wages are essential to meeting employees' basic needs. Contractors shall pay employees, at minimum, wages and benefits which comply with all applicable laws and regulations, and which provide for essential needs and establish a dignified fair wage for workers and their families. This must always meet or exceed any applicable minimum wage, or other "fair wage," "living wage" or other law that requires a wage that exceeds the applicable minimum wage, whichever is higher.

2. Working Hours. Hourly and/or quota-based wage employees shall not be required to work more than 48 hours per week or the limits on regular hours allowed by the law of the country of manufacture, whichever is lower, and be entitled to at least one (1) day off in every seven (7) day period, as well as holidays and vacations off.

3. Overtime Compensation. All overtime hours must be worked voluntarily by employees. In addition to their compensation for regular hours of work, hourly and/or quota-based wage employees shall be compensated for overtime hours at such a premium rate as is legally required in the country of manufacture or, in those locations where such laws do not exist, at a rate at least one and one-half their regular hourly compensation rate.

4. Child Labor. Contractors shall not employ any person at an age younger than 15 (or 14, where, consistent with International Labor Organization practices for developing locations, the law of the country of manufacture allows such exception). Contractors and sub-contractors agree to consult with governmental, human rights, and nongovernmental organizations, and to take reasonable steps as evaluated by the City and any independent monitoring agency acting on behalf of the City, to minimize the negative impact on children released from employment as a result of implementation or enforcement of the Ordinance.

5. Forced Labor. There shall not be any use of prison labor, indentured labor, bonded labor or other forced labor.

6. Health and Safety. Contractors shall provide a safe and healthy working environment to prevent employee accidents and injury to health arising out of or occurring in the course of employment or as a result of the operation of their facilities. In addition, contractors shall ensure that all operations comply with all workplace safety and health regulations established by the national government where the production facility is located, or with Title 29 CFR

of the Federal Code of Regulations, enforced by Federal OSHA (Occupational Safety and Health Administration), whichever regulation is more strict.

The contractor shall ensure that its operations comply with all health and safety conventions of the International Labor Organization (ILO) ratified and adopted by the country in which the production facility is located.

7. Nondiscrimination: No person shall be subject to any discrimination in employment; including but not limited to hiring, employment, recruitment or recruitment advertising, salary rates of pay or other forms of compensation, benefits, advancement, transfer, selection for training including apprenticeships, discipline, demotion, termination or retirement; on the basis of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status as those terms are defined in Section 39.03; and any other basis as may be added by amendment to Sec. 39.02(9)(b) and/or 39.03.

8. Harassment or Abuse. Every employee shall be treated with dignity and respect. No employee shall be subject to any physical, sexual, psychological, or verbal harassment or abuse. Contractors will not use or tolerate any form of corporal punishment.

9. Freedom of Association and Collective Bargaining. Contractors shall recognize and respect the right of employees to freedom of association and collective bargaining. No employee shall be subject to harassment, intimidation or retaliation as a result of their efforts to freely associate or bargain collectively. Contractors and sub-contractors shall not cooperate utilize corrupt with governmental agencies and other organizations that use the power of the State to prevent workers from organizing a union of their choice. Contractors shall allow union organizers free access to employees and shall recognize the union of the employees' choice. In addition to respecting the right of employees to freedom of association and collective bargaining, contractors must source from factories where the above commitment has been demonstrated as exemplified by the following:

   a. There exist clear channels through which workers can voice their complaints regarding working conditions and such complaints are addressed in a prompt and effective manner;

   b. The workers have a representative voice in workplace decisions;

   c. Management negotiates with the workers in good faith.

10. Reserved.

11. Women's Rights.

Women workers will receive equal remuneration, including benefits; equal treatment; equal evaluation of the quality of their work; and equal opportunity to fill all positions open to male workers.

Pregnancy tests will not be a condition of employment, nor will they be demanded of employees.

Workers who take maternity leave will not face dismissal nor threat of dismissal, loss of seniority or deduction of wages, and will be able to return to their former employment at the same rate of pay and benefits.

Workers will not be forced or pressured to use contraception.

Workers will not be exposed to hazards, including glues and solvents, that may endanger their safety, including their reproductive health.

Contractors and sub-contractors shall provide appropriate services and accommodation to women workers in connection with pregnancy.

(c) Effect of Applicable Local Law: Contractor (and any subcontractors or third party suppliers) must comply with all applicable laws and regulations of the jurisdiction where it is located. Where there is a conflict between this Ordinance and the local laws or regulations, the more strict restriction shall apply. However, where the law conflicts with this Ordinance to the extent that the local law is less strict than the minimum standards stated herein, or where adherence to this ordinance would result in a violation of the law of the country or jurisdiction in question, contractors will be deemed in compliance on an existing contract if they take effective actions as determined by the City and/or any monitoring entity acting on behalf of the City, to achieve full compliance with this ordinance to the extent reasonable, considering the applicable laws. See sub. (7)(c)5. regarding nonrenewal when compliance is deemed impossible.

(d) Contractors shall refrain from any actions that would diminish the protections afforded by this Ordinance.

(5) Bid Specifications and Pre-Award Procedures.

(a) Contract Bid and Request-for-Proposal Specifications. A copy of this Ordinance or a sufficient summary and link to the entire text shall be included in all specifications for all contracts or requests for financial assistance to which this ordinance may apply.

(b) Bidder Disclosure Statements. The City shall require for each bid or proposal to which this ordinance applies under sub. (2), each bidder, proposer or potential contractor to submit disclosure statements that include the information below, to the city and/or the city's independent monitoring agency, if any, with the knowledge that this information may be disclosed to the public, subject to applicable public records law. Compliance with this requirement shall be determined using procedures adopted by the Committee on Sweatfree Purchases (Committee). Such procedures may include, but are not limited to, the use of a formula or other criteria to rank compliance based upon the quality and/or quantity of the disclosure statements completed by bidders. Any such procedures, and any changes thereto, shall be adopted by the Committee at a properly-noticed public meeting of the Committee before being included in any bids, and reported to the Common Council when the Committee makes its annual report required by Sec. 4.25(9)(a), MGO. If the pre-award disclosure reveals a violation of this ordinance or a statement that the proposed contractor will not or cannot comply with this ordinance, the City reserves the right not to award the contract to that contractor. The disclosures shall include:

1. The names, addresses, and phone numbers of each facility involved in the production of goods covered by this policy.
2. The names, business addresses, and phone numbers of the principal officers of each facility involved in the production of goods covered by this policy.

3. The base hourly wage of non-supervisory production employees, percent of wage level paid as health benefit, other benefits, regular deductions from paychecks, normal working hours per day and week, actual working hours per day and week over the last three months, and overtime policy.
4. The raw number of each type good produced in a given factory for the City.
5. A sworn statement that each of the proposed production facilities, including any sub-contractors, complies with all requirements of this ordinance.
6. Any other information deemed necessary by the City for the administration and enforcement of this Ordinance.

(Am. by ORD-11-00144, 10-27-11)

(c) Transparency. Bidders, proposers and contractors shall provide access to the City of Madison and the City's independent monitoring agency, if any, to archived and contemporary inspection and monitoring reports for all facilities producing goods for the contract in question and shall require their subcontractors to allow the same access.

(6) Requirements for Contracts and Other Procurement Arrangements.

(a) Mandatory Contract Language. No contract to which this Ordinance applies under Subsection (2) be entered into by the City unless such contract contains the following language:

"The contractor shall follow labor practices consistent with international standards of human rights, meaning that, at a minimum contractor shall adhere to the minimum employment standards found in Section 4.25 of the Madison General Ordinances and shall require all subcontractors and third-party suppliers to do the same. For purposes of Sec. 4.25, "Subcontractor" means a person, partnership, corporation or other entity that enters into a contract with the contractor for performance of some or all of the City-contracted work and includes all third-party suppliers or producers from whom the contractor or its contractors obtains or sources goods, parts or supplies for use on the city contract and is intended to include suppliers at all level of the supply chain. The standards in Sec. 4.25 shall apply in all aspects of the contractor's and subcontractor's operations, including but not limited to, manufacture, assembly, finishing, laundering or dry cleaning, (where applicable), warehouse distribution, and delivery. Contractor acknowledges that by entering into this contract, Contractor shall be subject to all of the requirements and sanctions of Sec. 4.25 of the Madison General Ordinances.

All applicable contracts must also include the list of sanctions in sub. (7)(c).

(b) Inclusion by Reference in all Contracts. For purposes of carrying out the intent of this ordinance, all provisions of this section are made part of all applicable contracts for procurement under this ordinance.

(c) Every contractor and vendor shall bind its contractors and subcontractors, in writing, to the provisions of this Ordinance.

(d) Continuing Disclosure and Transparency. All contractors operating under an existing contract applicable under sub (2), shall submit quarterly sworn disclosure statements containing the information required in sub. (6)(b), to the City (or its independent monitoring agency, if any,) the content of which shall meet any requirements that may be established as part of the compliance procedures adopted by the Committee on Sweatfree Purchases under Sec. 4.25(5)(b). Disclosures that reveal a violation of the ordinance or statement that contractor will not or cannot comply with this ordinance may be grounds for sanctions without further investigation, or may be investigated for action under this ordinance and the

contract. The City and its independent monitoring organization, if any, shall have complete and unfettered access to all contractor's and subcontractor's facilities utilized under a contract to which this Ordinance applies. The transparency requirements in sub. (6) above shall continue to apply to contractors under an existing contract. (Am. by ORD-11-00144, 10-27-11)

(7) Monitoring and Enforcement.

(a) Complaints. Any person may complain that one or more standards of this ordinance are being violated. The City and/or any independent monitoring agency acting on behalf of the city shall receive complaints and investigate the merits of such complaints.

(b) Independent Monitoring Agency. The City may choose to contract for investigation and monitoring services with a qualified, independent monitoring agency that is not financed by the industry to which this ordinance applies under subsection (2). The purpose of such arrangement would generally be to receive complaints and provide monitoring, inspection, investigation, and remediation services at locations that are too distant or impractical for the City to do itself. Any such services would be subject to the specific terms of any contract the City makes with the agency.

(c) Violation, Remediation and Sanctions. If the City determines there has been a violation of this ordinance, appropriate city staff or the independent monitoring agency, if any, shall inform the contractor of the determination and discuss the violation with the contractor. The purpose of the discussion is to encourage the contractor to change its practices rather than to cease doing business with the contractor. To that end, the City may at its sole option prescribe appropriate measures for the contractor to take in order to comply with the Ordinance, however nothing in this subsection shall be construed to limit the city's remedies under an existing contract or other remedies available at equity or at law. The sanctions for violating the ordinance under an existing contract are as follows and this list of sanctions shall be included in every applicable contract:

1. Withholding of payments under an existing contract.
2. Liquidated damages. The contractor may be charged liquidated damages on an existing contract of two thousand dollars ($2,000) per violation, or an amount equaling twenty percent (20%) of the value of the apparel, garments or corresponding accessories, equipment, materials, or supplies that the City demonstrates were produced in violation of the contract and/or this ordinance per violation; whichever is greater.
3. Termination, suspension or cancellation of a contract in whole or in part.
4. Nonrenewal when a contract calls for optional renewals.
5. Nonrenewal for lack of progress or impossible compliance. The City reserves the right to refuse to renew a contract that calls for optional renewals, when the contractor cannot comply with the minimum standard under (4)(b) and the noncompliance is taking place in a country where:
   a. Progress toward implementation of the standards in this Ordinance is no longer being made; and
   b. Compliance with the employment standards in the Ordinance is deemed impossible by the City and/or any independent monitoring agency acting on behalf of the City. Such determination shall be made in the sole opinion of the City and may be based upon examination of reports from governmental, human rights, labor and business organizations and after consultation with the relevant contractors and sub-contractors and any other evidence the City deems reliable.

6. Disqualification of the contractor from bidding or submitting proposals on future City contracts, or from eligibility for future city procurements as defined in sub. (2), whether or not formal bidding or requests for proposals are used, for a period of one (1) year after the first violation is found and for a period of three (3) years after a second or subsequent violation is found. The disqualification shall apply to the contractor who committed the violation(s) whether that be under the same corporate name, or as an individual, or under the name of another corporation or business entity of which he or she is a member, partner, officer, or agent.

(d) Submission of False Information. Any person who has been found by the City to have submitted any false, misleading or fraudulent information to the City or its independent monitoring agency (if any), either in their request for bids or proposals or other pre-award submissions; or during the term of the contract, may be subject to any of the above sanctions.

(e) Penalty. In addition to any of the sanctions set forth elsewhere in this ordinance, any contractor or vendor or other person who violates any portion of this ordinance or fails to comply with any of its requirements shall, upon conviction hereof, be subject to a forfeiture of not less than one-hundred dollars ($100) and not more than five hundred dollars ($500), plus applicable costs. Each day such violation continues shall be considered a separate offense. Prosecution or imposition of a forfeiture under this paragraph shall not preclude imposition of other sanctions listed above, nor shall the imposition of such sanctions be construed as a limitation on prosecution.

(f) Nothing in this ordinance shall be construed as a limit upon any remedies at law or equity that the city may have to enforce a contractual relationship or otherwise enforce this ordinance.

(8) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin or of the United States by a court of competent jurisdiction, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provision, if any, not been included herein.

(9) Committee on Sweatfree Purchases.

(a) Purpose, Duties, Responsibilities. There is hereby created a Committee on Sweatfree Purchases, for the purpose of ongoing evaluation and assistance in the application of this ordinance and the furtherance of its purpose. On an annual basis, this committee shall provide the Common Council with a report describing any suggested recommendations regarding the ordinance, including the feasibility of expanding the ordinance beyond its original application to apparel only as described in subsection (2). This committee is also encouraged to communicate with other units of government to encourage similar policies to further increase the effectiveness of this ordinance in achieving its policy goals.

(b) Composition and Appointment of Members. The Ad Hoc Task Force on Sweatfree Purchases shall consist of five (5) voting members and one (1) alternate member. Membership shall include one (1) alderperson who serves concurrently as an appointed member of the Finance Committee. The remaining four (4) members and one alternate shall be residents of the City of Madison of legal voting age. At least one (1) of the remaining four members shall be a student representative on the University of Wisconsin-Madison's Labor Licensing Committee. Appointments shall be made by the Mayor, subject to the approval of the Common Council. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(c) Term. The alderperson member shall serve for a term of two (2) years. Resident members shall serve for three (3) years. Any vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term. (Am. by ORD-17-00030, 3-8-17)

(d) Officers and Staff. The members of the Committee shall annually elect a chairperson from among its membership. The Committee shall be staffed by an employee of the Office of the Finance Director involved in Purchasing Services, who shall also serve as its secretary. (Am. by ORD-11-00037, 3-8-11)

(e) Meeting Schedule. The Task Force shall meet as often as necessary, but at minimum four times per year.

(f) Compensation. Members of the Committee shall serve without compensation.

(Sec. 4.25 Cr. by ORD-05-00162, 10-27-05)

4.26 CITY PURCHASING.

(1) Council Authorization. This ordinance authorizes the Finance Director, or the Mayor and City Clerk, to enter into contracts on behalf of the City of Madison if the contracts meet the criteria of this ordinance. Contracts that do not meet the criteria set forth in this ordinance, and are not otherwise authorized by law, rule or regulation, shall be authorized separately by the Common Council, by resolution or otherwise. This ordinance does not apply to public works contracts required to be bid pursuant to Wis. Stat. § 62.15.

(2) Goods and Supplies. The City may purchase supplies, equipment, goods and materials (collectively, "goods") when the costs of the same have been included in the approved City budget. Except as otherwise authorized by the Common Council, purchases of goods shall be made by the Finance Director, under this section and Sec. 4.27, MGO, pursuant to policies adopted by the Mayor or the Finance Director that include a competitive process, and on forms approved by the City Attorney. A contract for the purchase or rental of goods that includes maintenance or repair services for the goods is considered a contract for the purchase of goods for purposes of this subsection.

(3) Services. The City may contract for the purchase of services. Except as otherwise directed by the Common Council, contracts for the purchase of services may be entered into without Council resolution when all the following conditions are met:

(a) The funds for the services are included in the approved City budget.

(b) The City has engaged in a Request for Proposals (RFP) or the contractor has been selected through another other competitive bidding process that has been approved by the Finance Director, including but not limited to a competitive selection conducted by the State of Wisconsin or a purchasing consortium, or the contract is exempt from such a requirement pursuant to sub. (4) of this ordinance.

(c) The City Attorney has approved the form of the contract.

(d) The contract complies with other laws, resolutions, and ordinances.

(e) The contract is for a period of one (1) year or less, or the contract is for a period of more than one (1) year but not more than three (3) years and the cost of the services does not average more than fifty thousand dollars ($50,000) per year of the contract, provided that this subparagraph is subject to sub. (4)(b) of this ordinance for non-competitive contracts.

(4) Exceptions to RFP Process. The City may enter into negotiated contracts without a competitive bidding process for the purchase of services if the following are met:

(a) One or more of the following criteria are present as found by the Finance Director:

1. Public exigency will not permit the delay incident to advertising or other competitive processes;
2. The service required is available from only one person or firm;
3. The services are for professional services to be provided by attorneys;
4. The services are to be rendered by a university, college, or other educational institution;

5. No acceptable bids have been received after formal advertising;
6. Service fees are established by law or professional code;
7. A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant;
8. The contract is for twenty-five thousand dollars ($25,000) or less; or
9. Otherwise authorized by law, rule, resolution, or regulation.

(b) If the aggregate amount of the fee for services will exceed twenty-five thousand dollars ($25,000) and the contract was not subject to a competitive bidding process, the contract shall meet one of the exceptions in sub. (4)(a) and be approved by the Common Council by resolution, except for emergencies under sub. (4)(c).

(c) Emergency Services.

The Finance Director/designee, and department/division heads or their designees, may purchase services in any dollar amount if necessitated by or resulting from an emergency, without a competitive selection process and without Common Council approval. The Finance Director/designee may sign a contract for such services in a form approved by the City Attorney and Risk Manager. The Finance Director shall promptly report any such emergency services contracts over twenty-five thousand dollars ($25,000) to the Common Council.

(5) Execution of Contracts. Except as otherwise authorized by resolution or ordinance, contracts shall be signed by the Mayor and the City Clerk. Contracts allowed under subs. (2), (3), or (4)(a) may be signed by the Finance Director or designee. All contracts shall be on forms approved by the City Attorney.

(6) Cooperative Purchasing. The Finance Director, or designee, is authorized to sign agreements in a form approved by the City Attorney for the purpose of joining a purchasing consortium or other cooperative purchasing organization, if the members of the organization are all units of government, or if the organization is not-for-profit. Such agreements include but are not limited to intergovernmental agreements for cooperative purchasing as authorized by Wis. Stats. §§ 66.0301(2) or 66.0303(2).

(Cr. by ORD-06-00180, 12-5-06; Am. by ORD-11-00037, 3-8-11; Am. by ORD-13-00150, 9-11-13)

4.27 PURCHASING DIVISION.

(1) The Purchasing Division shall be administered by a Purchasing Agent whose duties shall be performed by the Administrative Analyst/Purchasing.

(2) The Purchasing Agent shall, under the supervision of the Finance Director:

(a) Purchase supplies, materials, and equipment for the various departments, divisions, and offices of the City of Madison.

(b) Prepare bid specifications in cooperation with the appropriate department heads.

(c) Advertise for bids for purchases and for the razing of City-owned structures when bids are required by state laws or by City ordinances or other directives of the Common Council.

(d) Submit recommendations to the Common Council regarding bids received pursuant to (c) above.

(e) Maintain records and submit reports as directed by the Finance Director, the Mayor, and Common Council.

(f) (R. by Ord. 10,689, 6-25-93)

(g) (R. by Ord. 10,689, 6-25-93)

(Renumbered from Sec. 3.17 by ORD-07-00047, Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11)

4.28 TIF APPLICATION FEE.

Upon submission of an initial TIF application or initial spreadsheets supporting a request for TIF assistance, each applicant shall pay to the City a non-refundable TIF application fee equal to one-half of one percent of the amount of TIF assistance requested.

(Cr. by ORD-14-00041, 3-6-14)

4.29 AFFILIATED ORGANIZATIONS FOR THE CITY OF MADISON.

(1) Definition. An Affiliated Organization (AO) is a non-governmental tax-exempt organization, legally separate from the City of Madison, designed to raise funds and contribute to functions carried on by the City. Such organizations are usually called "The Friends of _____", or "The _____ Foundation" or similar names.

(2) Registration and Reporting. All Affiliated Organizations shall be registered with the City Clerk. Registration information shall include the name and address of the organization, members of the AO's Board of Directors, any employees or officers, and the City agency with which the AO is affiliated. The registration shall be updated annually on or before December 31. The Finance Director will notify any AO that, pursuant to the guidelines of the Government Accounting Standards Board, is considered a component unit of the City. Any AO deemed a component unit shall provide the City, in a timely manner, with such information as may be necessary for the City's annual audit, which information may be included in the City's annual financial statement.

(3) Finances. Funds collected by AOs shall be subject to control of the AO, pursuant to policies adopted by the AO. Except as specifically approved by the Common Council or by the Mayor and Finance Director, no city staff shall have control over funds of an AO and, when allowed, shall be subject to any policies approved by the Mayor.

(4) Gifts to the City. AOs may make gifts to the City on such terms as the AO determines, provided, however, that the City may determine not to accept a gift if the conditions are not appropriate. In order to be acceptable, gifts to the City must be irrevocable and be for a general or designated public purpose. City boards and commissions may establish policies for the receipt of gifts, consistent with this ordinance, within the authority of the board or commission, and will file such policies with the Finance Director. Gifts to the City by any AO registered under this ordinance may be accepted by the City without action by the Common Council. Gifts from other entities up to ten thousand dollars ($10,000) may be accepted by Department heads with the approval of the Mayor; gifts from other entities over ten thousand dollars ($10,000) shall be accepted by resolution of the Common Council. Any gifts or grants not otherwise accounted for in an agency's budget must be appropriated by the Common Council. Gifts include in-kind contributions.

(5) Form. All AOs shall have articles of incorporation and bylaws, copies of which shall be made available on request of the Finance Director.

(6) Contracts for Projects. Any AO intending to make recurring gifts to the City for a capital project, on which the City is expected to spend funds in advance of receipt of the gifts, shall enter into a contract with the City setting forth the arrangements and obligations of the AO for such gifts.

(Cr. by ORD-16-00009, 1-28-16)

CHAPTER 5

POLICE DEPARTMENT AND POLICE REGULATIONS

Section

5.01 Who Compose the Police Department.
5.02 Traffic Bureau.
5.03 Duties of Chief of Police.
5.04 Salaries.
5.05 Bail.
5.06 Assistance in Making Arrest—Liability for Resisting or Obstructing an Officer.
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5.08 Regulation of Private Alarm Systems. (Cr. by Ord. 5592, 9-13-76)
5.09 Chief to Keep Record of Receipts and Expenditures—To Report to Council.
5.10 Police Pension Fund.
5.11 Badge and Uniform to be Worn.
5.12 Rest Day and Hours of Labor.
5.13 Fingerprinting Services. (Cr. by Ord. 9083, 1-29-87)
5.14 Police Record Letters. (Cr. by Ord. 9082, 1-29-87)

5.01 WHO COMPOSE THE POLICE DEPARTMENT.

(1) Police Department. The Police Department shall be under the supervision of the Police Chief who shall be the commanding officer of the police force and responsible for the enforcement of law and order. The Police Chief shall be responsible for the care and maintenance of all property and equipment of his or her division. (Am. by ORD-14-00012, 1-14-14)

(2) Composition of Police Department. The Police Department of the City of Madison shall consist of one Chief of Police and other subordinate commissioned officers to be appointed as provided by Wis. Stat. § 62.13, and special police officers as may be needed to serve temporarily or in time of emergency to be appointed by the Mayor or Chief of Police. There shall be additional civil service employees to be appointed by the Chief of Police to hold their positions under 3.53 of the General Ordinances of the City of Madison entitled "Civil Service System". The number of commissioned and noncommissioned personnel is to be determined by the Common Council, except that any reduction in commissioned personnel is to be accomplished in accordance with Wis. Stat. § 62.13. (Am. by ORD-14-00012, 1-14-14)

(3) Parking Enforcement Officers. Parking enforcement officers shall be noncommissioned personnel under the jurisdiction of the Chief of Police who shall be responsible for their supervision and direction. They shall be appointed by the Chief of Police in accordance with and hold their positions under Section 3.53 of the General Ordinances entitled "Civil Service System". Their duties shall be to patrol assigned areas during periods designated to check for parking violations, to issue violation tickets or violation notices on form prescribed by the department; to answer inquiries and give directions to the public and to be of service within the range of the job assignment; to observe, record and report defective or damaged meters; and to perform such other duties as are related to those enumerated. They are authorized to regulate the parking, stopping, or standing of vehicular traffic through the fulfillment of the above duties. They shall not be police officers and shall have no police powers to arrest. They shall wear a uniform prescribed by the Chief of Police and shall be entitled to the uniform allowances authorized by Section 3.54(15) of the General Ordinances. The uniform shall be composed of the following articles:

1. Cap or hat.
2. Tie.
3. Shirt.
4. Blouse.

5. Skirt.
6. Winter slacks.
7. Winter overcoats.
8. Raincoat.
9. Rain hat or cap.
10. Storm boots.

They shall receive such salary as is provided in Section 3.54 of the General Ordinances, said salary to be paid from the parking utility budget and to be subject to change upon recommendation of the Chief of Police.
(Am. by Ord. 12,759, 2-7-01)

(4) Crossing Guards and School Crossing Guards. Crossing guards and school crossing guards, the location of which shall be determined by the Transportation Commission subject to Sec. 3.14(5)(g) of the Madison General Ordinances, after study and recommendation by the Traffic Engineer, shall be appointed by the Chief of Police and shall serve at her or his discretion as it regards efficiency and conduct. The Transportation Commission shall adopt guidelines to be used in determining the need for crossing guards. The Traffic Engineer shall consult with the Police Department and the Madison Public Schools Safety Coordinator before making a recommendation. Crossing guards and school crossing guards shall direct and guide children at street and railroad crossings where assigned. They shall not have the power of arrest. All crossing guards shall be furnished a standard uniform and insignia as prescribed by the Chief of Police which shall remain the property of the Police Department. Training and supervision shall be under the direction of the Police Department. (Am. by Ord. 5943, 8-15-77; ORD-14-00012, 1-14-14)

(5) Pedestrian/Bicycle Monitors. Pedestrian/Bicycle Monitors shall be noncommissioned personnel under the jurisdiction of the Chief of Police who shall be responsible for their supervision and direction. They shall be appointed to the hourly position of Pedestrian/Bicycle Monitor by the Chief of Police and hold their positions in accordance with the provisions of Section 3.53 of the Madison General Ordinances. Their duties shall be to patrol assigned areas during designated periods to check for bicycle and pedestrian violations; to issue citations or violation notices on forms prescribed by the Department; to answer inquiries and give directions to the public and to be of service within the range of their job assignment; and to perform such other duties as are assigned. They shall not be City police officers. They shall wear one uniform prescribed by the Chief of Police. (Cr. by Ord. 6246, 5-10-78)

5.02 TRAFFIC BUREAU.

(1) There is hereby created within the Madison Police Department a Traffic Bureau consisting of a Captain of Traffic, a Traffic Lieutenant and such other officers as may be detailed to such Traffic Bureau by the Chief of Police. (Am. by ORD-14-00012, 1-14-14)

(2) Such Bureau shall be in charge and under the direction of an officer to be known as Captain of Traffic, who shall be appointed by the Chief of Police subject to the approval of the Police and Fire Commission.

(3) The Captain of Traffic shall make a thorough study of traffic conditions in the City of Madison, have full charge of the enforcement of traffic regulations, and full direction of said Traffic Bureau, subject only to the orders of the Chief of Police, and shall be charged with the duty of training and directing the members of the traffic squad.

(4) (a) There is hereby created a position to be known as Traffic Lieutenant, to be appointed by the Chief of the Police Department, subject to the approval of the Police and Fire Commissioners. The salary of such Traffic Lieutenant shall be the regularly established salary of a Police Lieutenant.

(b) Said Traffic Lieutenant shall be under the supervision of the Captain of the Traffic Bureau and shall be in charge of making reports on all motor vehicle accidents happening within the City of Madison and coming to the attention of the Police Department.

5.03 DUTIES OF CHIEF OF POLICE.

(1) The Chief of Police shall have general supervision over the Police Department and be responsible for the efficiency thereof. In the case of absence, disability or suspension of the Chief of Police, the duties of the Chief of Police shall be performed by the Deputy Chief of Police and in the event of absence, disability or suspension of the Deputy Chief of Police, the duties of the Chief of Police shall be performed by that Inspector of Police who was first appointed to that office and has had the longest continuous service therein. In the case of the suspension or removal of the Chief of Police the salary of the Deputy Chief of Police or the Inspector of Police who performs the duties of the Chief of Police in accordance with this ordinance shall be the same salary as that being earned by the Chief of Police. (Am. by Ord. 9599, 10-14-88)

(2) The Chief of Police and all full paid officers of the department shall devote all their time to the work of said department, and shall not engage in any other business except that the Mayor may authorize Police Department personnel to engage in part-time employment during their spare time and aside from their duties on the department insofar as such spare time employment will not interfere with or diminish their ability to perform their Police Department duties. Further provided that no member of the Police Department personnel shall be permitted to work more than fifteen (15) hours per week in part-time employment. (Am. by ORD-14-00012, 1-14-14)

(3) It shall be the duty of the Chief of Police and of all police officers to preserve the public peace, and to suppress all riots, disturbances, and breaches of the peace, and they shall, with or without process, apprehend all disorderly persons or disturbers of the peace and take them before the Circuit Court of Dane County.

(4) The Chief of Police shall see that all ordinances of the City of Madison are enforced. Whenever any violation of any ordinance shall come to her or his knowledge or shall come to the knowledge of any member of the Madison Police Department, whether by personal observation or by information from others, the Chief of Police or such member of the department shall make complaint and cause the person so offending to be prosecuted. (Am. by ORD-14-00012, 1-14-14)

5.04 SALARIES.

(1) The members of the Police Department shall be paid such salaries and allowances as the Common Council shall from time to time determine subject, however, to the provisions of Section 62.13 (7) of the Wisconsin Statutes, and subject further to the provisions of Section 4.12 of these ordinances.

(2) The salaries of members of the department shall be in lieu of all fees, percentages, and commissions; and all fees, percentages and commissions of every kind, other than rewards offered for the apprehension of criminals which may be retained by the member receiving the same, shall be paid into the City Treasury and applied by the Treasurer as provided in Section 62.13 (9) (a) of the Wisconsin Statutes.

5.05 BAIL.

(1) Release of Arrested Person. The Chief of Police, whenever in her/his opinion the circumstances may require, may receive of any person who may have been accused of violating any ordinance and has been arrested therefore, a sum of money not exceeding the maximum amount of the penalty which may be imposed in such case, and release such person from arrest until the opening of Municipal Court on the next succeeding day when the court may be in session, or until a time for the hearing of the case. (Am. by Ord. 10,720, 8-27-93)

(2) Forfeiture of Bail. When any person so arrested and released shall fail to appear personally or by her/his attorney at the time fixed for the hearing of the case and upon the

order of the court forfeiting bail, the money deposited with the Chief of Police shall be retained and paid into the Municipal Court and disbursed in the same manner as are fines imposed for violation of City ordinances. (Am. by Ord. 10,720, 8-27-93)

(3) Stipulation Procedures.

(a) Any person to whom a traffic citation has been issued for violating any section or sections of the Madison General Ordinances, enacted pursuant to the State of Wisconsin Motor Vehicle Code, except as listed herein, in answer to the charges as set forth in said citation, and upon payment of the appropriate amount set in the forfeiture schedule may, if agreeable with the City Attorney and Chief of Police, enter into a stipulation with the City of Madison, represented by the City Attorney, for a disposition of the alleged violation stated in the citation. Such stipulation may provide for a plea or stipulation of guilt or nolo contendere and for a forfeiture of a deposit of money as a penalty.

(b) The violator shall be required to confirm in writing that she or he has been informed that her or his driving record will be charged with points in the case of moving violations, and the number of points, which is cause for revocation of an operator's license. (Am. by ORD-14-00012, 1-14-14)

(c) The amount of the deposit for penalty received therewith shall be filed and deposited with the City Treasurer who shall furnish a receipt to the Chief of Police or his/her designee for the money paid over to him/her. (Am. by ORD-14-00012, 1-14-14)

(d) All such stipulations shall be entered into within five (5) days following the date of the violation commencing at 6:00 p.m. on the day the citation is issued, unless for good cause shown the City Attorney or Chief of Police, who may extend such time limit.

(e) No police officer or City authority shall be personally or officially responsible for the payment of any dishonored check received in payment of any penalty.

(f) No stipulation shall be made under this section for violation of any of the following Madison General Ordinances: Section 12.64, Operation Under Influence of Intoxicant; Section 12.63, Reckless Driving; Section 12.68, Duty Upon Striking Person or Attended or Occupied Vehicle; Section 12.69, Duty Upon Striking Property on or Adjacent to Highway; and Section 12.70, Duty to Report Accident; or any Case Involving Arrest.

(4) Parking, Nonmoving Vehicle and Pedestrian Violations.

Any person receiving a citation alleging a parking violation may pay the amount specified in the forfeiture schedule to the City Treasurer in lieu of an appearance in court when this method meets the approval of the Chief of Police or City Attorney.

5.06 ASSISTANCE IN MAKING ARREST - LIABILITY FOR RESISTING OR OBSTRUCTING AN OFFICER.

(1) Whoever, without reasonable excuse, refuses or fails upon command, to aid any person known to her or him to be a peace officer may be fined not more than one hundred dollars ($100). This section does not apply if under the circumstances the officer was not authorized to command such assistance.

(2) Whoever knowingly resists or obstructs an officer while such officer is doing any act in her or his official capacity and with lawful authority, may be fined not more than five hundred dollars ($500). In this section:

(a) "Officer" means a peace officer or other public officer or public employee having the authority by virtue of her or his office or employment to take another into custody.

(b) "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process. (Am. by Ord. 9977, 3-14-90)

(3) Whoever hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or the officer's superior for any damages adjudged against either of them by reason thereof.

(Am. by ORD-14-00012, 1-14-14)

5.07 DUTY OF CHIEF TO SECURE EVIDENCE AND KEEP RECORD IN PERSONAL INJURY CASE.

(1) Whenever any person has sustained injuries upon any street or sidewalk within the City of Madison, or has been injured in any manner so that said City of Madison may be sued for damages as a result of such injury, it shall be the duty of the Chief of Police of said City, immediately upon learning of the accident or occurrence whereby such injuries have been sustained, to secure or cause to be secured, the names and statements of all persons who witnessed such accident or occurrence; the said Chief of Police shall also notify the City Attorney thereof as soon as possible for her or him to do so.

(2) The Chief of Police shall keep a written record of all evidence or information secured by her or him pursuant to the preceding subsection, and shall furnish a duplicate copy of such record to the City Attorney.

(Am. by ORD-14-00012, 1-14-14)

5.08 REGULATION OF PRIVATE ALARM SYSTEMS.

(1) Findings and Purpose. The Madison Police Department (MPD) has historically responded to all alarm activations within the City of Madison. The incidence of false alarms has increased on an annual basis and is expected to continue to increase as the City grows and the number of alarm installations grows with it. Today, the false alarm rate is approximately ninety seven percent (97%). In 1983, in response to a false alarm rate of ninety eight percent (98%), the Madison Common Council enacted Sec. 5.08, MGO, with a provision to penalize businesses and residences for false alarm calls responded to by MPD. The ordinance established a graduated penalty structure based upon the number of false alarm calls in a twelve (12) month cycle. The MPD crime prevention office handles the compiling of data related to false alarms and the citation paperwork. The crime prevention office has had to dedicate increasing hours to handling false alarms. This increase has reduced the Crime Prevention Officer's ability to focus on the primary goals of the Crime Prevention Unit, which are outreach and education relative to personal safety and property security. The time spent responding to and searching locations where false alarms are activated may endanger the public by preventing, diverting or delaying police officers from patrolling a neighborhood, responding to calls for service, including bona fide emergencies, and investigating and solving crimes. Time spent responding to false alarms also reduces the amount of time officers can devote to important community policing efforts. Based upon these findings, the City of Madison Police Department will now respond to certain alarm devices only when the response has been verified as set forth in this ordinance.

The purpose of this section is to establish standards and controls of the various types of emergency alarm signals from alarm devices or systems that require a police response. This section applies to any person, business, firm, corporation or any commercial entity owning, operating or maintaining any alarm devices or alarm systems designed to summon the police to any location in response to a signal or other transmission generated or produced by such devices.

(2) Definitions. For the purpose of this ordinance, the following definitions shall apply:

"Alarm" means any sound, signal or message generated by an alarm system, alarm user or other person, to which police personnel are expected to respond.

"Alarm user" means the person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.

"Alarm System" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle or a medical alert alarm. An alarm system or alarm device may consist of one or more components (e.g. motion detector, window breach detector or similar components) all reporting to a central alarm station.

"Automatic dial device" means any device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police personnel are expected to respond.

"Central alarm station" means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel and upon receipt of emergency signals indicating burglaries or robberies, may relay a message to the police department and may notify an alarm agent for the purpose of responding to the alarm signal.

"Control" means the power or authority to manage, superintend, direct or oversee a building, structure, or facility or portion thereof.

"False Alarm" means the reporting of, or activation of, any monitored or non-monitored alarm system where police arrive at the premises and determine that there is no evidence of intrusion, commission of any unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation. An alarm shall be presumed to be false if the responding police do not locate evidence of intrusion, commission of an unlawful act, or emergency on the premises that might have caused the alarm to sound. When responding police find unsecured doors or windows where there is no evidence of forced entry or other evidence of criminal intent, the alarm is presumed to be false. False alarm includes an alarm caused by a power outage, but shall not include alarms activated by unusually severe weather conditions or other causes which are identified by the Chief of Police or his or her designee to be beyond the control of the Alarm User.

"Human Activated Alarm" includes robbery alarms, duress alarms, Varda alarms, panic alarms and also any system, device or mechanism activated by an individual on or near the premises to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

a) The system is installed on real property;
b) It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
c) It transmits a telephonic, wireless, electronic, video or other form of message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside the protected premises; and
d) It is intended to summon police assistance to the premises.

"Mechanically activated alarm" includes property alarms, intrusion alarms and burglary alarms and any other system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon real

property protected by the system, which may be activated by sensors or other techniques and, when activated, transmits a telephonic, wireless, electronic, video or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

"Police" and "Police Department" means the City of Madison Police Department and its personnel and includes other law enforcement agencies assisting the Madison Police Department.

"Responder" means a private guard, alarm company guard, private entity, or person contacted by an alarm system monitoring company, or any other person, who verifies that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation of a property. Responders for alarm system monitoring companies requesting police response will notify the police dispatcher what alarm system monitoring company requested them to respond. Responders will meet police at the premises.

"Year" means the period of time commencing upon the occurrence of a first and initial false alarm and terminating one calendar year thereafter.
(Sec. 5.08(2) Am. by ORD-10-00083, 9-15-10)

(3) Alarm Requirements.

(a) Alarm system user responsibility. It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the provisions of this chapter, and to maintain the alarm in proper working order. The alarm user shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Any special codes, combinations, or passwords must not be included in these instructions.

(b) Response Required. The alarm system user or designee shall respond to the premises following activation of an alarm at the premises after being requested to do so by the Police Department. The response shall be made within a reasonable time and, in any event, not later than thirty (30) minutes after being requested to do so by the Police Department.

(c) Audible Alarms. Police personnel may silence any audible alarm that has continued to emit sound after forty five (45) minutes and shall not be liable to the alarm user for any damage to the alarm system caused thereby or for any other matter arising out of silencing the alarm.

(d) Automatic Dial Alarms. No person shall install or use any device, which, when activated, automatically dials a public telephone line of the Police Department or the Dane County 911 Dispatch Center. All automatic dial systems shall dial a private answering service, such as a central alarm station run by an alarm business.

(e) Simulated Alarms. No person shall install or use any alarm system that emits a sound similar to that of an emergency vehicle, siren or civil defense warning system.

(4) Alarm Companies and Private Responders.

(a) Every alarm company shall provide its alarm customers with a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the forfeiture amounts, and written guidelines on how to prevent false alarms.

(b) Every alarm company shall provide training to its alarm customers in the proper use of the alarm system, including instructions on how to prevent false alarms.

(c) After responding to a Property, Intrusion or Burglary alarm signal or notification and visually verifying that evidence of criminal activity exists at the alarm site, a Responder shall personally, or through an alarm company, report the verified

Property, Intrusion or Burglary alarm notification to the Police Department and remain at the alarm site until responding police officers arrive and release the Responder.

(5) Police Response To Alarm Notifications.

(a) Police will not respond to Mechanically Activated Alarms. Police officers will be dispatched to an alarm site only after a Responder has verified evidence of an intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation of a property.

(b) Police will respond to any Human Activated Alarms, including, but not limited to, those emitted from a holdup, panic, or duress alarm, any alarm system installed by law enforcement and any other alarm system that is activated by a human being.

(6) Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of police personnel; or use of an alarm system rather than a telephone to summon police personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons; or use of an alarm system to summon police to incidents where all suspects are believed to have left the scene, is a false alarm and misuse of the alarm system. Misuse of an alarm system is unlawful. (Am. by ORD-10-00083, 9-15-10)

(7) Penalty For False Alarm. Alarm users shall not have, permit or allow false alarms to occur at any building, structure, facility or portion thereof under their control and where an alarm system is in operation. The Police Department shall notify the Alarm User of the existence of a false alarm within ten (10) days of its occurrence or it shall be deemed not to be a false alarm. A forfeiture of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250) shall be imposed for each false alarm generated from an alarm system at a building, structure, facility or portion thereof, under the control of an Alarm User.

(8) Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof, which owns, operates and maintains its own alarm equipment.

(9) Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

(10) Penalty. An alarm company, a private responder, an alarm user, or a person in control of an alarm system commits an offense if he or she violates any provision of this section by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him or her by this ordinance and is subject to a forfeiture of not more than two hundred fifty dollars ($250) for each offense unless another penalty is herein provided.

5.09 CHIEF TO KEEP RECORD OF RECEIPTS AND EXPENDITURES—TO REPORT TO COUNCIL.

(1) When any money shall be paid to the Chief of Police for bail or on execution or for any fine or penalty or for fees received by the Chief of Police or any police officer, it shall be the Chief's duty to make a record thereof in a book to be kept by the Chief for that purpose and to pay said money over to the City Treasurer or proper officer entitled thereto and take receipt therefore.

(2) The Chief of Police shall report quarterly to the Common Council, or oftener if required and account for all monies received by the Chief, accompanied with the Treasurer's receipt therefore. The Chief of Police shall also report a detailed statement of all monies necessarily expended or expenses necessarily incurred by him or her in and about the duties of the Chief of Police's office and furnish proper vouchers therefore whenever practicable. The Chief of Police shall report to the Common Council during the month of

February in each year the work done by the Police Department during the preceding year, ending December 31; also the condition, needs and defects of the department, and shall make such recommendations as to the Chief may seem necessary and proper.
(Am. by ORD-14-00012, 1-14-14)

5.10 POLICE PENSION FUND.

(1) The Police Pension Fund of the City of Madison shall be managed by a Board of Trustees as provided by Wis. Stat. § 62.13 (9), which subsection is hereby adopted by reference thereto.

(2) Every City officer being charged with any funds, fees, monies, or other property required by Wis. Stat. § 62.13 (9) to be paid into the Police Pension Fund, shall pay said monies or turn over said property to the City Treasurer as Treasurer of the Pension Board and receive and accept the receipt of said Treasurer therefore.

5.11 BADGE AND UNIFORM TO BE WORN. All regular police officers except the Chief and Inspector of Police and such officers as may be assigned by the Chief for detective or other special duties shall within thirty (30) days after their appointment provide themselves with appropriate uniforms such as are prescribed by the Board of Police and Fire Commissioners and the Chief of Police, and shall when on duty wear full uniform with a badge or insignia of their office on the outside of their outermost garment over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen. (Am. by ORD-14-00012, 1-14-14)

5.12 REST DAYS AND HOURS OF LABOR.

(1) Rest Day. Each police officer in the service of the City of Madison shall receive one (1) full rest day of twenty-four (24) consecutive hours in each seven (7) days of work except in cases of positive necessity by some sudden and serious emergency which in the judgment of the Chief of Police demands that such day of rest be not given at such time. (Am. by ORD-14-00014, 1-14-14)

(2) Hours of Labor. The regular hours of labor for all commissioned personnel of the Police Department shall be not less than eight (8) in twenty-four (24) or forty (40) in any seven (7) day period. Provided, however, that as an emergency measure due to the shortage of manpower, there is temporarily established a work week averaging forty-four (44) hours per week for which purpose commissioned personnel may be assigned to a maximum additional eight (8) hours per seven (7) day week, in which event overtime payment at the hourly rate of time and one half rate of pay shall be paid for such scheduled time worked in excess of forty (40) hours up to and including forty-eight (48) hours in any seven (7) day period, any time worked in excess of a regularly scheduled eight (8) hour day to be compensated for by compensatory time off at the regular rate. Time spent on sick leave, vacation, or on compensatory time off shall be counted as time worked in figuring the first forty (40) hours of any forty-eight (48) hour scheduled work week. Provided further that overtime payment of salary as provided for in this ordinance is to be applied only to commissioned personnel formally placed on an average forty-four (44) hour work week emergency status by written order of the Chief of Police. Further provided that in cases of positive necessity by some sudden emergency which in the judgment of the Chief of Police demands that such work days be extended beyond the periods limited in this ordinance, overtime worked by police officers in such emergency shall be placed to the credit of such police officers and additional days of rest given therefore. (Am. by ORD-14-00012, 1-14-14)

5.13 FINGERPRINTING SERVICES. The Police Department is hereby authorized to make available to the public, fingerprinting services, although it is not required to so do. The fee for each card containing fingerprints shall be determined by the Chief of Police. (Cr. by Ord. 9083, 1-29-87; Am. by Ord. 12,613, 6-29-00; ORD-06-00162, 11-21-06)

5.14 POLICE RECORD LETTERS. The Police Department is hereby authorized, but is not required, to provide letters including notarizations regarding an individual's own police record. The fee for each letter shall be seven dollars ($7.00). (Cr. by Ord. 9082, 1-29-87; Am. by Ord. 12,613, 6-29-00)

CHAPTER 6

FIRE DEPARTMENT AND FIRE REGULATIONS

Section

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6.01 WHO COMPOSE THE FIRE DEPARTMENT.

(1) Fire Department. The Fire Department shall be under the supervision of the Fire Chief who shall be responsible for the protection of life and property against fire, the prevention and extinguishment of fires, the removal of fire hazards, and emergency rescue and lifesaving operations. The Fire Chief shall be responsible for the care and maintenance of all property and equipment of the division.

(2) Composition of Fire Department. The Fire Department shall consist of one chief to be known as the "Fire Chief" and other subordinate commissioned officers to be appointed as provided by Wis. Stat. § 62.13, and special personnel and other special duty personnel as may be needed to serve temporarily or in time of emergency to be appointed by the Mayor or Fire Chief. There shall be additional civil service employees to be appointed by the Fire Chief to hold their positions under Sec. 3.53, MGO. The number of commissioned and noncommissioned personnel is to be determined by the Common Council, except that any reduction in commissioned personnel is to be accomplished in accordance with Wis. Stat. § 62.13.

(Am. by ORD-14-00012, 1-14-14; ORD-14-00124, 7-11-14)

6.02 DUTIES.

(1) The Fire Chief shall have general supervision of the Fire Department and be responsible for the efficiency thereof. The Assistant Fire Chiefs shall discharge the duties of the Fire Chief in case of the absence, disability, or suspension of the Fire Chief.

(2) The Fire Chief and full paid firefighters shall devote all their time to the work of the said department and shall not engage in any other business, except that the Mayor may authorize Fire Department personnel to engage in part-time employment during their

spare time and aside from their duties in the department insofar as such spare time employment will not interfere with or diminish their ability to perform their Fire Department duties.
(Am. by ORD-14-00124, 7-11-14)

6.03 SALARIES.
The members of the Fire Department shall be paid such salaries and compensation as the Common Council shall determine subject, however, to provisions of Wis. Stat. § 62.13(7).
(Am. by ORD-14-00124, 7-11-14)

6.04 CONTROL OF FIRE ALARM SYSTEM. The electric Fire and Police Alarm System shall be under the control and supervision of the Traffic Engineer, who shall have the entire care and management of the rooms, apparatus, lines, boxes and machinery of said system, and shall be responsible for the constant good repair and working of the same. The Traffic Engineer shall have the power to make such regulations relating to the administration of the Fire Alarm System as shall from time to time be found necessary or convenient.

6.05 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.06 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.07 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.08 DESTRUCTION OF PROPERTY TO PREVENT THE SPREAD OF FIRE.
During the progress of any fire the Chief of the Fire Department, or in case of her or his absence or disability the Deputy Chiefs or Assistant Chiefs, shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire. (Am. by ORD-14-00012, 1-14-14)

6.09 REGULATING AND CONTROLLING PRIVATE ALARM SYSTEMS.
All of Section 5.08 of the Madison General Ordinances entitled "Regulating and Controlling Private Alarm Systems" shall apply to this chapter just as if the above were set forth herein. (Cr. by Ord. 5592, 9-13-76)

6.10 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.11 RESERVED FOR FUTURE USE. (R. by Ord. 4296, 8-29-73)

6.12 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.13 RESERVED FOR FUTURE USE. (R. by ORD-07-00127, 10-5-07)

6.14 FIREFIGHTERS TO HAVE SAME AUTHORITY AS POLICE OFFICERS. The Chief, the Deputy Chiefs, the Assistant Chiefs, Captains, Lieutenants and all full paid firefighters of the Fire Department, shall have the same powers and authority as police officers of the City of Madison while going to, attending and returning from a fire. (Am. by ORD-14-00012, 1-14-14)

6.15 AUTHORITY OF THE CHIEF—TO KEEP RECORD—TO REPORT TO COUNCIL.
Subject to the rules and regulations provided for by Section 6.02 of this chapter, the Chief of the Fire Department shall have control over the members of the department; the Fire Chief shall also have control of all apparatus and property of the department subject to the direction of the Mayor and shall keep said apparatus repaired; the Fire Chief shall also keep an itemized record of all his or her official transactions and account for any money received or disbursed by him or her; the Fire Chief shall keep a record of each alarm of fire, showing the date, the exact time and the

number of the box or other source from which it is received; the Fire Chief shall report to the Mayor during the month of February in each year, the conditions, needs and defects of the department, and shall make such suggestions as to him or her may seem proper. (Am. by ORD-14-00012, 1-14-14)

6.16 CAUSES OF FIRE—INVESTIGATIONS. The Chief of the Fire Department shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the City, by which property has been destroyed or damaged, when the damage exceeds twenty-five dollars ($25), except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and shall be subject to the supervision and direction of the State Fire Marshall as provided by law. (See Wis. Stat. § 165.55 (1971).) (Am. by Ord. 4296, 8-29-73)

6.17 PENSION FOR FIREFIGHTERS. For the purpose of establishing a permanent Firefighter's Pension Fund, there is set apart to be retained by the City Treasurer for such purpose all sums collected or received by such Treasurer under the requirements of Wis. Stat. § 62.13(10)(a). Every City officer being charged with any funds, fees, monies or other property by law required to be paid into said funds shall pay said monies or turn over said property to the City Treasurer as treasurer of the Pension Board and receive and accept the receipt of said Treasurer therefor. (Am. by ORD-14-00012, 1-14-14)

6.18 RESERVED FOR FUTURE USE. (R. by Ord. 4296, 8-29-73)

6.19 FIRE DEPARTMENT EMERGENCY RESCUE AMBULANCE SERVICE.

(1) Emergency rescue ambulance service in the City of Madison shall be under the control of the Fire Department, the operation and coordination of which shall be in accordance with procedures set forth in this section.

(2) Requests for emergency ambulance service will be received by or forwarded to the Fire Department Alarm Dispatcher, and it shall be her or his responsibility to dispatch emergency units to the scene. Such units shall consist of rescue ambulances operated by the Fire Department or ambulances operated by private companies when municipally owned vehicles are not available. The dispatcher may also dispatch such other Fire Department units as necessary when conditions warrant. (Am. by ORD-14-00012, 1-14-14)

(3) The Fire Department Dispatcher shall ascertain to the best of her or his ability by questioning the person requesting emergency rescue ambulance service whether or not an emergency exists, and in the event the conveyance requested does not in her or his judgment constitute an emergency, the call shall be referred to a private ambulance company. (Am. by ORD-14-00012, 1-14-14)

(4) Emergency rescue ambulance vehicles will be dispatched regardless of whether the accident or incident occurred on public or private property.

(5) (a) Any person not a resident of the City of Madison conveyed in a Fire Department emergency rescue ambulance vehicle to any hospital or similar facility shall be charged a conveyance fee as established from time to time by the Common Council.

(b) A person who is a resident of the City of Madison conveyed in a Fire Department emergency rescue ambulance vehicle to any hospital or similar facility shall be charged a conveyance fee as established from time to time by the Common Council.

(c) The conveyance fee may be waived in whole or in part based upon ability to pay determined by available resources for the payment of the conveyance fee and the

conveyed person's income level or the income level of the parent or guardian of the conveyed person in the event the conveyed person is less than 18 years old. The schedule for waiver of fee shall be established by the Common Council.

(Am. by Ord. 9649, 12-30-88)

(6) The Finance Director shall administer the billing system for the collection of Fire Department fees. (Sec. 6.19(6) R.; 6.19(7) renumbered to (6) and Am., and 6.19(8) R. by Ord. 7646, 2-18-82; Am. by ORD-11-00037, 3-8-11; ORD-15-00110, 10-28-15)

6.20 - 6.39 RESERVED FOR FUTURE USE. (Section 6.20 R. By Ord. 4296, 8-29-73)

6.40 PENALTY.

If any person shall violate any provision of this chapter for which a penalty is not provided therein, she or he shall be subject to a fine of not less than ten dollars ($10) nor more than two hundred dollars ($200). (Am. by ORD-14-00012, 1-14-14)

CHAPTER 7

PUBLIC HEALTH

Section

7.01	Board of Health for Madison and Dane County. (Cr. by ORD-05-00033, 2-24-05)
7.015	Reserved for Future Use. (R. by Ord. 7899, 12-29-82)
7.02	Director of Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)
7.03	Definitions. (R. & Rec. by ORD-08-00120, 10-24-08)
7.04	Humane Officers Abatement Orders. (R. & Rec. by ORD-08-00120, 10-24-08)
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7.085	Regulations Governing Soda Fountains.
7.09	Emergency Contraception Access. (Cr. by ORD-06-00174, 12-8-06)
7.10 - 7.14	Reserved for Future Use. (R. by Ord. 7822, 9-23-82)
7.15	Regulation of Tattooing and Body-Piercing. (Cr. by Ord. 12,356, 3-30-99)
7.16 - 7.26	Reserved for Future Use. (R. by Ord. 7822, 9-23-82)
7.27	Sale of Mercury Fever or Basal Thermometers. (Cr. by Ord. 12,774, 3-13-01)
7.28	Sale of Impure Ice.
7.29	Relating to Keeping of Fowl Within the City of Madison.
7.30	Slaughtering of Animals—Deposit of Offal.
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7.32	Deposit of Rubbish and Refuse on Streets, Public Grounds, or in Lakes or in any Manner to Create any Stench or Nuisance.
7.321	Depositing Human Waste Products Regulated. (Cr. by Ord. 8247, 2-20-84)
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7.33	Connection With Sewer Mains.
7.34	Emptying of Drains and Sewers.
7.35	Septic Tanks, Dry Wells, Tile Fields, Scavengers.
7.36	Collection and Disposition of Garbage.
7.361	Composting. (Cr. by Ord. 9747, Adopted 4-4-89)
7.37	Rat Eradication.
7.38	Manure.
7.39	Expectorating in Public Places Prohibited.
7.40	Poison Ivy Prohibited.
7.41	Penalty for Resisting Director of Public Health Madison and Dane County or Neglecting to Comply With Order of Public Health Madison and Dane County. (Am. by Ord. 6997, 5-28-80; ORD-15-00009, 1-28-15)
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7.44	Minimum Standards for Public Swimming Pools.
7.45	Air Pollution Control.
7.46	Water Pollution Control. (R. & Recr. by Ord. 5041, 6-4-75)
7.47	Regulation of Discharge of Nonstorm Water.
7.48	Regulation of the Sale, Application and Use of Fertilizers. (Cr. by Ord. 4654, 8-2-74; Am. by Ord. 13,532, 2-24-04)
7.49	Standards for Exterior Painting and Remodeling. (Cr. by Ord. 10,886, 4-15-94)
7.50	Pre-Inspection Permits and Fees and Changes of Ownership. (Cr. by Ord. 8551, 3-18-85)
7.51	Hotels, Motels, Bed and Breakfast Establishments and Tourist Rooming Houses. (Am. by Ord. 8743, 12-31-85; Ord. 13,384, 8-23-03)

7.52 Recreational and Educational Camps. (Cr. by Ord. 10,949, 7-30-94)
7.53 Campgrounds. (Cr. by Ord. 10,964, 8-15-94)
7.54 Relationship of City Fees to State Fees. (Cr. by ORD-08-00008, 1-24-08)
7.55 Outdoor Wood Boilers Prohibited (Cr. by ORD-09-00029, 2-19-09)
7.56 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)
7.57 - 7.59 Reserved for Future Use.
7.60 Penalty. (Renumbered by Ord. 4654, 8-2-74)

7.01 BOARD OF HEALTH FOR MADISON AND DANE COUNTY.

(1) Creation. The Board of Health for Madison and Dane County is hereby created to serve as the Board of Health for the City of Madison Department of Public Health and the Dane County Division of Public Health and upon full merger, will serve as the Board for the Madison and Dane County Health Department.

(a) (Rep. by ORD-13-00110, 6-12-13)

(2) Composition, Terms. The Board of Health for Madison and Dane County shall consist of eight (8) members. Appointees who are not elected officials shall have a demonstrated interest or competence in the field of public health or community health and shall reflect the diversity of the community.

(a) The Mayor shall appoint one (1) alder member subject to confirmation by the Common Council.

(b) The County Executive shall appoint one (1) supervisor member subject to confirmation by the County Board. The supervisor shall reside outside the City.

(c) The Mayor and the County Executive shall jointly appoint six (6) members. A good faith effort shall be made to appoint one (1) licensed physician, one (1) environmental health expert, and one (1) registered nurse. The physician shall be appointed from a list submitted by the Dane County Medical Society. The nurse shall have experience in community health practice.

The appointments shall be as follows:

1. Three (3) members shall be City residents and shall be subject to confirmation by the Common Council.
2. Three (3) members shall be County residents who reside outside of the City and shall be subject to confirmation by the County Board.
3. The board members' term shall be as follows:
   a. The alder and supervisor terms shall be for two (2) years.
   b. The remaining six (6) board members terms shall be for three (3) years, staggered so that two (2) board members' term expire each year (one each from the city and the county). In January, 2008, these board members shall determine, by lot, which members have initial terms of one (1), two (2) or three (3) years. Thereafter the terms shall be for three (3) years.
   c. The board member's term shall be automatically terminated and a vacancy created upon his or her absence from three (3) consecutive meetings.

(d) Officers. By majority vote of members present the Board of Health for Madison and Dane County shall elect officers on an annual basis. Elected officials of the City and County may not serve as Board officers. Officers shall include:

1. Chairperson, to preside at meetings;
2. Vice Chairperson, to preside at meetings in the Chairperson's absence.
3. Any other officer(s) the Board so chooses.

(e) Rules. The Board may adopt rules for the purposes of exercising its responsibilities for public health under the statutes, the City and County ordinances. The Board of Health for Madison and Dane County shall:

1. Meet at least quarterly.

2. Establish rules for its operation.
3. Adhere to state laws regarding open meetings and public records.
4. Consider five (5) members present as a quorum.
5. Establish bylaws as desired.

(3) Powers and Duties. The Board of Health for Madison and Dane County shall govern Public Health Madison and Dane County and shall assure the enforcement of state and local public health laws and regulations. The Board may adopt rules implementing policies adopted by the Common Council and the County Board.

The Board of Health for Madison and Dane County shall:

(a) Provide supervision to the Director.

(b) Assess public health needs and advocate for the provision of reasonable and necessary public health service.

(c) Develop policy and provide leadership that fosters local involvement and commitment that emphasizes public health needs and that advocates for equitable distribution of public health resources and complimentary private activities commensurate with public health needs.

(d) Assure that measures are taken to provide an environment in which individuals can be healthy.

(e) Determine Program Services priorities and assign the funding levels related to those priorities, subject to approval of the City and County.

(f) Use the State's Health Plan, Healthiest Wisconsin 2010, as the focus for the Department.

(g) Assure the enforcement of state public health statutes, public health rules and City and County public health ordinances.

(h) Otherwise carry out obligations of a Board of Health under Wisconsin law.

(i) When entering into contracts, the Board may do so in its own name, for the benefit of the City and the County.

(4) Delegation of Authority. The Board of Health for Madison and Dane County may delegate responsibility for redesign, planning, implementation, coordination, and evaluation of Program Services to the Director and his or her management team.

(5) Program Services. The Board of Health for Madison and Dane County shall have the authority to act on behalf of Public Health Madison and Dane County and enter into contracts for the purchase of services to Public Health Madison and Dane County, the City and the County. The Board of Health for Madison and Dane County may delegate that authority to the Director. (Am. by ORD-15-00009, 1-28-15)

(6) Legal Counsel. The Board of Health for Madison and Dane County shall have the authority to retain outside counsel, subject to approval of the City and County.

(7) Limitations of Powers in First Year. After the confirmation of the Board of Health for Madison and Dane County and until amended by a subsequent agreement between the City and the County, contracts in excess of $50,000 and regulations established by Board of Health for Madison and Dane County shall be brought to the Common Council and the Board of Supervisors for approval. During this time period the Board of Health for Madison and Dane County may approve contracts under $50,000 to provide public health services. The Board of Health for Madison and Dane County may apply for combined grants or program operations on behalf of the City and the County or for individual grants on behalf of the City and County where appropriate.

(8) Other Duties. The BOHMDC shall have the duties and obligations set forth in the Intergovernmental Agreement between the City of Madison and Dane County.

(9) Safe Food Advisory Subcommittee. The Safe Food Advisory Subcommittee is a subcommittee of the Board of Health for Madison and Dane County. It shall consist of ten (10) food operators identified by Public Health Madison and Dane County as having

demonstrated a willingness to join with the Department in improving public health within the food industry. The members will be appointed by the Board of Health. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-15-00009, 1-28-15)

(Sec. 7.01 Am. by ORD-05-00033, 2-24-05; ORD-08-00120, 10-24-08)

7.015 RESERVED FOR FUTURE USE. (R. by Ord. 7899, 12-29-82)

7.02 DIRECTOR OF PUBLIC HEALTH MADISON AND DANE COUNTY. The Mayor and the County Executive jointly shall appoint the Local Health Officer whose title shall be Director of Public Health Madison and Dane County for Madison and Dane County, subject to confirmation of the Common Council and the County Board. The Director shall be a resident of Dane County. The Board of Health for Madison and Dane County shall provide supervision of the Director and shall be responsible for any personnel decisions, other than appointment and dismissal, regarding the Director. The Director shall have direct responsibility for the transition to and operation of Public Health Madison and Dane County.

(Sec. 7.02 Am. by Ord. 6997, 5-28-80; ORD-05-00033, 2-24-05; ORD-08-00120, 10-24-08; ORD-15-00009, 1-28-15)

7.03 DEFINITIONS. Whenever the terms "Health Department", "Department of Public Health", "City Department of Public Health", "Madison Public Health Department", "Department" or "City of Madison Health Department" are found within this Chapter they shall be given the definition of "Public Health Madison and Dane County". Whenever the term "Director of Public Health", "Director" or "Director of Health" are found within this Chapter they shall be given the definition of the "Director of Public Health Madison and Dane County or his/her designee." Whenever the term "Commission", "Board of Health" or "Board" are found within this Chapter they shall be given the definition of the "Board of Health for Madison and Dane County."
(R. & Rec. by ORD-08-00120, 10-24-08; Am. by ORD-15-00009, 1-28-15)

7.04 HUMANE OFFICERS ABATEMENT ORDERS.

(1) The Board of Health for Madison and Dane County is hereby designated and authorized, pursuant to Wis. Stat. § 173.03(2), to affirm, modify, or withdraw abatement orders issued under Wis. Stat. § 173.11 by any humane officer or law enforcement officer.

(2) Any person named in an abatement order may appeal such order to the Board of Health for Madison and Dane County within ten (10) days of service of the order. The notice of appeal must state the grounds for the appeal with specificity. The Board of Health for Madison and Dane County shall schedule a hearing to be held within ten (10) days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The Board of Health for Madison and Dane County shall make reasonable efforts to notify the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten (10) days after the hearing, the Board of Health for Madison and Dane County shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their decision in writing and serve it upon the appellant and other interested parties.

(3) Any person adversely affected by a decision under subsection (2) may seek judicial review by commencing an action in circuit court within thirty (30) days after the date that the decision is issued.

(R. & R. by ORD-08-00120, 10-24-08)

7.05 INSPECTION OF HEALTH CONDITIONS—ACCESS TO PREMISES—POWER TO ABATE HEALTH NUISANCES.

(1) It shall be the duty of the Director of Public Health Madison and Dane County and Chief of Police and their designee and they shall have the power, whenever they may deem it

necessary, and whenever they shall be so required by the Director of Public Health Madison and Dane County in order to promote the public health, to enter upon any premises and into any house to ascertain every nuisance that may exist, and examine into the condition and the number of persons inhabiting such house, and to inspect the cellars, privies, cesspools, and drains of such premises, and to order the dispersion or removal of families or persons from buildings or apartments so much crowded as to be suspected of being infected or liable to be infected with any pestilential or other dangerous disease, and from houses which are not fit for human habitation and to order the abatement and removal of such nuisances in any such house, or on such premises. The Director of Public Health Madison and Dane County, Health Inspector, or any member of the Police Department shall have the right to enter upon any premises and into any house to ascertain whether or not such house or premises are connected with the public sewer system of the City and to examine into the condition and manner of the construction of such sewer connection, and to inspect the cellars, cesspools, privies, drains, and grease-traps on such premises, and in case they find any violation of any ordinance of the City regulating the manner of construction of such sewer connections, or in the manner in which it is being used by the occupants of any building or premises, they shall immediately report such violation to the City Engineer, and the Plumbing Inspector.

(2) Definition. "Health Nuisance" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.

(3) Unlawful to Refuse Access for Examination of Health Conditions on Premises. It shall be unlawful for any person to refuse to the Director of Public Health Madison and Dane County and his/her designee, or any member of the Police Department, free access to any building or premises for the purpose of examining the health conditions therein or thereon or to hinder or obstruct the free examination of such building or premises.

(4) Search Warrant. Whenever the Director of Public Health Madison and Dane County or his/her designee shall deem it necessary for the preservation of the health of the inhabitants of the City to enter any building in the City for the purpose of examining into or removing or preventing any health nuisance, source of filth, or cause of sickness, and shall be refused such entry, or the building is unoccupied, the Director of Public Health Madison and Dane County or his/her designee may make complaint under oath to the judge of the County Court of Dane County, stating the facts in the case, and request such court to issue a warrant directing a police officer of the City, commanding the officer to take sufficient aid, and being accompanied by the Director of Public Health Madison and Dane County or his/her designee, to the place where such nuisance, source of filth or cause of sickness complained of may be, and if upon inspection the same shall, in the judgment of such persons inspecting, exist, to destroy or remove the same under the direction of the Director of Public Health Madison and Dane County.

(5) Abatement of Health Nuisances. Whenever any health nuisance, source of filth or cause of sickness shall be found on private property, the Director of Public Health Madison and Dane County or his/her designee shall order the owner or occupant thereof to remove or abate the same at the owner's expense within a reasonable time which shall be specified in the notice and if the owner shall refuse or neglect to comply with such order, the owner shall be subject to a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), and each day on which any person shall so refuse or neglect to comply with such order after service of the same may be considered a separate offense and a separate penalty collected therefor. Whenever such owner or occupant shall refuse or neglect to remove or abate said condition, the Director of Public Health Madison and Dane County shall cause the same to be removed or abated and the City shall recover the expenses incurred thereby from the said owner or occupant, or from such other person as shall have caused or permitted the same. In case the owner is absent from the City, notice to the person who receives the rent or has charge of the property shall be deemed notice to the

owner. If any owner or occupant is required to remove any nuisance, source of filth or cause of sickness by filling up low or marshy places upon the property owned or occupied by him or her and fails or neglects to do so within the time specified in the notice, then the Director of Public Health Madison and Dane County shall cause such work to be done by the appropriate entity and the cost thereof shall be collected from the owner of the premises. When the Director of Public Health Madison and Dane County or his/her designee shall cause any such health nuisance, source of filth or cause of sickness existing on private property to be removed or abated in accordance with the provisions of this section, and the owner of such property fails to pay for the expense of such removal or abatement, then the costs thereof shall be levied and collected as a special tax upon the lot or land upon which such work was done.

(6) It shall be unlawful for any individual to create or permit a health nuisance.

(7) Any person who violates sub. (6) shall be subject to a penalty of not more than one thousand dollars ($1000). Each and every day of violation shall constitute a separate offense.

(Sec. 7.05 Am. by ORD-08-00120, 10-24-08; ORD-14-00045, 3-6-14; ORD-15-00009, 1-28-15)

7.06 CONTAGIOUS DISEASES.

(1) Duty of Director of Public Health Madison and Dane County. It shall be the duty of the Director of Public Health Madison and Dane County upon the appearance of any communicable disease, as defined in chapter 252 of the revised statutes of Wisconsin, within the limits of the City, to investigate immediately all the circumstances, and to promptly take such measures for the prevention, suppression and control of any such disease as she or he deems needful and proper. The Director of Public Health Madison and Dane County shall cause to be quarantined and placarded any house or building within the City wherein there exists, or where there shall have recently existed a communicable disease, and to continue such quarantine for such reasonable length of time as may prevent the spread of disease. (Am. by ORD-06-00176, 12-8-06; ORD-14-00012, 1-14-14)

(2) Persons Quarantined Not to Leave Premises. No person, whether afflicted with any communicable disease as defined in chapter 252 of the Wisconsin Statutes, or not, shall visit or depart from any premises which shall have been quarantined by the Director of Public Health Madison and Dane County until given permission by such Director of Public Health Madison and Dane County. Any person who shall violate the provisions of this subsection shall be subject to a fine of not less than five dollars ($5) nor more than five hundred dollars ($500). (Am. by ORD-06-00176, 12-8-06)

(3) Physicians to Report Existence of Communicable Diseases. A physician knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having such disease, has died, shall report the same to the Director of Public Health Madison and Dane County. Any physician who shall refuse or neglect to give such notice for a period of twenty-four (24) hours shall be subject to a fine of not less than five dollars ($5) nor more than twenty-five dollars ($25) for each day of such refusal or neglect after the expiration of said twenty-four (24) hours. (Am. by ORD-14-00012, 1-14-14)

(4) Removal of Persons Afflicted With Communicable Diseases. The Director of Public Health Madison and Dane County, Health Inspectors and the Chief of Police and each of them is authorized to remove or cause to be removed, when so instructed by the Director of Public Health Madison and Dane County, any person afflicted with any dangerous communicable disease to such place as may be deemed expedient and appropriate; and they shall, under the direction of the Director of Public Health Madison and Dane County, destroy any furniture, clothing, or other property which may cause the spreading of such disease, or cause it to be removed or disinfected. (Am. by ORD-08-00120, 10-24-08)

(Am. by ORD-15-00009, 1-28-15)

7.07 REGULATIONS REGARDING FOODS HANDLED BY PUBLIC PLACES.

(1) No meats, fish, fruit, vegetables, or other articles of food shall be sold or offered or held for sale as food unless the same is fresh or properly preserved, sound, wholesome, and safe for use as food, nor shall any flesh of any animal which died by disease be sold or offered for sale in the City of Madison.

(2) All fruits and vegetables and other articles of food liable to contamination from dirt, flies, or other sources, when displayed outside of any building in any open window, or doorway or upon any sidewalk, street or alley, shall be elevated to a distance of at least twenty-four (24) inches above the floor or sidewalk and shall be covered with some suitable material to protect such articles of food from contamination and the sale or offering for sale of such articles of food that have been exposed to filth of any source or polluted in any manner by animals, insects, or vermin is hereby prohibited and declared unlawful.

(3) All places where food products are manufactured or prepared or sold to the public shall be maintained in a clean and sanitary condition and no foods shall be prepared, handled or cared for in any unclean manner or near any filthy object nor by any person wearing filthy clothing, nor by any person afflicted with a loathsome or venereal disease; and all sweeping, dusting, and cleaning in any such place shall be done with a moist cloth, or combined with sprinkling or other methods so as to allay the dust. All foodstuffs shall be suitably covered or otherwise protected from contamination. No sleeping room, urinal, water closet, ash pit, or coal bin shall connect directly with any room used for cooking preparation or storage of food.

(4) When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(5) Ice cream and butter sold or offered for sale in the City of Madison shall in every particular be standard and as fixed by the laws of the State of Wisconsin at the time the same is sold or offered for sale.

(6) The Director of Public Health Madison and Dane County is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale as food or drink which have become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk.

(7) The term food as used herein includes all articles used for food or drink by man, whether simple, mixed, or combined.

(8) Food and Drink Permit.

(a) No person, firm, or corporation shall sell at retail, offer for sale at retail, or hold for sale at retail any meat, fish, fruit, vegetables or other articles of food without possessing a food and drink permit in good standing. Such permit shall not be transferable from one location to another or from one person to another except as provided in Wis. Stat. § 254.64. The permit shall be posted in a conspicuous place in the premises named in the permit. Only a person who complies with the requirements of this ordinance shall be entitled to receive and/or retain a permit.

(b) Application. At least seven (7) days prior to opening for business the owner or operator shall make application to the Clerk of the City of Madison for a permit. The owner or operator shall place her/his personal signature upon the application. The City Clerk shall transmit such application to Public Health Madison and Dane County. Public Health Madison and Dane County shall make such inspections as are necessary to determine whether all requirements of this ordinance have been satisfied. Permits shall be issued by the City Clerk only after the application therefor has been approved in writing by the Director of Public Health Madison and Dane County.

(c) Emergency Temporary Suspension. Any permit issued pursuant to this ordinance may be temporarily suspended or a method of operation or use of specific equipment temporarily prohibited by the Director of Public Health Madison and

Dane County upon observation of violation of any of the provisions of this ordinance upon the premises named in the permit, if the Director of Public Health Madison and Dane County has reasonable cause to believe that the violation or violations create an immediate danger to health. Suspension of all operations authorized by the permit may be ordered only if a more limited order will not remove the immediate danger. Reinstatement of the permit shall occur pursuant to Sec. 7.08(8) of the Madison General Ordinances. This order shall take effect immediately upon delivery to the operator or other person in charge of the establishment. The order shall be accompanied by written notice of the procedures for reinstatement and notice of the right to a hearing before a subcommittee of the Health Commission consisting of three members appointed by the Chair. Such hearing, which shall follow the procedures in Sec. 7.07(8)(d), must be held no later than fourteen (14) days after service of the notice unless both parties agree to a later date. The decision shall be issued within ten (10) days of the hearing. It may reverse, affirm or modify the order of the Director of Public Health Madison and Dane County and may order one or more of the options set forth in Wis. Stat. § 66.0417(3). Review of the decision shall be as provided in Sec. 7.07(8)(e) below.

(d) Suspension/Revocation. In addition to any other penalty provided by these ordinances, any permit may be suspended or revoked, by the Subcommittee of the Board of Health for Madison and Dane County formed for such purpose or by the Board of Health for Madison and Dane County as set forth below, upon serious or repeated violations of this ordinance. The permit shall not be suspended or revoked until the permit holder has had notice and an opportunity for a hearing. If the Director of Public Health Madison and Dane County is requesting suspension of a permit, the matter shall be heard before a subcommittee of the Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. If the Director of Public Health Madison and Dane County seeks revocation of the permit, the hearing shall be before the Board of Health for Madison and Dane County, provided that the Board of Health for Madison and Dane County shall nevertheless have the authority to either suspend or revoke such permit. The licensee shall be notified in writing of the charges against her or him at least ten (10) days prior to the hearing. At the hearing the licensee and the Director of Public Health Madison and Dane County shall have the opportunity to cross-examine witnesses, may call witnesses in her or his own behalf or may be represented by counsel. Within ten (10) days of the hearing, the administrative hearing body shall issue a written decision stating the reasons therefor. If ordered, suspension shall be for a period not to exceed six (6) months; revocation shall be for a period of one (1) year. (Am. by ORD-05-00033, 2-24-05)

(e) Judicial Review. The decision of the administrative hearing body shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(f) Properly prepared plans for licensed premises which are hereafter constructed, reconstructed or extensively altered shall be submitted to the Director of Public Health Madison and Dane County and signed approval shall be obtained from the Director of Public Health Madison and Dane County before work is begun.

(g) The annual fee for the food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. The licensing year shall be from July 1 through the following June 30. The permit fee herein established shall be for one year or a fractional part thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late

filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. For the licensing years commencing July 1, 2017, and subsequent thereto:

Anticipated Gross Annual Food and Drink Sales	Annual Permit Fee
$0 - $10,000	$190
$10,001 - $100,000	$421
$100,001 - $250,000	$541
$250,001 - $500,000	$757
$500,001 - $1,000,000	$777
$1,000,001 - $5,000,000	$935
Greater than $5,000,000	$1,038

(Am. by Ord. 12,055, 3-13-98; Ord. 12,562, 5-3-00; Ord. 13,306, 4-30-03; Ord. 13,505, 2-20-04; ORD-06-00156, 11-23-06; ORD-12-00075, 6-20-12; ORD-15-00063, 6-24-15; ORD-16-00111, 12-14-16)

(h) Holders of malt beverage licenses and intoxicating liquor licenses pursuant to Chapter 38 of these ordinances otherwise required to possess a food and drink permit, need not include the anticipated gross sales of such beverages regulated by said ordinance sections in determining the fee for the food and drink permit.

(Am. by Ord. 11,176, 2-14-95; Ord. 12,562, 5-3-00)

(9) Micro Market Permit.

(a) A micro market is an unstaffed, self-checkout retail food establishment selling prepackaged time- and temperature-controlled food located within a business.

(b) No person, firm, or corporation shall operate a micro market without possessing a food and drink permit in good standing. The permit shall be posted in a conspicuous place in the premises named in the permit. Only a person who complies with the requirements of this ordinance shall be entitled to receive and/or retain a permit.

(c) The annual fee for the micro market permit shall be sixty dollars ($60) for the licensing year commencing July 1, 2017, and subsequent thereto. The licensing year shall be from July 1 through the following June 30. The permit fee herein established shall be for one year or a fractional part thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

(Sec. 7.07(9) Cr. by ORD-16-00111, 12-14-16)

(10) Reinspection Fee. If Public Health Madison and Dane County reinspects a retail food establishment or restaurant because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the retail food establishment or restaurant owner or operator a reinspection fee of one hundred and fifty dollars ($150) for the first inspection and two hundred and fifty dollars ($250) for the second and subsequent reinspections. A reinspection fee is payable when the reinspection is completed, and is due upon written demand from Public Health Madison and Dane County. (Cr. by Ord. 10,745, 10-15-93; Am. by Ord. 12,728, 12-14-00; Ord. 13,505, 2-20-04; ORD-06-00156, 11-23-06; ORD-16-00111, 12-14-16)

(11) Permit Contingent on Payment of Fees. The City Clerk may not issue or renew a food and drink permit unless the permit applicant pays all fees which are due and payable under this section. (Cr. by Ord. 10,745, 10-15-93)

(12) Any person violating the provisions of this section shall be punished by a fine of not less than twenty dollars ($20) nor more than two hundred dollars ($200) and each day of violation shall constitute a separate offense. (Renumbered by Ord. 10,745, 10-15-93)

(Am. by ORD-15-00009, 1-28-15; Renum. by ORD-16-00111, 12-14-16)

7.075 GENERAL FOOD REGULATIONS.

The following regulations also apply to all eating and drinking establishments, retail food establishments, and soda fountains.

(1) Adoption by Reference. Wis. Stat. § 97.30 and Wis. Admin. Code chs. ATCP 74 and ATCP 75 and subsequent amendments, additions and recodifications are adopted by reference except for those provisions found elsewhere in the Madison General Ordinances which impose stricter standards, in which case the said ordinance provisions shall prevail. (Cr. by Ord. 10,745, 10-15-93; Am. by Ord. 13,497, 1-23-04)

(2) Miscellaneous Beef Products.

(a) Chopped beef or ground beef shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than thirty percent (30%) fat, and shall not contain added water, binders, or extenders.

(b) Hamburger shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than thirty percent (30%) fat, and shall not contain added water, binders, or extenders.

(c) Beef patties shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat pattie. The product must be labeled with ingredients in descending order of prominence.

(Renumbered by Ord. 8760, 12-31-85)

(3) Any food placed or displayed for sale on the outside of any building, in any open window, doorway, or upon any sidewalk, street or alley or from any conveyance shall be securely protected from flies, rodents, other animals, dust, dirt and all other injurious contamination and shall be elevated to a distance of at least twenty-four (24) inches above the floor or sidewalk. (Renumbered by Ord. 8760, 12-31-85)

(4) Samples. The Director of Public Health Madison and Dane County or his/her authorized representative shall have free access at reasonable hours to secure samples or specimens of any food after paying or offering to pay for such sample. It is the duty of the Director of Public Health Madison and Dane County or his/her authorized representative to make examinations of samples thus secured. (Renumbered by Ord. 8760, 12-31-85; Am. by ORD-14-00012, 1-14-14)

(5) Holding Orders.

(a) Whenever the Director of Public Health Madison and Dane County or authorized representative has reasonable cause to believe that any food is adulterated or misbranded and is dangerous to health or misleading to the injury or damage of the purchaser or consumer, she or he shall issue and deliver to the owner or custodian thereof a holding order prohibiting the sale or movement of such food for any purpose until the analysis of examination of the sample obtained has been completed. Such holding order shall be effective for a period no longer than fourteen (14) days from the time of delivery thereof.

(b) No food described in any such holding order so issued and delivered shall be sold or moved for any purpose without the approval of the Director of Public Health Madison and Dane County or her/his authorized representative until such analysis or examination has been completed within the time specified above. If the Director of Public Health Madison and Dane County or her/his authorized representative

upon completed analysis or examination determines that the food described in such holding order is not adulterated or misbranded, then the owner or custodian thereof shall be promptly so notified in writing, and such holding order shall terminate upon such notification.

(c) Where the analysis or examination shows such food is adulterated or misbranded and is dangerous to Health or misleading to the injury or damage of the purchaser or consumer, the owner or custodian thereof shall be so notified within the effective time of the holding order. Upon receipt of such notice the food subject to the holding order shall not be sold or otherwise moved without the approval of the Director of Public Health Madison and Dane County or her/his authorized representative and shall only be sold or otherwise moved in a manner authorized by the Director of Public Health Madison and Dane County or her/his authorized representative or under her/his direction.

(Renumbered by Ord. 8760, 12-31-85; Am. by ORD-14-00012, 1-14-14)

(6) Penalties. Any person who violates any provision of this ordinance shall be fined not less than ten dollars ($10) nor more than two hundred dollars ($200). Each and every violation of the provisions of this ordinance shall constitute a separate offense. (Renumbered by Ord. 8760, 12-31-85)

(Sec. 7.075 Cr. by Ord. 5523, 6-30-76; Am. by ORD-15-00009, 1-28-15)

7.08 REGULATIONS GOVERNING EATING AND DRINKING ESTABLISHMENTS.

(1) Definitions. The following definitions shall apply in the interpretations and the enforcement of this ordinance:

Approved. Wherever the word "approved" appears in this regulation, it shall mean approved by Public Health Madison and Dane County unless otherwise specified.

Director of Public Health Madison and Dane County. The term "Director of Public Health Madison and Dane County" shall mean the Director of Public Health Madison and Dane County or her/his authorized representative.

Employee. The term "employee" shall mean any person who is engaged in the preparation or serving of food or drink, or who comes in contact with any eating or drinking utensils and who is employed in a room in which food or drink is prepared or served.

Food Establishment. Food establishments are defined as an operation that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. The term includes, but is not limited to, a restaurant, retail food establishment, and temporary food establishment.

Permit. The term "permit" as used in this ordinance means a "permit to operate an eating or drinking establishment."

Restaurant. The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, and all other eating and drinking establishments. Kitchens or other places in which meals, lunches or sandwiches are prepared for sale elsewhere, and any conveyance or place from which meals, lunches, or sandwiches are sold are termed "restaurant" for the purpose of this ordinance. The term "restaurant" does not apply to churches, religious and fraternal organizations which occasionally prepare and serve or sell meals or lunches to transients or the general public.

Temporary Food Establishment. Temporary food establishment is defined as a food establishment that operates at a fixed location for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion.

Utensils. "Utensils" shall mean any kitchenware, tableware, glassware, cutlery, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

(Am. by ORD-16-00111, 12-14-16)

(2) Permits. It shall be unlawful for any person, who does not possess a food and drink permit in good standing, to operate a restaurant in the City of Madison. (Am. by Ord. 8189, 12-28-83)

(3) Authority to Restrict Permit. The Chief of Police or designee may reasonably limit or restrict the operation of a restaurant including mobile carts within such areas of the City as necessary to prevent a traffic hazard, or to protect life and property. Such limitation or restriction shall be for only as long as necessary to restore order and peace. (Cr. by Ord. 11,851, 4-24-97)

(4) Examination and Condemnation of Unwholesome or Adulterated Food and Drink. Samples of food, drink, and other substances may be taken and examined by the Director of Public Health Madison and Dane County as may be necessary for the detection of unwholesomeness or adulteration. The Director of Public Health Madison and Dane County may condemn and forbid the sale of or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated. (Am. by ORD-15-00009, 1-28-15)

(5) Inspection of Restaurants. At least once every twelve (12) months the Director of Public Health Madison and Dane County shall inspect every restaurant located within the City of Madison. In case the Director of Public Health Madison and Dane County discovers the violation of any of the provisions of subsection (6) of this ordinance, he/she shall make a second inspection after the lapse of such time as is reasonably necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this ordinance. Any violation of the same item of this ordinance on such second inspection shall be grounds for suspension of permit.

One copy of the inspection report shall be posted by the Director of Public Health Madison and Dane County upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the Director of Public Health Madison and Dane County. Another copy of the inspection report shall be filed with the records of Public Health Madison and Dane County.

The person operating the restaurant shall upon request of the Director of Public Health Madison and Dane County permit access to all parts of the establishment and shall permit viewing any or all records of foods purchased.
(Am. by Ord. 7899, 12-29-82; ORD-15-00009, 1-28-15)

(6) Sanitation Requirements for Restaurants. All restaurants shall comply with the following sanitation requirements.

(a) Floors. The floors of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(b) Walls and Ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth washable surface.

(c) Doors and Windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.

(d) Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(e) Ventilation. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated. Grills shall be equipped with an effective hood containing filters and a fan to exhaust smoke and fumes.

(f) Toilet Facilities. Every restaurant shall be provided with adequate and conveniently located toilet and approved handwashing facilities for the public and its employees conforming with the General Ordinances of the City of Madison except that:

1. Access of the public toilets shall not be through an area where food or utensils are stored or processed.

2. Employees' toilets opening directly into a food storage or preparation area shall have self-closing doors.

3. Handwashing signs shall be kept posted in toilet rooms used by employees.

(g) Water Supply. Adequate safe water under pressure shall be convenient in any room where food is prepared or utensils are washed. Private water supply installation shall be in conformance with the Wisconsin Well Construction and Pump Installation Code. Private water supplies shall be sampled at least once every six (6) months and shall conform to the standards of Public Health Madison and Dane County.

For the safety of the occupants of the building the general water supply shall not exceed one hundred fifty (150) degrees Fahrenheit.

It is recommended that water hardness in the hot water supply should not exceed five (5) grains in hardness.

(Am. by Ord. 7899, 12-29-82; ORD-15-00009, 1-28-15)

(h) Lavatory Facilities. Separate handwashing facilities in the food preparation area shall be provided. Hot and cold running water, soap and approved hand drying facilities shall be available.

(i) Construction of Utensils and Equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Work surfaces shall be constructed of hardwood or other approved corrosion resistant material.

(j) Cleaning and Bactericidal Treatment of Utensils and Equipment.

1. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chef, and other employees shall be clean. Single-service containers shall be used only once.

2. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively sanitized after each use.

3. Manual Cleaning. The following procedures and equipment shall be used where manual dishwashing is practiced.

   a. Dish Tables. Adequate area shall be provided on either end of sinks for storage and draining of eating and drinking utensils.

   b. Scraping. Washing shall be preceded by manual or water scraping or preflushing.

   c. Washing. Multi-use utensils shall be thoroughly washed in warm water and soap or detergent. Wash water shall be kept clean by frequent changing.

   d. Sanitizing of Hand-Washed Dishes. Following hand washing, all utensils shall be sanitized by either of the following two methods:

      i. First Method. Submerge all utensils for thirty (30) seconds in clean water maintained at a temperature of one hundred seventy (170) degrees Fahrenheit or more.

      A suitable thermometer shall be provided for the continuous determination of the temperature of the water used for hot-water sanitizing.

      ii. Second Method. All utensils shall be submerged or rinsed following the washing operation in water at a minimum temperature of one hundred ten (110) degrees Fahrenheit to remove soap or detergent, and then be submerged for at least two (2) minutes in a hypochlorite solution. The

solution shall be made up with a chlorine concentration of at least one hundred (100) parts per million and shall be discarded when the chlorine concentration goes below fifty (50) parts per million. All hypochlorite solutions shall be prepared fresh at least three (3) times each day prior to its use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to sanitizing solutions. Utensils should be racked in baskets so that all surfaces will be reached by the chemical solution while submerged. Other chemical sanitizing solutions may be approved for use by the Director of Public Health Madison and Dane County in which case the concentration will be specified. A three compartment dishwashing tank shall be necessary in order to meet the requirements of this section. (Am. by ORD-15-00009, 1-28-15)

4. Mechanical Cleaning. The following procedures and equipment shall be acceptable where mechanical utensil washing is employed:
   a. Tables. Adequate tables shall be provided for storing, scraping, racking and drying of utensils. In all new or remodeled installations the drying area shall be adequate to provide a forty-five (45) second drying period after utensils leave dish machine.
   b. Scraping. (water scraping; preflushing; prerinsing) Gross soil on utensils shall be removed by scraping before utensils enter dish machine.
   c. Racking. Utensils shall be placed in racks in a manner so that each utensil will be fully exposed to unrestricted preflushing, washing and rinsing.
   d. Washing. Utensils shall be subjected to wash water temperature between one hundred forty (140) degrees—one hundred sixty (160) degrees Fahrenheit and adequate detergent for at least twenty (20) seconds.
   e. Sanitizing. Utensils shall be subjected to a sanitizing rinse of at least one hundred eighty (180) degrees Fahrenheit for at least ten (10) seconds in spray type machines, and thirty (30) seconds or immersion type machines with water temperature at least one hundred seventy (170) degrees Fahrenheit. No mechanical dishwasher utilizing a chemical sanitizer may be used without written approval by Public Health Madison and Dane County. (Am. by Ord. 7899, 12-29-82; ORD-15-00009, 1-28-15)
   f. Water Pressure. In spray type machines wash and rinse waters shall have fifteen (15) to twenty-five (25) pounds per square inch flow pressure.
   g. Thermometers. Easily readable thermometers shall be provided to show the temperature of the wash water and of the rinse water entering the rinse spray arms of spray type machines or in the rinse tank of immersion type machines.
   h. Maintenance. All dishwashing equipment shall be maintained in the proper state of repair so as to provide clean and sanitary utensils.
   i. Operation. Dishwashing operations shall be such as to insure proper operation of dish machine equipment and comply with this

ordinance. Clear and explicit instructions on the dishwashing operation shall be kept posted where readily visible to the dish machine operator.

5. Drying Cloths. Where used, an adequate supply of clean drying cloths shall be readily available to the dishwashing area. Soiled cloths shall be kept in an area or container not readily accessible to the dishwashing area.

6. Glass Washer. Approved automatic cold water glass washers using an approved chemical sanitizer are acceptable.

(k) Storage and Handling of Utensils and Equipment. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner. Drinking straws and toothpicks shall be either wrapped or kept in sanitary dispensers, protected from handling during filling, storage and dispensing and from other sources of contamination.

Where ice cream and frozen desserts are dipped or ladled, running water dipper wells shall be provided.

(l) Plumbing and Disposal of Wastes. All wastes shall be properly disposed of, and all garbage and rubbish shall be kept in suitable receptacles in such manner as not to become a nuisance. All plumbing shall be so designed, installed and maintained as to prevent contamination of the water supply, food, drink or equipment.

(m) Refrigeration. All readily perishable food and drink shall be kept at or below forty (40) degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of. Dry refrigeration shall be used in all permanent installations.

(n) Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All meat, milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. The dipping of milk, for milk drinks is prohibited. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

No custards (pastries, puddings, etc.) over twenty-four (24) hours old shall be served.

(o) Storage, Display and Serving of Food and Drink. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No birds or animals shall be allowed in any area used for the conduct of eating and drinking establishment operations except service animals may be permitted in dining areas. Necessary measures in compliance with current practices approved by the Director of Public Health Madison and Dane County for the elimination of insects and rodents shall be taken. (Am. by ORD-06-00176, 12-8-06; ORD-15-00009, 1-28-15)

(p) Cleanliness of Employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in any area in which food is prepared. Hairnets or caps shall be worn by employees working in any food preparation area.

(q) Miscellaneous. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers for this purpose. A properly charged fire extinguisher shall be provided and kept convenient to the cooking area.

(7) Temporary Restaurant.

(a) Permit. No temporary restaurant shall be operated without a permit. Application for said permit must be filed with the office of the City Clerk at least seven (7) days prior to the event. For temporary restaurant permit applications received less than seven (7) days prior to the event, a twenty-five dollar ($25) late fee per event will be added to the total permit fee. (Am. by Ord. 9618, 11-11-88; ORD-12-00075, 6-20-12)

(b) Fee. Pursuant to Wis. Stat. § 97.615, the fee for an annual permit to operate a temporary food establishment may be one hundred and twenty-five dollars ($125). (Am. by Ord. 11,817, 3-31-97; Ord. 13,306, 4-30-03; ORD-06-00156, 11-23-06; ORD-16-00111, 12-14-16)

(c) Grounds. The temporary food establishment shall be located in clean surroundings which shall be kept free of litter. Where needed, containers for napkins, paper service, bags and wrappers shall be provided and conveniently located. (Am. by ORD-16-00111, 12-14-16)

1. Water. Adequate water from a safe sanitary source shall be readily available.
2. Toilet Facilities. Approved toilet facilities must be convenient for personnel and patrons and shall be properly maintained.
3. Wastes. Arrangements for proper storage and disposal of garbage, rubbish and liquid wastes shall be made before the application for a permit is filed.

(d) Construction. A suitable roof or cover shall be provided. Sidewalks may be required where they may be deemed necessary for the proper protection of a food or patrons. The floors shall be maintained in a sanitary manner.

1. Kitchen. The kitchen area shall be enclosed or screened or flies absent.
2. Equipment. All equipment shall be so constructed as to be easily cleanable and shall be in good working order.

(e) Operation. The operation of a temporary food establishment shall be such as to assure clean wholesome food. (Am. by ORD-16-00111, 12-14-16)

1. Handwashing Facilities. Hot and cold water, soap and approved toweling shall be provided and shall be convenient to the food preparation and serving areas.
2. Shields. Grills, griddles and ranges not in a kitchen enclosure shall be equipped with a suitable shield covering front, ends and a portion of the top.
3. Refrigeration. Refrigeration shall be adequate, not above forty (40) degrees Fahrenheit, for the proper storage of all perishable food or drink. Dry refrigeration shall be used wherever practicable. The pouring lips of bottles containing milk or other beverages shall not be submerged for cooling. Ice used in food or drink shall be from an approved source and so handled as to avoid contamination.
4. Meat and Dairy Products. Meat and dairy products shall be from approved sources.

5. Dishwashing. Where manual dishwashing is employed the following procedure shall be followed:
   a. Wash. Utensils shall be washed in hot water and suitable soap or detergent. Wash water shall be frequently changed.
   b. Rinse. After washing the utensils shall be rinsed in clean water.
   c. Sanitizing. Multiple use utensils shall be sanitized by submerging for thirty (30) seconds in water maintained at one hundred seventy (170) degrees Fahrenheit or submerged for two (2) minutes in a water solution containing one hundred (100) parts per million available chlorine or other equivalent approved sanitizer.
   d. Drying. When practicable utensils should be air dried. When toweling must be employed an adequate supply of clean towels must be readily available. Soiled towels shall be removed to an area or container not readily accessible to the drying operation.

(f) Storage of Food and Utensils. Food and utensils shall be stored in a clean dry place protected from insects, dust, splash and other contamination.

(g) Preparation and Serving of Food. All foods shall be prepared in a clean, safe manner. Foods being displayed shall be protected from dust, dirt, insects and other contamination.

(h) Cleanliness. All personnel shall keep their hands and fingernails clean. Clothing shall be clean. Hairnets or caps shall be worn by persons preparing or portioning food.

(i) Disease Control. All personnel preparing, serving food or handling utensils shall comply with subsection (9) (Disease Control) of the ordinance.

(j) Registration Required. A temporary food establishment shall register with the department prior to commencing operations in any twelve-(12) month period between July 1 and June 30 of the succeeding year. Failure to register a temporary restaurant or temporary retail food operation shall be a violation of this ordinance punishable by a forfeiture of not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the first offense and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for a second or subsequent offense in any five- (5) year period. Registration under this section shall be required without regard to the number of days of operation anticipated by the owner or operator of the facility and without regard to whether the facility is exempt from the requirement to obtain a license under state law. (Cr. by ORD-16-00111, 12-14-16)

(k) Inspection. Without regard to whether a temporary restaurant or temporary retail food operation is required to obtain a license under state law, the department is authorized to inspect any such operation at any time and to issue a cease operations order if unsanitary conditions are found to exist. The Department shall cause any such order to be posted in a prominent and conspicuous place on the premises. (Cr. by ORD-16-00111, 12-14-16)

(8) Reinstatement of Permit. The owner or operator of any restaurant for which the permit has been suspended may at any time make application for the reinstatement of the permit. Within three (3) days after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provisions of this ordinance have been conformed with, the Director of Public Health Madison and Dane County shall make a reinspection, and thereafter as may additional reinspections as she or he may deem necessary to assure her/himself that the applicant is again complying with the requirements, and in case the findings indicate compliance, shall reinstate the permit. (Am. by ORD-14-00012, 1-14-14; ORD-15-00009, 1-28-15)

(9) Disease Control. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant and no restaurant shall employ any

such person. All medically suspected cases of communicable disease shall be studied by Public Health Madison and Dane County to determine presence or absence of communicable disease. Until it can be determined by examination and/or tests that communicable disease is not present, the employee shall not work in a restaurant.

No person with any open lesion which may subject any food or utensil to contamination therefrom shall prepare or serve food or handle restaurant utensils. (Am. by Ord. 7899, 12-29-82; ORD-15-00009, 1-28-15)

(10) Adoption by Reference. Wis. Admin. Code ch. ATCP 75, Restaurants, and subsequent amendments, additions and recodifications, are adopted by reference. (Cr. by Ord. 8309, 4-16-84; Am. by ORD-12-00035, 3-28-12)

(11) Sections in this code that are more restrictive or not covered in the Wis. Admin. Code ch. ATCP 75, shall be enforced over the Wis. Admin. Code ch. ATCP 75, unless the conflicting provisions of the state code are mandatory. (Cr. by Ord. 8309, 4-16-84; Am. by ORD-12-00035, 3-28-12)

(12) Penalties. Any person who violates any provision of this ordinance shall be fined not less than twenty dollars ($20) nor more than two hundred dollars ($200). Each and every violation of the provisions of this ordinance shall constitute a separate offense. (Renumbered and Am. by Ord. 8309, 4-16-84)

(13) Unconstitutionality Clause. Should any section, subsection, sentence, paragraph, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby. (Renumbered by Ord. 8309, 4-16-84)

(14) Appeal.

(a) Pursuant to Wis. Admin. Code § ATCP 75.106(3), any operator aggrieved by an order of the Director of Public Health Madison and Dane County may request a hearing to appeal the order. A request for a hearing shall be submitted to the Board of Health for Madison and Dane County within fifteen (15) days after issuance of the order; otherwise, the right to request a hearing shall be deemed waived. (Am. by ORD-12-00035, 3-28-12)

(b) The matter shall be heard before a subcommittee of the Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. All parties shall be notified of the date, time and location of the hearing to be set no more than thirty (30) days nor less than ten (10) days after the request has been received by the Board of Health for Madison and Dane County. At the hearing the operator and the Director of Public Health Madison and Dane County may be represented by counsel, shall have the opportunity to present evidence, and shall be able to call and cross-examine witnesses. Within ten (10) days of the hearing, the subcommittee shall issue a written decision stating the reason therefor.

(c) The decision of the subcommittee shall be a final determination and shall be subject to review in Circuit Court of Dane County as may be provided by law. Any party aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(Sec. 7.08(14) Am. by Ord. 11,897, 7-14-97; Ord. 13,170, 10-23-02; ORD-05-00033, 2-24-05; ORD-15-00009, 1-28-15)

7.085 REGULATIONS GOVERNING SODA FOUNTAINS.

(1) Definitions. The following definitions shall apply in the interpretations and the enforcement of this ordinance:

(a) Soda Fountain. The term "soda fountain" shall mean a place of business, or a designated area within another place of business, where any one or combination of ice cream, ice milk, sherbets, syrup flavors, fruit and soft drinks are served in individual portions to the public. The term soda fountain shall not refer to places

of business where soft drinks are served only in the original container or to locations where only individually pre-wrapped or packaged-at-the-factory portions of ice cream, ice milk or other frozen mixtures of milk and flavors are sold.

(b) Employee. The term "employee" shall mean any person who is engaged in the preparation or serving of food or drink, or who comes in contact with any eating or drinking utensils and who is employed in a room in which food or drink is prepared or served.

(c) Utensils. "Utensils" shall mean any kitchenware, tableware, glassware, cutlery, containers, or other equipment with which food or drink comes in contact with during storage, preparation, or serving.

(d) Director of Public Health Madison and Dane County. The term "Director of Public Health Madison and Dane County" shall mean the Director of Public Health Madison and Dane County or his/her authorized representative. (Am. by ORD-08-00120, 10-24-08; ORD-15-00009, 1-28-15)

(e) Approved. Wherever the word "approved" appears in this regulation, it shall mean approved by Public Health Madison and Dane County unless otherwise specified. (Am. by Ord. 7899, 12-29-82 ORD-15-00009, 1-28-15)

(2) Permits. It shall be unlawful for any person to operate a soda fountain in the City of Madison who does not possess a food and drink permit. (Am. by Ord. 8189, 12-28-83)

(3) Reserved For Future Use. (R. by Ord. 8189, 12-28-83)

(4) Examination and Condemnation of Unwholesome or Adulterated Food and Drink. Samples of food, drink, and other substances may be taken and examined by the Director of Public Health Madison and Dane County as may be necessary for the detection of unwholesomeness or adulteration. The Director of Public Health Madison and Dane County may condemn and forbid the sale of or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

(5) Inspection of Soda Fountains. At least once every six (6) months the Director of Public Health Madison and Dane County shall inspect every soda fountain located within the City of Madison. In case the Director of Public Health Madison and Dane County discovers the violation of any item of sanitation, he/she shall make a second inspection after the lapse of such time as is reasonably necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirement of this ordinance. Any violation of the same item of this ordinance on the third consecutive inspection shall call for immediate suspension of permit.

One copy of the inspection report shall be posted by the Director of Public Health Madison and Dane County upon an inside wall of the soda fountain, and said inspection report shall not be defaced or removed by any person except the Director of Public Health Madison and Dane County. Another copy of the inspection report shall be filed with the records of Public Health Madison and Dane County.

The person operating the soda fountain shall upon request of the Director of Public Health Madison and Dane County permit access to all parts of the establishment relevant to the soda fountain operation.
(Am. by Ord. 7899, 12-29-82; ORD-15-00009, 1-28-15)

(6) Sanitation Requirements for Soda Fountains. All soda fountains shall comply with the following sanitation requirements:

(a) Floors. The floors of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(b) Walls and Ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface.

(c) Doors and Windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.

(d) Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(e) Ventilation. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed shall be well ventilated.

(f) Toilet Facilities. Every soda fountain shall be provided with adequate and conveniently located toilet facilities for its employees and conforming with the General Ordinances of the City of Madison except that:

1. Employees' toilets opening directly into a food storage or preparation area shall have self-closing doors.
2. Handwashing signs shall be kept posted in toilet rooms used by employees.

(g) Water Supply. Adequate safe water under pressure shall be convenient in any room where food is prepared or utensils are washed. Private water supply installation shall be in conformance with the Wisconsin Well Construction and Pump Installation Code. Private water supplies shall be sampled at least once every six (6) months and shall conform to the standards of the Public Health Madison and Dane County. (Am. by Ord. 7899, 12-29-82)

(h) Lavatory Facilities. Adequate handwashing facilities convenient to the food preparation area shall be provided. Hot and cold running water, soap and approved hand drying facilities shall be available.

(i) Construction of Utensils and Equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other soda fountain equipment or utensils used in connection with the operation of a soda fountain shall be so constructed as to be easily cleaned and shall be kept in good repair. Work surfaces shall be constructed of corrosive resistant material.

(j) Cleaning and Bactericidal Treatment of Utensils and Equipment.

1. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters and other employees shall be clean. Single-service containers shall be used only once.
2. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively sanitized after each use.
3. Manual Cleansing. The following procedures and equipment shall be acceptable where manual dishwashing is practiced.
    a. Dish Tables. Adequate area shall be provided on either end of sinks for storage and drainage of eating and drinking utensils.
    b. Scraping. When practical, washing shall be preceded by manual or water scraping or preflushing.
    c. Washing. Multi-use utensils shall be thoroughly washed in warm water and soap or detergent. Wash water shall be kept clean by frequent changing.
    d. Sanitizing. Utensils shall be sanitized by one of the following methods: Submerging in water maintained at one hundred eighty (180) degrees Fahrenheit for thirty (30) seconds; or submerging for two (2) minutes in a solution containing two hundred (200) parts per million available chlorine or other equivalent solution approved by the Director of Public Health Madison and Dane County.

Where chemicals (chlorine or other) are used as sanitizing agents, a clear water rinse shall be provided between the wash and sanitizing tanks.

4. Mechanical Cleaning. The following procedures and equipment shall be acceptable where mechanical dishwashing is employed.

   a. Dish Tables. Adequate area shall be provided for storing, scraping, racking and drying of utensils. In all new or remodeled installations drying area shall be adequate to provide a forty-five (45) second drying period after utensils leave dish machine.

   b. Scraping. (Water scraping; preflushing; prerinsing) Gross soil on utensils shall be removed by scraping before utensils enter dish machine.

   c. Racking. Utensils shall be placed in racks in a manner so that each utensil will be fully exposed to unrestricted preflushing, washing and rinsing.

   d. Washing. Utensils shall be subjected to wash water temperature between one hundred forty (140) degrees - one hundred sixty (160) degrees Fahrenheit and adequate detergent for at least twenty (20) seconds.

   e. Sanitizing. Utensils shall be subjected to a sanitizing rinse of at least one hundred eighty (180) degrees Fahrenheit for at least ten (10) seconds in spray type machines and thirty (30) seconds or more in immersion type machines.

   f. Water Pressure. In spray type machines wash and rinse waters shall have fifteen (15) to twenty-five (25) pounds per square inch flow pressure.

   g. Thermometers. Easily readable thermometers shall be provided to show the temperature of the wash water and of the rinse water entering the rinse spray arms of spray type machines or in the rinse tank of immersion type machines.

   h. Maintenance. All dishwashing equipment shall be maintained in the proper state of repair so as to provide clean and sanitary utensils.

   i. Operation. Dishwashing operations shall be such as to insure proper operation of dish machine equipment and comply with this ordinance. Clear and explicit instructions on the dishwashing operation shall be kept posted where readily visible to the dish machine operator.

5. Drying Cloths. Where used, an adequate supply of clean drying cloths must be readily available to the dishwashing area. Soiled cloths shall be kept in an area or container not readily accessible to the dishwashing area.

(k) Storage and Handling of Utensils and Equipment. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be either wrapped or kept in sanitary dispensers, protected from handling during filling, storage and dispensing and from other sources of contamination.

Where ice cream and frozen desserts are dipped or ladled, running water dipper wells shall be provided.

(l) Plumbing and Disposal of Wastes. All wastes shall be properly disposed of, and all garbage and rubbish shall be kept in suitable receptacles in such manner as not be become a nuisance. All plumbing shall be so designed, installed and maintained as to prevent contamination of the water supply, food, drink, or equipment.

(m) Refrigeration. All readily perishable food and drink shall be kept at or below forty (40) degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of. Dry refrigeration shall be used in all permanent installations.

(n) Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual, original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from a dispenser approved for such service. The dipping of milk for milk drinks is prohibited.

(o) Storage, Display and Serving of Food and Drink. All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in the area in which food or drink is prepared or stored. Necessary measures in compliance with current practices approved by the Director of Public Health Madison and Dane County for the elimination of insects and rodents shall be taken.

(p) Cleanliness of Employees. All employees who work in the soda fountain area only shall wear clean aprons or other suitable covering over street clothes. They shall wear hairnets or caps, and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in any area in which food is prepared.

(q) Miscellaneous. The premises of all soda fountains shall be kept clean and free of litter or rubbish. None of the operations connected with a soda fountain shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers for this purpose.

(7) Reinstatement of Permit. Any soda fountain the permit of which has been suspended may at any time make application for the reinstatement of the permit. Within three (3) days after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provisions of this ordinance have been conformed with, the Director of Public Health Madison and Dane County shall make reinspection, and thereafter as many additional reinspections as she or he may deem necessary to assure himself that the applicant is again complying with the requirements, and in case the findings indicate compliance, shall reinstate the permit. (Am. by ORD-14-00012, 1-14-14)

(8) Disease Control. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any soda fountain and no soda fountain shall employ any such person. All medically suspected cases of communicable disease shall be studied by Public Health Madison and Dane County to determine presence or absence of communicable disease. Until it can be determined by examination and/or tests that communicable disease is not present, the employee shall not work in a soda fountain.

A tuberculin skin test, or miniature chest x-ray (70mm or better) is required annually. A fourteen inch by seventeen inch (14" x 17") chest x-ray shall be required of any personnel having a positive skin test or questionable miniature x-ray.

A report of the required annual tuberculin test or x-ray shall be kept on file by the Director of Public Health Madison and Dane County. A report stating compliance shall be furnished foodhandler and operator by Public Health Madison and Dane County.

No person shall prepare or serve food or handle soda fountain utensils with any open lesion which may subject any food or utensil to contamination therefrom.
(Am. by Ord. 7899, 12-29-82)

(9) Penalties. Any person who violates any provision of this ordinance shall be fined not less than twenty dollars ($20) nor more than two hundred dollars ($200). Each and every violation of the provisions of this ordinance shall constitute a separate offense. (Am. by Ord. 8309, 4-16-84)

(10) Unconstitutionality Clause. Should any section, subsection, sentence, paragraph, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

(11) Appeal. Anyone in interest being dissatisfied with an order of the Director of Public Health Madison and Dane County may appeal to the Director of Public Health Madison and Dane County and may commence an action in the Circuit Court for Dane County against the Director of Public Health Madison and Dane County as defendant to vacate or modify the order on the ground that it is unlawful or unreasonable.
(Am. by ORD-15-00009, 1-28-15)

7.09 EMERGENCY CONTRACEPTION ACCESS.

(1) Statement of Purpose. The purpose of this section is to enable women to prevent unintended pregnancies by ensuring timely access to emergency contraception at pharmacies.

(2) Definitions. For the purpose of this section words and phrases used shall have the meanings designated in Wis. Stat. § 450 and Phar 10 Wis. Admin. Code unless the context clearly indicates a different meaning, with the following additions and modifications for use in this section only:

Department shall mean Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

Director shall mean the Director of Public Health Madison and Dane County or the Director's designee. (Am. by ORD-15-00009, 1-28-15)

Dispense shall mean to fill a valid patient request, presented to a pharmacist, in accordance with professional standards of practice.

Emergency Contraception shall mean a drug, medicine, oral hormonal compound or mixture that prevents pregnancy after sexual intercourse and is approved by the Federal Food and Drug Administration. It does not include any drug or medicine that is prescribed to terminate a pregnancy.

Pharmacy shall mean any place in which prescription drugs, as defined in Wis. Stats. § 450.01(20), are compounded or dispensed and which is licensed under Wis. Stat. § 450.06. It shall not mean a pharmacy located within:

a. Hospitals as defined under Wis. Admin. Code § DHS 124.02. or

b. Nursing homes as defined by Wis. Stat. § 50.01(3) or

c. Home health agencies as defined by Wis. Stat. § 50.49.
(Am by ORD-12-00035, 3-28-12)

Sexual Assault Victim shall mean a female who alleges or for whom it is alleged that she has suffered a sexual assault.

(3) Pharmacy Requirements. A pharmacy that cannot immediately dispense emergency contraception must provide the name, address and phone number of a pharmacy that is known to dispense emergency contraception. The pharmacy must conspicuously post, at

or adjacent to each counter where prescription drugs are dispensed a sign not smaller than eleven by eight and one-half inches (11" × 8 ½"). The sign lettering shall be in bold and clearly visible. The sign must contain the following language:

"NOTICE: This pharmacy is currently out of Emergency Contraception (EC). EC, sometimes called "the morning after pill," is a FDA approved high dose of oral contraception that should be taken as soon as possible after unprotected intercourse to prevent pregnancy. The FDA approves this up to 72 hours (3 days) after unprotected intercourse, some studies indicate that this product can be effective up to 120 hours (5 days) after unprotected intercourse. You do not need a prescription to obtain EC if you are 18 or older; if you are under 18, you must get a doctor's prescription. A location where EC is known to be available is [name of pharmacy], [address of pharmacy], or the pharmacist here will refer you to another pharmacy that is known to have the medication in stock."

(4) A pharmacy that does not stock emergency contraception must provide the name, address and phone number of a pharmacy that is known to dispense emergency contraception. The pharmacy must conspicuously post, at or adjacent to each counter where prescription drugs are dispensed a sign not smaller than eleven by eight and one-half inches (11" × 8 ½"). The sign lettering shall be in bold and clearly visible. The sign must contain the following language:

"NOTICE: This pharmacy does not stock Emergency Contraception (EC). EC, sometimes called "the morning after pill," is a FDA approved high dose of oral contraception that should be taken as soon as possible after unprotected intercourse to prevent pregnancy. The FDA approves this up to 72 hours (3 days) after unprotected intercourse. Some studies indicate that this produce can be effective up to 120 hours (5 days) after unprotected intercourse. You do not need a prescription to obtain EC if you are 18 or older; if you are under 18, you must get a doctor's prescription. A location where EC is known to be available is [name of pharmacy], [address of pharmacy], or the pharmacist here will refer you to another pharmacy that is known to have the medication in stock."

(5) Written Information. The Board of Health for Madison and Dane County shall develop and prepare written information relating to emergency contraception for the prevention of pregnancy. The information shall be clearly written and readily comprehensible in a culturally competent manner. The information shall explain in a medically and factually accurate and unbiased manner information regarding emergency contraception, including but not limited to the following:

(a) The pharmacological nature of emergency contraception;
(b) The effectiveness of emergency contraception in preventing pregnancy;
(c) Where emergency contraception can be obtained; and
(d) How emergency contraception is administered.

(6) Responsibilities of the Director. The Director shall:

(a) Investigate every complaint of noncompliance with this section;
(b) Determine whether the complaint is substantiated;
(c) Compile the substantiated complaints and analyze them at least annually, to determine if there is any pattern of failure to provide services or notice under this section;
(d) Prepare an annual report that summarizes the substantiated complaints and actions taken by involved parties to address those complaints. This report shall be readily made available to the public: and
(e) On an annual basis, review the above listed signage language to insure that it is the most accurate and complete information available.

(7) Complaint Investigation. Any person deprived of information about or access to emergency contraception in violation of this section may file a complaint with the Director. Any person with knowledge of a pharmacy that has deprived information about

or access to emergency contraception in violation of this section may file a complaint with the Director. Pharmacies must allow the Director to thoroughly investigate complaints of noncompliance with this section. Pharmacies may not threaten, intimidate, impede, interfere with or otherwise obstruct the Director's investigation process. Pharmacies shall not knowingly give false information to the Director.

(8) Penalties.

A pharmacy that violates this section shall forfeit: not less than two hundred and fifty dollars ($250) nor more five hundred dollars ($500) for the first offense; not less than five hundred dollars ($500) nor more than two thousand five hundred dollars ($2500) for each subsequent offense. Each day of violation and every violation of any provision of this ordinance may constitute a separate offense.

(9) Effective Date. This ordinance shall become effective on January 1, 2007.

(10) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall have no affect on the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Cr. by ORD-06-00174, 12-8-06)

7.10 - 7.14 RESERVED FOR FUTURE USE. (R. by Ord. 7822, 9-23-82)

7.15 REGULATION OF TATTOOING AND BODY-PIERCING.

(1) Adoption by Reference. Wis. Admin. Code. ch. SPS 221, and Wis. Stats. §§ 463.10(4) and 463.12(4), and all subsequent amendments, additions and recodifications thereto are hereby adopted by reference. It is the intent of the City that where there may be conflict between this subsection and the remainder of this section that the most stringent provision shall apply. (Am. by ORD-12-00035, 3-28-12; ORD-16-00111, 12-14-16)

(2) Definitions. Words and phrases in this section have the meanings designated in Wis. Admin. Code ch. SPS 221, unless the context clearly indicates a different meaning with the following additions or modifications for use in this section only: (Am. by ORD-16-00111, 12-14-16)

"Department" means Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

"Ear piercer" means a person who performs ear piercing on a patron, at that patron's request.

"Ear piercing" means to perforate an ear and to place a foreign object in the perforation to prevent the perforation from closing.

"Establishment" means an entity comprised of one or more practitioners, organized as a corporation, limited liability company, partnership, sole practitioner or other association operating in a single building, structure, area or location at which tattoos are applied, body or ear piercing is performed or all of the above . The establishment area shall be separately maintained from other business activities.

"Patron" means a person receiving a tattoo, body or ear pierce.

"Person" means an individual, partnership, limited liability company, corporation, association, or other entity.

"Piercing gun" means a hand-held tool, which is able to be disinfected and is manufactured exclusively for piercing the ear.

"Piercing stud" means a single-use prepackaged sterilized ear piercing stud.

"Special event" means a show, bazaar, fair or other occurrence lasting up to a maximum of seven (7) consecutive days at which a collection of establishments practice their art in a single location, whether public or private premises.

"Tattoo" means, as a noun, an indelible mark or design on a person created by inserting pigment under the surface of the person's skin by a needle prick or other means of puncture.

"Temporary combined establishment" means a temporary establishment at which both tattooing and body piercing are performed.

"Temporary establishment" means an establishment operating at a special event. (Am. by Ord. 12,823, 5-18-01; ORD-12-00035, 3-28-12)

(3) When ear piercing with a needle, tattooing or body piercing the tattooist or piercer must comply with the requirements found in Wis. Admin. Code ch. SPS 221. Ear piercing conducted with a piercing gun shall be performed in accordance with the following procedures: (Am. by ORD-16-00111, 12-14-16)

(a) Instruments. Any portion of the piercing gun that comes into contact with the patron's skin must be disinfected prior to each use. All soiled instruments shall be stored separately from disinfected instruments.

(b) Patrons. An ear piercer may not pierce an ear without first obtaining the patron's signature on an informed consent form approved by the department. A patron under the age of 18 may not be ear-pierced unless an informed consent form has been signed by the patron's parent or legal guardian in the presence of the practitioner. An ear piercer may not pierce a patron's ear if that patron appears to be under the influence of alcohol or a mind-altering drug or has evidence of skin lesions or skin infections on the ear that is to be pierced. (Am. by ORD-16-00111, 12-14-16)

(c) Preparation and Care of Ear. Before beginning a procedure, the ear piercer shall clean the area of the ear that is being pierced and apply an antiseptic solution. The solution shall be applied with cotton, gauze or single-use toweling, which shall then be properly disposed. After completing a procedure the ear piercer shall provide the patron with both oral and written instructions on the care of the pierce.

(d) Environment. Floors shall be constructed of smooth, durable and non-porous material and shall be maintained in clean condition and in good repair. Carpeting is prohibited. The establishments shall provide access to public toilets and handwashing facilities. Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels and similar items used on patrons. Equipment shall be stored in closed cabinets exclusively used for that purpose. Establishments shall be maintained in a clean, sanitary and vermin-free condition. No smoking or consumption of food or drink is permitted in the area where ear piercing is performed.

(e) Personnel. No person with an exposed rash, skin lesion, boil or who is under the influence of alcohol or a mind-altering drug may engage in the practice of ear piercing. The ear piercer shall conform to good hygiene practices during procedures, this includes but is not limited to:

1. Thoroughly wash his/her hands and the exposed portions of his/her arms with dispensed soap and tempered water before and after each ear piercing.
2. Wear clean, washable outer clothing.
3. Wear non-absorbent gloves during the procedure. These gloves shall be disposed of properly after each procedure.
4. If interrupted during a procedure, the ear piercer shall rewash his/her hands and put on new gloves, if the interruption required the use of hands.

(Am. by ORD-12-00035, 3-28-12)

(4) Enforcement. Enforcement procedures shall be in accordance with Wis. Stat. § 66.0417. The department's administrator of this ordinance may utilize City of Madison commissioned police officers to enforce any aspect of this ordinance, pursuant to Sec. 5.03(4), M.G.O.

(5) Appeal. Any person aggrieved by an order of the department issued pursuant to Wis. Admin. Code ch. SPS 221 or this section, may appeal such order in accordance with the provisions of Sec. 66.0417, Wis. Stats. to a subcommittee of the Board of Health for Madison and Dane County. The subcommittee, consisting of at least three (3) members, may affirm, set aside, or modify the order by majority vote. That decision shall be final and may be appealed to the Circuit Court of Dane County. (Am. by ORD-05-00033, 2-24-05; Am. by ORD-12-00035, 3-28-12; ORD-16-00111, 12-14-16)

(6) Licensing and Fees.

(a) Requirement.

1. Establishment. No person may operate a tattoo or body-piercing establishment or combination thereof on an annual or temporary basis unless the person has obtained a license and paid fees as specified in this section.

2. Practitioner. No person may tattoo or body pierce another within the City unless the person has obtained a license and paid fees as specified in Wis. Admin. Code ch. SPS 221. (Am. by ORD-16-00111, 12-14-16)

(b) Licensing. Application for licensing shall be made thirty (30) days prior to issuance. The licensing year shall be from July 1 through the following June 30. The permit fee herein established shall be for one year or a fractional part thereof, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a license. (Am. by ORD-16-00111, 12-14-16)

(c) Temporary Licensing. At special events every separate table or booth or area shall be considered a temporary establishment and must be licensed as such before the onset of the event. Every practitioner must possess a current and valid State of Wisconsin practitioner license issued by the City of Madison, the State or other Wisconsin municipality acting on behalf of the State before the practitioner can operate at a special event. An application for a temporary license shall be submitted to the City Clerk's office thirty (30) days prior to the special event to allow for processing.

(d) Fees.

1. Annual establishment fees shall be:

a. Tattoo or body-piercing establishments, $286.

b. Ear-piercing establishments, $187.

c. Combined tattoo and body-piercing establishments, $374.

d. Pre-inspection, one-time only, $225.

e. First Reinspection Fee, $150 (Cr. by ORD-16-00111, 12-14-16)

f. Subsequent Reinspection Fee, $250 (Cr. by ORD-16-00111, 12-14-16)

(Am. by ORD-12-00075, 6-20-12)

2. Temporary establishment fees shall be:

a. Tattoo or body-piercing or ear-piercing establishments, or combined; first day, $75.

b. Tattoo or body-piercing or ear-piercing establishments, or combined; each day after first day, $25.

3. (R. by ORD-08-00008, 1-24-08)

(Am. by Ord. 12,823, 5-18-01; Ord. 13,306, 4-30-03; Ord. 13,505, 2-10-04; ORD-06-00156, 11-23-06)

(7) Penalty.

(a) Any person who violates any provision of this ordinance may be fined not less than twenty-five dollars ($25), nor more than one thousand dollars ($1,000). Each day of violation and every violation of any provision of this ordinance may constitute a separate offense. (Am. by ORD-09-00043, 3-19-09)

(b) In addition to the above penalties, the department may order the suspension or revocation of the license issued to a practitioner or an establishment under this section.

(c) Wis. Stat. § 66.0417(5)(b), regarding the impeding of city inspectors in the performance of their duties and the giving of false information to such inspectors, and all subsequent amendments, additions, and recodifications thereto are hereby adopted by reference.

(Sec. 7.15 Cr. by Ord. 12,356, 3-30-99; Am. by Ord. 12,823, 5-18-01)

7.16 - 7.26 RESERVED FOR FUTURE USE.

7.27 SALE OF MERCURY FEVER OR BASAL THERMOMETERS.

(1) It shall be unlawful for any person, firm or corporation to sell or offer for sale at retail any fever thermometer or basal thermometer containing mercury.

(2) Any person, firm or corporation who violates the provisions of this ordinance may be subject to a forfeiture of not less than twenty dollars ($20), nor more than two hundred dollars ($200) for each offense. Each day of violation shall constitute a separate offense.

(3) This section shall become effective on April 1, 2001.

(Sec. 7.27 Cr. by Ord. 12,774, 3-13-01)

7.28 SALE OF IMPURE ICE. No person shall be permitted to sell or offer for sale any ice which is contaminated.

7.29 RELATING TO KEEPING OF FOWL WITHIN THE CITY OF MADISON.

(1) No person shall keep any ducks, geese, pigeons, birds, or other fowl within the City of Madison in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.

(2) The Director of Public Health Madison and Dane County shall, upon complaint or on her or his own initiative, inspect, or order a Public Health Sanitarian or a Humane Officer to inspect, premises upon which fowl are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby. If the Director of Public Health Madison and Dane County determines that conditions are unsanitary, or if for any reason a nuisance exists, she or he shall order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such fowl on the premises. (Am. by ORD-08-00120, 10-24-08; ORD-14-00012, 1-14-14; ORD-15-00009, 1-28-15)

7.30 SLAUGHTERING OF ANIMALS—DEPOSIT OF OFFAL.

(1) It shall be unlawful for any person, persons, firm, or corporation to kill or slaughter any beeves, sheep, calves, hogs or any other animals within the limits of the City of Madison without having first obtained a permit therefor as hereinafter provided.

(2) Any person, persons, firm, or corporation that may desire to kill or slaughter any beeves, sheep, calves, hogs, or any other animals, or that may desire to use, erect, or maintain a slaughterhouse, packing house, building, or place in said City for the slaughter of any such

animals shall first make application in writing for that purpose to the Common Council of said City, specifying the particular location of where such slaughterhouse, packing house, or building is to be erected, maintained or used.

(3) If the Common Council shall deem such location a suitable place to carry on such business, it may issue a permit for the conducting of such business at such place, which permit shall specify the place at which such business may be conducted.

(4) No such slaughterhouse, packing house, building, or place, shall be so conducted as to be or become a public nuisance.

(5) Any person, persons, firm, or corporation violating any of the provisions of this section shall be fined not less than five dollars ($5) nor more than one hundred dollars ($100).

7.31 MANUFACTURE OF FERTILIZER.

(1) It shall be unlawful for any person, firm or corporation to engage in the processing or manufacture of commercial fertilizer within the limits of the City of Madison without having first obtained a permit therefor as hereinafter provided; provided, however, that this ordinance shall not apply to a slaughterhouse or meat packing establishment where the manufacture or processing of fertilizer is merely incidental to the packing and processing of meat and meat products.

(2) Any person, firm or corporation that may desire to engage in the business of processing or manufacturing commercial fertilizer in the City of Madison shall first make application in writing for that purpose to the Common Council of said City specifying the particular location where such processing or manufacturing is to be carried on. If the Common Council shall deem such location a suitable place to carry on such business it may issue a permit for the conducting of such business at such place, which permit shall specify the place at which such business may be conducted.

(3) Any person, firm or corporation violating any of the provisions of this section shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100). Each day that such business is carried on in violation of this section shall be deemed a separate offense.

7.32 DEPOSIT OF RUBBISH AND REFUSE ON STREETS, PUBLIC GROUNDS, OR IN LAKES OR IN ANY MANNER TO CREATE ANY STENCH OR NUISANCE.

(1) No person shall deposit or cause to be deposited in Lake Mendota, Lake Monona, Lake Wingra or the Yahara River, or in or upon any public street, water or grounds in the City of Madison, or in any other place in said City, any dead animal, rubbish, refuse, filth, offal or any other substance that will contaminate or tend to contaminate the said waters, or that will obstruct any sidewalk, gutter, street or alley, or that will in any manner create any bad or noisome stench or nuisance, or that will endanger or tend to endanger public health; and the Director of Public Health Madison and Dane County or Health Inspectors, are hereby empowered to summarily remove or cause to be removed any such dead animal, rubbish, refuse, filth, offal, or other substance so deposited contrary to the provisions of this section. (Am. by ORD-15-00009, 1-28-15)

(2) Any person who shall violate any provision of this section shall be subject to a fine of not exceeding five hundred dollars ($500) and shall also be liable for the expense of the removal of any matter deposited contrary to the provision of this section. (Am. by Ord. 5043, 6-6-75)

7.321 DEPOSITING HUMAN WASTE PRODUCTS REGULATED. No person shall deposit human waste products upon nor urinate or defecate upon any public or private property other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system. (Cr. by Ord. 8247, 2-20-84)

7.322 ANIMAL DEFECATION ON PUBLIC OR PRIVATE PROPERTY REGULATED.

(1) No owner or keeper shall suffer or permit any animal to defecate upon any property other than that of animal owner or keeper without immediately causing such defecation to be removed therefrom and properly disposed of. Proper disposal of animal waste shall be limited to burial where lawfully permitted and flushing in the toilet. Proper disposal of dog waste shall be limited to burial where lawfully permitted, flushing in the toilet, and disposal in a waste receptacle so designated in a public park or park area, wherein dogs are permitted.

(2) No owner or keeper of any animals shall appear with such animal on any sidewalk, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by the animal.

(3) Any person violating any provision of this ordinance may be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

(4) Owners or keepers of animals that are working in their official police capacity are exempt from this ordinance in situations where safety or professional duties would be compromised. (Rep. & Recr. by ORD-07-00115, 9-22-07)

(Sec. 7.322 Am. by Ord. 11,547, 3-14-96)

7.33 CONNECTION WITH SEWER MAINS.

(1) (a) The owner or owners of any building used for human habitation or assembly or any building from which there are liquid wastes either domestic or industrial capable of being a public health hazard or nuisance, when such building is located adjacent to a sanitary sewer and water main or in a block through which such sewer and water system extends, shall when so ordered by the Director of Public Health Madison and Dane County connect with such sewer within sixty (60) days of a notice in writing so to do.

(b) Any building used for purposes other than the owner's residence when connected to a water supply which does not meet the minimum requirements of the Wisconsin Well Code shall when so ordered by the Director of Public Health Madison and Dane County disconnect the building from the questionable water supply and connect to the adjacent municipal water supply within sixty (60) days from a notice in writing so to do.

(2) If any person fails to comply with such order within said time the City may cause such connection to be made and the expense thereof shall be assessed as a special tax against such property, and the same shall be collected in all respects like other taxes upon real estate. Proceedings under this subsection shall not bar the City from prosecution under Sec. 7.60 for the violation, neither shall prosecution for the violation bar proceeding under this subsection. (Am. by Ord. 8322, 5-11-84)

(3) (R. by Ord. 8322, 5-11-84)

(Am. by ORD-15-00009, 1-28-15)

7.34 EMPTYING OF DRAINS AND SEWERS. No person shall permit any drain or sewer from the dwelling house, barn, stable, shop, or other building on the premises occupied or owned by her or him to empty or run into any open sewer or gutter or into any of the streets or public alleys or upon or over any sidewalk. (Am. by ORD-14-00012, 1-14-14)

7.35 SEPTIC TANKS, DRY WELLS, TILE FIELDS, SCAVENGERS.

(1) No person shall construct any septic tank, dry well or tile disposal field within the City of Madison without first having obtained a permit from the Director of Public Health Madison and Dane County and paying a fee therefor in the amount of ten dollars ($10) to

the City Treasurer. No such permit shall be issued where a public sewer is accessible. When a permit is issued for areas where public sewer is not available, all restrictions relative to sewage disposal shown on the subdivision plat shall be complied with.

(a) No such permit shall be issued for any septic tank, disposal field or dry well where the disposal field or dry well area or any part thereof will be in violation of paragraph (b) hereof.

(b) It shall be unlawful for any person to cause, suffer or permit any septic tank effluent disposal area or dry well or any part thereof to be constructed or reconstructed within two hundred (200) feet of any lake or river shoreline or within ten (10) feet above any water table in areas where soils are principally sand or gravel or within one hundred (100) feet of any lake or river shoreline or within four (4) feet above any water table in areas where soils are other than principally sand or gravel.

(c) Applicants for such permit shall furnish a detailed plan of the proposed installation specifying the location of the building served, size and design of septic tank, and location of absorption system in relation to any lot line, shoreline or existing water well. Sufficient percolation tests shall also be furnished by the applicant and, if required by the Director of Public Health Madison and Dane County for a specific property, sufficient soil borings shall be furnished. The Director of Public Health Madison and Dane County shall establish compliance with all municipal and state laws, including regulations contained within Wis. Admin. Code chs. SPS 383-387, before issuing the permit. (Am. by ORD-12-00149, 12-5-12)

(2) All vehicles used by scavengers as provided in Section 9.19 shall be under the supervision of Public Health Madison and Dane County. Vehicles shall be kept clean. Flies shall be prevented from gaining access to contents. (Am. by Ord. 7899, 12-29-82)

(3) Sludge, Scum and Liquid Effluent.

(a) Sludge, scum and any liquid effluent whatsoever when removed from a septic tank sewage disposal system is hereby declared to be a public nuisance and a health hazard and a menace to individual and public health.

(b) Removal and disposal of wastewater, sludge, and scum from a private septic system shall be done in accordance with Wis. Admin. Code ch. NR 113.

(Am. by ORD-12-00140, 11-12-12)

(Am. by ORD-15-00009, 1-28-15)

7.36 COLLECTION AND DISPOSITION OF GARBAGE.

(1) Definition. The word "garbage" as used in this section shall be held to include every refuse accumulation of animal or vegetable matter that attends the preparation, use, or cooking of meats, fish, fowl, fruits, and vegetables, and the dealing in or storing of foodstuffs by retail dealers, excepting, however, the refuse accumulation incident to the dealing in or storing of raw meats by retail dealers, commonly known as meat markets, and the refuse and waste material incident to manufactories and wholesale dealers, which shall not be deemed to be included under the provisions of this section.

(2) Supervision of Garbage Collection. The collection, removal and disposal of garbage shall be under the direction and control of the Sanitation Supervisor and said work shall be done under the supervision of the said Supervisor in strict conformity with the provisions of this section and with such additional rules and regulations as may be made from time to time by the Common Council.

(3) Garbage Vehicles. The City shall own its own garbage vehicles for the collection and removal of garbage. The vehicle boxes for the collection and removal of garbage shall be kept clean, and shall be of suitable size, water tight, and with metallic lining and properly covered.

(4) Authority of Supervisor to Hire Persons and Vehicles. The said Supervisor shall have authority to hire such persons as may be necessary to properly collect the said garbage,

and to deliver the same to the point of disposal, and shall also have authority to hire teams and vehicles, if at any time the teams and vehicles owned by the City shall not be sufficient to properly collect and remove the garbage.

(5) Manner of Removal and Disposition of Garbage. All garbage shall be removed and disposed of in such manner as the Common Council shall from time to time designate and direct.

(6) Persons Who May Collect Garbage.

(a) No person, unless he or she has a contract with the City of Madison, permitting him or her to collect and remove garbage, or unless he or she be a City employee acting under the direction of the Sanitation Supervisor shall collect or remove any garbage from premises located within the corporate limits of the City of Madison.

(b) No person residing within the corporate limits of the City of Madison or being an inhabitant of said City shall deliver garbage to any person for removal from his or her premises except to a contractor with the City for that purpose or to a City employee acting under the direction of the Common Council or the Sanitation Supervisor of the City of Madison.

(Am. by ORD-14-00012, 1-14-14)

(7) (a) Vessels for Holding Garbage to be Provided - Manner of Depositing Garbage in Same. It shall be the duty of all householders, tenants, hotel keepers, boarding house keepers, restaurants and all retail dealers dealing in or storing food-stuffs, excepting those dealers which handle only raw meat, commonly known as meat markets, to provide or cause to be provided and at all times to keep or cause to be kept, portable vessels or containers for holding garbage, said vessels or containers to be watertight, provided with handles and covers which shall not be removed except when necessary. Garbage containers for residences must not be less than five (5) gallons nor more than fifteen (15) gallons in size. Garbage containers of restaurants, hotels, boarding houses and retail stores as above defined shall not be more than thirty-five (35) gallons in size. If more capacity is needed additional containers or vessels must be provided as ordered by the Sanitation Supervisor. All containers or vessels shall be constructed of or lined with metal and shall be kept in a clean and sanitary manner at all times.

(b) Placing of Garbage Containers. Garbage containers or vessels shall be kept in the rear of the house or buildings or in such other place as shall be designated by the Sanitation Supervisor which is easily accessible to the collector, not above the ground floor, but shall not be placed on the sidewalk, street, alley or other public place or in any manner so as to create a nuisance. When leaky or in any way defective such containers or vessels shall be replaced with new containers or vessels as ordered by the Sanitation Supervisor. The Sanitation Supervisor is hereby authorized to permit or order the installation of approved types of garbage container receivers either below or above the surface of the ground or the construction of such shields or enclosures for containers or vessels as will abate a garbage nuisance.

(c) Preparation of Garbage. All garbage from residences shall be drained and wrapped in paper before being placed in garbage containers or vessels. Garbage dealers, as above provided, shall deposit garbage in garbage containers, after draining, without wrapping. It shall be unlawful for any person to place in the garbage containers any ashes, earth, glass, crockery, tin cans, excess paper, paper boxes or other refuse than garbage. Containers containing any of the above shall not be emptied by the collector. Persons not conforming to these rules shall not be entitled to garbage collection service.

(Am. by ORD-05-00060, 4-6-05)

(8) Garbage not to be Deposited in any Other Place or Manner Than Herein Provided. It shall be unlawful for any person to deposit garbage in any other place or in any other manner than as herein provided or as provided in Section 7.361. (Am. by Ord. 9747, Adopted 4-4-89)

(9) Garbage From Retail Stores - Charge for Collection of Same. Whenever any garbage shall be accumulated in the conducting of any grocery store or any similar retail business engaged in the sale of food or foodstuffs, except where said food or foodstuffs shall be sold for consumption on the premises, and excepting meat markets, as hereinbefore provided, such garbage shall be collected in the same manner as otherwise provided in this section, and all of the provisions of this section shall be applicable except that a charge may be made from time to time as may be directed by the Common Council.

If the Council shall direct that such charge be made, the Sanitation Supervisor shall render to each such retail dealer not less than once in six (6) months, a bill for the removal of garbage from its place of business during the preceding six (6) months, or such other period as the Council may designate, based upon such schedule of fees as shall be determined by the Common Council; and said retail dealer shall thereupon, within twenty (20) days after receipt of such bill, pay the amount specified therein to the City Treasurer. In case any such amount shall not be paid within the time allowed, the City Treasurer shall proceed to enforce collection of the same by legal action, with such penalty as the Council may provide in its schedules; and the person, persons, firm or corporation neglecting or refusing to pay any such fee or penalty shall be deemed guilty of a violation of this section. (Am. by ORD-14-00012, 1-14-14)

(10) Garbage Removal to be at Expense of City. All garbage shall be collected, removed, and disposed of at the general expense of the City excepting as provided in subsection (9) hereof, and except that where it may be necessary for the health or general welfare of the City that carcasses of large animals be removed, the Sanitation Supervisor may order such carcasses removed and disposed of and the expense thereof charged to the person, firm, or corporation who was the owner or possessor of such animal.

(11) Time of Collection of Garbage. Garbage shall be collected at such times as may be necessary to insure sanitary conditions within the City. The Sanitation Supervisor shall arrange a schedule showing the times when garbage shall be collected, and shall publish the same in the official newspaper of the City, and in such other form as may best be adapted to inform the residents of the time of garbage collection throughout the year. (Am. by ORD-17-00030, 3-8-17)

(12) Incinerators. The provisions of this section shall not apply to the collection or disposal of garbage from premises where the garbage is promptly disposed of in an incinerating plant operated on said premises, the construction, maintenance and the operation of which is safe and sanitary, and approved in such respects by the Director of Public Health Madison and Dane County and Chief of the Fire Department. (Am. by ORD-15-00009, 1-28-15)

(13) Penalty. Any person violating any of the provisions of this section shall be punished by a fine of not less than ten dollars ($10) nor more than two hundred dollars ($200) for each offense.

7.361 COMPOSTING.

(1) Purpose and Intent. The purpose of this section is to promote the recycling of yard wastes through composting, and to establish minimum standards for proper compost maintenance.

(2) Definitions. Composting shall mean a controlled biological reduction of organic wastes to humus. Yard waste shall mean leaves, grass clippings, garden debris and brush.

(3) Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

(a) All compost piles other than compost piles consisting solely of yard waste, excluding fruit, shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than five (5) feet.

(b) All compost piles and bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost pile or bin shall be cause for Public Health Madison and Dane County to proceed under Section 7.05(4). (Am. by ORD-15-00009, 1-28-15)

(c) All compost piles and bins shall be so maintained as to prevent unpleasant odors. Compost bins containing horse manure or fruits shall be kept covered, except when turning. All compost piles or bins shall be located not less than three feet from a property line or building.

(d) No compost pile or bin shall be located in any yard except a rear yard. All piles or bins shall be placed between the rear building wall, excluding all portions of a building which are occupied seasonally, and the rear lot line extended to the side lot line.

(e) On a reverse corner lot, no compost pile or bin shall be located less than ten (10) feet from the rear property line.

(f) Subdivisions (d) and (e) shall not apply to a compost pile or bin located in a side yard substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by fencing, provided that such plantings or fencing shall at all times exceed the height of the compost bin or pile by no less than one foot.

(4) Ingredients.

(a) No compost bin shall contain any of the following:

1. Lakeweeds;
2. Cooked food scraps, except coffee grounds and tea leaves;
3. Fish, meat or other animal products;
4. Manures other than horse manure;
5. Large items that will impede the composting process.

(b) Permitted ingredients in a compost bin shall include:

1. Yard waste;
2. Raw vegetables and fruit scraps that are suitable for composting;
3. Horse manure;
4. Commercial compost additives.

(5) Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this subsection.

(6) Penalty. Any person violating Section 7.361 shall be subject to a forfeiture of not less than ten dollars ($10) or more than two hundred dollars ($200). Each day such violation continues shall be considered a separate offense.

(Cr. by Ord. 9747, Adopted 4-4-89)

7.37 RAT ERADICATION.

(1) Purpose. This ordinance is designed to and is enacted as a police and sanitary regulation for the protection of the public health and particularly to prevent the propagation and spread of bubonic plague through the medium of rats.

(2) Buildings to be Kept Free of Rats. All buildings, places and premises whatsoever in the City shall be placed, and shall continuously be kept by the owner, person in charge or the occupant thereof in a clean and sanitary condition and free from rats.

(3) Rat Infested Building a Nuisance. All buildings, structures, or any parts thereof, that are infested with rats are hereby declared to be and are public nuisances, and the Director of Public Health Madison and Dane County of this City is hereby authorized and empowered to abate the same under the provisions of subsection (4) of Section 7.05 of this chapter. (Am. by ORD-15-00009, 1-28-15)

(4) No Dumping of Rubbish. No rubbish, waste or manure shall be placed, left, dumped or permitted to accumulate or remain in any building, place or premises in said City so that the same shall or may afford food or a harboring or breeding place for rats.

(5) Rat Harborage to be Prevented. All buildings and basement walls of all storerooms, warehouses, residences or other buildings within the City, all chicken yards or pens, chicken coops or houses, and all barns and stables, shall be so constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods, wares, and merchandise likely to attract or to become infested with or infected by rats, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith.

(6) Extermination. Whenever rat holes, burrows, or other evidences of rat infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rats or to cause the rats to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rat holes or burrows in the ground to be filled with earth, ashes, or other suitable material.

(7) Ratproofing. It shall be the duty of the owner or manager of any building in the City of Madison to make such building reasonably ratproof, to replace broken basement windows, and when necessary to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through such window openings. The owner or manager of any premises upon which sheds, barns, coops or similar buildings are located shall eliminate the rat harborages from within and under such buildings by ratproofing, raising the buildings above the ground, or by some other suitable method; or such sheds, barns, coops or other buildings shall be razed.

(8) No person, firm or corporation shall have or permit upon any premises owned, occupied or controlled by him/her or it, any nuisance detrimental to health, or any accumulation of filth, rubbish, garbage, decaying animal or vegetable matter, or any animal or human excrement; and it shall be the duty of the Director of Public Health Madison and Dane County to cause any such person, firm, or corporation to be notified to abolish, abate and remove such nuisance and in case such person, firm or corporation shall fail, neglect or refuse to remove the same within one day after receiving such notice, such nuisance may be removed and abated under and by order of the Director of Public Health, and the person, firm or corporation whose duty it was to abate or remove such nuisance in addition to incurring penalties provided in this chapter shall be indebted to the City of Madison for the costs and charges incurred by the City of Madison by reason of the existence and removal of such nuisance. (Am. by ORD-14-00012, 1-14-14; ORD-15-00009, 1-28-15)

7.38 MANURE. Manure from horses and cattle shall be kept in a covered, water-tight receptacle, which shall not be opened except while the manure is being placed in or taken from the same. This section shall apply to livery, feed, or sale stables.

7.39 EXPECTORATING IN PUBLIC PLACES PROHIBITED.

(1) No person shall spit, expectorate, or deposit any sputum, spital, saliva, phlegm, mucus, cigarette or cigar stubs, tobacco juice, or wads of tobacco upon the floor or stairway or any part of any theatre, public hall or building, or upon the floor or any part of any railroad car or motor bus or any other public conveyance in the City of Madison, or upon any public sidewalk in the City of Madison.

(2) Any person violating the provisions of this section shall be subject to a penalty of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense.

(Am. by Ord. 7847, 10-15-82; ORD-06-00046, 4-22-06)

7.40 POISON IVY PROHIBITED.

(1) The existence within the limits of the City of Madison of the weed "Rhus Radicans" sometimes called "Radicans Toxicondendron" and "Toxicondendron Radicans", commonly known as poison ivy, is hereby declared to be a public nuisance and a menace to the

public health; and the owner, occupant or person in charge of any property within the City of Madison who shall permit such weed to exist or grow upon any such property shall be deemed guilty of a violation of this section. Each day or fraction of a day on which such weed shall be permitted to exist shall constitute a separate offense.

(2) If any such weeds shall not be destroyed within forty-eight (48) hours after the notice of their existence shall have been given to the owner, occupant or person in charge of the property upon which they are growing, it shall be the duty of the Weed Commissioner to enter upon the property and cause the same to be destroyed at the expense of such property. If any such charge shall not be paid before the preparation of the next tax roll, such charge shall be added to the roll as a special tax and collected in the same manner as other special assessments.

7.41 PENALTY FOR RESISTING DIRECTOR OF PUBLIC HEALTH MADISON AND DANE COUNTY OR NEGLECTING TO COMPLY WITH ORDER OF PUBLIC HEALTH MADISON AND DANE COUNTY. Any person who shall in any way resist any Director of Public Health Madison and Dane County or other officer whose duty it shall be to carry out the provisions of this chapter, while acting in the performance of his/her duty, or who shall resist any such officer in the quarantining or placarding of any house, or who shall remove, deface, or mutilate any placard on said premises, or who shall refuse to obey any order of Public Health Madison and Dane County or Director of Public Health Madison and Dane County issued pursuant to and under authority of the Statutes of the State of Wisconsin or the ordinances of the City of Madison, shall be subject to a fine of not less than twenty dollars ($20) nor more than two hundred dollars ($200) for each offense. (Am. by Ord. 8309, 4-16-84; ORD-15-00009, 1-28-15)

7.42 DUMPING OF RUBBISH.

(1) (a) It shall be unlawful for any person, firm or corporation owning real estate within the City or within one mile of the corporate limits of said City to permit or allow the dumping of garbage, ashes, rubbish, miscellaneous wastes, manure or other substances upon said real estate unless permit therefor is granted by Public Health Madison and Dane County. Such permit shall expire on the 31st day of December of the year in which granted and must be renewed annually. Such dumping without permit is hereby declared a nuisance. Where garbage, ashes, rubbish, manure or other substances are dumped or deposited on the property for which no permit has been authorized under the provisions of this ordinance it shall be the duty of such owner to cause such garbage, ashes, rubbish, manure or other substances to be removed, and in case of the failure of such owner to remove as aforesaid upon ten (10) days notice by Public Health Madison and Dane County such refusal shall constitute an offense and such owner shall be punished under provisions of subsection (5) of this ordinance. (Am. by Ord. 7899, 12-29-82)

(b) No person, firm or corporation shall dump, deposit anywhere within the City or within one mile of corporate limits of said City except in such a place as may be authorized by Public Health Madison and Dane County by permit as described in Subdivision (a) of Subsection (1) of this section, any garbage, ashes, rubbish, miscellaneous wastes, manure or other substances which may contain disease germs or be scattered by the wind, or decompose or become filthy, noxious, or unhealthful. Such dumping without a permit is hereby declared to be a nuisance. It shall also be unlawful to dump or deposit any waste material upon private property unless the written consent of the owner or owner's authorized agent, shall first be obtained and filed with Public Health Madison and Dane County and a permit obtained from the said Department. Such permit shall expire on the 31st day of December of the year in which it is issued and shall be subject to annual renewal. (Am. by Ord. 7899, 12-29-82; ORD-14-00012, 1-14-14)

(c) Public Health Madison and Dane County may, when requested, furnish to the owner of any property within the City a sign or signs citing the prohibitions on dumping under Section 7.42 of the Madison General Ordinances and setting forth the penalties therefor. The owner may post such sign on his/her property. (Cr. by Ord. 9342, 11-30-87)

(2) Upon application filed with Public Health Madison and Dane County and upon Public Health Madison and Dane County finding that the creation and operation of a dump at a particular location will not be or become a nuisance, Public Health Madison and Dane County may issue such permit and include such conditions in said permit as Public Health Madison and Dane County shall deem necessary to insure that the particular dump will not become a nuisance and to protect the health and welfare of the public. Such permit shall not authorize any person to dump any of said substances on private property above the street grade and it shall not be lawful to dump any dirt, ashes, rubbish or other material in any such place unless the same is carefully leveled at the time it is so deposited. In granting the permit Public Health Madison and Dane County may specify the kinds of material that may be dumped at any particular dumping area. (Am. by Ord. 7899, 12-29-82)

(3) Where the owner of private property permits said property to be used for dumping as herein provided, the owner shall be responsible for sanitation and maintenance of such private dumping grounds and Public Health Madison and Dane County may clean and level the same at the owner's expense after twenty-four (24) hours' written notice to such owner. Whenever Public Health Madison and Dane County shall clean and level any dumping ground as herein provided the expense thereof shall be entered as a special tax on the first tax roll prepared after the performance of said work and thereafter said tax shall be treated in all respects as any other City tax and in addition thereto the owner of such property shall be personally liable to the City for such expense. (Am. by Ord. 7899, 12-29-82)

(4) As to any dumps operated outside of the City limits and within one (1) mile thereof, the provisions of this ordinance shall be subject to the approval of the town board of the town in which said dump is located and the owner of private dumps in such towns shall in addition to the permit required by Public Health Madison and Dane County as herein provided, also secure the written permission of the county board where such permission may be required under any county ordinance provision. (Am. by Ord. 7899, 12-29-82)

(5) Any person violating any of the provisions of this section shall be subject to a fine of not more than two thousand dollars ($2000). Each day during which the provisions of this section shall be violated shall be deemed a separate offense. (Am. by Ord. 9342, 11-30-87)

(Am. by ORD-15-00009, 1-28-15)

7.43 RESERVED FOR FUTURE USE. (R. by Ord. 7823, 9-23-82)

7.44 MINIMUM STANDARDS FOR PUBLIC SWIMMING POOLS. Wis. Admin. chs. SPS 390 and ATCP 76 and all subsequent amendments, additions and recodifications thereto are hereby adopted by reference. The minimum standards as provided herein shall apply to all public swimming pools except where a more stringent standard is provided in chs. SPS 390 and ATCP 76 in which case the provision of the Wisconsin Administrative Code shall apply.

(1) Public Swimming Pool Licenses.

(a) No person, firm or corporation may operate a public swimming pool unless the Director of Public Health Madison and Dane County has first issued a Public Swimming Pool license to the operator of the pool. No license shall be issued unless the swimming pool is in full compliance with Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76.

At least seven (7) days prior to opening for business the owner or operator of a public swimming pool shall make application to the Clerk of the City of

Madison for a license. The owner or operator of the public swimming pool shall place her/his personal signature upon the application. The City Clerk shall transmit such application to Public Health Madison and Dane County. Public Health Madison and Dane County shall make such inspections as are necessary to determine whether all requirements of this ordinance have been satisfied. Licenses shall be issued by the City Clerk only after the application therefore has been approved in writing by the Director of Public Health Madison and Dane County. (Am. by ORD-14-00012, 1-14-14)

(b) Public Swimming Pool licensing year shall be from July 1 through the following June 30. However, licenses issued on or after April 1 of one year shall be effective through June 30 of the following year.

(c) No license shall be issued unless the operator shall have first submitted an application for a license and a license fee. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

Category	License Fee
Indoor Swimming Pool	$954
Outdoor Swimming Pool	$504
Each Additional Indoor Pool	$477
Each Additional Outdoor Pool	$318

(Am. by Ord. 12,055, 3-13-98; Ord. 13,306, 4-30-03; Ord. 13,446, 11-7-03; Ord. 13,505, 2-10-04; ORD-06-00156, 11-23-06; ORD-12-00075, 6-20-12)

(d) In addition to any other remedies provided by Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76, any license issued pursuant to this subsection may be suspended for up to thirty (30) days or revoked by the Director of Public Health Madison and Dane County for noncompliance with the provisions of Sec. 7.44, MGO, Wis. Admin. Code chs. SPS 390 and ATCP 76. Upon denial of a license or revocation or suspension of the license of any operator of a public swimming pool the operator may appeal the determination of the Director of Public Health Madison and Dane County to the Board of Health for Madison and Dane County within ten (10) days of the determination by filing a notice of appeal with the City Clerk who shall then promptly notify the members of the Administrative Hearings Committee of the appeal who shall promptly convene for consideration of the appeal. By majority vote, the Committee may reverse or modify the determination of the Director of Public Health Madison and Dane County. Any further appeal shall be to the Circuit Courts of Dane County. (Am. by ORD-05-00033, 2-24-05; ORD-08-00120, 10-24-08)

(2) Penalty. Any person violating any of the provisions of this chapter for which a penalty is not already provided herein shall be punished by a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense. Each day or portion thereof shall constitute a separate offense.

(Sec. 7.44 R/Re-Cr by Ord. 11,211, 3-31-95; Am. by Ord. 13,446, 11-7-03; ORD-12-00035, 3-28-12; ORD-15-00009, 1-28-15)

7.45 AIR POLLUTION CONTROL.

(1) The purpose of this subsection is to prohibit or strictly control the burning of materials in the City of Madison because of the air and water pollution which results from such burning. It is felt that only by completely prohibiting the outside burning of rubbish, leaves and other combustibles, can this unnecessary pollution be abated.

(2) No person, firm or corporation shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish or other material or permit the same to be done within the City of Madison upon any public street, court or alley, or upon any premises, except upon application for and issuance of a time specific permit therefore by Public Health Madison and Dane County and the Madison Fire Department, provided that this subdivision shall not apply to the burning of wood in interior fireplaces nor to the burning of charcoal or similar substances outdoors for noncommercial cooking when such burning is done without danger of spread of fire. (Am. by Ord. 7899, 12-29-82)

(3) The use of outdoor portable incinerators, drums, barrels or other containers or outdoor or inside fireplace for the burning of leaves, trash, garbage or refuse is hereby prohibited, except upon application for and issuance of a time specific permit by Public Health Madison and Dane County and the Madison Fire Department. (Am. by Ord. 7899, 12-29-82)

(4) Any burning permitted under Subsections (2) or (3) shall be done in a safe and nuisance free manner in accordance with Madison Fire Department rules and regulations at times, locations and in a manner specified by the Madison Fire Department.

(5) Copies of all burning permits issued shall be immediately forwarded to the Chief of Police and Director of Public Works, who with the Director of Public Health Madison and Dane County and the Fire Department Chief will examine semiannually all permits issued during the previous period and establish future permit issuing policies.

(6) Burning permits may be canceled by the issuing authorities, Public Health Madison and Dane County and the Fire Department, by written notice to the permit holder of the reasons for the cancellation. (Am. by Ord. 7899, 12-29-82)

(Am. by ORD-15-00009, 1-28-15)

7.46 WATER POLLUTION CONTROL.

(1) Legislative Intent. This ordinance is designed to prevent any potentially polluting substance from reaching lakes or streams where it can create hazard to health, a nuisance or produce ecological damage and to assess responsibility and costs of clean-up to the responsible party.

(2) Definitions. In this section:

"Person" means an individual, owner, operator, corporation, partnership, association, limited liability company, municipality, interstate agency, state agency or federal agency.

"Potentially polluting substance" means any dredged soil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, sump pump residue, and industrial, municipal and agricultural waste discharged into water. (Cr. by Ord. 12,171, 7-20-98)

(3) Discharge or Release Prohibited. It shall be unlawful for any person to release, discharge, or permit the escape of any potential polluting substance into the waters of Lakes Mendota, Monona, Wingra or any part of Lake Waubesa adjacent to the boundaries of the City of Madison, or into any lake or stream in or under the jurisdiction of the City of Madison, or into any street, sewer, ditch or drainageway leading into any lake or stream, or to permit the same to be so discharged to the ground surface. (Am. and Renum. by Ord. 12,171, 7-20-98)

(4) Exception. This section shall not apply to discharge of non-storm water permitted in accordance with Section 7.47.

(5) Clean-up of Spilled or Accidentally Discharged Wastes. Any persons delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall

immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of the City of Madison. (Am. and Renum. by Ord. 12,171, 7-20-98)

(6) Duty of Notification. Spills or accidental release of hazardous materials or potentially polluting substances at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible person shall be reported immediately to the emergency number for the Madison Police Department, 911, so that assistance can be given by the proper agency. (Am. and Renum. by Ord. 12,171, 7-20-98)

(7) Financial Liability. The person responsible for the release, escape or discharge of potentially polluting substances may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by the City of Madison, or its designated agent, in an effort to minimize the polluting effects of the discharged substance. (Am. and Renum. by Ord. 12,171, 7-20-98)

(8) Storage of Polluting Substances. It shall be unlawful for any person to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream in or under the jurisdiction of the City of Madison. (Am. and Renum. by Ord. 12,171, 7-20-98)

(9) Enforcement Responsibility. The Director of Public Health Madison and Dane County or her/his designee shall have the administrative responsibility for the enforcement of this ordinance. (Am. and Renum. by Ord. 12,171, 7-20-98; Am. by ORD-15-00009, 1-28-15)

(10) Penalty. Any person failing to comply with this ordinance may be subject to a fine of not less than fifty dollars ($50) no more than two thousand dollars ($2000). Each day of violation shall constitute a separate offense. (Am. and Renum. by Ord. 12,171, 7-20-98; Am. by ORD-08-00140, 12-23-08)

(Sec. 7.46 R. & Recr. by Ord. 5041, 6-4-75; Am. by Ord. 12,171, 7-20-98)

7.47 REGULATIONS OF DISCHARGE OF NONSTORM WATER.

(1) Legislative Intent. This ordinance with its effluent quality requirement has as its specific objectives, the prevention of the introduction of materials in quantity or concentration that may:

(a) Be potentially dangerous to human health;

(b) Be potentially harmful, toxic, injurious, or destructive to the assemblage of native plants, animals, and aquatic organisms, normally found in our lakes, streams and wetlands;

(c) Contribute adversely to the nutrient problem of the Madison lakes;

(d) Degrade the esthetic quality of the receiving water;

(e) Adversely affect the quality of the groundwater within the City;

(f) Impair any designated Federal, Wisconsin, Dane County, or City of Madison water quality standards or delay achievement of Wisconsin's water quality goals.

(Am. by Ord. 12,170, 7-20-98)

(2) Definitions. In this section:

"Department" means Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

"Effluent" means an overflow or discharge.

"Groundwater(s)" means the portion of subsurface water which is within the zone of saturation and includes but is not limited to perched water tables, shallow regional groundwater tables, and aquifiers or zones that are seasonally, periodically or permanently saturated.

"Nonstorm water" means water from a source other than melting snow or rainfall.

"Permit" means a permit for the discharge of pollutants issued by the Department.

"Person" means an individual, owner or operator, corporation, partnership, association, limited liability company, municipality, interstate agency, state agency, or federal agency.

"Potential polluting substance" means any dredged soil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, sump pump residue, and industrial, municipal and agricultural waste discharged into water.

"Storm water" means storm water runoff, snow or ice melt runoff, and surface runoff and drainage.

"Surface water(s)" means all natural and artificial named and unnamed lakes and all naturally flowing streams, but does not include cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters.

"Wastewater" means cooling water, contaminated storm water, noncontact cooling water, process wastewater, sewage or any combination of these. (Cr. by Ord. 12,170, 7-20-98)

(3) Permit. No person shall discharge any nonstorm water or connect any nonstorm water facility to the storm sewer system, or directly into any lake or stream in or under the jurisdiction of the City of Madison, or into any ditch or drainageway leading into such lakes and streams without first having obtained a permit therefor as required by this section. (Am. and Renum. by Ord. 12,170, 7-20-98)

(4) Application. The aforesaid permit shall be obtained by submitting a written application to the Department on forms provided by the City one month prior to the commencement of discharge. The applications shall include, but not be limited to, the following:

(a) Name, location and description of the applicant's property;

(b) Name and address of the owner of the property;

(c) Name, address and telephone number of property owner's agent or contact person.

(d) Name, address and telephone number of plumbing or consulting firm, if applicable.

(e) Source of or type of wastewater, estimated peak flow in gallons per minute, estimated daily average flow in gallons per day, estimated temperature at point of discharge, and a list of any expected chemical additives or other substances discharged, and their concentration;

(f) A sketch drawn to scale of the property, showing:

1. location of discharge, and
2. receiving sewer or other receiving drainage or water body, and
3. proper sampling facility within the building, or
4. a four (4) foot diameter Madison Standard Storm Sewer Manhole or other approved access point for the purpose of sampling.

(Am. and Renum. by Ord. 12,170, 7-20-98)

(5) Availability and Connect Cost. The receiving sewer, ditch, or drainageway shall have sufficient capacity and the effluent shall not damage said sewer, ditch or drainageway as determined by the City Engineering Division. The City Engineer shall estimate the cost for the sewer connection and the cost to extend service to the applicant's property line. (Am. and Renum. by Ord. 12,170, 7-20-98)

(6) Effluent Quality Requirements.

(a) The effluent shall not pollute surface water or groundwaters and the effluent shall not degrade the quality of the receiving water below standards established by the State of Wisconsin. (Am. by Ord. 7899, 12-29-82)

(b) Guided by applicable City, State and Federal water quality requirements, the Department shall establish effluent quality requirements for each proposed

nonstorm water discharge to the storm sewer system or into any lake or stream in or under the jurisdiction of the City or into any ditch or drainageway leading into such lakes and streams. (Am. by Ord. 8646, 8-2-85)

(c) Effluent quality requirements may be revised from time to time as required by law. Discharges pursuant to initially prescribed requirements shall not create a vested right of the permit holder to continue such discharge. Permit holders must at all times meet revised effluent quality requirements for the nonstorm water specifically approved for discharge under the permit.

(d) Wis. Admin. Code chs. NR 102-106, are adopted by reference.

(Am. and Renum. by Ord. 12,170, 7-20-98)

(7) Sampling Facilities and Plumbing Standards. Required sampling facilities shall be installed prior to the commencement of any discharge or upon completion of any repair or alteration to any existing source of discharge. Permit holders shall comply at all times with state or local plumbing codes. (Am. and Renum. by Ord. 12,170, 7-20-98)

(8) Approval Process.

(a) The City Engineer or designee and the Director of Public Health Madison and Dane County or designee shall review the application according to the effluent quality requirements. If the requirements are met, the applicant shall be issued a permit by the Department.

(b) Fees. The applicant shall pay to the City:

1. a nonrefundable seventy-five dollar ($75) application fee at the time of application before discharge begins;
2. the cost of connection and extension of service before discharge begins;
3. an annual discharge permit fee prior to July first for each year. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the license fee or a minimum of $3.00, whichever is greater. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. The annual discharge permit fee shall be in accordance with the following schedule of discharge volumes and said volumes shall be based upon the best available data:

Annual Discharge in Gallons	Fee
Up to 50,000	$150
50,001 to 100,000	180
100,001 to 1,000,000	240
1,000,001 to 10,000,000	480
10,000,001 to 100,000,000	840
Greater than 100,000,000	1440

Discharge fees for new sources of discharge shall be based upon the best available estimates of discharge volume. (Am. by ORD-08-00141, 12-23-08)

(c) The owner or owner's agent shall admit to the property at any reasonable time duly authorized City employees to sample the effluent quality and/or inspect all required plumbing facilities;

(d) To have a permit in good standing, the applicant shall maintain the prescribed effluent quality requirements.

(e) Any change in type or amount of flow of discharge requires the written approval of the City Engineer and Director of Public Health Madison and Dane County. (Am. & Renum. by Ord. 12,170, 7-20-98)

(9) Revocation of Permit.

(a) If investigation reveals that the effluent in any way does not meet the effluent quality requirements prescribed by the Department or the permitted volume discharges, the owner or owner's agent shall be notified and given a time specified not to exceed thirty (30) days by the permit-issuing authorities within which to correct the deficiencies noted. Failure to make correction within the specified time limits will result in automatic revocation of the permit.

(b) After a permit has been so revoked, a new application shall be made and acted upon through the procedures set out herein before discharge may again be started. (Am. by Ord. 7899, 12-29-82)

(Am. and Renum. by Ord. 12,170, 7-20-98)

(10) Appeal.

(a) Any applicant or permit holder aggrieved by an order of the Director of Public Health Madison and Dane County may request a hearing to appeal the order. A request for a hearing shall be submitted to the Board of Health for Madison and Dane County within fifteen (15) days after issuance of the order; otherwise, the right to request a hearing shall be deemed waived.

(b) The matter shall be heard before a subcommittee of the Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. All parties shall be notified of the date, time and location of the hearing to be set no more than thirty (30) days nor less than ten (10) days after the request has been received by the Board of Health for Madison and Dane County. At the hearing the applicant or permit holder and the Director of Public Health Madison and Dane County may be represented by counsel, shall have the opportunity to present evidence, and shall be able to call and cross-examine witnesses. Within ten (10) days of the hearing, the subcommittee shall issue a written decision stating the reason therefor. The decision shall be mailed to the addresses provided by the parties.

(c) The decision of the subcommittee shall be a final determination and shall be subject to review in Circuit Court of Dane County as may be provided by law. Any party aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(Cr. by Ord. 12,170, 7-20-98; Am. by ORD-05-00033, 02-24-05)

(11) Limitation on Regulation. Nothing in these regulations shall prevent ordering effluents that do not meet prescribed effluent quality requirements out of the storm sewer or stopping their discharge into any stream or lake in or under the jurisdiction of the City of Madison. (Renum. by Ord. 12,170, 7-20-98)

(12) Inspection of Records. All permit records shall be open to public inspection. (Renum. by Ord. 12,170, 7-20-98)

(13) Penalty. Any person who shall violate the provisions of this ordinance or who shall refuse to comply with any lawful order issued pursuant to the provisions of this ordinance shall be fined not less than fifty dollars ($50) nor more than two thousand dollars ($2000) for each and every violation hereof, each day of violation shall constitute a separate offense. (Am. by ORD-08-00140, 12-23-08)
(Am. & Renum. by Ord. 12,170, 7-20-98)

(Am. by ORD-15-00009, 1-28-15)

7.48 REGULATION OF THE SALE, APPLICATION AND USE OF FERTILIZERS.

(1) Purpose. The Common Council finds that the Madison lakes are natural assets which enhance the environmental, recreational, cultural and economic resources of the Madison area and contribute to the general health and welfare of the public. The Common Council further finds that Madison lake water quality may be maintained and improved if the City is able to regulate the amount of nutrients and contaminants including phosphorus

contained in fertilizer entering the Madison lakes as a result of runoff from lawns and turf. The purpose of this ordinance is to set forth regulations which will enable the City to protect its water resources for the health, safety, and welfare of the public without detracting from the natural beauty of homeowners' lawns and gardens.

(2) Definitions.

"Distribute" has the meaning specified under Wis. Stat. § 94.64(1)(d).

"Fertilizer" has the meaning specified under Wis. Stat. § 94.64(1)(e).

"Impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

"Turf" has the meaning specified under Wis. Stat. § 94.643(1)(b).

(3) It shall be unlawful for any person to apply to turf within the City any fertilizer, liquid or granular, that is labeled as containing phosphorus or available phosphate.

(4) It shall be unlawful for any person to apply or deposit any fertilizer on an impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or any other lawful site, or returned to the original or other appropriate container.

(5) Time of Application. It shall be unlawful for a person to apply fertilizer when the ground is frozen or when conditions exist which promote or create runoff.

(6) It shall be unlawful for any person to display or distribute for retail sale fertilizer labeled as containing phosphorus or available phosphate. This prohibition shall apply to the fertilizer content of a product that combines fertilizer with a pesticide. Signs may be posted advising customers that fertilizer containing phosphorus or available phosphate is available upon request for uses permitted by sub. (7)(a). A sign containing the regulations set forth in this section and the effects of phosphorus on Dane County's waters must be prominently displayed where fertilizers are sold. (Am. by ORD-05-00034, 2-24-05)

(7) Exceptions.

(a) Subsection (3) shall not apply when:

1. a tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service, provided that the proposed fertilizer application shall not contain an amount of phosphorus or available phosphate exceeding the amount and rate of application recommended in the soil test evaluation;
2. the property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season.

(b) Any person who applies a fertilizer containing phosphorus or available phosphate pursuant to the aforementioned exceptions shall, consistent with the product label instructions, water such fertilizer into the soil where it is immobilized and generally protected from loss by runoff.

(c) Subsection (6) regarding the prohibition of the distribution of fertilizer containing phosphorus shall not apply when the customer states:

1. a tissue, soil or other test by UW-Extension Laboratory or another state-certified soil-testing laboratory and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth, as determined by the University of Wisconsin Extension Service;
2. the property owner or an agent of the property owner is first establishing or re-establishing turf via seed or sod procedures, and only during the first growing season.

(Am. by ORD-05-00034, 2-24-05)

(8) Penalty. Any person who violates this ordinance shall pay a forfeiture of not less than fifty dollars ($50) nor more than two thousand dollars ($2000) for each offense.

(Sec. 7.48 Cr. by Ord. 4654, 8-2-74; Am. by Ord. 13,532, 2-24-04; ORD-09-00154, Pub.11-20-09, Eff. 4-1-10)

7.49 STANDARDS FOR EXTERIOR PAINTING AND REMODELING.

(1) Scope. Owners of buildings and structures built before 1978 shall paint or remodel or cause to be painted or remodeled any painted exterior surface of such buildings or structures in conformity with the standards set forth in this section. These standards also apply if the age of the building or structure cannot be established by the owner to the satisfaction of Public Health Madison and Dane County.

(a) Painting or remodeling includes but is not limited to work involving construction, alteration, repair, painting, paint removal or decorating.

(b) A painted exterior surface means an exterior surface covered with a paint or other surface coating material.

(c) An exterior surface may include but is not limited to walls; windows, window assemblies and trim; soffit; facia; doors, door assemblies and trim; porch and balcony floors and ceilings; columns; handrails and guardrails; and foundations.

(Sec. 7.49(1) Am. by Ord. 11,910, 7-29-97; ORD-15-00009, 1-28-15)

(2) Standards for Paint Removal Methods.

(a) The following methods shall not be used to remove paint or other surface coating materials without the use of adequate engineering controls:

1. Open flame burning;
2. Power tool cleaning including but not limited to machine sanding or machine grinding;
3. Open-air abrasive blasting or stripping using sand, steel grit, steel shot, aluminum oxide, water or other abrasive media.

(b) The methods listed in Subdivision (a) above may be used only with adequate engineering controls to the extent feasible to reduce public exposure to lead. Adequate engineering controls include but are not limited to vacuum attachments equipped with high efficiency particulate accumulator (HEPA) filters, partial containment structures, total containment structures under negative pressure or other method approved by the Director of Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

(3) Safety Procedures.

(a) All windows, doors, HVAC intake vents and other entry ways into the building or structure shall be kept closed, or sealed if necessary, while work is being performed. (Am. by Ord. 11,910, 7-29-97)

(b) Plastic sheeting shall be used to prevent accumulation of dust and debris on the soil, vegetation or other surfaces adjacent to the work area. At a minimum, plastic sheeting shall be securely attached to the building or structure and extend the length of the work area. (Am. by Ord. 11,910, 7-29-97)

(c) All visible dust and debris in and around the work area and all waste work materials such as tape, plastic sheeting, mop heads, cleaning cloths, sponges, disposable clothing, filters and other disposable work materials must be cleaned up at the end of each work day during the entire painting or remodeling project. The dust, debris and disposable work materials must be placed in double 4 mil or single 6 mil plastic bags.

(d) Waste generated during the project shall be disposed of in conformance with all applicable local, state and federal laws and regulations. Waste shall be transported and disposed of in such a manner as to prevent lead from becoming airborne.

(4) Warning Notice. At least two warning signs shall be conspicuously posted adjacent to the work area. The signs shall be posted at the beginning of the project and remain posted until the project has been completed. The signs shall measure at least eleven (11) inches by eight (8) inches and display the following wording:

Caution - Paint Removal Work Area
Danger to Children and Pregnant Women

(5) Exemption. Persons are exempt from this ordinance if there is no lead-bearing paint present on the surfaces to be painted or remodeled or if there is no lead-bearing paint disturbed by the painting or remodeling process. Lead-bearing paint means any paint or other surface coating material containing more than 0.06% lead by weight, or showing a lead concentration of more than 0.7 milligrams of lead per square centimeter (0.7 mg/cm2) of surface area. This determination must be made prior to removing or disturbing the paint by a laboratory certified to do lead analysis through the Environmental Lead Laboratory Accreditation Program. Paint chip samples must be collected according to instructions provided by the accredited laboratory. Acceptable paint chip samples must include all layers of paint and omit any surface material such as wood, masonry, etc. A finding of no lead-bearing paint must be supported with written documentation showing who performed the testing specifying the company or lab name and address and technician name, the date of testing, the test method used, the location and type of surface tested and the test result for each sample. (Am. by Ord. 11,910, 7-29-97)

(6) Penalties. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than one thousand dollars ($1000) and each day or fraction of a day on which any provision of this ordinance is violated shall be deemed a separate offense.

(7) (R. by Ord. 11,910, 7-29-97)

(Sec. 7.49 Cr. by Ord. 10,886, 4-15-94)

7.50 PRE-INSPECTION PERMITS AND FEES AND CHANGES OF OWNERSHIP AND REINSPECTION FEES.

(1) Requirement. Before opening for business, every operator of an enterprise requiring: a food and drink permit; a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational, educational camp or campground permit, shall obtain a permit from Public Health Madison and Dane County through application made upon a form furnished by the Department. A permit or license shall not be granted to an operator without a pre-inspection. The permit or license shall be conspicuously displayed in or near the licensed facility. (Am. by Ord. 11,817, 3-31-97; ORD-15-00009, 1-28-15)

(2) Change of Ownership. Every operator of an enterprise requiring a food and drink permit, a hotel or tourist rooming house or a swimming pool shall promptly notify Public Health Madison and Dane County in writing of his or her intention to cease operations and shall also supply the Department with the names and post office addresses of any prospective new operators. (Am. by ORD-15-00009, 1-28-15)

(3) Requested Inspections. Any operator or prospective operator of an enterprise requiring a food and drink permit or a hotel or tourist rooming house license or a swimming pool license, who requests an inspection shall pay the pre-inspection fee herein set forth before said inspection.

(4) Pre-Inspection Fees. Pursuant to authority set forth in Wis. Stat. § 97.615, the fee for a pre-inspection shall be three hundred seventy-five dollars ($375) for each inspection. A separate pre-inspection fee shall be paid for each category of permit or license. Except food and drink establishments that are primarily retail or taverns that do not serve food and do not engage in food processing the pre-inspection fee shall be one hundred dollars

($100) for each pre-inspection. (Am. by Ord. 11,817, 3-31-97; Am. by Ord. 12,729, 12-14-00; Ord. 13,306, 4-30-03; Ord. 13,505, 2-10-04; ORD-06-00156, 11-23-06; ORD-12-00075, 6-20-12)

(5) Inspection Fees. Public Health Madison and Dane County may charge a State of Wisconsin licensed operator or entity an inspection fee of twenty five dollars ($25) per day.

(6) Re-Inspection Fees. If Public Health Madison and Dane County re-inspects an establishment regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the establishment owner or operator a re-inspection fee of one hundred and fifty dollars ($150) for the first re-inspection and two hundred and fifty dollars ($250) for second and subsequent re-inspections. A re-inspection fee is payable when the re-inspection is completed, and due upon written demand from Public Health Madison and Dane County.

(7) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require an operator of a new or extensively remodeled food establishment to submit equipment layout plans, equipment schedules, detailed descriptions of food processing operations, and menus for review as requested. Public Health Madison and Dane County shall charge the establishment owner or operator of a new food establishment three hundred seventy-five dollars ($375) for a plan review and two hundred and fifty dollars ($250) for a plan review of an existing licensed food establishment that will be extensively remodeled .

(8) Fees for Special Conditions Inspections. Public Health Madison and Dane County may charge for an inspection or consultation services that are not directly related to Public Health Madison and Dane County's permitting and licensing responsibilities. Public Health Madison and Dane County may charge the operator or entity requesting the inspection or consultation a fee of two hundred and fifty dollars ($250).

(9) Fees for Hazard Analysis and Critical Control Point (HAACP) Plan Review. Public Health Madison and Dane County may charge a fee of one hundred dollars ($100) for an HAACP plan review and subsequent annual verification to the operator or entity required by law to submit an HAACP plan for approval.

(Section 7.50 Cr. by Ord. 8551, 3-18-85; Am. by ORD-16-00111, 12-14-16)

7.51 HOTELS, MOTELS, BED AND BREAKFAST ESTABLISHMENTS AND TOURIST ROOMING HOUSES. (Title Am. by Ord. 8743, 12-31-85; Ord. 13,384, 8-23-03; ORD-16-00111, 12-14-16)

(1) Adoption by Reference. Wis. Admin. Code chs. ATCP 72 and 73 and subsequent amendments, additions and recodifications, are adopted by reference except for those provisions found elsewhere in the Madison General Ordinances which impose stricter standards, in which case the said ordinance provisions shall prevail. (Am. by Ord. 8743, 12-31-85; ORD-12-00035, 3-28-12)

(2) Definitions.

Department. Whenever the term "department" is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise. (Am. by ORD-15-00009, 1-28-15)

Bed and Breakfast Establishments means any place of temporary lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for a length of stay not to exceed twenty-one (21) consecutive days, is the owner's principal residence, is occupied by the owner at the time of rental and while renters are on the premises, and in which the only meal served is breakfast. (Am. by Ord. 10,948, 7-30-94; ORD-13-00146, 9-11-13)
(Am. by Ord. 8743, 12-31-85)

(3) Fees. The annual fee for Hotels, Motels, and Tourist Rooming Houses shall be based upon the number of rooms held open for the use of the public on the licensed premises. The annual fee for Bed and Breakfast Establishments shall be a flat rate. The licensing year shall be from July 1 through the following June 30. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee or a minimum of three dollars ($3.00), whichever is greater. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. The fee herein established shall be for one year or a fractional part thereof.

Hotels and Tourist Rooming Houses:

Number of Rooms	License Fee
1 - 4	$149
5 - 30	$209
31 - 99	$297
100 - 199	$429
200 or more	$484

Bed and Breakfast Establishments: $149

(Am. by Ord. 11,817, 3-31-97; Ord. 13,306, 4-3-03; Ord. 13,384, 8-23-03; Ord. 13,505, 2-10-04; ORD-12-00075, 6-20-12; ORD-16-00111, 12-14-16)

(4) Fees are established pursuant to authority found in Wis. Stat. § 254.69. (Am. by Ord. 11,817, 3-31-97)

(Section 7.51 Cr. by Ord. 8552, 3-18-85)

7.52 RECREATIONAL AND EDUCATIONAL CAMPS.

(1) Adoption by Reference. Wis. Admin. Code ch. ATCP 78 and all subsequent amendments, additions, and recodifications thereto are hereby adopted by reference.

(2) Definition.

Department. Whenever the term department is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise.

(3) Appeal Procedure. Any operator aggrieved by an order of Public Health Madison and Dane County under Wis. Admin. Code ch. ATCP 78 may appeal in accordance with the provisions of Wis. Stat. § 66.0417, to a subcommittee of the Board of Health for Madison and Dane County consisting of at least three (3) members. After the hearing, the subcommittee may affirm, set aside, or modify the order by majority vote. Any further appeal shall be to the Circuit Court of Dane County.

(4) Fees. The following license fee is hereby established for the period of July 1 through the following June 30 or for any portion of said time period.

Number of Camps at Same Location	Fee
1 - 5	$300
6 - 10	$400
11 or more	$700

(Sec. 7.52 Cr. by Ord. 10,949, 7-30-94; Ord. 13,306, 4-30-03; Ord. 13,505, 2-10-04; Am. by ORD-05-00033, 2-24-05; ORD-06-00156, 11-23-06; ORD-12-00035, 3-28-12; ORD-15-00009, 1-28-15)

7.53 CAMPGROUNDS.

(1) Adoption by Reference. Wis. Admin. Code ch. ATCP 79 and all subsequent amendments, additions, and recodifications thereto are hereby adopted by reference.

(2) Definition.

Department. Whenever the term department is used in the aforesaid Wisconsin Administrative Code, it shall be construed to mean Public Health Madison and Dane County unless the context clearly demonstrates otherwise.

(3) Appeal Procedure. Any operator aggrieved by an order of Public Health Madison and Dane County written pursuant to Wis. Admin. Code ch. ATCP 79 of the may appeal such order in accordance with the provisions of Wis. Stat. § 66.0417, to a subcommittee of the Board of Health for Madison and Dane County consisting of at least three (3) members. After the hearing, the subcommittee may affirm, set aside, or modify the order by majority vote. Any further appeal shall be to the Circuit Court of Dane County. (Am. by ORD-05-00033, 2-24-05)

(4) Fees. The following license fees are hereby established for the period July 1 through the following June 30 or for any portion of said time period.

Number of Sites at Same Location	Fee
1 - 25	$200
26 - 100	$350
Over 100	$500

(Sec. 7.53 Cr. by Ord. 10,964, 8-15-94; Am. by Ord. 13,601, 5-11-04; ORD-12-00035, 3-28-12; ORD-15-00009, 1-28-15)

7.54 RELATIONSHIP OF CITY FEES TO STATE FEES.

The fees set forth in this chapter are city fees and are in addition to any state fees which may be imposed for the same activity or subject matter. No part of any state fee which is refunded by the city or which is retained by the city shall be included in calculating the city fee under this chapter. (Cr. by ORD-08-00008, 1-24-08)

7.55 OUTDOOR WOOD BOILERS PROHIBITED. (Health/Building Inspection)

(1) Definition. "Outdoor wood boiler" as used in this section means any self-contained stove designed for the combustion of solid fuel and connected to a home or other building through underground piping. Outdoor wood boilers are also called wood-fired furnaces, wood-fired stoves, and outdoor furnaces.

(2) No person shall install, use, or maintain any outdoor wood boiler within the City of Madison.

(3) Pre-existing Outdoor Wood Boilers. Any person with an outdoor wood boiler installed and operating prior to the effective date of this Ordinance, may apply for a permit to continue to operate the boiler under the following conditions:

a. All outdoor wood boilers shall be operated in accordance with the manufacturer's directions, except as otherwise provided herein.

b. No industrial waste, rubber, plastic, used motor oil, toxic chemicals, hazardous waste, yard waste, painted or chemically treated wood, processed wood products, household garbage, cardboard, waste paper or animal waste shall be burned in the outdoor wood boiler.

c. Outdoor wood boilers shall not be operated between April 1 and October 15.

d. Outdoor wood boilers shall not be operated in a manner that produces excessive smoke, dust, or odors.

e. Outdoor wood boilers shall meet all applicable state and federal emission standards.

f. Upon the transfer of title of a home or other building with an outdoor wood boiler, neither the valid permit nor the right to operate the existing boiler shall be transferred to the new owner.

(4) Permits for Pre-Existing Wood Boilers. The permit shall be issued by the City Clerk based on an application form provided by that office and payment of a $50 fee. The permit shall be valid for one year from the date of issue and may be renewed only by the original permit holder.

(5) Any person who shall violate any provision of Section (3) shall have their permit revoked.

(6) Boilers for utility, municipal, industrial and research purposes constructed under WDNR air emissions permits and in compliance with air quality standards are exempt from this ordinance.

(7) Any person operating an outdoor wood boiler without a permit upon conviction of such may be subject to a forfeiture of not more than two hundred ($200) dollars. Each day such violation continues shall be considered a separate offense.

(Sec. 7.55 Cr. by ORD-09-00029, 2-19-09)

7.56 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

7.57 - 7.59 RESERVED FOR FUTURE USE.

7.60 PENALTY.

Any person violating any of the provisions of this chapter for which a penalty is not already provided herein shall be punished by a forfeiture of not less than ten dollars ($10) nor more than two hundred dollars ($200) for each offense.

(Renumbered by Ord. 4654, 8-2-74)

CHAPTER 8

PUBLIC PROPERTY

Section

8.01	Purchasing Agent to Have Charge of Personal Property.
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8.11	Forest Hill Cemetery.
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8.188	Anchoring and Mooring of Watercraft Regulated. (Cr. by Ord. 9779, 5-12-89)
8.19	Animals Prohibited in Certain Areas. (Am. by Ord. 4247, 6-22-73)
8.20	Fishing in Lake Monona at South Livingston Street Prohibited.
8.21	Public Parks to be Closed During Certain Hours.
8.215	Use of Parks for Lake Access. (Am. by Ord. 9265, 9-14-87; Ord. 13,603, 5-11-04)
8.22	Fishing in Certain Areas in Tenney Park Prohibited.
8.23	Use of Public Golf Courses Restricted to Golfing Purposes.
8.24	Alcohol Beverage Control and Container Control on Certain Public Property. (Am. by Ord. 8404, 8-7-84; Am. by Ord. 10033, 5-29-90)
8.25	Trapping on Public Lands Prohibited Except by Permit.
8.26	Temporary Structure Prohibited Without Permit. (Cr. by Ord. 10,432, 5-1-92)
8.265	Lodging in Parks Prohibited. (Cr. by Ord. 10,849, 2-28-94)
8.27	Snow Mobile and Cross-Country Ski Regulations. (Am. by Ord. 12,512, 12-20-99)
8.28	Naming of Parks. (Cr. by Ord. 4392, 11-30-73)
8.29	Public Address Systems in Parks. (Cr. by Ord. 5307, 2-10-76)
8.30	Radio-Controlled Toys Prohibited in Parks. (Am. by Ord. 11,981, 12-12-97)
8.31	Bicycles in Parks. (Cr. by Ord. 5510, 6-19-76)
8.32	Disc Golf. (Cr. by ORD-13-00032, 3-27-13)
8.33	Edible Landscape on City-Owned Land. (Cr. by ORD-13-00063, 4-24-13)
8.34	Gambling in Parks Prohibited. (Cr. by Ord. 8900, 6-26-86)

8.35 Preservation of Shoreline Parks. (Cr. by Charter Ord. 65, Adopted by Referendum 4-7-92)
8.36 Play Golf on City Lands Restricted to Golf Courses. (Cr. by Ord. 10,699, 7-30-93)
8.37 Play of Tournament without Permit Prohibited. (Cr. by Ord. 11,221, 3-31-95)
8.38 Monona Terrace Community and Convention Center. (Cr. by Ord. 12,168, 7-20-98)
8.39 Olin Terrace Use Permit. (Cr. by Ord. 12,168, 7-20-98)
8.40 Preservation of Conservation Parks (Cr. by Ord. 12,372, 5-6-99)
8.41 Downtown Coordinating Committee. (Cr. by Ord. 12,655, 7-28-00)
8.42 Feeding Birds on Public Property Prohibited. (Cr. by Ord. 13,130, 8-28-02)
8.43 Public Swimming Pools. (Cr. by ORD-05-00085, 5-10-05)
8.44 Lost or Abandoned Property. (Cr. by CHA-13-00004, Pub. 7-26-13, Eff. 9-20-13)

8.01 PURCHASING AGENT TO HAVE CHARGE OF PERSONAL PROPERTY.
In addition to the duties and powers vested in the Purchasing Agent under the provisions of Section 4.27(2)(a) of the City Ordinances, there is hereby vested in her or him the supervision of all movable property belonging to the City unless express provision is made to the contrary by ordinance. Said Purchasing Agent shall be accountable for all personal property belonging to the City and shall make such provision for storage and care of such property as shall be necessary or desirable for the safekeeping of such property. (Am. by ORD-14-00012, 1-14-14)

8.02 INVENTORY. The Purchasing Agent shall keep and maintain a perpetual inventory of personal property of such City, and shall file copies of inventory with the Finance Director. He or she shall notify the Finance Director of purchase of new equipment and the disposition of any City property belonging to the City, by sale or otherwise. (Am. by Ord. 8762, 12-31-85; ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

8.03 PERSONS IN CHARGE OF CITY PROPERTY TO BE RESPONSIBLE FOR SAME.
Any officer or employee of the City receiving supplies, articles or materials shall be responsible to the Mayor and the Purchasing Agent for the preservation of the same in good order and condition, reasonable wear and tear excepted; and except as to such supplies, articles or materials as are consumed in the business of the City each such officer or employee shall be responsible for any loss or damage caused by negligence, abuse or misconduct on her/his part. (Am. by ORD-14-00012, 1-14-14)

8.04 PROPERTY UNSUITABLE FOR USE TO BE REPORTED TO PURCHASING AGENT.
It shall be the duty of any officer or employee of the City having in her/his possession or under her/his immediate control any personal property belonging to the City to report and turn over any such personal property which has become unsuitable for use by such department because of deterioration or for any other reason, to the Purchasing Agent who shall dispose of the same as hereinafter provided. (Am. by ORD-14-00012, 1-14-14)

8.05 TRANSFER OF PERSONAL PROPERTY FROM ONE DEPARTMENT TO ANOTHER.
If at any time the Purchasing Agent shall find that any such property reported to be used in some other department of the City, the Purchasing Agent may turn such property over to the department needing the same upon receipt of a requisition therefor from the head of such department; and the one department shall thereupon be credited with the return of such property, which shall be charged to the department receiving the same. Every such transaction shall be reported by the Purchasing Agent to the Finance Director. (Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

8.055 SALEABLE LOGS.
Upon a determination that a former City tree could have marketable value if sold for lumber, City divisions may inform the Parks Superintendent, who may take possession of any such City-owned logs. Any such saleable logs may be stockpiled and sold or disposed of by the Parks Superintendent

in a manner consistent with the City's interests, which may include consideration of non-monetary interests such as the reuse of local materials. If any logs are sold or disposed of under this Section, the Parks Superintendent shall report annually to the Council about the program and the manner of disposition.
(Cr. by ORD-15-00058, 5-27-15)

8.06 DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN TWO HUNDRED DOLLARS. The Purchasing Agent shall have the power to dispose of or sell any personal property belonging to the City, which has become deteriorated or unfit for City use, and which shall have an estimated value of not more than two hundred dollars ($200), said value to be determined by the Purchasing Agent, without securing bids therefor. Proceeds of such sale shall be paid to the City Treasurer.

8.07 DISPOSAL OF PERSONAL PROPERTY VALUED AT MORE THAN TWO HUNDRED DOLLARS. Any personal property belonging to the City which has become deteriorated or unfit for City use, and which shall have an estimated value of more than two hundred dollars ($200) in the opinion of the Purchasing Agent, shall be disposed of as follows:

(1) Notice of the time and place of the sale of such property shall be published in the official newspaper or posted in such places within the City as to attract probable purchasers, at least ten (10) days before such sale.

(2) At least ten (10) days before such sale, written notice shall be given to the heads of City departments, containing a brief description of such property, its location and an estimate of its value.

(3) The Purchasing Agent shall make and preserve an accurate record of such sale and the proceeds thereof shall be paid to the City Treasurer within ten (10) days after said sale.

8.075 DISPOSAL OF SURPLUS CITY REAL PROPERTY.

(1) Definitions.
"City department" includes City agencies, departments and divisions, but does not include the City's Community Development Authority ("CDA"), Parking Utility, Water Utility, Sewer Utility, or Stormwater Utility (the "Utilities").
"Real property" includes land, air rights, subterranean rights, and appurtenances conveyed with and/or affixed to the land (e.g., buildings).

(2) Surplus Property Notification. When a City department determines real property surplus to its needs, the department shall provide written notice to the Director of the Economic and Community Development Division (ECDD). The written notification shall include maps, plats, or other drawings showing the surplus property, a legal description of the property and any restrictions or conditions as may be recommended or suggested for incorporation into the conveyance instrument.

(3) Surplus Property Disposal Method Determination. The ECDD Director shall determine the method of disposal for the surplus property using the following procedures:

(a) If there is an approved City plan or project for which the surplus property is needed, the property shall be conveyed/transferred to the appropriate City department, CDA or Utility, subject to any restrictions or conditions authorized by resolution adopted by the Common Council.

(b) If sub. (a) does not apply, the ECDD Director shall provide written notification to all City departments, the CDA and Utilities of the availability of the surplus property and request an indication of each City department, CDA or Utility's interest in the property or its knowledge of any restrictions or conditions which should be placed on the property if disposal proceeds.

1. If only one (1) City department, CDA or Utility expresses interest in the property, the property shall be conveyed/transferred to that department, CDA or Utility.

2. If two (2) or more City departments, CDA or Utilities express interest in the property, the requests shall be reviewed by the City Engineer. Its recommendations shall be forwarded to the Common Council for a decision. The surplus property shall then be conveyed/transferred to the appropriate City department, CDA or Utility, subject to any restrictions or conditions authorized by resolution adopted by the Common Council. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(c) If subs. (a) and (b) do not apply, the ECDD Director and the Director of the Department of Planning and Economic and Community Development ("DPECD"), after consultation with the Alderperson of the aldermanic district within which the property is located, shall determine if it is in the best interests of the City to sell the property by direct sale to either tenants who currently lease or occupy the property or to owner(s) of an abutting property located within the City of Madison. If it is determined that such a sale is in the best interests of the City and there is only one party interested in purchasing the property, the intent to sell the property in this way and the terms and conditions of the sale shall be submitted to the Common Council for approval. If more than one of the prospective purchasers described in this subdivision express interest in the property, the procedures described in sub. (d) shall apply, except that the Committee described in sub. (d) may limit bids to these prospective purchasers.

(d) If subs. (a), (b) and (c) do not apply, the ECDD and DPECD Directors, after consultation with the Alderperson of the aldermanic district within which the surplus property is located, shall determine if it is in the best interests of the City to dispose of the property either by direct sale or through a public bid process. If it is determined that it is in the best interests of the City to dispose of the property by direct sale, the terms and conditions of the sale shall be submitted to the Common Council for approval. If it is determined to be in the best interests of the City to dispose of the property through a public bid process, the Mayor shall create a Criteria and Selection Committee ("Committee") and appoint the members who shall perform the duties herein described.

1. Committee Membership. The Committee shall consist of at least five (5) persons, including:
   a. The Alderperson of the aldermanic district in which the property is located;
   b. Two (2) additional Alderpersons;
   c. A representative of the Mayor (either staff or resident); and (Am. by ORD-17-00030, 3-8-17)
   d. A resident of the neighborhood.

   The number of Committee members may be increased but shall not exceed seven (7) members. The Real Estate Manager shall be responsible for staff support to the Committee, communications with potential bidders, and the technical details of the public bid proposal process.

2. Committee Duties and Responsibilities. The Committee shall be responsible for the following:
   a. Identification of the type of use desired for the surplus property and any special terms or conditions that are important to the City.
   b. Establishment of criteria with point values to be used in the evaluation of bid proposals submitted by potential purchasers of the property.
   c. Evaluation of the bid proposals submitted by potential purchasers and selection of the purchaser.

3. Common Council Concurrence. Once the Committee establishes the criteria and point values, the Real Estate Manager shall prepare a

resolution for introduction to the Common Council directing the Real Estate Manager to proceed with the public bid process for the sale of the surplus property.

4. Bid Proposal Selection. The Committee shall receive, open, and evaluate the bid proposals subject to the selection criteria and point values. The Committee may request additional information from the bidders or City staff prior to selection of a bid proposal. The Committee may select the bid proposal that it determines to be in the best interests of the City regardless of whether it has the highest point value. The Committee shall reserve the right to reject any and all bid proposals. Upon selection of a bid proposal, the Real Estate Manager shall prepare a resolution for adoption by the Common Council accepting the Committee's selection and authorizing the sale of the surplus property.

5. Surplus Property Conveyance. The surplus property shall be conveyed to the selected purchaser by Quit Claim Deed, subject to any restrictions, terms, and conditions of sale adopted by the Common Council.

(Sec. 8.075 Cr. by ORD-07-00130, 10-5-07)

8.08 CITY BUILDINGS—PLANS AND SPECIFICATIONS TO BE FILED IN THE BUILDING INSPECTION DIVISION OF THE DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT—DIRECTOR OF THE BUILDING INSPECTION DIVISION TO BE SUPERINTENDENT OF CONSTRUCTION OF PUBLIC WORKS.

(1) All architects hereafter employed by the City of Madison to present plans and specifications for City buildings shall prepare and place on file with the Director of the Building Inspection Division a full and complete set of detailed plans and specifications for all such buildings or other structures designed by them, and said plans and specifications shall be kept on file in the office of the Building Inspection Division of the Department of Planning and Community and Economic Development and shall be and remain the property of the City of Madison.

(2) In the construction of all buildings and other structures for the City of Madison, except structures erected by the Board of Education, no change shall be made in the plans and specifications for said buildings and other structures after the contracts for said work shall have been let unless said changes shall have received the approval of the Director of the Building Inspection Division, the superintending architect and the Mayor.

(3) In the construction of all public works except those superintended by the City Engineer, the Superintendent of the Water Department or the Board of Education, the Director of the Building Inspection Division is hereby designated as superintendent of construction of the City of Madison, and it shall be her/his duty, in connection with the superintending architect, to make inspection from time to time of the work as it progresses, and see that the contractor is carrying out said work according to the plans and specifications, and to make such recommendations to the superintending architect and the Common Council, as in her/his opinion are desirable. (Am. by ORD-14-00012, 1-14-14)

(4) The City Engineer shall have charge of the supervision and maintenance of all City buildings, and particularly the heating equipment in the fire stations, and in such other buildings the supervision and maintenance of which is not otherwise provided for in the Madison General Ordinances.

(Am. by Ord. 8081, 7-29-83; ORD-06-00184, 12-21-06; ORD-08-00109, 10-7-08)

8.09 EIGHT HOUR DAY ON CONTRACT FOR MUNICIPAL BUILDINGS.

(1) Each and every contract hereafter made for the erection, construction, remodeling or repairing of any municipal structure, building, street, sewer or any other public work to which the City of Madison or any officer, agent or board thereof is a party, except the Board of Education, which may involve the employment of laborers, workers or

mechanics, shall contain a stipulation, or if not in writing an oral agreement, that no laborer, worker or mechanic in the employ of the City or of a contractor, subcontractor, agent or other person doing or contracting to do all or part of the work contemplated by the contract, shall be permitted to work more than eight (8) hours in any one calendar day, except in cases of extraordinary emergencies. (Am. by ORD-14-00012, 1-14-14)

(2) The phrase "extraordinary emergencies" as used in this ordinance shall mean and include only such as grow out of the necessity of protecting property or human life when endangered by reason of riot or attack of the public enemy, or endangered by fire, flood or storm, or out of the necessity of protecting the City against public liability, or where the work is such that it must be completed on the day it is started.

8.10 RESERVED FOR FUTURE USE. (Rep. by ORD-15-00115, 10-28-15)

8.11 FOREST HILL CEMETERY.

(1) Map. The map of Forest Hill Cemetery as made by O. H. St. G. Anson in September 1902, together with subsequent additions thereto on file in the office of the City Clerk of the City of Madison, is hereby declared to be the map of Forest Hill Cemetery, and the sections, lots and divisions, streets, alleys and paths as designated and shown on said map and the additions thereto are hereby declared to be fixed and determined beyond alteration, except by ordinance of the Common Council, and then only to such extent as shall not interfere with private rights; subject, nevertheless, to the lotting, subdividing, and numbering of such portions of said grounds as have not already been lotted and numbered.

(2) Management and Control. Forest Hill Cemetery and Mausoleum (hereinafter "the Cemetery") shall be under the management and control of the Madison Board of Park Commissioners (hereinafter "Park Commissioners"). The Park Commissioners shall have the power and authority to adopt such rules and regulations for the management of the Cemetery and relating to the use of the Cemetery and interments therein as they shall deem advisable.

(3) Cemetery Manager. The Cemetery Manager, under the direction of the Park Commissioners, shall have the control and management of the Cemetery as to the laying out and subdividing of the same, and the clearing up and improving of the grounds and buildings and the ornamentation thereof, and shall have charge of all interments made in the Cemetery.

(4) Sale of Lots. The sale of lots, niches and crypts (hereinafter "Lots"), in the Cemetery shall be under the control of the Park Commissioners who shall determine the sale price of all Lots. Subject to such rules and regulations as may from time to time be adopted by the Park Commissioners: 1) all conveyances of cemetery lots shall be by deed executed by the Mayor and City Clerk and shall be recorded in a book kept by the Cemetery Manager and when so executed and recorded shall vest the title for burial purposes only in the grantee, her/his heirs, and assigns; and 2) all mausoleum sales shall be made by completion of a Memorial Purchase Agreement and said Agreement shall be kept in the office of the Cemetery Manager. From and after May 1, 1950, forty percent (40%) of the price paid for each cemetery lot shall be deposited by the City Treasurer into the "Cemetery Perpetual Care Fund" hereinafter mentioned in subsection (7) hereof to be used for the maintenance and care of such lot so sold insofar as the earned income of such payment into such fund shall be sufficient for that purpose. In addition, fifty percent (50%) of the price paid for each mausoleum niche or crypt shall be deposited into the Mausoleum Perpetual Care Fund to be used for the maintenance and care of same insofar as the earned income of such payments into such fund shall be sufficient for that purpose. The Park Commissioners may impose and collect such fees for interment, foundation fees, disinterment, special maintenance work and planting as it shall deem necessary and proper.

(5) Assessment Upon Lots.

(a) The Park Commissioners is hereby authorized and empowered to make annual assessments upon the lots, or parts of lots, in Forest Hill Cemetery subject to the limitations provided in Section 157.11 of the Wisconsin Statutes.

(b) A record of such assessments made upon each lot or part of lot shall be kept by the Cemetery Manager and no interment shall be permitted on any lot or part of lot on which an assessment is due until such assessment shall have been paid. When uniform care has been given for five (5) consecutive years or more and the assessments are unpaid and after giving notice thereof as provided in Wis. Stat. § 157.11(2), title to all the unoccupied part of the lot shall pass to the City of Madison and may be sold, the proceeds to be used for the perpetual care of the occupied portion of the lot.

(6) Disposition of Receipts. All monies derived in any manner from the Cemetery shall be paid into the treasury of the City of Madison subject to the perpetual care funds noted in subsection (4) of this ordinance.

(7) Perpetual Care Funds. That part of the sale price of Cemetery Lots paid into the Perpetual Care Funds and set aside for the purpose of providing care and maintenance of such Lots shall be retained as separate Funds to be maintained by the City Treasurer. The earned income of the Funds may be used by the Park Commissioners for the maintenance and care of such Lots insofar as the income from such funds shall be sufficient for that purpose. It shall be the duty of the City Treasurer to issue to any person who buys a Lot, a portion of the purchase price of which is paid into such Funds, a receipt for such payment. In addition thereto any person may pay or turn over to said Funds any money or property, the principal or income of which is to be used for the care and maintenance of any Lot, vault, tomb or other structure in said Cemetery insofar as the proceeds from such Funds shall be sufficient for that purpose and the City Treasurer shall execute to such person a receipt therefor.

(8) Burial Permits—Records of Burials. No burials shall be permitted in the Cemetery until a permit therefor shall have been issued by the proper person authorized to issue burial permits as provided by Wis. Stat. § 69.18, and unless the interment fees shall have been first paid, except for cemetery expenses pursuant to Wis. Stat. § 49.30, approved by the county, applicable tribal governing body or organization responsible for interment. The applicant for an interment or disinterment shall also furnish to the Cemetery Manager the name and address of the next of kin of the deceased and the name and address of the person authorizing the interment or disinterment. If the Manager approves the application for interment or disinterment, she/he shall keep a record thereof, together with the grave, Lot and section number upon which interment or disinterment is made.

(9) No Burial Unless Lot Paid For. No interment shall be permitted upon any Lot in the Cemetery until the Lot shall be paid for, except for interments where the expenses shall be paid pursuant to Wis. Stat. § 49.30.

(10) "Soldier's Rest" including Alice W. Waterman Plot. All portions of Forest Hill Cemetery lying within the designated area situated east of Section 29 of said cemetery and commonly known as "Soldier's Rest" and a strip twenty (20) feet in width immediately south of said area, and extending the whole length thereof, are hereby set apart and dedicated for the sole use and purpose of the burial of federal soldiers; and all that portion of Forest Hill Cemetery situated south of the area above described and lying within the stone coping enclosure erected by Mrs. Alice W. Waterman is hereby set apart and dedicated for the sole use and purpose of the burial of confederate soldiers; with the proviso and exception that the portion of said area selected by the said Alice W. Waterman with the approval of the superintendent of the cemetery be and the same is hereby dedicated as a burial place for herself. The Cemetery Manager is hereby authorized and directed to take the same measures for the proper care and maintenance of said areas as are taken with regard to lots in said cemetery purchased by private parties.

(11) Catlin Memorial Chapel. The memorial chapel erected by Mrs. C. J. Catlin and Miss Lucia B. Catlin as a memorial chapel in 1878 in part of Section 30 of Forest Hill Cemetery is set apart and forever dedicated for use as a memorial chapel in compliance with the letter of donation, and the grounds adjacent thereto are set apart for use in connection with it and shall be in charge of the Cemetery Manager to be cared for and maintained as other cemetery property and used under the restrictions contained in the letter of donation.

(12) Portions of Cemetery Set Aside for Burial of Soldiers.

(a) The entire tracts known as sections thirty-five (35) and forty-one (41) in Forest Hill Cemetery are hereby set aside and reserved for the burial of soldiers, sailors, marines, army nurses and officers who have served or may serve in any war or campaign in which the United States has been or may hereafter be engaged, including such soldiers, sailors, marines, army nurses and officers who served in the Korean conflict between June 25, 1950 and January 31, 1955, also including such soldiers, sailors, marines, army nurses and officers who served during the Vietnam conflict between August 5, 1964 and a date to be set in the future by the President of the United States.

(b) The burial rights under subdivision (a) above are limited to domiciliaries of the City of Madison at the time of their death. However, this residence requirement does not apply to the surviving widow or widower of a spouse who is already buried in these sections. The provisions of this subsection may be waived if the Cemetery Manager receives a certification from the County Veterans Service Officer that because of unusual circumstances or unnecessary hardship a particular veteran and her or his spouse should be buried in Forest Hill Cemetery. (Am. by ORD-14-00012, 1-14-14)

(c) The production of authentic proof of war or campaign service of a deceased veteran who served in any war or campaign together with a permit duly issued by the Service Officer of Dane County appointed and acting under the supervision of Wis. Stat. § 45.53, shall be sufficient evidence and authority for the Cemetery Manager to permit interment in sections thirty-five (35) and forty-one (41). The term "veteran of World War II" shall be deemed to include any person discharged or released from active duty under conditions other than dishonorable, or retired, who served in the active military or naval service of the United States on or after December 7, 1941, and before 12:00 noon, December 31, 1946. Provided further that the term "active military service" shall include active duty as a member of the Women's Army Auxiliary Corps, Women's Army Corps, Women's Reserve of the Navy and Marine Corps, and Women's Reserve of the Coast Guard.

(d) The interment of the spouse of a living veteran of any of the wars of the United States will be permitted in the appropriate sections above reserved when the requirements of subdivision (c) have been established and fully complied with. The spouse of a deceased veteran of any of the wars of the United States may reserve the grave space adjoining that of such deceased veteran and like reservation may be made by one or both parents of an unmarried deceased veteran provided that either of said parents be a veteran of any of the wars of the United States.

(13) Indian Mounds. The Indian mounds located in sections fifteen (15) and thirty-five (35) shall be preserved and remain undisturbed.

(14) Driving in Cemetery. No person shall operate a vehicle in the grounds of Forest Hill Cemetery on other than the laid out avenues thereof, and upon conviction shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than Two hundred dollars ($200) for each offense, plus the cost of repair, unless authorized by the Cemetery Manager.

(15) Injury to Monuments, Shrubs, Etc. Any person who shall injure or deface any monument or tree, shrub or other plant, or who shall carry away any flower left upon any grave or Lot in said Cemetery shall be subject to a forfeiture of not less than one dollar ($1) nor more than one hundred dollars ($100) for each offense.

(16) Throwing of Rubbish. It shall be unlawful to throw or deposit rubbish on any drives, walks or any other part of the Cemetery except in the receptacles provided therefor, and any person violating the provisions of this subsection shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred fifty dollars ($150) for each offense.

(17) Cemetery Manager May Remove Certain Articles From Lots.
The Cemetery Manager shall have the right to enter upon any lot to remove any tree, shrub, ornament or other thing which he or she deems detrimental to adjacent lots, drives or walks, prejudicial to the general appearance of the grounds, dangerous to pedestrians, or which hinders the proper care of such lots. (Am. by ORD-14-00012, 1-14-14)

(18) Skiing and Sledding Prohibited. It shall be unlawful for any person to ski or sled in the cemetery when such skiing or sledding is prohibited by signs erected at the cemetery entrances. Upon conviction, a violator shall be subject to a forfeiture of not less than $25 nor more than $200, plus the cost of any repairs.

(Sec. 8.11 Am. by Ord. 11,939, 9-26-97)

8.12 MADISON PUBLIC LIBRARY.

(1) Organization and Library Board.

(a) In pursuance of the provisions of Wis. Stat. ch. 43, there shall be and there is hereby established a free public library and reading room for the use of the inhabitants of the City of Madison to be known as the Madison Public Library.

(b) The City of Madison accepts the gift of seventy-five thousand dollars ($75,000) offered by Andrew Carnegie for a free library building and assents to the conditions upon which said gift was offered; namely, that the City shall furnish a suitable site for such library building, and that the City will support the said free library at a cost of not less than seventy-five hundred dollars ($7,500) per year and the City of Madison obligates itself to levy and collect an annual tax for the support and maintenance of such library of not less than seventy-five hundred dollars ($7,500) per year.

(c) The management of the Madison Public Library shall be under the supervision of a Library Board composed of nine (9) members to be appointed by the Mayor subject to the approval of the Common Council. Only one member of such board shall be a member of the Common Council. The Mayor shall appoint the Superintendent of Schools or her/his representative as a member of the Library Board.

The Library Board shall appoint the Library Director subject to a five-year employment contract as described in Sec. 3.54(9)(f) of these ordinances. (Am. by ORD-14-00173, 12-10-14)

(d) Board Appointments.

1. The Mayor shall make appointments subject to Council approval to fill the two terms expiring in 1967 and shall appoint the Superintendent of Schools or her/his representative to a three year term. (Am. by ORD-14-00012, 1-14-14)
2. The Mayor shall appoint two members, subject to Council approval, to fill the two terms expiring in 1968 for three year terms.
3. The Mayor shall appoint members subject to Council approval to fill the four terms expiring in 1969 in the following manner:
   a. One vacancy shall be appointed to a two year term, and

b. The three remaining vacancies shall be appointed for three year terms.

4. After the initial appointment, all members of the board shall hold office for a term of three years and three of said members shall be appointed each year. The appointment shall be dated from the first day of July in the year in which such appointments are made.

(2) Library To Be A Depository Of Certain City Records.

(a) The Madison Public Library, through the Central Library, is hereby designated as a depository and reference library for City documents hereinafter identified. The head of each City Department and Division, Board, Commission and Committee shall promptly send or deliver to the Central Library, Reference Department, as soon as printed or otherwise reproduced at the expense of the City, two (2) copies of each annual report, special study, consultant report, or other document intended for public distribution. Such reports shall be preserved for the use of the Common Council, City officials and employees and the general public.

(b) Any Department, Division, Board, Commission or Committee which concludes that compliance with the requirements of this ordinance shall produce a hardship may request an exemption from the Finance Director. (Am. by ORD-11-00037, 3-8-11)

(c) Nothing in this ordinance shall be construed to conflict with the duties of the City Clerk as set forth in the Wisconsin Statutes or elsewhere in these City Ordinances.

(3) Prohibited Conduct.

(a) Definitions.

"Library" means any branch or unit of the Madison Public Library.

"Library Material" means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, audio recording in any format, audiovisual materials in any format, magnetic or other tapes, computer software, computer hardware and peripherals, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, or portions thereof of any of the foregoing materials, belonging to, on loan to or otherwise in the custody of the Madison Public Library.

"Security Device" means any object, item or technology capable of triggering an alarm or alert system when an someone attempts to remove a library material without a first having such item properly deactivated by a library official, agent or employee. This term shall also apply to any device or technology that is capable of being concealed on or within library materials and which can later positively identify an item as being library property. An example of such technology would be an implanted microchip.

"Value" means the reasonable replacement cost of an item, including the reasonable administrative costs associated with obtaining a replacement item (as determined by Library Board policy).

(b) Use of A Library Card.

1. No person may use, present or cause to be presented as valid, any canceled, fictitious, fraudulently obtained, stolen, forged or altered library card.

2. As a condition of obtaining and using a library card and all of the privileges which attach thereto, library cardholders are financially responsible for the loss or damage of all materials checked out from the library under their library card, including all materials checked out on that card by others with or without the cardholder's consent. It shall be an affirmative defense to prosecution under this section if the cardholder proves by a preponderance of the evidence that their library card was lost or stolen prior to the checking out of the library materials in question.

3. As a further condition of obtaining and using a library card and all of the privileges that attach thereto, library cardholders must comply with all library rules and policies.

(c) Failure to Return Library Materials. No person may fail to return overdue, borrowed library material past the maximum overdue date set at the time such materials were checked out of the library. Such overdue dates shall be determined by the official library policy. Each individual item borrowed constitutes a separate violation of this act.

(d) Theft of Library Materials.

1. No person may intentionally take and carry away, transfer, conceal or retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of possession of the material.

2. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material. The intentional removal of a security device from library materials without the consent of a library official, agent or employee is evidence of intent to deprive the library of the material.

3. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this subsection in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee affecting the detention to the same defense in any action is as available to a peace officer making an arrest in the line of duty.

(e) Fraudulent Registration and Use of Library Materials.

1. No person shall directly or indirectly make or cause to be made any false statement regarding the person's own identity or residence when the person knows his or her statement to be false and when the person intends that false statement to be relied upon for registration for or use of library materials.

2. Evidence that a person has the intent under sub. 1 above is shown by the person doing any of the following:

a. Directly or indirectly giving false or misleading information on a library registration form.

b. Presenting false or fictitious credentials or documents for the purpose of obtaining a library card or the use of library materials.

c. Using a library card that was obtained in violation of this subsection to check out library materials.

(f) Alteration of Identification Markings or Security Devices.
No person shall do any of the following:

1. Remove, alter or conceal any part of an identification mark, label, stamp, writing or attachment that identifies any item or material as the property of the library unless authorized library personnel have marked the item as being discarded from the library's collections.
2. Remove, alter, conceal, destroy or deactivate any security device which is affixed, implanted or otherwise attached to library items or materials and which is designed to alert library personnel to the unauthorized removal of library materials or which otherwise identifies library materials as being the property of the library.

(g) Penalty. Any person violating this ordinance shall be subject to a forfeiture of not less than $10 nor more than $250 for a first offense; not less than $100 nor more than $500 for a second offense within one year; and not less than $500 nor more than $1,000 for a third and subsequent violation within one year.

(h) Confiscation of Library Cards. Whenever a library card which belongs to another or appears to be altered or fraudulently obtained is displayed to a law enforcement officer or library employee or agent, that person shall take possession of the card and return it to the library.

(Sec. 8.12 Rep & Recr. by Ord. 13,543, 3-17-04)

8.125 LIBRARY FACILITY CATERING PERMIT.

(1) Library Facility Catering Permit Required. No person may provide catering services at a library facility without a valid library facility catering permit issued under this section or contrary to any conditions thereof.

Catering services may also be made available at any library facility by agreement between the City and a caterer following a request for proposals process approved by the Common Council.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) Catering Services. Food and non-alcohol beverage services provided by a person where the food and beverages are fully or partially prepared, stored and handled off-site, and then served by that person on-site.

(b) Gross Catering Sales. A permittee's gross sales of catering services provided at a library facility pursuant to a permit issued under this section.

(c) Library Facility. A public facility located within a public library that contains a kitchen or other area designated for storing, handling and preparing food or beverages. This definition does not extend to public libraries that lack a kitchenette.

(3) Classes of Permits.

(a) Annual Permit. An annual permit shall be valid from January 1 through December 31 of the calendar year. A permit may be issued for the upcoming calendar year no earlier than December 1 of the preceding year.

(b) Single-Event Permit. A single-event permit shall be valid only for the date(s) and facility stated therein.

(c) Multiple-Facility Permit. An annual permit may be issued for multiple library facilities, provided the permittee meets the requirements set forth in this ordinance for each library facility.

(4) Permit Application. An application for a library facility catering permit shall be made in writing to the Library Director on forms supplied by the Library and shall detail the name and address of the person or organization seeking the permit, the library facility, or facilities, for which the permit is being sought, the class of permit being sought, and the dates for which a permit is being sought. The application may include any other information as may be required by the Library Director. The application shall include an application fee, the certificate of insurance as required under sub. (6)(f), and an agreement

to abide by all conditions set forth in sub. (6). An application for a permit shall be made at least thirty (30) days prior to the date the applicant intends to provide catering services at a library facility. A late permit application may be accepted at the Library Director's discretion.

(5) Permit Fee. A reasonable fee for each class of library facility catering permits shall be set by the Library Board. The fee shall be paid to the Library and shall be adjusted from time-to-time to allow the City to recover its costs of administering the library facility catering program consistent with the requirements of Wis. Stat. § 66.0628. This fee may be different for each library facility, and may include a late fee for untimely applications and a facility orientation session fee that differentiates between group sessions and individual sessions.

(6) Permit Conditions. Every permit issued under this section is subject to the following permit conditions:

(a) Compliance with Laws and Rules. A permittee shall abide by all federal, state, and local laws, ordinances and regulations, as well as the specific library facility rules and conditions. Every permit granted under this section is subject to the permittee maintaining a valid food and drink permit from Public Health Madison and Dane County.

(b) Facility Orientation. Prior to performing any catering services at the library facility, the permittee must undergo a facility orientation session with Library staff. This orientation session shall be required of each permittee annually, except that Library staff may waive this requirement at their discretion. No facility orientation session fee shall apply if this requirement is waived.

(c) Facility Usage Fee. In exchange for allowing permittee's use of the City's library facilities to offer their catering services, a permittee shall agree, as a condition of the permit, to remit to the City twelve percent (12%) of the permittee's gross catering sales arising from catering activities at the permitted library facilities as a usage fee. This amount shall be remitted to the City within ten (10) days of a catering service event, or as otherwise agreed to by the Director and the permittee. The permitttee shall provide the City any documentation necessary to substantiate the payment made.

(d) Special Conditions. The Library may require any other special conditions of a permit that are necessary to protect the City's property, and the health, safety, and welfare of the public. Any such special conditions shall be indicated in writing as an addendum to the permit, and, for annual permits, may be imposed on an event-by-event basis. A permittee may challenge a proposed special condition by appealing the proposed condition to the Library Director.

(e) Indemnification. As a condition of the granting of the permit, the permittee shall agree to hold harmless, defend, and indemnify the City, its officers, officials, employees and agents, from and against all claims, suits, liability, damages, expenses and penalties arising from the permittee's operations or use of the library facilities pursuant to a permit granted under this Section, whether caused by or contributed to by the negligence of the City, its officers, officials, employees and agents.

(f) Insurance. At the time of the application, the permittee shall be required to furnish a Certificate of Insurance to the City of Madison Risk Manager, on a form acceptable to the City, providing evidence of commercial general liability insurance with minimum limits of one million dollars ($1,000,000) per occurrence, naming the City of Madison, its officers, officials, agents and employees named as additional insureds. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the permit. Said insurance shall provide that the City receive written notice

thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. This insurance condition may be waived in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived.

(7) Revocation of Permit. In the event that the permittee fails to abide by any of the conditions of the permit, the City shall provide written notice to the permittee of the violation of the permit conditions, and give the permittee at least five (5) days to cure the violation. If permittee fails to cure the violation, the permit shall be revoked and the permittee shall not be eligible for a new library facility vending permit for at least twelve (12) months, unless otherwise approved by the Library Director. However, if a determination is made that revocation is reasonably necessary to protect the health, safety or welfare of the public, the Library Director may immediately revoke a permit granted under this section.

(8) Appeal. An appeal of the Library Director's decision to deny or revoke a permit under this section, or impose a special condition of a permit under this section, shall be made in writing and state the reasons for the denial, revocation, or special condition. This decision may be appealed to the Library Board by providing written notice of the appeal to the City Clerk within thirty (30) days of the mailing of the notice to the applicant, and must state the reasons for the appeal. The Library Board shall hear the appeal at its next meeting, unless the notice is received within ten (10) days of the next meeting at which point the hearing shall be at the following meeting. At the hearing, the Library Board shall either affirm the action of the Library Director, or overturn the action upon a showing that the requirements of this ordinance have been met. If the decision is upheld, the Library Board shall, at its next meeting, adopt a written determination of its decision, which decision shall be sent to the appellant within ten (10) days of the determination. Appeal of the Library Board's decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(9) Violations. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(Section 8.125 Cr. by ORD-15-00089, 9-11-15)

8.13 FLEET SERVICE DIVISION.

(1) The Fleet Service Division shall be supervised by the Fleet Service Superintendent.

(2) The Fleet Service Superintendent shall have supervision over the Municipal Service Garage and shall be responsible for servicing, maintenance and repair of all municipal motor equipment. She or he shall advise the Mayor, Common Council and all City officials on all matters relating to municipal motor equipment, including replacement and procurement. (Am. by ORD-14-00012, 1-14-14)

(Am. by Ord. 7513, 9-11-81; ORD-06-00097, 8-2-06)

8.14 MUNICIPAL PARKING FACILITIES.

(1) Management. The management, operation and control of all automobile parking facilities owned by the City of Madison shall be under the direction of the Transit and Parking Commission of the City of Madison. The Transit and Parking Commission is authorized to enact such rules as may be necessary and proper to insure and promote the safe, efficient and proper operation of such parking facilities as may be owned and operated by the City of Madison. (Am. by Ord. 12,460, 9-3-99)

(2) Operation.

(a) Weight of Vehicles. It shall be unlawful to park any vehicles having a gross weight in excess of 5,999 pounds in any parking facility owned and operated by the City of Madison.

(b) Manner of Parking. It shall be unlawful to park any vehicle in any municipal parking facility or garage except within the limits of a designated parking stall and except so as to occupy not more than one designated parking space. No more than one vehicle shall occupy any such parking space. When prohibited by an official sign, no vehicle shall be backed into a parking stall in a municipal parking facility; except persons for whom the Department of Transportation of the State of Wisconsin has issued a special registration plate under Wis. Stat. §§ 341.14(1) to (1r), or a special identification card under Wis. Stat. § 343.51, may back into a marked stall reserved for vehicles displaying said plates or identification cards. (Am. by Ord. 9739, 3-30-89; Ord. 12,460, 9-3-99)

(c) Rates. The Transit and Parking Commission shall establish such fees and charges for parking privileges in the various municipal parking facilities owned and operated by the City of Madison as the Commission shall determine reasonable. Such fees may be based on hourly, daily, weekly or monthly parking, and may be measured by personal attendants, pay-on-foot stations, exit stations, pre-payment receipt dispensers, daily payment stamps, "after hours" parking fee notices, parking meters or any other reasonable and accurate means of measurement. The established fees shall be posted in a conspicuous place at or near the entrance of each parking facility. The prohibitions against parking in a municipal parking facility without making proper payment are as follows:

1. a. Metered Parking and Pre-payment Receipts. No person shall park a vehicle in any municipal parking facility owned and operated by the City of Madison without payment of the appropriate fee (as established by the Transit and Parking Commission) in the designated meter adjacent to the parking stall when payment is collected by a parking meter or in the appropriate pre-payment receipt dispenser located within the parking facility when payment is collected by a pre-payment receipt dispenser.

   b. Overtime Parking at Meters. No person shall park, stop or leave standing a vehicle in any municipal parking facility at a metered parking stall for a longer period than the applicable time limit specified on the meter adjacent to the parking stall. The absence of or complete functional failure of a parking meter adjacent to any parking space shall exempt operators of vehicles from the provisions of this paragraph related to metered parking. (Cr. by Ord. 13,412, 9-24-03)

2. Exit from Attended Facility. No person shall park and then exit in a vehicle from a municipal parking facility while an attendant is on duty for the purpose of collecting parking fees, without doing one of the following:
   a. Paying the appropriate fee for parking to the personal attendant of the parking facility.
   b. Paying the appropriate fee for parking at the pay-on-foot station or exit station. (Am. by Ord. 10,433, 5-1-92; Ord. 13,412, 9-24-03)
   c. Using other payment means made available by the Parking Utility, and following all directions for payment, including but not limited to making payment of the appropriate parking fee and any processing fees within a certain number of days if so directed. (Cr. by Ord. 13,412, 9-24-03)

3. Exit from Unattended Facility. No person shall park and then exit in a vehicle from a municipal parking facility while there are no Parking Utility employees on duty for the purpose of collecting parking fees, without doing one of the following:
   a. Paying the appropriate fee for parking at the pay-on-foot station or exit station. (Cr. by Ord. 13,412, 9-24-03)

b. Making payment, within the number of days indicated, of the appropriate fees indicated on the "Parking Fee Notice" placed on the vehicle.

c. Using other payment means made available by the Parking Utility, and following all directions for payment, including but not limited to making payment of the appropriate parking fee and any processing fees within a certain number of days if so directed.

4. Exit From Facility Causing Damage to Public Property. No person shall cause damage to city property in connection with a violation under paragraph 2. or 3. of this section. (Cr. by ORD-11-00110, 8-10-11)

5. Applicability. The registered owner is presumed to be the operator of any vehicle found parked or operating in violation of this subsection. Except for prohibitions under paragraph 4., the prohibitions in this subsection shall not apply to operators or owners of vehicles who display a permit sticker or carry a card issued by the Parking Utility, or have otherwise received special authorization from the Parking Utility. (Renum. & Am. by ORD-11-00110, 8-10-11)

(d) Trespassing on Municipal Parking Facilities.

1. It shall be unlawful for any person not engaged in the parking or operation of a motor vehicle or the parking of a bicycle in a designated bicycle rack, or not having business to attend to in connection with the parking of a motor vehicle or bicycle, to trespass or loiter on any municipal parking facility owned and operated by the City of Madison.

2. No person shall enter or remain upon the premises of a municipal parking facility, except while actually parking a motor vehicle or parking a bicycle in a designated bicycle rack or while proceeding directly to or from a parked vehicle or bicycle. No person shall utilize the premises of a municipal parking facility except for the purpose of proceeding to or from an available parking stall. No person shall enter or remain within or on a motor vehicle within a municipal parking facility except for the period of time reasonably necessary to park said vehicle or to prepare said vehicle to leave said facility. No person shall ride a bicycle or skateboard in any parking facility except for the period of time reasonably necessary to park said bicycle in designated bicycle racks. No person may ride any play vehicles or use in-line skates, as those terms are defined in Chapter 340 of the Wisconsin Statutes, in any municipal parking facility.

(Am. by Ord. 12,460, 9-3-99)

3. Subparagraphs 1. and 2. above shall not apply:

a. During special events authorized and approved by the Common Council.(Am. by Ord. 12,460, 9-3-99)

4. a. No person shall park any motor vehicle within the premises of a parking facility when such person has been issued four or more City of Madison parking citations which remain unsatisfied. No person shall park any vehicle within the premises of a parking facility when such vehicle's registered owner shall have been, by the time of such parking, issued four or more City of Madison parking citations which remain unsatisfied.

b. For the purposes of this ordinance a City of Madison parking citation is considered unsatisfied under any of the following conditions:

i. The City has obtained a court judgment against the person issued the citation and that judgment has not been fully satisfied.

ii. The person issued the citation has neither paid the amount due on the citation nor requested a municipal court trial by the date stated in the citation.

c. For the purposes of this section, the registered owner is presumed to be the operator of any vehicle found parked or operating in violation of Sec. 8.14(2)(d)4.a.

5. No person shall park any vehicle within a parking facility which vehicle has been issued four or more Parking Fee Notices which remain unpaid.

6. The provisions of Subsections (2)(d)4.a. and 5. may only be enforced at parking facilities where signs have been conspicuously posted at all entrances to such facilities informing motorists of the prohibitions of these subsections.

(Sec. 8.14(2)(d) Am. by Ord. 11,927, 8-30-97; Am. by Ord. 12,460, 9-3-99)

(e) Trailers. It shall be unlawful to park, stop or leave standing, any type of trailer or mobile home, whether attached to a motor vehicle or detached, in any parking facility owned and operated by the City of Madison and no person shall operate a motor vehicle with a trailer or mobile home attached in any such parking facility. This subsection shall not apply when vehicular access to and from the parking facility is controlled by an attendant during pre-paid special events or other special parking circumstances, in which case access to the facility and manner of parking shall be controlled by the attendant. (Am. by Ord. 13,412, 9-24-03)

(f) Distributing Leaflets. It shall be unlawful to distribute or dispense in any manner, other than person-to-person, any advertisement, leaflet or publication in any municipal parking facility owned or operated by the City of Madison. The issuance of citations or leaflets necessary to the operation of such facilities is not prohibited by this ordinance.

(g) Possession and Consumption of Intoxicants Prohibited.

1. No person shall consume a fermented malt beverage or intoxicating liquor upon the premises of an automobile parking facility except at the time and in the area specified in paragraph (d)3.b. above.

2. No person shall knowingly transport or have under his or her control upon the premises of an automobile parking facility a fermented malt beverage or intoxicating liquor unless said intoxicating liquor container has not previously been opened and displays an unbroken U.S. Department of Revenue seal or unless the said fermented malt beverage container has not previously been opened except at the time and in the area specified in paragraph (d)3.b. above.

(Sec. 8.14(2)(g) Am. by Ord. 11,592, 6-3-96)

(h) Pre-Payment Receipt Display. When pre-payment is made by any method authorized under this section that produces a receipt or ticket dispensed to a parking patron, the receipt or ticket shall be displayed face-up, on the driver's side of the dashboard in such a manner that the entire receipt may be visible from the outside of the vehicle. (Cr. by Ord. 7902, 12-29-82; Am. by Ord. 13,412, 9-24-03)

(i) Tampering or Misuse of Receipt/Stamp Prohibited. It shall be unlawful for any person to tamper with or in any fashion alter or modify a pre-payment receipt or to display a receipt(s) or part(s) of receipt(s) in such a fashion as to make it appear that the lawful payment has been made for the time the vehicle has been parked but no such lawful payment has been made. It shall also be unlawful to tamper with, produce, use or present for payment any stamp or other symbol purporting to represent prepayment for parking unless said stamp or symbol has been authorized by the City of Madison Transportation Commission. Any person violating this subsection (2)(i) shall be subject to a forfeiture of not less than $100 nor more than $200 for each violation. (Am. by Ord. 9739, 3-30-89)

(j) Receipt Transfer Prohibited. Upon exiting a parking facility it shall be unlawful to present to the parking attendant a receipt or ticket indicating the date and time the vehicle entered the facility which is not the same receipt or ticket which was received by the operator of the vehicle upon entering into the facility. It shall also be unlawful to present a receipt or ticket which has been altered to indicate a time and date which is not the time and date the vehicle actually entered the facility. (Cr. by Ord. 8003, 4-26-83)

(3) Penalty.

(a) Except as provided below, any person violating the provisions of Subsections (2)(b) of this ordinance shall be subject to a forfeiture of not less than five dollars ($5) nor more than fifty dollars ($50); (Am. by Ord. 12,460, 9-3-99)

(b) Any person violating the provisions of Subsection (2)(c)1. in any municipal parking facility or (2)(c)1. of this ordinance in the Brayton Lot shall be subject to a forfeiture of not less than eight dollars ($8) nor more than fifty dollars ($50); (Am. by Ord. 12,460, 9-3-99)

(c) Any person violating Subsections (2)(c)2. or 3. of this ordinance shall be subject to a forfeiture of not less than five dollars ($5) nor more than one hundred and fifty dollars ($150). (Am. by Ord. 12,460, 9-3-99; Ord. 13,760, Adopted 12-14-04; ORD-10-00015, 2-18-10)

(d) Any person violating the provisions of Subsection (2)(j) of this ordinance shall be subject to a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

(e) Except as provided in (g) below, any person violating the provisions of Subsection (2)(d) of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). (Cr. by Ord. 11,927, 8-30-97; Am. by Ord. 12,460, 9-3-99; Ord. 13,760, Adopted 12-14-04)

(f) Any person violating any of the other subsections of this ordinance shall be subject to a fine of not less than five dollars ($5) nor more than one hundred and fifty dollars ($150). (Renumbered from (e) to (f) by Ord. 11,927, 8-30-97; Am. by ORD-10-00015, 2-18-10)

(g) In the event any vehicle is towed for a violation of this section, the total forfeiture shall be not less than fifty-five dollars ($55) nor more than five-hundred and fifty dollars ($550). (Renumbered from (f) to (g) by Ord. 11,927, 8-30-97; Am. by Ord. 12,460, 9-3-99; Ord. 13,760, Adopted 12-14-04)

(h) Any person violating Sec. 8.14(2)(c)4. of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Cr. by ORD-11-00110, 8-10-11)

(4) Towing for Parking Violations. The police department is authorized to remove, by towing, any vehicle from a parking facility found to be parked in violation of the provisions of this ordinance. In addition to any other penalties, such towing shall subject the operator of such a vehicle to the provisions of Sec. 12.1331(3), MGO. (Cr. by Ord. 11,927, 8-30-97)

8.15 REGULATION OF PRIVATE USE OF GREENWAYS, PARK LANDS, AND THE SOUTHWEST BIKE PATH.

(1) Greenways and Park Lands.

(a) Public Nuisance. Private use of City-owned or leased greenways and park lands including, but not limited to, fences, retaining walls, outbuilding sites, dog runs, play equipment and gardens, storage of piers, boat hoists, or other private personal property, planting or pruning of trees and shrubs, mowing of grass on park lands, chemical treatment of grass on park lands or greenways, or mowing of grass on greenways when posted for no mowing is a public nuisance and is prohibited unless approval to use City-owned or leased greenways is obtained

pursuant to Subdivision (b) or the private use is pursuant to a valid permit issued under Sec. 8.33, MGO. (Am. by Ord. 12,992, 1-25-02; Ord. 13,177, 11-5-02; ORD-10-00109, 11-17-10; ORD-13-00109, 6-12-13)

(b) The City Engineer may approve planting native grasses and/or forbs or removal of invasive species in a City-owned or leased greenway, provided that:

1. the applicant is the owner of land abutting the greenway where the use is proposed;
2. the City's ability to maintain the greenway is not adversely impacted by the proposed use;
3. the applicant pays to the City Treasurer a fee of one hundred twenty-five dollars ($125);
4. the applicant agrees to indemnify, defend, and hold harmless the City and its officers, employees and agents against all loss or expense by reason of any claim or suit, or of liability imposed by law upon the City or its officials, agents, or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damage to property, including loss of use thereof, arising from, in connection with, caused by or resulting from activities related to an approved use of a greenway, whether caused or contributed to by the negligent acts of the City, its officials, employees, or agents.

The approval may contain conditions, including but not limited to, the duration of the approval and the geographic limits for the proposed use. The applicant shall notify all property owners within one hundred (100) feet of the greenway where the proposed use is located at least three (3) days prior to the date the proposed use begins. (Cr. by ORD-06-00175, 12-8-06)

(2) Southwest Bike Path.

(a) Public Nuisance. Except as set forth in (b), private use of the Southwest Bike Path right-of-way for fences, retaining walls, sheds or other outbuildings, gardens and/or other landscaping, stairs, play equipment, dog runs parking of vehicles or storage of personal property is a public nuisance and is prohibited.

(b) 1. Vegetation including but not limited to grasses, perennials, small shrubs and trees. No vegetation, however, shall be planted in any drainage ditch or swale abutting the bike path, which at maturity will be closer than fifteen (15) horizontal feet or sixteen (16) vertical feet from the edge of the bike path surface. Planting of any tree that will attain twenty (20) or more feet at maturity requires prior approval of the Forestry Section of the Madison Parks Department.

2. Fences that existed prior to April 1, 2000 may remain, as long as they do not present a hazard for the users of the bike path, as determined by the City Engineer. All such fences, however, shall be removed when the property is transferred to a new owner after the above date.

3. Stairs for private use shall be allowed only if they comply with current building codes; the owner provides evidence of insurance, naming the City as an additional insured; indemnifies the City for any and all claims relating to the stairs; and obtains a permit from City Engineering.

4. Temporary mesh fences not exceeding thirty (30) inches in height, for the purpose of delineating gardens. Such fences shall not extend the full width of a property or otherwise give the appearance of defining private property.

5. Retaining walls not exceeding twenty-four (24) inches. Retaining walls, terraces, foot paths, and small stepping stones are permitted only to the extent that they delineate gardens, and they may not function as stairs.

6. Outbuildings without foundations that existed prior to April 1, 2000 may remain as long as they do not present a hazard to the users of the bike path, as determined by the City Engineer. All such outbuildings, however, shall be removed when the property is transferred to a new owner after the above date.

7. Outbuildings with permanent foundations that existed prior to April 1, 2000 may remain as long as they do not present a hazard to the users of the bike path and if a permit is obtained from City Engineering.

(c) Not withstanding the exceptions in (b) above, any private encroachment that interferes with the operation, maintenance or future construction of the bike path or appurtenances, as determined by the City Engineer, is a public nuisance and is prohibited.

(3) Bicycle-Sharing Facilities. It shall not be a violation of this ordinance for bicycle-sharing facilities that are part of a City-sponsored bicycle-sharing program, as those terms are defined in Sec. 10.33, MGO, to be placed on City-owned or leased greenways and park lands or the Southwest Bike Path, provided that the owner of the facility has a valid bicycle-sharing facility privilege under Sec. 10.33 for the location and the Board of Parks Commissioners and/or the City Engineer, or their designees, as the case may be, approve the actual location of the bicycle-sharing facilities that will be located on City-owned or leased greenways and park lands or the Southwest Bike Path. (Cr. by ORD-11-00044, 3-23-11)

(4) Abatement. If the City determines that a public nuisance exists pursuant to (1) or (2), notice to remove such public nuisance or cease such public nuisance activity shall be sent to the owner, occupant, or person causing, maintaining, or permitting the public nuisance. If the public nuisance is not removed within the time specified in the notice, the City shall remove the public nuisance or cause it to be removed. The cost of abatement shall be assessed as a special charge to the owner, occupant, or person causing, maintaining, or permitting the public nuisance. Any property held by the City after removal is subject to disposal thirty (30) days after a notice of removal is mailed to the owner, occupant or person causing, maintaining, or permitting the public nuisance. (Renumbered by ORD-06-00175, 12-8-06; ORD-10-00109, 11-17-10; Renum. by ORD-11-00044, 3-23-11)

(5) Appeal. Any person aggrieved by a determination that a public nuisance exists may appeal within fifteen (15) days of the mailing of the notice to remove the public nuisance or cease such public nuisance activity. Appeal shall be to the Board specified on the notice and will be either the Board of Public Works or the Board of Park Commissioners, depending on which Board has the control and management of the public property at issue. All requests for appeal shall be filed with the City Clerk and must inform the Board of the reasons for the appeal. Within thirty (30) days, the Board shall hold a hearing at which the parties may offer testimony and documents. Within twenty (20) days of the hearing, the Board shall affirm, modify, or reverse the determination that a public nuisance exists. Appeal from the action of the Board shall be to Circuit Court within thirty (30) days of the determination of the Board. (Renumbered by ORD-06-00175, 12-8-06; ORD-10-00109, 11-17-10; Renum. by ORD-11-00044, 3-23-11)

(6) Penalty. Any person violating this ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than ten dollars ($10) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense. In addition to any other penalty imposed by this ordinance, the City Attorney may maintain an action pursuant to Wis. Stat. ch. 823, to abate the nuisance. (Cr. by Ord. 5672, 11-17-76; Am. by Ord. 12,836, 6-26-01; Renumbered by ORD-06-00175, 12-8-06; Renum. by ORD-11-00044, 3-23-11)

(Section 8.15 Am. by ORD-08-00019, 2-23-08)

8.16 UNAUTHORIZED MOTORIZED VEHICLES PROHIBITED ON PUBLIC LANDS. It shall be unlawful to operate or park any unauthorized motorized vehicle in or upon any portion of public land including, but not limited to, parks, median strips, parkways, school grounds or open space easements, unless designated as a park drive, roadway, parking area or temporary parking area within such public land. Every temporary parking area shall be designated by signs and the extent of its limits shall be clearly marked. "Motorized vehicle" means any self-propelled device in, upon or by which any person or property is or may be transported or drawn. Any person violating the provisions of this ordinance shall be subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for the first offense and not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the second or subsequent conviction within a year. (Am. by Ord. 8941, 8-29-86; ORD-10-00015, 2-18-10)

8.17 VENDING IN PUBLIC PARKS.

(1) It shall be unlawful for any person, without having applied for and obtained a parks vending permit under this section, to set up any refreshment, concession or other vending stand, to display any foods, beverages, goods or information regarding services or lessons; or to sell any foods, beverages, goods, services or lessons:

(a) In or upon any park, playground, recreation area, bathing beach or athletic field owned or operated by the City of Madison; provided, however, that vending in Elizabeth Link Peace Park shall be regulated under Section 9.13(6) of the Madison General Ordinances and not under this section; or

(b) Upon any street, alley, sidewalk, public square or pleasure drive located upon or adjacent to any park, playground, recreation area, bathing beach or athletic field owned or operated by the City of Madison.

(2) (a) Application for all parks vending permits, except Olbrich Gardens Special Event Vending Permits, shall be made to the Superintendent of Parks or designee on forms supplied by the Parks Division. Such forms shall include the name and address of the person or organization seeking such privilege and the date or dates of the proposed activity, and any other information as may be required by the Superintendent of Parks or designee.
(Am. by Ord. 11,564, 5-1-96; Ord. 13,225, 1-25-03)

(b) A reasonable fee for each class of parks vending permit for nonprofit and all other vendors shall be set by the Park Commission and may be adjusted by the Commission from time to time. The fee shall be paid to the City Treasurer. For purposes of vending permit fees under this section, a nonprofit vendor is any individual or group who has obtained a designation as a tax-exempt entity, contributions to which are tax deductible, pursuant to 26 U.S.C. Sec. 501(c)(3). A nonprofit group may obtain one permit for all persons conducting vending activities for the group. All other vendors shall apply for and obtain a permit for each person vending, except for special event permits under Sec. 8.17(2)(b)4., below.

Parks vending permits shall be of four (4) classes:

1. Annual Permit. An annual permit shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for and shall expire on the fourteenth (14th) day of April following issuance. Applicant for annual permit under this paragraph shall be made at least thirty (30) days prior to the date the applicant intends to begin vending. (Am. by Ord. 12,731, 12-14-00; Ord. 13,225, 1-25-03)
2. Daily Permit. A daily permit shall set forth the exact date(s) of operation and shall be valid only for the date(s) stated therein. (Am. by Ord. 12,731, 12-14-00; Ord. 13,225, 1-25-03)
3. Olbrich Gardens Special Event Vending Permit. A special event vending permit for Olbrich Botanical Gardens shall set forth the exact date(s) on

which such business shall be carried on and shall be valid only during the dates specified. The procedures for application and issuance of a permit under this paragraph shall be determined by the Executive Director of the Olbrich Botanical Gardens, or designee. (Am. by Ord. 13,225, 1-25-03)

4. Special Event Vending Permit. Special event sponsors may purchase a vending permit for up to seven (7) vendors for the duration of a special event. Any additional vendors must apply for and obtain a daily or annual permit as provided elsewhere in this section. The special event permit shall set forth the exact dates and times of the event, the names of the vendor(s) under the permit, and shall only be valid for those vendor(s) and the dates and times specified. The event sponsor shall have adequate liability insurance in force as required by Sec. 8.17(2)(c) of these ordinances. (Cr. by Ord. 13,225, 1-25-03)

(Sec. 8.17(2)(b) Am. by Ord. 11,978, 12-12-97; Ord. 12,511, 12-20-99; Ord. 13,225, 1-25-03)

(c) Every permittee under this section shall have and maintain adequate general liability insurance including products liability coverage with minimum limits of one million dollars ($1,000,000) in the aggregate naming the City, its officers, employees and agents as additional insureds, and shall agree to indemnify, defend, and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as the result of any injury to or death of any person or damage to property caused by or resulting from the activities of the permittee. For a permit to be issued, every applicant for a parks vending permit shall provide not less than three (3) business days prior to the effective date of the permit, a Certificate of Insurance, on a form acceptable to the City, evidencing this coverage. Said insurance shall indemnify and defend the City, its officers, employees and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the City, its officers, employees or agents. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. (Am. by Ord. 13,225, 1-25-03)

(d) Every permittee who intends to vend food or beverages shall also make application for a Food and Drink license or an Itinerant Restaurant license and shall have approval of the Health Department prior to the issuance of the vending permit.

(3) The Park Commission may review applications for parks vending permits and may delegate the authority to review initial applications and renewals for parks vending permits to a designee of the Parks Division. The Park Commission or authorized designee may grant a parks vending permit only for those transactions which:

(a) Are customarily associated with public use and enjoyment of parks and park properties;

(b) Are in furtherance of public use and enjoyment of the park; or

(c) Are incidental to an appropriate recreational or cultural use of said properties.

(Am. by Ord. 13,225, 1-25-03)

(4) After review of the application under the criteria set forth above, and any other criteria or guidelines established by the Commission, the Commission may grant or deny the permit. If the designee of the Parks Division reviews an application, s/he may issue the permit or recommend denial to the Park Commission based upon the criteria set forth subsection (3) or any other criteria or guidelines established by the Commission. The designee shall place the matter of the application and recommended denial on the agenda for the next available Commission meeting and notify the applicant of the time and place for the meeting. The Commission may grant or deny the permit and shall consider the recommendation of the

designee of the Parks Division and the criteria found herein. If a permit is denied, the Commission shall state the reasons in writing and provide the written determination to the applicant within ten (10) days of the determination. (Am. by Ord. 13,225, 1-25-03)

(5) An appeal from the decision of the Park Commission or designee to grant or deny a parks vending permit may be taken to the Common Council by any person aggrieved by the decision. Such appeal shall be taken by filing with the City Clerk within ten (10) days of the written determination a Notice of Appeal specifying the grounds therefor in respect to the decision of the Park Commission or designee. The Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The decision of the Common Council shall be a final administrative decision for purposes of judicial review. Any person aggrieved by the decision of the Common Council may, within thirty (30) days, commence an action seeking the remedy available by certiorari. (Am. by Ord. 13,225, 1-25-03)

(6) Recreation programs sponsored or conducted by the Madison Metropolitan School District are exempt from the provisions of this section.

(7) A permit issued under this section shall be conspicuously displayed on the vending stand or site at all times and shall contain the information as may be required elsewhere in this section, or by the Park Commission or authorized designee. (Am. by Ord. 13,225, 1-25-03)

(8) Any person violating the provisions of this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(Sec. 8.17 Am. by Ord. 11,467, 12-14-95; Ord. 13,314, 5-6-03)

8.175 PARKS FACILITY CATERING PERMIT.

(1) Parks Facility Catering Permit Required. No person may provide catering services at a parks facility without a valid parks facility catering permit issued under this section or contrary to any conditions thereof.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) Catering Services. Food and beverage services provided by a person where the food and beverages are fully or partially prepared, stored and handled off-site, and then served by that person on-site. This definition does not include alcohol sales, delivery services where the person preparing the food does not serve the food on-site, or food and beverage service covered by a parks vending permit issued under Sec. 8.17.

(b) Net Catering Sales. A permittee's net sales of catering services provided at a parks facility pursuant to a permit issued under this section. Where catering services are either donated or provided at reduced rates, net catering sales shall be based upon the market value of food and beverage provided.

(c) Parks Facility. A public facility located within a public park that contains a kitchen or other area designated for storing, handling and preparing food or beverages. This definition does not extend to park shelters that lack a kitchenette. It also excludes any parks facility where catering services have been made available by agreement between the City and a caterer following a request for proposals process approved by the Common Council.

(3) Classes of Permits.

(a) Annual Permit. An annual permit shall be valid from January 1 through December 31 of the calendar year. A permit may be issued for the upcoming calendar year no earlier than December 1 of the preceding year.

(b) Single-Event Permit. A single-event permit shall be valid only for the date(s) and facility stated therein.

(c) Multiple-Facility Permit. An annual permit may be issued for multiple parks facilities, provided the permittee meets the requirements set forth in this ordinance for each parks facility.

(4) Permit Application. An application for a parks facility catering permit shall be made in writing to the Parks Superintendent on forms supplied by the Parks Division and shall detail the name and address of the person or organization seeking the permit, the park facility, or facilities, for which the permit is being sought, the class of permit being sought, and the dates for which a permit is being sought. The application may include any other information as may be required by the Parks Superintendent. The application shall include an application fee, the certificate of insurance as required under Subdivision (6)(f), and an agreement to abide by all conditions set forth in Subsection (6). An application for a permit shall be made at least thirty (30) days prior to the date the applicant intends to provide catering services at a parks facility. A late permit application may be accepted at the Parks Superintendent's discretion.

(5) Permit Fee. A reasonable fee for each class of parks facility catering permits shall be set by the Board of Park Commissioners. The fee shall be paid to the City Treasurer and shall be adjusted from time-to-time to allow the City to recover its costs of administering the parks facility catering program consistent with the requirements of Wis. Stat. § 66.0628. This fee may be different for each parks facility, and may include a late fee for untimely applications and a facility orientation session fee that differentiates between group sessions and individual sessions.

(6) Permit Conditions. Every permit issued under this section is subject to the following permit conditions:

(a) Compliance with Laws and Rules. A permittee shall abide by all federal, state, and local laws, ordinances and regulations, as well as the specific parks facility rules and conditions. Every permit granted under this section is subject to the permittee maintaining a valid food and drink permit from Public Health Madison and Dane County.

(b) Facility Orientation. Prior to performing any catering services at the parks facility, the permittee must undergo a facility orientation session with Parks Division staff. This orientation session shall be required of each permittee annually, except that Parks Division staff may waive this requirement at their discretion. No facility orientation session fee shall apply if this requirement is waived.

(c) Facility Usage Fee. In exchange for allowing permittee's use of the City's park facilities to offer their catering services, a permittee shall agree, as a condition of the permit, to remit to the City ten percent (10%) of the permittee's net catering sales arising from catering activities at the permitted parks facilities as a usage fee. This amount shall be remitted to the City within ten (10) days of a catering service event, or as otherwise agreed to by the Superintendent and the permittee. The permittee shall provide the City any documentation necessary to substantiate the payment made.

(d) Special Conditions. The Parks Division may require any other special conditions of a permit that are necessary to protect the City's property, and the health, safety, and welfare of the public. Any such special conditions shall be indicated in writing as an addendum to the permit, and, for annual permits, may be imposed on an event-by-event basis. A permittee may challenge a proposed special condition by appealing the proposed condition to the Parks Superintendent.

(e) Indemnification. As a condition of the granting of the permit, the permittee shall agree to hold harmless, defend, and indemnify the City, its officers, officials, employees and agents, from and against all claims, suits, liability, damages, expenses and penalties arising from the permittee's operations or use of the parks

facilities pursuant to a permit granted under this Section, whether caused by or contributed to by the negligence of the City, its officers, officials, employees and agents.

(f) Insurance. At the time of the application, the permittee shall be required to furnish a Certificate of Insurance to the City of Madison Risk Manager, on a form acceptable to the City, providing evidence of commercial general liability insurance with minimum limits of one million dollars ($1,000,000) per occurrence, naming the City of Madison, its officers, officials, agents and employees named as additional insureds. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the permit. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. This insurance condition may be waived in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived.

(7) Revocation of Permit. In the event that the permittee fails to abide by any of the conditions of the permit, the City shall provide written notice to the permittee of the violation of the permit conditions, and give the permittee at least five (5) days to cure the violation. If permittee fails to cure the violation, the permit shall be revoked and the permittee shall not be eligible for a new parks facility vending permit for at least twelve (12) months, unless otherwise approved by the Parks Superintendent. However, if a determination is made that revocation is reasonably necessary to protect the health, safety or welfare of the public, the Parks Superintendent may immediately revoke a permit granted under this section.

(8) Appeal. An appeal of the Parks Superintendent's decision to deny or revoke a permit under this section, or impose a special condition of a permit under this section, shall be made in writing and state the reasons for the denial, revocation, or special condition. This decision may be appealed to the Board of Parks Commissioners by providing written notice of the appeal to the City Clerk within thirty (30) days of the mailing of the notice to the applicant, and must state the reasons for the appeal. The Board of Parks Commissioners shall hear the appeal at its next meeting, unless the notice is received within ten (10) days of the next meeting at which point the hearing shall be at the following meeting. At the hearing, the Board of Parks Commissioners shall either affirm the action of the Parks Superintendent, or overturn the action upon a showing that the requirements of this ordinance have been met. If the decision is upheld, the Board of Parks Commissioners shall, at its next meeting, adopt a written determination of its decision, which decision shall be sent to the appellant within ten (10) days of the determination. Appeal of the Board of Parks Commissioners' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(9) Violations. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(10) This ordinance shall be effective July 1, 2015.

(Sec. 8.175 Cr. by ORD-15-00064, 6-24-15)

8.18 PARKING REGULATED IN CERTAIN PARKS.

(1) Parking Regulated at Law Park.

(a) It shall be unlawful for the operator of any motor vehicle to park such vehicle upon the roadways in or upon any part of Law Park, except where designated and

set aside for vehicle parking and only within the limits of a designated parking stall, and according to the other parking regulations found elsewhere in this section.

(b) One or more temporary parking areas, designated by sign and delineated by roping off the periphery of the area, may be established by the City or by a person or entity who has obtained written permission from the Parks Commission, to serve the needs of patrons of special events in Law Park which have been approved by the Parks Commission.

(c) Blair Parking Lot.

1. No person shall park, stop, or leave standing any vehicle in a metered stall in the parking lot commonly known as the Blair Lot in the most easterly part of Law Park, between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday, without having deposited in the meter adjacent to the parking stall, a United States coin, or coins, at the rate established by the Parking Utility and approved by the Park Commission. The absence or complete functional failure of a parking meter adjacent to any parking space shall exempt operators of vehicles from the provisions of this paragraph but shall not provide an exemption from any other applicable law or ordinance.
2. No person shall park, stop, or leave a vehicle standing at a metered stall in the Blair lot for a longer period than the applicable time limit specified on the meter adjacent to the parking stall. The absence or complete functional failure of the parking meter adjacent to the parking stall shall exempt operators of vehicles from the provisions of this paragraph but shall not provide an exemption from any other applicable law or ordinance.
3. No person shall park, stop, or leave a vehicle standing in a parking stall in the Blair Lot that has been reserved by official sign or markings, for vehicles bearing a permit issued by the Parking Utility, during the times indicated on official sign or markings, without a permit issued by the Parking Utility.

(2) Parking Regulated at Brittingham Park.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in the Brittingham Park parking lots for more than three (3) hours or when the park is closed, except with the prior approval of the Superintendent of Parks.

(Am. by ORD-05-00212, Adopted 12/13/05; Reconsidered 1/3/06, 1-19-06; Am. by ORD-12-00094, 7-27-12)

(3) Parking Regulated at Olbrich Bathhouse.

No person shall park, stop or leave standing any vehicle at the Olbrich Bathhouse parking lot whether attended or unattended between the hours of 7:00 p.m. and 4:00 a.m.

(4) Parking Regulated at Gates Of Heaven Synagogue.

(a) No person shall park, stop or leave standing any vehicle within the Gates of Heaven Synagogue parking lot, whether attended or unattended, for more than three (3) hours between 4:00 a.m. and 10:00 p.m.

(b) No person shall park, stop or leave standing any vehicle within the Gates of Heaven Synagogue parking lot, whether attended or unattended, between the hours of 10:00 p.m. and 4:00 a.m.

(5) Parking Regulated at Henry Vilas Park.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any of the roadways, parking lots, or other areas designated for motorized vehicles within Henry Vilas Park for more than three (3) hours or when the park is closed, except with the prior approval of the Superintendent of Parks.

(Am. by ORD-12-00094, 7-27-12)

(6) Parking Regulated at Quarry Park.

(a) No person shall park, stop or leave standing any vehicle along any roadway within Quarry Park, whether attended or unattended, for more than three (3) hours between 8:00 a.m. and 5 p.m., Monday through Friday.

(b) No person shall park, stop or leave standing any vehicle along any roadway within Quarry Park, whether attended or unattended, between the hours of 10:00 p.m. and 4:00 a.m.

(Cr. by ORD-07-00084, 7-20-07)

(7) Parking Regulated at Olin-Turville Park. No person shall park, stop or leave standing any vehicle in the lower or southern parking lot of Olin-Turville Park, whether attended or unattended, for more than three (3) hours.

(Cr. by ORD-10-00041, 4-27-10)

(8) Penalty. Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than forty dollars ($40) for the first offense and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the second or subsequent convictions within a year. (Renumbered by ORD-07-00084, 7-20-07; ORD-10-00041, 4-27-10)

8.185 WATERCRAFT AND/OR OTHER BOATING EQUIPMENT STORAGE ON CITY PROPERTY REGULATED.

(1) No person shall leave, store or permit any watercraft, boat trailer, or other boating equipment to remain on any City of Madison property for a period greater than eight (8) continuous hours without a permit issued by the Parks Superintendent or his/her designee. "Watercraft" means any contrivance used or designed for navigation on water.

(2) Persons desiring to leave or store watercraft equipment on City property shall make application in writing to the Parks Department on a form provided by the City, identifying the type of watercraft equipment to be stored and the location of the storage. Said application shall be accompanied by a permit fee established by the Parks Commission, which shall be on file in the Parks Department office and approved by the Parks Commission. Upon receipt of the application and approval of the proposed storage location and watercraft for storage, a permit shall be issued which permit must be attached to the watercraft or boating equipment in a conspicuous location visible for inspection at all times.

(3) Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). Each day of violation shall constitute a separate violation.

(Sec. 8.185 Cr. by Ord. 9778, 5-12-89)

8.188 ANCHORING AND MOORING OF WATERCRAFT REGULATED.

(1) No person shall anchor or moor any watercraft within twenty-five (25) yards of any boat launch or pier in any of the following places except temporarily for the purpose of launching or removal of a boat from the waters and while the watercraft is attended by a person capable of moving the watercraft in case of an emergency or to avoid the obstruction of traffic:

(a) The launch sites at Marshall Park, Warner Park, Tenney Park, Olin Park, Law Park and Olbrich Park.

(b) The piers at Marshall Park, Warner Park, Tenney Park, Olin Park, Law Park, Olbrich Park and James Madison Park.

(2) This section does not apply to any person whose use of the above noted launch sites or piers is consistent with a valid agreement entered into with the City of Madison.

(3) Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than one hundred dollars ($100) for the first

offense, not less than forty dollars ($40) nor more than two hundred dollars ($200) for the second offense within a year and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the third or subsequent conviction within a year.

(Sec. 8.188 Cr. by Ord. 9779, 5-12-89; ORD-13-00082, 5-29-13)

8.19 ANIMALS PROHIBITED IN CERTAIN AREAS.

(1) Dogs Prohibited in Parks and on School Grounds.

(a) Prohibition. Except as provided for under Subdivision (b), no owner, keeper or handler of a dog shall allow, cause or permit such dog to enter or remain in either:

1. Any public park in the City of Madison; or,

2. Any school grounds in the City of Madison as have been designated by order of the Board of Education as areas in which dogs are prohibited.

(b) Exceptions. The prohibition in Subdivision (a) shall not apply to the following:

1. Service Dogs. Dogs specially trained, or dogs being specially trained, to lead visually- or hearing-impaired persons or to provide support for mobility-impaired persons when leading or accompanying a visually impaired, hearing-impaired or mobility impaired person.

2. Law Enforcement Dogs. Dogs used by or under the auspices of the City of Madison Police Department or other law enforcement department in the course of official police business.

3. On-Leash Dog Parks.

a. On-Leash Dog Park Locations. Subject to the conditions set forth in sub. b., dogs are permitted to be in posted areas of the following parks or any other area so designated by the Board of Park Commissioners and confirmed by the Common Council:

Acewood Park	Law Park
Baxter Park	Marlborough Park
Blackhawk Park	Norman Clayton Park
Brittingham Park, from Bassett St. to Bedford St.	North Star Park
Demetral Park	Peace (Elizabeth Link) Park
Door Creek Park	Quarry Park
Elver Park, from March 15 to November 15	Richmond Hill Park
Garner Park	Spring Harbor Park, the eastern portion thereof
Glen Oak Hills Park	Sycamore Park
Greentree Park	Walnut Grove Park
High Point Park	Warner Park
Hoyt Park, along Owen Parkway	Wingra Park
James Madison Park	Yahara River Parkway (including Burr Jones Field)

b. Conditions of On-Leash Dog Park Use. All users of the designated on-leash dog parks set forth in sub. a. must comply with the following conditions:

i. The dog must be restrained by a chain, rope, cord or leash of sufficient strength to control the action of such dog. The length of the chain, rope, cord or leash shall not exceed six (6) feet when the owner or keeper and the dog are proceeding along any pedestrian or transportation corridor.

ii. The dog is licensed and must wear a rabies vaccination tag as required by Sec. 23.39(3), owner identification as required by Sec. 23.33(6)(a), a license tag as required by Sec. 23.33(6)(c), and a permit tag as required in sub. iv. below.

iii. Dog feces shall be removed and disposed of in compliance with Sec. 7.322.

iv. The owner of the dog must have secured a permit for use of dog exercise areas in city and county parks.

4. Off-Leash Dog Parks. Dogs are permitted to run at large, off-leash, in certain parks, as set forth in Sec. 23.32.

(c) The Board of Park Commissioners shall cause signs to be posted in parks or park areas where dogs are permitted and the School Board shall do likewise in school grounds or school ground areas wherein dogs are prohibited.

(Sec. 8.19(1) Rep. & Rec. by ORD-17-00028, 3-8-17)

(2) Horses Prohibited in Certain Areas. No owner or keeper of a horse, except horses used by the City of Madison Police Department in the course of official police business, shall suffer, cause or permit such horse to enter or remain in any public park in the City of Madison unless so designated by the Superintendent of Parks.

(3) Certain Animals Prohibited on Zoo Property. No owner or keeper of any animal shall suffer, cause or permit said animal to enter or remain on Henry Vilas Zoo property unless specific permission has been granted by the Henry Vilas Zoo Director. (Cr. by ORD-11-00168, 12-6-11)

(4) Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100); any person violating any provision of this section for the second time in any twelve-month period may be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200); any person violating any provision of this section for the third time in any twelve-month period may be subject to a forfeiture of not less than one hundred dollars ($100) nor more than three hundred dollars ($300); any person violating any provision of this section for the fourth and subsequent time in any twelve-month period may be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five hundred dollars ($500).

(Sec. 8.19(3) Renum. to (4) by ORD-11-00168, 12-6-11)

(Sec. 8.19 Am. by Ord. 11,548, 3-14-96)

8.20 FISHING IN LAKE MONONA AT SOUTH LIVINGSTON STREET PROHIBITED.

It shall be unlawful for any person to fish in Lake Monona from the street end at South Livingston Street. Any person violating this ordinance shall be subject to a fine of not less than five dollars ($5) nor more than fifty dollars ($50) for each offense.

8.21 PUBLIC PARKS TO BE CLOSED DURING CERTAIN HOURS.

It shall be unlawful for any person to be or remain in Link Park or James Madison Park between the hours of 10:00 p.m. and 6:00 a.m., to be or remain in Berkley Park from sunset to sunrise, or to be or remain in any other public park in the City of Madison between the hours of 10:00 p.m. and 4:00 a.m. This prohibition shall include bathing beaches contiguous or adjacent to public parks, but shall not prohibit passing through a park area either in a vehicle or on foot without stopping during such hours; nor, shall this ordinance apply to those parks designated by the Superintendent of the Parks Division which have regularly scheduled recreational activities which conclude after 10:00 p.m. Parks which are not closed at 10:00 p.m. due to scheduled recreational events shall be closed at 11:00 p.m. except for participants in overnight activities approved by the Superintendent of the Parks Division. The entrances of all parks shall be conspicuously posted indicating the closing hours of the park. The Warner Park Baseball Field and Parking Lot may remain open until the conclusion of scheduled minor league baseball games; in no case may any

inning start after 11:50 p.m. The Common Council may by resolution permit specific parks to be open after 11:00 p.m. for designated events approved by the Common Council. Hours in conservation parks shall be governed by Sec. 8.40, M.G.O. Any person violating any provision of this ordinance shall be subject to a forfeiture of not more than $200. (Am. by Ord. 12,372, 5-6-99; Ord. 13,010, 2-08-02; Ord. 13,560, Adopted 12-14-04)

8.215 USE OF PARKS FOR LAKE ACCESS.

(1) No person shall launch a motorboat, sailboat, iceboat, canoe, kayak, or an all-terrain vehicle in designated lake access parking lot areas in Law, Marshall, Olbrich, Olin, Spring Harbor, Tenney and Warner Parks in the City of Madison without first obtaining a lake access permit and paying the fee for same, which fee shall be established by the Parks Commission. Said permit shall be displayed in or on the launcher's accompanying motor vehicle in such location as designated by the Parks Commission. (Am. by Ord. 11,589, 5-21-96; ORD-06-00008, 2-2-06)

(2) It shall be unlawful for any person to park, stop or leave standing any vehicle, whether attended or unattended, in any area in a public park in the City of Madison that has been designated by order of the Park Commission as a lake access parking lot unless said vehicle properly displays the permit required in Subsection (1) above.

(3) No person shall launch or dock or remove any watercraft from the Olin Park lake access parking lot between the hours of 10:00 p.m. and 4:00 a.m.

(4) Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100) with each separate day to be considered a separate offense.

(Am. by Ord. 9265, 9-14-87; Ord. 13,603, 5-11-04)

8.22 FISHING IN CERTAIN AREAS IN TENNEY PARK PROHIBITED. It shall be unlawful for any person to fish from that part of the shores (or banks) of the Yahara River in Tenney Park and from all structures along the shores (or banks) of the Yahara River and from the Sherman Avenue Bridge which are located between points on the shore of Lake Mendota one hundred (100) feet distant from the center of the upper gate of the Tenney Park lock and points on the shores (or banks) of the Yahara River thirty (30) feet distant and downstream from the southeast side of the abutment of the Sherman Avenue Bridge. Provided, however, that fishing be allowed from that part of the shore which abuts the spillway and which is between points which are thirty (30) feet northwest from the northwest edge of the Sherman Avenue Bridge and twelve (12) feet southeast from the end of the fence on the retaining wall located on the northeast side of said spillway.

8.23 USE OF PUBLIC GOLF COURSES RESTRICTED TO GOLFING PURPOSES. In order to facilitate the safety and enjoyment of playing golf, and to protect and maintain the premises properly, it shall be unlawful for any person to be on any golf course (as defined by the golf course out-of-bounds lines) owned or operated by the City of Madison between April 15 and December 1 inclusive of each year, unless she or he shall have on her/his person a valid permit issued by the Madison Parks Department. Any person violating this ordinance shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense. (Am. by Ord. 13,760, Adopted 12-14-04; ORD-14-00012, 1-14-14)

8.24 ALCOHOL BEVERAGE CONTROL AND CONTAINER CONTROL ON CERTAIN PUBLIC PROPERTY.

(1) Prohibition. It shall be unlawful for any person to sell, give away, possess or consume any alcohol beverages as defined in Wis. Stat. ch. 125.02, on any of the following City properties:

(a) Penn Park, except between 10:00 a.m. and 8:00 p.m. in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages; (Am. by ORD-07-00193, 12-20-07; ORD-10-00114, 12-8-10)

(b) Breese Stevens Field, except within the walled and gated portions thereof; (Am. by ORD-12-00024, 3-5-12)

(c) The football field, the baseball diamond and the grandstand at Warner Park except during professional minor league baseball games and directly related activities authorized by lease approved by the Common Council and Mayor;

(d) Dynie Mansfield Athletic and Recreational Field;

(e) Upon the premises at 452 State Street;

(f) In any part of Elver Park on July 4 except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages.

(g) In Brittingham Park except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas with the prior approval of the Parks Division.

(h) In any part of Newville Park. (Cr. by Ord. 10,606, 3-12-93)

(i) In James Madison Park except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas with the prior approval of the Parks Division. (Am. by Ord. 10,930, 7-5-94)

(j) In any part of Warner Park on the day of the Rhythm and Booms celebration (excluding the exception in Subdivision (c) above) except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages. (Am. by Ord. 12,846, 7-9-01; Ord. 13,456, 11-21-03)

(k) In any part of Windom Way Park. (Cr. by Ord. 10,930, 7-5-94)

(l) In any part of Olin/Turville Park when the Park Commission approves any special event which includes duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages, except in those duly designated and cordoned off areas. (Cr. by Ord. 12,162, 7-20-98)

(m) In any part of Tenney Park except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 12,303, 1-15-99; Am. by Ord. 12,541, 2-18-00)

(n) In any part of Bernie's Beach except in a duly designated and cordoned off area specifically set aside for the consumption of alcohol beverages and with the prior approval of the Park Commission. (Cr. by Ord. 12,463, 9-3-99)

(o) In the Demetral Park shelter and a fifty (50) foot radius surrounding the shelter, except by permit with the prior approval of the Parks Division.

(p) In any part of Olbrich Park during the Atwood Community Center's Summerfest Celebration except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages. (Cr. by Ord. 12,657, 8-10-00)

(q) The public right away that extends from North Carroll Street to Lake Mendota. (Cr. by ORD-11-00130, 9-28-11)

(r) In any part of Paunack Park and Paunack Marsh, except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 12,943, 12-24-01)

(s) In any part of Thut Park, except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 12,943, 12-24-01)

(t) In any part of Waunona Park, except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 12,943, 12-24-01)

(u) In any part of B.B. Clarke Beach, except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 13,229, 1-25-03; Am. by Ord. 13,330, 5-28-03)

(v) In any part of Period Garden Park. (Cr. by Ord. 13,310, 4-30-03)

(w) In any part of Reger Park except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by Ord. 13,330, 5-28-03)

(x) In any part of Law Park except in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages or in other areas, with the prior approval of the Parks Division. (Cr. by ORD-07-00078, 7-11-07; Am. by ORD-09-00080, 5-21-09)

(y) In any part of Eastmorland Park. (Cr. by ORD-08-00098, 8-23-08)

(z) In any part of Lake Edge Park unless a Parks Division alcohol permit is issued in conjunction with a shelter reservation. (Cr. by ORD-09-00109, 7-24-09)

(aa) The public right away that extends from North Henry Street to Lake Mendota. (Cr. by ORD-11-00130, 9-28-11)

(bb) In any part of Henry Vilas Zoo property unless specific permission has been granted by the Henry Vilas Zoo Director. (Cr. by ORD-11-00168, 12-6-11)

(cc) In any part of the City-County Building located at 210 Martin Luther King, Jr., Boulevard, including the outdoor areas located between the public sidewalk and all sides of the building, including but not limited to the entrance steps, the planters and all cement areas adjacent to the building. (Cr. by ORD-12-00013, 1-24-12)

(dd) In any part of the Madison Municipal Building located at 215 Martin Luther King, Jr., Boulevard, including the outdoor areas located between the public sidewalk and all sides of the building, including but not limited to the entrance steps, the planters and all cement areas adjacent to the building. (Cr. by ORD-12-00013, 1-24-12)

(ee) Olbrich Park, except for the Olbrich Botanical Gardens and except with the prior approval of the Parks Division or the Parks Superintendent. (Cr. by ORD-15-00113, 10-28-15

(ff) (R. by ORD-14-00165, 10-29-14)

(gg) Mayfair Park, except with the prior approval of the Parks Division or the Parks Superintendent. (Cr. by ORD-13-00083, 5-29-13)

(hh) Sherry (O.B.) Park, except with the prior approval of the Parks Division or the Parks Superintendent. (Cr. by ORD-13-00083, 5-29-13)

(Sec. 8.24(1) Am. by Ord. 10,923, 6-17-94; Ord. 12,337, 3-12-99)

(2) Open Container. No person may possess an open can, bottle, cup, flask, glass or other container which contains any alcohol beverages in any parking lot of a park operated by the City of Madison. Appropriate signs shall be erected at the entrances to the park parking lots indicating this regulation.

(3) Glass Container. No person may possess any cup, glass, flask, bottle or other container made of glass or other shatterable material designed or used for holding a beverage in City of Madison parks. Appropriate signs shall be erected at the entrances to parks indicating this regulation. The Common Council may, by resolution, waive the prohibition against containers made of glass or other shatterable material designed or used for holding a beverage, for special events in designated parks where the use of such containers is indigenous to the event. (Am. by Ord. 10081, 9-5-90)

(4) Penalty. Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than thirty dollars ($30) nor more than two hundred dollars ($200) for the first offense; not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the second offense within one year of the date of the first offense; not less than seventy-five dollars ($75) nor more than two hundred dollars ($200) for the third offense

within one year of the date of the first offense; and not less than one hundred dollars ($100) nor more than two hundred dollars ($200) for fourth and subsequent offenses within one year of the date of the first offense.

(Am. by Ord. 10,033, 5-29-90; Ord. 12,657, 8-10-00; Ord. 12,935, 12-11-01)

8.25 TRAPPING ON PUBLIC LANDS PROHIBITED EXCEPT BY PERMIT.

(1) It shall be unlawful to engage in the act of trapping on any lands owned by the City of Madison without having first secured a written permit from the City Clerk.

(2) "Trapping" as used in this section includes taking, or attempting to take, any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast or otherwise capture a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.

(3) Persons desiring to trap on City owned lands shall make application in writing to the City Clerk to so do, on a form provided by her or him describing thereon the City owned lands upon which they wish to trap. Said application shall be accompanied by a permit fee of five dollars ($5). The City Clerk shall forward such application to the City department or departments having jurisdiction over the City lands. The City Clerk shall issue such trapping permit only after receiving written approval therefor from such department having jurisdiction over the City owned lands upon which the proposed trapping is to occur. (Am. by ORD-14-00012, 1-14-14)

(4) Any persons who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). Each day that a condition exists which violates a provision of this section shall be determined to be a separate offense. (Am. by Ord. 13,760, Adopted 12-14-04)

(5) Notwithstanding any other provision of this ordinance, the applicant shall as part of her/his application agree upon issuance of a permit to indemnify and hold harmless the City of Madison, its agents, employees, servants and assigns from any claims, demands, damages, actions, causes of action or suits of whatsoever kind or nature arising out of said applicant's act of trapping on City owned lands. (Am. by ORD-14-00012, 1-14-14)

8.26 TEMPORARY STRUCTURE PROHIBITED WITHOUT PERMIT.

(1) No person, group or corporation may erect, build, maintain or store any temporary structure in any City park without first paying a fee and receiving a permit to erect, build, maintain or store same. Temporary structure shall include but not be limited to any staging platforms, tents, buildings, trailers, bleachers or similar non City supplied items. Each such structure shall require a separate permit. This provision shall not apply to any temporary structure which has a base area of sixty (60) square feet and a height of five (5) feet or less.

(2) Any temporary structure erected, built, maintained or stored in any City of Madison park without a permit issued by the City's Park Division shall be removed at the owner's expense which shall be in addition to and in excess of any forfeiture or storage fees for violating subsection (1).

(3) Every permittee, if performing the installation of the temporary structure, and every rental company providing the temporary structure and installing it in a City park shall have and maintain adequate general liability insurance coverage with minimum limits of $500,000 combined single limits per occurrence naming the City, its officers, employees, and agents as additional insureds. The Permittee shall furnish a Certificate of Insurance, on a form provided by the City, evidencing this coverage. Said insurance shall indemnify and defend the City, its officers, employees, and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the City, its

officers, employees, or agents. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy.

(4) Any person violating the provisions of subsection (1) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200).

(Sec. 8.26 Cr. by Ord. 10,432, 5-1-92)

8.265 LODGING IN PARKS PROHIBITED.

(1) It shall be unlawful for any person to lodge, to live in for a time, or to take habitation in any portion of a public park within the City of Madison. Evidence of lodging shall include but not be limited to bedrolls, mattresses, blankets, cooking utensils, clothing, and other personal belongings.

(2) Penalty. Any person who violates this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). Each and every day during which a violation continues shall be deemed to be a separate violation.

(Sec. 8.265 Cr. by Ord. 10,849, 2-28-94)

8.27 SNOW MOBILE AND CROSS-COUNTRY SKI REGULATIONS.

(1) It shall be unlawful for the operator of any snowmobile to operate or park such snowmobile in or on any City owned property in the City of Madison which has not been designated and posted as a "Snowmobile Operation Area," or upon any body of water over which the City of Madison has regulatory jurisdiction except as provided in Section 25.23(3)(d) of the Madison General Ordinances.

(2) This ordinance shall not apply to law enforcement or park maintenance personnel operating snowmobiles while on duty or where such operation is permitted by Wisconsin Statute.

(3) It shall be unlawful for any person to cross-country ski in Elver and Odana Parks unless the person is in possession of a City or County permit issued for such purpose and is utilizing trails that are clearly marked and groomed for cross-country skiing.

(4) Any person violating the provisions of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for the first offense and not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the second or subsequent offense within twelve months. (Am. by Ord. 13,760, Adopted 12-14-04)

(Am. by Ord. 12,512, 12-20-99)

8.28 NAMING OF PARKS. The assignment of names to new public parks and the reassignment of names to existing public parks shall be made by Resolution of the Common Council. The Park Commission shall notify the Common Council of the acquisition of new park land requiring names. The Common Council may, by resolution, reassign names of parks as it deems appropriate. (Cr. by Ord. 4392, 11-30-73)

8.29 PUBLIC ADDRESS SYSTEMS IN PARKS.

(1) No public address systems or sound amplification devices shall be used in any public park within the City of Madison except as permitted by this section. The Parks Superintendent may issue permits in accordance with this section. A permit shall not exempt the holder from the provisions of Sec. 24.08. (Am. by Ord. 6357, 8-24-78)

(2) Applications for permission to use such systems or equipment shall be made to the Superintendent of Parks on forms supplied by the Parks Division. Such application forms shall include the name of the organization seeking such permission, the name and address of the person responsible for the activity, and the date or dates of the proposed activity.

(3) The Superintendent may limit the hours of operation and the location within the park of any such system or equipment so as to insure the benefit of such system or equipment to

the group seeking its use and to minimize any unreasonable interference with the peace and enjoyment of other users of the park and those adjacent to such park. Only the hours of operation and location of such system or equipment may be regulated by this section. The Superintendent shall consider applications in the order they are received.

(4) (a) The decisions of the Parks Superintendent may be appealed to the Park Commission. Appellant shall, in writing, notify the Parks Superintendent of the appeal within five (5) days of the Parks Superintendent's decision, stating in such notice the decision appealed from and reasons why such decision should be changed or modified. Within two (2) working days thereafter, the Parks Superintendent shall file such appeal notice with the President of the Park Commission who shall schedule a time for the matter to be heard. Appellant shall be given at least five (5) days notice of the hearing, may be represented by counsel, may cross-examine witnesses, and may present witnesses. The proceedings shall be recorded. Within five (5) days after the hearing, the Board of Park Commissioners shall file a written decision in the matter with the City Clerk and shall cause a copy thereof to be mailed to the appellant, by regular mail, at appellant's address listed in the application.

(b) The decision of the Board of Park Commissioners may be appealed to the Common Council whose decision shall be final. The appeal to the Common Council shall be upon the record before the Board of Park Commissioners. Appellant shall, in writing, notify the City Clerk of such appeal within five (5) days of the decision of the Board of Park Commissioners, and shall within twenty (20) days thereafter file with the City Clerk the original and five (5) copies of the transcript of the record made before the Board of Park Commissioners. The City Clerk shall then cause the matter of the appeal to be placed on the agenda of the Common Council for its next regular meeting and shall notify the appellant of the time and place wherein such appeal shall be heard. The matter shall be heard by the Common Council solely on the record and no additional testimony shall be permitted before the Common Council. The President of the Board of Park Commissioners, or its designee, and the appellant may present arguments to the Common Council in support of their respective positions. Within five (5) days after the hearing, the Common Council shall file a written decision in the matter with the City Clerk who shall cause a copy thereof to be mailed to the appellant, by regular mail, at appellant's address listed in the application.

(5) The Police Department is authorized to require the discontinuance of any such system or equipment operating outside the prescribed hours or location. Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than fifty dollars ($50).

(Sec. 8.29 Cr. by Ord. 5307, 2-10-76)

8.30 RADIO-CONTROLLED TOYS PROHIBITED IN PARKS.

(1) Definitions.

(a) Radio Controlled Toy - any toy, model, ship, boat, airplane or similar device, propelled by a motor and where directional and/or operational controls are remotely directed by means of a radio transmitter.

(b) Environmentally Sensitive Area - any park, or area thereof, where the Superintendent of Parks or the Parks Commission makes a determination that the operation of a radio controlled toy would threaten critical habitat areas for park wildlife, and/or pollute or destroy critical park ecology.

(2) Prohibitions/Restrictions.

(a) The Superintendent of Parks may prohibit the operation of any radio controlled toy in any park or portion thereof which has been determined to be an environmentally sensitive area. The Superintendent of Parks may restrict the use

of radio controlled toys in any park or portion thereof where such restrictions are necessary to ensure the protection of park resources and the harmonious use of the parks for all of their visitors.

(b) No person shall operate any radio controlled toy in any park or portion thereof where such operation is prohibited and is posted. No person shall operate any radio controlled toy in any park or portion thereof in any manner inconsistent with or contrary to posted restrictions regarding the operation of such devices.

(c) No person shall operate any radio controlled toy in any portion of the Henry Vilas Zoo property. (Cr. by ORD-11-00168, 12-6-11)

(3) Any person violating Section (2)(b) of this ordinance shall be subject to a forfeiture of not more than two hundred dollars ($200).

(4) The Park Commission shall cause signs to be posted in parks where the use of radio-controlled toys is prohibited or restricted.

(Sec. 8.30 Am. by Ord. 11,981, 12-12-97)

8.31 BICYCLES IN PARKS.

(1) Purpose and Intent. The Common Council finds that as the use of City parks increases, it is in the public interest to protect and preserve parkland resources while making these resources accessible to the multiplicity of City park users. The Common Council specifically authorizes the Park Commission to identify trails within parkland suitable for bicycle use. The use of bicycles on trails not designated for that specific use denigrates the parkland by accelerating erosion and endangers hikers because of inadequate sight clearance. It is the intent of this ordinance to reconcile the desires of individual park users with the need to preserve the resources for all residents and to that end to designate certain parks and park areas for use consistent with safety, preservation of natural resources and recreational enjoyment. (Am. by ORD-17-00030, 3-8-17)

(2) Definitions.

"Bicycle" has the meaning specified in Wis. Stat. § 340.01(5).

"City park" means City-owned property designated and operated as a park for general recreational use but does not include greenways or conservation parks.

"Conservation park" has the meaning specified in Sec. 8.40(2), MGO.

"Natural area" means any area not mowed on a regular basis to turf 6" or less in height.

"Roadway" means highway as defined in Wis. Stat. § 340.01(22).

"Trail" means any maintained travel route through a natural area, the surface of which may be dirt, mowed turf, gravel, wood chips or boardwalk.

(3) Bicycles Allowed. Any person may ride a bicycle:

(a) in a City park on paved roadways, parking areas, paved paths and mowed turf areas which are not trails.

(b) anywhere in Quarry Park.

(c) on two designated trails in Edna Taylor Park, providing access to Femrite Drive and Glendale School, respectively.

(d) on one designated trail through Owen Park, running from Inner Drive to Bordner Drive.

(e) other specific areas designated and posted according to an order issued by the Park Commission.

(4) Prohibitions.

(a) It shall be unlawful for any person to ride a bicycle on any trail or natural area in any City park except trails or areas designated and posted as open to bicycles, according to an order issued by the Park Commission.

(b) It shall be unlawful for any person to ride or operate any bicycle within areas of the Henry Vilas Zoo unless specific permission has been granted by the Henry Vilas Zoo Director. (Am. by ORD-11-00168, 12-6-11)

(c) It shall be unlawful for any person to ride a bicycle on a mowed turf area in City parks when such area has been designated and posted as closed to bicycles, according to an order issued by the Park Commission.

(5) Penalty. Any person violating this ordinance shall be subject to a fine of not less than ten dollars ($10) nor more than fifty dollars ($50).

(Cr. by Ord. 8055, 6-17-83; Am. by Ord. 12,497, 11-19-99)

8.32 DISC GOLF.

No person may play disc golf in the designated disc golf courses located in City parks unless the person has obtained an annual permit for use of the City disc golf courses. Designated disc golf courses are any areas within a City park set aside for use as a disc golf course that include multiple holes, designated tee box areas, fairways, and baskets, where the use has been approved by the Board of Park Commissioners. The revenue from the permit fee shall be put in a segregated fund to be used for the establishment and maintenance of disc golf courses within the City parks system. The permit fee shall be established by the Board of Park Commissioners. Any person violating this ordinance shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for the first offense and not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the second or subsequent conviction within a year. (Sec. 8.32 Cr. by ORD-13-00032, 3-27-13)

8.33 EDIBLE LANDSCAPING ON CITY-OWNED LANDS.

(1) Purpose. The purpose of this ordinance is to encourage the planting and harvesting of locally-grown fruits, vegetables, nuts and other edible plant forms for public consumption, and to regulate the permitting, placement and maintenance of such edible landscapes on certain City-owned land. This ordinance is not intended to replace the already established process for siting and managing community gardens, and is not intended to permit plantings on public land that are only accessible to the permittee. All plantings under this ordinance shall be the property of the City and shall be publicly accessible. Permits must be obtained for any and all plantings under this ordinance.

(2) Applicability. This ordinance shall be applicable to land owned solely by the City. This ordinance shall not be applicable to rooftops, medians, or rights-of way, including but not limited to street terraces, or to lands abutting bike paths or greenways, as the permissibility of plantings and the use and maintenance of those locations is governed by other existing ordinances.

(3) Definitions. For the purpose of this section, the following words shall have the meanings indicated.

(a) Applicant means the person applying for an edible landscaping permit to plant and/or maintain edible landscapes on City-owned land.

(b) City-owned land means real property owned in fee by the City of Madison, including the subterranean, surface and air rights of such land.

(c) Department or Division Head means the individual whose agency is responsible for the City-owned land for which an applicant seeks an edible landscaping permit, or his or her designee.

(d) Edible landscape means any plant, other than invasive species as defined by Wis. Admin. Code ch. NR 40, that bears fruit, seeds, nuts, vegetables or other parts edible by humans.

(e) Permittee means the person who has obtained a valid edible landscape permit, and the person's agents, employees, members, officers and volunteers.

(f) Person means any individual, partnership, association, corporation, joint venture, limited liability company, partnership, trust or other entity that may enter into contracts.

(4) Administration. This section shall be administered by the Department or Division Head whose agency is responsible for the City-owned land for which an applicant seeks an edible

landscaping permit. Each Department or Division Head is authorized to issue edible landscaping permits. The Food and Alcohol Policy Administrator shall, in consultation with the relevant Department or Division Heads, establish a standard application and permitting process, including an on-line option, to allow applicants to submit an application in one place, regardless of which Department or Division is responsible for the land. This process shall be submitted to the Food Policy Council for its review and approval. (Am. by ORD-15-00116, 10-28-15)

(5) Application for Edible Landscaping Permit. Application for a permit shall be made to the relevant Department or Division Head. The Food and Alcohol Policy Administrator shall, in consultation with the Department or Division Heads, develop criteria for the review of applications and the issuance of permits. These criteria shall be submitted to the Food Policy Council for its review and approval. The term of each permit shall be determined by the Department or Division Head, but may not be less than three years. No fee shall be charged in connection with an application or issuance of a permit. Each permit shall expire December 31. Denials of permits may be appealed in accordance with subsection (6)(l) of this ordinance. Permits may be assigned by any permittee, provided the successor permittee submits an application. A completed application shall include all of the following:

(a) The name, address and telephone number of the applicant, and the name of the applicant's authorized agent if the applicant is not an individual.

(b) A planting plan, drawn to scale, showing the size and location of the proposed planting area, a description of the genus and species of each plant intended to be planted and its location within the planting area, along with each plant's approximate height at maturity and a plan to confine any vegetation that may grow outside of the permitted area.

(c) Evidence that the alderperson of the district and applicable neighborhood association, if any, has been notified in writing.

(d) An agreement between the applicant and the City prepared by the Food and Alcohol Policy Administrator and in a form acceptable to the City Attorney and the City Risk Manager, that the applicant will hold harmless, the City, its officers, officials, boards, committees, employees and agents, from and against all liability, damages, claims and penalties resulting from the planting, use, consumption, maintenance, or presence of the applicant's edible landscape on City-owned land. The agreement may be signed by the Department or Division Head on behalf of the City.

(e) Any supplementary information required by the Department or Division Head. (Am. by ORD-15-00116, 10-28-15)

(6) Standards. Every person shall plant, use, maintain, harvest and remove an edible landscape as follows:

(a) No person may plant or maintain an edible landscape on City-owned land without having obtained a permit in accordance with this ordinance.

(b) All vegetation planted by a permittee on City-owned land shall be the property of the City.

(c) Each permittee is responsible for contacting Digger's Hotline to identify and mark any underground utilities prior to digging within the City-owned land.

(d) All edible landscapes shall follow the planting plan approved by the Department and Division Head. If the permittee wishes to alter the approved planting plan, the permittee shall submit a new application.

(e) No vehicular access shall be allowed in the area designated for the edible landscape without the prior written consent of the Department or Division Head.

(f) No temporary or permanent improvements may be placed on the City-owned land by the permittee, with the exception that facilities for water service may be permitted at the permittee's cost and expense, subject to the prior written approval

of the Department or Division Head. The permittee shall be responsible for the cost of all water, sewer and any other utility charges billed to the designated edible landscape area.

(g) Notwithstanding subsection (6)(f) above, a permittee may post a sign in the permitted area containing information about the planting and the permittee, and stating that all fruits, vegetables, nuts and other edible plant forms are available for public harvest. All signs shall be reviewed and approved by the Department or Division Head. Any chemical agent, insecticide or fertilizer proposed for use by the permittee must be applied in accordance with the City's Pest Management Policy and approved prior to each and every use by the Department or Division Head. When chemical agents are applied, permittees shall post a sign at the permitted area stating the type of chemical agent and date of application.

(h) All cherry pickers, ladders, shears and saws used by the permittee to maintain plantings within the City-owned land shall be used and operated in a safe manner. Each permittee shall ensure that any person who intends to use a chainsaw shall have completed a chainsaw safety class, have appropriate safety equipment, and sign a waiver of liability on a form to be approved by the City's Risk Manager prior to using a chainsaw on City-owned land.

(i) All edible landscapes shall be maintained so as to be confined to the permitted area.

(j) The permittee shall remove all refuse and prune or remove all dead plant material from the City-owned land no later than November 15. Throughout the permit term, the permittee shall maintain the planted area in the presentable condition, consistent with the general appearance of the City-owned land in which it is located. All edible produce shall be removed promptly so as to not create a hazard or nuisance due to rotting.

(k) No person shall sell, or allow to be sold, any fruits, vegetables, nuts or other edible plant forms grown on City-owned lands.

(l) If any permittee fails to comply with the terms of the permit or this ordinance, the City may, at the direction of the Department or Division Head, terminate or refuse to renew the permit and remove and dispose of all edible landscaping. The Department or Division Head shall notify the applicant or permittee and the alder of the district thirty (30) days prior to the denial, termination or non-renewal of a permit. Any applicant who is denied a permit and any permittee whose permit is terminated or non-renewed may appeal such determination within fifteen (15) days of the mailing of the notice from the Department or Division Head to deny, terminate or non-renew the permit. Appeal shall be: to the Board of Park Commissioners for determinations made by the Park Superintendent or designee; to the Board of Public Works for determinations made by the City Engineer or designee; and to the Board of Water Commissioners for determinations made by the Water Utility Manager or designee. All requests for appeal shall be filed with the City Clerk and must inform the applicable Board of the reasons for the appeal. Within thirty (30) days of receiving the appeal, the Board shall hold a hearing at which the parties may offer testimony and documents. Within thirty (30) days of the hearing, the Board shall affirm, modify or reverse the determination made by the Department or Division Head and shall send a copy of the decision to the permittee by regular mail. Appeal from the action of any Board shall be by certiorari to Circuit Court within thirty (30) days of the determination of the Board.

(7) Use. Each permittee's use of the City-owned lands shall be non-exclusive. Edible produce grown on City-owned lands as provided in this ordinance shall not be the property of the permittee but shall be available for harvest and personal consumption by any individual without fee or charge.

(Sec. 8.33 Cr. by ORD-13-00063, 4-24-13)

8.34 GAMBLING IN PARKS PROHIBITED.

(1) The following conduct in and about Madison's parks is prohibited:

(a) The making of a bet; or

(b) Loitering or remaining in the immediate area where gambling is occurring with intent to make a bet;

(c) Receiving, recording or forwarding a bet or offer to bet; or

(d) Maintaining or possessing any record, paraphernalia, tickets, certificates, bills, slips, tokens, paper, writing or other device used, or to be used, or adapted, devised or designed for use in gambling.

(2) Definitions found in Wis. Stat. ch. 945, shall be used here where applicable.

(3) Violators shall be subject to a forfeiture of not less than $50 nor more than $500 for a first offense; not less than $100 nor more than $500 for a second offense within one year; and not less than $200 nor more than $500 for a third and subsequent violation within one year.

(Sec. 8.34 Cr. by Ord. 8900, 6-26-86)

8.35 PRESERVATION OF SHORELINE PARKS.

(1) All City of Madison public parks bordering on lakes or navigable waterways shall be protected as public open space. Voter approval by city referendum shall be required for any change in the legal status of and before beginning or continuing major construction in any of these public parks.

(2) The words major construction as used in this ordinance mean erecting a building or structure, changing land elevations or shore contours, and paving over land, but do not include:

(a) Replacing an existing building or structure with another building or structure of equivalent size and similar purpose.

(b) Maintenance and repairs to an existing building or structure or to an existing paved area.

(c) Construction required to eliminate safety hazards or provide accessibility to the people with disabilities. (Am. by ORD-06-00099, 8-2-06)

(d) Construction required for purposes of erosion control or to enhance the water quality of adjacent lakes or waterways.

(e) Construction with a total cost of less than $500,000, if the construction is completed in calendar year 1992, or less than $500,000 increased by 5% annually each year after calendar year 1992, if the construction is completed in a calendar year after 1992. For purposes of determining whether the $500,000 limit applies, the cost of all construction completed in the same public park in the two preceding calendar years and not qualifying for exclusion under subdivisions (a) through (d) herein, shall be added to the cost of all construction in that public park not qualifying for exclusion under subdivisions (a) through (d) in the year the determination is made.

(f) Construction which when completed would result in both:

1. A total including previously existing buildings, structures and paved areas, of less than three (3) acres of the public park in which the construction is occurring being covered by buildings, structures and pavement, and;

2. A total, including previously existing boat docks, piers and buildings or structures extending out into or over the water, of less than 300 linear feet of the shoreline in the public park in which the construction is occurring, being occupied by boat docks, piers, buildings or structures.

(g) Construction which when completed would result in both:

1. A total including previously existing buildings, structures and paved areas of less than five percent (5%) of the public park in which the construction is occurring being covered by buildings, structures and pavement, and;
2. A total, including previously existing boat docks, piers and buildings or structures extending out into or over the water, of less than ten percent (10%) of the shoreline, in the public park in which the construction is occurring, being occupied by boat docks, piers, buildings or structures.

(3) Exceptions. This ordinance shall not be applicable to the following:

(a) Construction within Olbrich Botanical Gardens.
(b) Construction within Henry Vilas Zoo.
(c) Any change in the legal status of the properties located at 640, 646 and 704 East Gorham Street. (Cr. by ORD-11-00155, 11-8-11)
(d) Any construction or change in the legal status of that portion of Olbrich Park located northeast of the Union Pacific Railway and south and southwest of Starkweather Creek arising from the sale, lease or redevelopment of the Garver Feed Mill.

(Am. by ORD-14-00164, 10-29-14)

(4) For purposes of this ordinance two or more areas designated as separate public parks but which are contiguous to each other shall be considered to be a single public park. (Renum. by ORD-11-00155, 11-8-11)

(5) For purposes of this ordinance, a public park bordering on lakes or navigable waterways means all of a public park any part of which is contiguous to lakes or navigable waterways. (Renum. by ORD-11-00155, 11-8-11)

(6) The Common Council, the Mayor and all other City employees and bodies shall make all necessary financial, personnel and administrative provisions for carrying out this charter ordinance. (Renum. by ORD-11-00155, 11-8-11)

(7) (R. by ORD-14-00164, 10-29-14)

(Sec. 8.35 Cr. by Charter Ord. 65, Adopted by Referendum 4-7-92)

8.36 PLAY GOLF ON CITY LANDS RESTRICTED TO GOLF COURSES.

It shall be unlawful for any person to play golf, practice or hit a golf ball from or cause a golf ball so hit to land upon, any City park, conservation area, boulevard, greenway or special park facility unless the play, practice or striking of the golf ball was done on or from a golf course in an attempt to legitimately play a hole thereon. Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each offense. (Cr. by Ord. 10,699, 7-30-93)

8.37 PLAY OF TOURNAMENT WITHOUT PERMIT PROHIBITED.

(1) It shall be unlawful for any person, group, organization or corporation to play, cause to be played or permit the play of any organized game, match, tournament or other activity in City Parks, for which a fee is charged to a team or participant, without first obtaining a permit from the Park Division and paying all service, special use and deposit fees as established by the Board of Park Commissioners.

(2) Recreation programs sponsored or conducted by the Madison Metropolitan School District and tournaments held in municipal golf courses are exempt from the provisions of this ordinance.

(3) Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

Each game or match played, in violation of this ordinance, shall be deemed to be a separate violation. The Park Division and Police Department are authorized to require the discontinuance of any game, match, tournament or other activity in violation of this ordinance and to enforce the Division's permit system. In addition to the penalties provided herein, any person found in violation of this ordinance shall be required to pay the costs of any damage caused during such illegal usage.

(Sec. 8.37 Cr. by Ord. 11,221, 3-31-95)

8.38 MONONA TERRACE COMMUNITY AND CONVENTION CENTER.

(1) Purpose. Monona Terrace is a multiple-use space designed to accommodate both public access and uninterrupted use by Convention Center lessees. Under proper and uniform circumstances, the Common Council may subject this City-owned and maintained space to reasonable municipal regulation and control to ensure the health, safety and welfare of the public and Convention Center lessees. The Common Council finds that the combination of pedestrian and vehicular traffic at or adjacent to Monona Terrace and the need to maximize the use and enjoyment of Monona Terrace by both the public and Convention Center lessees necessitates the enactment of this section.

(2) Definitions. For purposes of this section, the following definitions apply:

(a) Bicycle has the meaning found in Wis. Stat. § 340.01(5).

(b) In-line skates has the meaning found in Wis. Stat. § 340.01(24m).

(c) Monona Terrace means the premises known as 1 John Nolen Drive and includes the Monona Terrace Community and Convention Center building and grounds and excludes the Monona Terrace Parking Structure, the John Nolen Drive right-of-way beneath Monona Terrace and outside of the tunnel, the railroad corridor under Monona Terrace, and Olin Terrace. The legal description may be found in Resolution 54,136, adopted May 6, 1997.

(d) Olin Terrace means the public right-of-way originally platted as Wiskonsin [sic] Avenue between West Wilson Street and the southerly ownership lines of blocks 86 and 87 on the original plat of the City.

(e) Olin Terrace Pedestrian Way means the walkway on Olin Terrace extending southeast from the West Wilson Street sidewalk to the beginning of the entry circles of the main entrance of the Monona Terrace Community and Convention Center building.

(f) Play vehicle has the meaning found in Wis. Stat. § 340.01(43m).

(g) Vehicular traffic means devices in, upon or by which any person or property may be transported and includes play vehicles.

(3) Monona Terrace, Olin Terrace and Olin Terrace Pedestrian Way shall be closed to all vehicular traffic with the following exceptions:

(a) Bicycles, play vehicles and in-line skates are permitted on the bicycle path located south of the Monona Terrace Community and Convention Center.

(b) Authorized City service and maintenance vehicles, authorized emergency vehicles, vehicles authorized pursuant to a Special Use Permit under Sec. 8.39, MGO, or facility rental agreement, or vehicles otherwise authorized by law are permitted on Monona Terrace, Olin Terrace and Olin Terrace Pedestrian Way. (Am. by ORD-12-00055, 4-25-12)

(c) A bicycle may be walked by the operator on Olin Terrace Pedestrian Way and parked in an adjacent area wherever a bike rack is provided.

(d) This Subsection is not intended to restrict at Monona Terrace, Olin Terrace or Olin Terrace Pedestrian Way the use of assistive devices for children or for persons with a disability that limits or impairs the ability to walk as defined in Wis. Stat. § 340.01(43g).

(4) Severability. Each provision or any portion of this section shall be considered separable, and the finding of the invalidity of any portion by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.

(5) Penalty. Any person violating any section of this ordinance may be subject to a forfeiture of not less than $20 nor more than $300, exclusive of costs.

(Cr. by Ord. 12,168, 7-20-98)

8.39 OLIN TERRACE USE PERMIT.

(1) Purpose. Olin Terrace is a multipurpose space owned and maintained by the City for the use and enjoyment of visitors to the Monona Terrace Community and Convention Center ("Community and Convention Center") and the general public in the ordinary way. It also provides the primary pedestrian entrance for access on foot to and from the Community and Convention Center. Under proper and uniform circumstances the Common Council may allow special use, subject to reasonable municipal regulation and control. This ordinance is enacted to regulate and control Olin Terrace to the end that the health, safety and general welfare of the public is ensured and the good order of the City is maintained and operations at the Community and Convention Center are not adversely affected.

(2) Definitions. Within this section the following definitions apply:

(a) City means City of Madison.

(b) Clerk means the City Clerk of Madison.

(c) Monona Terrace means the premises known as 1 John Nolen Drive and includes the Monona Terrace Community and Convention Center building and grounds and excludes the Monona Terrace Parking Structure, the John Nolen Drive right-of-way beneath Monona Terrace and outside of the tunnel, the railroad corridor under Monona Terrace, and Olin Terrace. The legal description may be found in Resolution 54,136, adopted May 6, 1997.

(d) Olin Terrace means the public right-of-way originally platted as Wiskonsin [sic] Avenue between West Wilson Street and the southerly ownership lines of blocks 86 and 87 on the original plat of the City.

(e) Olin Terrace Pedestrian Way means the walkway on Olin Terrace extending southeast from the West Wilson Street sidewalk to the beginning of the entry circles of the main entrance of the Monona Terrace Community and Convention Center building.

(f) Olin Terrace Use Commission means the public body charged with reviewing applications for an Olin Terrace Use Permit under this ordinance.

The voting membership of the Olin Terrace Use Commission ("Commission") shall consist of a staff representative from each of the following City departments or divisions:

1. Monona Terrace - Operations;
2. Risk Manager;
3. Parks Division;
4. Police Department;
5. Fire Department;

Commission coordination shall be provided by Monona Terrace. Membership on this Staff Commission shall not require mayoral appointment or Common Council approval. The head of each department or division listed above shall designate an individual to serve on the Commission on a regular basis for an indefinite term. The Department head may assign another individual to attend and vote in the absence of the regularly-assigned staff person. This Commission is considered a "full" or "formal" committee under Sec. 33.27, MGO, and subject to all applicable provisions of that section, including Sec. 33.27(2)(a), MGO.

(g) Person means any person or persons, firm, partnership, association, corporation, company or organization of any kind.

(h) Special Use means the following:

1. any meeting, demonstration, picket line, rally or gathering of more than fifty (50) persons for a common purpose as a result of prior planning, or
2. whether or not resulting from prior planning, any gathering of more than fifty (50) people that interferes with or has a tendency to interfere with the normal flow of pedestrian traffic on Olin Terrace and to and from the entry of the Monona Terrace Community and Convention Center, or
3. any gathering, regardless of the number of people, that includes the placement of any equipment (excluding personal assistive mobility devices).

(3) No person shall participate in any special use of the Olin Terrace or Olin Terrace Pedestrian Way unless a permit has been issued under this ordinance.

(4) Exceptions.

(a) An Olin Terrace Use Permit shall not be required of a person who leases or reserves Olin Terrace and/or the Olin Terrace Pedestrian Way through a facility rental agreement or similar process established by the Monona Terrace Community and Convention Center for users of the center in the ordinary course of business.

(b) The City and other government units as defined in Wis. Stat. § 108.02(17) shall be exempt from sub. (7) of this ordinance.

(5) Application Process.

(a) A person shall make written application on a form provided by the Clerk and file the completed application at the Clerk's office or electronically, if available.

(b) The form shall set forth the following information regarding the proposed use:

1. The name, address, and telephone number of the person seeking to use Olin Terrace or Olin Terrace Pedestrian Way.
2. The name(s), address(es) and telephone number(s) of the headquarters of the organization for which the use is requested and if any, the authorized and responsible heads or officers of the organization.
3. The date, start and end times for which the use is requested.
4. The approximate number of persons expected to participate in the use of the space.
5. A detailed and accurate description of the proposed use including the exact space for which use is requested, a description of all proposed equipment and a diagram showing equipment location.
6. A description of any recording or sound amplification equipment to be used in connection with the proposed use and schedule for any proposed sound amplification. All use of sound is subject to Sec. 24.04, MGO.
7. A statement of whether the use of any city equipment, city electricity or other facilities is requested and agreement to pay costs for the same. 8. A crowd control plan.
9. Any additional information as may reasonably be found necessary by the Commission in meeting its fair determination regarding the request for use.

(c) Deadline for Application.

1. An application for a permit shall be filed not less than fourteen (14) days prior to the date of the proposed use.
2. The deadline for filing may be waived by the Chief of Police or designee if after due consideration of the date, time, nature of use, anticipated number of participants, City services required, the Chief or designee determine that the Commission will have sufficient time to objectively review the application, provide a safe and successful use and ensure the comfort, convenience and safety of the general public.

3. No application shall be considered complete and thus, timely filed, unless all information required by this ordinance has been provided.

(d) Issuance Process.

1. Upon receipt of a complete application and any accompanying materials, the Clerk shall immediately forward copies to the Commission for review.
2. The Commission shall evaluate a timely filed application according to the standards set forth elsewhere in this ordinance and shall either approve the application with conditions as appropriate to ensure the safety of the public and provide for an orderly use of the space or deny the application.
3. The approval or denial of the application shall be made within twenty-one (21) days of receipt of all materials and no later than five (5) days before the proposed use to allow for a timely appeal as provided elsewhere in this section.
4. The Clerk shall issue the permit, including any special provisions or conditions.
5. If the Team has denied a permit, the reason(s) shall be set forth in writing and the applicant notified either in person or by certified mail and shall include information on appealing the decision.
6. Upon the issuance of an Olin Terrace Use Permit, the Team shall notify the Clerk, Mayor, the City Attorney and the Monona Terrace Board.

(6) Standards for Issuance. Except to the extent they are inconsistent with the provisions of any other section of the Madison General Ordinances, the standards established within this subsection and as amended from time to time, shall govern the issuance of special use permits. An Olin Terrace Use Permit shall be issued to an applicant unless:

(a) The time and size of the proposed use would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of Olin Terrace; or

(b) The concentration of persons would unduly interfere with proper fire and police protection of, or other emergency service to Monona Terrace or through Olin Terrace, or to areas adjacent to Olin Terrace; or

(c) Another special use permit has already been granted for substantially the same time at or adjacent to Olin Terrace or the Olin Terrace Pedestrian Walkway, another person has leased or reserved the space under sub. (4)(a) for substantially the same time, or has a rental agreement with the Community and Convention Center for an event of such size and/or duration that issuing a Special Use permit would substantially interfere with the rental event; or

(d) The size or time of the special use would require so great a diversion of City police as to prevent normal police protection of the City or to prevent adequate police protection at another previously scheduled City-wide event; or

(e) The use is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants; or

(f) Adequate sanitation or other necessary health facilities will not be available at the event; or

(g) There is an insufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected; or

(h) The time, size or nature of the proposed use is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of guests at Monona Terrace and adjacent neighbors and an alternative channel of communication is available; or

(i) The proposed use or event will have a significantly adverse environmental impact; or

(j) The proposed use would violate another city ordinance, state or federal law; or

(k) The purpose of the event includes sales of food, goods, or other merchandise (i.e. vending), or

(l) The proposed use would violate one or more of the following rules of conduct for Olin Terrace and the Pedestrian Way. The following rules apply to any person on Olin Terrace or the Pedestrian Way, whether or not a Special Use permit has been requested or granted:

1. Special use shall not take place outside the normal hours for the rooftop of the Monona Terrace Community and Convention Center, or otherwise overnight, except for a person that has or will have a facility rental agreement for a multi-day event at the Convention Center that includes the use of the Olin Terrace and/or Pedestrian Way may leave permitted equipment in place overnight.
2. No person shall plug into any electrical source on the Monona Terrace, Olin Terrace, Olin Terrace Pedestrian Walkway or other adjacent City property without a Special Use Permit and an agreement in place for payment to the city.
3. The special use shall not include the attachment of signs or any other equipment to Olin Terrace structures, benches, planters, or any other city amenity; and signs may not be posted or displayed within a planter.
4. No person shall cause damage to plantings on the Olin Terrace or Pedestrian Way.
5. The special use shall not include chalk or similar drawing, writing or marking of any kind on the pavement, pavers or any other surface of the Olin Terrace and no person shall make or cause to be made any such markings. Sec. 23.06(6), MGO, creating an exception to the general prohibition against Damage to Property for water soluble chalk, shall not apply to any such markings made anywhere on Olin Terrace or the Pedestrian Way.
6. Tents, shelters, structures, or any other equipment that must be anchored or attached to the ground are prohibited unless the placement and method of attachment are specifically approved as a condition of the permit or under a facility rental agreement. Any tent or other structure designed or intended for housing, sleeping, or overnight shelter for or occupancy by persons, regardless of the method of attachment or construction, is prohibited.
7. Any other rule found in the official "Monona Terrace Community and Convention Center Policy and Rules for Public Demonstrations and Gatherings" adopted by the Monona Terrace Board.

(7) Fees.

(a) A nonrefundable fee of fifty dollars ($50) to cover the administrative costs of processing the proposed permit application shall be submitted at the time the permit application is filed, except as set forth in sub. (4)(b) herein.

(b) If the applicant requests the use of any City equipment or any City services, the applicant shall pay prior to the issuance of the permit, the charges for use of that equipment and those services in accordance with a schedule of rental fees approved by the Monona Terrace Community and Convention Center Board.

(c) As a condition to approval of an application, the applicant shall agree to pay, within twenty (20) days of billing, any additional actual costs for City services and equipment incurred by the City by the occasion of the special use and its participants.

(8) Insurance.

(a) The applicant for an Olin Terrace Use Permit shall agree to indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability,

loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(b) The requirement of insurance and applicable minimum limits shall be determined by the City Risk Manager according to objective standards including but not limited to the size and nature of the event, the number of expected participants, the potential for physical injury or property damage caused by participants.

(c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars ($1,000,000) per occurrence or a higher limit if determined by the Risk Manager to be necessary on a case by case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The certificate of insurance shall provide a thirty (30) day written notice to the City upon cancellation, nonrenewal, or material change in the policy. If insurance is determined to be required for an event, the applicant shall provide the Certificate of Insurance described above no less than five (5) days prior to the event.

(9) Appeal Procedure.

(a) Any applicant wishing to appeal the denial of an Olin Terrace Use Permit shall file the appeal and the basis of the appeal in writing with the Clerk within ten (10) calendar days of the decision, if delivered in person, or of the mailing of the notice of denial, if delivered by mail. Upon receipt of an appeal, the Clerk shall notify the secretary of the Commission, Monona Terrace Director and Chair of the Monona Terrace Community and Convention Center Board.

(b) Appeal Subcommittee. The appeal shall be heard by a subcommittee of the Monona Terrace Community and Convention Center Board ("Board"). The Board shall create a subcommittee of three (3) Board members. The Board Chair shall appoint current board members to the subcommittee as needed to hear appeals without further action of the Board.

(c) The Appeal Subcommittee shall schedule a hearing as soon as possible, in compliance with open meetings requirements, after receiving notice of the appeal. At the hearing, the applicant and the City shall have the opportunity to be represented by counsel, to present evidence, call and cross-examine witnesses.

(d) The Appeal Subcommittee shall issue a written decision if possible before the date of the requested Special Use but in no case more than ten (10) calendar days after the hearing.

(e) The decision of the Appeal Subcommittee shall be a final determination for purposes of judicial review. Any party aggrieved by the determination may seek review by following the procedures for judicial review in Sec. 9.49(7), MGO.

(10) Termination of Permit. An Olin Terrace Use Permit for an event in process may be terminated by the Chief of Police or designee if participants engage in violent or destructive behavior causing injury to persons or damage to property, if termination is reasonable and necessary in the face of imminent danger or threat to public safety, or if there is a substantive violation of the conditions of the permit and termination is necessary and reasonable. A permit may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.

(11) Severability. Each provision or any portion of this section shall be considered separable, and the finding of the invalidity of any portion by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.

(12) Penalty. Any person who shall do any of the following may be subject to a forfeiture of not less than thirty dollars ($30) nor more than three hundred dollars ($300) for each violation:

(a) Hold, sponsor or conduct any special use of Olin Terrace or Olin Terrace Pedestrian Way for which a use permit is required without first having obtained a permit as herein provided; or

(b) Knowingly participate in an activity for which a special use permit is requested without a valid permit having been granted or after a permit has been terminated pursuant to sub. (9) above; or

(c) As an applicant, knowingly fail to comply with a condition of the permit; or

(d) Provide false or inaccurate information on the special use application; or

(e) Disobey a lawful order of a police officer after the officer has informed the person of the condition of the permit that has been or is being violated; or

(f) Violate the rules of conduct in Sec. 8.39(6)(l) or any other subsection of this ordinance.

(Sec. 8.39 Cr. by Ord. 12,169, 7-20-98; Am. by ORD-12-00055, 4-25-12)

8.40 PRESERVATION OF CONSERVATION PARKS.

(1) Purpose and Intent.

(a) Findings. The Common Council finds that its conservation parks program contains unique plant communities, wildlife populations, geological functions, and historical sites; large and diverse wetland systems; and relatively undisturbed examples of native biological communities.

(b) Intent. The Common Council declares that it is important to the residents of Madison that the City preserve Madison's native landscapes, its plant and animal populations for residents' careful use and full enjoyment. The following regulations are enacted to secure this natural beauty and the concomitant recreational opportunities for current and future generations. (Am. by ORD-17-00030, 3-8-17)

(2) Definitions. Within this section, the following definitions apply:

"Alcohol beverages" has the meaning set forth in Wis. Stat. § 125.02.

"All-terrain vehicle" has the meaning set forth in Wis. Stat. § 340.01(2)(g).

"Camp" means the use of premises for temporary habitation and may include the building of campfires, preparation and eating of food, and lodging overnight.

"Conservation Park" means a designated parkland within the City of Madison, operated and maintained by the Parks Division for education and passive recreational purposes compatible with the preservation of the City's natural resources.

"Firearm" has the meaning set forth in Wis. Stat. § 25.01(1).

"Motor vehicle" has the meaning set forth in Wis. Stat. § 340.01(35).

"Parks Superintendent" means the Superintendent of the City Division of Parks, the Conservation Resources Supervisor or other designee of the Parks Superintendent.

"Pet" means any animal that is tamed and domesticated and kept as a companion.

"Plant" means any seedling, growing slip, herb, small vegetable growth, tree, shrub or other member of the kingdom Plantae.

"Snowmobile" has the meaning set forth in Wis. Stat. § 340.01(58a).

"Wildlife" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans, mollusks, and arthropods.

(3) Hours. Conservation parks are open to the public between 4:00 a.m. and one hour after sunset. It shall be unlawful for any person to be in a conservation park at any other time unless that person has special permission from the Parks Superintendent.

(4) Rules. Conservation park visitors shall obey the following rules:

(a) Stay on designated and maintained trails at all times unless permission to be elsewhere in the park has been granted by the Parks Superintendent.

(b) Drive motor vehicles on entrance roads and in parking lots only.

(c) Ride or walk bicycles on entrance roads, in parking lots and on trails that are clearly designated for bicycles.

Any person who violates a rule is in violation of this ordinance.

(5) Prohibitions. In the City's conservation parks it shall be unlawful to:

(a) possess, sell, give away or consume any alcohol beverages in all areas of the park including any parking lot.

(b) hunt, trap, possess, carry or discharge any firearm, pneumatic or spring-loaded pellet gun, or any bow or cross-bow of any kind whether or not cased or trigger-locked, whether loaded or unloaded, unless permission has been granted by the Parks Superintendent, Mayor, or Chief of Police.

(c) remove, damage or disturb any plant, wood, timber, rocks, stone, earth, signs, fences, or other materials which are part of the natural environment, unless written permission has been given by the Parks Superintendent.

(d) remove, damage, pursue, molest, or disturb any wildlife, unless written permission has been granted by the Parks Superintendent or unless this provision conflicts with a special order of the State Department of Natural Resources.

(e) camp or build fires.

(f) bring dogs, horses or other pets into the park, except as set forth in Sec. 8.19(1)(a)1. and 2.; and (2), M.G.O.

(g) disturb research projects.

(h) dump or leave any waste, trash, debris, rubbish, pollutant, leaves, earth or other fill in the park except in receptacles provided for such purpose, unless special permission has been granted by the Parks Superintendent.

(i) deface, alter or disfigure any natural conditions, real or personal property in the park.

(j) drive snowmobiles or all terrain vehicles in the park.

(k) release or abandon any pet or wildlife in the park or introduce any plant, chemical or other agent in the park, unless permission to do so has been granted by the Parks Superintendent.

(6) Maintenance.

(a) The City of Madison Parks Division may conduct controlled burns of vegetation and brush piles within areas designated as conservation parks for the purpose of managing and maintaining the conservation parkland area.

(b) The burning of vegetation and brush piles in conservation parks is a land management practice that naturally promotes weeding and fertilizing.

(c) Such controlled burns shall be conducted only on public property and shall comply with the standards set forth in a burning permit issued by the City of Madison Fire Department

(Cr. by Ord. 13,657, 7-28-04)

(7) Enforcement.

(a) Any resident who desires to register a complaint under this section shall contact the Parks Superintendent or the Chief of Police. (Am. by ORD-17-00030, 3-8-17)

(b) In any prosecution brought to enforce the provisions of this section, the defendant shall have the full and complete burden of proving that any exemption exists or applies.

(c) City employees or emergency personnel acting in the scope of their employment shall be exempt from Subsection (3), (4) and (5).

(Renumbered by Ord. 13,657, 7-28-04)

(8) Penalty.

(a) Any person who violates any provision of this section shall be subject to a forfeiture of not less than thirty-five dollars ($35) and not more than three hundred dollars ($300).

(b) The removal, damage to or destruction of each plant or wildlife species shall be a separate violation of this ordinance.

(Renumbered by Ord. 13,657, 7-28-04)
(Sec. 8.40 Cr. by Ord. 12,372, 5-6-99)

8.41 DOWNTOWN COORDINATING COMMITTEE.

(1) Purpose. The Common Council finds that it is in the public interest to create a Downtown Coordinating Committee to provide a forum for public information and stewardship regarding the use of public space in the Downtown Area, and to periodically review regulations and policies affecting the Downtown Area, with particular emphasis on State Street and the Capitol Square, as a high-quality urban space for pedestrians in an environment that promotes healthy businesses. For purposes of this ordinance, the "Downtown Area" shall be defined as all geographical areas within the jurisdiction of the City of Madison between Blair Street, Lake Mendota, North Park Street, Regent Street, Proudfit Street, North Shore Drive, and Lake Monona. This geographical definition of the Downtown Area shall be for the sole purpose of guiding the issues to be considered by the Downtown Coordinating Committee under this ordinance.

(2) Composition and Appointment of Members. The Downtown Coordinating Committee shall consist of nine (9) voting members and two (2) alternate members. Membership shall include two (2) or three (3) alderpersons. The remaining six (6) or seven (7) members and two alternates shall be persons residing within the City of Madison. At least one (1) of the resident members shall be a permanent resident of the Downtown area, and one shall be a representative of the downtown business community. Appointments shall be made by the Mayor, subject to the approval of the Common Council. (Am. by ORD-17-00030, 3-8-17; ORD-17-00038, 3-29-17)

(3) Terms. Alderperson members shall serve for terms of two (2) years, expiring with the respective Aldermanic term. Resident members shall serve for three (3) years. Any vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term. (Am. by ORD-17-00030, 3-8-17)

(4) Officers and Staff. The members of the Committee shall annually elect a chairperson and vice chairperson from among its membership. An alderperson may serve as either chairperson or vice chairperson, but alderpersons shall not serve in both positions. The Committee shall be staffed by the Director of the Department of Planning and Community and Economic Development or designee, who shall be a non-voting member and shall serve as Secretary to the Committee. Staff support will be provided by other Divisions as needed. (Am. by ORD-05-00141, 8-19-05)

(5) Duties and Responsibilities. The Downtown Coordinating Committee shall:

(a) Consider ongoing issues of operation, design, safety, maintenance and use of the Downtown Area; and provide advice on the development, implementation, and revisions to plans for improvements to be made in the Downtown Area; through periodic review of the implementation and enforcement of policies, regulations and city services that affect the quality of State Street and the Capitol Square as a high-quality urban space for pedestrians in an environment that promotes healthy businesses. This includes policies, regulations and city services that affect pedestrians, including people with disabilities; bicyclists; Mall Concourse maintenance; parking for bicycles, mopeds and automobiles; loading and unloading; motorized vehicles; signage and advertising; vending; sidewalk cafes; and streetscape items such as benches, planters and other street fixtures.

(b) Provide a forum for public information and stewardship for topics that affect the use of public space in the Downtown Area including trash, care of terrace trees and plants, use of sidewalks, placement of utility boxes and building maintenance.

(c) Consider any proposed ordinance amendments or new ordinances or resolutions regarding planning in the Downtown Area; or impacting upon the ongoing operation, safety, maintenance, enjoyment, use of, and scheduling and operation of special events in the Downtown Area.

(d) Serve as a forum for sharing information and providing advisory recommendations regarding the above duties and issues of concern in the Downtown Area.

(6) Rules of Procedure. The Committee may adopt rules of Procedure not in conflict with these Ordinances and which may from time to time be amended by the Committee. The Committee may delegate powers and responsibilities to a subcommittee or subcommittees as allowed under Section 33.01(4) of the Madison General Ordinances. At any meeting in which a member has a personal or financial interest in the issue being discussed, that member shall abstain from participating in any discussion or voting on any matter concerning that issue, shall not be counted for purposes of determining a quorum, and the minutes of any such meeting shall reflect the abstention accordingly.

(7) Compensation. Members of the Committee shall serve without compensation.

(Cr. by Ord. 12,655, 7-28-00; Am. by ORD-13-00092, 5-29-13)

8.42 FEEDING BIRDS ON PUBLIC PROPERTY PROHIBITED.

(1) It shall be unlawful for any person, unless specifically authorized by the City of Madison Parks Department, to feed anything to any bird on public property within the City of Madison.

(2) It shall be unlawful for any person, unless specifically authorized by the Henry Vilas Zoo Director, to feed anything to any bird on Henry Vilas Zoo property. (Cr. by ORD-11-00168, 12-6-11)

(3) Any person who violates this section shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense. (Sec. 8.42(2) Renum. to (3) by ORD-11-00168, 12-6-11)

(Cr. by Ord. 13,130, 8-28-02)

8.43 PUBLIC SWIMMING POOLS.

(1) The City may own, operate, or contract to own or operate one or more municipal swimming pools, and may accept gifts toward the construction or operation of municipal swimming pools.

(2) Municipal swimming pools shall be under the jurisdiction of the Board of Park Commissioners.

(3) The City establishes fees for the use of municipal swimming pools that are sufficient to cover all the direct costs of pool operation, together with an appropriate reserve for repairs and replacements a goal for the operation of any municipal swimming pool that the revenues from pool operations be sufficient to cover the direct costs of pool operations, including any appropriate reserves, over a period of time. This goal shall not be interpreted to restrict the outlay of funds to subsidize specific targeted users or any other ancillary services related to a pool.

(Cr. by ORD-05-00085, 5-10-05)

8.44 LOST OR ABANDONED PROPERTY.

(1) Charter Ordinance. By this ordinance, the City of Madison is exercising its authority under Article XI, sec. 3 of the Wisconsin Constitution, Wis. Stat. § 66.0101, and Wis. Stat. § 62.11(5). The City of Madison hereby determines not to be covered by the provisions of Wis. Stat. §§ 66.0139 and 170.105, with respect to lost or abandoned property. The City adopts this Charter Ordinance to create uniform rules for the treatment of lost or abandoned property that comes into the possession of city employees, officials or agents, and for the safety of the public in identifying and removing packages left in public places.

(2) Definitions. For the purpose of this ordinance, the following definitions apply:

(a) "Lost Property" means personal property, money or chattels that have been lost or abandoned or left on public property without the permission of the public owner. Lost property does not include (i) items left on the terrace or in garbage or recycling containers for the scheduled sanitation pick up, (ii) items seized as evidence in police investigations, or (iii) automobiles or bicycles, which are covered by Secs. 12.128(4) and 12.761, MGO, respectively.

(b) "Appropriate City Agencies" shall mean the Madison Police Department, Madison Fire Department, and any of the Divisions of the Department of Public Works and Transportation (Parks, Water Utility, Engineering, Streets, Madison Metro, Traffic Engineering and Parking).

(3) Requirement.

(a) Except as provided in Subdivision (b), if any City employees, officials or agents obtain possession of Lost Property within the scope of their public duties, the Lost Property shall be turned over to one of the Appropriate City Agencies.

(b) City employees, officials or agents may immediately dispose of Lost Property that either

1. Has an estimated aggregate replacement value of fifty dollars ($50) or less;
2. Consists of contraband or any dangerous materials, including flammable, explosive or incendiary materials, or other materials that pose a danger to persons or property;
3. Is perishable;
4. Poses a public health risk; or
5. Has no sentimental, medical or legal value. Sentimental items of value include but are not limited to photographs, family bible, jewelry, letters, drawings or children's art.

(4) The Appropriate City Agencies shall develop, within six (6) months of the effective date of this ordinance, uniform city-wide procedures for the notification of the City's impending removal of the Lost Property (where applicable) and the holding and disposal of Lost Property subject to Subsection (3)(a). The procedures shall include the following elements:

(a) Preparation and retention of an electronic log of Lost Property obtained and disposed of, to include a description of the property, where it was obtained, and how the property was disposed.

(b) Maintain a posting in one identified place in the City-County Building, with instructions for locating and accessing the electronic log of Lost Property.

(c) A method of ascertaining whether a person claiming Lost Property has reasonably demonstrated a right to the property, and a record of any Lost Property returned to such person.

(d) The methods of disposal of Lost Property that has remained unclaimed for a period of forty-five (45) days after acquisition of the property, which may include public auction, sale of the property through the Internet, transfer to non-profit entities, disposal as waste, or other reasonable methods of disposal. For purposes of disposal of the property, property that has remained unclaimed for a period of forty-five (45) days becomes the property of the City. For purposes of this subparagraph, Madison Metro may dispose of property that remains unclaimed after fourteen (14) days of acquisition.

(5) Property found by members of the public is subject to Wis. Stat. §§ 170.07-170.10.

(6) This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5).

(Sec. 8.44 Cr. by CHA-13-00004, Pub. 7-26-13, Eff. 9-20-13)

CHAPTER 9

LICENSES AND PERMITS

Section

9.01	Duty of Clerk With Regard to Licenses; Payment of Taxes, Claims, Forfeitures, Judgments, Etc.; Appeal. (Am. by Ord. 9243, 8-14-87)
9.02	Expiration of Licenses.
9.03	Licensing and Regulating Public Dances and Dance Halls. (Title Am. by Ord. 5204, 10-31-75 and Ord. 13,764, 1-1-05)
9.035	Private Teen Dance Clubs.
9.04	Licensing of Theatres or Public Rooms Used for Exhibition Purposes.
9.05	Adult Entertainment Establishments and Adult Entertainment Taverns. (Cr. by Ord. 10,919, Adopted 5-17-94)
9.06	Concealed Weapon License. (Cr. by ORD-11-00146, 10-27-11)
9.07	Reserved for Future Use. (R. Effective 6-30-81 by Ord. 7202)
9.08	Amusement Devices.
9.09	Cigarette License.
9.10	Reserved for Future Use. (R. Ord. 12,289, 12-14-98)
9.11	Reserved for Future Use. (R. by Ord. 8576, 5-6-85)
9.12	Vending Oversight Committee. (Cr. by Ord. 12,144, 5-19-98)
9.13	License for Selling on Public Streets.
9.14	Solicitor's and Canvasser's Permits.
9.15	Licensing of Hawkers, Peddlers, and Truckers.
9.16	Closing Out Sales.
9.17	Regulating Transient Merchants. (R. & Re-Cr. by Ord. 10,651, Adopted 5-4-93)
9.18	Reserved for Future Use. (R. by Ord. 10,721, 8-27-93)
9.19	Reserved for Future Use. (R. by Ord. 6179, 3-9-78)
9.20	Licensing of Concrete Layers, Asphalt Pavers, Landscape Pavers, Mudjackers, Sewer Drain Cleaners, Sewer CCTV Inspectors, and Private Snow Removal Equipment Operators. (Am. by Ord. 9241, 8-14-87; ORD-08-00142, 12-23-08; ORD-15-00006, 1-14-15)
9.21	Scrap/Recycling License. (Am. by ORD-12-00157, 2-6-13; ORD-13-00120, 6-26-13)
9.22	Purchase and Sale of Scrap Material. (Cr. by ORD-12-00157, 2-6-13)
9.23	Regulations of Mobile Homes and Mobile Home Parks. (Am. by Ord. 8235, 1-30-84)
9.24	Licensing of Secondhand Dealers. (R./Re-Cr. by Ord. 10,985, Adopted 8-30-94)
9.25	Registration of Landlords of Chronic Nuisance Properties. (Cr. by ORD-10-00011, 2-4-10)
9.26	Operation of Personal Storage Lockers. (Cr. by ORD-16-00109, 12-14-16)
9.27	Reserved For Future Use. (R. by Ord. 6186, 3-16-78)
9.28	Sale of Christmas Trees Licensed.
9.29	Reserved for Future Use. (R. by Ord. 13,764, Effective 6-30-05)
9.30	Penalty.
9.31	Cat License.
9.32	Reserved for Future Use. (R. by Ord. 12,133, 6-1-98)
9.33	Regulation of Massage Establishments, Massage Technicians and Employees. (Cr. by Ord. 4884, 2-7-75)
9.34	Licensing of Private Ambulance Services. (Cr. by Ord. 5256, 1-14-76)
9.35 - 9.47	Reserved for Future Use.
9.48	Fees for Service of Process. (Cr. by Ord. 11,131, 1-6-95)
9.49	Review of Administrative Determinations. (Cr. by Ord. 5973, 9-30-77)
9.50	Dog License Required. (Cr. by Ord. 7178, 12-29-80)
9.51	Parking Enforcer's License. (Cr. by Ord. 12,043, 3-2-98)
9.52	Keeping of Chickens. (Cr. by Ord. 13,605, 5-21-04)
9.53	Keeping of Honeybees. (Cr. by ORD-12-00025, 3-5-12)

9.54 Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending. (Cr. by ORD-12-00027, 3-14-12)

9.01 DUTY OF CLERK WITH REGARD TO LICENSES; PAYMENT OF TAXES, CLAIMS, FORFEITURES, JUDGMENTS, ETC., APPEAL.

(1) The City Clerk shall be charged with the enforcement of all ordinances relating to licenses unless other provision is made by the Common Council for the enforcement.

(2) The payment of all personal property taxes, special assessments, and room taxes imposed pursuant to Section 4.21 of these ordinances, all forfeitures or judgments resulting from conviction for violation of any Madison General Ordinance except moving traffic violations, and all other judgments due and owing from any applicant to the City of Madison at the time of the application for any license or permit provided for in these Ordinances, and any of the same relating to the property or business previously licensed if the new license is granted consequent or conditionally upon the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or of the ownership or control of a corporation is a condition precedent to the granting of such license or permit. If the personal property tax bill has not been issued, the Treasurer shall require advance payment based on the previous year's mill rate multiplied by the premises' or property's or business' current year's valuation. No license or permit application shall be granted until the Treasurer has certified on the application that all required payments have been made.

(a) Payment Plans. Notwithstanding Subsection (2), the City Clerk may issue a license or permit to an applicant who owes money to the City for unpaid forfeitures or judgments resulting from conviction for violation of any Madison General Ordinance if the applicant:

1. Has entered into a payment plan for payment of the money owed to the City;

2. Has made payments to the City under said payment plan; and

3. Is current with such payments.

(Cr. by ORD-15-00112, 10-28-15)

(3) Alleged errors in amounts claimed to be due the City may be appealed to a committee comprised of the Assessor, the City Treasurer and the Finance Director or their designees. The committee shall have no authority to review any matter for which a review or appeal procedure has been provided by statute or other ordinance. Within five (5) days of being informed of an amount claimed due, the person seeking review shall pay the amount claimed and file a written notice of appeal with the Clerk stating the bases for the appeal and specifying the alleged error. Upon payment, the applicant may file the application for the license or permit if otherwise qualified. As soon as practicable, the committee shall hold a hearing at which the person shall present evidence to substantiate the claimed error, call witnesses in his/her own behalf, may cross-examine witnesses and may be represented by legal counsel. After holding the hearing, the committee shall by majority vote make findings of fact and conclusions and shall correct any established errors. Any amount improperly required paid shall be refunded promptly, together with interest at the rate of twelve percent (12%) per annum from the date the amount was paid to the City to the date of refund. (Am. by ORD-11-00037, 3-8-11)

(Am. by Ord. 9243, 8-14-87; ORD-08-00092, 8-23-08)

9.02 EXPIRATION OF LICENSES. All licenses provided for by ordinances of the City of Madison shall be by annual licenses and shall expire on the thirtieth (30th) day of June following their issuance, unless it is otherwise specifically stated.

9.03 LICENSING AND REGULATING PUBLIC DANCES AND DANCE HALLS. (Title Am. by Ord. 5204, 10-31-75; Ord. 13,764, 1-1-05)

(1) (a) Definitions. The term "public dance" or "public ball" as used in this section shall be taken to mean any dance or ball to which the public may gain admission with or without payment of a fee, except those which are permitted by Section 9.29 of the Madison General Ordinances.

(b) The term "public dance hall" as used herein shall be taken to mean any room, place or space in which a public dance or public ball may be held.

(c) (R. by Ord. 7200, 1-29-81, Effective 6-30-81)

(d) A nonprofit organization is any individual or group who has obtained a designation as a tax-exempt entity, contributions to which are tax deductible pursuant to 26 U.S.C. Sec. 501(c)(3). (Cr. by Ord. 9007, 11-14-86)

(2) Exceptions. School, Church and Other Non-Profit Organization Sponsored Dances. The requirements of Subsection (3)(a) related to the payment of a fee shall not be required for any public dance held in any public or parochial school hall or church hall or in a City of Madison Community Center when such dance is held under the auspices of the school or church authority or a parent-teacher association or the Madison Board of Education, nor for any public dance held under the auspices of a nonprofit organization. (Sec. 9.03(2) Am. by Ord. 10,882, 4-15-94)

(3) (a) Dance Hall Licenses. It shall be unlawful to hold any public dance or public ball in the City of Madison until the dance hall in which the same is held shall first have been duly licensed for such purposes. The annual license fee shall be three hundred dollars ($300). Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. A license for one (1) day only requires the payment of a fee of thirty dollars ($30). Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9092, 2-13-87; Ord. 13,601, 5-11-04; ORD-10-00038, 5-1-10)

(b) (R. by Ord. 7200, 1-29-81, Effective 6-30-81)

(c) Expiration of License. Each license granted hereunder shall expire on the thirtieth (30th) day of June of each year.

(d) Dance Hall Licenses to be Posted. The dance hall license shall be posted in a conspicuous place within the licensed hall.

(e) Liquor Not to be Sold. No dance hall license shall be issued for any premises licensed to sell fermented malt beverages or intoxicating liquor.

(4) Hall Must Comply With Health and Fire Regulations, etc. No license for public dance hall shall be issued until it shall be found that such hall complies with and conforms to all ordinances, health, and fire regulations of the City and of the State; that it is properly ventilated, and supplied for sufficient toilet conveniences and is a safe and proper place for the purpose for which it is to be used. (Am. by Ord. 7200, 1-29-81, Effective 6-30-81)

(5) Application for License - Inspection - Report. Applications for dance hall licenses shall be made to the City Clerk, who shall thereupon notify the Chief of Police, Director of Public Health Madison and Dane County, Chief of the Fire Department, Director of the Building Inspection Division and the Alcohol License Review Committee. These officers shall severally inspect or cause to be inspected the premises sought to be licensed, to determine whether the dance hall complies with the regulations, ordinances, and laws applicable thereto. These officers shall furnish a recommendation as to whether a license should be granted or refused. No license shall be issued until after such officers have all filed with the City Clerk a written report of the facts and an affirmative recommendation that the license be granted and the Common Council shall have approved the same. (Am. by Ord. 9092, 2-13-87; ORD-08-00109, 10-7-08; ORD-15-00009, 1-28-15)

(6) Revocation or Suspension of License by Common Council. The following provisions shall apply for the revocation or suspension of any license issued pursuant to the provision of this section of the Madison General Ordinances.

(a) Complaint. Upon complaint made in writing under oath by the Chief of Police or by any resident of the City of Madison and filed with the City Clerk that any such person licensed pursuant to the provision of this chapter has violated any provision of this chapter or keeps or maintains a disorderly or riotous, indecent or improper house or that he or she has sold or given away any intoxicating liquor or any fermented malt beverage to any minor, or to persons intoxicated or bordering upon intoxication, to known habitual drunkards, or that he or she has not observed and obeyed any order of the Common Council or police officers of the City of Madison made pursuant to law or for other good reason, the Common Council shall issue a summons, to be signed by the Clerk, commanding the person so complained of to appear before them on a day and at a place in such summons named, not less than five (5) nor more than ten (10) days from its date, and show cause why his/her license should not be revoked or suspended. Such summons shall be served at least five (5) days before the time at which such person is commanded to appear and may be served either personally or upon the person in charge of the place to which such license relates. Said complaint shall set forth the offense allegedly committed, the date, time and place of said offense and the facts constituting said alleged offense. (Am. by ORD-14-00012, 1-14-14)

(b) Procedure on Hearing; Effect of Revocation. If such person shall not appear as required by the summons, the complaint shall be taken as true; and if the Common Council shall deem its allegation sufficient, the license shall be suspended or revoked and notice thereof shall be given to the person whose license is so revoked; but if such person shall appear and deny the complaint, each party may produce witnesses under oath and be heard by counsel. If upon such hearing the Common Council shall find the complaint to be true, the license shall be suspended for not less than ten (10) days nor more than ninety (90) days or revoked; and if untrue, the proceeding shall be dismissed without costs to the accused; and if the complaint be found by the Common Council to be malicious and without probable cause, the cost shall be paid by the complainant, and the Common Council may require security therefor before issuing the summons as aforesaid. When a license is revoked, it shall be so entered of record by the Clerk, and no other license shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded.

(c) Other Provisions. Any license issued pursuant to Section 9.03 of the Madison General Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Madison by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his/her license may be revoked in accordance with this section. If any new amendment or ordinance enacted by the Common Council shall provide for revocation of all or any class of existing licenses and the issuance of new licenses or shall impose such new restrictions as to render it impossible for any licensee under an existing license to meet such restrictions, then and in such case the unused portion of the fee paid for such license shall be refunded or applied on any new license issued to such licensee by the Common Council. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee. If a license issued hereunder is not used within fifteen (15) days after its issuance, its usage is discontinued for a

period of fifteen (15) days or more, such situation shall be grounds for cancellation of the license in accordance with the provisions of this section. (Am. by ORD-14-00012, 1-14-14)

(7) Dance Halls to be Kept Sanitary. All public dance halls shall be kept at all times in a clean, healthy and sanitary condition, and all stairways and other passages and all rooms connected with a dance hall shall be kept open and well lighted.

(8) Power of Police to Stop Dance. The Chief of Police or any police officer shall have the power and it shall be his/her duty to cause the place, hall or room where any dance or ball is held or given to be vacated whenever any provision of any ordinance or any law of the state with regard to public dances and public balls is being violated or whenever any indecent act shall be committed, or when any disorder of a gross, violent, or vulgar character shall take place. (Am. by ORD-14-00012, 1-14-14)

(9) Duty of Owner of Dance Hall. It shall be the duty of the owner of every ballroom, or other space rented or used for public dances, as well as of the person or association giving the dance, to see that the provisions of this section and all other laws and regulations relative to public dances and public dance halls are complied with.

(10) Floor Manager. Any person conducting a public dance or renting a public dance hall shall have a floor manager in control of the premises continuously from a half (½) hour before the dancing begins until the dance hall is closed. It shall be the duty of the floor manager to see that standards of decency and good taste are maintained and that disorderly, familiar, or objectionable conduct is not tolerated and to take efficient steps promptly to remove objectionable persons and stop objectionable practices.

(11) Advertising. In all circulars, newspaper advertisements, or other announcement of a public dance, the name of the person under whose auspices the dance is to be held shall be printed in a conspicuous manner. Whenever a public dance is given under the auspices of an organization, the name of at least two (2) of the responsible officers of the association shall be printed as above provided.

(12) Persons Under Eighteen not to Attend Dances. It shall be unlawful to permit any person under the age of eighteen (18) to attend or to take part in any public dance unless such person is chaperoned by a parent or legal guardian or unless the dance is held under the auspices of school or church authority or a parent-teacher association or the Madison Board of Education. It shall be unlawful for any person to misrepresent his or her age in order to obtain admission to a public dance hall, or to be permitted to remain therein when such person is in fact, because of age, not permitted to attend or participate in a public dance under the provisions of this section. It shall also be unlawful for any person to represent himself to be a parent or guardian of any person under the age of eighteen (18) in order that such person may obtain admission to a public dance when the person making this representation is not in fact either a parent or legal guardian of such other person. (Am. by Ord. 8857, 4-28-86)

(13) Reserved for Future Use. (R. by Ord. 10,882, 4-15-94)

(14) Miscellaneous Police Regulations. It shall be unlawful for any person or organization, business or social, conducting a public dance or for any manager or other agent of such person or organization:

(a) To permit any person under eighteen (18) years of age to enter or remain in a public dance hall during a public dance unless chaperoned by a parent or legal guardian or unless subsection (12) applies. (Am. by Ord. 8857, 4-28-86)

(b) To issue pass checks or other checks permitting a person or persons to leave and re-enter the dance hall building except during a definite intermission period of fifteen (15) minutes.

(c) To permit any fermented malt beverages or intoxicating liquor to be sold, offered for sale, served or consumed in any room in which dancing is permitted or to permit dancing in any room in which fermented malt beverages or intoxicating liquor is sold, offered for sale, served or consumed.

(d) To permit any person under the influence of liquor or drugs to participate in or to be allowed to remain at any public dance.

(e) To permit idlers, loiterers or other hangers-on to be on or about the dance hall premises.

(f) (R. by Ord. 6855, 12-21-79)

9.035 PRIVATE TEEN DANCE CLUBS.

(1) Purpose. The purpose of this section is to provide for properly regulated private teen dance clubs conducted primarily for teenagers.

(2) Private Teen Dance Club Defined. A private teen dance club licensed under this section shall mean a private club providing dances primarily for persons between the ages of fourteen (14) and eighteen (18), admission for which may be gained by membership card and the payment of an admission fee or charge.

(3) Provisions of 9.03 Applicable. The following subsections of 9.03 shall apply: (2) Exceptions; (3)(c) Expiration of License; (3)(d) Dance Hall Licenses to be Posted; (3)(e) Liquor Not to be Sold; (4) Hall Must Comply With Health and Fire Regulations, etc; (5) Application for License—Inspection—Report; (6) Revocation or Suspension of License by Common Council; (7) Dance Halls to be Kept Sanitary; (8) Power of Police to Stop Dance; (9) Duty of Owner of Dance Hall; (10) Floor Manager; (11) Advertising; (14) Miscellaneous Police Regulations, except paragraph (a). Premises licensed hereunder shall be included within the term "public dance hall" used in these subsections, but shall not constitute a public dance hall for other purposes. (Am. by Ord. 6949, 4-4-80)

(4) License Required. No person shall operate a private teen dance club without a license issued hereunder. An annual license may be issued for a fee of two hundred fifty dollars ($250). Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 8846, 4-11-86; Ord. 13,601, 5-11-04; ORD-10-00038, 5-1-10)

(5) Age Limit on Admissions. No person licensed hereunder shall permit on the premises where a private teen dance club is operated any person under the age of fourteen (14) unless accompanied by her or his parent or legal guardian. It is the intention of the Council that dances conducted hereunder shall be primarily for young persons and therefor any person licensed hereunder shall discourage the attendance at such dances of persons eighteen years of age or older except employees of the licensee, chaperones, dance inspectors or other authorized persons. (Am. by ORD-14-00012, 1-14-14)

(6) Time Limits. No premises licensed under this section may be open as a private teen dance club after 10:30 p.m. Sunday through Thursday and 11:30 p.m. Friday and Saturday, except on January 1 the premises may be open until 12:45 a.m. (Am. by Ord. 9347, 12-21-87)

9.04 LICENSING OF THEATERS OR PUBLIC ROOMS USED FOR EXHIBITION PURPOSES.

(1) Who Shall Obtain Licenses. No person, firm, association or corporation shall conduct or operate any opera house, theater, vaudeville theater, moving picture theater, show house, or any exhibition or show in any public room, nor give or conduct any show or performance therein or in any other building or room to which the public may be admitted, within the limits of the City of Madison, without first having obtained a license therefor as provided in this section; provided, however, that when any license shall be issued no further license fee shall be imposed upon any company or person exhibiting in such theater, opera house, vaudeville theater, moving picture theater or public room in which an exhibition or show is held while the license therefor shall be in effect. City owned

theaters shall be exempt from the licensing requirements in this section except for the provision in Subsection (2) below regarding the certificate from the Director of the Building Inspection Division. (Am. by Ord. 10,517, 11-11-92; ORD-08-00109, 10-7-08)

(2) Certificate From Director of the Inspection Division. Any person, firm, association, or corporation desiring to obtain a license to operate or conduct any opera house, theater, vaudeville theater, moving picture theater, show house, or public room in which any exhibition or show is given within the limits of the City of Madison shall, before any license shall be issued, procure from the Director of the Building Inspection Division a certificate that said applicant has fully complied with all the provisions and requirements of the ordinances of the City of Madison, and the laws of the State of Wisconsin governing the construction and equipment of opera houses, theaters, vaudeville theaters, moving picture theaters, show houses, or public rooms used for exhibition or show purposes. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(3) Application for License.

(a) Every person, firm, association or corporation desiring to obtain a license for the operation of any opera house, theater, vaudeville theater, moving picture theater, show house, or public room used for show or exhibition purposes shall file with the City Clerk of the City of Madison an application in writing for such license, which application shall be made by the person or persons desiring the same, or his/her or their authorized agent. Such application shall state the name or names of the party desiring such license, and such other information as may be required by the City Clerk, and which application shall specify the premises for which such license is desired. Each application shall be accompanied with a certificate of the Director of the Building Inspection Division as provided in subsection (2) hereof, together with a deposit of the license fee as hereinafter required. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

(b) No exhibition, representation or show to which the public is admitted upon the payment of a fee or thing of value shall be presented or offered in any building, room, or structure which does not comply with all the regulations of the State of Wisconsin or the City of Madison with regard to sanitation, ventilation, fire prevention, health and safety; and it shall be unlawful to present or offer any such exhibition, representation or show in any frame building, tent, or other temporary structure, excepting that this subsection shall not apply to circuses or menageries licensed under Section 9.05 of the ordinances.

(4) No License to be Issued to Minors or Irresponsible Persons. No license shall be issued hereunder to any minor, or to any irresponsible person, or to any person not of good character.

(5) Conditions of License - Licenses Subject to Ordinance.

Every licensee and every license hereunder shall at all times be subject to the ordinances of the City at any time in force or coming into force during the term of such license. (Am. by Ord. 5673, 11-17-76)

(6) Expiration of Licenses. Licenses shall be granted only by the Common Council of the City of Madison and shall expire on the thirtieth (30th) day of June following the date of their issuance.

(7) Fees. The annual license fee for theaters shall be as follows: three hundred dollars ($300) for each theater having a seating capacity of five hundred (500) persons or less; four hundred dollars ($400) for each theater having a seating capacity of more than five hundred (500) persons and less than twelve hundred (1,200); six hundred dollars ($600) for each theater having a seating capacity of twelve hundred (1,200) persons or more. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment

of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9022, 12-11-86; Ord. 13,601, 5-11-04; ORD-10-00038, 6-15-10)

(8) Definition of Theater. Every edifice or part of edifice used for the purpose of dramatic or operatic or other representations, plays, or performances for admission to which entrance money is received, not including halls or armories rented or occasionally used for concerts or theatrical representations and not including edifices owned by religious, educational, or charitable institutions, societies, or organizations where all the proceeds from admissions inure exclusively to the benefit of such institutions, societies, or organizations, or exclusively to the benefit of persons in the military or naval forces of the United States, shall be regarded as a theater.

(9) Suspension and Revocation of Licenses. Any license issued hereunder may be suspended at any time by the Mayor, upon proof furnished her or him of the violation of any of the ordinances of the City of Madison or the Laws of the State of Wisconsin. Any such suspension shall, however, be reported by the Mayor to the Common Council at its first session thereafter. Any person aggrieved by such action of the Mayor may appeal therefrom to the Common Council, and the Common Council shall grant to such person a hearing, and said Council shall then determine whether such license shall be revoked. (Am. by ORD-14-00012, 1-14-14)

(10) Assignment of Licenses - Temporary Permits. Licenses which shall be issued under the provisions of this section shall not be assigned except with the consent of the Common Council as herein provided. Any person, firm, association, or corporation to whom or to which any license issued under the provisions of this section shall have been in terms assigned, may make application to the Common Council stating that such license has been so assigned and requesting the Common Council to approve such assignment. The Common Council is hereby authorized to approve such assignment if it shall be satisfied that the applicant is qualified under the provisions of this section and is a fit and proper party to hold such license. If any such assignee, after she or he shall have made her/his application to the Common Council, desires to conduct or operate any opera house, theater, vaudeville theater, moving picture theater, show house, or any exhibition or show in any public room under said license pending the action of the Council upon her/his application for approval of such assignment, s/he may apply to the City Clerk for temporary permit so to do and the City Clerk is hereby authorized, subject to the approval of the Mayor, to issue such temporary permit pending the action of the Common Council. No such temporary permit shall be issued by the City Clerk unless the applicant therefore shall have first paid the City Treasurer the sum of ten dollars ($10), and the assignment of any license hereunder shall not be approved by the Common Council unless the applicant shall have paid into the City Treasury the sum of ten dollars ($10), provided, however, that in cases where payment of ten dollars ($10) is made for a temporary permit no additional fee shall be required on account of the assignment of any such license. (Am. by ORD-14-00012, 1-14-14)

(11) Licensing Outdoor Theaters.

(a) License. No person, firm, association or corporation shall conduct or operate an outdoor or drive-in theater within the limits of the City of Madison without having first obtained a license therefor as provided in this subsection.

(b) Definition. For the purposes of this ordinance an outdoor theater is defined to be a parcel of land having specifically designated boundaries, entrances and exits, equipped with a screen and sound equipment for showing moving pictures for a fee or admission charge to occupants of automobiles parked within the designated area.

(c) Application for License. Every person, firm, association or corporation desiring to obtain a license for the operation of an outdoor theater shall file with the City Clerk an application in writing on a form to be furnished by the City Clerk, which

application shall be signed by the applicant or her/his or its duly authorized agent. Such application shall state the name and address of the applicant and any person or persons owning an interest in the proposed theater, and if the applicant be a corporation it shall give the names and addresses of the officers of the corporation. Each application shall clearly describe the location of the theater, the number of cars which the theater is designed to accommodate, and such other information as may be required by the Common Council. The license fee provided herein shall accompany such application. Before any license shall be issued the applicant shall procure and file with the application, a certificate from the Director of the Building Inspection Division that said applicant has fully complied with all the provisions and requirements of the ordinances of the City of Madison and the Laws of the State of Wisconsin governing the construction and equipment of outdoor theaters and a certificate from the City Director of Planning and Community and Economic Development of Madison that all zoning requirements pertaining to outdoor or drive-in theaters have been complied with. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

(d) Granting of License. The City Clerk shall, when satisfied that the applicant has fully complied with all the requirements and provisions of this subsection and the zoning and building requirements as shown by paragraph (c) above, present the application with the accompanying certificates to the Common Council. Licenses hereunder shall be granted only by the Common Council. If the application is approved and the license granted, the City Clerk shall issue such license.

(e) License Fee and Period. The term of the license provided for under this subdivision shall be for the period January 1 to December 31 and the license fee for any license granted pursuant to this subsection shall be one thousand dollars ($1,000) to be apportioned as follows: five hundred dollars ($500) for the period from January 1 to June 30 and five hundred dollars ($500) for the period from July 1 to December 31. Provided further, however, that the license fee for outdoor theaters for the period January 1 to December 31 shall be two hundred fifty dollars ($250) per year, or any fraction thereof, in those situations where the owners or operators of any outdoor theater have made application to the State Highway Commission of Wisconsin for the operation and maintenance at the cost of the licensee of a controlled traffic control signal at the highway exit of such outdoor theater and where said application has been approved by the State Highway Commission of Wisconsin, provided, however, that said traffic control signals shall be installed and in operation at the time of the granting of said license. Provided, further, that where an applicant for a license under the provisions of this subsection submits proof of the filing with the State Highway Commission of the right to install a controlled traffic control signal at the highway exit of such outdoor theater but said application has not been acted upon by the State Highway Commission or the traffic control signal installed, a license may nevertheless be granted for the twenty dollar ($20) annual fee upon the said applicant filing a bond with the City of Madison in the amount of one thousand dollars ($1,000) conditioned that said highway traffic control signal will be installed and in operation within forty-five (45) days from the granting of said license. In the event of the failure of the licensee to install and to put into operation said traffic control signal within said period of thirty (30) days the full semiannual license fee or fees of five hundred dollars ($500) shall be due and payable.

(f) No License to Minor or to Irresponsible Persons. No license shall be issued hereunder to any minor, or to any irresponsible person, or to any person not of good character.

(g) Licensees and Licenses Subject to Ordinances. Each licensee and every license issued hereunder shall at all times be subject to the ordinances of the City at any time in force or coming into force during the term of such license.

(h) Suspension and Revocation. Any license issued hereunder may be suspended at any time by the Mayor upon reasonable evidence furnished her or him of the violation of any ordinance of the City of Madison or any Laws of the State of Wisconsin. Any such suspension shall, however, be reported by the Mayor to the Common Council at its first meeting thereafter. Any person aggrieved by such action of the Mayor may appeal therefrom within twenty (20) days to the Common Council, and the Common Council shall grant to such person a hearing, and said Council shall then determine whether such license shall be revoked. If no appeal is taken the suspension shall stand. In the event of suspension or revocation no refund of any portion of the license fee shall be made. (Am. by ORD-14-00012, 1-14-14)

(i) Assignment of Licenses. Licenses which shall be issued under the provisions of this section shall not be transferred or assigned except with the consent of the Common Council as herein provided. Any person, firm, association or corporation to whom or to which any license issued under the provisions of this section is proposed to be assigned shall make and file with the City Clerk an application therefor in writing on the same form and with the same information as though applying for a new license which application shall be accompanied by a fee of ten dollars ($10). If the application qualifies according to the provisions in (c) above, the City Clerk shall refer said application to the Common Council which may approve said assignment by a majority vote. If the Common Council approves such assignment the City Clerk shall recall the original license and issue a new license.

(j) Regulation. Every licensee of any outdoor theater shall provide such personnel as may be required to insure that patrons of the theater conduct themselves in a proper manner, and shall be responsible for the enforcement and observation of all the provisions of this subsection.

(12) Penalty. Any person, society, club, or corporation who shall violate the provisions of this section shall be subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each and every offense, and each day on which any such violation exists shall be deemed a separate offense.

9.05 ADULT ENTERTAINMENT ESTABLISHMENTS AND ADULT ENTERTAINMENT TAVERNS.

(1) Definitions. For the purpose of this section, the following words and phrases shall mean:

Adult Book or Video Store. An adult book store is an establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:

1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to specified sexual activities or specified anatomical areas as defined herein or
2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1. above.
3. Significant part of the business means dedication or use of more than ten percent of the available floor, wall and display space to the sale, rental or loan of the subject matter referenced in Paragraphs 1. and 2. above,

including space devoted to the viewing of videotapes or films, or display and advertisement of subject matter referenced herein in excess of ten percent of the total merchandise for sale, rental or loan.

4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.

Adult Entertainment Establishment. An adult entertainment establishment is an adult book or video store or an adult motion picture theater.

Adult Entertainment Taverns. An adult entertainment tavern is any establishment licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 38 of these ordinances which is used for presentations or service distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female's vulva or breasts below the top of the areola ; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual acts prohibited by Wis. Statutes. (Cr. by Ord. 12826, 6-6-01)

Adult Motion Picture Theater. An adult motion picture theater is an enclosed building used for presenting or exhibiting a motion picture film, show or other presentation having as its dominant theme or distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female's vulva or breasts below the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual acts prohibited by Wis. Statutes.

Booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises shall mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure.

The phrase "booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises" does not mean enclosures which are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purposes of viewing entertainment for a fee, and which are not open or available to any persons other than owners, managers or employees.

Council. The Common Council of the City of Madison.

Operator. Any person, partnership, corporation, or other entity operating, managing, renting, conducting, maintaining or owning any adult entertainment establishment, or adult entertainment tavern.

Specified Anatomical Area means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if opaquely covered.

(Cr. by Ord. 13,759, 1-5-05)

Specified Sexual Activities simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal.

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(Cr. by Ord. 13,759, 1-5-05)

(Am. by Ord. 12,826, 6-6-01)

(2) License.

(a) Except as provided in Subdivision (d) below, from and after the effective date of this ordinance, no adult entertainment establishment or adult entertainment tavern shall be operated or maintained in the City without first obtaining a license to operate issued by the City.

(b) A license may be issued only for one adult entertainment establishment or adult entertainment tavern located at a fixed and certain place. Any person who desires to operate more than one adult entertainment establishment or adult entertainment tavern must have a license for each.

(c) No license or interest in a license may be transferred to any person.

(d) All adult entertainment establishments or adult entertainment tavern existing at the time of the passage of this ordinance must submit an application for a license within ninety (90) days of the passage of this ordinance. If an application is not received within such ninety-day period, then such existing adult entertainment establishment or adult entertainment tavern shall cease operations.

(Am. by Ord. 12,826, 6-6-01)

(3) Application for License.

(a) Any person desiring to secure a license shall make application to the City Clerk. The application shall be filed in quadruplicate with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the City Police Department, the City Health Department, the Zoning Administrator, to the applicant, and to the Alcohol License Review Committee in the case of applications for an adult entertainment tavern license.

(b) The application for a license shall be upon a form provided by the City Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:

1. Name and address.
2. Written proof that the individual is at least eighteen (18) years of age.
3. The address of the adult entertainment establishment or adult entertainment tavern to be operated by the applicant.
4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent (5%) of the stock in such corporation and all officers and directors of the corporation.

(c) Within twenty-one (21) days of receiving an application for an adult entertainment establishment license, the City Clerk shall notify the applicant whether the application is granted or denied.

(d) Within twenty-one (21) days of receiving a recommendation from the Alcohol License Review Committee to grant a license for an adult entertainment tavern, the City Clerk shall notify the applicant whether the application is granted or denied.

(e) Whenever an application is denied or a license is not renewed, the City Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial or nonrenewal, a public hearing shall be held within ten (10) days thereafter before the Council. If a public hearing is requested, it shall be held within ten (10) days

thereafter before the Council. The Council shall make a determination on the denial or nonrenewal of the license within twenty (20) days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five (5) days of the determination. The notification shall contain reasons for the denial or nonrenewal of the license. Judicial review by certiorari may be sought within thirty (30) days of a termination under (c), (d), or (e) if a public hearing is requested. If a licensee makes a timely appeal, no nonrenewal shall be effective until a final judicial decision is rendered. (Am. by Ord. 13,358, 7-5-03; ORD-06-00144, 11-2-06)

(f) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or the applicant's refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that s/he is ineligible for such license and shall be grounds for denial thereof by the City Clerk.

(Am. by Ord. 12,826, 6-7-01)

(4) Standards for Issuance or Renewal of License. To receive a license to operate an adult entertainment establishment or adult entertainment tavern, an applicant must meet the following standards:

(a) If the applicant is an individual:

1. The applicant shall be at least eighteen (18) years of age.
2. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application.

(b) If the applicant is a corporation:

1. All officers, directors and stockholders required to be named under Subsection (3)(b) shall be at least eighteen (18) years of age.
2. No officer, director or stockholder required to be named under Subsection (3)(b) shall have been found to have previously violated this section within five (5) years immediately preceding the date of the application.

(c) If the application is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
2. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of the application.

(d) A valid Zoning Certificate obtained from the Zoning Administrator pursuant to Sec. 28.202(3). (Am. by ORD-12-000134, 1-2-13)

(e) The license may include conditions that have been agreed to by the City and the applicant pursuant to a court order in the settlement of an action to enforce this ordinance. (Cr. by Ord. 13,550, 3-19-04)

(Am. by Ord. 12,826, 6-6-01)

(5) Fees. The annual license fee of one thousand one hundred dollars ($1,100) plus the applicable publication fee as set for in Sec. 38.05(3)(b), MGO, shall be submitted with the application for an adult entertainment establishment license or an adult entertainment tavern license. If the application is denied, one half of the fee shall be returned. (Am. by Ord. 12,826, 6-6-01; ORD-05-00096, 5-24-05; ORD-06-00154, 11-23-06; ORD-10-00038, 5-1-10; ORD-17-00009, 2-20-17)

(6) Display of License. The license shall be displayed in a conspicuous public place in the adult entertainment establishment. (Am. by Ord. 12,826, 6-6-01)

(7) Renewal of License.

(a) Every license issued pursuant to this ordinance shall terminate on June 30 of each year, unless sooner revoked, and must be renewed before operation is allowed on July 1. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in quadruplicate with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the City Police Department, the City Health Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.

(b) A license renewal fee of one thousand dollars ($1,000) shall be submitted with the application for renewal of either an adult entertainment establishment license or an adult entertainment tavern license. In addition to the renewal fee, a late penalty of twenty-five percent (25%) of the license fee shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. If the application is denied, one half of the total fees collected shall be returned. (Am. by Ord. 13,601, 5-11-04; ORD-05-00096, 5-24-05; ORD-06-00154, 11-23-06; ORD-10-00038, 5-1-10)

(c) If the City Police Department, City Health Department, Zoning Administrator or Alcohol License Review Committee is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.

(Am. by Ord. 12,826, 6-6-01)

(8) Revocation of License.

(a) The Common Council may revoke or suspend a license for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
2. The operator or any employee of the operator violates any provision of this section or any rule or regulation adopted by the Common Council pursuant to this chapter provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
3. The operator becomes ineligible to obtain a license.
4. Any cost or fee required to be paid by this chapter is not paid.
5. Any intoxicating liquor or fermented malt beverage is served or consumed on any premises of an adult entertainment establishment not licensed pursuant to Chapter 38 of these ordinances.

(Am. by Ord. 13,759, 1-5-05)

(b) The Council, before revoking or suspending any license, shall give the operator at least ten (10) days written notice of the charges against the operator and the opportunity for a public hearing before the Council. If the operator does not file a timely request for a public hearing, the allegations set forth in the charges shall be taken as true, and within ten (10) days the Common Council shall meet and determine whether the charges are sufficient to revoke or suspend a license. Within five (5) days of such determination, the Common Council shall provide written notification to the licensee of its findings and shall include reasons for suspension or revocation. If a public hearing is requested, it shall be held within ten (10) days

thereafter before the Council. The Council shall make a determination on the suspension or revocation of the license within twenty (20) days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five (5) days of the determination. The notification shall contain reasons for a suspension or revocation of the license. Appeal of either of the above written determinations of the Council to revoke or suspend a license shall be pursuant to Sec. 9.49, Madison General Ordinances. Judicial review by certiorari may be sought within thirty (30) days of a determination under this subdivision. If a licensee makes a timely appeal of the Council's determination to suspend or revoke a license, no suspension or revocation shall be effective until a final judicial decision is rendered pursuant to Sec. 9.49(6)(b)3. (Am. by Ord. 13,759, 1-5-05; ORD-06-00144, 11-2-06)

(c) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult entertainment establishment or adult entertainment tavern for one (1) year from the date of revocation of the license. (Am. by Ord. 12,826, 6-6-01)

(9) Physical Layout of Adult Entertainment Establishment. Any adult entertainment establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult entertainment establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.
2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth textured and easily cleanable.
4. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.
5. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten (10) foot candles at all times as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(10) Operator Responsibility.

(a) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult entertainment establishment or adult entertainment tavern shall allow any minor to loiter around or to frequent an adult entertainment establishment or to allow any minor to view any activity allowed in an adult motion picture theater or adult entertainment tavern.

(d) The operator shall maintain the premises in a clean and sanitary condition at all times. The operator shall submit a fixed cleaning and sanitizing schedule to the Health Department for approval, and once approved, adhere to that schedule.

(e) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view any activity in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall be there be less than one (1) foot candle of illumination in such aisles as measured from the floor.

(f) The operator shall conspicuously post inside each booth, stall, partitioned portion of room, or individual room an unmutilated and undefaced sign or poster supplied by the health department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(g) The operator shall post regulations concerning booth occupancy, on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.

(h) The operator shall comply with all conditions attached to a license pursuant to Sec. 9.05(4)(e). (Cr. by Ord. 13,550, 3-19-04)

(i) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance, including any license conditions pursuant to Section 9.05(4)(e). (Am. by Ord. 13,550, 3-19-04)

(Am. by Ord. 12,826, 6-6-01)

(11) Patron Responsibility.

(a) No person shall occupy an enclosure already occupied by another person, regardless of whether permission to enter has been given.

(b) No person shall at any time engage in specified sexual activities or cause any bodily discharge or litter associated with such sexual activity while in the enclosure. (Am. by Ord. 13,759, 1-5-05)

(c) No person shall remove, destroy, or deface any signs or posters, or destroy or deface any information, brochures, or pamphlets, whether supplied by the Health Department or posted by the operator.

(d) No person shall damage or deface any portion of the enclosure.

(12) Exclusions. All private and public schools, as defined in Wis Stat. ch. 115, hospitals, medical clinics and public health facilities, located within the City of Madison, are exempt from obtaining a license hereunder when instructing pupils or patients/clients in sex education, prenatal, family planning, or child birth classes as part of their curriculum or services.

(13) Enforcement. It shall be the duty of the Health Department, the Building Inspection Division and the Police Department to administer and enforce the provisions of this ordinance. (Am. by ORD-08-00109, 10-7-08)

(14) Penalty.

(a) In addition to the revocation, suspension or nonrenewal of any license issued under this ordinance, any person found to be in violation of any provision of this ordinance shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) and in the case of an operator shall result in the suspension or revocation of any license up to one (1) year.

(b) Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(15) Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of the same.

(Sec. 9.05 Cr. by Ord. 10,919, Adopted 5-17-94; Am by Ord. 12,926, 6-6-01; ORD-06-00144, 11-2-06)

9.06 CONCEALED WEAPON LICENSE.

(1) Definitions. In this section:

(a) "Carry" means to go armed with.

(b) "Concealed" means hidden from ordinary observation.

(c) "License document" means a valid license issued under Wis. Stat. § 175.60 or an out-of-state license.

(d) "Licensee" means an individual holding a valid license to carry a concealed weapon under Wis. Stat. § 175.60.

(e) "Out-of-state licensee" means an individual who is twenty-one years of age or over, who is not a Wisconsin resident, and who has been issued an out-of-state license.

(f) "Photographic identification card" means one of the following:

1. An operator's license issued under Wis. Stat. ch. 343 or an identification card issued under Wis. Stat. § 343.50; or

2. A license or card issued by a state other than Wisconsin that is substantially equivalent to a license or card under sub. 1.

(g) "Weapon" means a handgun, an electronic weapon, as defined in Wis. Stat. § 941.295(1c)(a), a knife other than a switchblade knife under Wis. Stat. § 941.24, or a billy club.

(2) It shall be unlawful for a licensee or out-of-state licensee to carry a concealed weapon within the City without having his or her license document and photographic identification card.

(3) Exceptions. This section does not apply if the licensee or out-of-state licensee was carrying a concealed weapon in the following locations:

(a) In his or her own dwelling;

(b) In a place of business he or she owns; or

(c) On land he or she owns, leases or legally occupies.

(4) Penalty. Any person who violates this ordinance shall be subject to a penalty of not more than twenty-five dollars ($25).

(a) Exemption. Any person is exempted from a forfeiture under this section, if the person presents, within forty-eight (48) hours of receiving a citation, his or her license document or out-of-state license and photographic identification to the Madison Police Department.

(Sec. 9.06 Cr. by ORD-11-00146, 10-27-11)

9.07 RESERVED FOR FUTURE USE. (R. by Ord. 7202, 1-22-81, Effective 6-30-81)

9.08 AMUSEMENT DEVICES.

(1) Definitions.

(a) "Amusement device" means any machine, game, or similar device, whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment, and which is not a gambling device. The term shall include, but not be limited to because of enumeration, electronic or mechanical game machines, pinball machines, shuffleboard, and pool or billiard tables. (R. & Re-Cr. by Ord. 10,373, 2-14-92)

(b) A "distributor" shall mean any person who as owner or lessor distributes or leases any amusement device to any person for use in the City of Madison.

(2) Licensing of Amusement Device Distributors.

(a) License of Amusement Devices. Any person, corporation or other legal entity which has possessory control of any premises in which is located any amusement device available for play shall license said device with the City Clerk as described herein. The license fee for the amusement device operated by a coin of five cents (5¢), or more, shall be per annum; and shall be based on the number of amusement devices located on the premises as follows:

Number of Amusement Devices	Fee
1	$55
2-3	$110
4-6	$220
7-10	$385
11-20	$605
21-30	$1,155
31-44	$1,705
45+	$2,475

The license fee for each amusement device operated by a coin of a value of less than five cents (5¢) shall be two dollars and fifty cents ($2.50) per annum. Said license fee shall be paid to the City Treasurer at the time of license. If the City Clerk is satisfied that the amusement device(s) should be entitled to be licensed, the Clerk shall issue a license for said device(s). The license shall be conspicuously displayed along with any other licenses issued to such registrant. The license application shall show the ownership of the device(s) for which license is sought. If the registrant does not own the device(s) so licensed, the owner of the device(s) shall permanently affix a tag or similar item showing the owner's name and address. Such license shall remain effective until the thirtieth (30th) of June following issuance at which time and on the first (1st) of July of each and every year thereafter. The license shall not be transferable. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9022, 12-11-86; Ord. 13, 601, 5-11-04; ORD-10-00038, 5-1-10)

(b) It shall be unlawful for any person, corporation or other legal entity to have on premises under possessory control any unlicensed amusement device available for play.

(Sec. 9.08(2) Am. by Ord. 7392, 4-20-81; ORD-06-00154, 11-23-06)

(3) Police Officer May Seize Any Gambling Device. Any police officer or special investigator of the City of Madison may seize or cause to be seized any gambling device, slot machine or any amusement device upon which there is not affixed a registration symbol as herein required, and deliver the same into the custody of the Chief of Police of the City of Madison. Unless the lawful owner thereof shall prove her/his title thereto and demand possession within thirty (30) days from the date such machine is seized, said device shall be destroyed on the written order of said Chief of Police. (Am. by ORD-14-00012, 1-14-14)

(4) Counterfeiting Registration Symbol Prohibited. Any person who shall counterfeit a registration symbol or who shall transfer such registration symbol from one amusement device to another, or who shall make any false statement in any application for a license or registration under this ordinance shall upon conviction be penalized in the manner and to

the extent as provided in subsection (5) hereof and upon conviction said person, firm or corporation shall be disqualified from registering any further amusement devices for the current year.

(5) Penalty. A violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

9.09 CIGARETTE LICENSE.

(1) Definitions. For purposes of this section, the following definitions apply:

"Cigarette" has the meaning set forth in Wis. Stat. § 139.30.

"Person" means an individual, partnership, firm, company, limited liability company, corporation, whether tenant, owner, lessee, licensee, franchisee, or their agent, heir or assigns.

"Tobacco products" has the meaning set forth in Wis. Stat. § 139.75.

(2) It shall be unlawful for any person, in any manner, directly or indirectly, upon any pretense or by any device, to manufacture, to directly or indirectly sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes or tobacco products in the City of Madison without first obtaining a license therefor, as hereinafter provided.

(3) License for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes or tobacco products in the City of Madison shall be issued by the City Clerk. Every such license shall be issued on the first (1st) day of July in each year or thereafter whenever applied for and shall continue in force from date of issuance until the succeeding thirtieth (30th) day of June, unless sooner revoked for a violation of this section as herein provided.

(4) Every person desiring a license under this section shall file with the City Clerk a written application therefor stating the name of the person and the place for which such license is desired. Every license shall be signed by the City Clerk and shall name the licensee and the place wherein he or she is authorized to conduct such business and the same shall not be delivered until the applicant shall produce and file with such Clerk a receipt showing the payment of the license fee.

(5) Fee.

(a) Pursuant to Wis. Stat. § 134.65, the license fee shall be one hundred dollars ($100.00) payable to the City Treasurer.

(b) A nominal portion of the fee shall be used for the administration of the licensing process. The balance shall be used for the enforcement of the youth access to tobacco compliance check program, enforcement of this section, and education of licensees.

(c) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 8846, 4-11-86; ORD-10-00038, 5-1-10)

(6) Any person violating any of the provisions of this section may be subject to a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for the first offense and not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) for the second or subsequent offense; and each day when any cigarettes or tobacco products are manufactured, sold or disposed of within the City of Madison without a license having been issued therefor shall be a separate offense. (Am. by Ord. 4592, 5-28-74)

(Sec. 9.09 Am. by Ord. 12,289, 12-14-98)

(EDITOR'S NOTE: Pages 9-17 through 9-52 deleted due to repeal of Chapter 9 Sections by Ord. 8576, 5-6-85, and simultaneous creation of Chapter 38, Ord. 8575, 5-6-85)

9.10 RESERVED FOR FUTURE USE. (Sec. 9.10 Repealed by Ord. 12,289, 12-14-98)

9.11 RESERVED FOR FUTURE USE. (R. by Ord. 8576, 5-6-85)

9.12 VENDING OVERSIGHT COMMITTEE.

(1) Creation. The Common Council finds that it is in the public interest, effective May 31, 1998, that the Mall/Concourse Operating Committee, created by Substitute Resolution 44,669 adopted June 7, 1988, be dissolved. In place of the Mall/Concourse Operating Committee, there is hereby created for the City of Madison a Vending Oversight Committee ("VOC").

(2) Composition, Appointments and Terms. The Vending Oversight Committee shall consist of five (5) voting members, one (1) alternate voting member, and up to four (4) non-voting, technical advisors, as follows:

(a) Five (5) voting members and one (1) alternate. The voting membership shall include one (1) alderperson from a downtown district and one (1) from another part of the City, one (1) resident of the State Street or Capitol Concourse area eligible to vote in the City, two (2) residents, and (1) alternate. As of the effective date of this ordinance (ORD-07-00138) no person who currently holds a City of Madison vending license under Sec. 9.13 shall be appointed as a voting member of the VOC or any subcommittee of the VOC. (Am. by ORD-17-00030, 3-8-17)

(b) Not more than four (4) non-voting technical advisors, who shall be vendors holding a valid vending license under Sec. 9.13 from the City of Madison, or others with specialized knowledge or interest in street vending and the duties and responsibilities of the VOC. Technical advisors shall serve a regular term of appointment, may sit at the table and participate in discussion of all matters before the VOC (except a matter affecting that vendor's license under Sec. 9.13), but shall not vote on any matters. Technical advisors may be appointed to subcommittees but only in their non-voting, advisory capacity. If a technical advisor's vending license is suspended, revoked, non-renewed or other adverse action is taken against the license, s/he shall not sit at the table or participate in any discussions at the meeting(s) at which the license is scheduled for action, and s/he shall lose their VOC appointment and the position is deemed vacated as of the date of the VOC's decision taking action against the license. If no action is taken against the license, the vendor may remain in his/her position as technical advisor.

(c) The Greater State Street Business Association ("GSSBA") or successor organization may recommend a voting member or a non-voting technical advisor, subject to sub. (2)(d) below.

(d) Appointments of all members and non-voting technical advisors shall be made by the Mayor, subject to approval of the Common Council.

(e) Quorum. The quorum shall be determined according to Sec. 33.01(3)(c). Non-voting advisors shall not be counted for purposes of establishing a quorum.

(f) Appointment Terms. The full term for alderperson members shall be two (2) years. The full term for resident members and non-voting technical advisors shall be three (3) years. All vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term. (Am. by ORD-17-00030, 3-8-17)

(3) Officers. The members of the VOC shall annually elect a chairperson and vice chairperson from among its voting membership at the Committee's first meeting in June. See Section 33.01(2) regarding eligibility of alderpersons as officers. The Director of Planning and Community and Economic Development or designee, a non-member, shall act as Executive Secretary to the VOC. The Executive Secretary shall prepare the agenda and minutes of the VOC's meetings and shall perform such other duties as the VOC shall direct. (Am. by Ord. 12,557, Adopted 3-21-00; Ord. 13,616, 5-21-04)

(4) Duties and Responsibilities.

(a) Administer Section 9.13, Madison General Ordinances, the regulations promulgated under Sec. 9.13 Madison General Ordinances, and any other regulations or procedures relating to vending within the City.

(b) Ensure a venue for public input into vending regulations within the City.

(c) Conduct investigations, hearings and miscellaneous proceedings as required by Section 9.13, Madison General Ordinances.

(d) Duties of Non-voting Technical Advisors. Participate in discussions and provide technical advice and input to the VOC, as described in sub. (2)(b).

(Am. by Ord. 12,557, Adopted 3-21-00)

(5) Rules of Procedure. The VOC shall adopt Rules of Procedure and Basic Policies which may from time to time be amended by the VOC. Such rules may include provision for delegation of the powers and responsibilities of the VOC to a Subcommittee or Subcommittees composed exclusively of VOC members.

(6) Compensation. Members of the VOC shall serve without compensation.

(Sec. 9.12 Cr. by Ord. 12,144, 6-1-98; Am. by ORD-07-00138, 10-18-07)

9.13 LICENSE FOR SELLING ON PUBLIC STREETS.

(1) Unless otherwise provided in a subsection of this ordinance, it shall be unlawful for any person to vend, sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth, preparing or setting up the vending cart, stand or equipment, preparing food, beverage or articles for sale, stopping a vehicle or person on foot, interacting with potential customers in or around the vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services upon any highway, street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained the appropriate license(s) required by this Ordinance.

For purposes of this subsection and the licenses described under 9.13(3)(a), "vending" includes the activities described above and any other activity that furthers the vending operation at the vending site, whether or not the vending cart or stand is open for business. "Vending" does not include the act of delivering the cart, equipment, or necessary equipment and supplies to and from the vending site. However, unlicensed individuals shall not remain in or around a vending cart, stand or site for any length of time, whether open or closed for business, unless expressly permitted under another subsection of this Ordinance or unless they are customers waiting to be served. Subsections 9.13(6), (7), (10) and (11) set forth specific criteria for licensing and persons permitted at the vending site in specific vending areas. In case of a conflict between this subsection and subs. (6), (7), (10) and (11), subs. (6), (7), (10) and (11) shall control.

No license issued under this Ordinance shall be denied for reasons prohibited under Sec. 39.03(5) of the Madison General Ordinances.

(Am. by Ord. 12,009, Adopted 1-6-98; Am. by ORD-08-00130, 11-22-08; ORD-13-00126, 7-10-13; ORD-16-00019, 3-7-16)

(a) (Rep. by ORD-16-00019, 3-7-16).

(b) 1. Street Vending Near Parks, etc. Vending, as defined herein, upon any highway, street, alley, sidewalk, public square or pleasure drive located upon or adjacent to any park, playground, recreation area, bathing beach or athletic field owned or operated by the City of Madison are subject to further regulations set forth in Section 8.17 of the Madison General

Ordinances. No street vending license shall be issued for the locations defined above unless the applicant demonstrates compliance with the requirements of Sec. 8.17, MGO.

2. Street Vending on Certain Streets Near Schools Prohibited. Street vending is prohibited upon any highway, street, alley, sidewalk, pleasure drive, or portion thereof if the street is designated "arterial" or "collector" on the "Street Functional Class Map" maintained by the City Traffic Engineer, has a posted speed limit greater than 25 miles per hour, and is located directly adjacent to, or directly across the street, alley, highway or pleasure drive from any school property, unless approval to vend in that location is granted to the vendor under paragraph b. below.

   a. For purposes of this paragraph, "school property" includes all property owned or operated by a public school as defined in Wis. Stat. § 115.01(1) or owned or operated by a private school as defined in Wis. Stat. § 115.001(3r).

   b. Procedure for Approval to Vend Near Schools. A licensed vendor may apply to the Vending Oversight Committee (VOC) for permission to vend near a school where street vending is prohibited by this section, by submitting a written application designed for this purpose to the Vending Coordinator, who shall place the application on the agenda of the next available VOC meeting. Prior to hearing the application, the VOC shall require proof that the vendor has notified, in writing, the official in charge of the school in question, the alder of the district where the school is located, and the neighborhood association registered with the City (if any), of the vendor's intent to apply for such permission and the date, time and place of the VOC meeting where the application will be heard. The written notification must be sent via electronic email, faxed or postmarked at least seven (7) days before the date of the meeting and copies must be provide to the VOC. The vendor must appear in-person at the VOC meeting for the VOC to consider his/her application. The VOC shall approve or deny the application to vend near a school based upon objective criteria that takes into account the proposed location of vending equipment, the speed limit on the street in question, vehicular and pedestrian traffic flow and safety, proximity and effect on the surrounding residential neighborhood, and issues of student safety, and shall render a verbal decision at the meeting.

(Sec. 9.13(1)(b)2. Am. by ORD-09-00172, 12-31-09)

3. Street Vending Prohibited on Bicycle Paths, Bicycle Ways and Recreational Trails. Notwithstanding anything to the contrary in this ordinance, street vending is prohibited on any bicycle path, bicycle way or other recreational trail owned, operated or maintained by the City of Madison, whether paved or unpaved or any other surface. This prohibition applies to the entire width of any right-of-way or other property lines designated for or associated with the bicycle path, bicycle way, or other recreational trail. This prohibition does not apply to vending sites in the Camp Randall High Density Vending Area that have been approved under procedures required elsewhere in this ordinance and in accordance with any agreement(s) regarding the maintenance or use of the Southwest Commuter Bike Path to which the City is a party. (Cr. by ORD-11-00167, 12-6-11)

4. Temporary Prohibition of Basic Street Vending for Conventions. The Common Council finds that it is in the interest of the City to encourage the

integrity, comprehensiveness and success of certain conventions and events taking place at Dane County's Alliant Energy Center campus or other government-operated convention centers located in or adjacent to the City of Madison. Therefore, the Common Council may by resolution, after referral to the Vending Oversight Committee, declare up to fifteen (15) days during any calendar year during which street vending will be prohibited at particular locations throughout the City that have been identified as major entry ways to the City and/or adjacent to the Dane County Alliant Energy Center campus or other location(s) where a business convention or similar event is taking place. Any such resolution shall include the date(s) and time(s) of the prohibition, geographic boundaries and a map or diagram of the temporary prohibition zone and a finding by the Common Council that the prohibition is necessary to ensure the success and integrity of the event. This procedure may not be used to prohibit vending in the State Street Mall/Capitol Concourse, High Density Vending, Southeast Campus Vending, UW Football Game Day Vending or Late Night Vending areas or to prohibit vending in an area where a Street Use Permit has already been approved under Sec. 10.056.

a. Notice Procedure for Temporary Basic Street Vending Prohibition. The organization or individual requesting a temporary vending prohibition under this section shall provide written notice of the date, time and place of the Vending Oversight Committee and Common Council meetings where such resolution will be considered to: The Street Vending Coordinator; Director of Planning and Community and Economic Development; the Superintendent of Parks; and all persons holding a Basic Street Vending License on file with the Department of Planning and Community and Economic Development and City Clerk. The written notice shall be provided not less than seven (7) business days prior to the meeting. To be effective such a resolution must be adopted not less than four (4) weeks prior to the start date of the temporary prohibition and published by the City Clerk in the same manner as is provided for the adoption of an ordinance. The publication notice shall include a diagram of the temporary prohibition zone.

b. Violation. No person shall conduct any vending activities, as defined in Sec. 9.13(1), within a location and during a time when street vending has been temporarily prohibited under this section.

(Sec. 9.13(1)(b)4. Cr. by ORD-11-00167, 12-6-11)

(Sec. 9.13(1)(b) Am. by ORD-09-00150, 11-2-09)

(c) (Rep. by ORD-16-00019, 3-7-16).

(d) All Basic Street Vendor licenses shall contain the following language on the face of the license: "NOTE: Additional licenses are required to vend in these areas: State Street Mall/Capitol Concourse, Langdon Street and Camp Randall high density areas, Southeast Campus area, Late Night Vending, and certain streets over 25 mph adjacent to a school. Vending may be limited to certain sites in the UW Game Day Vending area. Vending in a City Park or on a street, sidewalk or pleasure drive adjacent to any park, playground, recreation area, beach or athletic field requires an additional license from the Parks Division under Sec. 8.17, MGO. Street vending is prohibited on a bike path, bicycle way or recreational trail. Street vending may be prohibited near convention centers, by Resolution. See Sec. 9.13, MGO for details." (Am. by Ord. 12,009, Adopted 1-6-98; Am. by ORD-16-00019, 3-7-16)

(e) Any license issued under this chapter and any vending site assignment made under this chapter or under regulations adopted pursuant to it shall be nontransferable. (Cr. by Ord. 12,009, Adopted 1-6-98)

(Am. by ORD-09-00066, 4-2-09)

(2) Special Event Umbrella License.

(a) Requirement. Special Event sponsors shall purchase an umbrella Special Event Vending License to cover the street vending activities of all persons vending solely as a participant in a street use permitted event under Sec. 10.056, MGO, or a city-sponsored event. The Special Event Vending License is required for any event participant conducting activities for which a license would be required by Sec. 9.13 or an "E Permit" would be required by Sec. 9.54, except currently-licensed street vendors or Sec. 9.54 permit holders that the sponsor has allowed to remain in their assigned site within the event perimeter. The event sponsor need not include the following participants on the Special Event Vending License: licensed street vendors, sidewalk cafes and merchant vendors with assigned sites within the event perimeter (if not invalidated under Sec. 9.13(6)(k)1.b.), T and E permit holders under Sec. 9.54 with assigned sites within the perimeter (if not invalidated under Sec. 9.13(6)(k)1.b.) and authorized event participants using a table to distribute information but not making any sales whether or not that person holds a T permit. Participants covered by the Special Event Vending License are subject to any alternate vending rules established pursuant to Sec. 9.13(6)(k)1.c.

(b) Application. Application for a Special Event Vending License shall be filed with the Parks Division on a form designed for that purpose. The application shall include information about the event and event sponsor, a list of all participants required by sub. (a), proof that each participant holds of a State of Wisconsin seller's permit (if required) as evidenced by the seller's permit number or a statement from the State of Wisconsin Department of Revenue that a seller's permit will be issued, and proof that the event sponsor holds adequate liability insurance as required in Sec. 9.13(6)(m).

(c) Licenses and Fees. Special Event Vending Licenses shall be issued in the name of the event sponsor, who shall be responsible for the conduct and supervision of all vending activities under the Special Event Vending License, whether or not said event sponsor is present at the vending location, however this does not preclude enforcement of ordinance violations against persons conducting the vending activities under such license. Activities conducted under the Special Event Vending License are subject to any special rules established under Sec. 9.13(6)(k). The license shall make reference to the approved Street Use Permit and shall set forth the start and end times and date(s) of the event, the location and perimeter of the event, including vending locations (if specified), and shall be valid only during the date(s) and at the location(s) specified. The Special Event Vending License fee is based on the number of vendors participating in the event who are required to be listed by sub. (a), and covers all such street vending activities for the duration of the event. Fees for a Special Event Vending License approved by the Parks Division are payable to the City Treasurer as follows:

1-25 vendors	$400
26-100 vendors	$675
101-300 vendors	$975
301 or more vendors	$1700
City-sponsored event	(No fee if entirely sponsored by the City)

(Am. by Ord. 10,552, Adopted 11-24-92; Ord. 12,793, 4-9-01; Ord. 13,272, 3-11-03; Ord. 13,615, 5-21-04; ORD-09-00171, 12-31-09; ORD-11-00076, 5-31-11; ORD-12-00043, 4-19-12; ORD-13-00067, 4-24-13; ORD-14-00050, 3-6-14)

(3) Application for any street vending license (except the Special Event vending license) shall be filed with the Director of Planning and Community and Economic Development or designee, shall contain such information as she/he may require, shall specify in detail the food, goods or services to be offered for sale, shall be approved and issued by her/him if all applicable ordinance and regulation requirements have been met conspicuously displayed at the place where such sales are being made. In addition to the Licenses in this section, special licenses and/or site assignments are required for vending in the Mall/Concourse Vending Area, under Sec. 9.13(6), Late Night Vending under Sec. 9.13(6)(n), High Density Vending Areas under Sec. 9.13(7), Southeast Campus Vending Area under Sec. 9.13(10), and UW Football Game Day Vending Area under Sec. 9.13(11). Street vending licenses are not transferable. (Am. by ORD-15-00091, 9-11-15; ORD-16-00019, 3-7-16)

(a) Basic Street Vendor License Fees and Durations:

1. Basic Street Vendor License (Annual). Two hundred dollars ($200) payable to the City Treasurer. Annual licenses shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.
2. Basic Street Vendor License (Monthly). One hundred ($100) payable to the City Treasurer. Such license shall be issued for thirty (30) days and shall set forth the date of expiration.

(Am. by Ord. 13,506, 2-10-04; Ord. 13,615, 5-21-04; ORD-06-00154, 11-23-06; ORD-16-00020, 3-7-16)

3. Basic Street Vendor Community Service Rebate. Certain vendors may qualify for a community service credit toward future street vending license fees as follows:
   a. For every five (5) hours a mobile grocery store as defined in Sec. 9.13(4)(s) is in operation within an NRT (Neighborhood Resource Team) target neighborhood during the calendar year, the vendor is eligible for a ten percent (10%) rebate of fees paid for Basic Street Vendor license(s) purchased for the mobile grocery for the vending season that began in that calendar year, up to a total of one hundred dollars ($100) per Basic license or fifty percent (50%) of the total vending license fees, whichever is greater. The rebate(s) earned will be applied toward the next street vending license(s) purchased by that vendor.
   b. Eligible Neighborhoods. An NRT target neighborhood, for purposes of this vending license rebate only, is a neighborhood within a geographical area identified as a focus area on a map maintained by the City for that purpose, and subject to the approval of the Mayor, except that downtown NRT target neighborhoods are not eligible.
   c. Rebate Procedure. Eligible vendors may request the license fee rebate by recording the date(s) and hours of operation in an NRT target neighborhood on a form provided by the Street Vending Coordinator. A single form recording all hours for the calendar year, approved by an NGT (Neighborhood Guidance Team) leader of the applicable neighborhood and signed by the vendor, must be filed with the Street Vending Coordinator not later than December 1 of the calendar year for which the rebate is requested. The Vending Coordinator shall apply the rebate as a credit toward future street vending license(s) purchased by the same vendor. The

rebate is not transferrable to other vendors. Subject to approval by the Finance Director, the license fee credit shall have no expiration. A vendor may request a refund rather than a credit if the vendor can demonstrate circumstances that satisfy the Street Vending Coordinator and the Mayor that s/he will not be operating as a street vendor in the next vending season and a refund is appropriate. The rebate and refund procedures, including the December 1 request deadline, are subject to approval of the Finance Director.

(Sec. 9.13(3)(a)3. Cr. by ORD-13-00125, 7-10-13)

4. Umbrella Basic License (Mall/Concourse Food Vendors only). Six hundred dollars ($600) for an annual license, payable to the City Treasurer, issued on April 15 or thereafter when applied for, and expiring on April 14 following its issuance. This license is available to a licensed Mall/ Concourse Food Vendor to provide the basic licensing necessary for any supplemental vendors working in the Food Vendor's vending site, per Sec. 9.13(6)(e)1.c. The Food Vendor shall provide the Street Vending Coordinator, in writing, the name, date of birth and address of each worker listed on the Umbrella Basic License, and any workers added to or deleted to the license during the licensing period, within fourteen (14) days of the change. (Cr. by ORD-16-00019, 3-7-16)

(b) Insurance. In addition, to hold a valid license, the vendor shall have in force adequate liability insurance as defined in Sec. 9.13(6)(m) of these ordinances.

(Am. by Ord. 12,793, 4-9-01)

(c) Change of Address. A vendor to whom a street vending license has been issued under this subsection shall inform the designee of the Director of the Department of Planning and Community and Economic Development of any change of address of the primary vendor named on the street vending license, in writing, if the address change occurs during the time period for which the vending license was issued. (Cr. by Ord. 13,046, 4-9-02)

(d) Food Vendor Community Service License Rebate. With the approval of the Mayor, the City may offer a license fee rebate to licensed food vendors who participate in City-sponsored neighborhood events in an NRT target neighborhood, as defined in Sec. 9.13(3)(a)3.b. Participating vendors may be eligible for a rebate of fees paid for street vending license(s) held by the food vendor based on their participation in one event or a series of events. Any rebate(s) earned will be applied toward future street vending license(s) purchased by that vendor, using the rebate procedure in Sec. 9.13(3)(a)3.c. Rebate criteria will be established by the Mayor and made available to participating vendors. (Cr. by ORD-13-00125, 7-10-13)

(Sec. 9.13(3) Am. by Ord. 12,009, Adopted 1-6-98; Ord. 12,022, 2-16-98; Ord. 12,358, 3-30-99; ORD-09-00066, 4-2-09; ORD-09-00171, 12-31-09)

(4) General Restrictions on Vending. The Director of Planning and Community and Economic Development, or designee, shall have concurrent authority with the Chief of Police, or designee, to enforce the following city-wide restrictions on street vending. Any vending conducted pursuant to Sec. 9.13 of the Madison General Ordinances shall be subject to the following, unless a different standard is established herein for vending in specified areas:

(a) No vending equipment shall be permitted within a ten (10) foot radius of a fire hydrant nor within a five (5) foot radius of a standpipe.

(b) No vending or display shall be permitted within five (5) feet of the sides of bus shelters or bus stops nor in a manner which interferes with the use of the bus stop or with ingress or egress to the bus shelters.

(c) Unless otherwise authorized within Sec. 9.13, regulations established pursuant to Sec. 9.13 or Sec. 10.056 of the Madison General Ordinances, no vending equipment shall be permitted within ten (10) feet of a curbcut or a marked crosswalk, except that vending equipment of a licensed Mall/Concourse vendor shall be permitted, within two (2) feet of a marked crosswalk in a properly designated vending site or sidewalk cafe site, if consistent with public safety as determined by Traffic Engineering. (Am. by Ord. 12,419, 7-23-99; Ord. 12,557, Adopted 3-21-00)

(d) All street vending equipment and displays shall be placed only upon paved surfaces, except for specifically assigned vending sites in the Camp Randall High Density Vending Area under Sec. 9.13(7), and in otherwise lawful locations for Basic Street Vending on Regent Street from West Washington Avenue to Breese Terrace, and equipment adjacent to a mobile grocery store, as defined in Sec. 28.211, if the mobile grocery store is owned and operated by a non-profit entity and operating as a street vendor with a Basic Street Vendor license from a lawful parking space on the street. For purposes of this paragraph, a paved surface includes concrete, asphalt, cement, brick, pavers, or other impervious surface. (Am. by ORD-11-00036, 3-8-11; ORD-12-00081, 6-20-12; Am. by ORD-12-000134, 1-2-13)

(e) Pedestrian Sidewalk Access.

1. All vending activities shall be conducted so as to maintain a minimum width of six (6) feet of unobstructed public pedestrian walkway adjacent to the vending site.

2. Except as otherwise permitted in Sec. 9.13 or Sec. 10.056 of the Madison General Ordinances or in regulations adopted pursuant to authority granted thereunder, no vending equipment, including sidewalk café or merchant vending equipment, may be placed on any portion of a public sidewalk between the edge of the sidewalk closest to the property line if clearly defined or, if not so defined, the face of the abutting building or structure, and an imaginary line six (6) feet therefrom. "Sidewalk" has the meaning given in Wis. Stat. § 340.01(58). This section shall not apply to sidewalk cafes under Sec. 9.13(6)(j)2.e. (Am. by Ord. 12,793, 4-9-01; ORD-05-00135, 8-5-05)

(Am. by ORD-11-00036, 3-8-11)

(f) No vending equipment or vending activities shall be permitted adjacent to any truck, freight or passenger loading zone or adjacent to any parking space for people with disabilities or loading zone. (Am. by ORD-06-00099, 8-2-06)

(g) No vending equipment shall be permitted within two (2) feet of the adjacent street curb or within two and one-half (2½) feet of a parking meter.

(h) No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.

(i) Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.

(j) Appearance of Vending Site and Equipment. Vendors must maintain their vending site areas and vending equipment in a clean and hazard-free condition.

1. Vending Site Perimeter. For purposes of this requirement, the maximum size of the "vending site" shall be the actual dimensions of an assigned site,

or a perimeter of not more than ten by twelve feet (10' x 12') around the vendor if vending in an area where an assigned site is not required, except the following are not subject to this vending site size restriction:

a. Mobile Grocery Stores. A mobile grocery store, as defined in Sec. 28.211, if owned and operated by a non-profit entity and operating as a street vendor with a Basic Street Vendor license. The vending site size for a mobile grocery store shall be determined by the size of the mobile grocery store vehicle.

b. Ice Cream Trucks. A street vendor selling ice cream, ices, and/or frozen confections from a license motor vehicle, if meeting all licensing requirements of Public Health Madison and Dane County and holding a Basic Street Vending License. The vending site size shall be determined by the size of motor vehicle.

(Am. by ORD-12-00081, 6-20-12; Am. by ORD-12-00134, 1-2-13)

2. Equipment. All equipment present at the vending site shall be completely contained within the perimeter of the vending site and no equipment shall extend or be placed outside this perimeter, except as may be allowed elsewhere in this ordinance or the Regulations, and except that a mobile grocery store, defined in Sec. 28.211 and owned and operated by a non-profit entity, when operating with a Basic Street Vendor license, may use stairs or similar equipment necessary to facilitate customers access to and from the mobile grocery store. Equipment placement is further restricted by other provisions in 9.13(4).

Unless otherwise specified, each vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. Vendors vending from an enclosed cart or push cart are limited to the equipment listed above and may not use any additional freestanding equipment, however umbrellas or awnings securely attached to the cart may be used. If using vending apparatus other than a cart, a mobile grocery or an ice cream truck, one (1) freestanding tent or similar structure may be used but must maintain a minimum vertical clearance of seven (7) feet measured from ground level to the lowest point of the tent or other structure and a maximum height of eleven (11) feet at the highest point. Any freestanding structures of any kind shall be sufficiently wind-resistant and securely anchored. No part of any equipment, whether attached or detached, shall protrude beyond the perimeter of the vending site (as defined herein.)

(Am. by ORD-12-00081, 6-20-12)

3. Equipment Appearance. All equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces of all equipment shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface.

(Am. by ORD-15-00119, 10-28-15)

(k) A vendor shall be present within the vending site at all times during which items are displayed or sold, except that a vendor may leave his or her vending site unattended during lawful vending hours for a maximum of ninety (90) minutes. (Am. by ORD-11-00093, 7-13-11)

(l) No vending equipment or merchandise may be stored on any street, sidewalk or alley or public square when the vendor is not present unless a different restriction

is established pursuant to a street use permit issued under Sec. 10.056 of these ordinances or pursuant to regulations adopted under this chapter, and except as set forth in Sec. 9.13(4)(k). (Am. by ORD-11-00093, 7-13-11)

(m) All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited, unless a different restriction is established pursuant to a street use permit issued under Sec. 10.056 of these ordinances, pursuant to regulations adopted under this chapter, and except as specified for Mall/Concourse sidewalk cafes in Sec. 9.13(6)(l)1.d. and city-wide sidewalk cafes in Sec. 9.13(5)(h). (Am. by ORD-13-00100, 6-12-13)

(n) It shall be unlawful for any person, after having been warned that such activity is prohibited, to engage in any vending or solicitation whether for charitable or commercial purposes in the sidewalk area between the imaginary line connecting the sparkle light poles and the face of the adjacent building of any sidewalks on State Street and of the outside sidewalks on the Capitol Square, unless such activity has been approved as part of a Street Use Permit issued under Sec. 10.056 or is otherwise authorized pursuant to Sec. 9.13(6) as it relates to vending from a vending site.

(o) No display shall violate any terms of any agreement(s) between the City of Madison and the Federal Transit Administration or other agency(ies)of the U.S. government for funding the reconstruction or maintenance of State Street and the Capitol Square.

(p) It is unlawful for any vendor licensed under Sec. 9.13 to permit any other person to vend at that vendor's vending site, unless that person is properly licensed or otherwise authorized under Sec. 9.13 to vend from that vendor's site. (Am. by Ord. 12,793, 4-9-01)

(q) The Madison Police Department and the Director of Planning and Community and Economic Development shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of Sec. 9.13 or Sec. 10.056 of the Madison General Ordinances or any regulations established pursuant thereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

(r) Vending Hours Restricted in Residential Areas. Street vending shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. on any street or sidewalk located within any residentially zoned district listed under Sec. 28.021(1) and as indicated on official Zoning District Maps on file in the office of the City Zoning Administrator, except for city-wide sidewalk cafes which are subject to Sec. 9.13(5)(h). (Am. by ORD-12-00134, 1-2-13; ORD-13-00100, 6-12-13)

(s) Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements.

1. Applicability. This subsection (4)(s) applies to vendors selling food in areas other than the Mall/Concourse and High Density Vending areas, except ice cream truck vendors as described in Sec. 9.13(4)(j)1.b. All food vendors are subject to inspection, regulation and licensing according to state and local health code requirements for food and drink service. When used in this sub. (4)(s), "mobile grocery store" shall mean a mobile grocery store as defined in Sec. 28.211, owned and operated by a non-profit entity, operating with a Basic Street Vendor license.

2. Equipment Size in Food Vending Sites.

a. All food vending carts, stands or other allowable food vending equipment, including those of Late Night food vendors, shall be of a size that fits entirely within the dimensions of the "vending site" perimeter as required by 9.13(4)(j)1. Unless otherwise specified,

each food vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. All food vendors shall provide a trash receptacle of at least 10 (ten) gallons within their vending site for customer use. Mobile grocery stores are exempt from this provision.

3. Equipment Placement and Appearance. See 9.13(4)(j) and other applicable provisions of 9.13(4).

4. Additional Regulations Applicable to Citywide Food Vendors. In addition to the other provisions of 9.13(4), the following parts of the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall apply to all street vendors selling food, City-wide, except these regulations do not apply to food vendors in High Density Vending areas (see 9.13(7) and Regulations therein) or to ice cream trucks as described in Sec. 9.13(4)(j)1.b.:

   a. Section VI, "Regulation of Vending Site Cleanliness and Safety."
   b. Section VII, "Non-Cart Food Vendor Physical Specifications." Mobile grocery stores are exempt from this provision.
   c. The following paragraphs only of Section VIII, "Regulation of Food and Non-Food Vending Carts:" Paragraph B. (Physical Specifications) 4. and 5. only, except mobile grocery stores are exempt from all of Sec. VIII, Paragraph B., Paragraph C., (Electricity) and Paragraph E. (Fire Extinguishers).
   d. Section IX, "Miscellaneous Regulations," Paragraph A. (Restrictions on Mobility), (except mobile grocery stores), Paragraph B. (Removal of Carts and Equipment), except mobile grocery stores are exempt from Paragraphs B.1. and 2., and Paragraph C. (Restrictions on Food Preparation), except mobile grocery stores are exempt from Paragraphs C.2. and 3.

(Am. by ORD-09-00066, 4-2-09, ORD-10-00013, 2-4-10; ORD-12-00081, 6-20-12; ORD-12-00081, 6-20-12)

(Sec. 9.13(4)(s) Am. by ORD-15-00119, 10-28-15)

(t) Changes to Assigned Vending Site Dimensions. The approved dimensions of any assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity. (Cr. by ORD-06-00060, 5-2-06; Am. by ORD-09-00066, 4-2-09; Rep. & Recr. by ORD-10-00013, 2-4-10)

(u) Reserved for Future Use. (Rep. by ORD-10-00013, 2-4-10)

(v) Noise Levels at Vending Site. Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be permitted at a non-cart vending stand. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video equipment, such as speakers and video display monitors, shall be permitted at a non-cart vending stand, nor affixed to or used outside a vending cart. This ordinance shall apply in addition to the general restrictions regarding noise and amplification found in Chapter 24 of the Madison

General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply. (Cr. by ORD-09-00037, 3-14-09)

(Sec. 9.13(4) Am. by Ord. 12,009, Adopted 1-6-98; Ord. 12,557, Adopted 3-21-00; ORD-05-00018, 02-15-05)

(5) Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses. Establishments holding a food and drink permit, and located anywhere in the City but the State Street Mall/Capitol Concourse (as defined in 9.13(6)(c)), may be eligible for a Citywide Sidewalk Cafe License, to allow sidewalk café seating for service of food and beverages on the public sidewalk directly adjacent to the establishment. Citywide Sidewalk Cafés shall be located against the building except as allowed under sub. (e).

(a) Eligibility. An establishment holding a food and drink permit is eligible for a citywide sidewalk café only if it meets all of the following eligibility criteria:

1. The entire sidewalk surface for the proposed sidewalk café must be paved. For purposes of this section, a paved surface includes concrete, asphalt, cement, brick, pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the boundary of the proposed café, if immediately adjacent to the paved public sidewalk.

2. The paved portion of the adjacent public sidewalk must be at least nine (9) feet wide;

3. An establishment is not eligible if sidewalk café placement would result in a violation of Sec. 9.13(4)(d) (requiring a minimum of a six (6)-foot wide unobstructed public pedestrian walkway on the public sidewalk adjacent to all vending sites).

4. An establishment is not eligible if, in the opinion of the Vending Coordinator, immovable, obtrusive or too numerous public amenities on the adjacent sidewalk make café placement impractical, or when existing amenities would create obstacles to accessibility if a sidewalk café were added to that location.

5. An establishment is not eligible if, in the opinion of the Vending Coordinator, the grade or slope of the adjacent public sidewalk is prohibitive, if the sidewalk does not offer a sufficiently level surface for food and drink service, or if café placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or square footage of the adjacent public sidewalk.

(b) Application. Establishments holding a food and drink permit, and meeting the eligibility criteria in sub. (a), may apply for a Citywide Sidewalk Cafe License. The Vending Coordinator or designee shall inspect the proposed café location for compliance with sub. (a) and to make placement suggestions upon receipt of application, or prior to submission, if requested by the applicant. The application procedure for a Citywide sidewalk café shall be the same as for Sidewalk Cafes on the Mall/Concourse, under 9.13(6)(i).

(c) License Fees. The annual license fee for a Citywide Sidewalk Café vendor license shall be three dollars ($3.00) per square foot of the café's approved dimensions, as measured by the Vending Coordinator. The square footage of any tree grate or other obstruction that is considered unusable in the opinion of the Vending Coordinator shall be subtracted from the total square footage of the café for fee purposes. The information required to be displayed on the license shall be the same as for a Sidewalk Café on the Mall/Concourse, under 9.13(6)(h) Annual licenses

shall be issued on the fifteenth (15th) day of April each year or thereafter when applied for and shall expire on the fourteenth (14th) day of April of the year following its issuance. The license fee shall be paid to the City Treasurer.
(Am. by ORD-15-00120, 10-28-15)

(d) Café Placement and Dimensions. Sidewalk cafes permitted under this section shall be located next to the building, except as allowed in sub. (e). All sidewalk cafes shall be placed within the approved boundaries of the sidewalk cafe site as set forth on the approved application. All components of the sidewalk café shall be placed in compliance with sub. (a), "Eligibility," and the following criteria:

1. Sidewalk cafes shall be placed against the building.
2. Sidewalk cafes shall extend no further than the side property lines of the establishment's street frontage.
3. No sidewalk cafe may obstruct the minimum of six feet (6') unobstructed public pedestrian walkway required to be maintained on the adjacent public sidewalk. This 6' walkway shall be measured from the outside of the café enclosure to the:

   - curb edge,
   - roadside edge of sidewalk if there is an unpaved terrace,
   - edge of the roadway if there is no curb, or
   - the near edge of any curbside public amenities such as parking meters, trees, or light posts located adjacent to the proposed café and shall be otherwise free from obstructions and public amenities. The points of measurement shall be determined by the Vending Coordinator, according to these standards.

4. Café Width. The maximum café width shall be determined by the width of the adjacent public sidewalk, according to Table 1. below. Sidewalk width shall be measured from the building face to the edge of the curb (or roadside edge of the sidewalk if there is an unpaved terrace)
5. Café Furniture. Maximum table size and furniture configuration shall be as required by Table 1. below.

TABLE 1:

Sidewalk Width	Maximum Café Width	Maximum Table Size & Configuration
less than 9'	café not permitted	n/a
9' - 10'11"	3' café	24" in diameter, single file row
11' - 15'	5' café	(see Regulations Governing Vending on Mall/Concourse)
15' or more	5' or wider, at discretion of the Vending Coordinator	(see Regulations)

6. shall be enclosed on all sides (the building face may serve as one side of the enclosure), following the sidewalk café enclosure requirements of the Regulations Governing Vending on the State Street Mall/Capitol Concourse.
7. shall have at least one (1) unobstructed entrance of at least three feet (3') and not more than six feet (6') in width, the position of which allows sufficient access to the public entrance to/egress from the restaurant. (Am. by ORD-12-00088, 6-26-12)
8. shall not be placed on any grass, lawn or other non-paved areas of the right-of-way.

9. shall comply with all other applicable requirements of this ordinance. In the event of a conflict with another section, the more strict requirement shall control.

(e) Alternate Placement. Case-by-Case Determination: The Vending Coordinator may, on a case-by-case basis and at his/her discretion, allow variances to Sections 9.13(5)(d) 1., 4., 5., and 6. and approve a sidewalk café accordingly, after inspection of the site, if in the opinion of the Vending Coordinator such a variance is necessary in order to permit a sidewalk café for an otherwise eligible establishment.

(f) Other Regulations. Citywide sidewalk cafes shall be subject to Sec. 9.13(4), "General Restrictions on Vending," all sections of 9.13 that apply to sidewalk cafes on the Mall/Concourse, and the "Regulations Governing Vending on the State Street Mall/Capitol Concourse," except when explicitly otherwise stated. In the event of a conflict in language which cannot be resolved by the express language of the sections in question, the more strict requirement shall apply.

(g) Appeals. A decision to grant or deny a citywide sidewalk café license under this section may be appealed under the procedures set forth in Sec. 9.13(6)(i)2.

(h) Hours of Operation, Alcohol Service. Citywide sidewalk cafes shall operate only when the establishment is open for business, and are exempt from any earlier closing time for street vending in the area where the establishment is located. If the establishment holds an alcohol beverage license, alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the café by 1:00 a.m. unless an earlier closing time has been required on the establishment's alcohol beverage license. (Cr. by ORD-13-00100, 6-12-13)

(Subsec. (5) R./ReCr. by Ord. 12,009, Adopted 1-6-98; Am. by ORD-07-00101, 8-23-07)

(6) Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse.

(a) Scope and Definition of Mall/Concourse: The physical design of the State Street Mall/Capitol Concourse Improvement District as defined by Resolution No. 25,620, adopted by the Common Council on November 13, 1973; Resolution No. 33,431, adopted by the Common Council on September 12, 1978; and by Resolution No. 35,194, adopted by the Common Council on December 11, 1979, is suited to street selling of handcrafted goods, personally prepared food and limited goods by contiguously-located, street-level or corresponding non-street level merchants and sidewalk cafes subject to such regulations as necessary to maintain the orderly use of the public streets and to protect the public health. The Mall/Concourse is defined to include the 100 through 800 blocks of the State Street Mall and the Capitol Concourse consisting of the first blocks of North and South Carroll Streets, the first blocks of East and West Main Streets, the first blocks of North and South Pinckney Streets and the first blocks of East and West Mifflin Streets as well as the additional areas included in the State Street Mall/Capitol Concourse Improvement District, Elizabeth Link Peace Park and the Municipal Building Vending Area. (Am. by ORD-07-00193, 12-20-07)

(b) Limitation on Products to be Sold Within the Mall/Concourse. Only handcrafted goods and personally prepared food as defined in Section 9.13(6)(e)3. and 7. of the Madison General Ordinances and in any regulations approved by the Common Council pursuant to Sec. 9.13(6)(c) of the Madison General Ordinances may be sold or offered for sale by within the Mall/Concourse Area and all such sales shall be limited to designated vending sites, except that non-personally prepared food may be sold in sidewalk cafes. Only goods traditionally, customarily and currently sold inside a merchant's store may be sold by a merchant vendor and only during normal business hours and on days designated in this chapter. (Am. by Ord. 12,793, 4-9-01)

(c) Regulating Authority and Intent.

1. The Vending Oversight Committee (VOC) is empowered to create additional regulations not inconsistent with the provisions of Sec. 9.13 or these Ordinances and subject to approval by the Common Council. The VOC shall submit proposed regulations to the Common Council by formal resolution or report. Any such regulations shall be effective upon adoption of the sponsoring resolution or report, and a copy of any adopted regulations shall be maintained on file at the offices of the City Clerk and the Department of Planning and Community and Economic Development. The VOC may regulate the following:

   a. The number, size and location of vending sites and sidewalk cafes, except that all site locations within the State Street Mall/Capitol Concourse area shall also be approved by the Superintendent of Parks, or designee.

   b. The procedure governing allocation or assignment of vending sites among vendors holding valid vending licenses.

   c. The procedure governing application for and granting of Mall/ Concourse vending licenses.

   d. The procedure governing revocation or suspension of Mall/ Concourse vending licenses.

   e. Physical specifications for and aesthetics of vending carts, sidewalk cafes, signage and equipment.

   f. The regulations, criteria and procedure for determining whether an item to be sold by a vendor is a handcrafted good or personally prepared food. This includes but is not limited to criteria which are specific to individual crafts.

   g. Special standards for merchant vending including, but not limited to, time, location, site and equipment specifications and restrictions.

   h. The procedure and criteria for determining whether an item to be sold by a merchant is traditionally, customarily and currently sold inside the merchant's store.

   i. Any other matters regarding vending on the Mall/Concourse or in High Density Vending Districts.

(Am. by Ord. 12,419, 7-23-99; Ord. 12,557, Adopted 3-21-00)

2. The Common Council may at any time by ordinance or resolution adopt rules and regulations governing vending on the Mall/Concourse.

(d) Events Programming and Enforcement. The Superintendent of Parks or designee may initiate and shall coordinate the programming of all events on the State Street Mall/Capitol Concourse. The Director of Planning and Community and Economic Development, or designee, shall apply and enforce the provisions of Sec. 9.13 and any regulations adopted pursuant to the procedures set forth in Sec. 9.13. (Am. by Ord. 12,419, 7-23-99; Ord. 12,557, Adopted 3-21-00)

(e) Definitions.

1. Art and Crafts or Food Vendor. To be eligible for a license for the sale of handcrafted goods or personally prepared food a vendor must be:

   a. Arts and Crafts Vendor. An Arts and Crafts Vendor is defined as one (1) or two (2) individuals who offer for sale only 'handcrafted goods' as defined in Sec. 9.13(6)(e)3. if both individuals are solely and regularly involved in both the production and the sale of the goods. In addition, an Arts and Crafts Vendor may be a corporation, cooperative or partnership provided that no more than two (2) people are all solely and regularly involved in all phases of both

the production and the sale of the goods. The names of all such individuals shall be listed on the application and license. An Arts and Crafts Vendor shall be licensed to sell only the handcrafted goods indicated on the face of the license from one arts and crafts vending site. "Arts and Crafts Vendor" also includes a vendor meeting the criteria in this paragraph operating as a Spray Paint Artist as described in the Regulations, Section II.F.1.e. All sections of this ordinance applicable to an Arts and Crafts vendor (or "craft" vendor) shall apply to a Spray Paint Artist unless explicitly stated otherwise. (Am. by Ord. 13,064, 4-9-02; Ord. 13,272, 3-11-03; ORD-12-00064, 5-9-12)

b. Food Vendor. A Food Vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a food vendor may be a corporation, cooperative or partnership; however, the application and license shall designate a primary individual who is all regularly involved in all phases of the production process and responsible for the vending operation and who holds a valid Basic street vending license or is included on a Umbrella Basic License held by the food vendor under Sec. 9.13(3). A Food Vendor shall be licensed to sell only the personally prepared food items indicated on the face of the license from one assigned food vending site. (Am. by Ord. 12,793, 4-9-01; ORD-09-00066, 4-2-09; ORD-13-00126, 7-10-13; ORD-16-00019, 3-7-16)

c. Persons Permitted at Arts and Crafts and Food Vending Sites.

i. Persons Permitted at Arts and Crafts Sites. The individually licensed vendor, at least one of the primary individual vendors listed on an arts and craft vending license, or the primary individual designated on a license issued to a corporation, cooperative or partnership must be present at the vending site at all times during which items are displayed, offered for sale or sold. Other individuals who work on handcrafted items may be present at the vending site solely to assist and need not be named on the license or hold a Basic license. No unlicensed assistant shall sell, offer for sale, accept money, engage in prolonged commercial interactions or other transactions with customers or engage in any other direct vending activities.

ii. Persons Permitted at Food Vending Sites. The individually licensed food vendor, or the primary individual designated on a license issued to a corporation, cooperative or partnership must be present at the vending site at all times when open for business. Primary vendors must hold a Basic license or be included on the Umbrella Basic license held by the food vendor.

Supplemental Food Vendors. A food vendor may employ supplemental vendors who need not be individually named on the food vending application or license and who conducts vending activities such as selling, accepting money, and engaging in commercial interactions with customers. Any supplemental vendors under this paragraph must hold valid basic street vendor licenses or be included

on an Umbrella Basic License held by the food vendor, within fourteen (14) days of being employed by the food vendor.

New Employees. In addition, new employees of food vendors may be present at food vending sites without holding a valid Basic street vending license or without being named on an Umbrella Basic License, for up to fourteen (14) days from the date of hire as provided in b. above, provided that the food vendor provides written notice to the Street Vending Coordinator of the employee's name and date of hire. Such properly-noticed new employees may assist the food vendor in vending activities, such as selling, offering for sale, accepting money, and engaging in prolonged commercial interactions with customers or engage in any other direct vending activities.

Helpers. Other individuals may be present at the vending site solely to assist and need not hold a Basic license. Activities such as operating vending vehicles, loading and unloading, food or drink preparation, or working on handcrafted items are acceptable assistance activities. No unlicensed assistant or person not named on the Food Vending License or covered by a Basic or Umbrella Basic license shall sell, offer for sale, accept money, engage in prolonged commercial interactions or other transactions with customers or engage in any other direct vending activities.

(Am. by Ord, 12,793, 4-9-01; ORD-13-00126, 7-10-13; ORD-16-00019, 3-7-16)

2. a. Contiguously-Located, Street-Level Merchant or Restaurant.

A merchant or restaurant is considered to be "contiguously-located, "street-level" if its place of business is located on the ground floor of a building with a street address that abuts a public sidewalk and there is space on that sidewalk that is not otherwise prohibited for vending by the Madison General Ordinances.

b. Corresponding Non-Street-Level Merchant or Restaurant. A merchant or restaurant is considered to be a corresponding non-street-level business if it is located in the same building as a contiguously-located, street-level business, but not on the ground floor.

3. Handcrafted Goods. Handcrafted goods are those goods produced and created entirely by an Arts and Crafts vendor, as defined in Sec. 9.13(6)(e)1.a., with his or her own hands, from raw or basic materials changing these materials into a significantly different shape, design, form, or function. An item shall not be considered handcrafted if anyone other than the vendor(s) named on the Arts and Crafts Vending license was involved in production. Handcrafted goods shall not include food items, beverages or any other product intended for internal consumption. Commercially grown, manufactured or processed goods in their finished form do not constitute handcrafted goods. Any good containing a commercially produced item as a significant part of the good shall not be considered handcrafted unless such commercially produced item has been substantially changed in

function or character. For purposes of this section, cut flowers and Christmas trees shall be considered handcrafted goods. (Am. by Ord. 13,272, 3-11-03)

4. Licensed Mall/Concourse Vendor. A Mall/Concourse vendor is a Food Vendor, Arts and Crafts Vendor, Merchant Vendor or Sidewalk Café, as those terms are defined within Sec. 9.13(6)(e) to whom a valid Mall/ Concourse vending license has been issued pursuant to this section. In addition, to be considered a fully licensed Mall/Concourse vendor under this section, the vendor must hold a valid basic street vendor license issued pursuant to Sec. 9.13(3) herein, and must have adequate liability insurance in force as required in Sec. 9.13(3) herein. Persons acting solely as the primary designated vendor of a corporation, cooperative or partnership, assistants under Sec. 9.13(6)(e)1.c., or supplemental food vendors under Sec. 9.13(6)(e)1.b. are not required to provide separate proof of insurance, and persons acting solely as assistants are not required to hold a basic street vendor license under Sec. 9.13(3). (Am. by Ord. 12,793, 4-9-01; ORD-09-00066, 4-2-09)

5. Merchant Vendor. A merchant vendor is a contiguously-located, street-level merchant whose business fronts on or abuts a street in the Mall/ Concourse, or a merchant whose business is located in the same building as a contiguously-located, street-level merchant, to whom a valid Mall/ Concourse vending license has been issued pursuant to this section and who has adequate liability insurance in force as required in Subdivision (m) of this ordinance and who has a basic street vendor issued pursuant to Section 9.13(3) of the Madison General Ordinances. However a restaurant contiguously-located to the Mall/Concourse shall not be construed to be a merchant vendor. (Am. by ORD-09-00066, 4-2-09)

6. "Municipal Building Vending Area" includes the 200 block of Martin Luther King, Jr. Boulevard, the 10 blocks of East and West Doty Street, the 10 blocks of East and West Wilson Street, the 200 block of South Pinckney Street and the 200 block of South Carroll Street.

7. Personally Prepared Food. Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. Any food sold on the Mall/ Concourse shall comply with City and State Health Regulations. In addition, the category 'personally prepared food' shall include the following:
   a. Fruit sold by the piece or in individual-sized portions.
   b. Condiments and other incidental ingredients given free with personally prepared food, but not including commercially packaged, prepared or produced drinks.
   c. Coffee if prepared and brewed from beans that are locally roasted, meaning roasted at a facility located in Dane County, and tea brewed by the vendor from loose ingredients. (Am. by ORD-16-00106, 12-2-16)
   d. Food grown or raised by vendor.
   e. Hotdogs, bratwurst or other sausages, and commercially produced buns. (Am. by ORD-08-00034, 3-21-08)
   f. Milk in individual portion sized containers.
   g. Commercially produced soda water beverages in containers not made of glass or other shatterable material sold in conjunction with a personally prepared food item. Soda water beverage as used herein means all beverages commonly known as soft drinks or soda water.

8. Sidewalk Cafe. Sidewalk cafe shall mean any group of tables, chairs, benches, barriers or partitions, trash containers and suitable decorative devices maintained upon any part of the public right-of-way for use by an establishment with a valid food and drink permit in the sale to the public of food, refreshments, and beverages of all kinds.

9. Vending Year. Vending year shall mean the calendar year beginning April 15 and ending April 14 of the immediately following year.

(f) Arts/Crafts and Food Vending Sites. The Vending Oversight Committee (VOC) shall determine, by regulation, the number, size and location of food vending sites and arts and crafts vending sites for each vending year. Each vending site may be occupied by only one vendor at a time except for craft vending sites on the 700 and 800 blocks of the State Street Mall where, at the discretion of the first craft vendor occupying an individual vending site, the site may be shared with additional craft vendors. Notwithstanding the foregoing, an Arts and Crafts Vendor operating as a Spray Paint Artist may not share a site with another craft vendor, shall operate only within a designated Spray Paint site, and follow all site assignment procedures specific for Spray Paint Artists established in the Regulations or elsewhere in this ordinance. A vendor may not occupy more than one vending site at any given time. In addition, the VOC shall determine the method for allocating or assigning food vending sites among licensed food vendors and the method for allocating or assigning arts and crafts vending sites among licensed arts and crafts vendors. The mere possession of a valid food or arts and crafts vending or sidewalk cafe license by a vendor shall not in and of itself entitle the vendor to the use of a vending site on a specific day or a minimum number of days during the vending year, and each Mall/Concourse vending license shall be issued subject to the regulations promulgated by the VOC and approved by the Common Council regarding allocation or assignment of vending sites. Failure to become fully licensed and approved or to consistently use the assigned site by May 1st of a given vending year shall be grounds for the site to be assigned to another vendor for the remainder of that vending year.

Special Saturday vending areas shall be created, by regulation, designating an increased number of vending sites on the Mall/Concourse for use on Saturdays. These vending sites are for crafts and food and will be in addition to the existing vending sites, but will in no way infringe upon the yearly assigned food sites. During Saturday special events, any rules for 'Exclusive Vending Rights' during the special event adopted by the Common Council under Sec. 9.13(6)(k) shall apply to all vendors. (Am. by Ord. 12,793, 4-9-01; ORD-12-00064, 5-9-12)

(g) Mall/Concourse Vending License Required. No person shall sell or offer to sell, any goods, foodstuffs, or any other article of any kind or otherwise conduct any of the activities described in Sec. 9.13(1) on the State Street Mall/Capitol Concourse without holding a valid Mall/Concourse Vending License or being designated as a primary vendor on a valid Mall/Concourse Vending license issued to a corporation, cooperative or partnership, and without all of the other necessary licenses required under this ordinance or another ordinance or law. A Mall/Concourse Vending license is not required for a vendor participating under Special Event Vending License pursuant to Sec. 9.13(2) herein. Only one Mall/Concourse Vending License in each category listed in Sec. 9.13(6)(h)2., i.e., arts and crafts, food, sidewalk cafe, merchant vendor, may be issued to a vendor for any single vending period. This paragraph shall not apply to vendors operating in late night food vending areas under Sec. 9.13(6)(n). (Am. by Ord. 12,793, 4-9-01; Ord. 13,046, 4-9-02; ORD-05-00018, 2-15-05; ORD-09-00066, 4-2-09; ORD-13-00067, 4-24-13; ORD-16-00019, 3-7-16)

(h) Mall/Concourse Vending Licenses and Fees.

1. Categories of Mall/Concourse Vending Licenses:
   a. Food Vending Licenses issued to food vendors.
   b. Arts and Crafts Vending Licenses issued to arts and crafts vendors.
   c. Sidewalk Cafe Licenses issued to establishments eligible for sidewalk cafes.
   d. Merchant Vendor Licenses issued to contiguously-located, street-level merchants or corresponding non-street-level merchants in the same building by order of priority established in Sec. 9.13(6)(h)4. below.

2. Additional License Requirements.
   a. Basic License. Food Vendors, Arts and Crafts Vendors and individuals working in the vending site (except helpers as described in Sec. 9.13(6)(e)1.c.ii.) must also hold a Basic Street Vending license or Umbrella Food Vending License, if applicable, under Sec. 9.13(3). Merchant Vendors and Sidewalk Cafes do not require a Basic Street Vending License.
   b. Health Licensing. All food vendors required to be licensed under Chapter 7 of the Madison General Ordinances shall obtain a food and drink permit and a mobile restaurant base license and operate from a licensed restaurant for food preparation, food storage and utensil cleaning activities.

3. Fees. Mall/Concourse licenses and fees are as set forth below. All fees are paid to the City Treasurer: (Am. by Ord. 13,046, 4-9-02; ORD-15-00059, 5-27-15)
   a. Annual License. Annual licenses shall be issued on April 15 of each year or thereafter when applied for and shall expire on April 14 of the year following its issuance.
      i. Food Vendors. one thousand dollars ($1000) for the full season and pro-rated to five hundred dollars ($500) for a license issued November 1 or later to a first-time food vendor, as described in Sec. V.E. of the Regulations Governing Vending on the State Street Mall/Capitol Concourse. (Am. by ORD-15-00059, 5-27-15; ORD-16-00020, 3-7-16)
      ii. Arts and Craft Vendors. four hundred dollars ($400.)
      iii. Merchant Vendors. two hundred fifty dollars ($250), except as indicated in v. below. (Am. by ORD-12-00063, 5-9-12)
      iv. Sidewalk Cafes.

      Standard Annual Fees. The annual sidewalk café license fee shall be determined by the size of the café using a fee-per-square foot of the café's approved dimensions measured by the Vending Coordinator. The square footage of any tree grate or other obstruction that is considered unusable in the opinion of the Vending Coordinator shall be subtracted from the café's total square footage for fee purposes. Except as indicated in v. below, the annual fees shall be as follows:

      Remainder of 2015 vending season: Four dollars and fifty cents ($4.50) per square foot.

      2016 vending season: Four dollars and fifty cents ($4.50) per square foot.

2017 vending season: Five dollars ($5.00) per square foot.

2018 vending season and thereafter: Five dollars and fifty cents ($5.50) per square foot.

(Am. by ORD-14-00050, 3-6-14; ORD-15-00120, 10-28-15)

v. 400 Block West Gilman Street. The annual fee for a sidewalk café located in the 400 block of West Gilman shall be three dollars ($3.00) per square foot effective with the 2016 vending season.

Cafes Adjacent to Street Vending Sites. If a Saturday-only street vending site (established on the official map) is located adjacent to an establishment that qualifies for a sidewalk café, and the size of the café is reduced on Saturdays by the presence of the street vending site, the café's annual license fee shall be reduced by five percent (5%) for that vending season. The license shall be approved for both the full size and the reduced Saturday size.

Construction Discount. For sidewalk cafes located on a block or series of blocks that experiences public road construction under a City of Madison Public Works contract during any portion of the vending season, the annual fee for that vending season shall be 33% of the total as calculated above. A vendor shall be entitled to this reduced fee if, at the time the vendor applies for the annual license, the Common Council has adopted a resolution approving plans and specifications for a phase of road construction to take place anytime during the vending season in question (Am. by Ord. 13,506, 2-10-04; ORD-15-00120, 10-28-15)

vi. Late Night Vending License. See Sec. 9.13(6)(n) for Late Night Vending license fees.

(Sec. 9.13(6)(h)3.a. Am. by ORD-09-00066, 4-2-09)

b. Monthly License. Only arts and crafts vendors are eligible for a Monthly License. The fee shall be as follows:

i. Arts and Crafts Vendors. one hundred twenty-five dollars ($125).

Monthly licenses shall expire thirty (30) days from the date of issuance.

c. Additional Mall/Concourse Vending Fees. In addition to the license fees set forth above, there shall be the following additional fees:

i. Saturday-Only Arts/Crafts Site Reservation. A separate site reservation fee of one hundred dollars ($100) for craft vendors who wish to reserve a specific vending site until 7:30 a.m. at the Saturday craft vending area which site shall be assigned to them by the Director of Planning and Community and Economic Development or designee pursuant to the regulations on Saturday Vending Site Assignment adopted pursuant to Section 9.13(6)(c) and (f).

ii. Daily Arts/Crafts Site Reservation. A separate site reservation fee of one hundred dollars ($100) dollars for craft vendors who wish to reserve a specific craft vending site on

the 400, 500, and 700 blocks of State Street until 11:00 a.m. each day, which shall be assigned to them by the Director of Planning and Community and Economic Development, or designee, and be subject to the to the regulations adopted pursuant to Section 9.13(6)(c) and (f).

(Sec. 9.13(6)(h)3.c. Am. by ORD-11-00064, 5-4-11)

d. (R. by ORD-07-00137, 10-18-07)

e. Non-Profit Exemption. Qualified non-profit organizations, otherwise meeting the criteria for Mall/Concourse vending, may apply for an annual license under subparagraph (h)3.a. and may be exempt from paying the annual license fee, upon approval of the Vending Oversight Committee. (Am. by Ord. 13,046, 4-9-02)

(Sec. 9.13(6)(h)3. Am. by Ord. 12,022, 2-16-98; Ord. 12,358, 3-30-99; Ord. 12,557, Adopted 3-21-00; Am. by Ord. 12,793, 4-9-01; Ord. 13,506, 2-10-04;ORD-09-00160, 12-5-09)

4. A licensed Mall/Concourse vendor shall inform the designee of the Director of the Department of Planning and Community and Economic Development of any change of address of the vendor or the primary vendor named on the license, in writing, occurring during the license period. (Cr. by Ord. 13,046, 4-9-02; Renumbered by ORD-06-00013, 2-24-06)

5. Each Mall/Concourse Vending License shall contain such information on its face as may be required by the Street Vending Coordinator and the Regulations for Vending on State Street Mall/Capitol Concourse.

6. In addition to other permits, the Mall/Concourse Vending License shall be conspicuously displayed by the vendor at the vending area occupied by the vendor.

(Sec. 9.13(3)(h) Am. by ORD-16-00019, 3-7-16)

(i) Procedures For Granting a Mall/Concourse Vending License.

1. Application. All applications for a Mall/Concourse Vending License shall follow the procedures set forth hereunder unless a different procedure is established for a particular category of vending or for vending in a particular specified area. In addition, the Vending Oversight Committee (VOC) may establish additional or distinct procedures and criteria for the granting of licenses under any vending category including, without limitation, the establishment of a committee to review applicants for any one or more category or class of vending license or aspect or regulation of a category or class.

a. Application for a Food Vending License or Arts And Crafts Vending License shall be filed with the Director of Planning and Community and Economic Development, or designee and shall contain such information as shall be required by regulation and such additional information as s/he shall require in order to determine whether the requirements of the ordinance have been met. Such additional information may include but shall not be limited to documentation or other evidence, such as invoices for raw materials, demonstrations or explanations of design or production techniques, which evidence or illustrate that the item in question is handcrafted or personally prepared. (Am. by ORD-16-00019, 3-7-16)

b. Application for a Mall/Concourse Sidewalk Cafe or Merchant Vendor License shall be filed with the Director of Planning and Community and Economic Development, or designee on a form

prescribed by the Vending Oversight Committee (VOC). The application for new and returning sidewalk cafes shall include a scale drawing of the site, including the location of all trees, poles, benches, gratings, and other amenities or obstructions, and the location of the proposed furniture and other vending equipment. All applications shall be accompanied by a photograph, catalogue page(s) or detailed renderings of the tables, chairs barriers or other furniture or equipment being considered for use, including the location and number of chairs, with dimensions and color included. The application shall also contain any information required by regulation or by the Director of Planning and Community and Economic Development. (Am. by Ord. 12,419, 7-23-99; Ord. 12,557, 3-21-00; ORD-09-00066, 4-2-09)

c. Any applicant for a Sidewalk Cafe License who wishes to sell alcohol beverages must also follow the procedures set forth in Chapter 38 for obtaining an alcohol beverage permit. All actions by the ALRC shall also require the approval of the Common Council.

d. A copy of the Application and all attachments shall be transmitted by the Director of Planning and Community and Economic Development, or designee, to the City Clerk. (Am. by Ord. 12,557, 3-21-00)

2. Initial Determination Appeal and Review. Upon receipt of an application for a license the Director of Planning and Community and Economic Development, or designee, shall review all applications for a vending license under this section for compliance with the applicable ordinance(s) and regulations, and shall make a determination within ten (10) days of the date of the application using the procedures below.

a. If all the applicable requirements are clearly and unambiguously met in the opinion of the Director of Planning and Community and Economic Development, or designee, the appropriate license shall be promptly approved by her/him and issued by the City Clerk, with the following exceptions: an applicant for a Food Vendor License must first participate and obtain a satisfactory rating in an annual Food Vending Review pursuant to regulations established under this chapter, and no applicant who has been issued one (1) or more health ordinance citation or civil complaint or two (2) or more vending ordinance citations or complaints may participate in the Fall Food Vending Review nor be issued a Food Vending License.

b. If the Director of Planning and Community and Economic Development or designee determines that the applicable requirements of the ordinance and regulations are not met, s/he shall deny the license and state the reasons in writing to the applicant within ten (10) business days of the date of the application. The applicant may re-apply in order to address the reasons for denial or may appeal the denial to the Common Council by filing a written notice of the appeal with the Director, within five (5) days of the Director's written determination. The Director shall refer the appeal to the VOC for a hearing. The applicant shall be notified in writing of the time, date and place of the hearing at least ten (10) days prior to the hearing, unless both parties agree in writing to shorter notice. (Am. by Ord. 13,272, 3-11-03)

c. The sole issue at the hearing shall be whether the correct decision was made by the Director of Planning and Community and Economic Development, or designee, based on the information contained in the application and any supporting documentation submitted with it. New or additional information shall not be grounds for an appeal and any such information shall not be allowed at the hearing. Such information, however, may be the basis of a re-application to the Director of Planning and Community and Economic Development, or designee, under this Chapter. At any such hearing the parties shall have the opportunity to question witnesses, may call witnesses in her or his own behalf or may be represented by counsel. All testimony shall be recorded. The Committee shall report its findings and recommendations in writing to the Common Council which shall convene to consider the report and recommendations. After due consideration of the Committee's report and any evidence presented, the Common Council may by majority vote affirm, reverse, or modify the decision of the Director of Planning and Community and Economic Development, or designee, and shall issue its decision in writing. If no decision is made within sixty (60) days from the date of filing the Notice of Appeal, the appeal shall be deemed denied. If the application is approved, the Director of Planning and Community and Economic Development, or designee, shall sign the application and the license shall be issued by the City Clerk upon proper payment of fees.

d. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

e. Any approval by the Director of Planning and Community and Economic Development, or designee, or Common Council of any category of Mall/Concourse vending license shall be deemed to be a conditional approval in the absence of approval by other necessary City agencies.

3. Renewal of Mall/Concourse Vending Licenses. There shall be no renewal of any Mall/Concourse Vending License. All applicants shall follow the process above for granting an initial license.

a. Any Mall/Concourse license holder who applies for a Mall/Concourse Vending license and has been issued two (2) or more citations or civil complaints for vending-related ordinance violations within the previous vending year must appear before the VOC prior to any action by the Director of the Department of Planning and Community and Economic Development on the application for the purpose of a formal expression of concern by the VOC at which the applicant shall be required to present a detailed plan for preventing such violations in the future. If the applicant fails to appear after service of written notice to appear, no further action may be taken by the Director of the Department of Planning and Community and Economic Development and the license shall be deemed denied. (Am. by Ord. 12,793, 4-9-01)

b. If the applicant has committed three (3) or more vending-related offenses in the previous vending year as charged in citations or civil complaints, the Director of the Department of Planning and

Community and Economic Development may deny a request for a Mall/Concourse vending license based on the number, nature and seriousness of the offenses committed. Such determination may be appealed pursuant to Sec. 9.13(6)(i)2. above. (Am. by Ord. 12,793, 4-9-01)
(Am. by Ord. 13,272, 3-11-03)

(j) Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes.

1. Miscellaneous Restrictions on Merchant Vendors.

a. Merchandise may only be displayed during normal business hours when the merchant's corresponding place of business is open. (Am. by Ord. 13,614, 5-21-04; ORD-06-00059, 5-20-06; Am. by ORD-07-00063, 5-18-07; ORD-12-00063, 5-9-12)

b. Merchandise may only be displayed in specific sites defined by the street frontage of the street level merchant's or restaurant's place of business and otherwise complying with the requirements of Sec. 9.13, between the imaginary line connecting the sparkle light poles on one side (or no closer than six (6) feet to the building face, allowing a minimum of six (6) feet unobstructed pedestrian walkway, if there are no sparkle light poles) and no closer than two feet from the face of the adjacent street curb on the other side in the specific location and configuration approved on the application pursuant to Sec. 9.13(6)(i). This requirement applies to vending on State Street and the sidewalks on the outside of the streets comprising the Capitol Square. (Am. by Ord. 12,793, 4-9-01; ORD-06-00013, 2-24-06; ORD-06-00147, 11-2-06)

c. Vending in the State Street Mall/Capitol Concourse Improvement District on streets or sidewalks other than State Street and the Capitol Square, is only permitted in specific sites defined by the street level merchant's or restaurant's place of business and otherwise complying with the requirements of Sec. 9.13, between six feet from the inside edge of the sidewalk on one side and no closer than two feet from the face of the adjacent street curb on the other side in the specific location and configuration approved pursuant to Sec. 9.13(6)(i). (Am. by Ord. 12,793, 4-9-01; ORD-06-00013, 2-24-06)

d. An attendant or sales person shall either be present within the approved merchant vending site at all times at which items are displayed or sold or immediately available within the corresponding place of business. In addition to other requirements herein, the merchant vending site and merchandise displayed therein shall be maintained in an orderly and organized fashion.

2. Miscellaneous Restrictions on Sidewalk Cafes.

a. The space specifications in Sec. 9.13(6)(j)1.b. above shall apply to all sidewalk cafes located on State Street Mall or the Capitol Concourse as defined herein, except sidewalk cafes at locations described in Subparagraph e., below. The space specifications in Sec. 9.13(6)(j)1.c. shall apply to sidewalk cafes on any other streets within the district. The remainder of this paragraph shall apply to all sidewalk cafes within the Mall/Concourse: No sidewalk cafes may obstruct the pedestrian right of way required by the City to be maintained adjacent to the sidewalk cafe. All sidewalk cafes shall remain within the approved boundaries of the sidewalk cafe site as set forth on the approved application and shall be surrounded by

enclosure(s) as required by the Regulations Governing Vending on the State Street Mall/Capitol Concourse. See those Regulations and sec. 9.13(4) for additional placement requirements. (Am. by Ord. 12,557, Adopted 3-21-00; Ord. 12,793, 4-9-01; ORD-05-00135, 8-5-05)

b. R. by ORD-06-0047, 4-22-06.

c. Except in the case of sidewalk cafes having permanent facilities approved as a conditional use by the Plan Commission, all tables, chairs, and all other materials and equipment must be removed from the site no later than thirty (30) minutes after the close of business until normal opening of business each day. Nothing herein shall in any way be deemed to limit the right of the Plan Commission to review any matters within the Plan Commission's jurisdiction. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-13-00100, 6-12-13)

d. The procedures in Sec. 9.13(8)(a)for revocation, suspension or nonrenewal of a Vending License shall govern revocation, suspension or nonrenewal of a Sidewalk Cafe License issued under this section. Revocation or suspension of an alcohol beverage license for a sidewalk cafe shall follow the procedures in Section 38.10 of the Madison General Ordinances.

e. Alternative Sidewalk Café Placement.

i. Sidewalk Cafes in 100 Block of Martin Luther King Jr. Boulevard. Sidewalk cafes located within the 100 block of Martin Luther King Jr. Boulevard, due to the unusual width and design of the sidewalk between the roadway and the property line of adjacent buildings, shall be located between the building face and a distance of twelve (12) feet from the building face, and shall not be wider than the side property lines of the corresponding restaurant's street frontage. (Cr. by Ord. 12,793, 4-9-01)

ii. Sidewalk Cafes on the Capitol Square. Due to the width and unique design and layout of sidewalks on the Capitol Square, restaurants located on the 10 blocks of E. and W. Mifflin, N. and S. Pinckney, E. and W. Main, and N. and S. Carroll Streets may choose a sidewalk cafe location that either complies with 9.13(6)(j)2.a. if the layout of the permanent amenities on sidewalk in front of the business allows, or placed next to the building, but not both. Sidewalk cafes located next to the building shall be no wider than the side property lines of corresponding restaurant's street frontage, shall extend no more than five (5) feet from the building face, shall be enclosed on all sides (except the building face may serve as one side of the enclosure), and shall otherwise comply with all applicable requirements of this ordinance and the Regulations Governing Vending on the State Street Mall/Capitol Concourse. (Am. by ORD-05-00135, 8-5-05)

iii. 500, 600 and 700 Blocks of University Avenue (North Side).

Due to the unique design of the roadway, bus lanes and pedestrian ways on University Avenue, particularly the wide sidewalks, absence of permanent street amenities,

and proximity to the bus lane, sidewalk cafes located on the North side of the street within the 500, 600 and 700 blocks of University Avenue shall be placed next to the building. Sidewalk cafes shall be no wider than the side property lines of corresponding restaurant's street frontage, shall extend no more than five (5) feet from the building face, shall be enclosed on all sides, (except the building face may serve as one side of the enclosure), and shall otherwise comply with all applicable requirements of this ordinance and the Regulations Governing Vending on the State Street Mall/Capitol Concourse.

(Cr. by ORD-07-00102, 8-23-07)

iv. Alternate Placement: Case-by-Case Determination. The Vending Coordinator may, on a case-by-case basis and at his/her discretion, allow a sidewalk café on portions of the Mall/Concourse other than State Street to be placed up against the building using the criteria in sub. i. above, or to split a sidewalk café into two (2) sections for one establishment if, after inspection of the site, in the opinion of the Vending Coordinator, such a variance is necessary to permit a sidewalk café for an otherwise eligible establishment.

In order to be eligible, the paved portion of the adjacent sidewalk must be at least nine (9) feet wide, the entire sidewalk area proposed for café placement must be paved with concrete, asphalt, cement, brick, pavers or other impervious surface, and placement of the café must allow at least six (6) feet of unobstructed public pedestrian walkway on the adjacent public sidewalk. An establishment is not eligible for a sidewalk café if, in the opinion of the Vending Coordinator, the grade or slope of the adjacent public sidewalk is prohibitive, if the sidewalk does not offer a sufficiently level surface for food and drink service, of if the café placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or available square footage of the adjacent public sidewalk.

An establishment shall be eligible for a 2-part sidewalk café if made necessary by permanent public amenities positioned in the sidewalk adjacent to the establishment, if there is sufficient space for an enclosed sidewalk café on both sides of the amenity(ies). In that case the café is considered one licensed café site that is split into two sections.

An establishment is eligible for two separate sidewalk cafés if located on a street corner or if it has two street frontages and both adjacent sidewalk areas are otherwise eligible. The café on the State Street side shall conform to the rules above for placement on State Street. The café on the other side shall be placed against the curb under the general rule in sub. 2.a. above if space allows, or may be placed against the building under the rules of sub. i. if, in the opinion of the Vending Coordinator, placement against

the building is more safe and consistent with the traffic and pedestrian flow on the corresponding street. In this case, the establishment shall obtain two sidewalk café licenses. The placement rules in this paragraph shall also apply to an establishment with multiple addresses, under Sec. 9.13(6)(j)4.a.iii.

(Cr. by ORD-07-00139, 10-18-07)

3. Sidewalk Cafes with Alcohol Beverage License.

a. Consumption of alcohol beverages in all sidewalk cafes shall be limited to persons seated at tables in the sidewalk cafe site.

b. A sidewalk café licensee serving alcohol beverages shall be responsible for policing the area of the sidewalk cafe to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises, consistent with the applicable requirements for alcohol beverage license holders in Chapter 38, MGO.

c. For sidewalk cafes within the State Street Mall/Capitol Concourse Vending Area (as defined in Sec. 9.13(6)(a)) alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the café by 1:00 a.m., unless an earlier closing time has been required on the establishment's alcohol beverage license. There shall be no sale of alcohol for consumption at a sidewalk cafe after 1:00 a.m. or the time specifically indicated on the alcohol beverage license, whichever is earlier, until normal opening of business each day.

(Am. by ORD-07-00062, 5-18-07; ORD-13-00100, 6-12-13)

4. Assignment of Merchant Vendor and Sidewalk Cafe Sites Among Street-Level and Non-Street Level Businesses.

a. Merchant vendor and sidewalk cafe site eligibility shall be determined as follows:

i. Contiguous Street-Level Businesses. A contiguously-located, street-level merchant or restaurant, as defined in sec. 9.13(6)(e)2.a., shall apply for the appropriate merchant vendor or sidewalk cafe license and site by March 15 prior to the vending season. The site shall be assigned to that vendor if all other applicable licensing criteria is met.

ii. Corresponding Non-Street Level Businesses. If a merchant or sidewalk cafe' vending site is not assigned to the street-level business after March 15, any merchant or restaurant in the building including non-street level businesses defined in 9.13(6)(e)2.b. may apply for the appropriate license and site. Site assignments shall be issued on a first come, first served basis. In the event that more than one such application is received for the same sidewalk site on the same day, the site shall be assigned by lottery by the Director of Planning and Community and Economic Development or designee.

iii. Multiple Addresses. If a restaurant has more than one street address abutting a public sidewalk that is otherwise available for a sidewalk cafe, the restaurant is eligible for a sidewalk café vending site at both addresses. Merchants with multiple street addresses must choose only one address (and corresponding street frontage) for a merchant vend-

ing site. If multiple business tenants use the same street addresses, the site(s) shall be allocated among street-level and non-street level businesses as described above. (Am. by ORD-06-00147, 11-02-06)

(Cr. by ORD-06-00013, 2-24-06)
(Am. by Ord. 12,608, 3-22-00)

(k) Vending During Street Use Events.

1. Special Event Vending Approvals. When a Street Use Permit is requested under Sec. 10.056 (a "street use event"), the applicant may request one or more of the following special approvals: invalidation of street vending licenses and Sec. 9.54, MGO, permits, permission to select participating vendors for the event, and suspension of some or all restrictions on street vending under this ordinance (collectively, "approvals"), using the procedures below. Any approvals under this section are subject to the issuance of a valid Street Use Permit for the event.

a. Invalidation of Vending Licenses. To encourage the integrity, comprehensiveness and success of a street use event taking place on any street, alley, sidewalk or public square in the City, the applicant may request that some or all categories of street vending license(s) or permits issued under Sec. 9.54 ("licenses") will not be valid within the perimeter of the street use event. Invalidation of licenses shall only occur within the perimeter approved in the Street Use Permit. Invalidation shall not be approved more than ten (10) times per year at the same location (i.e. same street block.) Invalidation of licenses is not available for serial street use permits of more than five (5) days.

When licenses are invalidated, street vendors or permit holders under Sec. 9.54 ("licensees") whose licenses have been invalidated cannot conduct the activities authorized by their license in anywhere within the perimeter of the event, unless selected by the event sponsor under Sec. 9.13(6)(k)1.b. ("Selection of Vendors.") Licensees with assigned sites inside the event perimeter cannot operate from the assigned site during the event. Such licensees may operate outside the event perimeter only as follows: by moving into an unoccupied vending site outside the event perimeter if allowed for that type of vending elsewhere in Sec. 9.13, by following any applicable procedures for relocating under Sec. 9.54, or if the City assigns the licensee a temporary site under Sec. 9.13(6)(k)3.

b. Selection of Vendors. A street use applicant may request permission to select vendors to participate in the applicant's event. If approved, the event sponsor must obtain a Special Event Umbrella Vending License under Sec. 9.13(2) covering all persons selling food or any other item as part of the event, if required to be listed on such license by Sec. 9.13(2).

c. Suspension of Rules: A street use applicant may request suspension of specific provisions of Sec. 9.13 or the regulations adopted thereto within the perimeter and for the duration of a street use event, and may request alternate vending rules for the event. This option is available for events held anywhere in the city where this ordinance restricts vending to certain types of food or articles, or only from assigned sites. It is not necessary to suspend the rules regarding vending equipment size or placement for vendors operat-

ing under a special event umbrella license within the perimeter of a street use event, however, all applicable state and local health, electrical and fire code provisions will continue to apply and cannot be suspended under this procedure. If granted, the rules and procedures approved through this process will control over any conflicting section of Sec. 9.13 or the Regulations.

d. 700-800 Blocks of State Street - Suspension of Rules. Certain vending rules may be suspended by the Street Use Staff Commission for street use events held entirely within the "podium area" of the 700 block of State Street, or anywhere in the 800 block of State Street. The Street Use Staff Commission may approve the suspension of portions of Sec. 9.13 and the Mall/Concourse Regulations to allow vending of non-personally prepared food and non-handcrafted items within the event. The street use applicant must demonstrate that vending such items is necessary to ensure the integrity and success of the event. If granted, suspension of rules under this paragraph shall be indicated on the street use permit and does not require Common Council approval.

2. Special Approvals Process.

a. Street Use Applicants seeking any of the approvals in sub. 1. shall so indicate on their street use permit application. Applications requesting special approvals for this first time are due ninety (90) days prior to the event start date. Applicants for events that have received prior approval under this section shall notify the Parks Division of their intent to repeat the event as soon as possible during the calendar year.

b. The Parks Division shall prepare each year, prior to the event season, one or more resolutions for the Common Council listing all known events for the calendar year seeking special approvals under this section and the type of approval(s) requested. (Events seeking approval under Sec. 9.13(6)(k)1.d. for the 700 or 800 block of State Street need not be included.) The resolution shall include sufficient details for the Council to consider the requested approvals, and additional details about first-time events if deemed necessary by Parks Division.

c. The Common Council shall consider the requested approvals not less than fourteen (14) days prior to the event start date. If license invalidation is requested under Sec. 9.13(6)(k)1.a., the applicant shall provide at least one (1) week's written notice of the Common Council meeting to the Street Vending Coordinator, any licensed street vendors (including merchant vendors and sidewalk cafes) with assigned sites in the event perimeter, and any Sec. 9.54 permit holders with assigned sites in the event perimeter. The notice shall include all of the details required for the resolution and information about participating in the event including fees. The Common Council may grant the approvals authorized in Sec. 9.13(6)(k)1.a.,b., and c. after making a finding that the requested approval(s) are necessary to maintain the integrity, comprehensiveness and success of the special event. License invalidation shall not be approved unless the applicant also satisfactorily demonstrates and the Council finds that special conditions exist warranting the exclusive

vending rights. The Street Use Permit issued by the Street Use Staff Commission shall include a reference to the approvals granted by the Common Council.

3. Relocating Vendors Outside Event Perimeter. Whether or not invalidation of licenses under Sec. 9.13(6)(k)1.a. has been granted, the Street Vending Coordinator may relocate vendors or Sec. 9.54 permittees ("licensees") with assigned sites within the perimeter of a street use event to a location outside the event perimeter, to avoid interference with the event. Any such relocated sites shall be in addition to existing vending or Sec. 9.54 sites that have not been invalidated.

4. Prohibition Against Vending During Street Use Event.

a. No person holding a Street Vending License of any kind may conduct the activities authorized by his/her license has been invalidated under Sec. 9.13(6)(k)1.b., or otherwise in violation of the special vending approvals granted under Sec. 9.13(6)(k)1. This prohibition does not apply to licensees who have been selected by the event sponsor to participate in the event, or relocated outside the perimeter of a street use event under sub. 3. above.

b. No person shall conduct any street vending activity within the perimeter of a street use event unless the vendor is covered by the sponsor's special event vending license, or the vendor was selected by the sponsor to vend at the event using the vendor's existing street vending license as allowed in Sec. 9.13(2).

(Sec. 9.13(6)(k) Rep. & Rec. by ORD-13-00067, 4-24-13)

(l) Miscellaneous Vending Restrictions.

1. Hours. The permitted hours for all street vending on the State Street Mall/Capitol Concourse shall be from 5:00 a.m. to 1:00 a.m., with the following exceptions:

a. Permitted hours in the 500 block of North Frances Street (Concrete Park) shall be from 5:00 a.m. to 8:00 p.m., except that vendors with an assigned site in Late Night Vending area L3 may vend during the Late Night Vending hours established under Sec. 9.13(6)(n). (Am. by ORD-14-00062, 6-26-14)

b. Permitted hours in the Late Night Vending areas shall be as established in Sec. 9.13(6)(n).

c. Permitted hours for vending may be modified pursuant to a resolution adopted by the Common Council under Sec. 9.13(6)(k).

d. All vending equipment (including sidewalk cafés licensed under this section) shall be completely removed during the hours in which vending is not permitted, except that sidewalk café equipment shall be removed no later than thirty (30) minutes after the establishment closes, and Mall/Concourse Food Vendors with Saturday-only assigned food vending sites may park and leave food carts securely locked and unattended in the assigned sites between 12:00 a.m. and 5:00 a.m. on Saturdays only, from the third Saturday in April through the second Saturday in November. (Am. by ORD-15-00040, 4-8-15)

e. Sidewalk cafes on the Mall/Concourse may remain open until the establishment closes, subject to the provisions of Sec. 9.13(6)(j)3. regarding alcohol service.

(Am. by ORD-05-00018, 2-15-05; ORD-09-00066, 4-2-09; ORD-13-00100, 6-12-13)

2. Use of Electricity. Use of AC electricity may occur on the Mall/Concourse only upon compliance with this ordinance, the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and any rules and regulations of the Traffic Engineering Division including the fee schedule.

The following restrictions shall apply to electrical use by vendors on the Mall/Concourse, in addition to any rules and regulations of the Traffic Engineering Division:

a. Vendors shall only be eligible to use the city's 110 volt outlets.

b. Vendors using the City's AC electrical outlets shall have a circuit breaker installed in accordance with the National Electrical Code (NEC) not exceeding 15 amps on line between the appliance and the power source (City electric receptacle). (Am. by ORD-08-00033, 3-21-08)

c. Generators. Mall/Concourse vendors may use one generator in lieu of an AC electrical source. Generators must operate at 60 decibels or lower. (Am. by Ord. 12,419, 7-23-99)

d. All electrical equipment and wiring in a vending cart, regardless of whether powered by AC or a generator, shall comply with the NEC (National Electrical Code). Vendors shall follow any other regulations for electrical use in the "Regulations Governing Vending on the State Street Mall/Capitol Concourse.

e. Vendors using the City's AC electrical outlets shall pay the fee established by the Traffic Engineering Division or otherwise established by the City for such electrical use.

(Am. by ORD-06-00147, 11-2-06; ORD-12-00065, 5-9-12)

3. Emergency Vehicle Access. In the exercise of its authority under Section 9.13(6), Madison General Ordinances, the VOC, subject to the approval of the Common Council, shall locate the vending areas in the 700 and 800 blocks of the State Street Mall in such a manner that an emergency vehicle access lane at least eighteen (18) feet wide and continuous over the entire length of the 700 and 800 blocks of the State Street Mall shall be maintained at all times and shall be kept clear of all obstructions.

4. Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to relocate designated vending sites elsewhere on the State Street Mall/Capitol Concourse or to eliminate them in the interest of public safety during construction or emergencies and as elsewhere provided in these ordinances. In the event that the Superintendent of Parks or designee requires the relocation or elimination of a vending site for maintenance, cleaning or construction, s/he or designee shall notify the Department of Planning and Community and Economic Development. The Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area when deemed in the best interests of the City, however this procedure shall not be used in place of any of the procedures in Sec. 9.13(6)(k). Any vendor operating in such temporary sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency. (Am. by Ord. 13,272, 3-11-03; ORD-12-00043, 4-19-12)

5. Changes to Vending Site Dimensions. The approved dimensions of a sidewalk café under Sec. 9.13(5) or (6), a merchant vending site or other assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions (including sidewalk cafes and merchant vending sites) are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.

(Cr. by ORD-10-00013, 2-4-10)

6. Snowfall Procedures for Food, Arts/Crafts, and Late Night Vendors.

a. Snow Removal. If a Food or Arts and Crafts Vendor's assigned site has accumulated snow when the vendor arrives, and the vendor wishes to vend, the vendor must clear the snow from the site before placing the cart or other vending equipment in the site, and may not use another site nor otherwise alter the position of the cart from its approved position within the vendor's assigned site. Vendors with sites on the Capitol Concourse or Municipal Building Vending Area shall push the snow toward, but not into, the road, and Vendors with sites in the 700 and 800 blocks of State Street shall push the snow toward the middle of the mall. Vendors shall keep a four foot (4') perimeter around the vending cart or equipment clear from accumulating snow at all times. This procedure also applies to Late Night Vendors in the 500 block of North Frances Street (Concrete Park) and any other LNV site on a sidewalk or sidewalk area. (Am. by ORD-14-00062, 3-26-14)

b. Snow Emergencies. Late Night Vendors in the 500 block of North Frances Street (Concrete Park) and any other LNV site on a sidewalk or sidewalk area, Mall/Concourse Food Vendors and Arts and Crafts Vendors shall not vend on any day when the City has declared a snow emergency under Sec. 12.045(1). (Am. by ORD-14-00062, 3-26-14)

c. Street Vending Snow Day. The Superintendent of Parks or designee may declare a "street vending snow day" when a full snow emergency under Sec. 12.045 has not been declared but additional time is needed for city staff to safely remove snow and ice from the streets and sidewalks. When a Street Vending Snow Day has been declared, Mall/Concourse Food Vending equipment cannot be placed before 11:00 a.m. and must be removed by 1:30 p.m., notwithstanding anything to the contrary in this ordinance or the Regulations adopted thereto. The Parks Division will announce the snow day no later than 8:00 a.m. of the affected day by emailing a list of vendors provided by the Street Vending Coordinator and using a call-in telephone number established for this purpose.

(Sec. 9.13(6)(l)6. Cr. by ORD-13-00175, 10-23-13)

(m) Liability Insurance. To hold a valid license, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a

Certificate of Insurance, on a form acceptable to the City, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the City of Madison, its employees and agents as additional insureds, with minimum limits of one million dollars ($1,000,000.00) in the aggregate. The Certificate of Insurance shall provide thirty (30) days written notice to the City upon cancellation, or nonrenewal or material change in the policy.

To hold a valid sidewalk cafe license or merchant vendor license, the vendor must have in full force adequate liability insurance. Adequate liability insurance is insurance the terms and conditions of which shall at minimum comply with those terms and conditions specified in paragraph 1 of this subdivision (m) and may include any additional terms and conditions required by the City Real Estate office or agreement of the parties. (Am. by Ord. 13,272, 3-11-03; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(n) Late Night Vending (LNV) Areas.

1. Certain areas within the Mall/ Concourse and downtown area are established for vending food and drink between the hours of 9:00 p.m. and 4:00 a.m.

Vendors operating as licensed Late Night Vendors are not considered Mall-Concourse Food Vendors, do not need a Mall/Concourse Vending License, and need not participate in the food cart review. Vendors operating as licensed Late Night Vendors are not subject to other portions of Section 9.13(6) or the Regulations Governing Vending on the State Street Mall/Capitol Concourse adopted under Sec. 9.13(6)(c), except Secs. 9.13(6)(k), (exclusive use and special events), (6)(l)2. (use of electricity), (6)(l)3. (emergency vehicle access), (6)(l) 4. (relocation), (6)(m) (insurance), and those Regulations listed in Sec. 9.13(4)(s) (safety requirements for non-Mall/Concourse food vending). Late Night vending is subject to Sec. 9.13(4), all other applicable portions of this Ordinance, and applicable traffic and parking laws.

2. Licenses Required: One (1) Late Night Vending License shall be required for each vending cart or food stand. Additionally, every person working or performing vending activities as defined in Sec. 9.13(1) must hold a valid basic street vendor license under 9.13(3).

No person shall vend (as defined in Sec. 9.13(1)) in an LNV area during LNV hours without the licenses required hereunder and without an LNV zone or site assignment.

3. Late Night Vending Areas:

a. Zone A: 300 Block of North Frances. Zone A is located on the west side of the 300 block of North Frances Street as shown on the official LNV map approved by the VOC and on file at the Office of Business Resources ("official LNV map"). A maximum of one (1) licensed Late Night Vendor may vend from a legal parking space within Zone A at any one time. Only a licensed Late Night Vendor who has been assigned to Zone A may vend in Zone A, and the vendor will be assigned to this zone by seniority under Sec. 9.13(6)(n)4.b. (Am. by ORD-17-00055, 6-19-17)

b. Zone B: 400 Block of West Gilman. Zone B is located on the south side of the street in the 400 block of West Gilman Street, near University Avenue, as shown on the official LNV map. A maximum of one (1) licensed Late Night Vendor may vend from a legal parking space within Zone B at any one time. Only a licensed Late Night Vendor who has been assigned to Zone B may vend in Zone B, and a vendor will be assigned to the zone by seniority under Sec. 9.13(6)(n)4.b. (Am. by ORD-17-00055, 6-19-17)

c. Zone C: 400 Block of North Broom Street. Late Night Vending may occur on the west side of the 400 block of North Broom Street beginning with the first legal parking space to the south of the northern-most driveway on the west side of the street, and anywhere that street vending may lawfully occur on the east side of the 400 block of North Broom Street, as shown on the official LNV map. A maximum of two (2) licensed Late Night Vendors may vend from legal parking spaces within Zone C at any one time. Only licensed Late Night Vendors who have been assigned to Zone C may vend in Zone C, and vendors will be assigned to a zone by seniority under Sec. 9.13(6)(n)4.b. (Am. by ORD-13-00075, 5-14-13)

d. Concrete Park/Frances Plaza: 500 Block of North Frances (L3). Late Night Vending in this area may occur at three assigned sites: two (2) full-sized food cart sites and one (1) site for a full-sized or small push cart, with each site location shown on the official LNV map and is prohibited in any other location. Sites will be assigned by seniority under Sec. 9.13(6)(n)4. See Sec. 9.13(6)(n)6.a. for the definition of small push carts. (Cr. by ORD-13-00075, 5-14-13)

e. University and Lake Site (L4). One (1) small push cart site shall be located on the sidewalk on the north side of University Avenue near the northeast corner of the intersection with Lake Street, with the exact location determined by the Vending Coordinator and shown on the official LNV map. This site will be assigned to a licensed Late Night Vendor by seniority under Sec. 9.13(6)(n)4. See Sec. 9.13(6)(n)6.a. for the definition of small push carts.

4. Application, Site Assignment. Vendors holding a basic street vendor license may apply for a Late Night Vending License at the Office of Business Resources, using an application form created by the Vending Coordinator, as follows:

a. Applications for an LNV zone or an assigned site must be filed no later than April 1 to be eligible for zone or site assignment for the upcoming vending season (April 15-April 14). The vendor must accept the zone or site in writing and purchase a Late Night Vending License within ten (10) calendar days of receiving notification of the assignment, or will forfeit the assignment. Failure to use an assigned LNV zone or site by June 1st will result in forfeiture of the assignment. Only one (1) Late Night zone or site will be assigned per vendor, per season, and such assignments are not transferrable.

b. Late Night Site Assignment Procedure. All applicants shall be ranked according to a seniority system. Seniority shall be calculated by counting the number of vending seasons that the vendor has purchased an LNV license (of any duration) issued under Secs. 9.13(3)(a) 1. or 2., counting backwards from the present, and subtracting any demerit points (see Sec. 9.13(6)(n)5.). However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing seniority, but that year will not be counted toward the vendor's total number of years of seniority. If a vendor goes two (2) consecutive vending seasons without purchasing a LNV license, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the

name on the current LNV application and the LNV license used for seniority must be the same. If more than one applicant was issued an LNV license on the same date, the time of day that the license is created will determine seniority. If the time is not available, seniority will be determined by a coin toss conducted by the Vending Coordinator or designee.

Applicants shall list three (3) zone and/or site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred zone or site, the next vendor assigned to his/her first available preferred zone or site, and so on; until all applicants have been assigned a zone or site or until all are full. If applicants remain after all LNV areas are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their Late Night assignment will be placed at the bottom of the waiting list. Any zone or site that becomes available during the vending season after initial assignments have been made shall be offered to the highest-ranking vendor on the waiting list.

(Am. by ORD-09-00066, 4-2-09; ORD-11-00064, 5-4-11; ORD-14-00092, 5-7-14)

5. Demerit Points for Late Night License Applications. One (1) year of seniority will be subtracted for each demerit point described below:

a. One (1) demerit point will be assessed for any violation of Sec. 9.13, the Regulations adopted thereto, or any other violation listed in Sec. 9.13(8)(a) (except for serious health code violations described below). A violation counts as a demerit point if charged in a citation or civil or criminal complaint with a date of violation in the previous vending season.

b. Serious Health Code Violations. Five (5) demerit points will be assessed if the applicant's food and drink permit has been suspended or revoked for seven (7) or more consecutive days during the previous vending season, or if the applicant's vending cart or mobile base kitchen has been ordered by the Public Health Madison and Dane County to suspend or cease all operations for seven (7) or more consecutive days during the previous vending season. (Am. by ORD-15-00009, 1-28-15)

c. For purposes of Sec. 9.13(6)(n)5.a. and b., violations issued to the person named on the basic street vending license, the holder of the mobile cart license(s), if applicable, and the person or business listed as the applicant for the Late Night Vending license will all be counted.

d. If an applicant's vending license has ever been suspended or revoked under Sec. 9.13(8), the number of days the license was been suspended or revoked shall be subtracted from the total number of days counted for seniority. Suspensions or revocations against the person named on the basic street vending license and the person or business applying for the late night vending license shall be counted.

6. Late Night Vending License Fees. Late Night Vending licenses are issued per food vending cart or stand, valid from April 15 to April 14, with the following fees:

a. Small push-carts that can be moved by hand, of a size and construction that does not meet the definition of "vehicle" under Wis. Stat. § 340.01(74) and that fit entirely within a footprint of 4 feet by 8 feet: $200/annual.

b. All other food vending carts or stands: $500/annual.

(Am. by ORD-14-00050, 3-6-14)

7. Violations. No person shall conduct the activities for which an LNV license is required herein without having been issued a valid LNV license, and no person shall vend in any LNV zone or site without being assigned to that zone or site. For those areas listed in Sec. 9.13(6)(n)3., no person shall vend in a location other than one of the assigned sites. No person shall violate any other provision of Sec. 9.13(6)(n).

(Sec. 9.13(6)(n) Am. by ORD-09-00037, 3-14-09; ORD-14-00062, 3-26-14)

(Sec. 9.13(6) Am. by Ord. 12,009, Adopted 1-6-98; Am. by Ord. 12,557, Adopted 3-21-00)

(7) Regulations and Procedures for Vending in High Density Vending Areas.

(a) Purpose and Regulating Authority. It is the intent of the Common Council to control and regulate the use of streets and sidewalks to the end that the safe use of sidewalks by pedestrians is ensured and the health, safety and general welfare of the public is protected and maintained. Consistent with this policy, the purpose of these regulations is to assure the safe and orderly performance of selling on streets, sidewalks, alleys and public squares in "high density vending areas" as defined herein. The Vending Oversight Committee (VOC) is empowered to create additional regulations governing vending in High Density Vending Areas as defined herein, not inconsistent with the provisions of Sec. 9.13 or these Ordinances, and subject to Common Council approval. The VOC shall submit proposed regulations to the Common Council by formal resolution or report. Any such regulations shall be effective upon adoption of the sponsoring resolutions or report, and a copy of any adopted regulations shall be maintained on file at the offices of the City Clerk and the Department of Planning and Community and Economic Development.

(b) Definition of High Density Vending Area. High density vending areas are those areas which because of special circumstances, including but not limited to the location, the proximity of a business district or public buildings, the intensity and density of vending, the amount of pedestrian and/or vehicular traffic or the proximity to fairgrounds, parks, stadiums or other areas where special events are held require special regulations and restrictions to protect the health, safety and general welfare of the public and to maintain the good order of the City. The following locations are established as high density vending areas:

1. "Langdon Street High Density Vending Area" includes the 700-800 blocks of Langdon Street between Park and Lake streets on both the north and south sides of the street. (Am. by Ord. 13,046, 4-9-02)

2. "Camp Randall High Density Vending Area" includes the following: The 10-200 blocks of North Spooner Street and Lathrop Street (between University Avenue and Regent Street); the 10 block of South Breese Terrace and the 10-200 blocks of North Breese Terrace (between University Avenue and Monroe Street); the 100-200 blocks of North Randall Avenue (between Campus Drive and Monroe Street); the 1400-1700 blocks of Regent Street (between Spooner Street and Randall Avenue); the 1400-1600 blocks of Monroe Street (between Garfield Street and North Randall Avenue); the 1600 and 1700 blocks of Chadbourne Avenue, Hoyt Street and Summit Avenue (between North Spooner Street and North Breese Terrace); the 1500 block of Madison Street (between Regent Street and Oakland Avenue); the southern half of the 1500 block of Jefferson Street (from 1403 Jefferson Street south to Oakland Avenue); the 800 block of Oakland Avenue (between Regent Street and Madison Street); Crazylegs Lane from Regent Street to Monroe Street; and Little Street from Breese Terrace to Monroe Street. (Am. by ORD-11-00131, 9-28-11)

(c) High Density Vending License Required. No person shall sell or offer for sale any services, goods, foodstuffs or any other article of any kind in a high density vending area as established in this section unless a high density vending license for the specified high density vending area, in addition to all other licenses or permits required by law or ordinance, has been obtained. All goods or services sold at the high density vending site must be capable of immediate delivery at the vending site at the time of sale. The sale of goods or services that are not immediately delivered on the site is prohibited. Each high density vending area license shall be issued subject to the applicable restrictions in the Madison General Ordinances and any regulations relating to high density vending promulgated by the Vending Oversight Committee (VOC) and approved by the Common Council. The licensee shall display the High Density Vending License conspicuously within the high density vending site. (Am. by Ord. 12,793, 4-9-01; Ord. 13,046, 4-9-02)

(d) Vendor. To be eligible for a license to vend in a high density vending area a vendor may be one, two or three individuals regularly involved in the sale of the food, merchandise or service. The vendor listed on the application and license and any other person conducting vending at the vending site must hold a valid Basic Street Vendor License under Sec. 9.13(3). A vendor may also use other individuals solely to assist as helpers at the vending site provided that these individuals may not engage in any vending activities. Activities such as operating vending vehicles, loading and unloading, food or drink preparation, arranging or stocking merchandise, may be considered acceptable assistance activities. No unlicensed assistant shall sell, offer for sale, accept money, engage in prolonged commercial interactions or other transactions with customers or engage in any other direct vending activities. (Am. by Ord. 12,793, 4-9-01; Ord. 13,046, 4-9-02; ORD-09-00066, 4-2-09)

(e) Application for High Density Vending Licenses and Fees. Application for a High Density Vending License shall be filed with the designee of Director of Planning and Community and Economic Development and shall contain the name and photograph of the individual responsible for all activities at the vending site, any other information as the Clerk or Director of Planning and Community and Economic Development, or designee and the Regulations Governing Vending in the High Density Vending Area. Only one (1) High Density Vending License may be issued to a vendor as defined in Sec. 9.13(7)(d) for each High Density Vending Area during any single vending period. All license fees shall be paid to the City Treasurer. The following types of High Density Vending licenses are available:

1. Camp Randall Football Season License. A football season license shall be effective only in the Camp Randall High Density Vending Area and only on the days on which official University of Wisconsin football games are held at the stadium. The fee shall be four hundred seventy-five dollars ($475) for vendors selling goods/services and six hundred dollars ($600) for vendors selling food. Such license shall set forth the exact days on which such business may be carried on.

2. Langdon Street 30-Day License. A thirty (30) day license for the sales of goods and services is available for the Langdon Street High Density Vending Area. The license fee shall be one thousand dollars ($1000). (Am. by ORD-14-00050, 3-6-14)

3. A vendor to whom a High Density Vending License has been issued under this subsection shall inform the designee of the Director of the Department of Planning and Community and Economic Development of any

change of address of the primary vendor named on the license, in writing, if the address change occurs during the time period for which the license was issued.

(Sec. 9.13(7)(e) Am. by Ord. 12,022, 2-16-98; 12,358, 3-30-99; 12,557, Adopted 3-21-00; Am. by Ord. 12,793, 4-9-01; Ord. 13,046, 4-9-02; Ord. 13,506, 2-10-04; ORD-16-00020, 3-7-16)

(f) Liability Insurance. To hold a valid high density vending area license, the vendor must have in force adequate liability insurance as defined in Sec. 9.13(6)(m) of the Madison General Ordinances.

(g) Vending Sites. The Vending Oversight Committee (VOC), after considering the recommendations of the Department of Planning and Community and Economic Development, the Department of Transportation and the Police Department, shall determine by regulation subject to approval by the Common Council the number, size, location, and method of site assignment for vending sites in High Density Vending Areas. Each vending site may be occupied by only one vendor at a time and no vendor may occupy more than one vending site at any given time. The mere possession of a valid high density vending license shall not in and of itself entitle the vendor to the use of a high density vending site on a specific day or a minimum number of days during the vending year. (Am. by Ord. 12,793, 4-9-01; Am. by Ord. 13,272, 3-11-03)

(h) Miscellaneous Regulations.

1. Vehicles Prohibited. No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing vending carts or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.

2. Vendor Parking Regulated. No vendor or any person assisting a vendor shall park, stop or leave standing within the perimeter of the high density vending area any vehicle for a period longer than the applicable time limit established in Chapter 12 of the Madison General Ordinances.

3. Vending Hours. No vending shall occur except between the hours of 8:00 a.m. and midnight. All vending equipment including carts, tables, apparatus and merchandise shall be removed from the entire vending site during times when vending is prohibited. (Am. by ORD-15-00092, 9-11-15)

4. Relocation of Vendors. The Director of Planning and Community and Economic Development or designee has the authority to relocate designated vending sites elsewhere in the high density vending area or to eliminate them in the interest of public safety during construction or when temporary bus stops or routes are added on streets in high density vending areas and, as necessary, so as to avoid interference with activities and equipment which are part of a special event for which a street use permit has been issued pursuant to Sec. 10.056 of the Madison General Ordinances. Additionally, the Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in these vending areas when deemed in the best interests of the City. Any vendor operating in such temporary sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this paragraph shall limit the authority of the Police to temporarily relocate or remove a vending site in the case of an emergency. (Am. by ORD-12-00043, 4-19-12)

5. Special Restrictions on Vending in the Camp Randall High Density Vending Area. In light of the special physical characteristics and unique needs arising in the Camp Randall High Density Vending Area, the following special restrictions shall apply:
   a. Vending equipment and displays may be directed toward the street provided that there is a distance of at least five (5) feet between the nearest edge of the vending site and the adjacent street curb.
   b. Vending sites established pursuant to Section 9.13(7)(g) may be located in unpaved portions of the street right-of-way as appropriate.
   c. The requirement to obtain a High Density Vending Area License shall not apply to ambulatory vendors engaged solely in the resale of tickets for the stadium event of the same day provided the vendor possess a valid Basic vending license and photo identification badge issued pursuant to Section 9.13(3) of the Madison General Ordinances. (Am. by ORD-15-00091, 9-11-15)
   d. Camp Randall High Density sites U (former Kiwanis lease area) and V (former Shriners lease area) may include city-owned land that is not the street or sidewalk, as indicated on the official map attached to the Regulations Governing Vending in the High Density Vending Area. (Cr. by ORD-15-00092, 9-11-15)
6. Changes to Vending Site Dimensions. The approved dimensions of a High Density Vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity. (Cr. by ORD-10-00013, 2-4-10; Am. by ORD-15-00092, 9-11-15)

(Sec. 9.13(7) Am. by Ord. 12,009, Adopted 1-6-98)

(8) Procedure for Revocation, Suspension or Nonrenewal of Vending License.

(a) General Procedure. In addition to any other penalty provided under this Chapter, any category or type of street vending license issued hereunder may be revoked, suspended or not renewed for a stated period of time or otherwise limited by the imposition of conditions or restrictions by the Common Council, after notice and hearing as provided herein, for any of the following: any violation of Sec. 9.13 or any rules adopted pursuant thereto; any violation of Sec. 10.056; serious or repeated violations of Chapter 7; serious or repeated violations of Chapter 12 restrictions on parking, stopping or standing; any violations of any other Madison General Ordinance or state statute where the circumstances of the offense are substantially related to vending activities. (Am. by ORD-09-00066, 4-2-09)

1. The Director of Planning and Community and Economic Development, upon his/her own initiative, or with the recommendation of the Superintendent of Parks, Director of Public Health Madison and Dane County, the Traffic Engineer or the Chief of Police, may commence proceedings under Sec. 9.13(8)(a) at any time. In addition, if a licensee has committed three (3) or more violations described above within twelve (12) months, as charged in citations or civil complaints, the Director of Planning and Community and Economic Development or designee shall commence proceedings under this subsection. Any such proceedings shall be brought in a hearing before the Vending Oversight Committee (VOC). (Am. by ORD-15-00009, 1-28-15)

2. The licensee shall be notified in writing of the charges, the right to a hearing, and the date, place and time for the hearing at least ten (10) calendar days prior to the hearing. At the hearing the Director of Planning and Community and Economic Development, or designee, shall present evidence of the alleged violation(s). The parties shall have the opportunity to question witnesses, may call witnesses in their own behalf or may be represented by counsel. All testimony shall be recorded. At the conclusion of the hearing the VOC shall make findings and recommendations and shall direct the Director of Planning and Community and Economic Development, or designee, to report its findings and recommendations to the Common Council and to the alleged violator within five (5) working days.
3. The Common Council shall convene to consider the report and recommendations of the Committee within thirty (30) calendar days of the Committee recommendation, or at the earliest possible time after thirty (30) days that a quorum can be attained. If the Director of Planning and Community and Economic Development, or designee, or alleged violator wishes to present any additional evidence they may do so and the Common Council may upon its own motion consider additional evidence as necessary to fairly decide the issue.
4. After due consideration of the fact finding report, the recommendations of the VOC and any additional evidence presented, the Common Council may by majority vote suspend the license holder's license for a period of time not to exceed six (6) months or revoke or not renew the license for a period not to exceed one year or place conditions or restrictions on the license for the remainder of the vending year in accordance with (c) below. The violator shall be notified within five (5) working days of the findings and determination of the Common Council.
5. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(b) Special Procedure for Certain Complaints Relating to Mall Vendor License.

1. Whenever a complaint is made that a license holder is in violation of the provisions of this Chapter or of regulations adopted hereunder relating to the requirements that all food or goods offered for sale or sold by a Mall Vendor be personally prepared or handcrafted, the complaint shall be in writing stating the specific provision violated and signed by the person making it. A complaint made upon the initiative of the Director of Planning and Community and Economic Development, or designee, or the Vending Oversight Committee (VOC) shall be signed by the Director of Planning and Community and Economic Development or designee or the chair of the Committee respectively. The Director of Planning and Community and Economic Development, or designee will immediately send a copy of the complaint to the alleged violator.
2. Thereafter, the Director of Planning and Community and Economic Development, or designee, and one member of the VOC who is not the Chair shall promptly investigate the allegations made in the complaint. This investigation may include inspection of the alleged violator's work place and method of operation, review of written evidence in the form of invoices and other business records, interview of witnesses and other relevant areas of inquiry. The investigation and a written report of the fact-finding shall be completed within ten (10) business days. If the report

determines that there is probable cause to believe that a violation has been committed relating to the requirements that all food be personally prepared and all goods be handcrafted, the process set forth in (8)(a)1. through 5. above shall be instituted. If the fact-finding concludes that the allegations are unsubstantiated, the report shall be submitted to the VOC at its next regular meeting. The VOC may, by majority vote, accept the report or request that further investigation be conducted.

(Am. by Ord. 12,419, 7-23-99)

(c) Placement of Restrictions or Conditions. In lieu of revocation or suspension, the Common Council may by majority vote place reasonable conditions or restrictions on the license for the remainder of the vending year in order to effectuate the provisions of this chapter and ensure compliance by the license holder. No condition imposed may be contrary to or inconsistent with any ordinance, regulation or statute regulating vending activities. Permitted restrictions or conditions may only include the following: quantity and size of display tables and other equipment; days or hours of operation; monitoring of vending site by licensee; number of attendants or sales persons at site. If any licensee shall fail or neglect to comply with the conditions or restrictions imposed by the Common Council her/his license may be suspended or revoked in accordance with this section.

(d) Vending While License is Suspended or Revoked Prohibited. No person or business whose vending license issued under Sec. 9.13 has been suspended or revoked under sub. (8) shall participate in street vending as described in 9.13(1), or conduct any other activity for which the license in question is required, while that license is suspended or revoked. Any such violation shall be punishable by forfeiture under Sec. 9.13(9) and this penalty shall be in addition to any other penalty or consequence available under these Ordinances. (Cr. by ORD-08-00130, 11-22-08)

(Sec. 9.13(8) Cr. by Ord. 12,009, Adopted 1-6-98)

(9) Enforcement; Penalties. The Director of Planning and Community and Economic Development, or designee, is authorized to enforce the provisions of Sec. 9.13 and any regulations adopted pursuant to the procedures set forth in Sec. 9.13. Any person or licensee violating any provision of Section 9.13 or the regulations adopted hereto shall be subject to a forfeiture of not less than thirty dollars ($30) nor more than three hundred dollars ($300.00) for each separate violation of the ordinance or regulation.

Nothing in this subsection shall bar or in any way affect proceedings under Section 9.13(8) entitled "Procedure for Revocation, Suspension or Nonrenewal of Vending License."

Neither shall proceedings under Section 9.13(8) bar the City from prosecuting for violations of Sec. 9.13 or any other law or ordinance.

(Sec. 9.13(9) Cr. by Ord. 12,009, Adopted 1-6-98; Am. by Ord. 12,557, Adopted 3-21-00; Am. by ORD-08-00130, 11-22-08)

(10) Southeast Campus Vending Area. The Southeast Campus Vending Area is established due to circumstances present within this geographic location, including but not limited to the proximity of business, university, and residential uses, buildings situated primarily with zero setbacks, high volume of pedestrian traffic, varying sidewalk space, and the volume of vehicle traffic, making this area appropriate to limit street vending to assigned sites only with regulations in addition to the city-wide vending requirements elsewhere in this ordinance.

(a) Vending Area. The Southeast Campus Vending Area shall be established within a perimeter specified on an official vending area map, approved by the Vending Oversight Committee and maintained in the Office of Business Resources. The Vending Oversight Committee (VOC) shall approve the perimeter of the area by

approving the official map. Any subsequent changes to the perimeter shall be upon the recommendation of the VOC to the Common Council as an amendment of this ordinance.

(b) Limited Hours. Vending in the Southeast Campus Vending area shall be from 9:00 a.m. to 8:00 p.m. Vending at any other time in this area is prohibited.

(c) Type of Vending Permitted in Southeast Campus Vending Area, Equipment. Vending in this area shall be limited to food vending and vending of any non-food items. Equipment permitted within the vending site shall be limited to the following: for food vendors, one food cart, table or stand as allowed for the size of the assigned site, one trash receptacle required by Sec. 9.13(4)(u), and one portable chair may be used. For non-food vendors, one cart, stand or table and one portable chair may be used. All other equipment or loose items are prohibited.

(d) Vending From Assigned Sites Only, Site Size, Locations. Vending in this area shall be from assigned sites only and is prohibited in any other location. The Vending Coordinator shall recommend and the Vending Oversight Committee (VOC) shall establish the number and location of vending sites in the Southeast Campus Vending Area consistent with Sec. 9.13(4) on an official map that shall be maintained by and available at the Office of Business Resources. The VOC may approve subsequent changes to the number and location of vending sites. Any changes to the vending sites shall take effect ten (10) business days after the VOC meeting at which the change was approved. The vending site size shall be the default of 10×12 feet under Sec. 9.13(4)(t), or 4 x 8 feet, and the size shall be specified on the official map. Some sites may be restricted to use by push-cart food vendors only. "Push-cart" shall have the meaning given in Sec. 9.13(6)(n)6.a. (Late Night Vending). All vending activities must take place within the dimensions of the assigned site. All applicable provisions of Sec. 9.13(4) not in conflict with this section shall apply to vending in this area.

(e) No Electrical Sites. There will be no electrical sites, all carts/equipment must be self-powered.

(f) Vending Licenses Required. A two hundred dollar ($200) annual Southeast Campus Vending Area license, and a Basic Street Vendor license, shall be required to vend in this area. The Southeast Campus license will be valid from April 15 to April 14 and only available to those assigned a site in this area. Additionally, every person working or performing vending activities at an assigned site in this area must hold a valid basic street vendor license under Sec. 9.13(3). No person shall vend (as defined in Sec. 9.13(1)) in the Southeast Campus Vending area without the licenses required hereunder. (Am. by ORD-14-00050, 3-6-14; ORD-16-00020, 3-7-16)

(g) Application, Site Assignment Procedure.

1. Application. Vendors holding a basic street vendor license may apply for a site assignment and a Southeast Campus Vending License at the Office of Business Resources, using an application form created by the Vending Coordinator. Applications must be filed no later than April 1 to be eligible for site assignment for the upcoming vending season (April 15-April 14). The vendor must accept the site in writing and purchase a Southeast Campus license within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment. Failure to use an assigned vending site by June 1st will result in forfeiture of the site assignment. Only one (1) Southeast Campus site will be assigned per vendor, and site assignments are not transferrable.

2. Site Assignment (Seniority System). Site assignment shall be determined by seniority. Seniority shall be calculated by counting the number of consecutive, uninterrupted years the applicant has purchased a basic street

vendor license (of any duration) under Sections 9.13(3)(a)1. or 2., counting backwards from the present and subtracting any demerit points. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing seniority, but that year will not be counted toward the vendor's total number of years of seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the name on the Southeast Campus application and the basic street vendor license used for seniority must be the same. If the applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant has held a basic street vendor license for the same number of years, the date, and if necessary, time of day the license was issued, will determine seniority. If the date and/or time is not available, seniority will be determined by a coin toss conducted by the Vending Coordinator or designee. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a late night site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their Southeast Campus assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list.

(Am. by ORD-11-00064, 5-4-11)

3. Demerit Points. One (1) year of seniority will be subtracted for each demerit point described below:

   a. One (1) demerit point will be assessed for any violation of Sec. 9.13, the Regulations adopted thereto, or any other violation listed in Sec. 9.13(8)(a) (except for serious health code violations described below). A violation counts as a demerit point if charged in a citation or civil or criminal complaint with a date of violation in the previous vending season.

   b. Serious Health Code Violations: Five (5) demerit points will be assessed if the applicant's food and drink permit has been suspended or revoked for seven (7) or more consecutive days during the previous vending season, or if the applicant's vending cart or mobile base kitchen has been ordered by the Public Health Madison and Dane County to suspend or cease all operations for seven (7) or more consecutive days during the previous vending season. (Am. by ORD-15-00009, 1-28-15)

   c. For purposes of Sec. 9.13(6)(n)5.a. and b., violations issued to the person named on the basic street vending license, the holder of the mobile cart license(s), if applicable, and the person or business listed as the applicant for the Southeast Campus vending site will all be counted.

   d. If an applicant's vending license has ever been suspended or revoked under Sec. 9.13(8), the number of days the license was been suspended or revoked shall be subtracted from the total number of days counted for seniority. Suspensions or revocations

against the person named on the basic street vending license and the person or business applying for the late night vending license shall be counted.

(h) Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the Southeast Campus Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. The Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area and offer such sites to licensed vendors for a daily license fee, when deemed in the best interests of the City. Any vendors operating in such sites must hold all licenses required for Southeast Campus vending and, if applicable, pay any additional daily license fee established by the Superintendant of Parks. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency. (Am. by ORD-12-00043, 4-19-12)

(Sec. 9.13(10) Cr. by ORD-10-00042, 4-27-10)

(11) UW Football Game Day Vending Area. The purpose of the UW Football Game Day vending area is to establish assigned sites for Basic Street Vending on Regent Street and other streets near Camp Randall Stadium on days when there is a UW home football game. This area is outside the perimeter of the Camp Randall High Density Area but close enough to the stadium to require assigned vending sites due to the very high volume of vehicle and pedestrian traffic on UW home football game days.

(a) Vending Area. The UW Football Game Day Vending Area shall be established within a perimeter specified on an official vending area map, approved by the Vending Oversight Committee (VOC) and maintained in the Office of Business Resources. The VOC shall approve perimeter of the area by approving the official map at meeting of the VOC. Any subsequent changes to the perimeter shall be voted on by the VOC at a properly-noticed meeting.

(b) Dates and Times. The UW Football Game Day Vending Area is only in effect from 12:00 a.m. to 11:59 p.m. on days when the University of Wisconsin Football team has a home game at Camp Randall Stadium. The time restrictions applicable to city-wide vending in residential areas in Sec. 9.13(4)(r) apply to all street vending in this area, including on game days.

(c) Vending License Required. Every person working or performing vending activities at an assigned site in this area must hold a valid basic street vendor license under Sec. 9.13(3). No additional vending license is required. No person shall vend (as defined in Sec. 9.13(1)) in the UW Football Game Day Vending Area without the licenses required hereunder.

(d) Vending From Assigned Sites Only, Site Size, Locations. All street vending in this area shall be from assigned sites only and is prohibited in any other location within the vending area, with the exception of vendors holding a valid basic street vending license and conducting entirely mobile vending of non-food items only, without the placement of any equipment, merchandise or other supplies on the ground. Such licensed street vendors may vend merchandise in this area with or without an assigned site, in compliance with all other applicable requirements of Sec. 9.13, MGO. The Vending Coordinator shall recommend and the VOC shall establish and make changes to the number and location of assigned vending sites on the official map adopted under par. (a) above. Once established by the VOC, a site may be limited to food or non-food only by the Vending Coordinator. The default vending site size for this area shall be four feet by eight feet (4' × 8') for non-food and ten feet by twelve feet (10' × 12') for food, unless another size is

specified on the official map. All vending activities must take place within the dimensions of the assigned site. All applicable provisions of Sec. 9.13(4) not in conflict with this section shall apply to vending in this area.

(e) Type of Vending Permitted in Regent Street UW Football Game Day Vending Area. Any items that may be sold with a basic street vending license may be sold be in this vending area, subject to applicable health codes and other laws, and subject to the Vending Coordinator's designation of the site as a food-only or non-food only, under Sec. 9.13(11)(d) above.

(f) Equipment. All equipment must fit into the footprint of the assigned vending site and must comply with all applicable provisions of Sec. 9.13(4) not in conflict with this section.

(g) No Electrical Sites. There will be no electrical sites, all equipment must be self-powered.

(h) Application, Site Assignment Procedure.

1. Application. Applications for a site assignment in the UW Football Game Day Vending Area shall be filed at the Office of Business Resources, using an application form created by the Vending Coordinator. To be guaranteed an assigned site for the first home football game, applications shall be filed by the last Friday in July. Applications will be accepted after this date and throughout the UW Football season if spaces remain available. Site assignments are valid for the duration of the UW football season. Once approved, the vendor must accept the assigned site in writing and obtain a current Basic Street Vendor license within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment. Only one (1) UW Football Game Day Vending Area site will be assigned per vendor, and site assignments are not transferrable.

2. Site Assignment (Seniority System). Site assignment shall be determined by consecutive years of seniority. Seniority shall be calculated by counting the number of consecutive, uninterrupted years the applicant has purchased a basic street vendor license (of any duration) under Sections 9.13(3)(a)1. or 2., counting backwards from the present and subtracting any demerit points. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing seniority, but that year will not be counted toward the vendor's total number of years of seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the name on the application and the basic street vendor license used for seniority must be the same. If the applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant has held a basic street vendor license for the same number of years, the date, and if necessary, time of day the license was issued, will determine seniority. If the date and/or time is not available, seniority will be determined by a coin toss conducted by the Vending Coordinator or designee. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their UW Football Game

Day Vending Area assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list.

3. Demerit Points. One (1) year of seniority will be subtracted for each demerit point described below:
   a. One (1) demerit point will be assessed for any violation of Sec. 9.13, the Regulations adopted thereto, or any other violation listed in Sec. 9.13(8)(a) (except for serious health code violations described below). A violation counts as a demerit point if charged in a citation or civil or criminal complaint with a date of violation in the previous vending season.
   b. Serious Health Code Violations. Five (5) demerit points will be assessed if the applicant's food and drink permit has been suspended or revoked for seven (7) or more consecutive days during the previous vending season, or if the applicant's vending cart or mobile base kitchen has been ordered by the Public Health Madison and Dane County to suspend or cease all operations for seven (7) or more consecutive days during the previous vending season. (Am. by ORD-15-00009, 1-28-15)
   c. For purposes of Sec. 9.13(6)(n)5.a. and b., violations issued to the person named on the basic street vending license, the holder of the mobile cart license(s), if applicable, and the person or business listed as the applicant for the Southeast Campus vending site will all be counted.
   d. If an applicant's vending license has ever been suspended or revoked under Sec. 9.13(8), the number of days the license was suspended or revoked shall be subtracted from the total number of days counted for seniority. Suspensions or revocations against the person named on the basic street vending license and the person or business applying for the UW Football Game Day site shall be counted.

(i) Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the UW Football Game Day Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. Additionally, the Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area when deemed in the best interests of the City. Any vendor operating in such temporary food sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency. (Am. by ORD-12-00043, 4-19-12)

(Sec. 9.13(11) Cr. by ORD-11-00111, 8-10-11)

(12) Top of State Vending Overlay District Area. The Top of State Vending Overlay District ("TOSVOD") is established due to circumstances present within this geographic location within the State Street Mall/Capitol Concourse Vending Area. Those circumstances include the proximity of business, museums, the State Capitol, and residential uses; varying sidewalk space with some buildings with zero setbacks in close proximity to large open spaces on North Carroll and West Mifflin Streets; high volume of pedestrian traffic; the volume of transit, delivery and vehicle traffic; all making this area appropriate for

additional street vending opportunities beyond those currently permitted in the Mall/ Concourse vending area, including those that encourage retail business incubators, micro-business, and entrepreneur opportunities with an emphasis on products that translate to brick and mortar retail.

(a) Definitions.

"Director" shall mean the Director of the Department of Planning and Community and Economic Development, or designee.

"Mall/Concourse Regulations" shall mean the Regulations Governing Vending in the State Street Mall/Capitol Concourse Vending Area.

"Satellite Sidewalk Café" ("satellite café") shall mean a sidewalk café located in the TOSVOD as described in sub. (d)7. herein.

"Sidewalk Café" shall mean a Mall/Concourse Sidewalk Café as defined in Sec. 9.13(6)(e)8.

(b) Vending Area. The Top of State Vending Overlay District is established as an overlay area within the Mall/Concourse Vending Area, with its perimeter specified on an official map approved by the Vending Oversight Committee and maintained in the Office of Business Resources. The Vending Oversight Committee (VOC) shall approve the perimeter of the area by approving the official map and may approve changes to the perimeter using the same process.

(c) Vending Sites. Vending sites in this area will be as follows:

1. A variety of TOSVOD sites with the exact number and location will be determined by the Director and set forth on the official TOSVOD map created under sub. (b) and maintained on file at the Office of Business Resources. Vending site size shall be 10×12 feet as required by Sec. 9.13(4)(t). In determining the number and location of sites the Director shall comply with all applicable provisions of Sec. 9.13(4). All vending activities must take place within the dimensions of the assigned site.
2. Satellite Sidewalk Café sites.
3. Existing Mall/Concourse food vending sites.

(d) Vending Permitted in Top of State Vending Overlay District. Vending in this area shall be limited to the following enumerated items:

1. Mall/Concourse Food Vending. Any designated Mall/Concourse food vending sites within the TOSVOD shall remain in effect and vending from these sites is regulated by Sec. 9.13(6) and the regulations adopted therein.
2. Mobile Merchant Vending. Businesses holding a current Merchant Vending License under Sec. 9.13(6)(h)1.d. may vend merchandise from their business and the other items permitted for licensed TOSVOD vendors, in a TOSVOD site.
3. Food. Licensed TOSVOD vendors may sell farmers market products and value-added food products from a TOSVOD site.
4. Handcrafted Goods. Licensed TOSVOD vendors and licensed Arts and Crafts Vendors may sell handcrafted goods as defined in Sec. 9.13(6)(e)3. from a TOSVOD site.
5. Upcycled Goods. Goods that are created by re-using discarded objects or material in such a way as to create a product of higher value than the original parts may be sold by a licensed TOSVOD vendor in a TOSVOD site.
6. Other Goods. Licensed TOSVOD vendors may sell other goods, not listed above, that may lawfully be sold with a Basic street vending license and which the Director determines:
   a. Are sold with the intent that the vendor could eventually become a brick and mortar retailer, and

b. Are not merchandise that derives from a consultant-driven business that prohibits brick and mortar stores as a part of its businesses model.

7. Satellite Sidewalk Cafés.

a. Eligibility. A restaurant holding a food and beverage license located within or directly adjacent to the TOSVOD perimeter is eligible for a satellite sidewalk café in the TOSVOD as set forth herein.

b. Location, Equipment. Size and placement of a satellite café shall be on a case-by-case basis at the discretion of the Director taking into account the location of other sites in the TOSVOD, the placement criteria below and applicable provisions of Sec. 9.13(4). Such cafés shall be subject to the furniture, enclosure and equipment requirements for sidewalk cafés in the Mall/Concourse Regulations, except that the Director may approve modified enclosures when existing features of the streetscape provide a sufficient barrier to serve as a portion of the enclosure for the café space that will comply with ADA requirements and other safety concerns, upon consultation with the Mall Maintenance crew and the Police Department. In addition, each satellite café shall include, within the confines of the café enclosure, or on the enclosure, signage not to exceed 10 x 12 inches in area, to identify the restaurant holding the license.

c. Placement Criteria. The paved portion of the adjacent sidewalk must be at least nine (9) feet wide, the entire sidewalk area proposed for café placement must be paved with concrete, asphalt, cement, brick, pavers or other impervious surface, and placement of the café must allow at least six (6) feet of unobstructed public pedestrian walkway on the adjacent public sidewalk. A satellite café shall not be placed in a location where, in the opinion of the Director, the grade or slope is prohibitive, if the location does not offer a sufficiently level surface for food and drink service, of if café placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or available square footage of the right of way within the TOSVOD.

d. Satellite Café Fee. The license fee for a satellite café for an establishment that does not already have a traditional sidewalk café shall be the same as a Mall/Concourse Sidewalk Café under Sec. 9.13(6)(h)3.a.iv. Establishments that hold a current license for a traditional sidewalk café are eligible for a satellite café license without an additional license fee.

e. Eligibility, size, placement and total number of Satellite cafés within the TOSVOD shall be at the discretion of the Director.

f. No Alcohol Service. There shall be no service or consumption of alcohol beverages in a satellite sidewalk café.

8. Other Mall/Concourse Vending. Because the TOSVOD overlays the Mall/Concourse Vending Area, any vending permissible in the Mall/Concourse Vending Area may occur within the TOSVOD with the appropriate license(s) and in compliance with all ordinances and regulations governing such vending.

(e) Hours. The hours for vending in the TOSVOD shall be from 9:00 a.m. to 8:00 p.m., Sunday through Friday, and 3:00 pm. to 8:00 p.m. on Saturdays, with the following exceptions:

1. Licensed Mall/Concourse Food Vendors with a food vending site within the TOSVOD may vend during hours permitted for that license.
2. On dates and times during which a Street Use Permit has been issued for an event in this area, the Street Use Permit shall supersede the TOSVOD vending activities whether or not invalidation of vending licenses have been granted for the event.
3. Vending in the TOSVOD shall be subject to the Snowfall Procedures for Food, Arts/Crafts and Late Night Vendors in Sec. 9.13(6)(l)6.

(f) Equipment. Equipment permitted within this area shall be limited to:

1. TOSVOD Sites. Equipment permitted to be used in an Arts and Crafts Vending site under Sec. 9.13(6)(f) and the Regulations Governing Vending on the State Street Mall/Capitol Concourse Vending Area may be used in a TOSVOD site. Vendors using a TOSVOD site for food under sub. (d)3. herein shall also provide a trash receptacle within their vending site perimeter.
2. Mall/Concourse Food Vending Sites. All equipment permitted for licensed Mall/Concourse Food Vendors may be used in a Mall/Concourse food vending site within the TOSVOD, and all equipment that is required for such vendors shall be used as required elsewhere in this ordinance or the Mall/Concourse Regulations.
3. Satellite Sidewalk Cafés. Equipment permitted for a sidewalk café under Sec. 9.13(6)(e)8., the Mall/Concourse Regulations, and sub. (12)(d)7. herein shall be permitted in a Satellite Sidewalk Café, subject to adequate space at the discretion of the Director.
4. Electricity. None of the TOSVOD sites will have electrical access and all vending operations must be self-powered.

(g) Vending Licenses Required. A fifty dollar ($50) annual TOSVOD license, and a Basic Street Vendor license, shall be required to vend from a TOSVOD site. The TOSVOD license will be valid from April 15 to April 14 and must be purchased prior to using the reservation process in sub. (h)2. Additionally, every person working or performing vending activities at an assigned site in this area must hold a valid Basic Street Vendor license under Sec. 9.13(3). Merchant Vendors defined in Sec. 9.13(6)(h)1.b. holding a valid merchant vending license and vendors holding a valid Mall/Concourse Arts and Crafts vending license under Sec. 9.13(6)(e)1.a. are exempt from paying the TOSVOD license fee in this paragraph and will be issued TOSVOD licenses upon meeting application requirements established by the Director. A separate sidewalk café license shall be required for Satellite Sidewalk cafés under sub. (d)7.d. herein. No person shall vend, as that term is defined in Sec. 9.13(1), in the Top of State Vending Overlay District without the license(s) required hereunder.

(h) Application, Site Assignment Procedure.

1. Application. Vendors may apply for a Basic Street Vendor license and a TOSVOD license through an application process established by the Office of Business Resources. The Director shall establish an application process for those holding a current Sidewalk Café, Merchant Vending or Arts/ Crafts license wishing to vend in the TOSVOD.
2. Site Assignment Calendar for TOSVOD Sites. Reservations for TOSVOD site assignments will be made on a first-come, first-served basis, at the discretion of the Director. The Director shall exercise discretion to curate an appropriate mix of vendors and goods consistent with the purpose of

this area. The Director shall establish a calendar system that allows eligible vendors to view and request certain sites and dates and the Director to assign sites on a month-by-month basis. Holding a TOSVOD license does not guarantee a site assignment on all desired dates and times. Vendors may view the sign-up calendar prior to purchasing a license. Vendors may not sign up for more than six (6) consecutive (excluding Saturdays) days at the same site unless approved in advance by the Director. If applicants remain after all sites are filled, or there are late applications for a monthly assignment cycle, the Director shall create, maintain and administer a waiting list and assign sites to those on the waiting list if any sites become available.

3. Application for Satellite Café. Businesses eligible for a Satellite café shall apply with the Director using the existing Sidewalk Café application procedures set forth in Sec. 9.13(6) and the Mall/Concourse Regulations. If all requirements are met, a separate Satellite Café license shall be issued that includes all of the information required for a Sidewalk Café license in the Mall/Concourse Regulations.

(i) Relocation of Vendors. In addition to the authority set forth elsewhere in this section, the Director and the Chief of Police, or designees, have the authority to temporarily relocate or eliminate vending sites within the Top of State Vending Overlay District Area in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate vending equipment, activities or sites in an emergency.

(Sec. 9.13(12) Cr. by ORD-17-00045, 4-27-17)

9.14 SOLICITOR'S AND CANVASSER'S PERMITS.

(1) Permit Required. No person shall travel from house to house for the purpose of soliciting contributions for any cause from the occupants thereof, or to canvass for orders for goods, wares, merchandise, or services of any character or description, or for the purposes of offering to give or to furnish any goods, wares, merchandise, or services to any such occupant or to induce or invite such orders, without having first applied for and received from the City Clerk a Solicitor's Permit so to do.

(2) Exemptions. The provisions of this section shall not apply to the following: representatives of Junior Achievement of Madison and the Madison Chapter of the Distributive Education Club; real estate brokers and insurance agents licensed by the state of Wisconsin; candidates for political office; merchants delivering goods in the regular course of business; governmental agents in the performance of their official duties; nor to peddlers licensed under Section 9.15 of the Madison General Ordinances.

(3) Application. Any person desiring to secure such a Solicitor's Permit shall apply therefor in writing over her or his signature to the City Clerk on forms provided by the City, and such application shall state the following: (Am. by ORD-14-00012, 1-14-14)

(a) Name, description and signature of applicant.

(b) A copy of applicant's fingerprints taken by an authorized law enforcement agency, either Municipal, County, State or Federal.

(c) A photograph approximately two inches by two inches (2" x 2") showing the head and shoulders of said person, which has been taken not more than one (1) year prior to such application.

(d) Permanent home address and full local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(e) A brief description of the nature of the business and the goods to be sold.

(f) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(g) The length of time for which the right to do business is desired.

(h) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(j) The three cities or villages where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

(k) At the time of filing the application, a nonrefundable fee of one hundred ten dollars ($110) shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein. The fee for an annual renewal application shall be one hundred ten dollars ($110). (Am. by Ord. 9367, 12-21-87; Ord. 13,601, 5-11-04; ORD-06-00154, 11-23-06; ORD-10-00038, 5-1-10)

(4) Group solicitation permit without fee for certain nonprofit organizations. Any nonprofit organization desiring to solicit money or property or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, fraternal, labor, religious, patriotic or political purpose shall be exempt from the provisions of Section (3) of this ordinance provided there is filed a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

(a) Name and purpose of the cause for which permit is sought;

(b) Names and addresses of the officers and directors of the organization;

(c) Period during which solicitation is to be carried on;

(d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

Upon being satisfied that such organization is a charitable, fraternal, labor, religious, patriotic or political organization, the Clerk shall issue a permit without charge to such organization to solicit in the City. Such organization shall furnish all of its members, agents, or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

(5) Investigation and Issuance.

(a) Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and conduct a background check including a criminal history inquiry through the Wisconsin Central Repository and shall endorse the application in the manner prescribed in this section within thirty (30) days after it has been filed by the applicant with the Clerk. (Am. by Ord. 6805, 11-14-79; ORD-16-00008, 1-13-16)

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application her/his disapproval and her/his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant in writing that her/his application is disapproved and that no permit will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the

application her/his approval and return the application to the City Clerk, who shall deliver the applicant her/his permit. The Clerk shall keep a permanent record of all permits issued.

(Am. by ORD-14-00012, 1-14-14)

(6) Veterans. Any veteran who holds a special state license issued pursuant to Wis. Stat. § 440.51 shall be exempted from the securing of a permit as provided herein. (Am. by Ord. 11,557, 3-29-96)

(7) Exhibition of Permit. Such permit shall be carried at all times by the applicant to whom issued, when soliciting or canvassing in the City, and shall be exhibited by any such applicant whenever he or she shall be requested to so do by any police officer or any person solicited. Each solicitor or canvasser must secure a personal permit. No permit shall be used at any time by other than the person to whom it is issued.

(8) Revocation of Permit. Any such permit may be revoked in writing by the City Clerk for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application for license.

(b) Fraud, misrepresentation or false statement made in the course of carrying on her or his business as solicitor, canvasser, peddler, transient merchant, itinerant vendor. (Am. by ORD-14-00012, 1-14-14)

(c) Any violation of this ordinance.

(d) Conviction of any crime or misdemeanor involving moral turpitude.

(e) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or general welfare of the public.

(9) Appeal. Any person aggrieved by the action of the City Clerk in the denial or revocation of a permit may appeal to the Administrative Review Board, by following the procedures set forth in Section 9.49(6) of these ordinances. (Am. by Ord. 12,645, 7-7-00)

(10) Reapplication. No applicant to whom a license has been refused or whose license has been revoked shall make further application until a period of at least six (6) months has elapsed unless she or he can show that the reason for such rejection or revocation no longer exists. (Am. by ORD-14-00012, 1-14-14)

(11) Expiration of Permit. No permit shall be issued for a longer period than one (1) year except permits issued between July 1, 2010 and June 30, 2011, shall expire on December 31, 2011. All annual permits issued under the provisions of this ordinance shall expire at midnight on the thirty-first (31st) day of December in the year when issued. Other than annual permits shall expire at midnight on the date specified for expiration in the permit. (Am. by ORD-11-00092, 7-13-11)

(12) Renewal. Renewal licenses shall be obtained on or before December 31 of each year or be subject to a late fee of twenty-five percent (25%) of the license fee. (Cr. by ORD-10-00038, 5-1-10; Am. by ORD-11-00092, 7-13-11)

(13) Severance Clause. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance. (Renum. by ORD-10-00038, 5-1-10)

(14) Penalty. Any person, firm, or corporation violating any provisions of this ordinance shall be subject to a forfeiture of not more than three hundred dollars ($300) for each offense, and each day or fraction of a day on which any provision of this ordinance is violated shall be deemed a separate offense. (Am. by Ord. 13,760, Adopted 12-14-04; Renum. by ORD-10-00038, 5-1-10)

9.15 LICENSING OF HAWKERS, PEDDLERS AND TRUCKERS.

(1) Definitions.

(a) A "trucker" within the meaning of this section is a person who transports produce not grown by himself, in a truck or other vehicle, from a point without or within the state, and who sells the same direct from such vehicle to retail merchants without advance order.

(b) A "hawker" or "peddler" within the meaning of this section is a person who goes from place to place selling or attempting to sell goods, wares or merchandise at retail. No person distributing, selling, or offering for sale any excess agricultural products which such person shall have actually raised or grown in this state shall be deemed a hawker or peddler under this section.

(2) License Required. Before any person shall engage in or follow the business or occupation of a hawker, or a peddler, or trucker within the City of Madison he or she shall procure an annual license from the City of Madison authorizing him or her to do so, as herein provided. (Am. by ORD-14-00012, 1-14-14)

(3) Application. Any person desiring to secure a Trucker's or Peddler's Permit shall apply therefor in writing over her/his signature to the City Clerk on forms provided by the City, and such application shall state the following: (Am. by ORD-14-00012, 1-14-14)

(a) Name and signature of applicant.

(b) A copy of applicant's fingerprints taken by an authorized law enforcement agency, either Municipal, County, State or Federal.

(c) A photograph approximately two inches by two inches (2" x 2") showing the head and shoulders of said person, which has been taken not more than one (1) year prior to such application.

(d) Permanent home address and full local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(e) A brief description of the nature of the business and the goods to be sold.

(f) The length of time for which the right to do business is desired.

(g) The source of supply of the goods or property proposed to be sold, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(i) The three cities or villages where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

(Am. by Ord. 8789, 2-14-86)

(4) Term of License. Each license shall be issued on the first (1st) day of July each year, or thereafter when applied for, and shall expire on the thirtieth (30th) day of June following its issuance.

(5) Investigation and Issuance.

(a) Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and conduct a background check including a criminal history inquiry through the Wisconsin Central Repository and shall endorse the application in the manner prescribed in this section within two (2) weeks after it has been filed by the applicant with the Clerk. (Am. by ORD-16-00008, 1-13-16)

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application her/his disapproval and her/his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant in writing that her/his application is disapproved and that no permit will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application her/his approval and return the application to the City Clerk, who shall issue the applicant her/his permit. The Clerk shall keep a permanent record of all permits issued.

(New Sub. (5) Cr. by Ord. 8789, 2-14-86; Am. by ORD-14-00012, 1-14-14)

(6) Fees.

(a) A person desiring to engage in such business or occupation, shall pay to the City Treasurer a nonrefundable license fee therefor of one hundred ten dollars ($110.00). Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late fee of twenty-five percent (25%) of the license fee. (Am. by ORD-10-00038, 5-1-10)

(b) The daily license fee for those not desiring an annual license shall be thirty dollars ($30.00) payable to the City Treasurer.

(Am. by Ord. 9367, 12-21-87; Ord.; Ord. 13,601, 5-11-04)

(7) Chief of Police May Suspend License. Any license issued pursuant to this section may be suspended by the Chief of Police upon the conviction of the licensee of any violation of the ordinances of the City of Madison and in the event any licensee under this section shall be convicted of a second offense for the violation of this section or for the violation of Sections 10.23; 10.25; 10.26; 12.02, Subsections (1), (3), (4) and 12.06(2), the licensee shall forthwith forfeit any license held under this section without further notice and no license shall thereafter be granted to such person for a period of one (1) year from the date of such forfeiture or revocation. Any suspension of a license ordered by the Chief of Police pursuant to this section shall be subject to review by the Common Council upon request of the licensee. (Renumbered by Ord. 8789, 2-14-86)

(8) Penalty. Any person who shall violate the provisions of this section shall be subject to a penalty of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense, and every day that any person shall sell or dispose of goods, wares, and merchandise as a hawker or peddler without such license shall constitute a separate offense. (Renumbered by Ord. 8789, 2-14-86)

9.16 CLOSING OUT SALES.

(1) License Required. It shall be unlawful for any person, partnership, firm, or corporation, to conduct at retail, within the City of Madison any sale of goods, wares or merchandise under the circumstances hereinafter stated, without a license having been issued to said person, partnership, firm, or corporation to conduct such sale, in the manner hereinafter provided. Every person, partnership, firm or corporation is hereby required to obtain such license before it shall, at retail, conduct a sale or advertise for sale any goods, wares, or merchandise represented in any manner to be the goods, wares or merchandise of a bankrupt, insolvent, assignee, liquidator, adjuster, administrator, trustee, executor, receiver, wholesaler, jobber, manufacturer, or of any business that is in liquidation, that is closing out, or department thereof, that has lost its lease or has been or is being forced out of business, that is disposing of stock on hand because of damage by fire, water, smoke or other cause, or that for any reason is forced by circumstances to dispose of stock on hand. Every person, partnership, firm or corporation is hereby required to obtain such license before it shall conduct a sale of, or advertise, goods, wares and merchandise for sale if such advertisement or representation, expressed or implied, tends to lead people of the City of Madison to believe that such sale is a selling out or closing out of the business conducting the sale.

(2) Application to Contain. Every person, partnership, firm or corporation requiring a "closing out sale license" shall make an application in writing to the City Clerk of the City by filing with the Clerk of said City an application on the form provided by said Clerk and attach thereto an inventory containing a complete and accurate list of the stock of goods,

wares and merchandise on hand to be sold at such sale and shall have attached thereto an affidavit by the applicant for such license, or his, their, or its duly authorized agent, from which it shall appear that the information set forth in said inventory is true and correct to the knowledge of the person making such affidavit. Said affidavit shall include the names and addresses of the principals, such as the partners, officers, and directors and the principal stockholders and owners of the business, and the inventoried merchandise. Said inventory shall contain the cost price of the respective articles enumerated therein, together with the date of such purchase or purchases and the identity or identities of the seller or sellers. If the goods, wares and merchandise were purchased by the applicant or the person, partnership, firm or corporation for whom she or he is acting as agent, for a lump sum or other circumstances that make the listing of the cost price for each article impracticable, said inventory shall state the lump sum paid for said goods, wares and merchandise and the circumstances of the purchaser of the same. Said application shall further specify the name and address of the applicant, and, if an agent, the person, partnership, firm or corporation, for whom she or he is acting as agent, the place at which said sale is to be conducted and the period of time during which the proposed sale is to continue, which time shall not exceed sixty (60) successive days, Sundays and legal holidays excepted, from the date of the issuance of said license. (Am. by ORD-14-00012, 1-14-14)

(3) Extension of License - Fee. The period of time during which a sale may be conducted under a "closing out sale license" may be extended by the Mayor if, at any time during the term of the license, a written application for such extension duly verified by affidavit of the applicant shall be filed by said licensee with the Mayor. Said application for an extension of said license shall state the amount of the goods, wares and merchandise listed in the original inventory which still remains in the possession of the applicant for sale and shall state the length of time for which an extension is requested. No extension of the license shall be granted if any goods, wares or merchandise shall have been added to the stock of merchandise listed in the inventory, filed as required by Subsection (2) hereof, since the date of the issuance of the license, and the applicant shall satisfy the Mayor by affidavit or otherwise, as directed by him/her that no goods, wares or merchandise have been added to the said stock since the date of the issuance of the license. The Mayor of said City may, in consideration of the facts, upon hearing said petition, grant or deny a supplemental license and if said supplemental license is granted the period of the extension shall be determined by the Mayor, provided that said extension shall not exceed thirty (30) days from the expiration of the original license. If said supplemental license is granted, the same shall be issued by the Mayor of said City upon the payment of an additional license fee of twenty-five dollars ($25) per day, for the time during which said supplemental license is granted. (Am. by ORD-14-00012, 1-14-14)

(4) Restrictions. It shall be unlawful to sell, offer or expose for sale, at any sale for which a license is required by the terms of this section, any goods, wares or merchandise not listed in the inventory required by Subsection (2), except that any person, partnership, firm or corporation may, in the regular course of its business, conduct a sale of merchandise represented to have been purchased from a bankrupt, insolvent, assignee, liquidator, adjuster, administrator, trustee, executor, receiver, wholesaler, jobber, manufacturer, or a person, partnership, firm or corporation in liquidation, or that has been forced out of business, and at the same time sell at its place or places of business other goods, wares and merchandise, if the goods, wares and merchandise for the sale of which a license is required by the terms of this section, shall be distinguished by a tag or otherwise so that said goods, wares and merchandise of said class are readily ascertainable to prospective purchasers and shall not label or tag other goods, wares and merchandise in any manner as to indicate to, or lead, a purchaser or prospective purchaser to believe that said merchandise is of the class or classes for which a license is required by the terms hereof. Each article of goods sold, not listed in the inventory filed, or sold without a license, or after a license shall have expired, or otherwise sold in violation of the provisions hereof,

shall constitute a separate offense under this ordinance, and any false or misleading statement in said inventory, application or renewal application shall constitute a violation of this section.

(5) Issuance of License. The City Clerk shall verify the details of such inventory as filed in connection with an application for such license and shall also verify the items of merchandise sold during any sale under said license, and it shall be unlawful for any person, partnership, firm or corporation to whom the "closing out sale license" has been issued to refuse to furnish on demand to the City Clerk or any person designated by her or him for that purpose, all the facts connected with the stock on hand or any other information that she or he may reasonably require in order to make a thorough investigation of all phases connected with the said sale, so far as they relate to the rights of the public. (Am. by ORD-14-00012, 1-14-14)

(6) Fees. The fee for such license shall be, and the same is hereby fixed as follows:
For a period not exceeding fifteen (15) days, fifty dollars ($50).
For a period not exceeding thirty (30) days, one hundred dollars ($100).
For a period not exceeding sixty (60) days, two hundred dollars ($200).
And a further fee of one dollar ($1) per thousand dollars of the price set forth on the inventory provided for in Subsection (2); provided that no such license shall be issued for more than sixty (60) days. (Am. by Ord. 13,601, 5-11-04)

(7) Exception. The provisions of this section shall not apply to sales by public officers or sales under judicial process.

9.17 REGULATING TRANSIENT MERCHANTS.

(1) Registration Required. It shall be unlawful for any transient merchant to engage in sales within the City of Madison without being registered for that purpose as provided herein.

(2) Definitions.

Charitable organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, association or corporation, or one purporting to be such.

Clerk means the City Clerk.

Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

Permanent merchant means any person who, for at least one year prior to the consideration of the application of this ordinance to said merchant has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or has continuously resided in the local trade area among the communities bordering the place of sale and now does business from her/his residence.

Transient merchant means any individual, partnership, limited liability company, or corporation who engages in the retail sale of merchandise at any place, other than house to house, in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state or activities regulated and licensed under Sections 9.14 or 9.15 of these ordinances.

(Am. by Ord. 12,038, 3-2-98)

(3) Exemptions. The following shall be exempt from all provisions of this ordinance:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling merchandise at wholesale to dealers in such merchandise.

(c) Any person selling agricultural products which the person has grown.

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this city and who delivers such merchandise in their regular course of business.

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Wis. Stat. § 440.42. Any charitable organization engaging in the sale of merchandise and not registered under Wis. Stat. § 440.42, or which is exempt from that statute's registration requirements, shall be required to register under this ordinance. (Am. by Ord. 11,916, 8-18-97)

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has leased for at least one year, or purchased, the premises from which she/he has conducted business in the market area for at least one year prior to the date the complaint was made.

(k) Any individual licensed by an examining board as defined in Wis. Stat. § 15.01(7).

(l) This ordinance does not apply to transient merchants while doing business at special events authorized by the Common Council of the City of Madison.

(4) Registration.

(a) Individual and partnership applicants for registration must complete and return to the clerk a registration form furnished by the clerk which shall require the following information regarding each individual applicant and each general partner of the partnership:

1. Name, permanent address and telephone number, and temporary address, if any.
2. Date of birth, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association, partnership, limited liability company or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold.
4. Temporary address and telephone number from which business will be conducted, if any.
5. Nature of business to be conducted and a brief description of the merchandise, and any services offered.
6. Proposed methods of delivery of merchandise, if applicable.
7. Make, model and license number of any vehicle to be used by applicant in the conduct of her/his business.
8. Most recent cities, villages, towns, not to exceed three, where applicant conducted her/his business.
9. Place where applicant can be contacted for at least seven days after leaving this city.

10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

(Sec. 9.17(4)(a) Am. by Ord. 11,916, 8-18-97)

(b) Individual and partnership applicants shall present to the clerk for examination the following for each individual and each general partner of the partnership:

1. A driver's license or some other proof of identity as may be reasonably required.

2. A city certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by the City Sealer.

(c) A corporation or limited liability company which has named a current registered agent for service and process in Wisconsin through the Wisconsin Secretary of State's Office and which establishes that it is in good standing with such Office, may register with the Clerk in its corporate or limited liability company name by an authorized agent if the corporation or limited liability company uses only its own employees to transact a business for which the registration is sought. If such corporation or limited liability company is eligible to register in its own name, it shall provide a statement establishing it to be in good standing with the Wisconsin Secretary of State, a statement authorizing the person making the application to do so on behalf of the corporation or limited liability company, and all the information requested on the Clerk's form except the birth date and personal description of the person making the registration.

(d) At the time the registration is returned, a non-refundable fee of one hundred dollars ($100) shall be paid to the Clerk to cover the cost of processing said registration. The individual and partnership applicant shall sign a statement appointing the Clerk as agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

A corporation or limited liability company eligible to register in its own name is exempt from appointing the Clerk as agent for service of process if the corporation or limited liability company identifies its current agent registered with the Wisconsin Secretary of State for such purposes on the Clerk's form.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section (5)(b) below. (Am. by ORD-10-00038, 5-1-10)

(Sec. 9.17(4) Am. by Ord. 12,038, 3-2-98)

(5) Investigation.

(a) Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation

within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Sec. (4)(b) above.

(6) Appeal. Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council, or if none has been adopted, under the provisions of Wis. Stats. §§ 68.07 through 68.16.

(7) Regulation of Transient Merchants.

(a) Prohibited Practices.

1. A transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of her/his visit, her/his identity or the identity of the organization she/he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
3. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred foot radius of the source.
5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which she/he is conducting business.
6. No transient merchant nor any person acting under her or his control shall handle any food items offered for sale nor participate in the sale of any food item if such merchant or person has any sign or symptom that she or he has a communicable disease which may be transmitted through food handling. (Cr. by Ord. 10,704, 7-30-93)

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose her/his name, the name of the company, limited liability company, partnership or organization she/he is affiliated with, if any, and the identity of merchandise or services she/he offers to sell. (Am. by Ord. 12,038, 3-2-98)
2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than twenty-five dollars ($25) in accordance with the procedure as set forth in Wis. Stat. § 423.202; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. §§ 423.202(1)(a)(b) and (c), (2) and (3). (Am. by Ord. 11,916, 8-18-97)
3. If the transient merchant takes a sales order for the later delivery of merchandise, she/he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the

amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

(c) After the transient merchant has registered, the Chief of Police or designee may reasonably limit or restrict the privilege to sell within such areas of the City of Madison as necessary to prevent a traffic hazard, or to protect life and property. Such limitations or restrictions shall be for only as long as necessary to restore order and peace. (Cr. by Ord. 11,851, 4-24-97)

(8) Records. The Chief of Police shall report to the Clerk all convictions for violation of this ordinance and the Clerk shall note any such violation on the record of the registrant convicted.

(9) Revocation of Registration.

(a) Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be service personally or pursuant to Sec. (4)(d) above on the registrant at least seventy-two (72) hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(10) Penalty. Any person, limited liability company, partnership or corporation adjudged in violation of any provision of this ordinance shall forfeit not less than twenty-five dollars ($25) nor more than one thousand dollars ($1000) for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense. (Am. by Ord. 12,038, 3-2-98)

(11) Severance Clause. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance; they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

(Sec. 9.17 R. & Re-Cr. by Ord. 10,651, Adopted 5-4-93)

9.18 RESERVED FOR FUTURE USE. (R. by Ord. 10,721, 8-27-93)

9.19 RESERVED FOR FUTURE USE. (R. by Ord. 6179, 3-9-78)

9.20 LICENSING OF CONCRETE LAYERS, ASPHALT PAVERS, LANDSCAPE PAVERS, MUDJACKERS, SEWER DRAIN CLEANERS, SEWER CCTV INSPECTORS, AND PRIVATE SNOW REMOVAL EQUIPMENT OPERATORS. (Am. by Ord. 9241, 8-14-87; ORD-08-00142, 12-23-08; ORD-15-00006, 1-14-15)

(1) License Requirement.

(a) Concrete Layer, Asphalt Paver, Landscape Pavers and Mudjacker License. Except as provided in (2), no person, partnership, firm, corporation or organization shall construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, concrete driveways, asphalt driveways or terraces, or landscape pavers upon any streets or public walkway without first having obtained a license from the City Engineer to perform such work. Any person desiring to obtain such license shall submit his/her qualifications as a concrete layer, asphalt paver, landscape paver, or

mudjacker for the approval of the City Engineer at the time of submitting for a permit for this work under Secs. 10.08 or 10.09. At the time of the license application, the person shall also deliver a surety bond to the City of Madison in the sum of five thousand dollars ($5,000), to be approved by the City Attorney. If approved, the license period shall run for two years from March 2 through March 1 and may be renewed biennially upon the filing and approval of a bond as above provided, and submission of qualifications for City Engineer approval. (Am. by Ord. 9241, 8-14-87)

(b) Sewer Drain Cleaner, Sewer CCTV Inspector, and Private Snow Removal Equipment Operator License. Except as provided in (2), no person, partnership, firm, corporation or organization shall clean or inspect by CCTV any public sewer main or any portion of a private sewer lateral located in the public right-of-way, or plow snow or ice in the public right-of-way with mechanized equipment in excess of seven hundred fifty (750) pounds without first having obtained a license from the City Engineer to perform such work. Any person desiring to obtain such license shall pay a fee of fifty dollars ($50), submit his/her qualifications as a sewer cleaner, sewer CCTV inspector, or snow plow operator for the approval of the City Engineer, and shall, at the time of application, deliver a surety bond to the City of Madison in the sum of five thousand dollars ($5,000), to be approved by the City Attorney. If approved, the license period shall run for two years from March 2 through March 1 and may be renewed biennially upon the payment of fifty dollars ($50), the filing and approval of a bond as above provided, and submission of qualifications for City Engineer approval.

(2) Exception to License Requirement. Owners of buildings with four (4) or fewer units that are zoned residential may construct their own concrete sidewalk, concrete driveway, or asphalt driveway, install landscape pavers, clean or inspect with CCTV any public sewer main or any portion of a private sewer lateral located within the public right-of-way adjacent to their property, or operate snow removal equipment in excess of seven hundred fifty (750) pounds within the public right-of-way adjacent to their property without obtaining a license

(3) Permit Requirement. No person, partnership, firm, corporation, or organization may construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, concrete driveway, asphalt driveway or asphalt curb and gutter, or landscape paving within the public right-of-way without obtaining a permit from the City Engineer prior to performing the work pursuant to Secs. 10.08 or 10.09

(4) Any licensee under (1) above who is not required to also obtain a permit shall nonetheless comply with all the rules, regulations, and specifications adopted by the Common Council or made by the City Engineer in relation to the work performed and shall pay all damages, costs, and expenses caused by his/her negligence, or occasioned by his/her failure to comply with such rules, regulations, and specifications. (Am. by Ord. 8176, 12-15-83)

(Sec. 9.20 Am. by Ord. 7555, 11-5-81; ORD-08-00142, 12-23-08; ORD-15-00006, 1-14-15)

9.21 SCRAP/RECYCLING LICENSE. (Am. by ORD-12-00157, 2-6-13; ORD-13-00120, 6-26-13; ORD-14-00012, 1-14-14)

(1) Strict Compliance Required. It shall be unlawful for any person to engage in the business of scrap and recycling dealer, scrap and recycling collector, solid waste hauler collector, or motor vehicle storage business except in strict compliance with the provisions of this section.

(2) Definitions. Whenever the following terms are used in this section they shall be construed as follows:

(a) "Scrap" means old iron, chain, brass, copper, tin, lead, or other base metals, rags, rubber, plastic bulk merchandise containers, recyclable waste defined in Sec. 10.18(7)(e), and all articles and things discarded as manufactured articles includ-

ing motor vehicles and parts thereof, composed of or consisting of any one (1) or more of the materials or articles mentioned, or other material commonly included in the terms "scrap or junk." (Am. by Ord. 4740, 9-26-74)

(b) "Scrap and recycling business" means the business or occupation of buying, selling, gathering, delivering, or storing of scrap and recycling.

(c) "Scrap and recycling yard" means any place where a scrap or recycling business is conducted.

(d) "Scrap and recycling dealer" means a person who buys, sells, gathers, delivers or stores scrap or recycling and maintains a yard or building therefor.

(e) "Scrap and recycling collector" means any person who collects, buys, or gathers scrap or recycling by means of a truck, trailer, or other vehicle.

(f) "Person" includes all partnerships, associations and corporations except as the context would indicate otherwise.

(g) "Motor vehicle salvage business" means any business of buying, gathering or storing of motor vehicles which are unfit to be reconditioned for use on the public highways and the selling, delivering, or storing of used parts of motor vehicles, or old iron, metal, glass, paper cordage, or other waste or discarded secondhand material which has been a part of or is intended to be a part of a motor vehicle.

(h) "Motor vehicle salvage yard" means any place where a motor vehicle salvage business is conducted.

(i) "Motor vehicle salvage dealer" means any person engaging in the motor vehicle salvage business.

(j) "Motor vehicle storage business" means any business of hauling or storing of wrecked motor vehicles and holding said vehicles for insurance adjustment purposes, or for sale or rebuilding. The term shall not include:

1. Any storage of a wrecked motor vehicle within any enclosed garage or filling station; or
2. Any storage of a wrecked motor vehicle upon any open space on any garage or filling station site provided that only three (3) wrecked vehicles may be stored on said premises at any one time for a period not exceeding fourteen (14) calendar days.

(k) "Towing and wrecker service business" means pulling, pushing or hauling motor vehicles to an automobile service station for immediate service, to a garage or body shop for repairs or to a motor vehicle storage or salvage yard. (Cr. by Ord. 8424, 9-18-84)

(l) "Recycling" means those items defined in Sec. 10.18(7)(e), MGO.

(m) "Solid Waste Hauler" means persons engaged in collecting and/or transporting the material in Sec. 10.18(7)(a)6.

(n) "Yard Waste" means those items in Sec. 10.18(7)(a)7.

(3) License Required.

(a) No person shall engage in:

1. The business of a scrap and recycling dealer except a licensed scrap or recycling dealer.
2. The business of motor vehicle salvage dealer except a licensed motor vehicle salvage dealer.
3. The business of a scrap and recycling collector except a licensed scrap and recycling collector or licensed scrap and recycling dealer.
4. The business of a motor vehicle storage dealer except a licensed motor vehicle storage dealer.
5. The business of a solid waste hauler except a licensed solid waste hauler.

(b) A separate license shall be required for each type and place of business except as provided in Subparagraph 3 of Subdivision (a) of this subsection.

(c) Nothing herein shall be construed as requiring a license of any business or manufacturer which may as an incidental part of its business or operation, buy, collect, gather, store or sell any of the items defined in sub. (2) as "scrap and recycling."

(4) Application For License.

(a) No license shall be granted hereunder until and unless the person desiring the same shall first have paid to the City Treasurer the fee hereinafter required and filed with the City Clerk of the City of Madison written application therefore, which shall be in duplicate, and shall be filed by the applicant and contain the following information on blanks provided by the City Clerk:

1. The full name and residence of the applicant; and in case of a firm or association the full names and residences of the members of the firm or association; and in case of a corporation the full names and residences of the officers thereof; whether any of them has been convicted of a felony or a misdemeanor and if so, what offense, when and in what court; whether he or any of them has held a license or been a member of a partnership or association or an officer in a corporation which was licensed hereunder; and whether such license was ever revoked or renewal thereof was ever refused, and if so, when. The Chief of Police and the City Clerk shall investigate the record of each applicant and report her/his findings to the Common Council at the regular meeting next preceding the date on which such application is to be acted upon. (Am. by ORD-14-00012, 1-14-14)
2. The address and legal description of the premises for which the license is desired, or, if the application is for a scrap and recycling collector's license or a solid waste haulers license, the location of his/her office and of the premises on which his/her truck, trailer or other vehicle will be located when it is not being operated in connection with the business. (Am. by ORD-14-00012, 1-14-14)
3. The type of license for which he or she is applying. (Am. by ORD-14-00012, 1-14-14)
4. A complete statement of the business to be carried on.
5. An enumeration of the articles and merchandise to be handled on the premises.
6. Such application shall also contain such other information as the Common Council may from time to time require.

(b) The statement made in the application shall be sworn to before an officer competent to administer oaths. Any false statement contained in such application shall be cause for revocation of any license issued pursuant thereto.

(c) Each applicant for a license shall execute a permit granting the Police Department, the Fire Department and the Building Inspection Division of the Department of Planning and Community and Economic Development of the City and any member thereof permission to inspect and search the premises. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(d) Upon the filing of an application for a scrap and recycling dealer's license or a motor vehicle salvage dealer's license, the applicant shall provide with the application a valid zoning certificate from the Zoning Administrator that the proposal site complies with all zoning requirements pursuant to Sec. 28.202(3), MGO.

(e) No applicant to whom a license has been refused shall directly or indirectly make further application for the same location or part thereof until a period of at least one (1) year shall have elapsed since the last previous rejection.

(f) Applicants for a Solid Waste Hauler license shall at the time of application provide proof that the Applicant has all required state and federal licenses and permits to

collect solid waste and recyclables also list the source of waste hauled, including but not limited to: residential, commercial, or other and the anticipated location of disposal facilities, transfer facilities or end-users;

(g) A Solid Waste Hauler shall provide, either independently or through duly licensed subcontractors, collection of mandatory recyclables at least once monthly to all customers for whom such hauler provides collection of solid waste destined for disposal. A Solid Waste Hauler may not offer and his or her customers may not subscribe to "trash only" collection service unless recycling services is provided by the City or a subcontractor or unless the Solid Waste Hauler obtains an exemption from the City. Exemptions may be provided for Solid Waste Haulers whose customers who market their mandatory recyclables directly to recycling brokers, or whose manufacturers self haul their mandatory recyclables to recycling facilities that are fully licensed or permitted, or to City drop off sites. Exemptions will be granted at the discretion of the Streets Superintendent or his or her designee.

(h) A Solid Waste Hauler shall provide recycling instructions to all new customers and to all customers on at least an annual basis.

(i) No Solid Waste Hauler shall dispose of recyclables or yard waste that are properly prepared and put out for recycling.

(j) Solid Waste Haulers and Scrap and Recycling Dealers shall report to the Streets Superintendent or his or her designee, the approximate quantities of recycling, solid waste, and yard waste collected within the borders of the City of Madison on an annual basis. These reports will be due by the first day of February of the following year collection of the material was done and shall be in a form approved by the Streets Superintendent, or his or her designee.

(5) Fees.

(a) The combined scrap and recycling, motor vehicle salvage and solid waste hauler license, permits a licensee to operate as a scrap and recycling business, motor vehicle salvage business or as a solid waste hauler, or any combination thereof. The license fee shall be two thousand dollars ($2,000).

(b) The license fee shall be two hundred fifty dollars ($250) per annum, or for a fractional part thereof, for each scrap and recycling collector with a single truck, trailer, or other vehicle. The fee shall be one thousand dollars ($1,000) for a scrap and recycling collector with between two (2) and five (5) trucks, trailers, or other vehicles and five thousand dollars ($5,000) for scrap or recycling collector with six (6) or more trucks.

(c) The license fee shall be two hundred fifty dollars ($250) per annum, or for a fractional part thereof, for each motor vehicle storage business.

(d) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

(Am. by Ord. 9367, 12-21-87; Ord. 13,601, 5-11-04; ORD-10-00038, 5-1-10; ORD-13-00120, 6-26-13)

(6) License Numbers. All licenses shall be numbered consecutively for each type of business licensed hereunder and the City Clerk shall furnish to each licensee a card setting forth her/his or its name, the number of such license, the type of business and a legal description of the premises for which it was issued. The license card or cards shall be posted in a conspicuous place on the premises. The licensee shall cause her/his or its name and such license number or numbers to be printed in plain letters and figures at least three (3) inches

high and of such color as to be plainly read at a distance of at least sixty (60) feet from both sides of each vehicle used in connection with the business licensed hereunder. (Am. by ORD-14-00012, 1-14-14)

(7) Term and Expiration of Licenses.

(a) Expiration. All licenses issued hereunder shall expire on the thirtieth (30th) day of June following the date of their issuance unless sooner revoked for cause or by passage of an ordinance by the City of Madison further restricting the business for which such license shall have been issued as hereinafter provided.

(b) Liquidation. When a renewal of a license is denied for the continuation of any business previously licensed under the provisions of this ordinance, such licensee shall have a period of three (3) months in which to wind up his or her business during which time he or she shall be required to comply with all the terms and conditions of this section. (Am. by ORD-14-00012, 1-14-14)

(8) Revenues and Expenses. The City Clerk is authorized to secure the necessary blanks or cards and the expense thereof shall be properly allowed and paid by the City out of the General Fund, and all monies derived from such licenses shall be turned into the General Fund.

(9) Restrictions Applicable to All Licenses.

(a) Unlawful to Collect Scrap and Recycling Left for City. No person and no licensee hereunder shall pick up, gather, or collect scrap and recycling or refuse left on terraces for collection by the City of Madison.

(b) Purchase From Certain Persons. No purchase shall be made from any child or children under eighteen (18) years of age, or from any intoxicated persons or habitually intoxicated persons, or unknown persons by any licensee hereunder.

(c) Hours of Business. No licensee hereunder shall conduct her or his business or any operation pertaining to such occupation between the hours of 8:00 p.m. and 6:00 a.m. on other days; except that a motor vehicle salvage dealer may in the case of an emergency pick up and return a vehicle to the yard and may in the case of a breakdown on the highway remove and sell parts for repair of such vehicle. (Am. by ORD-14-00012, 1-14-14)

(d) Other Business. No licensee shall do business as a pawnbroker or dealer in secondhand articles in this City unless licensed as such.

(e) Not to Create Nuisance. No licensee shall conduct or carry on any business described in Section 9.21 in such manner as to disturb unduly the peace and quiet of the neighborhood. All premises used for any of the business aforesaid shall at all times be kept in a clean and wholesome condition and in full compliance with all the ordinances of the City and in accordance with the reasonable rules, regulations, and directions of the Common Council. None of the materials mentioned in the preceding sections shall be sorted in a public street, alley, or sidewalk.

(f) Rodents and Vermin Control. Effective means for the elimination of the rodents and vermin commonly infesting junk and motor vehicle salvage yards shall be administered by all licensees hereunder.

(g) Garbage. It shall be unlawful for any licensee hereunder to store any garbage materials on the premises licensed thereunder, except in compliance with the ordinances pertinent to garbage.

(h) Storage of Combustible Scrap and Recycling. No licensee shall store combustible scrap and recycling in any building unless said building is approved by the Director of the Building Inspection Division as complying with Chapter 29 (Building Code) of the Madison General Ordinances and the Chief of the Fire Department as complying with Chapter 34 (Fire Prevention Code) of the Madison General Ordinances. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(i) Chief of Police to Hold Goods for Identification. The Chief of Police may, in his or her discretion, cause any article in the possession of a licensee hereunder which he or she shall have reason to believe was sold or exchanged by some person other than the lawful owner thereof, to be held for the purpose of identification by its lawful owner for such reasonable length of time as the Chief of Police shall deem necessary. (Am. by ORD-14-00012, 1-14-14)

(10) Restrictions on Scrap and Recycling, Motor Vehicle Salvage and Storage Yards.

(a) Every scrap and recycling yard, motor vehicle salvage yard and motor vehicle storage yard shall be enclosed by a solid substantial enclosure, not less than six (6) feet nor more than eight (8) feet in height. Such solid fence shall be approved by the Director of the Building Inspection Division.

As an alternate to the solid fence, the Director of the Building Inspection Division may approve a chain link fence not less than six (6) feet nor more than eight (8) feet in height in combination with a landscaping/screening plan meeting the general intent and purpose of Section 28.142(1).

(Am. by Ord. 8300, 4-16-84; ORD-08-00109, 10-7-08; Am. by ORD-12-00134, 1-2-13)

(b) The fence required by this subsection shall be painted and maintained in a proper condition of repair and no picture, sign, bill, placard, pamphlet, notice or other thing shall be posted or affixed thereon.

(c) No materials, vehicles or equipment shall be parked, displayed or in any manner permitted to rest or remain on the premises outside the enclosure; except that wreckers may be parked on the apron of a garage or repair shop.

(d) The contents of the premises of every scrap and recycling yard and motor vehicle salvage yard shall be so arranged as to not rest against or project through, underneath or over the top of the enclosure.

(e) All openings for vehicle ingress and egress in such enclosure shall be of such construction as is deemed suitable by the Director of the Building Inspection Division to shield the contents of the yard from street view. When a gate is employed to shield street view, it shall be of solid construction with no openings therein except as provided in this subdivision, and such gate shall at all times be kept closed except at times of vehicle ingress or egress. A separate entrance such as the Director of the Building Inspection Division deems suitable for pedestrian ingress and egress shall be provided. The Building Inspection Division of the Department of Planning and Community and Economic Development may, upon application of the licensee, permit certain designated openings in the gate or enclosure to permit police inspection of the yards. Such opening shall be not larger than eighteen inches by twelve inches (18" x 12") and shall in all cases be screened with quarter (1/4) inch hardware cloth. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(f) No licensee hereunder shall extend the boundaries of her or his operation beyond those stated in the license except upon submitting a new license application and tendering the return of his present license conditional upon the granting of the new license. No part of the old license fee shall be refunded or applied to the new license. (Am. by ORD-14-00012, 1-14-14)

(11) Report Required. A written record of all motor vehicles purchased or sold for salvage or junk and of all motor vehicles delivered or held for storage purposes shall be maintained for a period of three (3) years by each person or firm licensed hereunder to engage in the motor vehicle salvage business, junk business, or the motor vehicle storage business and shall be open to police inspection. Such record shall contain a description of all vehicles as to color, manufacturer, and model year, license numbers if on the vehicle, engine numbers or vehicle identification numbers (V.I.N.), and the names and addresses of the sellers and the purchasers. Said records shall be kept in a separate ledger or file and shall pertain only to motor vehicles. (Am. by Ord. 4740, 9-26-74)

(12) Requirements Regarding Sales by Salvage Dealers. It shall be unlawful for any person engaged in the motor vehicle salvage business to sell for use on the public highways any used or secondhand motor vehicle which does not meet all the requirements of Wis. Stats. §§ 347.01 through 347.49.

(13) Combined Motor Vehicle Salvage and Automobile Dealers.
Any person who is licensed to operate both as a motor vehicle salvage dealer under the provisions of this ordinance and as a dealer under Wis. Stat. ch. 218 shall as a condition of accepting and of retaining such motor vehicle salvage license, display upon such lot only such vehicles as are operable, roadworthy and licensable; all other vehicles, including those in the process of being repaired or reconditioned, shall be:
(a) Retained within a garage or repair shop approved by the Director of the Building Inspection Division, or
(b) Otherwise concealed from view within such used motor vehicle lot as the Director of the Building Inspection Division may direct.
(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(14) Restrictions Applicable to Scrap and Recycling Dealers and Scrap and Recycling Collectors.
(a) Time Before Disposal. No nonferrous metals shall be disposed of within forty-eight (48) hours after purchase thereof by any licensee hereunder.
(b) Records Required. Each scrap and recycling dealer and scrap and recycling collector shall in a bound book keep a daily record in the English language of articles purchased and the name and address of the seller when such person is known to the licensee. When the seller is unknown to the licensee, the licensee shall record the name, age and address, and indicate what identification card was inspected by the licensee, and the identifying number thereof, or if the card bears no number, the certifying officer. Any certified identification card issued by a public agency and giving a description of the person to whom it is issued shall be deemed sufficient to comply with the provisions of this paragraph. When articles are purchased in bulk, they may be designated by a general description of the lot.

(15) Sales by Scrap and Recycling Collectors. Scrap and recycling collectors shall sell scrap and recycling only to a licensed scrap and recycling dealer.

(16) Revocation.
(a) Upon complaint being made in writing by any three (3) residents or any official of the City of Madison to the Common Council that any licensee hereunder has violated any of the provisions of this section, the Common Council shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three (3) days after the date of the service thereof, to show cause why her/his license shall not be revoked. The Common Council shall thereupon proceed to hear the matter and if it finds that the allegations of said complaint are true may revoke the license of such person. The provisions hereunder shall not be effective unless the licensee hereunder has received notice from the Building Inspection Division of the Department of Planning and Community and Economic Development of the City of Madison that a complaint has been filed with the Common Council as to the operation of her/his premises and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)
(b) Whenever a license is revoked, the licensee shall have a period of forty-five (45) days from the date of such revocation to liquidate his/her business during which time he or she shall be required to comply with all the terms and conditions of this section. (Am. by ORD-14-00012, 1-14-14)
(c) Any person, any member of a partnership or association and any officer or director of a corporation whose license has been revoked shall be ineligible to

apply for any license required under this ordinance during a period of two (2) years from the date of such revocation and no partnership, association or corporation retaining, associating or organizing with such revokee in the capacity of member, officer or director or principal stockholder shall be eligible for a license or any renewal of a license during the continuance of such association in said capacity while such infirmity in the eligibility of such revokee continues. It shall be cause for revocation if any partnership, association, or corporation during the term of their license becomes associated in said capacity with any revokee during the term of said infirmity.

(d) Every partnership, association or corporation holding a license hereunder shall notify the City Clerk of any change in the members of such partnership or association or in the officers, directors or principal stockholder of such corporation within ten (10) days of such change and shall furnish such further information as the City Clerk may require in order to show their continuing eligibility to hold a license hereunder.

(17) Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

(18) Penalty.

(a) Any person who shall violate any of the provisions of this section shall be punished by a penalty of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). Each day that a condition exists which violates the provisions of this section shall be deemed a separate offense.

(b) In the event that any licensee hereunder shall be convicted of a second offense, such offender in addition to the penalties hereinbefore provided, shall forthwith forfeit any license issued hereunder without further notice and no license shall thereafter be granted to such person for a period of one (1) year from the date of such revocation.

(Sec. 9.21 Am. by ORD-12-00157, 2-6-13)

9.22 PURCHASE AND SALE OF SCRAP MATERIAL.

(1) Definitions. In this section:

(a) "Commercial account" means a commercial enterprise with which a scrap material dealer maintains an ongoing and documented business relationship.

(b) "Commercial enterprise" means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap material dealer.

(c) "Ferrous scrap" means scrap metal, other than scrap metal described in subs. (d) to (f), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.

(d) "Metal article" means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that "metal article" does not include antique or collectible articles, including jewelry, coins, silverware, and watches.

(e) "Nonferrous scrap" means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:

1. Aluminum beverage cans.
2. Used household items.
3. Items removed from a structure during renovation or demolition.

4. Small quantities of nonferrous metals contained in large manufactured items.

(em) "Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of retail containers of bottled beverages.

(f) "Proprietary article" means any of the following:

1. A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in Wis. Stat. § 66.0420(2)(d), or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.
2. A copper conductor, bus bar, cable, or wire, whether stranded or solid.
3. An aluminum conductor, cable, or wire, whether stranded or solid.
4. A metal beer keg.
5. A manhole cover.
6. A metal grave marker, sculpture, plaque, or vase, if the item's appearance suggests the item has been obtained from a cemetery.
7. A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.
8. A plastic bulk merchandise container.

(fm) "Scrap dealer" means a scrap plastic dealer or scrap metal dealer.

(g) "Scrap metal" means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.

(h) "Scrap metal dealer" means a person who is licensed as a scrap and recycling dealer under Sec. 9.21 who is engaged in the business of buying or selling scrap metal or plastic bulk merchandise containers, as defined in this Sec. 9.22.

(i) "Scrap plastic dealer" means a person engaged in the business of buying or selling plastic to be processed for reuse in a mill or other manufacturing facility.

(2) Purchases of Ferrous Scrap. A scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of eighteen (18).

(3) Purchases of Nonferrous Scrap, Metal Articles, Proprietary Articles.

(a) Subject to sub. (b), a metal dealer may purchase nonferrous scrap, metal articles, or proprietary articles from any person who is over the age of eighteen (18) if all of the following apply:

1. If the seller of nonferrous scrap, metal articles, or proprietary articles is an individual, at the time of the sale, the seller provides to the scrap dealer the seller's motor vehicle operator's license or other government-issued, current photographic identification that includes the seller's full name, current address, date of birth, and recognized identification number. If the seller is not an individual, at the time of the sale, the individual who delivers the seller's nonferrous scrap, metal articles, or property articles provides to the dealer the deliverer's motor vehicle operator's license or other government-issued, current photographic identification that includes the deliverer's full name, current address, date of birth, and recognized identification number.
2. The scrap dealer records and maintains at the scrap dealer's place of business the seller's or deliverer's identification information described in

sub. 1., the time and date of the purchase, the number and state of issuance of the license plate on the seller's or deliverer's vehicle, and a description of the items received, including all of the following:

a. The weight of the scrap or articles.

b. A description of the scrap or articles that is consistent with guidelines promulgated by a national recycling industry trade organization. This sub. 2.b. does not apply to plastic bulk merchandise containers.

3. With respect to a purchase of nonferrous scrap or a metal article the scrap dealer obtains the seller's signed declaration that the seller is the owner of the items being sold.

4. With respect to a purchase of a proprietary article, one of the following applies:

a. The scrap dealer receives from the seller documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, that establishes that the seller lawfully possesses the proprietary article.

b. The scrap dealer documents that the scrap dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so, and, not later than one business day after purchasing the proprietary article, submits a report to the Madison Police Department describing the proprietary article and submits a copy of the seller's or deliverer's identifying information under sub. 1.

(b) This subsection does not apply to purchases of nonferrous scrap, metal articles, or proprietary articles by a scrap dealer from a commercial account, if the scrap dealer creates and maintains a record of its purchases from the commercial account that includes all of the following:

1. The full name of the commercial account.

2. The business address and telephone number of the commercial account.

3. The name of a contact person at the commercial account who is responsible for the sale of nonferrous scrap, metal articles, or proprietary articles to the scrap dealer.

4. The time, date, and value of each of the scrap dealer's purchases from the commercial account.

5. A description of the predominant types of nonferrous scrap, metal articles, or proprietary articles the scrap dealer has purchased from the commercial account.

(c) Except as provided under sub. (4), a scrap dealer may disclose personally identifiable information recorded or maintained under this subsection only to a successor in interest to the scrap dealer, including a successor in interest that arises as a result of a merger, sale, assignment, restructuring, or change of control.

(4) Other Provisions.

(a) A scrap dealer shall make the records required under sub. (3)(a)2. to 5. and (b) available to a law enforcement officer who presents the agent's credentials at the scrap dealer's place of business during business hours.

(b) A scrap dealer shall maintain the records required under sub. (3)(a)2., 4., and 5. and (b)4. and 5. for not less than two (2) years after recording it. A scrap dealer shall maintain the records required under sub. (3)(b)1. to 3. regarding a commercial account for not less than two (2) years after the dealer's most recent transaction with the commercial account.

(c) Notwithstanding Wis. Stat. § 19.35(1), a law enforcement officer or agency that receives a record under sub. (a) or a report under sub. (c) may disclose it only to another law enforcement officer or agency.

(5) Penalties.

(a) 1. A scrap dealer who knowingly violates this section and who has not knowingly committed a previous violation of this section is subject to a fine not to exceed one thousand dollars ($1,000).

2. A scrap dealer who knowingly violates this section and who has knowingly committed one previous violation of this section is subject to a fine not to exceed ten thousand dollars ($10,000).

(b) Each day on which a scrap dealer knowingly violates this section constitutes a separate violation.

(6) Electronic Reporting.

(a) A scrap dealer shall electronically submit to the Madison Police Department a report of each purchase of nonferrous scrap, metal articles, and proprietary articles not later than the business day following the purchase, including each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle, by electronically transferring it from their computer to the Police department approved data server. All records must be transmitted completely and accurately and in accordance with standards and procedures established by the Police Department.

(b) If a scrap dealer is unable to successfully transfer the required reports electronically, the scrap dealer shall notify the Police Department of the reason the dealer is unable to transfer the required reports and shall provide the Police Department with an estimated time of compliance. The scrap metal dealer shall provide the Police Department with electronic copies of all reportable transactions that have not been transmitted electronically in a form approved by the Police Department by 5:00 p.m. of the next business day after the due date, unless the scrap dealer electronically transfers the data prior to that time.

(Section 9.22 Cr. by ORD-12-00157, 2-6-13)

9.23 REGULATIONS OF MOBILE HOMES AND MOBILE HOME PARKS. (Title Am. by Ord. 8235, 1-30-84)

(1) Definitions.

(a) A "mobile home" means any vehicle or structure intended for or capable of human habitation, or, designed primarily for sleeping purposes, mounted on wheels or jacks, and/or capable of being moved from place to place, either by its own power or by power supplied by some vehicle used or to be used, excepting a device used exclusively upon stationary rails or tracks.

(b) A "mobile home park" means any park, court, site, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than one (1) mobile home and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purposes of inspection and sale.

(c) A "unit" means a section of ground in a mobile home park of not less than eight hundred (800) square feet of unoccupied space designated as the location for only one (1) automobile and/or one (1) mobile home.

(d) The word "person" shall be construed to include an individual, partnership, firm, company or corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assigns.

(e) "Operator" means any person engaged in the business of renting sites in a mobile home park to tenants. Operator includes officers, representatives, agents and employees. (Cr. by Ord. 11,148, 1-17-95)

(f) "Rental Agreement" means an agreement, whether written or oral, between an operator and a tenant for the rental of a site. (Cr. by Ord. 11,148, 1-17-95)

(g) "Screening" means the procedure used by an operator to determine that a prospective tenant meets the operator's minimum financial standards and other reasonable requirements established by the operator. Screening must comply with Sec. 39.03 and Sec. 32.10, Madison General Ordinances. (Cr. by ORD-05-00151, 10-12-05)

(h) "Security Deposit" means the total of all payments and deposits given by a tenant to the operator as security for the performance of the tenant's obligations, and includes all rent payments in excess of one month's prepaid rent. (Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

(i) "Site" means any plot of land which is rented or offered for rental for the accommodation of a mobile home used for residential purposes. It does not include a plot of land rented for the accommodation of a mobile home which is:

1. Occupied on a strictly seasonal basis; or
2. Owned by the operator and occupied by the operator herself or himself as a residence.

(Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

(j) "Tenant means any person renting a site from an operator. (Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

(k) "Utility Service" means:

1. Electricity, water, sewer, telephone, and natural gas;
2. Liquified petroleum gas other than liquified petroleum gas in portable containers;
3. Fuel oil supplied through a permanent central system in the mobile home park; and
4. Television service.

(Cr. by Ord. 11,148, 1-17-95; Renum. by ORD-05-00151, 10-12-05)

(2) Fire Extinguishers Required.

(a) Each mobile home occupied as a place of human habitation under any of the provisions of this ordinance shall be equipped with a fire extinguisher, conveniently attached thereto; such extinguisher to be of one (1) unit of fire protection capacity, and of a type suitable for extinguishing Class A or Class B fires, approved by the Madison Fire Department.

(b) The use of liquid petroleum gas in occupied mobile homes shall conform in every particular to the laws, rules and regulations of the state of Wisconsin governing such use.

(c) The storing and use of fuel oil and the heating installations used in connection therewith in occupied mobile homes shall be as approved by the Madison Fire Department, and comply with provisions of Chapter 20 (Oil Burning Equipment and Storage of Fuel Oils) of the General Ordinances of the City of Madison.

(Sec. 9.23(2) Am. by Ord. 8235, 1-30-84)

(3) Permit and Regulations for Mobile Home Parking Outside Mobile Home Parks.

The parking of any occupied mobile home outside an approved mobile home park as previously defined, is hereby prohibited, unless the mobile home be parked to the rear of a premise and a permit therefor obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development. The parking of more than one (1) occupied mobile home on any premises except an approved mobile home park is hereby prohibited. Such permit shall be issued upon compliance with the following conditions:

1. No permit to park an occupied mobile home outside an approved mobile home park shall be approved for a period of greater than ten (10) days in any one (1) year, and unless there shall have been filed with the application

for permit the written consent of the property owner or lessee of the premises, that the occupant or occupants of such mobile home have twenty-four (24) hour access to the sanitary facilities of the property proximate to the mobile home.

2. Except in the case of an approved mobile home park, no permit shall be issued for an occupied mobile home unless the period of such occupancy is definitely stated in the application for permit and approved by the Director of the Building Inspection Division.
3. No automobile mobile home shall be used for living quarters upon any street, alley, or public way in the City of Madison.
4. No person, firm, or corporation shall make any electrical connection for any mobile home to any building or other source of electricity without permit and approval of the electrical inspector.
5. No person, firm, or corporation shall deposit garbage, waste, water, rubbish or other waste combustible materials on the premises where an occupied mobile home is parked or on adjoining premises. Garbage and rubbish and other waste combustible materials shall be placed in suitable metal containers for collection by the City departments involved in such collections and at times specified by such departments. Waste water shall be kept in suitable metal containers and all other sanitary requirements for mobile home wastes observed as set forth for the sanitary regulation of mobile homes in mobile home parks.
6. The Director of the Building Inspection Division shall issue a permit upon payment of one dollar ($1) fee and filing of an application complying with provisions of this ordinance. Each permit card shall be posted on the mobile home for which it is issued.
7. This subsection shall not apply to a mobile home which meets the definition of "manufactured home" in Wis. Stat. § 101.91(2) and is used as a residential building on a zoning lot. (Cr. by Ord. 11,148, 1-17-95)

(Am. by Ord. 8235, 1-30-84; ORD-08-00109, 10-7-08)

(4) Regulations for Mobile Home Parks.

(a) Registration.

1. Any occupant of any mobile home located at an approved mobile home park must register with the owner, manager or operator of a park.
2. The registration shall include the following:
   a. Names and addresses.
   b. Dates of entrance and departure.
   c. License numbers of all mobile homes and towing or other automobiles.
   d. States issuing such licenses.
   e. Proposed stay in park.
   f. Place of last location and length of stay.

(Sec. 9.23(4)(a) Am. by Ord. 8235, 1-30-84)

(b) Park Plan.

1. Every mobile home or mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other water. No mobile home or mobile home park shall be located in any area that is situated so that drainage or other sources of filth can be deposited in its location.
2. Mobile home units shall be clearly defined, and the park shall be so arranged that all units shall abut on a public street for a distance of at least

sixteen (16) feet. Such street shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night and shall not be obstructed at any time.

3. The park shall be so laid out that no unit shall be located farther than two hundred (200) feet from a toilet and service building as required herein, and walkways to such building or buildings as required herein, shall be graveled or paved and well lighted at night.

4. No occupied mobile home in a mobile home park shall be located less than ten (10) feet from any building or other mobile home unless of the same occupancy, or from the boundary line of the premises on which it is located.

(Sec. 9.23(4)(b) Am. by Ord. 8235, 1-30-84)

(c) Management.

1. In every mobile home park there shall be located the office of the person in charge of the said park. A copy of these regulations shall be posted therein, and the park register shall at all times be kept in said office.

2. It shall be the duty of the park owner, manager or operator together with any attendants or persons in charge of such parks to:

   a. Keep a register of all occupants of mobile homes, to be open at all times to inspection by Federal, State and City officials.

   b. Maintain the park in a clean, orderly and sanitary condition at all times.

   c. Report to the Director of Public Health Madison and Dane County all cases of persons or animals affected or suspected of being affected with a communicable disease. (Am. by ORD-15-00009, 1-28-15)

(Sec. 9.23(4)(f) Am. by Ord. 8235, 1-30-84)

(d) License and Mobile Home Park Approval.

1. License Required. No person, firm or corporation shall establish, maintain or operate any mobile home park as defined in Wis. Stat. § 66.0435 within the City of Madison without receiving the approval of the Common Council and without having been granted a license therefor. No license shall be issued or transferred unless all monthly parking fees attributable to the park from all preceding months have been fully paid as required by this section. (Am. by Ord. 7707, 4-22-82)

2. Application. Application for mobile home park license shall be in writing, signed by the applicant, and shall contain the following:

   a. The name and address of the applicant.

   b. The location and legal description of the mobile home park.

   c. The complete plan of the park.

3. License Fee. Applications for licenses shall be filed with the City Clerk together with an annual license fee of one hundred dollars ($100) for each fifty (50) spaces or fraction thereof, within the mobile home park operated by the applicant but such license shall not be issued by the Common Council until plans and specifications complying with the provisions of the General Ordinances of the City of Madison and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the license. (Am. by Ord. 8193, 12-28-83)

4. Term of License. The term of the license shall be for the calendar year and shall expire on the thirty-first (31st) day of December of each year and may be renewed annually thereafter by any licensee, and after approval of the Common Council of the City of Madison and upon payment of the

annual license fee. Upon such renewal, the City Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the City of Madison.

5. Transfer of License. Upon application for a transfer of license, the City Clerk, after approval of the application by the Common Council, shall issue a transfer upon the payment of a ten dollar ($10) fee.

6. In addition to the license fee provided in Paragraphs 2. and 4., there shall be collected from each occupied mobile home in the City a monthly parking permit fee as provided in Wis. Stats. § 66.0435 (3)(c) and (e) and as computed thereunder. The operator of a mobile home park in the City shall furnish information to the City Clerk and City Assessor on occupied mobile homes added to his/her park within five (5) days after their arrival, on forms prescribed by the State Department of Revenue. The mobile home park operator shall collect such monthly parking permit fee from the mobile home owner and shall pay said fee to the City on or before the tenth (10th) of the month following the month for which such parking permit fee is due. (Am. by ORD-14-00012, 1-14-14)

   Any person who fails to comply with the reporting requirements of this paragraph shall be subject to a forfeiture of not more than twenty-five dollars ($25) for each violation. Each such failure shall constitute a separate offense.

7. Exemption certificates in duplicate shall be accepted by the City Treasurer from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one (1) or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Every person claiming an exemption from the monthly parking permit fee provided for in Paragraph 6. of this subsection shall execute in duplicate a certificate setting forth the facts necessary to establish such claim. Such certificate shall be in a form approved by the City Treasurer and blank forms may be furnished to persons requesting them by the Treasurer.

(5) Rental Agreement; Requirements.

(a) Every rental agreement shall be in writing. A copy of the rental agreement shall be furnished to the tenant at the time the rental agreement is executed. If a mobile home is purchased from or through the operator, a copy of the rental agreement shall be furnished to the tenant before the tenant signs the mobile home purchase contract. The rental agreement shall conspicuously set forth all terms and conditions affecting the rental of the site, and shall include:

1. The amount of rent for each rent paying period and all property, service and facilities provided by the operator and included in the rent.
2. The amount of any security deposit, installation charge, or other charge payable by the tenant under the rental agreement but not included in the rent, including but not limited to charges for utility services provided through the operator's facilities. If utility service charges are based on the amount of utility service used, the rental agreement shall set forth either the specific rate or the method by which the charges are to be computed.
3. Rules and regulations which shall be included in or attached to the main body of the rental agreement.
4. The approximate size of the site and its location in the park.
5. The amount of the monthly mobile home parking fee assessed by the City of Madison and payable by the tenant. If the monthly fee is not known, an approximation shall be given.

6. A notice that the operator reserves the right to screen the purchaser of a tenant's mobile home before renting a mobile home site to the purchaser, subject to Wis. Stat. § 710.15.
7. A disclosure as to whether the mobile home park contains an emergency shelter and, if the park has an emergency shelter, the location of the emergency shelter and procedures for its use.

(b) The initial, and each succeeding rental agreement shall be for a term of no less than one year, unless a shorter term is requested in writing by the tenant and agreed to by the operator. Under any agreement for a rental term of two months or more, rental payments shall, at the option of the tenant, be payable in equal monthly installments.

(c) The operator shall, at the time the rental agreement is entered into, and throughout the term of the rental agreement, make available to the tenant the name, address, and telephone number of a person who may be contacted concerning the maintenance of facilities and services provided by the operator. Such information shall be included in the tenant's copy of the rental agreement or in a separate written notice furnished to the tenant.

(d) Rent and other charges under the rental agreement may not be increased during the term of the rental agreement. This subdivision does not apply to:
1. Mobile home parking fees assessed by the City of Madison.
2. Charges for utility services delivered and billed directly to the tenant by a public utility or other outside source.
3. Charges for utility services purchased by the operator and delivered and billed to the tenant by the operator but not included in the rent, if the increase is solely to cover an increase in charges to the operator by the supplier of the utility service.

(Sec. 9.23(5) Cr. by Ord. 11,148, 1-17-95)

(6) Rental Agreement Limitations.

(a) No park operator may restrict the type of material used for mobile home steps or the type of air conditioning equipment serving mobile homes in a mobile home park, unless such restrictions are required by law, or are uniformly applied mobile home park requirements made a condition of the tenant's original rental agreement. Any such restrictions, however, may not be instituted during the occupancy of an original tenant under the same, an amended, a renewed or a new rental agreement. Not withstanding the foregoing, if a tenant's mobile home steps are required by law to be replaced, the park operator may require that they be made to comply with current park standards.

(b) No park operator may require the removal of a permanently attached mobile home towing tongue as a condition of renting a site for the accommodation of a mobile home.

(c) It shall be unlawful to make as a condition of a new or renewed rental agreement the removal of any vehicles, including recreational vehicles and boats, permitted under a previous rental agreement with the same tenant unless sufficient other parking space is provided to the tenant at no charge.

(d) Tie-In Sales; Separate or Discriminatory Charges.

No operator shall:

1. Require, as a condition to the rental of any site, the purchase of a mobile home from the operator or any dealer, manufacturer, or agent named by the operator.
2. Represent to any person that the purchase of a mobile home from the operator or any dealer, manufacturer, or agent named by the operator will give the purchaser an advantage over others in the rental or continued occupancy of a site.

3. Discriminate or threaten to discriminate in rental charges or in any other respect against a tenant for failure of the tenant to purchase a mobile home from the operator or any dealer, manufacturer, or agent named by the operator.
4. Discriminate in rental charges by granting a discount in rental charges or in any other charges to a tenant who purchase a mobile home from the operator or any, dealer, manufacturer, or agent named by the operator.
5. Solicit or receive any payment or other thing of value from any seller of a mobile home for agreeing to rent a site to the purchaser of such mobile home.
6. Solicit or receive any payment or other thing of value from any person upon the representation or understanding that such consideration will give that person an advantage over others in the rental or continued occupancy of a site.
7. Use a mobile home site to display a mobile home offered for sale, or rent a site to a mobile home dealer for purposes other than accommodation of a mobile home occupied as a residence, if the use or rental of the site results in there being no site in the mobile home park available to a prospective tenant who does not purchase a mobile home from the operator or renting dealer.

(e) Mobile Home Relocation.

1. No tenant shall be required to relocate a mobile home within a park during the term of the rental agreement, or to assume the cost of any required relocation under a new or renewal rental agreement, except in emergency or where the tenant has violated the terms and conditions of the rental agreement. This does not apply to a mobile home which has been vacated by the tenant.
2. Any required relocation shall, except in emergency, be preceded by written notice setting forth the reason for such relocation. Notice shall be given within the time period required under Wis. Stat. ch. 704, for termination of tenancies.

(f) Prohibited Consideration Of Age Of Mobile Home.

1. An operator may not deny a resident the opportunity to enter into or renew, and may not include, exclude or alter any terms of, a lease to continue to locate a mobile home in the park solely or in any part on the basis of the age of the mobile home.
2. An operator may not require the removal of a mobile home from a park solely or in any part on the basis of the age of the mobile home, regardless of whether the ownership or occupancy of the mobile home has changed or will change.
3. It shall be considered a prohibited consideration of the age of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home as a condition of renewal of a lease or a change in the ownership or occupancy of a mobile home, when the mobile home is otherwise in good repair and in conformance with applicable governmental regulations.
4. It shall be considered a prohibited consideration of the age of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home that is older that five years, when the mobile home is otherwise in good repair and in conformance with applicable governmental regulations, and the mobile home is in compliance with park rules and regulations in effect at the time the mobile home originally entered the park.

(g) Prohibited Consideration of Change in Ownership or Occupancy of Mobile Home.

1. An operator may not require the removal of a mobile home from a park solely or in any part because the ownership or occupancy of the mobile home has changed or will change. An operator may refuse to enter into an initial lease with a prospective resident or mobile home occupant for any other lawful reason.
2. It shall be considered a prohibited consideration of a change in ownership or occupancy of a mobile home to require a tenant to make alterations, modifications or improvements to a mobile home, as a condition of permitting a mobile home to remain in a park at the time of a change in ownership or occupancy, when the mobile home is otherwise in good repair and in conformance with governmental regulations.

(Sec. 9.23(6) Cr. by Ord. 11,232, 4-13-95; Am. by ORD-05-00151, 10-12-05)

(7) No Interest in Real Estate; Screening Permitted.

Neither Subsection (6)(e) nor Subsection (6)(f) creates or extends any interest in real estate or prohibits the lawful screening of prospective residents and mobile home occupants by an operator. (Cr. by ORD-05-00151, 10-12-05)

(8) Changes in Rental Terms or Park Rules.

(a) If any change or increase in rent or fees, or any other substantial change in the terms or conditions of tenancy is to be made in connection with the renewal of any rental agreement, a copy of the proposed new agreement, or amendments to the existing agreement, shall be furnished to the tenant, in writing, at least 28 days prior to the date on which the proposed new agreement is to take effect. All changes shall be specifically brought to the tenant's attention by a separate statement on the proposed rental agreement or in a separate written document attached to the rental agreement. The operator or a representative of the operator shall meet with tenants, or any group of tenants, on the proposed changes, at their request. Nothing in this section shall be construed as interfering with the operator's right to terminate any tenancy in accordance with Wis. Stat. § 710.15 and ch. 704, and Wis. Admin. Code § ATCP 125.09, if the tenant declines to accept the proposed new agreement. (Renum. by ORD-05-00151, 10-12-05)

(b) Rules and regulations which substantially affect the rights or duties of tenants or the operator under Wis. Stat. § 710.15, or this chapter may not be created or changed during the term of the rental agreement. This includes but is not limited to:

1. Rules setting standards and requirements for skirting, weather-proofing or frostproofing, and auxiliary buildings or sheds.
2. Rules limiting occupancy of mobile homes with respect to the number or age of occupants.
3. Vehicle parking rules imposed by the park operator.
4. Rules restricting or regulating overnight guests.
5. Rules restricting or regulating pets.
6. Rules requiring tenants to repair or maintain their mobile homes.
7. Rules defining the tenant's and operator's rights and responsibilities with regard to maintenance of the site.
8. Rules restricting or regulating tenants' outdoor antennas or satellite dishes.

(c) Except as otherwise provided in this section, a park operator may change or create general park rules and regulations during the term of any rental agreement or tenancy, provided all tenants are given at least 28 days prior written notice of any proposed change, and an opportunity to meet with the operator or a representative of the operator on the proposed change before it takes effect.

(d) Notice of proposed changes in rental terms and conditions or park rules and regulations under this section may be furnished to the tenant in person or by mail. Notice by mail shall be considered actual notice.

(Sec. 9.23(8) Cr. by Ord. 11,148, 1-17-95)

(9) Charges for Utility Services.

(a) Charges for a utility service provided through the operator's facilities, if not included in the rent, shall be based on the amount of the utility service used by tenants. Charges for television service provided through the operator's facilities may be assessed in the form of a uniform charge to subscribing tenants, subject to par. (b). Charges, or the method of computing charges for utility services provided through the operator's facilities shall be set forth in the rental agreement under s. ATCP 125.03 (1) (b).

(b) If television service is provided by the operator but not included in the rent, the operator may not limit a tenant's access to television service provided by an outside source. This paragraph is not intended to deny to an operator any right which the operator may have to compensation from a cable television company for easements or other use of the operator's property.

(c) Charges for utility services provided through the operator's facilities, if based on amounts used, shall be periodically invoiced in writing to tenants. Invoices shall specify both the charge and the amount of the utility service used.

(d) Charges for utility services provided through the operator's facilities, if not included in the rent, shall be competitive with retail prices charged for the same or equivalent services by public utilities or other local sources. If a utility service is provided directly to tenants by a public utility or other outside source, no additional charge may be assessed for the service by the operator.

(e) If a mobile home park operator purchases water and sewer service and resells the service to the occupants of the mobile home park, the maximum allowable water and sewer bill to the average user within the mobile home park may not exceed the lesser of the mobile home park's water and sewer bill, plus 30%, divided by the number of occupied lots within the park, or the retail rates of the local municipality's water and sewer operation applied to the average user.

(f) A mobile home park operator may establish water and sewer rates in excess of those set forth in Subdivision (e), if the operator has been granted permission by the Public Service Commission pursuant to PSC 186.31, or has been granted permission by any other state agency that regulates such water and sewer rates, as successor agency to the Public Service Commission.

(10) Restrictions On Choice Of Vendors. No operator may restrict the choice of vendors from whom a tenant may purchase goods or services. This subsection does not apply to:

(a) Utility services, subject to Subdivision (9).

(b) Services provided by the operator in the installation of a mobile home on a site, or in the removal of a mobile home from a site, pursuant to Subdivision (10) (c).

(c) Snow removal, lawn care, or similar site maintenance services performed by the operator upon the failure of a tenant to fulfill the tenant's site maintenance obligations under the rental agreement. No charges may be imposed for site maintenance services performed by the operator under this paragraph unless the tenant, if available, is given prior notice and a reasonable opportunity to perform the tenant's obligations under the rental agreement. Charges for site maintenance services shall be set forth in the rental agreement.

(d) Services involving the transportation of a mobile home to or from a site within the mobile home park, if the operator can show that the person providing the service has damaged the park during a previous move and failed to compensate the operator for the damages.

(e) A nondiscriminatory prohibition against sales solicitations within the mobile home park.

(Cr. by ORD-05-00151, 10-12-05)

(11) Entrance And Exit Fees. No operator may charge an entrance fee or exit fee in return for allowing the movement of a mobile home into or out of a mobile home park. This subsection does not apply to:

(a) Periodic payments for the rental of a site, pursuant to the rental agreement.

(b) A security deposit not exceeding the amount of 3 months' rent or $350, whichever is less.

(c) Material and labor costs incurred by the operator to move a tenant's mobile home into or out of the mobile home park, to install the mobile home on a site or remove it from a site, or to connect or disconnect utility services. The amount of any charges, or the basis upon which charges are to be calculated, shall be clearly set forth in the rental agreement.

(Cr. by ORD-05-00151, 10-12-05)

(12) Sale Of Mobile Home; Transfer Of Tenancy.

(a) No operator may:

1. Require any tenant to designate the operator, or any person named by the operator, as agent for the sale of a tenant's mobile home, or unreasonably restrict the sale of a tenant's mobile home by the tenant or an agent of the tenant's own choosing.

2. Solicit or receive any payment or other thing of value as a condition to the assignment or sublease of a rental agreement by a tenant, or as a condition to the transfer of tenancy to a buyer of the tenant's mobile home.

3. Sell, for placement in a mobile home park owned or operated by the operator, any mobile home purchased from a tenant who was prohibited from selling the home directly for placement in the mobile home park.

4. Refuse to rent a mobile home site to the purchaser of a tenant's mobile home except for a reason specified under Wis. Stat. § 710.15 (5m). This section does not prohibit the screening of prospective tenants by an operator.

5. Limit a tenant's ability to post, on the tenant's mobile home or on the site on which the mobile home is located, a "For Sale" sign or other advertisement announcing the tenant's offer to sell the tenant's mobile home if the limitation is not applied uniformly to every person, including the operator and any mobile home dealer, who sells or offers to sell a mobile home on site in the mobile home park.

(b) This section does not create or extend any interest in real estate, or prohibit the lawful screening of new tenants by the operator.

(Cr. by ORD-05-00151, 10-12-05)

(13) Termination Of Tenancy.

(a) Whenever an operator terminates any rental agreement or refuses, upon the expiration of a lease, to renew the lease or to enter into a new rental agreement, the operator shall provide the tenant with written notice setting forth the reason for such termination or refusal. Notices of termination shall comply with the requirements of Madison General Ordinances Chapter 32, Wis. Stat. § 710.15 and ch. 704, as applicable. If the rental agreement does not comply with the requirements of s. ATCP 125.03 (1) (intro.) and (2), the operator shall comply with the notice requirements of Wis. Stat. § 704.17 (2), when terminating a tenancy, unless the park operator or tenant proves that other notice requirements under Wis. Stat. § 704.17 (1) or (3), are applicable.

(b) No operator shall terminate a rental agreement or refuse, upon expiration of a lease, to renew the lease or to enter into a new rental agreement for the reason that:

1. The tenant has reported a violation, by the operator, of this chapter or any other law to any governmental authority, or filed suit alleging such violation. Any termination, refusal to renew a lease, or refusal to enter into a new lease shall be presumed to be retaliatory if committed within six months after the tenant has reported a violation by the operator of this chapter or any other law, to any governmental authority, or within six months after the tenant has filed suit alleging such violation. In order to overcome this presumption that such termination or refusal is retaliatory, the operator must show by a preponderance of evidence that such termination was based on good cause.
2. The tenant is a member of a tenant's union or association.
3. The operator wishes to make a site available to a person purchasing a mobile home from the operator or an agent of the operator.

(c) No operator may solicit or receive any payment or other thing of value, except for normal rental payments, in return for permitting a tenant to leave the tenant's mobile home in the park upon termination of tenancy.

(Cr. by ORD-05-00151, 10-12-05)

(14) Prohibited Practices.

No operator shall:

(a) Make any false, deceptive, or misleading representation to induce a mobile home sale or site rental, or make any representation inconsistent with or contrary to the written rental agreement.

(b) Impose any term or condition, any rule or regulation which the operator knows or reasonably ought to know is in conflict with this chapter or applicable law.

(c) Require any tenant to make permanent improvements to the mobile home park or any of its facilities, or assess any separate charge therefore.

(d) Enter a tenant's mobile home without the tenant's permission and reasonable notice to the tenant, as provided in Sec. 32.05 (1)(d), (e) and (f), MGO. This does not prohibit the operator from entering a tenant's mobile home if the tenant cannot be contacted and the operator reasonably believes that entry is necessary because of emergency, or to preserve and protect the mobile home or park.

(Cr. by ORD-05-00151, 10-12-05)

(15) Penalties. Any person who violates any provision of this ordinance for which no specific penalty is provided shall be subject upon conviction to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense. (Cr. by Ord. 11,148, 1-17-95)

(16) Enforcement by Tenant. Any person suffering pecuniary loss because of a violation by any other person of this Section 9.23 may sue for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee. (Cr. by ORD-05-00151, 10-12-05)

(17) Applicability of Chapter 32. The provisions of Chapter 32, MGO, are applicable to mobile home park operators and tenants, to the extent that they are not in conflict with this Chapter, ATCP 125 or Wis. Stat. § 710.15. (Cr. by ORD-05-00151, 10-12-05)

9.24 LICENSING OF SECONDHAND DEALERS.

(1) Purposes.

(a) The City finds that a paper-based system of tracking and recording secondhand dealer sales and purchases is technologically outdated, inefficient and environmentally irresponsible. This section implements and establishes the required use of an electronic reporting system to record transactions by secondhand dealers.

(b) The City recognizes that pawnshops are legitimate businesses authorized by state law. However, the City finds that the services offered by pawnshops provide an opportunity for individuals to potentially transfer stolen property to those businesses. The City also finds that consumer protection regulation is warranted in transactions involving these businesses. The City further finds that pawnshop transactions have outgrown the City's current ability to effectively or efficiently identify criminal activity related to them. The purpose of the City's regulation of pawnshops is to prevent pawnshops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of residents, pursuant to authority granted by Wis. Stat. § 134.71. (Am. by ORD-17-00030, 3-8-17)

(2) License Required.

(a) Except as provided in subs. (b) and (c) below, no person shall carry on or operate within the City of Madison a business as a pawnbroker or a business for the purchase or sale of secondhand articles, jewelry or precious metals without first having obtained a license therefor as hereinafter provided. (Cr. by ORD-12-00103, 8-15-12)

(b) A person, other than a pawnbroker, precious metal dealer or secondhand jewelry dealer, who operates as a secondhand article dealer only on premises or land owned by a person having a secondhand article dealer mall or flea-market license under sub. (8) need not obtain a secondhand article dealer's license.

(c) A person possessing a valid secondhand article dealer license or a valid secondhand jewelry dealer license issued by a county or another municipality of the State of Wisconsin under Wis. Stat. § 134.71 or an ordinance adopted pursuant thereto may operate a business in the City of Madison as a secondhand article dealer or a secondhand jewelry dealer respectively without obtaining a license hereunder. A secondhand article dealer or a secondhand jewelry dealer so licensed shall disclose the information required by Sec. 9.24(4)(a) to the City Clerk and shall submit to an investigation of the principal and its members, officers and employees by the Police Department and a written report filed with the City Clerk prior to conducting business in the City of Madison. This investigation shall include fingerprinting of the principal, if the principal is a natural person, and fingerprinting of all managers, assistant managers or lead workers who supervise employees who are directly involved in the receipt of secondhand articles or jewelry from customers, as well as a determination by the Police Department whether the principal has been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under sub. (4)(a)3. herein and, if so, the nature and date of the offense and the penalty assessed. Where the principal is a corporation, limited liability company or partnership, this provision shall apply to all its officers and each general partner or member respectively. This subsection is not intended to exempt such person from otherwise complying with the provisions of Sec. 9.24 relating to secondhand dealers including but not limited to all electronic or other record-keeping requirements, labeling and receipt requirements and holding periods mandated by this Sec. 9.24.

1. A person possessing a valid secondhand article dealer or a valid secondhand jewelry dealer license issued by a county or anther municipality of the State of Wisconsin under Wis. Stat. § 134.71 or an ordinance adopted thereto and operating in the City of Madison shall provide a bond of two thousand dollars ($2000) to the City Clerk, prior to conducting business in

the City of Madison. Such bond shall have not less than two sureties and shall be for the observation of all municipal ordinances relating to secondhand article dealers and secondhand jewelry dealers.

(d) 1. A secondhand dealer includes a person who is engaged, from a temporary location in the City of Madison, in the business of selling or purchasing articles under this Sec. 9.24. Such persons shall obtain a secondhand dealer's license under this Sec. 9.24. For the purposes of this sub. (d), a temporary location shall include, but shall not be limited to, a hotel or motel meeting room or guest room.

2. A secondhand jewelry dealer includes a person who is engaged in the business of selling or purchasing jewelry from a temporary location in the City of Madison and such person shall obtain a secondhand jewelry dealer's license under this Sec. 9.24. For the purposes of this sub. (d), a temporary location shall include, but shall not be limited to, a hotel or motel meeting room or guest room.

3. A precious metal dealer includes a person who is engaged in the business of selling or purchasing precious metal from a temporary location in the City of Madison and such person shall obtain a precious metal dealer's license under this Sec. 9.24. For the purposes of this sub. (d), a temporary location shall include, but shall not be limited to, a hotel or motel meeting room or guest room. (Cr. by ORD-12-00103, 8-15-12)

4. For the purposes of this sub. (d), it shall be prima facie evidence that a person is engaging in the activities covered by this sub. (d), if the person places advertisements, listings or notices in any media offering to sell or purchase items subject to this Section and provides a location where such purchases may be made within the City of Madison or the advertisement provides a telephone number or an internet or other electronic communication address, through which appointments are made for such transactions to be conducted within the City of Madison. (Renum. by ORD-12-00103, 8-15-12)

(Sec. 9.24(1)(d) Cr. by ORD-11-00067, 5-13-11)

(3) Definitions. The following definitions apply to this section:

Article means any of the following articles except jewelry:

1. Audio-visual equipment.
2. Bicycles.
3. China.
4. Computers, printers, software and computer supplies.
5. Computer toys and games.
6. Crystal.
7. Electronic equipment, including portable media players.
8. Fur coats and other fur clothing.
9. Ammunition and knives.
10. Microwave ovens.
11. Office equipment.
12. Pianos, organs, guitars and other musical instruments.
13. Silverware and flatware.
14. Small electrical appliances.
15. Telephones.
16. Audio tapes, compact discs, laser discs, records, videotapes, digital video discs or other similar audio or audio-visual recording media.
17. Firearms.
18. Tools.

Billable transaction means every reportable transaction conducted by a secondhand dealer except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the secondhand dealer's possession.

Charitable organization means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Firearm has the meaning given in Sec. 25.01(1), MGO.

Jewelry means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious. Jewelry does not include sterling silverware, gold or silver coins, gems, bullion or other items made in whole or in part from gold, silver, platinum or any metal, mineral or gem customarily regarded as precious or semiprecious which are not property ordinarily wearable on the person.

Pawnbroker means any person who engages in the business of lending money on the deposit or pledge of any article, jewelry or any item of tangible personal property, or purchasing any article, jewelry or any item of tangible personal property with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

Precious metal means sterling silverware, gold or silver coins, gems, bullion or other items made in whole or in part from gold, silver, platinum or any metal, mineral or gem customarily regarded as precious or semiprecious. (Cr. by ORD-12-00103, 8-15-12)

Precious metal dealer means any person who engages in any transaction of purchasing, selling, receiving or exchanging secondhand jewelry or precious metal. A holder of a precious metal dealer license issued by the City of Madison does not need to obtain a separate secondhand jewelry license in order to purchase, sell receive or exchange secondhand jewelry. A precious metal dealer license is not required for a transaction involving the buying or selling of collectible coins and collectible bullion at a bona fide coin show that meets all of the following criteria:

1. The coin show is held by a bona fide nonprofit club that has been in existence at least five (5) years;
2. The coin show consists of at least fifteen (15) exhibitors;
3. Exhibitors pay a fee for exhibit space at the coin show or an admission fee is charged to enter the show;
4. No jewelry is purchased from members of the public at the show; and
5. The coin show has been held in Madison on at least an annual basis prior to January 1, 2012. (Am. by ORD-12-00103, 8-15-12; ORD-12-00144, 11-12-12)

Reportable transaction means every transaction conducted by a secondhand dealer in which an article, articles or jewelry are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

1. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the secondhand dealer shall maintain a record of such purchase or consignment that describes each item, and shall mark each item in a manner that relates it to that transaction record.
2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

3. Secondhand textbooks shall not be subject to electronic reporting but shall be subject to recordkeeping requirements as provided in Sec. 9.24(7).

Secondhand means owned by any person except a wholesaler, retailer or secondhand article or jewelry dealer licensed under this section or Wis. Stat. § 134.71 or an ordinance adopted pursuant thereto immediately prior to the transaction at hand.

Secondhand article dealer means any person who engages in the business of purchasing, selling, including consignment selling, or exchanging secondhand articles except when engaging in any of the following: (Am. by ORD-12-00103, 8-15-12)

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, a convention or an auction.
2. Any transaction entered into by a person while engaged in a business as a pawnbroker or secondhand jewelry dealer for which the person is licensed under Sec. 9.24(1), MGO, or under Wis. Stat. § 134.71 or under an ordinance adopted pursuant thereto.
3. Any transaction entered into by a person while engaged in the business of junk collector, junk dealer, auctioneer or scrap processor as described in Wis. Stat. § 70.995(2).
4. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
5. Any transaction between a buyer of a new article and the person who sold the article when new which involves any of the following:
   a. The return of the article.
   b. The exchange of the article for a different, new article.
6. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
7. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.
8. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail or purchasing operation open to the public.
9. Any transaction between a buyer of a new article and a seller of new articles who accepts an occasional secondhand article in trade.

Secondhand dealer means a secondhand article dealer, a secondhand jewelry dealer, a precious metal dealer, a secondhand textbook dealer, or a pawnbroker. (Am. by ORD-07-00064, 5-18-07)

Secondhand jewelry dealer means any person who engages in the business of any transaction consisting of purchasing, selling, including consignment selling, receiving, or exchanging secondhand jewelry except for the following: (Am. by ORD-12-00103, 8-15-12)

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, a convention or an auction.
2. Any transaction with a licensed secondhand jewelry dealer.
3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:
   a. The return of the jewelry.
   b. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.
6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.
7. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public and does not purchase the precious metals, gems or valuable articles from the general public.
8. Any transaction between a buyer of new jewelry and a seller of new jewelry who accepts occasional secondhand jewelry in trade.

Secondhand textbook dealer means any person who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand textbooks if the person's total receipts for the sale of textbooks accounts for at least twenty-five percent (25%) of its gross receipts in the most recent calendar year. (Cr. by ORD-07-00064, 5-18-07)

Textbook means a book used in technical schools, colleges and universities as a manual of instruction. (Cr. by ORD-07-00064, 5-18-07)

(Sec. 9.24(2) Am. by Ord. 12,366, 4-13-991; ORD-07-00064, 5-18-07)

(4) Application and Fees. Written applications for licenses under this section, together with the applicable license fees, shall be filed with the City Clerk. The City Clerk shall file a copy of such application with the Police Department forthwith, and applications for licenses shall be presented to the Common Council at any regular or special meeting thereof. Licenses issued under this section shall not be transferable.

(a) The application shall state the following:

1. The applicant's name, place and date of birth and residence address.
2. The names and addresses of the business and of the owner of the business premises.
3. A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.
4. Whether the applicant is a natural person, corporation, limited liability company or partnership, and:
   a. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
   b. If the applicant is a partnership, the names and addresses of all partners.
   c. If the applicant is a limited liability company, the names and addresses of all members.
5. For all license applications, the name of the manager or proprietor of the business.
6. Whether the applicant or any other person listed in sub. 4. above has ever used or been known by a name other than the listed name, and if so, the name or names used and information concerning dates and places used.
7. Whether the applicant or any other person listed in sub. 4. above has previously been denied or had revoked or suspended a pawnbroker,

secondhand article dealer, precious metal dealer or secondhand jewelry dealer license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

8. Any other information that the City Clerk may reasonably require for such purposes.

(b) The license fees under this section are as follows:

1. The fee for a secondhand article dealer license shall be five hundred fifty dollars ($550) per year excepting secondhand article dealers who operate a business for buying, selling, exchanging or receiving into possession used or secondhand bicycles and used or secondhand parts of bicycles for which the license fee shall be five hundred dollars ($500) per year.

2. The fee for a pawnbroker's license is seven thousand five hundred dollars ($7,500) per year.

3. The fee for a secondhand jewelry dealer's license is two thousand dollars ($2,000) per year.

4. The license fee for a secondhand dealer mall or flea-market license shall be five hundred fifty dollars ($550) per year. A special event secondhand dealer mall or flea-market license shall be seventy-five dollars ($75) for a period of no more than three (3) consecutive days. The license shall set forth the exact days on which such business or event may be carried on.

5. The fee for a secondhand textbook dealer's license is one hundred dollars ($100) per year.

6. The fee for a precious metal dealer license is two thousand two hundred fifty dollars ($2,250) per year.

(Sec. 9.24(3)(b) Am. by ORD-10-00038, 5-1-10; ORD-14-00022, 1-29-14)

(c) A separate license shall be obtained for each individual premises from which the business is operated except that the holder of a secondhand license issued by the City of Madison may occasionally operate from a temporary location in the City of Madison, provided that the holder of the license shall comply with all requirements of this Sec. 9.24 and shall store all items purchased and all records generated from such transactions at the holder's permanent licensed premise. (Am. by ORD-12-00103, 8-15-12)

(d) Annual licenses shall expire on the thirtieth (30th) day of June after the granting thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee or a minimum of three dollars ($3), whichever is greater. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

(5) Investigation of License Applicant. Before any license is issued under the provisions of this section, an investigation of the character of the applicant and its members, officers and employees shall be made by the Police Department and a written report filed with the City Clerk and made a part of the application. This investigation shall include fingerprinting of the applicant, if the applicant is a natural person, and all managers, assistant managers or lead workers who supervise employees who are directly involved in the receipt of secondhand articles or jewelry from customers as well as a determination by the Police Department whether the applicant has been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under sub. (4)(a)3. herein and, if so, the nature and date of the offense and the penalty assessed. Where the applicant is a corporation, limited liability company or partnership, this provision shall apply to all its officers and each general partner or member respectively.

(6) License Issuance. The Common Council shall grant the license if all of the following apply:

(a) The applicant, including an individual, a partner or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten (10) years of a felony or within the preceding five (5) years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a secondhand article dealer, secondhand jewelry dealer, or pawnbroker.

(b) With respect to an applicant, all or any part of whose secondhand dealer business involves transactions as a pawnbroker, the applicant provides to the City Clerk a bond of five thousand dollars ($5,000), with not less than two sureties, for the observation of all municipal ordinances relating to secondhand dealers and pawnbrokers.

(c) The appropriate license fee for each individual premises has been paid.

(d) No license issued under this section may be transferred.

(7) Restrictions and Requirements.

(a) Identification. No secondhand article dealer, secondhand jewelry dealer, precious metal dealer, secondhand textbook dealer, or pawnbroker may engage in a transaction of purchase, receipt pawn or exchange of any secondhand article, secondhand textbook, or secondhand jewelry from a customer without first securing adequate identification from the customer. Adequate identification shall include a detailed identification of the customer by obtaining a physical description of the person and shall also include the subject's driver license number or Wisconsin Identification number. At the time of the transaction, the dealer shall require the customer to present one of the following types of identification a current and valid:

1. A county identification card.
2. A state identification card.
3. A valid Wisconsin motor vehicle operator's license.
4. A valid motor vehicle operator's license, containing a picture issued by another state.
5. A military identification card.
6. A valid passport.
7. An alien registration card.
8. A senior citizen's identification card containing a photograph.
9. Any identification document issued by a state or federal government, whether or not containing a picture, if the pawnbroker, secondhand dealer or secondhand jewelry dealer, or secondhand textbook dealer obtains a clear imprint of the customer's right index finger.
10. Any valid college, university, or technical school identification card.
11. A valid identification card or motor vehicle operator's license issued by a tribal government or foreign country.

(Am. by Ord. 12,202, 8-31-98; ORD-07-00064, 5-18-07)

(b) Records. It shall be the duty of every license holder to keep a record of all articles, precious metals, and jewelry purchased by her/him and it is required that a detailed description be obtained of all property purchased. Said description shall contain such information as to identify said property correctly; and shall include type of property, serial number, model number, color description and purchase price of said property. The description need not include the title, artist or author of audiotapes, compact discs, laser discs, records, videotapes, digital video discs or other audio or audio-visual recording media. At the time of any reportable transaction other than a renewal, extension, or redemption, every secondhand

dealer shall immediately record in English the following information by using a computerized record approved by the Police Department: (Am. by ORD-12-00103, 8-15-12)

1. A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name or other identifying mark on such an item, except that the title, artist or author of audio tapes, compact discs, laser discs, records, videotapes, digital video discs, or other similar audio or audio visual recording media need not be described.
2. The purchase price, amount of money loaned upon or pledged therefore.
3. For pawn transactions, the maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
4. Date, time, and place the item of property was received by the secondhand dealer, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the secondhand dealer's records.
5. To the extent that it is not provided as part of the record of the customer's identification retained by the secondhand dealer, full name, current residence address, current telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, color of eyes, and color of hair.
6. The identification number and the state of issue of the identification presented by the seller pursuant to Sec. 9.24(7)(a).
7. The signature of the person identified in the transaction.
8. For renewals, extensions, and redemptions the secondhand dealer must record the original transaction identifier, the date of the current transaction, and the type of transaction.
9. Data entries must be maintained for at least one (1) year from the date of transaction. During this time, the records must at all reasonable times be open to inspection by the Police Department.

(c) Daily Reports to Police.

1. Secondhand dealers, other than secondhand textbook dealers, must submit every reportable transaction to the Police Department daily in the following manner. Secondhand dealers must provide to the Police Department all information required in sub. (b) and other required information, including photographs under paragraph 7. of this sub. (c), by electronically transferring it from their computer to the Police Department approved data server. All required records must be transmitted completely and accurately within twenty-four (24) hours of the transaction in accordance with standards and procedures established by the Police Department using procedures that address security concerns of the secondhand dealer and the Police Department. The secondhand dealer must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported daily to the department. (Am. by ORD-12-00144, 11-12-12)
2. If a secondhand dealer is unable to successfully transfer the required reports electronically, the secondhand dealer shall notify the Police Department of the reason the dealer is unable to transfer the required reports and shall provide the Police Department with an estimated time of compliance. The secondhand dealer shall provide the Police Department with electronic copies of all reportable transactions that have not been transmitted

electronically in a form approved by the Police Department by 5:00 PM of the next business day, unless the secondhand dealer electronically transfers the data prior to that time.

3. If the problem is determined to be in the secondhand dealer's system and is not corrected by the close of the first business day following the failure, the secondhand dealer shall be charged a daily reporting failure fee of ten dollars ($10.00) until the error is corrected. If the problem is determined to be outside the secondhand dealer's system, the secondhand dealer shall not be charged the reporting failure fee.
4. Regardless of the cause or origin of the technical problems that prevented the secondhand dealer from uploading the reportable transactions, upon correction of the problem, the secondhand dealer shall electronically upload the information required in sub. (b) from every reportable transaction that occurred since the problem began.
5. The provisions of this section notwithstanding, the Police Department may, upon presentation of extenuating circumstances, delay or waive the implementation of the daily reporting penalty.
6. Exception for Customer Return or Exchange. Nothing in this section applies to the return or exchange from a customer to a secondhand dealer of any secondhand article purchased from the secondhand dealer.
7. Photographs. Each pawn, secondhand articles, precious metal or second hand jewelry transaction shall include a color photograph or color video recording of each customer pawning, pledging, consigning, exchanging or selling an item or property, and every item or property pawned, pledged, consigned, exchanged or sold. Photographs shall be at least two (2) inches square and photographs and video recordings shall be time and date stamped so that they can be readily matched and correlated with all other records of the transaction. The photographs and video recordings shall be made available to the Police Department upon request. Items defined in Sec. 9.24(3), "Article," Line 16, are exempt from this photograph requirement. (Am. by ORD-12-00103, 8-15-12)

(d) Subsection (c) shall not apply to businesses that did not have two hundred (200) reportable transactions in the past calendar year. However, any such secondhand dealer must follow the daily reporting procedure for each reportable transaction by submitting a transaction form approved by the Police Department to the department on the business day following the date of the reportable transaction.

(e) Receipt Required. Every secondhand dealer must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for one (1) year. The receipt must include at least the following information:

1. The name, address, and telephone number of the licensed business.
2. The date and time the item was received by the secondhand dealer.
3. Whether the item was pawned or sold, or the nature of the transaction.
4. An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item except that the title, artist or author of audiotapes, compact discs, laser discs, records, videotapes, digital video discs or other similar audio or audio visual recording media need not be described.
5. The signature or unique identifier of the secondhand dealer or employee that conducted the transaction.
6. The amount advanced or paid.
7. If a pawn transaction, the monthly and annual interest rates, including all pawn fees and charges.

8. If a pawn transaction, the last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
9. The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
10. The identification number from the seller's identification, and the state, Canadian province or nation of issue.
11. The signature of the pledger or seller.

(f) Label Required. Secondhand dealers must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction except as provided herein. Permanently recorded on this label must be the number or name that identifies the transaction in the dealership's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the Police Department, whichever is applicable. Labels shall not be reused. Labels are not required for items defined in "Article," Paragraph 16. of Subsection (3) entitled "Definitions."

(g) Transactions with Minors. No purchase, receipt or exchange of any secondhand article, secondhand textbook, or jewelry shall be made from any person under the age of eighteen (18) years, except that a secondhand article dealer may engage in a transaction involving the purchase, receipt or exchange of computer toys and games and audio tapes, compact discs, laser discs, records, video tapes or other similar audio or audio-visual recording device, from a minor if the minor is accompanied by her/his parent or guardian at the time of the transaction.

(Am. by Ord. 12,202, 8-31-98; ORD-07-00064, 5-18-07)

(h) Intoxicated Sellers. No secondhand dealer may receive any goods from a person of unsound mind or an intoxicated or impaired person.

(i) Serial Number Required. No secondhand dealer may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.

(j) Seller Ownership. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any secondhand dealer.

(k) Seller Identification. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any secondhand dealer shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date address of residence or telephone number, nor present a false or altered identification or the identification of another to any secondhand dealer.

(l) Holding Period.

1. Except as provided in par. 6., any secondhand article or jewelry purchased or received by a pawnbroker shall be kept on the dealer's premises or other place for safekeeping for not less than thirty (30) days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or jewelry recovers it.
2. Except as provided in par. 6., any secondhand article purchased or received by a secondhand article dealer shall be kept on the dealer's premises or other place for safekeeping for not less than ten (10) days after the date of purchase or receipt.
3. Except as provided in par. 6., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than fifteen (15) days after the date of purchase or receipt.

4. Except as provided in par. 6, any item purchased by a precious metals dealer shall be kept on the dealer's premises or other place of safekeeping for not less than fifteen (15) days after the date of purchase or receipt.
5. During the period set forth in Paragraphs 1., 2., 3. or 4., the secondhand article or jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer, precious metal dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or jewelry during this period. Within twenty-four (24) hours after a written request of a law enforcement officer during this period, a pawnbroker or other secondhand dealer shall make available for inspection any secondhand article or jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker or other secondhand dealer to hold that secondhand article or jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it.
6. At all times during the terms of the license, the secondhand dealer shall allow law enforcement officials to enter the premises where the business is conducted, including all off-site storage facilities, during normal business hours, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this section and other applicable laws.
7. Paragraphs 1. to 4. do not apply to the following:
   a. A secondhand article consigned to a pawnbroker or other secondhand dealer;
   b. A coin of the United States, any gold or silver coin or gold or silver bullion.
   c. An audio tape, compact disc, laser disc, digital video disc, record, video tape or other similar audio or audio-visual recording media. (Cr. by Ord. 12,366, 4-13-99)
   d. A textbook. (Cr. by ORD-07-00064, 5-18-07)
8. If a secondhand article dealer is required to submit an electronic report under Sec. 9.24(7)(c) concerning an article consisting of a computer or video game purchased or received by the secondhand article dealer, the computer or video game shall be kept on the secondhand article dealer's premises or other place for safe keeping for not less than seven (7) days after the report is submitted.

(m) Redemption Period. Any person pledging, pawning or depositing any item for security shall have a minimum of thirty (30) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the thirty- (30) day holding period, items shall not be removed from the licensed location. Pawnbrokers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the Police Department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with sub. (b).

(n) Police Order to Hold Property.

1. Investigative Hold. Whenever a law enforcement officer from any agency notifies a secondhand dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in

writing by the originating agency within seventy-two (72) hours and will remain in effect for a reasonable length of time that the law enforcement officer considers necessary to identify it, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to par. 2., whichever comes first.

2. Order to Confiscate.

a. If an item is identified as stolen or evidence in a criminal case, the Police Department may physically confiscate and remove it from the shop, pursuant to a written order from the Police Department.

b. When an item is confiscated, the person doing so shall provide identification upon request of the secondhand dealer, and shall provide the secondhand dealer with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the Police Department shall so notify the secondhand dealer.

(o) Notwithstanding Sec. 9.24(7)(c)7. or Sec. 9.24(7)(f) , if the Police Department finds it is in the interest of the public safety or welfare, the Department may establish rules defining labeling and photographing requirements for items that are part of a collection of coins which would permit the labeling or photographing of the coins in the collection as a group or groups of coins.

(8) Textbooks. For each transaction for the purchase, receipt or exchange of one or more textbooks by a secondhand textbook dealer, a secondhand textbook dealer shall require the customer to provide government-issued photo identification, and complete and sign, in ink, a form approved by the Madison Police Department. The form shall require, among other things, that each individual textbook be listed by title and author, by international standard book number (ISBN) or by any other information adequate to identify each textbook included in the transaction. Should the secondhand textbook dealer include the necessary information on a receipt of the transaction, a copy of the receipt attached to the form shall satisfy this ordinance. Secondhand textbook dealers need not forward a completed copy of the form to the Madison Police Department, but shall maintain the records for a six- (6) month time period and shall make the records available upon demand of the police.

(9) Secondhand Article Dealer Mall or Flea Market.

(a) The owner of any premises or land upon which two or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea-market license for the premises or land if the following conditions are met:

1. Each secondhand article dealer occupies a separate sales location and identifies herself or himself to the public as a separate secondhand dealer.

2. The secondhand article dealer mall or flea market is operated under one name and at one address, and is under the control of the secondhand article dealer mall or flea-market license holder.

3. All sales are completed at a central location under the control of the secondhand article dealer mall or flea-market license holder, who maintains a record of all sales.

(b) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with sub. (6).

(10) Procedure for Revocation, Suspension or Nonrenewal. In addition to any other penalty provided by these ordinances, any secondhand article dealer license, secondhand jewelry dealer license, secondhand textbook dealer license, pawnbroker license, precious metal dealer license or secondhand article mall or flea-market license may be revoked, suspended or ordered not to be renewed for a stated period of time by the Public Safety Review Committee, after notice and hearing in accordance with the procedures in Sec. 9.49(6)(b),

for any violation of Sec. 9.24; for any violations of any other Madison General Ordinances or state statutes where the circumstances of the offense are substantially related to the circumstances of being a secondhand dealer; for fraud, misrepresentation or false statement contained in the application for a license; or for any violation of Wis. Stat. §§ 943.34, 948.62 or 948.63.

The decision of the Public Safety Review Committee shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination by said board. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(11) Penalty.

(a) Upon conviction for a first offense under this section, a person shall forfeit not less than fifty dollars ($50) nor more than five thousand dollars ($5,000).

(b) Upon conviction for a second or subsequent offense under this section, a person shall forfeit not less than five hundred dollars ($500) nor more than ten thousand dollars ($10,000).

(Sec. 9.24(9) Am. by ORD-11-00067, 5-13-11)

(12) Severability. Should any section, subsection, clause or other provision of this chapter be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared invalid.

(13) This ordinance shall become effective on February 1, 2012.

(14) (Rep. by ORD-13-00119, 6-26-13)

(Sec. 9.24 R./Re-Cr. by Ord. 10,985, Adopted 8-30-94; Am. by ORD-11-00171, 12-21-11)

9.25 REGISTRATION OF LANDLORDS OF CHRONIC NUISANCE PROPERTIES.

(1) Purpose. Properties that have been determined to be Chronic Nuisance Premises (CNP) under Sec. 25.09, MGO, are properties that harm the community, requiring a higher proportion of City police and inspection services, negatively impacting the safety of the occupants and neighbors of the property, and damaging the fabric of the neighborhood. The vast majority of properties determined to be Chronic Nuisance Premises are non-owner occupied rental properties. Due to the negative effects such properties have on the community, it is in the City's interest to regulate the owners of these properties who choose to rent the premises, or portion thereof, to other people. The purpose of this ordinance is to protect the public welfare by requiring that those owners who have a property or properties that have been declared a Chronic Nuisance Premises be registered with the City to ensure compliance with an abatement plan, that the property is adequately maintained, and that the owners are sufficiently trained regarding landlord-tenant issues.

(2) Definitions. In addition to all of the definitions contained in Sec. 25.09(2), MGO, the following definitions apply to this section:

(a) "Absentee Landlord" means a landlord who owns a rental property and does not reside in Dane County and/or is not involved in the day-to-day management of the property.

(b) "Dwelling unit" means one or more rooms which are arranged, designed or used as living quarters for one family only.

(c) "Landlord" means the owner(s) of a property where a 3rd party has entered into a rental agreement for the rental or lease of all or part of a property.

(d) "Registration authorities" are the Chief of Police, the Director of Building Inspection, and the City Attorney, or their respective designees.

(e) "Managing agent" is a person who, by virtue of his or her position, has control, including physical and contractual, over a property.

(f) "Owner" means any person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the property, and who has the right to present use and enjoyment of the premises, and the full or partial proceeds thereof.

The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life-estate holder, a remainderman, a land-contract seller, and a land-contract buyer.

(g) "Person" means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust, or other entity that may enter into contracts.

(h) "Rental agreement" is a written or oral agreement for the rental or lease of a specific dwelling unit or premises, or portion thereof, in which the owner and tenant agree on essential terms of tenancy such as rent. This term does not include an agreement to enter into a rental agreement in the future, nor does it include land contracts.

(3) Applicability.

(a) Except as set forth in sub. (b), every owner of a property determined to be a Chronic Nuisance Premises under Sec. 25.09(3)(a), MGO must comply with the provisions of this section.

(b) This section does not apply where the registration authorities provide the Clerk notice, pursuant to sub. (7)(b), that the property is no longer subject to the registration requirements of this section. However, this exception does not apply to subsequent determinations that the property is again a Chronic Nuisance Premises.

(4) Registration Requirement. Within ninety (90) days of a property being determined to be a Chronic Nuisance Premises, or a transfer of full or partial ownership of a property already determined to be a Chronic Nuisance Premises, or the enactment of this ordinance, every owner subject to this section must have registered with the Clerk under this section in order to rent, or offer for rent, all or part of the property determined to be a Chronic Nuisance Premises.

(5) Registration Process.

(a) Initial Registration.

1. Registration Process.

a. Owners must register with the Clerk within fifteen (15) days of the issuance of the CNP Notice under Sec. 25.09(3)(a), MGO. To be considered by the Clerk, registrations submitted more than thirty (30) days after the issuance of the CNP Notice must be accompanied by a letter from the registration authorities that a nuisance abatement plan has been agreed to. An owner who has had his or her registration revoked under sub. (d) cannot reapply for registration at that property.

b. Registrations must be accompanied by the registration fee as set forth in subsection (8).

c. Registrations must be submitted on a form provided by the Clerk which shall require the following information:

i. The name, address, work, cellular and home telephone numbers and email address of each owner of the property, as well as the registered agent of any owner of the property. When the owner is a land trust, the form shall include the name and address of each person(s) holding a beneficial interest and/or power of direction therein.

ii. The name, address, work, cellular and home telephone numbers of any person appointed as managing agent(s) of the property. If the managing agent is other than a natural person, the above information shall also be provided for the designated employee(s) of the managing agent specifically assigned to the property.

iii. A copy of the written management agreement between the owner and the managing agent shall be attached to the registration form. If no written agreement exists, the owner and managing agent shall attach an executed statement setting forth the terms of the managing agent's authority to rent, manage, and make expenditures with respect to the multi-family dwelling.

iv. If no managing agent has been appointed, the name, address, work, cellular and home telephone numbers of an agent authorized by the owner to accept notices and process.

v. The number of dwelling units in the property, the occupancy rate for each unit, the names of the occupants of each rental dwelling unit, and the rental rate for each unit.

vi. The name and mailing address of the property mortgagee and the name under which the mortgage for the property is held.

vii. A signed statement from the registrant that he or she agrees to all the terms and conditions of the registration as set forth in subsection (6).

d. Upon receipt of a registration form, the City Clerk shall forward copies of the same to the registration authorities.

2. Registration Certificate.

a. A registration certificate shall be issued by the Clerk only upon being notified jointly by the licensing authorities that:

i. The registrant has provided complete and accurate information on the application form;

ii. The registrant has agreed to, and is cooperating with, a nuisance abatement plan under Sec. 25.09(3)(b)3.; and

iii. The registrant has attended and completed the landlord training program as required under Sec. 25.09(3)(b)4., or other similar class approved by the City Attorney.

iv. There are no existing inspection reports identifying any code violation(s) which have not been corrected and for which the time of correction of said violation as noted in such inspection report has expired; and/or

v. There is no pending litigation with respect to code violations at such property.

vi. If the circumstances in iv. or v. above exist, the Clerk shall hold the registration and fee in abeyance until the identified code violations are cured or the code violation charges are dismissed by a Court or the City. Upon either of such event occurring, the Clerk shall promptly issue the license.

b. A copy of the registration certificate shall be forwarded to the registration authorities, the property owners mortgage holder as identified in subsubparagraph 5(a)1.c.vi. and to the Dane County Register of Deeds.

c. A registration certificate issued under this section is valid for one (1) year from the date of issuance.

(b) Renewal of Registration.

1. Within thirty (30) days, and no later than ten (10) days, of the expiration of the registration certificate, the owner must apply for a renewal of the registration certificate and pay the renewal fee as set forth in subsection (8).
2. Renewal registrations must be submitted on a form provided by the Clerk which shall require the following information:
   a. Either:
      i. A statement that no information contained on the initial registration form or most recent renewal form has changed; or
      ii. An update of the information that has changed since the initial registration or most recent renewal registration.
   b. A signed statement from the registrant that he or she agrees to all the terms and conditions of the registration as set forth in subsection (6).
3. Upon receipt of the registration renewal, the City Clerk shall forward copies of the same to the registration authorities.
4. The City Clerk shall renew the registration only upon being notified jointly by the registration authorities that:
   a. The registrant has provided complete and accurate information on the registration renewal form;
   b. The registrant has either fully abated the chronic nuisance and the property is no longer a Chronic Nuisance Premises, or the registrant is cooperating with the nuisance abatement plan under Sec. 25.09(3)(b)3.;
   c. The registrant has attended a landlord training program approved by the Office of the City Attorney within sixty (60) days prior to the renewal of the registration and, in addition, if landlord is an absentee landlord, proof that a person directly involved in the day-to-day management of the property attend landlord training within sixty (60) days of the expiration of the certificate each year the certificate is up for renewal;
   d. There has been no more than three (3) Enforcement Actions at the property during any six (6) month period after the issuance or renewal of the registration;
   e. The registrant has paid all the fees and costs associated with the Chronic Nuisance Premises finding that accrued during the period of the registration; and
   f. There are no existing inspection reports identifying any code violation(s) which have not been corrected and for which the time of correction of said violation as noted in such inspection report has expired; and/or
   g. There is no pending litigation with respect to code violations at such property.
   h. If the circumstances in iii. or iv. above exist, the Clerk shall hold the registration and fee in abeyance until the identified code violations are cured or the code violation charges are dismissed by a Court or the City. Upon either of such event occurring, the Clerk shall promptly issue the license.

5. A registration renewed under this subdivision is valid for one (1) year from the date of issuance, and must be renewed, pursuant to this subdivision, within thirty (30) days, and no later than ten (10) days, of the expiration of the registration.

(c) Revocation of Registration. A registration certificate issued under this section can be revoked at any time by the City upon a joint determination by the registration authorities that:

1. More than three (3) Enforcement Actions have occurred within any ninety (90) day period since the issuance of the registration certificate;
2. More than six (6) Nuisance Activities have occurred within any twelve (12) month period since the issuance of the registration certificate;
3. The registrant has retaliated against a tenant of the property under Sec. 32.15;
4. The registrant has not made a good faith effort to comply with the nuisance abatement plan entered into under Sec. 25.09(3)(b)3 for more than ninety (90) days; or

(6) Terms and Conditions of Registration. Each registration certificate issued or renewed shall have the following terms and conditions:

(a) Registration Certificates are Not Transferable. Registration certificates issued under this section are not transferable. If the registrant sells all or any part of his or her interest in the property, the registration certificate terminates and the new owner is subject to this section as set forth in subsection (3).

(b) Individual Responsibility. Each owner of the property must separately apply for and obtain a registration certificate under this section, and each owner is individually responsible for complying with the terms and conditions of registration.

(c) Posting of Registration Certificate. A copy of the registration certificate must be provided to each tenant of the premises and must be conspicuously posted at all entry points to the building and on the office door if there is an office at the property. In addition to the certificate, there must be an explanation regarding the property's declaration as a Chronic Nuisance Premises and a statement that the property owner is actively working with the City to correct the nuisance issues associated with the property. The posting shall be no smaller than 11" by 17" and the placement shall be approved by the Building Inspection Department.

(d) Information Update. The registrant agrees to update any information contained on the registration form or registration renewal form within ten (10) days of said change by providing written notice of said changes to the registration authorities.

(e) Compliance With Nuisance Abatement Plan. The registrant agrees to comply with the nuisance abatement plan reached under Sec. 25.09(3)(b)3.

(f) Inspection Requirement. The registrant agrees to allow inspections of the property by the Director of Building Inspection, or his or her designee, upon tenant complaints, pursuant to reinspection deadlines, or because of programmed inspections. It shall be deemed a failure to allow an inspection by every registrant of the property if an inspection is scheduled and the inspector is prevented from accessing the property.

(g) Yearly Training. The registrant agrees to attend a landlord training program within sixty (60) days of the expiration of the certificate, each year the certificate is up for renewal. If registrant is an absentee landlord, registrant agrees to, in addition to registrant, have a person directly involved in the day-to-day management of the property attend landlord training within sixty (60) days of the expiration of the certificate each year the certificate is up for renewal.

(h) Rental Agreements Required. The registrant agrees that each occupied dwelling unit, except for an owner-occupied unit, shall be subject to a rental agreement. The

registrant agrees to forfeit the registration certificate if he or she permits a person(s), other than the immediate family members of an owner-occupant, to occupy a dwelling unit without a rental agreement. An owner will be deemed to have met the requirements of this condition if the owner has initiated a civil action for the removal of the unlawful or unauthorized occupant, or has contacted the Police Department to pursue trespassing charges.

(7) Termination of Registration Requirement.

(a) The owner of a property subject to the requirements of this section, may apply to the registration authorities to terminate the requirement that he or she register and obtain a registration certificate to rent, or offer for rent, the property. This can be done upon a showing by the owner, verified by the registration authorities, that either:

1. For a one (1) year period, every owner(s) of the property, or prior owner(s) of the property, has
   a. Fully complied with the nuisance abatement plan reached under Sec. 25.09(3)(b)3.;
   b. Fully complied with all the terms and conditions of the registration certificate under subsection (6); and
   c. There has not been an Enforcement Action at the property; or
2. There has been a change in full ownership of the property since the Chronic Nuisance Premises determination was made, and, within ninety (90) days of the change in full ownership, the property is no longer determined to be a Chronic Nuisance Premises by the registration authorities.

(b) Upon the owner meeting the requirements of subdivision (a), the registration authorities shall provide the Clerk notice that the property is no longer subject to the registration requirements of this section.

(8) Fees.

(a) Application Fee. Each registrant for a registration certificate shall pay the Clerk two hundred and fifty dollars ($250). However, if there are multiple owners to a property, the second and subsequent registrant shall pay the Clerk one hundred dollars ($100).

(b) Renewal Fee. Each registrant submitting a renewal form shall pay the Clerk fifty dollars ($50).

(c) Late Charge. If a registrant for a license or an owner attempting to renew his or her registration under this section fails to file the registration or renewal form on time, the associated fee set forth above is doubled.

(9) Enforcement. The provisions of this section are enforceable by the Clerk and each of the registration authorities.

(10) Appeal. The provisions of Sec. 9.49, MGO apply to the review of administrative determinations made by the Clerk or the registration authorities pursuant to this section.

(11) Penalty.

(a) Renting Without a Registration Certificate. Anyone subject to this section who violates the registration requirement of subsection (4) shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than twenty-five hundred dollars ($2,500) upon conviction. Each day of the violation and each dwelling unit rented, or offered for rent, without a registration certificate shall be construed as a separate offense.

(b) Any other violation of this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000) upon conviction. Each day of the violation shall be construed as a separate offense.

(Sec. 9.25 Cr. by ORD-10-0011, 2-4-10)

9.26 OPERATION OF PERSONAL STORAGE LOCKERS.

Any person who owns or operates personal storage lockers in the City of Madison shall obtain an annual license prior to January 1 of each year, or within 30 (thirty) days of operating the personal storage lockers. The license year commences on January 1 and ends on the following December 31.

Application shall be made to the City Treasurer and the fee for the license shall be ten dollars ($10.00).

The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of five dollars ($5.00) from every owner or operator of personal storage lockers, if the owner or operator fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 (thirty) days of operating personal storage lockers. All late fees received or collected shall be paid into the local Treasury.

The Zoning Administrator may revoke a license if there are three (3) or more violations of this or any ordinance in Chapter 28, MGO, regulating the operation of personal storage lockers, within any twelve (12) month period.

(Cr. by ORD-16-00109, 12-14-16)

9.27 RESERVED FOR FUTURE USE. (R. by Ord. 6186, 3-16-78)

9.28 SALE OF CHRISTMAS TREES LICENSED.

(1) A license shall be required for each stand, place, room or enclosure where Christmas trees are to be sold and such licenses shall be prominently displayed; provided, however, that no license shall be required for the sale of Christmas trees of small, novelty or table size, whether natural or artificial trees, at any indoor location for the reason that no fire hazard or cleanup problems exist in connection therewith as in the case of outdoor sales or of sales of larger Christmas trees. No license shall be issued for any premises in a building or on a parcel of land on which any dwelling unit is located, or in an improperly zoned area. (Am. by Ord. 8530, 3-11-85)

(2) Any person, firm or corporation desiring to engage in the business of selling Christmas trees in the City of Madison shall make application in writing to the Director of the Building Inspection Division. (Am. by Ord. 10,208, 2-28-91; ORD-08-00109, 10-7-08)

(3) Such application shall state the ordinary use to which such premises or location have been devoted up to the time of making application and the type and character of any business carried on at said place and shall describe the premises or location fully where the business is to be carried on, and shall give the name and address of the applicant, if an individual, or of all the partners, if it is a partnership, or of the corporation or organization and its resident agent, if a corporation or organization for the two (2) year period immediately prior to making said application.

(4) The fee for such license shall be ten dollars ($10) payable at the time of making application. All premises shall be inspected and approved by the Building Inspection Division of the Department of Planning and Community and Economic Development before such license is granted. Such inspection shall be made within twenty (20) days of the date of application. The license shall automatically expire on January 1 following the date of issuance. The licensee shall have direct control over the premises or location where such trees are sold and over the sale of such trees, and shall be responsible for the conduct of any person in her/his employ. No such trees shall be placed on any licensed premises by any person in any location within fifteen (15) feet of any gasoline pump or other dispensing equipment of liquid fuels. The license shall not be assignable, and any holder of such license who permits it to be used by any other person shall be guilty of a violation of this section. Any person who engages in the business of selling Christmas trees without a license, except Christmas trees, either artificial or natural, of small, novelty or table size, or any holder of a license who permits it to be used by any other person, upon conviction thereof shall be fined not less than fifty dollars ($50) nor more than one hundred fifty dollars ($150), together with the costs of prosecution, and on default thereof shall be

imprisoned in the county jail for a period of not less than fifteen (15) days nor more than thirty (30) days, or until such fine and costs of prosecution are paid. Each day the terms and provisions of this section are violated shall constitute a separate and distinct offense. (Am. by Ord. 10,208, 2-28-91; ORD-08-00109, 10-7-08)

(5) Any license issued pursuant to this section may be revoked by the Common Council or any appropriate committee thereof. Such revocation shall be for cause, and it shall be the duty of the Building Inspection Division of the Department of Planning and Community and Economic Development to report to the Common Council, or any appropriate committee thereof, any violations of this section, the ordinances of the City of Madison, or the laws of the state of Wisconsin. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(6) The Building Inspection Division of the Department of Planning and Community and Economic Development shall, as soon as practicable after the twenty-fifth (25th) day of December of each year, inspect all premises or locations licensed under this ordinance and certify to the City Clerk the names of those licensees who have fully complied with this ordinance and are entitled to the return of the deposit referred to. If the licensee fails to clean the premises, the Building Inspection Division of the Department of Planning and Community and Economic Development is authorized to enter upon the premise and remove or destroy, or cause to be removed or destroyed, such Christmas trees or parts thereof which remain and the cost of such removal shall be deducted from such amount placed on deposit with the Clerk. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(7) The provisions of this ordinance shall not apply to the wholesale sale of Christmas trees to dealers in the City of Madison.

9.29 RESERVED FOR FUTURE USE. (R. by Ord. 13,764, Effective 6-30-05)

9.30 PENALTY. Any person, firm or corporation who shall violate any of the provisions of this chapter for which special penalty has not been provided shall be subject to a penalty of not more than two hundred dollars ($200) for each and every violation.

9.31 CAT LICENSE.

(1) Definitions.

(a) The word "owner" when used in this section in relation to a property right in or possession of a cat includes every person who owns, harbors, or keeps a cat.

(b) The word "neutered" as used herein as describing a cat shall mean a cat having nonfunctional generative organs.

(2) Every owner of a cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year shall annually, or within thirty (30) days from the date such cat becomes five (5) months of age, at the time and in the manner provided by law, pay a cat license fee and obtain a license therefore. Effective January 1, 2009, such cat license fee shall be fifteen dollars ($15) for each neutered male cat or spayed female cat upon presentation of evidence that the cat is neutered or spayed, and twenty dollars ($20) for each unneutered male cat or unspayed female cat, or one-half of these amounts if the cat becomes five (5) months of age after July 1 of the license year. The cat license year shall commence on January 1 and end on the following December 31. (Am. by Ord. 11,736, 12-13-96; Ord. 13,488, 1-23-04; ORD-06-00154, 11-23-06; ORD-08-00134, 12-5-08)

(3) Upon payment of the required cat license fee on any cat, the City Treasurer or other authorized individual shall execute and issue to the applicant a license for such cat which shall state the date of its expiration, shall bear a serial number, owner's name and address, and the name, sex, spayed and unspayed, breed, description and color of the cat licensed, and a duplicate copy of the license shall be kept on file. The City Treasurer or other authorized individual shall at the same time deliver to the licensee a tag of durable material which shall bear the same serial number as the license and the name of the City of Madison. The cost of making and furnishing such tags and the cost of printing all forms

shall be paid out of license revenues. The City Treasurer may authorize the initial issuance of cat licenses by local veterinarians. Effective January 1, 1996, the City Treasurer shall pay fifty cents (.50) from the proceeds of each license to the veterinarian or veterinary clinic which issues the license as reimbursement for providing licensing services. Veterinarians shall not issue renewals of previously issued licenses. (Am. by Ord. 11,736, 12-13-96)

(4) The licensee shall securely attach the tag to a collar or harness and said collar or harness with the tag attached shall at all times be kept on the cat for which the license is issued. A new tag with a new number shall be furnished to the licensee by the City Treasurer or other authorized individual in place of the original tag upon presentation of the license and proof of the loss of the original tag. The Treasurer or other authorized individual shall then endorse the new license number on such license. The City Treasurer shall keep a record thereof. (Am. by Ord. 10,766, 11-1-93)

(5) The fact that a cat is without a license attached to the cat by means of a collar or harness shall be presumptive evidence that the cat is unlicensed. Madison police officers shall seize, impound or restrain any cat for which a cat license is required which is found without such license attached and shall seize, impound or restrain any cat found running at large and any such officer may enter upon premises of the owner to seize such cat.

(6) The owner of all cats over five (5) months of age shall place on said cats a collar or harness bearing the name and address of the owner of said cat plainly stamped on said collar or harness, or upon a metal identification tag attached thereto. It shall be unlawful for any person other than the owner or keeper thereto to remove a cat's collar or harness containing the name of the owner or the license number from any cat.

(7) Any cat found or discovered off the premises of its owner and unaccompanied by its owner or some person in control of it shall be considered to be at large and a private nuisance and may be seized, restrained, impounded and disposed of as provided in Section 23.33 of the Madison General Ordinances.

(8) Late Fees. The Treasurer or other authorized individual shall assess and collect a late fee of five dollars ($5) from every owner of a cat five (5) months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable cat or if the owner failed to obtain a license on or before the cat reached licensable age. All late fees received or collected shall be paid into the local Treasury. The provisions of this Subsection shall become effective April 1, 2004. (Cr. by Ord. 13,488, 2-23-04)

(9) Penalties. Any person violating any provision of this section or who shall cause, suffer or permit the violation of any provision of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). (Renumbered to Subsec. (9) by Ord. 13,488, 2-23-04)

9.32 RESERVED FOR FUTURE USE. (R. by Ord. 12,133, 6-1-98)

9.33 REGULATION OF MASSAGE ESTABLISHMENTS, MASSAGE TECHNICIANS AND EMPLOYEES.

(1) It shall be unlawful for any person, corporation or other legal entity to suffer, cause or permit the operation of a massage establishment or for a person to operate as a massage technician, agent, manager or employee, except in strict compliance with this section.

(2) Definitions. For the purposes of this section:

(a) Massage means any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for a consideration.

(b) Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(c) Massage establishment means a place of business wherein private massage is practiced, used or made available as a principal use of the premises.

(d) Massage technician means a person who practices, administers or uses or offers to practice, administer or use massage for a consideration. (Am. by Ord. 6187, 3-16-78)

(e) Patron means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefore.

(f) Operator means any person, association, firm, partnership or corporation licensed by the City to operate a massage establishment.

(g) Manager means the operator or an agent licensed under this section who shall not be licensed as a massage technician.

(h) Waiting area means an area adjacent to the main entrance that is separate from any area where massages are given.

(i) Massage room means the area where private massage is performed.

(3) Massage Establishment License.

(a) No person, corporation, or other legal entity shall suffer, cause or permit the conduct of a massage establishment without having first obtained a license therefore from the Common Council. A separate license shall be acquired for each such establishment.

(b) No license shall be granted for any establishment, the main entrance to which is within seventy-five (75) feet of the main entrance to a residence or of the common entry hall to residences, nor for any room or rooms in any hotel or motel.

(c) Applications shall be made in writing on forms supplied by the City Clerk. If application is made for a location not previously licensed, the City Clerk shall, by regular mail, notify all property owners and registered electors within two hundred fifty (250) feet of the proposed location at least ten (10) days before the hearing on the granting of such license.

(d) All applications shall include:

1. A nonrefundable fee of three hundred two dollars and fifty cents ($302.50); (Am. by Ord. 9367, 12-21-87)
2. The location and mailing address of the proposed establishment;
3. For an individual or for each person of a partnership or joint venture or agent of a corporation:
   a. Name and present address;
   b. The two immediately previous addresses, and dates of residence at each;
   c. Height, weight, color of hair and eyes, Social Security number, written proof of age, full set of fingerprints and two (2) photographs not less than thirty (30) days old, and at least 2" x 2";
   d. The business or occupation for the two (2) years immediately preceding the date of application;
   e. Whether a similar license had been revoked or suspended and, if so, the reason therefore and the location thereof;
   f. Whether convicted of any crime or ordinance violation other than traffic offenses within the past three (3) years and, if so, a listing of the same and the locations thereof;
4. If the applicant is a corporation, the names and addresses of each officer and director and of the stockholders of such corporation, together with the extent of the ownership of each, and a statement whether such officer, director or stockholder holds office or stock in any other corporation conducting a similar business in the State of Wisconsin. Such application shall be made by an agent registered as such who shall have been a resident of the City of Madison for at least ninety (90) days;
5. All phone numbers of the proposed establishment;

6. The names, addresses and phone numbers of all persons employed by the applicant at the proposed establishment at the time of application;
7. Certification of compliance of the proposed premises with the Building Code and Fire Code, or in the alternative, applicant shall file a bond assuring that any work required to be done to bring the premises into compliance therewith shall be accomplished prior to the opening of business. Compliance with such Codes shall be conditions precedent to the opening of business. (Am. by Ord. 5940, 8-15-77)
8. The application shall contain a statement signed by the applicant and each individual of a partnership or joint venture that all information contained therein is true and correct;

(e) The issuance of this license shall allow for the licensing of up to three (3) additional managers for each establishment.

(4) Massage Technician's and Manager's License.

(a) No person shall act or operate for a consideration as a massage technician or manager without having first obtained a permit to do so.

(b) No person shall be granted a license to administer massages unless such person is:
1. A graduate of a recognized massage or therapy school. A recognized massage or therapy school is any school or institution which has for its primary purpose the teaching of the theory, method, and/or profession of massage and which requires work of not less than 70 hours to be given in not less than three (3) calendar months before the student is entitled to a diploma or certificate of graduation.
2. A member in good standing of the American Massage and Therapy Association or other recognized professional massage organization.
3. Free of all communicable diseases as required by the license application.
4. Eighteen (18) years of age or over.

(c) Applications for permits shall be in writing on forms supplied by the City Clerk and shall include:
1. A nonrefundable fee of sixty-two dollars and fifty cents ($62.50);
2. Applicant's full name and present address, Social Security number, written proof of age in excess of eighteen (18) years, height, weight, color of hair and eyes, full set of fingerprints and two (2) photographs not less than thirty (30) days old and at least 2" x 2";
3. For technicians only, name and address of the recognized school attended by such person with a copy of the diploma or certificate of graduation as required by Section (4)(b)1. above;
4. Applicant's two (2) previous addresses and dates of residence at each;
5. The applicant's business, occupation or employment during the two (2) years immediately preceding date of application;
6. Whether the applicant has had a similar permit revoked or suspended and, if so, the reason therefore and the location thereof;
7. Whether the applicant has been convicted of any crime or ordinance violation other than traffic offenses within the past three (3) years and, if so, a listing of the same and the locations thereof;
8. For technicians only, a certificate from a licensed physician that the applicant has been examined and found to be free of communicable diseases and showing that such examination occurred less than thirty (30) days prior to the date of application;
9. The name and address of the licensed massage establishment by which the applicant is employed;

10. A statement signed by the applicant that all information contained therein is true and correct.

(Sec. 9.33(4) Am. by Ord. 10,625, 4-16-93)

(5) Granting of Licenses.

(a) Licenses may be granted by the Common Council after a hearing at which the applicant may be heard at applicant's option. At least ten (10) days' notice of such hearing shall be given to the applicant.

(b) The Common Council shall grant a license within thirty (30) days of application unless it is shown, for a massage establishment license, that the operation as proposed by the applicant does not comply with all applicable State Laws and City Ordinances, and for all licenses that the applicant or any partner or any officer, director or stockholder of a corporate applicant has been convicted in a court of competent jurisdiction of an offense under Wis. Stat. ch. 944, or involving substances included in Wis. Stat. ch. 161, sub. II, or of an offense against the person or property of another within the past three (3) years, that the information required on the application is incomplete or that any applicant has knowingly or with the intent to deceive made any false, misleading or fraudulent statement of fact in the application or any other document required by the City in conjunction therewith, or that the applicant has not resided in the City for at least ninety (90) days prior to date of application.

(c) In the event of denial, the applicant shall receive written notification thereof setting forth the reasons for the denial within ten (10) days after such denial.

(d) All licenses and permits granted by the Council shall expire on the thirtieth (30th) day of June following their issuance. Reapplication therefore shall be not less than sixty (60) days prior to such expiration date and shall be the sole responsibility of the applicant. (Am. by Ord. 10,625, 4-16-93)

(e) No license shall be transferred between locations or persons and no massage establishment license shall be sold or be subject to transfer of corporate assets or change of corporate officers or directors.

(f) The massage technician's license does not entitle the holder to operate or manage a massage establishment unless the technician is the sole proprietor of the establishment and employs no other person in the business. (Am. by Ord. 7188, 12-29-80)

(6) Regulations of Operations and Licenses.

(a) Each establishment shall at all times maintain and comply with the following regulations:

1. General Regulations:

a. The establishment shall comply with all City Codes;

b. Only one (1) nonflashing business sign clearly identifying the establishment as a massage establishment shall be posted at the main entrance. No description of services shall be permitted on such sign;

c. No establishment shall be open for business between the hours of 10:00 p.m. and 8:00 a.m.;

d. Only massage technicians licensed pursuant to this section shall be employed as massage technicians by the establishment;

e. The practice of all massage technicians employed by the establishment shall be limited to the licensed premises;

f. No person under the age of eighteen (18) years shall be permitted on the premises;

g. No intoxicating beverages or substance included in Wis. Stat. ch. 161, sub. II, shall be permitted in the licensed establishment. Food

shall be permitted only when there is no charge therefor and when a food preparation area, including sink with hot and cold running water, is a part of the establishment;

h. The establishment shall provide a waiting area for patrons separate from any area wherein massages are given. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance;

i. The operator or a licensed manager shall be present on the premises at all times during hours of operation and shall be responsible for the operation of the establishment;

j. The establishment shall permit inspections of the premises at any time during business hours by Building Inspectors, Fire Inspectors, Health Inspectors, or personnel of any law enforcement agency;

k. The establishment shall keep current records of the names and addresses of its massage technicians, agents, managers and employees and the date of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in Subparagraph j. above;

l. The establishment shall report any change of fact required on the application form and all personnel changes to the City Clerk within ten (10) days after such change.

(b) Each technician shall at all times comply with the following regulations:

1. The technician shall practice only on the premises of a licensed massage establishment;

2. The technician shall massage only patrons over the age of eighteen (18) years;

3. No technician shall administer a massage:

a. If said technician believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection;

b. To any massage patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption;

4. The technician shall report any change of fact required in the application form to the City Clerk within ten (10) days after such change.

5. a. It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.

b. It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage establishment, to expose the sexual or genital parts, or any portion thereof, of any other person.

c. It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.

d. It shall be unlawful for any person owning, operating or managing a massage establishment, knowingly to cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under her/his control or supervision to perform such acts prohibited in Subparagraphs a., b. or c. of this section. (Am. by ORD-14-00012, 1-14-14)

e. It shall be unlawful for any person in a massage establishment, for a consideration, to offer to perform or to make available, permit or in any way participate in the performance of any act prohibited by Subparagraphs a., b. or c. hereof.

(Sec. 9.33(6)(b)5. Am. by Ord. 5940, 8-15-77)

(7) Revocation or Suspension of License.

(a) Grounds. The license granted herein may be revoked or suspended for up to six (6) months by the Common Council.

1. If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive;

2. For the violation of any provision of this section, except for establishment license matters involving violations of City Codes, in which case the license shall be revoked after the second conviction thereof in any license year;

3. If a technician's or manager's license, after one (1) conviction of any offense under Wis. Stat. ch. 944, or of an offense involving substances included in Wis. Stat. ch. 161, sub. II, or of an offense against the person or property of a patron, whether such occurred on or off the premises of the establishment;

4. If an establishment license, after one (1) conviction of any establishment personnel of an offense under Wis. Stat. ch. 944, or of an offense against the person or property of a patron or of an offense involving substances in Wis. Stat. ch. 161, sub. II, where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(b) Notice and Hearing. No license shall be revoked or suspended by the Common Council except upon due notice and a hearing to determine whether grounds for such action exist. The notice shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented, to cross-examine opposing witnesses, and to present witnesses in his or her own behalf under the subpoena of the Common Council, if such is required. The hearing shall be stenographically recorded and a copy of the transcript shall be available to the licensee at the expense of the licensee. The Common Council shall decide the matter and shall prepare a written decision which shall be filed with the City Clerk and a copy thereof mailed to the licensee within twenty (20) days after the hearing.

(8) Exceptions. This section shall not apply to the following classes of individuals while engaged in the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, osteopaths, masseurs, or physical therapists licensed or registered to practice their respective professions under the laws of the State of Wisconsin, or nurses registered under the laws of the State of Wisconsin, acting under their direction and control.

(b) Barber shops and beauty parlors, barbers and beauticians licensed under the laws of the State of Wisconsin, provided that such massage as is practiced is limited to the head and scalp.

(c) Accredited high schools and colleges and coaches and trainers therein while acting within the scope of their employment.

(9) Operation Without a License a Public Nuisance. The operation of a massage establishment without a license or the activity of an individual as a massage technician without a license is deemed a public nuisance and may be enjoined by the City.

(10) Penalty. Any person violating any provision of this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each day of violation of operating without required licenses or permits and each violation of any provision hereof shall constitute a separate offense. (Am. by Ord. 6512, 2-15-79)

(11) Severability. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstances, is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein.

(12) Effective Date. This ordinance shall be effective upon publication except that establishments in full operation on such date shall comply with its provisions not later than April 15, 1975.

(Sec. 9.33 Cr. by Ord. 4884, 2-7-75)

9.34 LICENSING OF PRIVATE AMBULANCE SERVICES.

The purpose of this ordinance is to protect the health and welfare of the residents of Madison by setting licensing standards for the operation of private ambulance services, providing for inspection of private ambulances and ambulance equipment, regulating the qualifications of persons employed as private ambulance attendants, providing for renewal and revocation of licenses, and requiring written reports. (Am. by ORD-17-00030, 3-8-17)

(1) Definitions.

(a) Ambulance means any privately owned motor vehicle or aircraft that is specially designed or constructed, equipped, and intended to be used for and maintained or operated for the transportation of patients, except any such motor vehicle owned by, or operated under the direct control of, the United States or the State of Wisconsin.

(b) Attendant means a trained and licensed person responsible for the operation of an ambulance and for the care of the patients. An attendant must hold a valid Wisconsin motor vehicle operator's license.

(c) Patient means a person who is sick, injured, wounded, or otherwise incapacitated or helpless, and in need of transportation and/or medical treatment.

(d) Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States or State of Wisconsin.

(e) Emergency Medical Technician-Basic means a person who has completed and maintains the prescribed training resulting in certification as Emergency Medical Technician-Ambulance or Emergency Medical Technician-Basic by the National Registry of Emergency Medical Technicians or the Wisconsin Division of Health. An Emergency Medical Technician-Basic must also be CPR-certified, that is, certified in cardio-pulmonary resuscitation according to standards set by the American Heart Association.

(f) Emergency Medical Technician-Paramedic means a person who is specially trained in the emergency cardiac, trauma and other lifesaving or emergency procedures in a training program or course of instruction resulting in certification as an Emergency Medical Technician-Advanced or Emergency Medical Technician-Paramedic by the National Registry of Emergency Medical Technicians or the Wisconsin Division of Health. An Emergency Medical Technician-Paramedic must also be CPR-certified, that is, certified in cardio-pulmonary resuscitation according to the standards set by the American Heart Association.

(g) Attendant-Trainee means a person engaged in training for the purpose of becoming an attendant as defined herein, and who holds a current provisional Emergency Medical Technician-Basic license.

(h) Ambulance Service Operator means a person engaged in the business of transporting patients by ambulance to or from facilities or institutions providing health services.

(2) Private Ambulance Service Operator's License.

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in, or profess to be engaged in, the business or service of the transportation of patients within the City of Madison unless he or she holds a currently valid license as an Ambulance Service Operator, pursuant to this ordinance. An ambulance operated by an agency of the United States or of the State of Wisconsin shall not be required to be licensed hereunder.

(b) No ambulance shall be operated for ambulance purposes, and no person shall drive, attend, or permit it to be operated for such purposes in the City of Madison, unless the owner or proprietor holds a currently valid Private Ambulance Service Operator's License issued by the City of Madison. Provided, however, that no license shall be required for the operation of an ambulance service which is:

1. Transporting patients from locations outside the limits of the City of Madison.
2. Rendering assistance to licensed ambulance service in the case of a major catastrophe or emergency with which the licensed ambulance services of the City of Madison are unable to cope.
3. Provided by the Police or Fire Department of the City of Madison.

(Am. by Ord. 5505, 6-8-76)

(3) Application for Private Ambulance Service Operator's License.

Application for Private Ambulance Service Operator's Licenses shall be made upon such forms as may be prepared or prescribed by the Director of Public Health Madison and Dane County and shall contain:

(a) The name and address of the applicant.

(b) All trade or other corporate names, if any, under which the applicant does business and proposes to do business.

(c) A list of employees serving as attendants, along with the following:

1. The attendant's full name, current address and length of time he or she has resided at said address.
2. A copy of the attendant's current Wisconsin motor vehicle operator's license.
3. The attendant's training and experience in the transportation and care of patients, and whether he or she has previously been licensed as an emergency ambulance driver or attendant, and if so, when and where, and whether such license has ever been revoked or suspended in any jurisdiction and for what cause.
4. Two recent photographs of the attendant, of a size designated by the Director of Public Health Madison and Dane County.
5. Such other information as the Director of Public Health Madison and Dane County shall deem reasonably necessary to a fair determination of compliance with this ordinance.

(d) The name and address of a responsible local agent who will be available at all times.

(e) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the

ambulance has been in use; and the color scheme, insignia, name, monograph or other distinguishing characteristics to e used to designate applicant's ambulance or ambulances.

(f) A copy of the Certificate of Title, as provided by Wis. Stat. ch. 342, for each of applicant's ambulances.

(g) The location and description of the place or places from which ambulances will operate.

(h) A schedule of rates being charged, accompanied by a description as to how these rates are calculated. Any changes or revisions in these rates and/or the method of calculation shall be immediately filed with the City Clerk.

(i) Such other information as the Director of Public Health Madison and Dane County shall deem reasonably necessary to a fair determination of compliance with this ordinance.

(j) An accompanying license fee of one hundred dollars ($100) per vehicle.

(Sec. 9.34(3) Am. by Ord. 5511, 6-19-76)

(4) Standards for Issuance of Private Ambulance Service Operator's License.

(a) Each ambulance proposed to be used by a private ambulance service operator, shall, at all times when in use as such:

1. Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises; that is, each ambulance shall be kept in a heated garage from October 15 through April 15 when not in service, and each ambulance operator shall make provisions for adequate off-street parking facilities for his/her vehicles. (Am. by ORD-14-00012, 1-14-14)

2. Contain equipment conforming to the standards, requirements, and regulations provided by the Director of Public Health Madison and Dane County, which equipment shall be in proper and good condition for such use.

3. Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the Director of Public Health Madison and Dane County.

4. Be equipped with approved safety belts for the driver and for the passenger in the front seat, if such seat is provided.

5. The inside height of the patient compartment shall be a minimum dimension of fifty-four (54) inches, floor to ceiling. A height of sixty (60) inches is preferable.

6. When responding to a call, be staffed by no less than two (2) attendants licensed as an Emergency Medical Technician-Basic as defined in Subsection (1)(g) of this ordinance. Provided, however, that for the first two (2) years after the effective date of this ordinance, one of the two attendants may be an Attendant-Trainee, who holds a current provisional Emergency Medical Technician-Basic License. Every attendant must hold a valid Wisconsin motor vehicle operator's license. Every attendant while on duty shall wear the identification badge issued by the Director of Public Health Madison and Dane County pursuant to Subsection (5)(f) of this ordinance. (Am. by Ord. 5505, 6-8-76)

7. Be equipped with radio, as follows:

a. Each ambulance shall be equipped with at least one portable radio capable of transmitting on the Federal Communications Commission assigned emergency medical frequency and shall be capable of transmitting from any patient location within the City of Madison to all Madison hospitals.

b. Ambulance radio operation shall comply with procedures approved by the Federal Communications Commission and the Chief of Communications, Madison Fire Department.

8. Be driven by a person who has demonstrated knowledge of ambulance driving techniques and of traffic laws relative to ambulance driving. The Director of Public Health Madison and Dane County shall provide a suitable test for the demonstration of such knowledge.

(b) Any change of ownership of an ambulance used by an operator licensed pursuant to this ordinance, shall terminate that license, and shall require a new application and a new license and conformance with all the requirements of this ordinance as upon the original licensing.

(c) Application for transfer of any Private Ambulance Service Operator's License to another or substitute operator shall require conformance with all the requirements of this ordinance as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the Director of Public Health Madison and Dane County, and a finding of compliance with all the requirements of this ordinance as upon original licensing.

(d) The ambulance or ambulances, equipment and premises designated in the application for an ambulance service operator's license and all records relating to maintenance and operation of said ambulance shall be open to inspection at any time by the Director of Public Health Madison and Dane County or her/his designated representative. (Am. by ORD-14-00012, 1-14-14)

(e) No official entry made upon a license may be defaced, removed or obliterated.

(f) Any change in the application information provided to the Director of Public Health Madison and Dane County pursuant to Subsection (3) of this ordinance, shall be reported to the Director within five (5) working days.

(g) Each ambulance operator shall provide service twenty-four (24) hours a day, every day, for the entire calendar year. Operators unable to provide service because a vehicle or vehicles are involved in rendering care and/or undergoing maintenance or repair are not to be construed to be in violation of this section. Operators unable to provide service because attendants are unavailable or because a vehicle or vehicles are undergoing maintenance or repair, are required to report this fact to the Chief of Communications of the Madison Fire Department. Unless unusual or exigent circumstances make it impossible, this report must be made at least twenty-four (24) hours in advance. The Chief of Communications of the Madison Fire Department shall keep the Director of Public Health Madison and Dane County informed as to the times and dates that licensed operators are unable to provide service. If the Director of Public Health Madison and Dane County reasonably believes these periods to be excessive, or caused by inadequate equipment or insufficient staff, she or he shall issue a warning to the operator. If no improvement is shown within a reasonable time, the operator's license shall be suspended. (Am. by ORD-14-00012, 1-14-14)

(h) No private ambulance operator's license shall be issued unless the applicant shall first file with the Director of Public Health Madison and Dane County a sufficient policy of insurance issued by an insurance company licensed to do business in the State of Wisconsin, which shall provide that the insurance company shall be liable for damages of up to three hundred thousand dollars ($300,000) for any accident due to the negligent operation of one of the service operator's ambulances. The policy shall be approved by the Risk Manager, and shall contain a provision that the same may not be cancelled before the expiration of its term, except upon thirty (30) days written notice to the Director of Public Health Madison and Dane County. If at any time such policy shall be cancelled or not in effect for any reason, the ambulance service operator's license shall be immediately suspended.

(5) Licensing. (Am. by Ord. 5505, 6-8-76)

(a) The Director of Public Health Madison and Dane County shall, within forty-five (45) days after receipt of an application for a license as provided for herein, cause an investigation he or she deems necessary to be made of the applicant and of his/her proposed operation, and grant or deny the license. (Am. by ORD-14-00012, 1-14-14)

(b) Upon authorization by the Director of Public Health Madison and Dane County, the City Clerk shall issue a license hereunder, when he or she finds:

1. That each ambulance proposed to be operated by the applicant, its required equipment, ad the premises designated in the application, have been approved by the Fire Department as provided for herein.
2. That all other requirements of this ordinance and all other applicable laws and ordinances have been met.

Such license shall be valid for a period of one (1) year unless earlier suspended, revoked, or terminated.

(Am. by Ord. 5505, 6-8-76)

(c) Prior to the issuance of any Private Ambulance Operator's License hereunder, the Director of Public Health Madison and Dane County shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, and shall certify his/her approval in a written report when he or she finds compliance with the standards prescribed in Subsections (4)(a), (6) and (7) of this ordinance, and with the regulations promulgated thereunder. (Am. by ORD-14-00012, 1-14-14)

(d) Subsequent to issuance of a Private Ambulance Operator's License hereunder, the Director of Public Health Madison and Dane County shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever he or she deems such inspection to be necessary, but in any event no less frequently than twice each year, and shall promptly report his/her findings in a written report. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval, nor excuse compliance with the requirements of any other applicable general law or ordinance. (Am. by ORD-14-00012, 1-14-14)

(e) A copy of each initial, semi-annual or other ambulance, equipment, and premises inspection report submitted by the Director of Public Health Madison and Dane County under the provisions of this subsection shall be promptly transmitted to the applicant or licensee to whom it refers and to the Board of Health.

(f) The Director of Public Health Madison and Dane County shall issue to each attendant a numbered identification badge containing the photograph of said attendant.

(6) Standards for Ambulance Equipment. Each licensee shall comply with such reasonable regulations as may be promulgated hereunder by the Board of Health and the Director of Public Health Madison and Dane County, and shall maintain in each ambulance, at all times when it is in service, all such equipment as may be prescribed hereunder.

(7) Renewal of Licenses. Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require compliance with all the requirements of this ordinance as upon original licensing. All licenses issued hereunder shall expire December 31 annually. License fees shall be pro-rated quarterly.

(8) Revocation of Licenses.

(a) The Director of Public Health Madison and Dane County may suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain

compliance with, and/or for violation of, any applicable provisions, standards or requirements of this ordinance, and/or of regulations promulgated thereunder. Within fifteen (15) days after a suspension or revocation, the licensee shall be afforded a hearing, after reasonable notice, before the Board of Health. The Board shall, within thirty (30) days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension, revocation, or continuation of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

(b) The initial, semi-annual or other ambulance equipment and premises inspection reports of the Director of Public Health Madison and Dane County herein provided for shall be prima facia evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of private ambulance service operators.

(c) Upon suspension, revocation or termination of a Private Ambulance Service Operator's License hereunder such operator shall cease all operations entirely.

(9) Reports. At the conclusion of each run, a report shall be completed by an attendant, upon such report forms as the Director of Public Health Madison and Dane County may provide or prescribe. This applies to any patient picked up within the City of Madison. Copies of said reports shall be available for inspection at the request of the Director of Public Health Madison and Dane County or the Board of Health.

(10) Obedience to Traffic Laws, Ordinances and Regulations.

(a) The driver of an ambulance shall be covered by traffic laws relating to the operation of emergency vehicles, as provided by Wis. Stat. § 346.03.

(b) No siren shall be used when transporting a stabilized patient, unless a known additional emergency response situation exists.

(11) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin, or the United States, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

(12) Assistance - Advice. Appropriate assistance and/or technical advice in the administration and enforcement of this ordinance shall be provided by the Madison Fire Department, Madison Police Department or other applicable City agencies pursuant to requests of the Director of Public Health Madison and Dane County.

(13) Effective Date. This ordinance shall become effective ninety (90) days from the date of publication, but operators already operating need not be licensed until forty-five (45) days from said date.

(Sec. 9.34 Cr. by Ord. 5256, 1-14-76; Am. by ORD-15-00009, 1-28-15)

9.35 - 9.47 RESERVED FOR FUTURE USE.

9.48 FEES FOR SERVICE OF PROCESS. Pursuant to Wis. Stats. §§ 814.70 and 814.705, the city police shall collect the fees under this section as follows:

(1) Service of Process. For each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena or any other order, forty dollars ($40) for each defendant or person. If there is more than one defendant or person to be served at a given address, forty dollars ($40) for each additional defendant or person.

(2) Execution on Judgment. For serving an execution on a judgment demanding payment thereof or other writ not provided for, forty dollars ($40).

(3) Travel. For travel in serving any summons, writ or other process, at the current Internal Revenue Service rate for deductible costs for operation of an automobile for each mile actually and necessarily traveled. (Am. by ORD-05-00205, 1-3-06)

(Sec. 9.48 Cr. by Ord. 11,131, 1-6-95)

9.49 REVIEW OF ADMINISTRATIVE DETERMINATIONS.

(1) Legislative Purpose. The City of Madison elects not to be governed by any of the provisions of Wis. Stat. ch. 68. This election is made pursuant to the provisions of Wis. Stat. § 68.16.

The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by City authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution, and for which appeal procedures are not already created by other ordinances or statute. There is no intention to create any new or additional rights to administrative review beyond those already guaranteed by the Constitution.

(2) Review of Administrative Determinations. A person aggrieved shall be defined as any person having a substantial interest which is adversely affected by an administrative determination of any official, agent, or employee acting on behalf of the City, as set forth in Subsection (3). A person aggrieved by such determination may have it reviewed by following the procedure set forth in Subsection (6).

(3) Determinations Reviewable. Except as limited by Subsection (4), the following determinations are reviewable under this section:

(a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority except a license or permit issuable under Chapter 38, MGO, or an adult entertainment license.

(b) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority except a license or permit issuable under Chapter 38, MGO.

(c) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.

(d) The imposition of a penalty or sanction upon any person except a City employee or officer, other than by a court.

(4) Determinations Not Subject to Review. The following determinations are not reviewable under this section:

(a) Any action which is subject to review procedures provided by any other ordinance, resolution, statute, or rule.

(b) A legislative enactment. A legislative enactment is an ordinance or resolution adopted by the Common Council.

(c) Denial of a claim.

(d) Suspension, removal, demotion, or discipline, or nonrenewal of a contract of a City employee or officer.

(e) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license or other license or permit issuable under Chapter 38, MGO.

(f) Determinations made or actions taken during labor negotiations.

(g) Decisions made by the City pursuant to its contracting, budgeting, or employment authority.

(h) The grant, denial, renewal, nonrenewal, revocation or suspension of an adult entertainment license.

(i) Notwithstanding any other provision of this section, any action or determination which does not affect the constitutionally protected right of a specific person or persons to due process of law in connection with the action or determination.

(j) Any action of a City governmental body, including boards, commissions or committees, for which a method of direct review by the circuit court is provided by ordinance. Such method of review may adopt the procedures of Wis. Stat. § 68.13 by reference. (Cr. by ORD-10-00096, 12-14-10)

(Am. by Ord. 13,358, 7-2-03; ORD-06-00144, 11-2-06)

(5) Administrative Review Board. The Common Council Executive Committee (CCEC), as constituted under Sec. 33.13, MGO, shall serve as the Administrative Review Board (ARB) under this ordinance. The CCEC shall adopt rules of procedure when it acts as the ARB. The Common Council staff shall provide staff support to the ARB. (Am. by Ord. 9192, 5-14-87; ORD-08-00092, 8-23-08; ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

(6) Procedure for Review.

(a) Written Determination. Any person aggrieved, as defined in Subsection (2), may request a written statement of reasons for a determination subject to the provisions of this section. Such request shall be in writing, and shall be filed within thirty (30) days after the person receives notice of the determination. The request shall be filed with the City Clerk and the Clerk shall immediately forward it to the authority responsible by law for the decision. The requested written statement shall be approved by the responsible authority or officer, shall be dated, and shall be provided to the requester within thirty (30) days. It shall also inform the requester of procedures to be followed in seeking review.

The responsible authority or officer shall consider any revised application, or supplemental facts or argument supplied to him/her in writing, but is not required to provide an interview or hearing, although he/she is permitted to do so. Unless otherwise provided, the determination shall be in effect during the appeal process, if appeal is taken.

(Am. by Ord. 13,358, 7-2-03)

(b) Appeal From Determination.

1. Notice of Appeal. The written determination may be appealed to the Administrative Review Board, if the person aggrieved files a written notice of appeal within thirty (30) days after he/she receives the determination. Such notice shall be filed with the City Clerk. The Board shall hold a hearing within thirty (30) days after the notice is filed with the Clerk. The appellant shall be notified at least ten (10) days before the hearing.

2. Hearing. At the hearing, the appellant and the responsible City official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the CCEC shall act as the chair of the ARB and shall conduct the hearing, administer oaths to witnesses, and may issue subpoenas. The rules of evidence provided in Wis. Stat. § 227.45 for administrative proceedings shall be followed. The Common Council staff shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party. (Am. by ORD-14-00012, 1-14-14; ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

3. Decision. Within thirty (30) days of the completion of the hearing and the filing of briefs, if any, the Board shall issue a written decision stating the reasons therefor. The Board shall have power to affirm or reverse the written determination, or to remand it to the agency or authority with instructions for reconsideration. Such orders shall be consistent with applicable law, and, except for remands, shall be final determinations for the purpose of judicial review.

(Sec. 9.49 Cr. by Ord. 5973, 9-30-77)

(7) Judicial Review.

(a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

(Sec. 9.49(7) Cr. by ORD-10-00101, 10-27-10)

(Sec. 9.49 Am. by ORD-11-00161, 12-6-11)

9.50 DOG LICENSE REQUIRED.

(1) Any person who owns, harbors or keeps a dog in the City of Madison more than five (5) months of age on January 1 of any year or five (5) months of age within the license year shall annually, on or before the date the dog becomes five (5) months of age pay the dog license tax and obtain a license. The license year commences on January 1 and ends on the following December 31.

(2) Tax. Effective January 1, 2009, the dog license tax shall be a total of fifteen dollars ($15) for a neutered male dog or spayed female dog upon presentation of evidence that the dog is neutered or spayed, and a total of twenty dollars ($20) for an unneutered male dog or unspayed female dog, or one-half these amounts if the dog becomes five (5) months of age after July 1 of the license year. The Treasurer of the City of Madison or other authorized individual shall collect these fees. (Am. by Ord. 10,767, 11-1-93; Ord. 13,488, 2-23-04; ORD-05-00179, 11-8-05; ORD-08-00134, 12-5-08)

(3) Late Fees. The Treasurer or other authorized individual shall assess and collect a late fee of five dollars ($5) from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local Treasury. (Am. by Ord. 10,767, 11-1-93)

(4) Issuance of Licenses and Tags.

(a) License. Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies as required by Madison General Ordinance Sec. 23.39, or approved for exemption under sub. (d), the City Treasurer or other authorized individual shall complete and issue to the owner a license for the dog bearing a serial number and in a form prescribed by the State of Wisconsin stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog. The Treasurer shall keep a duplicate copy of the license on file. Effective January 1, 1996, the City Treasurer may authorize the initial issuance of dog licenses by local veterinarians. Veterinarians shall not issue renewals of previously issued licenses. (Am. by Ord. 11,736, 12-13-96; ORD-16-00104, 12-2-16)

(b) Tag. After issuing the license the Treasurer or other authorized individual shall deliver to the owner a tag of durable material bearing the same serial number as the license, the name of the County in which issued and the license year. A new tag with a new number shall be furnished to the owner by the Treasurer or other

authorized individual in place of the original tag upon presentation of the license. The Treasurer or other authorized individual shall then endorse the new tag number on the license. The City Treasurer shall keep a record thereof in the file.

(c) Payment to County Treasurer. Effective January 1, 1996, any authorized veterinarian shall be reimbursed by the City Treasurer the maximum reimbursement fee authorized by Wis. Stat. §174.07(3)(c), for each City of Madison dog license issued by that veterinarian or veterinary clinic. The City Treasurer shall, pursuant to Wis. Stat. § 174.08, pay to the County Treasurer all dog license taxes collected after deducting any additional tax or late fee which has been levied pursuant to Sec. 9.50(2) or (3) of the Madison General Ordinances and after deducting the maximum reimbursement fee for each license issued as authorized by Wis. Stat. § 174.07(3)(c). (Am. by Ord. 11,736, 12-13-96)

(Am. by Ord. 10,767, 11-1-93)

(d) Rabies Vaccination Exemption. Dogs may be exempt from rabies vaccination during licensure if a licensed veterinarian determines there is a medical reason that the dog should not be vaccinated. To be exempt from rabies vaccination the owner shall provide to Public Health Madison Dane County a letter from a licensed veterinarian that is signed and dated and contains the following information:

1. The medical reason for the exemption; and
2. The results of a rabies titer which has been completed within the past three (3) years of the letter.

The letter from the veterinarian shall be good for one (1) year from the date of the letter. Each licensing year the owner must submit a new letter to receive said exemption.

(Cr. by ORD-16-00104, 12-2-16)

(5) Kennel Licenses.

(a) Definition. A kennel is any premise, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

(b) Kennel License Option. Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this section, apply to the City Treasurer for a kennel license for the keeping or operation of the kennel. Effective April 1, 2004, such person shall pay for the license year a license tax of fifty-five dollars ($55) for a kennel of 12 or fewer dogs and an additional eight dollars ($8) for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. (Am. by Ord. 13,488, 1-23-04)

(c) Kennel License Tags. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel license but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be

permitted anywhere outside the limits of the kennel unless the dog is under the control of a person and in leash or the dog is temporarily out for the purposes of hunting, breeding, trial, training or competition.

(d) Applicability of Other Requirements. Unless clearly inapplicable, all the provisions of this section relating to the individual dog license tax, licenses and tags shall apply to kennel license and tags.

(Sec. 9.50(5) Cr. by Ord. 10,338, 11-29-91)

9.51 PARKING ENFORCER'S LICENSE.

(1) Definitions. All terms used herein shall have the same meaning as set forth in Sec. 23.56(2), Madison General Ordinances, and Wis. Stat. § 340.01.

(2) No parking enforcer may use an immobilization device to immobilize a motor vehicle to enforce parking restrictions against unauthorized parking unless the parking enforcer possess a valid Parking Enforcer's license.

(3) Application. Applications shall be made in writing on forms specified by the City Clerk. All applications shall include:

(a) A nonrefundable fee of $25;

(b) The location and mailing address of the parking enforcer and their proposed business;

(c) The name, address, physical description, date of birth, and phone and driver's license number of the applicant and, if a business, the names, addresses, dates of birth, phone numbers and drivers' licenses of all persons employed by the applicant at the proposed establishment;

(d) The filing of a certificate of insurance stating that the applicant has obtained and maintains in full force, a policy of bodily injury and property damage liability insurance for injury or damage arising from the use of an immobilization device in an amount of at least $1,000,000 per use of an immobilization device;

(e) A statement as to whether or not the applicant and/or any of the applicant's employees have ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the date(s) and nature of such offense, the location or jurisdiction of such offense, and the punishment or penalty assessed therefore;

(f) The three cities or villages where the applicant carried on business immediately preceding the date of application and the addresses from which such businesses were operated.

(g) A photograph approximately two inches by two inches (2" × 2") showing the head and shoulders of the applicant, which photograph shall have been taken within twelve months of the application. A similar photograph of each employee of the applicant shall also be submitted.

(4) Investigation and Issuance.

(a) All applications shall be received by the City Clerk and shall be referred to the Chief of Police who shall institute an investigation to determine whether the applicant meets the standards for the issuance of a Parking Enforcer's License. Such investigation shall be initiated within 30 days of the filing of the application with the Clerk. The Chief of Police shall timely notify the City Clerk of the results of her/his investigation and shall indicate whether the applicant meets the standards for issuance of a Parking Enforcer's License. Such standards are as follows:

1. The applicant must satisfy the criteria set forth in sub. (3)(a) through sub. (3)(h) above.
2. The applicant has demonstrated financial capability and responsibility.
3. The applicant has prior experience as a parking enforcer or has prior experience in a substantially similar field or occupation.

4. The applicant has provided a satisfactory level and quality of service in the past in areas in which the applicant has operated.
5. The applicant and the applicant's employees have received training or are previously experienced in the proper application of vehicle immobilization devices.
6. The applicant and each of the applicant's employees have a demonstrated record of compliance with applicable regulatory laws, ordinances and rules.
7. The applicant's business must not have an extensive prior record of service complaints.
8. The vehicle immobilization devices the applicant proposes to use shall be in serviceable condition and shall not be of a design which would result in damage to any vehicle by virtue of their application.
9. The applicant is not disqualified from receiving a license under the criteria set forth in sub. (4)(b).

(b) No person shall be issued a Parking Enforcer's License under the following circumstances:

1. When said applicant or any of the applicant's employees have been convicted by a court of competent jurisdiction of an offense the circumstances of which substantially relate to the circumstances of parking enforcement operations. Such offenses include but are not limited to theft and/or false imprisonment as defined by the Wisconsin Statutes, Disorderly Conduct as defined by Sec. 24.02 of these ordinances. In determining whether the circumstances of a conviction substantially relate to the circumstances of parking enforcement operations, the Chief of Police shall consider the factors enumerated in sub. (4)(a) herein.
2. Where there is sufficient evidence to reasonably believe that any applicant or their employee has consumed or has been under the influence of alcohol and/or controlled substances, while on duty as a parking enforcer, during any of the twelve months prior to submission of the application.
3. When the applicant or any of the applicant's employees has made a false statement in her/his application for a Parking Enforcer's License.
4. Where there is sufficient evidence to reasonably believe that the applicant, or any of the applicant's employees has engaged in violent, obscene, or abusive behavior, while on duty as a parking enforcer, during any of the twelve months prior to submission of the application.

(5) Exhibition of License. Such license, or if an employee of a parking enforcer then the employer's license, shall be carried at all times whenever a person is engaged in parking enforcement in the City, and shall be exhibited by any such person whenever she or he shall be requested to so do by any police department employee or any person against whom parking enforcement action has or is taking place. No license shall be used at any time other than by a parking enforcer to whom it is issued or such parking enforcer's employee.

(6) Revocation of License. Any such license may be revoked in writing by the City Clerk for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application for license.
(b) Fraud, misrepresentation or false statement made in the course of carrying on her/his business as a parking enforcer.
(c) Any violation of this ordinance.
(d) Conviction of any crime or misdemeanor involving moral turpitude.
(e) Conducting the business of a parking enforcer in an unlawful manner or in such a manner as to constitute a breach of the peace or general welfare of the public.

(f) The licensee has acquired a total of five or more convictions for violations of Sec. 23.56 and/or 23.565, MGO, during the most recent 12 month.

(g) The licensee has failed to maintain in full force and effect a policy of bodily injury and property damage liability insurance for injury or damage arising from the use of an immobilization device in an amount of at least $1,000,000 per use of an immobilization device.

(7) Appeal. Any person aggrieved by the action of the City Clerk in the denial or revocation of a license may appeal to the Common Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds of the appeal. The Council shall set a time and place for a hearing on such an appeal and notice shall be mailed by the City Clerk to the appellant at her/his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Am. by ORD-14-00012, 1-14-14)

(8) Reapplication. No applicant to whom a license has been refused or whose license has been revoked shall make further application until a period of at least six (6) months has elapsed unless she or he can show that the reason for such rejection or revocation no longer exists. (Am. by ORD-14-00012, 1-14-14)

(9) Expiration of License. No license shall be issued for a longer period than one (1) year. All annual licenses issued under the provisions of this ordinance shall expire at midnight on the thirtieth (30th) day of June in the year when issued. Other than annual licenses shall expire at midnight on the date specified for expiration in the license.

(10) Severance Clause. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance.

(11) A licensee, as a condition of this license, must comply with the administrative appeals process set forth in Sec. 23.565, MGO.

(12) Penalty. Any parking enforcer violating any of the provisions of this section shall be subject to a forfeiture of not less than $100 nor more than $1,000 for the first offense and not less than $200 nor more than $1,000 for the second or subsequent offense. Each application of an immobilization device and each day, or part thereof, that an immobilization device remains attached or affixed to a motor vehicle, shall constitute a violation where the parking enforcer employing such devices is unlicensed.

(Sec. 9.51 Cr. by Ord. 12,043, 3-2-98)

9.52 KEEPING OF CHICKENS.

Any person who keeps chickens in the City of Madison shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens. The license year commences on January 1 and ends on the following December 31.

Application shall be made to the City Treasurer and the fee for the license shall be ten dollars ($10.00).

The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of five dollars ($5.00) from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.

The Zoning Administrator may revoke a license if there are three (3) or more violations within any six (6) month period of this or any ordinance in Chapter 28, MGO regulating the keeping of chickens.

(Cr. by Ord. 13,605, 5-21-04; Am. by ORD-06-00154, 11-23-06; ORD-10-00004, 1-21-10)

9.53 KEEPING OF HONEYBEES.

Any person who keeps honeybees in the City of Madison shall obtain an annual license prior to January 1 of each year, or within thirty (30) days of acquiring the honeybees. The license year commences on January 1 and ends on the following December 31.

Application shall be made to the City Treasurer and the fee for the license shall be ten dollars ($10.00).

The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of five dollars ($5.00) from every owner of honeybees, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within thirty (30) days of acquiring the honeybees. All the late fees received or collected shall be paid into the local Treasury.

The Zoning Administrator may revoke a license if there are three (3) or more violations within any six-(6) month period of this or any ordinance in Chapter 28, MGO, regulating the keeping of honeybees.

(Cr. by ORD-12-00025, 3-5-12)

9.54 EQUIPMENT PLACEMENT ON SIDEWALKS AND TERRACES, PERMITS FOR INFORMATION TABLES AND EXPRESSIVE STREET VENDING.

(1) No person shall place, set up, construct, or allow to remain a table, easel, case, crate, box, stand, tent, rack, cart, or any other equipment, display or articles of any kind on a public sidewalk or sidewalk area, terrace, street or highway right-of-way, except temporarily while actively loading or unloading such items, or unless a T permit or E permit has been issued under this section, or unless such equipment placement is authorized, by permit or other authorization, elsewhere in these ordinances.

(2) Purpose and Findings. The sidewalks, sidewalk areas and terraces (collectively, "sidewalks") of the City of Madison are traditionally held for use by pedestrians and bicyclists in the ordinary way, and limited use for street vending, special events, and holders of encroachment permits. The streets are held for use by motorists and vehicles. Due to the high volume of pedestrian traffic including students, workers, shoppers and tourists, the sidewalks of State Street and the Capitol Concourse (the "Mall/Concourse Area" as defined in Sec. 9.13(6)(a)) and sidewalks adjoining property of the University of Wisconsin have been historically and traditionally used as a place for public expression, as well as sought-after locations for licensed street vendors, sidewalk cafes and merchant vendors as permitted by Sec. 9.13, MGO. The City of Madison has developed a regulatory system for street vendors in the Mall/Concourse Area to preserve its interests as stated in Sec. 9.13(6)(c) and has limited and assigned street vendor locations in other designated vending areas throughout the city, for the reasons stated in Sec. 9.13.

The City finds that the unregulated placement of equipment on the sidewalks of the City impedes traffic and pedestrian safety, interferes with the City's ability to maintain unobstructed pedestrian walkways, is unfair to licensed city vendors, and negatively affects the aesthetics of the permanent streetscape. Additionally, in the Mall/Concourse Area, such unregulated placement of equipment adversely affects the character and unique historical and business concerns of that area, diminishing the value of licenses held by street vendors who compete and pay for assigned vending sites, as well as sidewalk café and merchant vending licenses, and negatively affects the aesthetics of the permanent downtown streetscape that has been carefully designed and maintained by the City.

The City also finds that unregulated placement of equipment on the sidewalks of the Southeast Campus, Camp Randall High Density and UW Football Game Day vending areas creates a hazard for pedestrian and traffic safety due to the high volume of pedestrian traffic in those areas, and adversely affects the aesthetics of the streetscape which is designed primarily for efficient pedestrian movement and is largely free of obstructions.

The City also recognizes that persons not meeting the criteria for street vending licenses may wish to express a message, seek donations, hand out literature or sell

expressive items from a location on the sidewalk using a table and other equipment. The City also recognizes that persons may wish to sell expressive items on foot in these areas.

The City finds that it can address its substantial interests in pedestrian and traffic safety and visual aesthetics by creating a system of assigned sites for the use of tables for expressive activities in the Mall/Concourse and other special vending areas mentioned above, and a permit for all other areas of the City.

The City also finds that its interests in traffic safety, visual aesthetics, and in preserving unique business, tourist and historical concerns can be protected while permitting a limited number of sites for information tables and for sales of expressive items in these areas, as well as permitting mobile sales of expressive items. This ordinance is adopted to create reasonable time, place and manner restrictions on the placement and use of equipment and on mobile sales of expressive items on city sidewalks for expressive, free-speech purposes.

(3) Definitions.

Camp Randall High Density Vending Area. The geographical vending area defined in Sec. 9.13(7)(b)2. T and E permits issued under this ordinance are only valid in this vending area on days when a Football Season License is valid, as described in Sec. 9.13(7)(e)2.

Daily Site. A T or E site that is designated for use seven (7) days per week, as distinguished from a Saturday-only site.

Expressive Item. An item that is inextricably intertwined with a political, philosophical, religious, ideological or other noncommercial message or cause.

Examples of expressive items that may be sold in an E site include pamphlets, newspapers, books, or other publications; DVDs or other recordings; and bumper stickers, buttons, pins, patches, hats, T-shirts, posters or signs displaying a written noncommercial message. An item is not considered inextricably intertwined with a noncommercial message if the item has an independent function or utility despite the inclusion of the message, except that for purposes of this definition, items of apparel such as hats or T-shirts bearing a written noncommercial message will be considered expressive items.

Regulated Vending Areas. For purposes of this ordinance, a Regulated Vending Area is a geographic street vending area established in Sec. 9.13 where street vending is restricted by site location, site assignment, or type of item sold.

Southeast Campus Vending Area. The geographical vending area defined in Sec. 9.13(10).

State Street Mall/Capitol Concourse Vending Area or "Mall/Concourse" Vending Area. The geographical vending area defined in Sec. 9.13(6).

Street Vending shall have the definition given in Sec. 9.13(1).

Street Vending Coordinator. The designee of the Director of the Department of Planning and Community and Economic Development having charge of administering Sec. 9.13, License for Selling on Public Streets, also known as the "Vending Coordinator," or his/her designee.

UW Football Game Day Vending Area or "Game Day" Vending Area. The geographical vending area defined in Sec. 9.13(11). This area is only in effect on days when the University of Wisconsin has a home football game at Camp Randall Stadium as set forth in Sec. 9.13(11)(b).

(4) Table Permits ("T" Permits).

(a) Activities Permitted in a T Site. A T permit holder may display and disseminate information such as literature or pamphlets about political, philosophical, religious, ideological or any other noncommercial messages or causes, petition for signatures or seek donations for the same with the use of a table and equipment described in Sec. 9.54(6)(c), in a T Site. Sales or street vending, as defined in Sec. 9.13(1), are strictly prohibited in a T Site. T permit holders may accept donations in exchange for non-food items of nominal value, but no minimum donation shall be required.

The permittee may limit the number of items given away to one (1) per person, per day. T sites shall not be used for performances or preparation of on-site artwork.

(b) T Sites. The Vending Coordinator shall establish no fewer than ten (10) T daily sites within the State Street Mall/Capitol Concourse Vending area plus additional Saturday-only sites; no fewer than three (3) daily T sites in the Southeast Campus Vending Area, and no fewer than eight (8) T sites in the Camp Randall High Density vending area, for the purposes described in sub (a). All T sites shall be indicated on an official map maintained in the Office of Business Resources for such purposes. The holder of a valid T permit may use any unassigned/unoccupied vending site in the Game Day Vending Area for T-permit activities, on days when that vending area is activated. T sites shall be either 4 feet by 4 feet (4' x 4') or 4 feet by 8 feet (4' x 8') and shall meet all requirements for vending equipment placement found in Sec. 9.13(4) except those provisions that are less strict that this ordinance, in which case the more strict shall apply.

(5) Tables with Expressive Vending ("E" Permits).

(a) Activities Permitted in an E Site. An E permit holder may participate in all of the activities permitted with a T permit, plus vending (sales) of only non-food, expressive items in an E site, with the use of a table and equipment described in Sec. 9.54(6)(c). An "expressive item" is defined as an item that is inextricably intertwined with a political, philosophical, religious, ideological or other noncommercial message or cause. Examples of expressive items that may be sold in an E site include pamphlets, newspapers, books, or other publications; DVDs or other recordings; and bumper stickers, buttons, pins, patches, hats, T-shirts, posters or signs displaying a written noncommercial message. An item is not considered inextricably intertwined with a noncommercial message if the item has an independent function or utility despite the inclusion of the message, except that for purposes of this section, items of apparel such as hats or T-shirts bearing a written noncommercial message may be sold from an E site. An E site may not be used for performances or to prepare artwork.

(b) E Sites. The Vending Oversight Committee (VOC) shall establish no fewer than: four (4) daily E sites within the Mall/Concourse Vending area plus additional Saturday-only sites, no fewer than two (2) daily E sites in the Southeast Campus Vending Area, and no fewer than two (2) E sites in the Camp Randall High Density Vending area for the purposes described in Sec. 9.54(5)(a) which may include the vending of expressive items. E sites in these vending areas shall be indicated on an official map maintained in the Office of Business Resources for such purposes. The holder of a valid E Permit may also use any unassigned/ unoccupied vending site in the Game Day Vending Area for E-permit activities on days when that vending area is activated. E-sites shall be either 4 feet by 4 feet (4' × 4') or 4 feet by 8 feet (4' × 8') and shall meet all requirements for equipment placement found in Sec. 9.13(4) except those provisions that are less strict that this ordinance, in which case the more strict shall apply. The VOC may delegate the authority to establish these sites to the Vending Coordinator.

(6) T and E Site Assignment and Permit Procedure.

(a) Site Assignments. The Vending Coordinator shall assign T sites to T permit holders, and E sites to E permit holders. Sites will be assigned on a first come, first served basis, using the date and time of day that the T or E permit was first issued during that vending year.

An annual permit holder will receive a site assignment for the duration of the vending year. Monthly and daily permit holders occupy sites on a daily first come, first served basis.

(b) Moving Into Unoccupied Site. If an assigned annual T or E site remains unoccupied as of 11 a.m. Sunday through Friday or 8:00 a.m. on Saturday, another T or E permit holder may move into the unoccupied site for the day.
If requests for T or E permits on a specific day exceed the maximum number of corresponding T or E permit sites, the Vending Coordinator may assign a permit holder to an available site of the other type. If all T and E sites are full, the Vending Coordinator may create additional temporary T or E site(s) for the day, consistent with the location requirements for street vendors in the vending area in question, as set forth in Sec. 9.13. No T or E site may displace a licensed city street vendor.

(c) Equipment Permitted in a T or E Site. One table of sturdy construction that fits within the perimeter of the T site, one chair in a four by four (4 × 4) foot-site or two chairs in a four by eight (4 × 8) foot-sites, a securely-fastened table cloth or covering, and not more than one (1) container that fits entirely beneath the table may be used in a T or E site. There shall be no electrical connection, no attention-getting devices, and no signage except one eight and a half by fourteen (8 ½ × 14) inch sign, securely fastened to the table, identifying the permittee or its cause.

(7) The T or E site must be attended at all times by the holder of the permit or another representative of the group holding the permit.

(8) No T or E permit holder shall displace or interfere with a licensed city street vendor or street vending site.

(9) Hours. The hours for T and E site permit activities shall be the same as for street vending in the vending area in question, as set forth in Sec. 9.13.

(10) T and E Permit Application, Fees. Application for a T permit or E permit shall be filed in-person or electronically with the Vending Coordinator or in-person at the City Clerk's Office, on a form suitable for this purpose, and shall contain the name, address, phone number and email address of the applicant, and any other information as the City may require. Permits shall be issued by the Vending Coordinator and shall be conspicuously displayed at the T or E site. Annual permits for an assigned site shall include the site name/number on the permit. All permit fees shall be made to the City Treasurer.

(a) T Permit Fees.

1. T Site Annual - $25. Annual permits shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.
2. T Site Monthly - $15. Such license shall be issued for thirty (30) days from the date the permit is issued and shall set forth the date of expiration.
3. T Site Daily - $5. A daily T site permit is valid for the date it is issued, during applicable street vending hours for the vending area in question.

(b) E Permit Eligibility and Fees.
To be eligible for an E Permit the applicant must be an individual or a not-for-profit organization.

1. E Site Annual - $50. Annual permits shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.
2. E Site Monthly - $30. Such license shall be issued for thirty (30) days from the date the permit is issued and shall set forth the date of expiration.
3. E Site Daily - $10.

(c) Change of Contact Information. A holder of a monthly or annual T or E permit shall inform the Vending Coordinator of any change of address or other contact information from that given on the application for the permit, if the change occurs during the time period for which the permit was issued.

(11) City-Wide T and E Permits. The holder of a valid T or E permit may use the equipment and conduct the activities authorized by those permits in locations outside the Mall/

Concourse, Southeast Campus, Camp Randall, High Density, and Game Day Vending Areas without reserving a site. A holder of a T or E permit may conduct T and E permit activities wherever vending is authorized by a Basic (city-wide) Street Vending license under Sec. 9.13(4) and shall be subject to the provisions of that subsection, except those that are less strict than this ordinance, in which case the more strict provision shall apply. The hours for city-wide T and E permit activities are the same as for city-wide Basic Street vending under Sec. 9.13(4).

(12) "M" Permit for Mobile Sales of Expressive Speech Items.

(a) An M permit is available solely for mobile sales of Expressive Items with limited or no equipment. Any equipment carried by the M permit holder must be completely mobile, designed for and capable of being easily carried by the permit holder. No table, stand, bicycle, conveyance or cart of any size may be used with an M permit. M permits are intended only to allow the mobile vending of expressive items that can be carried by hand.

(b) M Permit Locations, Hours. The holder of an M permit may conduct activities authorized by that permit within a Regulated Vending Area during the hours when street vending is permitted in the vending area in question. M permit holders shall conduct M permit activities at least ten (10) feet from any occupied street vending site, sidewalk café, merchant vending site, T-site or E-site. Outside the Regulating Vending Areas, an M permit holder may be located wherever a holder of a Basic (city-wide) Street Vending license is authorized to be under Sec. 9.13(4), however there shall be no equipment placed on the sidewalk, terrace or street, tree, plantings or any other public amenity and if there is a conflict in provisions between this ordinance and 9.13(4), the more strict shall apply. The hours for city-wide M permit activities are the same as for Basic (city-wide) Street Vending under Sec. 9.13(4).

(c) M Permit Application, Fees, Eligibility. To be eligible for an M Permit the applicant must be an individual or a not-for-profit organization. M permits are issued on an annual basis, from April 15 to April 14, for a fee of five dollars ($5) per person, payable to the City Treasurer. Applications may be made in person or online with the Vending Coordinator on in-person at the City Clerk's office on a form designed for this purpose. The application shall include the same information as required for an E permit.

(13) Exclusive Use/Permit Invalidation Procedures. T, E and M permits are subject to the exclusive use and invalidation procedures applicable to street vending licenses set forth in Sec. 9.13(6)(k). No person holding a T, E or M permit may conduct the activities authorized by that permit within the perimeter of a street use event if the permit has been invalidated under Sec. 9.13(6)(k). This prohibition shall not apply to T, E or M permit holders who have been selected by the event sponsor as a participant in the event and included on the event sponsor's Special Event Umbrella Vending License if required by Sec. 9.13(2). (Am. by ORD-13-00067, 4-24-13)

(14) (a) Permit Suspension and Revocation Procedures. A T, E, or M permit issued under this section may be suspended or revoked for a violation of Sec. 9.54 or for any of the reasons listed in Sec. 9.13(8) and following the procedures set forth in Sec. 9.13(8).

(b) Permit Activities While Suspended or Revoked Prohibited. No person or organization whose T, E or M permit has been suspended or revoked shall participate in the activities for which the permit in question is required by this ordinance while that permit is suspended or revoked. Any such violation shall be punishable by forfeiture under Sec. 9.54(15) and this penalty shall be in addition to any other penalty or consequence available under these Ordinances.

(15) Enforcement, Penalty. The Vending Coordinator and Director of Planning and Community and Economic Development are authorized to enforce this ordinance. Any person

violating any provision of this ordinance, upon conviction thereof, is subject to a forfeiture of not less than ten dollars ($10) and not more than two-hundred dollars ($200) for each separate violation, and all applicable court costs and fees. Each day or portion thereof that a violation continues shall be considered a separate offense.

(Sec. 9.54 Cr. by ORD-12-00027, 3-14-12)

CHAPTER 10

STREETS, ALLEYS, SIDEWALKS AND GUTTERS

Section

10.01 Street Commissioner (Superintendent of Sanitation).
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10.19 Dumping of Rubbish.
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10.21 Gasoline Curb Pumps Prohibited.
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10.25 Plantings in the Terraces. (Am. by ORD-13-00064, 4-24-13)
10.26 Persons Not to Congregate on or Sell Merchandise on Streets or Sidewalks.
10.27 Fee for Delivery of Wood Chips. (Cr. by ORD-0600183, 12-21-06)
10.28 Snow and Ice to be Removed From Sidewalks.
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10.34 Street Numbers. (Am. by ORD-07-00030 3-15-07)
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10.39 Installation of Street Lights. (Cr. by Ord. 6516, 2-23-79)
10.40 Traffic Controls for Street Construction and Maintenance Operations.
10.41 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)
10.42 Decorative Pavement Painting Design Permit. (Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)
10.50 Penalty.

10.01 STREET COMMISSIONER (SUPERINTENDENT OF SANITATION).

(1) There shall be appointed by the head of the Department of Public Works with the approval of the Common Council a Street Superintendent who shall hold his or her office under civil service.

(2) The Street Superintendent shall have the supervision of the maintenance and cleaning of streets, and removal of snow and ice therefrom, the maintenance of bridges, the collection of garbage and refuse materials and the performance of such other duties as may be prescribed. It shall be his or her duty to keep a permanent record of all work ordered and performed and notices given by him or her on behalf of the City. The Street Superintendent shall perform such other duties as may be directed in these ordinances or may be prescribed from time to time by the Common Council. (Am. by ORD-14-00012, 1-14-14)

10.02 GRADES.

(1) On File In The Office Of The City Engineer. The grades of all streets, alleys and sidewalks as established by the Council shall be kept on file in the office of the City Engineer.

(2) Recorded by the City Clerk. The grades of all streets, alleys and sidewalks shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the City Clerk. No street, alley or sidewalk shall be worked until the grade thereof is established.

(3) Altering Grades Prohibited. All persons are prohibited from altering the grade of any street, alley, sidewalk or public ground, or any part thereof, in the City of Madison by taking from or adding to the surface of such street, alley, sidewalk or public ground, and from digging, plowing or otherwise changing or disturbing the surface thereof unless authorized or instructed to do so by the Common Council or Board of Public Works.

10.03 DAMAGE TO SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH TO BE REPAIRED.

(1) It shall be unlawful to crack, break, displace or otherwise damage public sidewalk, curb and gutter, or driveway approach.

(2) It shall be the responsibility of the applicant for a building permit (permittee) to maintain public sidewalks, curbs and gutters, and driveway approaches in an unblemished state or to so repair the public sidewalks, curb and gutter, or driveway approach.

(3) Within one hundred twenty (120) days of the issuance of a demolition permit or a certificate of occupancy for a building, the public sidewalk, curb and gutter, and driveway approach shall be inspected for damage caused during the construction, repair, or demolition of the building. Notice of damage shall be sent to the permittee and the owner of the abutting property. If the permittee does not repair the damage to the satisfaction of the City Engineering Division, the City shall repair the damage and the cost shall be a special charge for current services against the abutting property.

(4) Penalty. Any person who violates any provision of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(Cr. by Ord. 13,410, 9-24-03)

10.04 OBSTRUCTION OF STREETS BY CONTRACTORS. Any person, firm, corporation, or utility and any officer or employee of the City who shall block, obstruct or excavate in or otherwise block or obstruct the traveled portion of any street or improved alley shall immediately notify the

Chiefs of the Fire and Police Departments in writing of such fact, stating clearly and accurately where all such obstructions are placed or excavations made and the probable length of time the same shall so remain, and on the removal of such obstacle and the opening of such portion of said street for travel the said person, firm or corporation or the officer or employee of the City causing such obstacle shall immediately notify said Chiefs of the Fire and Police Departments in writing that such obstacle has been removed and that said street is open for travel.

10.05 OCCUPANCY OF RIGHTS-OF-WAY.

(1) General Provisions.

(a) Purpose and Findings. In the exercise of its police powers, the City has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place in the public rights-of-way to ensure that the rights-of-way remain available for public services and safe for public use, and to ensure that facilities are timely maintained, supported, protected or relocated to accommodate reconstruction or repairs. The taxpayers of the City bear the financial burden for the upkeep, maintenance and reconstruction of the rights-of-way and a primary cause for the early and excessive deterioration of the public rights-of-way is the frequent excavation by persons who place facilities therein.

The City finds that there has been an increase in the use of the public rights-of-way and, as a result, increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.

The City finds that delays by occupants of the rights-of-ways in maintaining, supporting, protecting or relocating facilities, if they impact public construction projects, have the potential to significantly increase public works project costs borne by the taxpayers. Moreover, the City finds that some right-of-way occupants have a history of delays and nonresponsiveness.

The City finds that occupancy and excavation of its rights-of-way causes direct and indirect costs to be borne by the City and its taxpayers, including but not limited to:

1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials;
2. Management costs associated with ongoing management activities necessitated by public right-of-way users;
3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way; and,
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, and pursuant to its authority under Wis. Stat. §§ 62.11(5), 86.16, 182.017, and 196.58, the City hereby enacts this ordinance relating to the administration of and permits to excavate, obstruct and/or occupy the public rights-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for the recovery of costs incurred by the City in doing so. This ordinance provides for the health, safety and welfare of the residents of the City as they use the rights-of-way of the City, as well as to ensure the structural integrity of the public rights-of-way.

Under this section, all persons who excavate, obstruct and/or occupy the public rights-of-way will reimburse the City's administrative, inspection, ongoing management and degradation costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public rights-of-way.

(b) Definitions. For the purposes of this section the following definitions apply:

Applicant means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

City means the City of Madison, Wisconsin, a Wisconsin municipal corporation.

Degradation means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Department means the City Engineering Division.

Emergency means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.

Engineer means the City Engineer or his/her designee.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facilities means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

In, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

Local Representative means a local person or persons, or designee of such person or persons, authorized by a Registrant to accept service and to make decisions for that Registrant regarding all matters within the scope of this section.

Obstruct means to place any object in a right-of-way so as to hinder free and open passage in that or any part of the right-of-way.

Occupy means to locate facilities in the public right-of-way.

Permittee means any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted by the City under this section.

Person means municipality, corporation, company, including a "Company" as defined in Wis. Stat. § 182.017(1g)(b), association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

Pole or Tower has its usual meaning, except that it does not include poles used for governmental operations such as traffic signals or traffic control devices, street lights, and emergency alert signals, or high-voltage transmission lines.

Prequalified Contractor means a contractor or public utility approved by the Department on an annual basis to work in the right-of-way pursuant to Section 33.07(7).

PSCW means the Public Service Commission of Wisconsin.

Public Utility has the meaning provided in Wis. Stat. §196.01(5).

Registrant means any Person who has registered with the City under this section to either have its facilities located in any right-of-way or to use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

Repair means to perform construction work necessary to make the right-of-way useable for travel, according to Department specifications, or to return facilities to an operable condition.

Restore or Restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per Department specifications.

Right-of-Way means the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including any other dedicated rights-of-way for travel purposes.

Right-of-Way User means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way.

Service or Utility Service includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to Wis. Stat. § 182.017 and other similar services.

Supplementary Application means an application made to excavate or obstruct more of the right-of-way than permitted, or to extend a permit that has already been issued.

(c) Administration. The Engineer is responsible for the administration of the rights-of-way under this section, and the permits and ordinances related thereto.

(2) Registration for Right-of-Way Occupancy.

(a) Registration. Each service, utility service or right-of-way user who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in Subsection (4). Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another registered right-of-way user.

(b) Annual Registration Required. Each Registrant shall annually renew its registration or discontinue and properly abandon its facilities as provided for under Subsection (17).

(c) Registration Prior to Work. No person may construct, install, maintain, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way unless that person is registered with the Department or is a prequalified contractor.

(d) Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a City ordinance requiring persons to plant or maintain the terrace in the area of the right-of-way between their property and the street curb or pavement, construct sidewalks or driveways, or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this section.

(3) Registration Information.

(a) Information Required. The information provided to the Department at the time of registration shall include, but not be limited to:

1. Each person's name, Diggers Hotline registration certificate number, address, e-mail address, and telephone and facsimile numbers.
2. The name, address, e-mail address, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
3. A certificate of insurance on a form prescribed by the Department and the Risk Manager, sufficient to demonstrate to the satisfaction of the City that the person has the capability to cover any liability that might arise out of their presence in the right-of-way.

4. If the person is a corporation or other limited liability entity, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified to by the Secretary of State.
5. A copy of the person's certificate of authority from the PSCW or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.
6. Execution of an indemnification agreement in a form prescribed by the Department, which is consistent with, and shall not exceed the obligations provided in, Subsection (16) below.

(b) Notice of Changes. The Registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the Registrant has knowledge of any change.

(4) Registration Fee.

(a) Registration Fee. The Department shall charge a registration fee to recover the costs incurred by the City for processing Registrants and updating registration information. This fee shall be paid annually.

(b) Fee Computation. This registration fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration, including costs attributable to late or untimely registration. The registration fee shall be established by the Board of Public Works.

(5) Reporting Obligations. It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the Registrant of known construction plans will be useful to achieve this objective.

(a) Every Registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the Department. The Registrant's plan shall be submitted on a form prescribed by the Department and shall contain the information determined by the Department to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:
1. The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and,
2. The tentative locations and estimated beginning and ending dates for all projects contemplated for the two years following the next calendar year.

(b) The Department shall make available at the time of registration, and on January 15 of each year, the Department's construction and major maintenance plan.

(c) By February 15 of each year, the Department will have available for inspection in its office a composite list of all projects of which the Department has been informed. All Registrants are responsible for keeping themselves informed of the current status of this list.

(d) After submittal, each Registrant may change any project in its list, but must notify the Department of all such changes in said list. The Department will make all such changes available for inspection in its office. Notwithstanding the foregoing, a Registrant may at any time join in a project of another Registrant or undertake any maintenance or construction project not listed in Registrant's plan.

(6) Excavation Permit Requirement.

(a) Excavation Permit Required.
1. Except as otherwise provided in these Ordinances, no person shall excavate any right-of-way or place facilities in a right-of-way, or cause another person to do so, without a valid excavation permit issued by the Department under this subsection.

2. No person shall excavate the right-of-way or maintain an excavation in the right-of-way except as specified in the permit. If the Permittee needs to modify the date or area specified in the permit, then the person shall first notify the Department of the change. If requested by the City Engineer, the person shall be required to make a supplementary application pursuant to Subdivision (c) below.
3. Permit Display. A copy of any permit issued under this subsection shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.

(b) Excavation Permit Application. Application for a permit shall be made to the Department. Permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:

1. Registration with the Department as required by this section.
2. Submission of a completed permit application form, including the following:
   a. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit scaled drawings of the proposed pole or tower and all proposed attachments, and the location of the pole or tower in reference to the nearest occupied building.
   b. The applicant shall identify in detail the location of the proposed project and any affected right-of-way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department.
   c. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole or tower (either owned by the applicant or a third party) because such use is technically infeasible, economically prohibitive, or prohibited by law.
   d. If the proposed project involves the installation of a pole or tower in the right-of-way that is greater than ten (10) feet taller than existing poles or towers in nearby right-of-way, the applicant must submit evidence sufficient to demonstrate that:
      i. The greater height is required to accomplish the applicant's purposes;
      ii. The applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law;
      iii. The pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby right-of-way;
      iv. The applicant has informed the Alder within whose District the pole or tower will be located of the proposed project; and,
      v. The applicant has informed all property owners within two-hundred feet of the pole or tower location of the proposed project.
3. Payment of all money due to the City for:
   a. Applicable permit fees and costs as set forth below;
   b. Unpaid fees or costs due for prior excavations; or,

c. Any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.

4. A statement on forms provided by the Department that the Registrant will comply with all local, state and federal codes including but not limited to safety, building, traffic control codes and the Manual of Uniform Traffic Control Devices (MUTCD).

5. Furnish a certificate of liability insurance complaint with standards of the Department.

(c) Supplementary Applications.

1. Supplementary Application. Upon request of the City Engineer under Subdivision (a)2. above, a Permittee shall make a supplementary application to the Department to modify the area or time period covered by the permit. The Permittee shall pay any additional fees required thereby.

2. Fees for Supplementary Applications. A Permittee shall pay additional fees as established by the Board of Public Works, including any costs for additional permits. A Permittee is not required to pay an additional degradation fee for the same excavation, if such fee has already been paid on the original permit.

(7) Excavation Permit Fee.

(a) Fee Calculation. The excavation permit fee shall be established by the Board of Public Works in an amount sufficient to recover the costs incurred by the City. This fee shall recover the City's administrative and inspection costs, as well as degradation costs should the Permittee choose to repair rather than restore the right-of-way. The fee may be reestablished by the Board of Public Works as needed to accurately reflect the costs incurred by the City.

For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Engineer is authorized to assess the actual cost of the City employee's time engaged in the review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the City's cost for statutory expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to City employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent (10%) for administration.

(b) Payment Date. Payment of excavation permit fees shall be made prior to the issuance of the permit. Alternatively, the Engineer may, with the advice and consent of the Finance Director, establish a fee collection process in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.

(c) City Exemption. The City and its contractors shall not pay degradation fees for excavations due to general government functions.

(d) Coordinated Work. Registrants who join in a scheduled excavation performed by the City are not required to pay the degradation or inspection portion of the excavation permit fee.

(e) Non-Refundable. Excavation permit fees, once paid, are not refundable, even if the permit is revoked.

(8) Right-of-Way Repair/Restoration.

(a) Timing of Work and Repair/Restoration. The work to be done under the excavation permit, and the repair or restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as

many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Subsection (11)(b).

(b) Repair or Restoration Required. The Permittee shall be required to either repair the public right-of-way and to pay a degradation fee, or restore the right-of-way. It is the Permittee's election whether to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department.

(c) Standards. The Permittee shall perform repairs or restoration according to the Standard Specifications for Public Works Construction, the plans and specifications of the Department, and in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair or restoration and may do so in written procedures of general application or on a case-by-case basis.

(d) Acceptance of Work. Upon completion of the work, the Department shall inspect the area of the work and accept the work when it determines that proper repair or restoration has been made.

(e) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During either period, the Permittee shall, upon notification from the Department, correct all repair and restoration work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Subsection (11)(b).

(f) Failure to Repair/Restore. If the Permittee fails to repair and/or restore the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all work required by the Department, the Department, at its option, may do such work. In that event, the Permittee shall pay to the City, within thirty (30) days of billing, the cost of repairing and/or restoring the right-of-way. If the work associated with the permit is directly attributable to a specific property, or properties, the unpaid bill shall become a special charge against the properties served by the repair and/or restoration work.

(g) Degradation. The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street, multiplied by the area of the patch.

(9) Inspection.

(a) Notice of Completion. When the work under any permit issued hereunder is completed, the Permittee shall notify the Department.

(b) Site Inspection. The Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(c) Authority of Department. At the time of inspection, the City may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The City may issue an order to the Registrant or Permittee for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the Registrant or Permittee shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Subsection (12).

(10) Location and Marking Requirements.

(a) Poles and towers over 50 (fifty) feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure.

(b) Rigid non-breakaway poles and other utility structures shall be located to meet American Association of State Highway Transportation Officials (AASHTO) requirements regarding pole location.

(c) Underground facilities in the terrace area of the right-of-way may be marked with flush mounted caps only, unless other marking are allowed by the Department.

(11) Other Obligations.

(a) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve a Registrant or Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A Registrant or Permittee shall comply with all requirements of local, state and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(b) Prohibited Work. Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work, as determined by the Engineer.

(c) Utility Locating Obligations.

1. Digger's Hotline Compliance. All Registrants and Permittees shall comply with the Digger's Hotline requirements set forth in Wis. Stat. § 182.0175, if applicable.

2. Planning. The Department may seek information on existing facility locations for planning purposes. It shall be the obligation of Registrants to locate facilities to enable planning by the City. Facility locations shall be represented in the field during field surveys or by providing maps of utilities within the planning areas.

3. Non-Compliance with Locating Requirements. No person shall fail to locate facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any Registrant who fails to locate facilities shall be responsible for all costs due to delays caused to City projects. Repeated failure to locate facilities may result in suspension of permits for the Registrant and/or increased fines. Repeated failure to locate facilities shall be defined as more than 2 occurrences within 12 months or more than 3 within 24 months.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

(a) Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

1. The applicant or Permittee is required to be registered under Subsection (2) and has not done so, or the permit application is otherwise incomplete;
2. The applicant or Permittee is seeking to perform work not included in its construction and major maintenance plan required under Subsection (5), which work was reasonably foreseeable by the applicant or Permittee at the time said plan was filed;
3. Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
4. Misrepresentation of any fact by the applicant or Permittee;
5. Failure of the applicant or Permittee to maintain required bonds and/or insurance;
6. Failure of the applicant or Permittee to complete work in a timely manner;
7. The proposed activity is contrary to the public health, safety or welfare;

8. The extent to which space is available in the right-of-way for which the permit is sought;
9. The competing demands for the particular space in the right-of-way;
10. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
11. If the Permittee or applicant proposes to install a new pole or tower in the right-of-way, the availability of other existing poles or towers owned by the Permittee or applicant or by a third party;
12. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
13. The new pole or tower would be located in an undergrounding area as defined under Section 19.16(3);
14. The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or,
15. The applicant or Permittee is otherwise not in full compliance with the requirements of this section or state or federal law.

(b) The Department shall not deny a Registrant an excavation permit because of a dispute between the City and the Registrant related to Subsections (6)(b)3.b. or 3.c. above if:
1. The dispute has been adjudicated in favor of the Registrant; or,
2. The dispute is the subject of an appeal filed by the Registrant and no decision in the matter has at yet been rendered.

(c) Discretionary Issuance. Notwithstanding the provisions of Subdivision (a), the Department may issue a permit where issuance is necessary to prevent substantial economic hardship to a customer of the Permittee or applicant, or to allow such customer to materially improve its utility service, or to allow the Permittee or applicant to comply with federal, state, County or City laws or ordinances or an order of a court or administrative agency.

(d) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Board of Public Works. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Board of Public Works may affirm, reverse or modify the decision of the Department.

(13) Work Done Without a Permit.

(a) Emergency Situations. Each Registrant shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The Registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the Registrant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this section.

If the City becomes aware of an emergency regarding a Registrant's facilities, the Department may attempt to contact the local representative of each Registrant affected, or potentially affected, by the emergency. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the Registrant whose facilities occasioned the emergency.

(b) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently register and apply for an excavation permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this section or other sections of the Madison General Ordinances, deposit with the Department the fees necessary to correct any damage

to the right-of-way and comply with all of the requirements of this section. If no application is made, this subsequent permit application is denied or is not approved, the Registrant, or person causing the work to be done, shall discontinue and abandon the facilities.

(14) Location of Facilities.

(a) Undergrounding. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of existing facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.

(b) Limitation of Space. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Department may prohibit or limit the placement of new, replacement or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of Persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

(c) Attachment to Bridges. Whenever an applicant or Permittee under this section requests permission to attach facilities to any City bridge structure, the applicant shall provide a 'structural analysis prepared by a licensed State of Wisconsin professional engineer and pay a fee of one thousand dollars ($1,000) upon the granting of such permission to help defray administrative expense in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in the case of repair, removal, or replacement of said bridge structure by the City.

(d) Corridors. The Department may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Department's assignment.

Any Registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City under this subdivision shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Registrant.

(15) Relocation and Protection of Facilities.

(a) Requirement. Except as prohibited by State or Federal law, a Registrant must, promptly and at its own expense, maintain, support, protect or relocate its facilities in the right-of-way whenever the City, or its agent, acting in its governmental capacity, requests such action to prevent interference by the Company's facilities with the following:

1. A present or future City use of the right-of-way;
2. A public improvement undertaken by the City;
3. An economic development project in which the City has an interest or investment;
4. When the public health, safety and welfare require it; or,

5. When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

(b) Order. The City, or its agent, shall issue a due date for the work to the local representative of not less than seventy-two (72) hours, which due date shall be reasonable and based upon the actions to be undertaken by the Registrant. If requested, the Registrant shall restore the right-of-way following the completion of the work.

(c) City's Right to Self-Help. In the event that a Registrant does not proceed to maintain, support, protect or relocate its facilities as ordered in this subsection, the City may arrange to do the work and bill the Registrant, said bill to be paid within thirty (30) days.

(d) Additional Cost Recovery. The City may bill the Registrant for any additional costs incurred as a result of the failure of the Registrant to accomplish the needed work within the time specified in the order.

(e) Exception. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefore.

(f) Penalty. If a Registrant fails to perform the required action by the due date, the Registrant shall be subject to a forfeiture of not less than two-hundred and fifty dollars ($250) nor more than five-hundred dollars ($500) for the first offense within a three (3) year period, and a forfeiture of not less than five hundred dollars ($500) nor more than two thousand five-hundred dollars ($2,500) for the second or subsequent offense within a three (3) year period. Each day such violation or failure to comply continues shall be considered a separate offense.

(16) Indemnification Requirement. By registering with the City, or by accepting a permit under this section, a Registrant or Permittee, as the case may be, agrees to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents (collectively, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the Registrant's or Permittee's acts or omissions in the exercise of its rights under this Ordinance, whether caused by or contributed to by the City or its agents or employees.

(17) Abandoned Facilities.

(a) Discontinued Operations. A Registrant who has discontinued or who plans to discontinue its operations in the City, either in full or in part, must do one of the following:

1. Provide information satisfactory to the Department that the Registrant's obligations for its facilities under this Subdivision have been lawfully assumed by another Registrant.
2. Submit to the Department a proposal and instruments for dedication of its facilities under this Subdivision to the City. If a Registrant proceeds under this clause, the City may, at its option:
   a. Accept the dedication for all or a portion of the facilities;
   b. Require the Registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or,
   c. Require the Registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

3. Remove its facilities under this Subdivision within two years, unless the Department waives this requirement or provides a later deadline.

(b) Abandoned Facilities. Facilities of a Registrant who fails to comply with Subdivision (a) or facilities that are not claimed by any registered person and which remain either unclaimed by a registered person or unused for one (1) year, shall be deemed to be abandoned. Abandoned facilities are declared to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, do any of the following:

1. Abate the nuisance;
2. Take possession of the facilities; or,
3. Require removal of the facilities by the Registrant, or the Registrant's successor in interest, or other person responsible for the facilities.

(c) Public Utilities. This Subsection shall not apply to a Public Utility that is required to follow the provisions of Wis. Stat. § 196.81.

(18) Reservation of Regulatory and Police Powers. The City, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a Person under this section, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights which it has, or may be hereafter granted, under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way; and the Permittee, by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way, and the Registrant, by registration under this section, agrees that all lawful powers and rights, regulatory power, or police power, or otherwise, as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Permittee or Registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.

(19) Penalty. Except as otherwise provided in this section, any person who violates this section or fails to comply with the provisions of this section shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250) nor more than one thousand dollars ($1000). Each day such violation or failure to comply continues shall be considered a separate offense.

(Section 10.05 Rep. & Rec. by ORD-17-00051, 5-24-17)

10.055 OCCUPANCY OF STREETS OR OTHER PUBLIC AREAS.

(1) Street Occupancy Permit Required. Except as otherwise allowed by these ordinances, no person shall occupy, or cause to be occupied, any portion of the street, sidewalk, terrace, alleys or other public grounds for ninety (90) days or less, or in the case of 1 and 2 family homes for one hundred twenty (120) days or less, with any material or machinery without a valid street occupancy permit issued under this Section.

(2) Administration. Permits under this section shall be administered by the City Traffic Engineer, or his or her designee.

(3) Permit Application. An application for a street occupancy permit shall be in writing to the City Traffic Engineer and shall describe the premises to be occupied by lot, block and/or street on or over which such material or machinery is desired to be placed, the area of occupation sought, the character of the material for which the permit is desired and the duration of the proposed occupation. The application shall also note whether the proposed occupation area will require, or reasonably necessitate, the trimming, pruning or removal of any City tree. The application shall include a drawing of the proposed occupation area, the application fee, the certificate of insurance and surety bond required under Subdivision (4)(a), and an agreement to abide by all conditions set forth in Subsection (4).

(4) Permit Conditions. As a condition of a street occupancy permit issued under this Section, permittees agree to abide by the following conditions:

(a) Responsibility for Occupation.

1. Liability. The permittee shall agree to be primarily liable for damages to person or property by reason of the granting of the permit and shall agree to hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's material or machinery in the public right-of-way or other public ground as permitted under this Section.

2. Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars ($1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Permittee shall keep required insurance in full force and effect throughout the term of the street occupation permit. This insurance condition may be waived for other governmental units and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived. (Am. by ORD-16-00105, 12-2-16)

3. Surety Bond. Before a permit is granted, the City Traffic Engineer may require that the applicant deliver a surety bond to the City Traffic Engineer guaranteeing that the permittee will remove the materials or machinery from the permitted area upon receiving notice to do so from the City Traffic Engineer. If required, the surety bond shall be in an amount established by the City Traffic Engineer, but not to exceed ten thousand dollars ($10,000).

4. Preexisting Compliance. If evidence of the aforementioned insurance and bonding requirements set forth above is already on file with the City Traffic Engineer, said preexisting compliance may be deemed sufficient to satisfy the requirements of either paragraphs 2. or 3. above. The City Traffic Engineer shall notify the applicant of his/her decision in that regard.

(b) Permit Length and Renewal.

1. Permit Duration. A permit issued under this Section shall be valid for the period of time stated therein, which period shall not exceed ninety (90) days, or one hundred twenty (120) days in the case of 1 and 2 family homes.

2. Permit Extension. Upon good cause shown, the City Traffic Engineer may extend a permit under this Section from time to time as may be reasonably required upon written application made to him/her for that purpose.

3. Renewal. A permittee must submit a request to renew the permit no later than seven (7) days before the expiration of the permit. Any request made within seven (7) days or following the expiration of the permit shall be treated as a new application.

(c) Occupation Limitations.

1. General. No permit shall be issued where the placing of any such material or machinery within the proposed occupation area will unreasonably

interfere with the public safety and convenience, or where there is insufficient room for such material or machinery to be placed within the limits specified by this Section.

2. Roadway Occupation Limited. No permit issued under this Section shall authorize the use of more than one-third (⅓) of the traveled roadway opposite the premises of the person to whom such permit is granted. However, total street occupancy may be granted by joint agreement of the City Engineer and the City Traffic Engineer.

3. Occupations Near Intersections and Driveways. No building, machinery, temporary structure or other material of any kind shall be placed within a vision clearance area as established under Sec. 27.05(2)(bb), except temporarily as otherwise allowed by this Section and Sec. 27.05(2)(bb).

(d) Posting of Permit. Upon issuance, the permittee shall place a copy of the permit issued by the City Traffic Engineer in a conspicuous place on the occupied premises, the permit to be unobstructed from public view and available for the inspectors to mark.

(e) Stormwater Considerations. No building material shall be placed in any gutter so as to obstruct the flow of water therein and every person shall, before depositing or causing to be deposited building material in any gutter, provide a suitable culvert for the entire portion of such gutter over which the building material may be laid, or cover the gutter with plank or otherwise protect the same so as to provide for the free and unobstructed flow of water therein. Water shall not be conducted over the pedestrian walkway. Any erodible material (topsoil, gravel, sand, etc.) that is stored in the permitted area shall either be covered with plastic sheeting or protected with erosion control perimeter controls. If, over the course of the occupation of the permitted area, City Engineering inspectors note that perimeter controls are not effective or are not being adequately maintained, covering of the stockpile shall be mandated.

(f) Roofed Passageways and Barricades. Roofed passageways and barricades required under Section 29.10 shall require a permit issued under this Section. The failure to follow the requirements of Section 29.10 shall be cause to revoke a permit issued under this Section.

(g) Storage Requirements. All material placed upon any street or alley shall be piled in a compact form. In the case of permanently improved streets that can be damaged by piled material, the applicant shall provide to the City digital photos or digital video of the area to be occupied prior to permit approval and photos of the area following restoration under Subdivision (n). The City recommends that, to minimize possible damage, the permittee place a level plank floor under all concrete, masonry, and plaster materials or store those materials on pallets.

(h) Safety Considerations. Material or machinery placed in the sidewalk, street or alley shall be properly guarded by day and each separate pile of material shall be either lighted or reflective at night, in such manner as to warn all persons traveling upon the sidewalk, street or alley of the presence of such material or machinery.

(i) Walkways. All walking surfaces open to the public or required by the permit must be maintained in a clean, smooth, level, hazard free, and ADA compliant manner within the occupation area.

(j) Deliveries. Vehicles shall make deliveries and pick-ups without backing into areas open to the public. A properly equipped flag person shall be stationed at permitted delivery lanes for all deliveries to ensure safe ingress and egress. No deliveries will be permitted in lanes not explicitly approved in the occupancy permit or at times prohibited by the permit.

(k) Parking. Parking of vehicles within the occupancy area is prohibited, although the loading and unloading of vehicles is permitted within the occupation area provided that the activity is otherwise compliant with this Section.

(l) Site Maintenance. All accumulation of rubbish, debris, snow, ice or other hazards within the permitted area shall be cleaned up every day before leaving the premises.

(m) Removal for Public Purpose. Any material or machinery placed in a permitted area shall be removed upon twenty-four (24) hours notice given by the City Traffic Engineer, City Engineer or Superintendent of Streets where a street is needed due to an emergency or critical event, or where such removal is necessary in order to repair, replace or install a street, sidewalk, terrace, alley, water facility, sewer facility or other facility that the City Engineer determines needs to be installed.

(n) Restoration. Upon either the expiration of the permit or, if the work of construction is completed before the permit expires, the completion of the work, the permitted area occupied under this Section shall be restored to its original condition and left in good repair and condition. The permittee shall be responsible for the repair of any damage noted by City staff and shall repair it to City of Madison Standard Specification for Public Works Construction. Any new or reconstructed sidewalk shall comply with Section 10.06. The City Traffic Engineer or City Engineer shall inspect the area upon completion of the restoration and the permittee shall make any further repairs required by the City Traffic Engineer or City Engineer needed to address any deficiencies that did not exist prior to the occupation. If permittee does not adequately restore the permitted area as required, the City may perform any repairs or restoration and recover the costs thereof as a special charge against the adjoining property under Sec. 4.09(13).

(o) Signage Limitations. It shall be unlawful to post or attach to any roofed passageway, barricade, material, or any temporary street occupancy structure any temporary sign, bill, or placard, except that this provision shall not be construed to prevent the posting of the street occupancy permit, the building permit as required by Section 29.06, or the erection of signs denoting the owner, occupant, architect, engineer or contractors. However, such signs shall not exceed sixty-four (64) square feet in aggregate area and shall be located not less than eight (8) feet above the street grade immediately below the sign and not more than eight (8) feet above the barricade. This sign shall not be placed in such a manner as to obstruct or interfere with the vision of traffic, traffic lights, or right-of-way directional signs.

(p) Traffic Signs. All signing, barricading and electric arrow boards shall be placed in conformance with the Federal Highway Administration "Manual on Uniform Traffic Control Devices" and City of Madison standards.

(q) Permit Fees. All permit fees shall be paid in full prior to the issuance of the permit or any extension thereof.

(r) Other Conditions. The City Traffic Engineer may add additional conditions, such as a traffic control plan, to a permit issued under this Section that are reasonably necessary to protect the public's health, safety and welfare, including after the issuance of the permit.

(5) Public Trees. Any trimming, pruning or removal of public trees within the permitted area will require the issuance of a separate permit under Sec. 10.101. The trimming, pruning or removal of any City tree without a permit issued under Sec. 10.101 or without the permission of the City Forester shall be cause to revoke a permit issued under this Section.

(6) Revocation of a Permit. The violation of any condition of a street occupancy permit that endangers the health, safety and welfare of the public, or the violation of any other ordinance while occupying the permitted area, shall be cause to revoke a permit issued under this Section. Except in the case of an immediate threat to the health, safety and welfare of the public, the City Traffic Engineer shall provide written notice of the revocation to the permittee who shall have no less than twenty-four (24) hours to comply

with the permit requirements or other ordinance. If there is an immediate threat to the health, safety or welfare of the public, the City Traffic Engineer may immediately revoke the permit and shall provide written notification of this action to the permittee in a timely manner.

(7) Appeal. In the event the City Traffic Engineer denies an application for a street occupancy permit, imposes a special condition on the permit under Subsection (4)(r), or revokes a permit under Subsection (6), the City Traffic Engineer shall inform the person, in writing, of the reasons for the determination. The person may appeal this decision to the Board of Public Works within ten (10) days after mailing of the notice to the address of the person as shown on the application. Such appeal must be in writing to the City Clerk, and must inform the Board of the reasons why the person believes the decision to be in error. Failure to so appeal this decision shall result in automatic approval of the denial, special condition or revocation without further action by the City Traffic Engineer or the Board of Public Works.

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the person and the City Traffic Engineer may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall cause to be issued a written decision which shall affirm, reverse or modify the determination of the City Traffic Engineer. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(8) Permit Fees. The following permit fees apply to street occupancy permits issued under this Section:

(a) Application Fees. A minimum permit fee of one hundred dollars ($100) for an occupation lasting one to seven (1-7) days, a permit fee of one hundred fifty dollars ($150) for an occupation lasting eight to thirty (8-30) days, and a permit fee of two hundred dollars ($200) for an occupation lasting greater than thirty (30) days shall apply. The application fee shall be double for untimely renewals or applications made after occupation has already begun.

(b) Dumpsters, Portable Storage Containers and Construction Trailers. A fee of fifty dollars ($50) shall apply, in addition to any other fees under this Section.

(c) Calculation of Fees. The fees charged in paragraphs 1. through 4. are charged for each area that is occupied and are based upon the area of the City where the permitted use is located. For the purposes of this Subdivision, the "Central City" is defined as the area bounded by the Yahara River on the east, Lake Mendota on the north, Park Street on the west, and Regent Street, Proudfit Street and Lake Monona on the south. The fees shall be charged for every twenty-five (25) feet of street front thereof that is to be temporarily occupied or used, based upon the period of occupation (1-7 days, 8-30 days, each 30 day successive period). Fees for occupancy of parking lanes and traffic lanes are based on the classification of the street, as indicated on the street classification map maintained by the City Traffic Engineer.

1. Sidewalks. For the temporary occupancy of all of a sidewalk area, including by a roofed passageway, or an occupancy that results in a sidewalk that is less than five (5) feet wide at any point, where no temporary walkway is provided on the same side of the street, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	$40.00	$80.00	$80.00	$50.00	$100.00	$100.00

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
5' min Ped Access	$20.00	$40.00	$40.00	$25.00	$50.00	$50.00
Collector St	$28.00	$56.00	$56.00	$35.00	$70.00	$70.00
5' min Ped Access	$14.00	$28.00	$28.00	$17.50	$35.00	$35.00
Local St	$20.00	$40.00	$40.00	$25.00	$50.00	$50.00
5' min Ped Access	$10.00	$20.00	$20.00	$12.50	$25.00	$25.00

2. Terraces. For the temporary occupancy of all or a portion of the terrace area, where the terrace is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	$8.00	$16.00	$16.00	$10.00	$20.00	$20.00
Collector St	$5.60	$11.20	$11.20	$7.00	$14.00	$14.00
Local St	$4.00	$8.00	$8.00	$5.00	$10.00	$10.00

3. Parking Lanes. For the temporary occupancy of all or a portion of a parking lane, where the parking lane is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	$16.00	$32.00	$32.00	$20.00	$40.00	$40.00
Collector St	$11.20	$22.40	$22.40	$14.00	$28.00	$28.00
Local St	$8.00	$16.00	$16.00	$10.00	$20.00	$20.00

4. Traffic Lanes and Alleys. For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	$32.00	$64.00	$64.00	$40.00	$80.00	$80.00
Collector St	$22.40	$44.80	$44.80	$28.00	$56.00	$56.00
Local St	$16.00	$32.00	$32.00	$20.00	$40.00	$40.00

(9) Penalty. Any person who fails to comply with any of the requirements of this Section shall upon conviction be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Section 10.055 Cr. by ORD-15-00036, 4-8-15; Am. by ORD-17-00002, 1-12-17)

10.056 STREET USE PERMIT.

(1) Purpose and Title. This section shall be known as the "Street Use Ordinance." The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be permitted,

subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets for purposes other than ordinary uses, pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.

(2) Definitions.

(a) City means the City of Madison.

(b) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

(c) Street means any public way, street, highway, sidewalk, terrace, alley, or public square. For purposes of this ordinance, a bicycle path or bicycle way shall also be considered a street.

(d) State Street Mall-Capitol Concourse or Mall-Concourse for purposes of this ordinance, means those streets or portions of streets located within area described in Sec. 9.13(6)(a) of these Ordinances.

(e) Non-Mall-Concourse means those streets or portions of streets located in any part of the city other than the State Street Mall - Capitol Concourse defined herein.

(3) Street Use Staff Commission.

(a) The voting membership of the Street Use Staff Commission shall consist of a staff representative from each of the following City departments or divisions:

1. Transportation/Traffic Engineering;
2. Parking Utility;
3. City Engineering;
4. Parks Division;
5. Parks Division-Mall Maintenance;
6. Streets Division;
7. Police Department;
8. Fire Department;
9. Risk Management (Finance Director);
10. Metro Transit; and
11. a representative from the State Capitol Police Department.

Commission coordination shall be provided by the Parks Division. Membership on this Staff Commission shall not require mayoral appointment or Common Council approval. For the City staff positions, the Department head shall designate an individual to serve on the Commission on a regular basis for an indefinite term. The Department head may assign another individual to attend and vote in the absence of the regularly-assigned staff person.

The Street Use Staff Commission is considered a "full" or "formal" committee under Sec. 33.27, MGO, and subject to all applicable provisions of that section, including Sec. 33.27(2)(a), MGO. (Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-09-00038, 3-14-09; ORD-09-00171, 12-31-09; Am. by ORD-11-00037, 3-8-11)

(b) The Street Use Staff Commission may require the applicant or other authorized individual to attend one or more meetings of the Street Use Staff Commission and to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit shall be granted.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(4) Application.

(a) An application for a Street Use Permit shall be made by mail, in-person at the Parks Division, or using other methods made available by the City (such as online) using the form provided by the Parks Division. The application shall set forth the following information:

1. The name, address and telephone number of the applicant or applicants. The applicant shall be the event sponsor. If the application is being filed by someone else on behalf of the event sponsor, that person shall also provide their name, title, address, and phone number.
2. In addition to the information required in subparagraph 1. above, if the applicant is not an individual, the full name and business or headquarters address of the organizational entity shall be provided. If the applicant is a corporation, limited liability company, or limited partnership, the name and address of the registered agent shall also be provided. If the entity is a general partnership, the name, and address of at least one (1) general partner shall be provided.
3. The name, address and telephone number of the person or persons who will be responsible for conducting and/or managing the proposed use of the street, if different from the individual(s) named in subparagraph 1. or 2. above. This person shall also provide a mobile phone, pager number, or other means for immediate contact during the event.
4. The exact date or dates, beginning and ending times for which the requested use of the street is proposed to occur, including and set-up and tear-down times. If an event sponsor requests identical street closures for the same location for more than one occasion or event within a twelve (12) month period, each event may be included on a single application.
5. An accurate description of that portion of the street proposed to be used.
6. The estimated number of persons for whom use of the proposed street area is requested.
7. The proposed use of the street, described in detail, including a description of all activities planned during the street use such as vending, music, selling or serving of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event. If any alcohol beverage license(s) will be requested for the event, the applicant shall indicate the type of license(s) requested and whether the applicant will still want a Street Use Permit if the necessary alcohol beverage license(s) are not granted. (Am. by ORD-11-0011, 9-12-11)
8. A description of any recording or sound amplification equipment to be used in connection with the street use.
9. A designation of any public facilities or equipment to be utilized.
10. Any additional information that the Street Use Staff Commission finds reasonably necessary to a fair determination as to whether a permit should be issued. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
11. Addendum and Attachments. Applicants requesting identical street closures for more than one occasion, or large events expecting over 10,000 attendees, shall include an "Addendum to Street Use Permit" with the application. The Addendum shall include written details regarding transportation management, parking, crowd control, resident access.

    Additionally, if there will be any extraordinary security measures including searches of persons or vehicles, the applicant shall submit that plan as a separate Attachment to the application. If the crowd control or security plan calls for the hiring of private security services, the applicant shall provide the name of the security firm.

12. For events that include service of beverages in recyclable containers or the use of corrugated cardboard, a Recycling Plan shall be submitted with the application, using a form that has been prepared for this purpose by the City Recycling Coordinator. The Recycling Plan shall describe the applicant's procedures for collection and recycling of all recyclable materials (defined by MGO 10.18(7)(e)) produced by the event, and shall provide, at a minimum, for adequate collection containers, recycling instructions for vendors and other participants, and arrangements for the material collected for recycling as required by MGO 10.18.

The City Recycling Coordinator (or designee) shall review the completed Plan and report his/her approval or denial of the Plan to the Staff Commission before or at their meeting at which the final decision is made on the application. If the Recycling Coordinator disapproves a plan, s/he shall work with the applicant to develop an approvable plan. (Cr. by ORD-08-00032, 3-21-08; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Am. by ORD-09-00171, 12-31-09)

(b) Deadline for Applications.

1. An application to close three (3) or more blocks or to close a street or streets that will require any bus route detours or substantial rerouting of vehicular traffic shall be submitted not less than thirty (30) days prior to the beginning date of the proposed event.

2. An application to close less than three (3) blocks that will not require any bus route detour or substantial rerouting of vehicular traffic shall be submitted not less than fourteen (14) days prior to the beginning date of the proposed event.

3. The deadline for application filing in sub. 1. and 2. above may be waived if, based upon the proposed date, time, place, size, duration, anticipated number of participants, and City services required, there will be sufficient time prior to the event for the Staff Commission to hold a public meeting to objectively review the application and make a decision under the standards of issuance herein within the timelines required by sub. (5)(f). For an administrative review under 10.056(5)(b)5., the application deadline may be waived if there is sufficient time prior to the event for the Parks designee to conduct the administrative review and make a decision within the timelines required by sub. (5)(f). The application deadline for events under sub. 4. below (events with alcohol) may not be waived. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-11-00118, 9-12-11)

(Am. by ORD-09-00171, 12-31-09)

4. An application for an event of any size for which a temporary Class B alcohol license will be requested shall be submitted not less than sixty (60) days prior to the beginning date of the proposed event, to allow for Common Council review as required by Sec. 38.05(9)(e)2. (Cr. by ORD-11-00118, 9-12-11)

(c) Petition Required for Certain Events on Local Streets. It is in the public interest to dedicate and use non Mall/Concourse local, streets for neighborhood-centered activities. If the application is for the use of not more than two (2) blocks of a non Mall/Concourse local street (defined as a street with a speed limit of twenty-five (25) miles per hour or less), the application shall be accompanied by a petition designating the proposed area of the street to be used, the date and times of the proposed use, and the petition shall be signed by an adult resident or occupant over the age of eighteen (18) of not less than seventy-five percent (75%) of all residential dwelling units and non-residential occupancies with a street address on

that portion of the street designated for the proposed use. The petition form shall be included with the permit application and completed petitions shall be verified. (Am. by Ord. 12, 312, 2-1-99; ORD-06-00129, 9-21-06)

(5) Application Process and Permit Requirements.

(a) A Street Use Permit Application, the application fee under Sub. (7)(a), a petition, if required, and any additional materials shall be submitted to the Parks Division. Only complete applications containing all of the information required under sub. (4)(a) shall be considered. The Street Use Staff Commission shall review all such applications within the time limits in sub. (5)(f), if the application was filed within the deadlines in sub. (4)(b), except those applications that qualify for administrative review shall be reviewed by the designee of the Parks Superintendant under sub. (5)(b)5., below. (Am. by Ord. 13,176, 11-5-02; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(b) Permit Review.

1. The Staff Commission shall evaluate the application using the standards found in this ordinance. The Commission shall either approve the issuance of a Street Use Permit with conditions or deny the permit. The reasons for denial shall be set forth in writing and provided to the applicant immediately, unless the applicant is present at the meeting at which the permit is denied.
2. Conditions of the permit shall include those required by this ordinance and those determined by the Staff Commission to be appropriate to ensure the safety of the public and provide for an orderly event. The information supplied under sub. (4)(a), if approved by the Staff Commission, shall also become conditions of the permit.
3. When approved, the Parks Division shall issue the permit. The permit shall include all information required on the application and any conditions added to the application by the Staff Commission.
4. Duration of Permit.

a. General. Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event or street closure requested. Permits may be issued for a single day, multiple consecutive days, or single-day identical street closures for more than one occasion over the course of twelve (12) months or less ("Serial Events"). A Serial Event shall also be limited to not more than one (1) day per week and not more than fifteen (15) total days per year, except for the Wednesday Dane County Farmers' Market on the 200 block of Martin Luther King Jr. Boulevard.

b. Business Improvement District Programming. The time limits in sub. a. above do not apply to a permit issued to a Business Improvement District, as defined in Wis. Stat. § 66.1109, if all of the following circumstances are met:

i. The application is for an event within the Business Improvement District for programmed entertainment and activities open to the public, and the activities comply with all applicable laws;
ii. The event area is limited to the sidewalk or sidewalk areas, terraces, and pedestrian ways and does not include any portion of the roadway or area that is open to motor vehicle traffic;
iii. No buses or other vehicle traffic will be re-routed; and
iv. It shall be a condition of any permit issued under this section that the applicant enter into a contract with the

City of Madison setting forth, at a minimum, conditions of the permit, details for allowable programming, payment for the programming and responsibility for costs of any city services associated with the event. City funding for such programming, if any, shall be approved by the Common Council and authorization to enter into the contract shall be according to applicable City contracting policies.

(Am. by ORD-13-00067, 4-24-13; ORD-16-00055, 5-25-16)

5. Administrative Review for Certain Applications. Applications for the use of not more than two (2) blocks of a residential, non-Mall/Concourse local street meeting all of the criteria of Sec. 10.056(4)(c), including the petition requirement, may be reviewed and approved administratively by a designee of the Parks Superintendent. Such applications shall be approved if the Parks designee finds that the Standards of Issuance and all other applicable criteria under this ordinance have been met, including the insurance provisions under 10.056(8). A decision on a permit under this section shall be made within the time limits in Sec. 10.056(5)(f). (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

6. Changes to Approved Permit. The approved conditions for a street use event cannot be modified except by submitting an amended application for consideration by the Street Use Staff Commission, following all the application procedures and deadlines herein, and the permit may only be changed with the approval of the Commission, applying the same standards as for initial issuance of the permit. (Cr. by ORD-13-00067, 4-24-13)

(c) Street Vending. The applicant shall describe any proposed street vending activities on the application for a Street Use Permit, however, all street Vending activities, as defined in Sec. 9.13(1), MGO, are regulated by Sec. 9.13 of these ordinances and may require additional licenses administered by the Street Vending Coordinator. Sec. 9.13(6)(k) governs the options for a vendor to request suspension of certain vending rules and regulations and requests for "exclusive vending use" including invalidation of other vending licenses during an event. A Special Event Umbrella Vending license covering street vending activities of all vendors in an approved special event is available to event sponsors under Sec. 9.13(2), and administered by the Parks Division.

(d) Alcohol Beverage Licenses. If the applicant requests permission to sell beer or wine within the perimeter of the street use permit area, the applicant shall follow the procedure for a Temporary Class B Picnic License under Sec. 38.05(9)(e)2. of the Madison General Ordinances. Applications for such temporary license(s) in connection with a Street Use Permit are subject to approval by the Common Council under Sec. 38.05(9)(e)2. The Street Use Staff Commission has no authority to authorize the sale of any alcohol beverages or possession of open containers; however the Commission may impose conditions for the Street Use Permit not inconsistent with a concurrent alcohol beverage license and applicable laws. If the Commission approves a Street Use Permit prior to the Common Council's approval under Sec. 38.05(9)(e)2., the Commission shall indicate whether its approval is conditioned upon the issuance of an alcohol beverage license, and if so, the Commission's approval shall be conditional and the Street Use Permit shall only be issued after the Council has approved the alcohol beverage license(s). If approval of the requested alcohol beverage license is not a condition of the Street Use Permit, the Permit may be issued prior to the Council taking action on the

alcohol license. Under no circumstances shall alcohol beverages of any kind be sold at a street use permitted event without the necessary alcohol beverage license(s) required by law. (Cr. by ORD-11-00118, 9-12-11)

(e) Sound Amplification. The use of sound amplification equipment may be approved as part of the Street Use Permit; and if approved, a separate permit under Sec. 24.04(3) shall not be required. Any applicable time limits in Sec. 24.04(3) shall not apply to a Street Use Permit. The Staff Commission shall determine the times and conditions for use of amplified sound using the standards of issuance herein, except that the use of sound amplification equipment may only be approved between 8:00 a.m. and 11:00 p.m. Requests for sound amplification before 8:00 a.m. or after 11:00 p.m. may be considered and granted by the Staff Commission if the Notification or petition required under Sec. 10.056(5)(g) described the proposed hours for amplification; and if the Staff Commission makes a specific finding that the Standards of Issuance, including sub. (6)(i), will not be violated by the use of amplified sound before 8:00 a.m. or after 11:00 p.m. (Am. by Ord. 12,474, 9-27-99; ORD-06-00128, 9-21-06; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(f) Time Limit for Decision. The decision to approve or deny a Street Use Permit shall be made within twenty-one (21) days of the date a complete application properly filed under sub. (5)(a) is received, unless the applicant expressly agrees to a longer period of time, or unless the application is for an event for which alcohol beverage licensing is also requested. Except for applications filed fewer than fourteen (14) days prior to the event under Sec. 10.056(4)(b)3., the decision to approve or deny shall be made no fewer than five (5) calendar days before the beginning of the proposed event, to allow a timely appeal as provided elsewhere in this section. An applicant may choose to voluntarily waive this 5-day decision deadline. (Am. by Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

(g) Notification Requirements.

The notices required by this paragraph shall be in addition to any petition which may be required under Sec. 10.056(4)(c), and any street vendor or other notifications required elsewhere in these Ordinances.

1. Notification by the Applicant.

   a. Residential Neighborhood Events of Two (2) Blocks or Less. The applicant shall deliver written notices announcing an event for which a permit has been granted, to each occupant on the streets to be closed at least seven (7) days prior to the event, unless a petition is required. The applicant shall provide the Parks Division a sample of any written notice required under this paragraph. If a petition is required under sub. (4)(c), the circulation of the petition shall serve as the only notice required under this paragraph.

   b. Large Public Events of Three (3) or More Blocks, 10,000 or More Estimated Attendees and Any Event Requiring Bus Detours or Significant Traffic Rerouting. The applicant shall send a copy of the application to the alderperson(s) of the aldermanic district(s) where the street closure is requested and to any neighborhood association on file with the Department of Planning and Community and Economic Development, within five (5) days of filing the application. The notification shall include contact information for the applicant. The purpose of the notification shall be to exchange information and receive public comment about the details of the event. The applicant shall keep a record of all public comments and provide them at the Street Use Staff Commission meeting when the application is reviewed. If a permit is granted,

the applicant shall also provide written notice announcing the event to each occupant on the street(s) to be closed, prior to the event. The applicant shall also promptly notify any merchants or building occupants identified by the Street Use Staff Commission, upon request of the Staff Commission. The applicant shall provide the Staff Commission a copy of the meeting announcement and other written notice(s) required under this paragraph.

c. 700 and 800 Blocks of State Street. For events on the 700 or 800 blocks taking place during regular business hours, the applicant shall notify all of the business or educational occupants of both the 700 and 800 blocks, and include proof of that notification with their application. A list of occupants can be obtained from the Parks Division.

d. Notice. Notice of an event for which a permit has been granted shall be sufficient if provided to the owner or occupant of each building or use with street frontage or driveway access on the street or portion of streets to be closed.

2. Notification by the Street Use Staff Commission. The Street Use Staff Commission shall regularly report to Common Council members all Street Use Permits granted and denied. The Community Events Coordinator shall also notify the Street Vending Coordinator and other pertinent staff of permits that have been granted and denied, as needed.

(Sec. 10.056(5) Am. by Ord. 12,312, 2-1-99; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-09-00171, 12-31-09)

(h) Animals Prohibited. Under Sec. 23.315, MGO, animals are prohibited in all areas within the perimeter of a street use event when there are a total of ten (10) or more food vendors participating in the event. For purposes of this paragraph and Sec. 23.315, a "food vendor" is any vendor selling food or beverage and required to hold a temporary or permanent food and drink license from the City under Chapter 7. A food vendor is "participating" in the event if the vendor is either included in event sponsor's special event umbrella vending license, or holds a city street vending license and is allowed to remain within the perimeter of the event. If animals are prohibited under this paragraph, the event sponsor shall provide notice to the public at the entrance to the event that animals are prohibited at the event under Sec. 23.315.

(Cr. by ORD-10-00079, 8-12-10)

(6) Standards for Issuance. The following standards established within this subsection, in addition to any other mandatory requirements within Sec. 10.056 or elsewhere in these Ordinances, and as amended from time to time, shall govern the issuance of street use permits. In the case of a street use permit requested solely to facilitate access to an event occurring off the street, the "event" for purposes of these standards shall be those activities reasonably expected to take place within the street(s) to be closed. A Street Use Permit shall be issued to an applicant unless:

(a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location; or

(b) The concentration of persons at the event would unduly interfere with proper fire and police protection of, or other emergency service to or through, the event or to areas adjacent to the event's location; or

(c) The estimated number of participants or the size or type of event equipment is not sufficient to close a street and there is an alternative channel of communication available; or

(d) Another street use permit has already been granted for substantially the same time and location; or

(e) The size or time of the event would require so great a diversion of City police, fire and other emergency staff as to prevent normal protection of the City or to prevent adequate protection at another previously scheduled event whether or not that event has been issued a street use permit or other permit from the City; or

(f) The event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants; or

(g) Adequate sanitation or other necessary Health facilities will not be available at the event; or

(h) There is an insufficient number of parking places within a reasonable distance or inadequate alternative parking or transportation options to accommodate the number of vehicles expected; or

(i) The time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of the residents; or

(j) The proposed use or event will have a significantly adverse environmental impact; or

(k) (Repealed by ORD-05-00051, Eff. 03-19-05)

(l) The applicant has provided fraudulent information on the application; or

(m) The applicant has an outstanding balance owed to the City of Madison for unpaid fees for actual costs of equipment or services related to a previous Street Use Permit, Parade Permit under Sec. 12.87, a Parks special event permit or other permit or procedure of the Parks Division requiring payment or reimbursement for fees; or (Am. by ORD-15-00046, 4-29-15)

(n) The applicant has failed to satisfy the following permit requirements established elsewhere in this ordinance:

1. Filing of any petition required under sub. (4)(c). (Am. by ORD-15-00046, 4-29-15)
2. Posting of any cash bond or surety required under sub. (7).
3. A valid indemnification agreement required under sub. (8).
4. Proof of insurance, timely submitted and approved by the Risk Manager, as may be required under sub. (8).
5. A valid agreement to pay actual costs of equipment and services as required under sub. (7).
6. Submittal of an "Addendum to Street Use Permit," and Attachment, if required under sub. (4)(a)11.
7. Submittal and approval of a Recycling Plan, if required under sub. (4)(a)12. (Cr. by ORD-08-00032, 3-21-08)

(o) The proposed street use does not comply with the following minimum safety restrictions:

1. At least one (1) emergency vehicle access lane a minimum of twenty (20') wide, free of obstacles, shall be maintained at all times. (Am. by ORD-11-00118, 9-12-11)
2. At least one (1) walkway for pedestrian access at least eight (8) feet wide shall be maintained at all times.
3. Any permit to close any portion of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless a traffic detour plan, approved by the Staff Commission, can be used. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(p) Alcohol beverage licensing has been requested for the event, the Commission has made approval of the necessary alcohol beverage licensing a condition of approval for the Street Use Permit, and the Common Council has not approved the necessary alcohol beverage licensing. (Cr. by ORD-11-00118, 9-12-11)

(q) Any activity to take place within the permitted area is contrary to federal, state or local law, or any vehicle, equipment or other materials to be used within the permitted area will not meet all applicable laws. This provision does not apply to a law that, by its express language, may be suspended or rendered non-applicable by the issuance of a Street Use Permit. (Cr. by ORD-15-00046, 4-29-15)

(7) Fees.

(a) Application Fee. The application fee for a one-day event reviewable under Sec. 10.056(5)(b)5. (i.e. block party) is fifty dollars ($50), the application fee for all other one-day events is one hundred dollars ($100). If the application is for an event that requires street closure for two (2) or more consecutive days, the fee shall be two hundred dollars ($200). If the application is for a Serial Event under Sec. 10.056(5)(b)4.a. or a BID event under Sec. 10.056(4)(a)4.b., the application fee shall be three hundred dollars ($300). An additional twenty-five dollars ($25) for each block or portion thereof in which any special vending approval under Sec. 9.13(6)(k)1. is requested shall be added to the application fee. All application fees shall be submitted with the application and are non-refundable. The application fee includes the administrative costs of processing the application. For events in the 700-800 blocks of State Street and residential neighborhood events of not more than two (2) blocks, the fee shall also include minimal use of City equipment and services. However, additional fees for actual costs of services and equipment provided may be incurred for any event, under Par. (c) below. All applications under this paragraph except for events reviewed under Sec. 10.056(5)(b)5. are subject to a two hundred and fifty dollar ($250) additional late fee if the application is submitted after the deadlines in Sec. 10.056(4)(b). (Am. by ORD-13-00067, 4-24-13; ORD-14-00050, 3-6-14; ORD-16-00055, 5-25-16)

(b) Cash or Bond Deposit for Certain Events. Prior to issuing a Street Use Permit for any portion of the Capitol Square or closure of more than three (3) blocks city-wide, the applicant shall post a minimum of three thousand dollars ($3,000) cash, certified check, or a surety bond in a form approved by the Risk Manager or the City Attorney to guarantee payment of the actual cost of City equipment and the City services provided. The cash or bond shall be delivered to the Parks Division.

(c) Fees for Equipment Rental and Additional Services. Event sponsors may rent equipment or arrange for services from the City as available. Additionally, if the street use results in more than the minimal use of any City equipment or any City services, whether or not such use was requested or expected, the event sponsor shall pay the actual costs for use of that equipment and services in accordance with a schedule determined by each department/division that bills for services and/or provides equipment for an event. The applicant shall agree to pay, within 20 days of billing, any additional actual costs, such as additional barricades or trash barrels, incurred by the City by the occasion of the event and its participants for City services and use of City-owned equipment.

(Sec. 10.056(7) Am. by Ord. 12,312, 2-1-99; ORD-05-00051, 3-19-05; ORD-09-00038, 3-14-09)

(8) Insurance.

(a) All applicants for a street use permit shall agree, as a condition of the permit, to indemnify, defend, and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(b) The requirement of insurance and applicable minimum limits shall be determined by the City Risk Manager according to objective standards including but not limited to the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants.

(c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars ($1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case by case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The certificate of insurance shall provide a thirty (30) days' written notice to the City upon cancellation, nonrenewal, or material change in the policy. If insurance is determined to be required for an event, the applicant shall provide the Certificate of Insurance described above no less than five (5) days prior to the event. (Am. by Ord. 13,176, 11-5-02)

(Sec. 10.056(8) Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

(9) Appeal Procedure. Any applicant may appeal the denial of a Street Use Permit to the Administrative Review Board. Appeal procedures shall be as provided in Section 9.49, Madison General Ordinances, Review of Administrative Determinations, except that all timelines in 9.49(6)(a) and (b), other than the thirty (30) day deadline for the person aggrieved to file a Notice of Appeal, shall be shortened as necessary to provide a meaningful appeal whenever possible prior to the first requested date of the proposed street closure.

(Am. by Ord. 12,312, 2-1-99)

(10) Severability. Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.

(11) Termination of a Street Use Permit. A Street Use Permit for an event in progress may be terminated by the Chief of Police or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety, if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. A Street Use Permit for an event in progress may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated Sec. 9.13 (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to Sec. 9.13(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event. (Sec. 10.056(11) Am. by Ord. 12,312, 2-1-99; ORD-08-00121, 11-22-08)

(12) Penalty Any person who shall do any of the following may be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each violation:

(a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a street use permit is required without having been issued a valid Street Use Permit for said activity.

(b) Violate any condition placed upon a Street Use Permit; encourage others to do the same; or, as the applicant or sponsor of an event for which a Street Use Permit has been issued, permit or allow a violation of a condition of the Permit. The applicant or sponsor is considered to have permitted or allowed a violation of a

condition if the applicant or sponsor was issued a permit with the conditions listed, or a letter thereto, and a violation of any listed condition occurs during the event.

(c) Provide false or inaccurate information on a written application for a Street Use Permit.

(d) Participate in an activity for which a street use permit is required without a valid street use permit having been granted or after a permit has been terminated pursuant to Subsection (11), above. (Am. by ORD-08-00121, 11-22-08)

(e) Violate any other subsection of this ordinance.

(Sec. 10.056(12) Am. by Ord. 12,312, 2-1-99)

(Sec. 10.056 Am. by ORD-05-00051, 3-19-05)

10.06 SPECIFICATIONS FOR CONSTRUCTION OF SIDEWALKS—WIDTH OF WALKS.

Except upon special authority obtained from the Common Council, no new walk upon any street, the grade of which shall have been established, shall be constructed, and no old walk shall be substantially reconstructed upon such street unless such new or reconstructed sidewalk shall be concrete, and constructed in accordance with the latest edition of the City of Madison Standard Street and Sewer Specifications and all addenda and supplements thereto. Said concrete sidewalks constructed on residential streets shall be five (5) feet wide, except the width shall be five feet four inches (5'4") wide where a new sidewalk at its termini abuts to existing sidewalks of that dimension. Unless the City Engineer shall so direct, new sidewalks shall not be greater or less than these widths. Unless business streets, such walks shall be of such widths as shall be directed by the City Engineer, and it shall be unlawful to build any walk in a business district of any width not authorized by the City Engineer. No sidewalk shall be constructed or reconstructed under the provisions of this section without first obtaining a permit from the City Engineer showing the location and required width of the proposed work. The permit fee shall be twenty-five dollars ($25). The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fee set forth herein. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars ($25) and no more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense. (Am. by ORD-14-00053, 3-12-14)

10.07 GRADE FOR SIDEWALKS—LOCATION.

Whenever a sidewalk shall be ordered to be built, the City Engineer shall immediately survey and stake out the location and grade of the same in case a grade has been established; and where no grade has been established, as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council, and when the same shall be established shall stake out the sidewalk as ordered by the Council; thereafter the City Director of the Building Inspection Division shall show said sidewalk grade on all subsequent building permits issued by him or her for new construction, and no sidewalks shall be laid under the provisions of this chapter until a grade therefore has been established by the Common Council. It shall be unlawful to construct any sidewalk except in accordance with such approved location and established grade, except with the permission of the Common Council. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

10.08 CONSTRUCTION OF DRIVEWAY APPROACHES AND PARKING FACILITIES.

Every driveway approach leading from any street to the lot line of any lot and every lot used as a parking facility shall hereafter be constructed only in accordance with the following requirements.

(1) Definitions. For the purpose of this section the following words are defined.

(a) Angle of approach shall mean the least angle between the center line of the driveway approach and the pavement edge.

(b) Automobile laundry shall mean a building or portion thereof containing facilities for washing automobiles using self-service methods or production line methods

with a chain conveyor, blower, steam cleaning device or other mechanical devices, or any premise with a capacity of washing twenty (20) or more vehicles per eight (8) hour day. (Am. by Ord. 12,008, 1-15-98)

(c) Board shall mean the Board of Public Works of the City of Madison, Wisconsin.

(d) Class I driveway approach shall mean all those by which a street with a concrete curb is connected with a residence, barn, private garage or other improved property and ordinarily used only by the owner or occupant of the premises, his/her guests and necessary service vehicles. (Am. by ORD-14-00012, 1-14-14)

(e) Class II driveway approach shall mean the same as Class I but located where the street is constructed with shoulders without concrete curbs.

(f) Class III driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes or which will ordinarily carry a much heavier traffic movement than Classes I and II.

(g) Class III(a) driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes, primarily used by semitrailers and buses.

(h) Class IV driveway approach shall mean the same as Class III but located where the street is constructed with shoulders without concrete curbs.

(i) Class V driveway approach shall mean all of those by which a street with a concrete curb is connected with public property for the exclusive use of emergency fire equipment.

(j) Commercial site shall mean one tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial or residential site having five (5) or more parking stalls.

(k) Curb cut shall mean that section of concrete curb removed to permit ingress and egress from adjacent property and shall be measured between the points of tangency of the driveway approach radii with the normal street curbing.

(l) Driveway shall mean every way or area in private ownership and used for vehicular travel back of the street right-of-way line.

(m) Driveway approach shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.

(n) Entrance shall mean the point of connection of the driveway and the driveway approach at the street right-of-way line.

(o) Intersection turning area shall mean the part of the intersection included between the radius line used to connect the curb lines and the intersection of the curb lines if extended.

(p) Off-street vehicle facility shall mean any area or structure behind the street right-of-way improved and/or used for the parking, movement, servicing or storage of motor vehicles.

(q) Permit shall mean a permit to construct a driveway entrance and approach of a specified class granted by the City Engineering Division and Traffic Engineering Division upon application therefore in accordance with this ordinance.

(r) Permittee shall mean the applicant to whom the Board grants a permit.

(s) Residential site shall mean a single parcel in a residential zone containing a single residential structure of one or more dwelling units having four (4) or less parking stalls.

(t) Semitrailer refers to a combination of truck-tractor pulling a single semitrailer unit.

(u) Sight distance shall mean the distance from the driver's eye (driver's vehicle approaching the intersection) to the point of intersection of the paths of driver's

vehicle and another approaching vehicle on a cross street, measured from the point where, as both vehicles approach the intersection, each driver is first able to see the other's vehicle. (Am. by ORD-14-00012, 1-14-14)

(v) Medium and large vehicle shall mean any automobile or truck exceeding sixteen (16) feet in length.

(w) Small vehicle shall mean any automobile or truck sixteen (16) feet in length or less.

(2) Number of Entrances.

(a) A maximum of two (2) entrances shall be permitted to a residential site provided that where a single off-street parking facility shall serve more than one residential site no more than two (2) entrances shall be permitted to such a facility.

(b) A maximum of two (2) driveway entrances shall be permitted to a commercial site from each of any one (1) or two (2) abutting streets.

(c) When in the opinion of the Traffic Engineer, after hearing the views of the permittee, it is in the interests of good traffic operation, the Traffic Engineer may permit:

1. One (1) additional driveway entrance along a continuous site frontage in excess of six hundred (600) feet or two (2) additional driveway entrances along a continuous site frontage in excess of twelve hundred (1,200) feet.
2. One (1) additional entrance from each of not more than two (2) abutting streets where continuous frontage is less than six hundred (600) feet; provided that such additional entrances be used exclusively as a service drive for the purpose of loading or unloading materials or merchandise, and which drive is physically separated from other off-street vehicle facilities and not available to customers thereof through the use of a six-inch (6") high raised rolled asphalt or poured in place concrete curb or a guardrail erected eighteen (18) inches in height to the center measured from the paved parking surface.
3. One (1) or two (2) driveway entrances from additional abutting streets.

(3) Location of Entrances.

(a) No entrance shall be closer than ten (10) feet to the right-of-way line of an intersecting street provided that no part of any driveway approach shall encroach on any intersection turning area (curb radius). Alleys shall be exempt from this provision and may be defined as "approaches," provided that the total maximum dimensions shall not exceed those permitted for other "approaches" in the same class. Where the alley is not included, the entrance must be a minimum of five (5) feet from the nearest boundary line of the alley.

(b) No entrance shall be closer than five (5) feet to an adjacent property line; provided, however, that in cases of practical difficulty or unnecessary hardship the City Engineer, Traffic Engineer and Director of the Building Inspection Division may jointly reduce such requirement with subsequent appeal to the Board, if necessary. No driveway approach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee unless both property owners sign a joint application for a permit. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(c) Any two entrances shall be at least ten (10) feet apart and in no case less than the sum of the approach radii.

(d) All entrances and approaches shall be so located as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with vehicular or pedestrian traffic on the street.

(4) Design Criteria.

(a) Special Requirements.

1. Class I

Maximum permitted width of entrance..... 20 feet

Minimum permitted width of entrance ..... 8 feet
Maximum permitted width of driveway ..... 20 feet
Minimum permitted width of driveway ..... 8 feet
Maximum permitted curb cut ..... 30 feet
Minimum permitted curb cut ..... 14 feet
Maximum turning radius at pavement edge ..... 5 feet

2. Class II
Maximum permitted width of entrance ..... 30 feet
Minimum permitted width of entrance ..... 12 feet
Maximum permitted width of driveway ..... 30 feet
Minimum permitted width of driveway ..... 12 feet
Maximum permitted width of approach ..... 50 feet
Minimum permitted width of approach ..... 32 feet
Maximum turning radius at pavement edge ..... 10 feet

3. Class III*
Maximum permitted width of entrance ..... 30 feet
Minimum permitted width of entrance ..... 18 feet
or two entrances of 10 ft. min. under one-way operation.
Maximum permitted width of driveway ..... 30 feet
Minimum permitted width of driveway ..... 18 feet
or two driveways of 10 ft. min. under one-way operation.
Maximum permitted curb cut ..... 50 feet
Minimum permitted curb cut ..... 28 feet
Turning radius at pavement edge-Minimum ..... 5 feet
Maximum 10 feet provided no radius greater than 5 ft. shall encroach on a sidewalk.

4. Class III(a)
Maximum permitted width of entrance ..... 40 feet
Minimum permitted width of entrance ..... 35 feet
Maximum permitted width of driveway ..... 40 feet
Minimum permitted width of driveway ..... 35 feet
Maximum permitted width of curb cut ..... 60 feet
Minimum permitted width of curb cut ..... 45 feet
Maximum turning radius at pavement edge ..... 10 feet
Minimum turning radius at pavement edge ..... 5 feet

5. Class IV*
Maximum permitted width of entrance ..... 40 feet
Minimum permitted width of entrance ..... 25 feet
Maximum permitted width of driveway ..... 40 feet
Minimum permitted width of driveway ..... 25 feet
Maximum permitted width of approach ..... 70 feet
Minimum permitted width of approach ..... 55 feet
Maximum turning radii
Between pavement edge and outside edge of approach ..... 20 feet
Edge of approach (adjacent approach edges where two approaches are constructed) ..... 10 feet

6. Class V—Emergency Fire Equipment. Widths and radii for fire station driveways and approaches shall be determined by the dimensions and

*Minimum permitted width of entrance is ten (10) feet when serving twelve (12) or less vehicle parking stalls to an apartment dwelling unit facility.

operating characteristics of the vehicles involved and deviations from the above design characteristics must be approved by the Board of Public Works.

7. The maximum width permitted herein for Class I and Class II driveways may be exceeded when approved by the Zoning Administrator for the express purpose of complimenting multiple off-street parking spaces. (Cr. by Ord. 10,224, 3-29-91)

(b) The Traffic Engineer may approve a Class III(a) driveway approach if plans are submitted by the applicant showing that the requested driveway approach will be used nearly exclusively by semitrailers and/or buses serving the site, and that other driveway approaches intended for exclusive use by smaller vehicles will not be used by semitrailers and/or buses and, further, that the use of the property is one of the following:

1. Post offices (used as distribution centers).
2. Mobile home sales and service.
3. Weigh stations.
4. Bus stations, bus terminals, bus turnarounds, bus garages and bus lots.
5. Building material sales establishments.
6. Express and parcel delivery establishments.
7. Feed and seed stores.
8. Feed mixing and grinding plants.
9. Milk and ice cream processing and bulk terminals.
10. Bottling or distribution plants of soft drinks, milk, beer, fuel and ice.
11. Storage and warehousing establishments.
12. Wholesaling establishments.
13. Service entrances to community and regional shopping centers.
14. Machinery and equipment sales and service establishments.
15. Highway maintenance shops and yards.
16. Foundries, machine shops, iron, steel and metal fabrication establishments.
17. Brick, tile or terra-cotta manufacture.
18. Asphalt and concrete batching or ready-mix plants.
19. Cartage establishments.
20. Concrete products casting.
21. Motor freight terminals.
22. Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses.

(c) The following special design features may be permitted at high volume entrances if approved by the Board after reviewing the recommendations of the Traffic Engineer:

1. One or more driveway approaches may be replaced by a street type entrance. The cost of additional drainage structures necessitated by such entrances shall be borne by the permittee.
2. One or more driveways to a major traffic generator may be replaced with special geometrically designed approaches and entrances where such generated traffic volumes and turning movements are in such quantities as to significantly reduce the capacity of the adjacent street and/or pose a hazard to through traffic on the adjacent street. These special geometrically designed approaches and entrances include (but are not limited to) speed change lanes, median crossovers, traffic islands and special driveway approach design treatments. The owner of the traffic generator shall be financially responsible for the cost of the special geometrically

designed approaches and entrances as well as the cost of additional drainage structures, street lighting and traffic signals, and conduit necessitated at such approaches and entrances.

(d) The angle of approach of any driveway approach shall be not less than forty-five (45) degrees. A ninety (90) degree angle of approach is preferable on Class I and Class III approaches.

(e) Right-of-way areas adjacent to driveway approaches shall be left unimproved for vehicular use. The drawing accompanying the application shall show exactly how encroachment on such adjacent areas is to be prevented. If encroachment develops a need for additional protection, it shall be provided promptly by the permittee.

(f) All driveway approaches shall be constructed and the right-of-way area adjacent to or between approaches shall be graded at the permittee's expense, subject to drainage requirements as specified by the Board.

(g) The driveway approach between the property line and the road pavement or street curb line shall be paved in accordance with specifications for such concrete, asphalt or crushed stone work prescribed by the Board. All Class III and Class III(a) approaches shall be constructed of concrete. All Class IV driveways shall be constructed of asphalt.

(h) If required by the Traffic Engineer, polyvinyl chloride (PVC) conduit up to three (3) inches in diameter shall be placed twelve (12) inches back of the curb line and a minimum of twenty-four (24) inches below the flow line and extending to the intersecting point of the curb radius and the curb line under each driveway approach. This conduit shall be turned up at each end to terrace finish grade using a 90° elbow and capped at this grade with a permanent PVC cap. (See Figure I in Sec. 10.08(6)(b)1.) The Traffic Engineer may require a deposit to insure installation of this conduit and any other associated structures. (Am. by Ord. 11,512, 1-26-96)

(i) Gasoline pumps or similar facilities served by such driveways and approaches shall be a minimum of fifteen (15) feet from the right-of-way line of the street measured to the center of the gasoline pump and no driveway approach shall be constructed to serve any such existing facility which is less than twelve (12) feet from the right-of-way line.

(5) Special Provisions for Entrances and Exits at Parking Facilities and Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)

(a) The design of entrances to parking facilities shall provide:

1. A sufficient distance from the nearest intersection to prevent vehicles stopping within the intersection.
2. That both permitted driveway approaches from a major street may be for ingress only with egress to a secondary street thereby eliminating vehicle back-up on the major street.
3. For ultimate one-way movement through the parking facility where there is access from two (2) or more streets and a one-way movement becomes necessary.
4. That exits onto a multi-lane street shall be either a part of an intersection or far enough away from an intersection to permit minimum hazard lane changes for left or "U" turning vehicles.
5. That exits shall not be in such proximity to a "stop" intersection as to be blocked by street vehicles stopped by the stop sign or traffic signal during any but peak traffic hours.
6. That no driveway approach shall be located where it will be used as a terminal end of a crosswalk.
7. For adequate sight distance and they shall be clearly visible to street traffic.
8. For minimum interference to street traffic at all times.

(6) Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)

(a) General Requirements for Permanent Parking Facilities. Off-street parking facilities for residential lots in the Central Area with a parking area totaling two thousand (2000) square feet or less, without an accessible parking stall, or twenty-two hundred (2200) square feet or less, with an accessible parking stall, excluding the driveway to the parking area, are exempt from this ordinance and are subject to City Zoning Administrator review and approval. (Intro par. Cr. by Ord. 11,205, Adopted 3-21-95)

1. Each off-street parking space shall contain at least a rectangular area of a minimum width of eight (8) feet and a minimum length of eighteen (18) feet exclusive of access drives, or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet. However, where off-street parking spaces are provided for small vehicles, such space shall be at least seven and one-half (7½) feet in width and at least sixteen (16) feet in length and shall have a vertical clearance of at least seven (7) feet. Where the off-street parking requirement exceeds five (5) spaces, not more than twenty-five percent (25%) of the required number of spaces may be designed for small vehicles provided that any spaces designed for small vehicles shall be clearly identified by sign(s). The City Traffic Engineer may approve small vehicle parking spaces for up to 50 percent (50%) of the required number of spaces if the applicant proves hardship by providing a parking study and site plan demonstrating the need for small vehicle parking spaces. (Am. by ORD-11-00082, 6-16-11)

2. The typical parking facility diagrams and parking stall and drive aisle dimension table on the following pages shall determine the minimum requirements for a parking facility plan. (See Figures II-IV and Table I in Sec. 10.08(6)(b)2. through 6.) (Am. by ORD-17-00044, 4-27-17)

3. For any given parking angle between twenty (20) degrees and ninety (90) degrees not specifically listed in Figures II and III in Sec. 10.08(6)(b)2. and 3., use a table angle nearest the given angle.

4. When two (2) rows of stalls use the same drive aisle for access requiring two-way traffic because of stall layout, the drive aisle shall be a minimum of eighteen (18) feet in width or that which is called for in Figures II and III in Sec. 10.08(6)(b)2. and 3., whichever is greater.

5. No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except in those parking facilities which accommodate four (4) or less parking stalls. However, alleyways may be used for ingress and egress to and from parking stalls, providing the stalls are set back the distance from the property line so that the drive aisle width is sufficient, as in recommended Figures II and III in Sec. 10.08(6)(b)2 and 3.

6. Every parking facility shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner; unless permitted by the City Traffic Engineer. (Am. by Ord. 11,533, 3-1-96; ORD-05-00128, 7-22-05)

7. The parking facility design shall be such as to furnish adequate parking for the proposed land use it serves. Adjacent street curb parking shall not be considered as part of the needed supply of parking.

8. The parking facility design shall be such as to reduce irregular and eliminate illegal traffic movements onto or in the street such as left turns, "U" turns, excessive speed in driveways and parking facilities, etc. (Am. by Ord. 11,533, 3-1-96)

9. The parking facility design shall be such as to provide maximum vehicle storage in the aisles for cars waiting to park.

10. All off-street parking facilities, except a parking space accessory to a single family dwelling, shall be improved with a bituminous, or Portland Cement concrete pavement, or paving brick surface in accordance with City of Madison standards and specifications. Such parking facilities shall be so graded and drained as to dispose of all surface water, in accordance with existing City drainage policies and ordinances. Such parking facilities shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so designed as to prevent encroachment onto adjacent land areas, parking facilities or street rights-of-way through the use of a permanently installed, continuous six-inch (6") minimum height curbing, such as poured concrete or rolled asphalt curb (backfilled) or timbers, precast or preformed wheel stops permanently pinned in place or guardrail erected at a height of eighteen (18) inches to the center from the paved parking surface, or fencing of sufficient strength to act as a vehicle bumper stop.

11. Where applicable, screening, landscaping and vision clearance shall be provided as set forth in the City of Madison Zoning Code.

12. Outdoor lighting of off-street parking facilities shall be in conformity with Madison General Ordinances Section 10.085. (Am. by Ord. 10,631, Adopted 3-30-93)

13. Every parking facility, area and appurtenances thereto shall be maintained in a safe and sightly manner.

14. If practicable and feasible, all new building entrances shall be positioned on the site to draw traffic away from the driveway approach instead of congesting it at that point. If practicable and feasible for existing buildings, the building entrance shall also be located or relocated in the same manner for the same purpose.

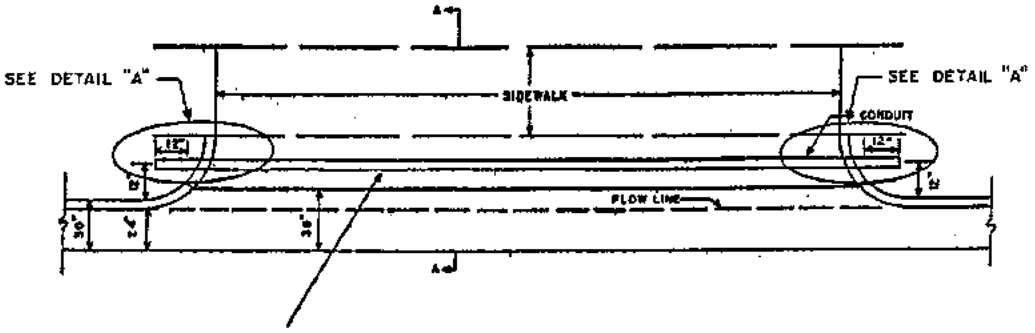
15. The parking lot shall be adequately signed and marked to secure the traffic operation as planned.

16. Provision shall be made for expeditious and safe movements of pedestrians within the parking facility.

17. The City Traffic Engineer may alter the parking dimension minimums for residential only parking facilities, if hardship can be established by the applicant through a parking study, if the site constraints are verified, and if all standards for safe operation can be maintained. The applicant shall demonstrate safe operations by providing Traffic Engineering with dimensioned parking facility diagrams illustrating turning movements for all relevant vehicles. (Cr. by ORD-17-00044, 4-27-17)

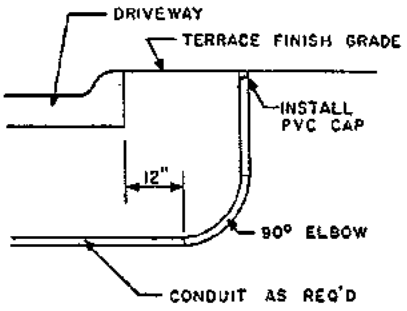
(b) 1. Figure I.

CONDUIT PLACEMENT DETAILS FOR COMMERCIAL DRIVE ENTRANCES IN MADISON

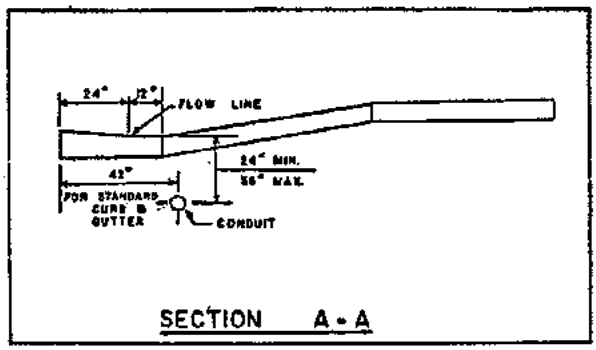


PLAN VIEW

SLOPE CONDUIT ⅛" PER FOOT (EITHER WAY) FOR DRAINAGE



DETAIL "A"



SECTION A - A

(Sec.10.08(6)(b)1. Am. by Ord. 9516, 7-6-88)

2. Figure II.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
MEDIUM AND LARGE VEHICLES

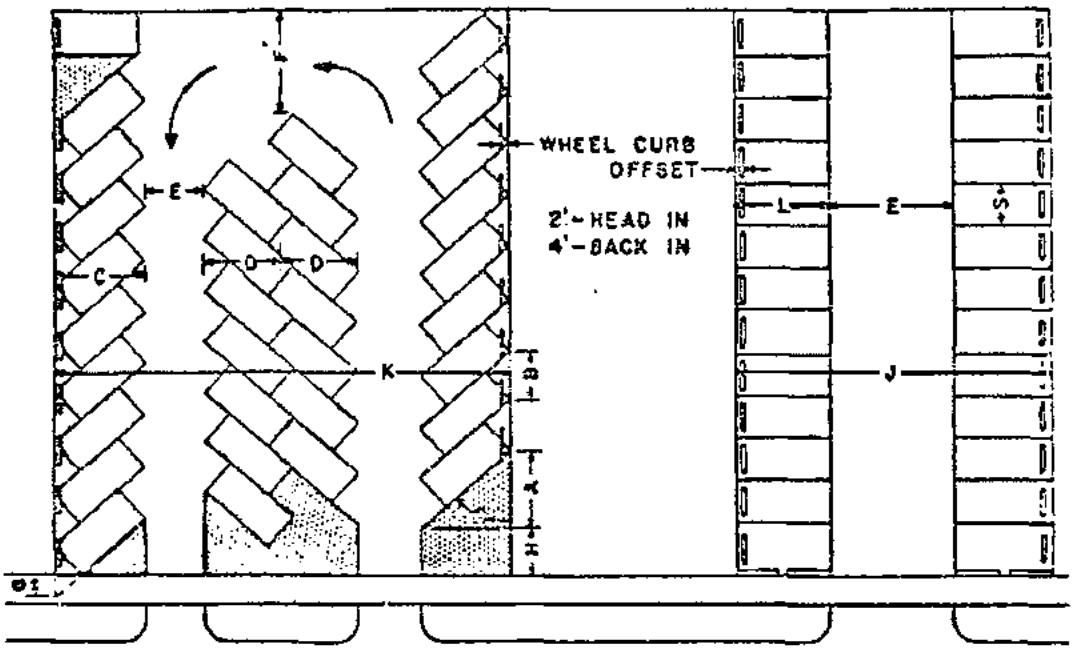


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H	J	K
0°	8.0	22.0	0.0	22.0	8.0	8.0	11.0		0.0	0.0	27.0	
	8.6	23.0	0.0	23.0	8.5	8.5	10.5		0.0	0.0	27.5	
	9.0	25.0	0.0	25.0	9.0	9.0	10.0		0.0	0.0	28.0	
20°	8.0	18.0	38.5	23.5	14.0	13.0	10.0		19.8	4.0	38.0	74.0
	8.6	18.0	40.0	25.0	14.5	13.5	9.5		21.8	4.0	38.5	75.0
	9.0	18.0	41.0	26.0	15.0	14.0	9.5		22.8	4.0	39.5	77.0
	9.6	18.0	41.0	28.0	15.0	14.5	9.5		23.8	4.0	39.5	77.0
	10.0	18.0	42.5	29.0	15.5	15.0	9.0		24.8	4.0	40.0	79.0
30°	8.0	18.0	28.5	16.0	15.5	12.5	10.5		12.0	6.0	41.5	77.0
	8.6	18.0	29.0	17.0	16.0	12.5	10.0		12.5	6.0	42.0	77.0
	9.0	18.0	30.0	18.0	16.5	13.0	9.5		13.5	6.0	42.5	78.0
	9.6	18.0	30.0	19.0	17.0	13.5	9.0		14.3	6.0	43.0	79.0
	10.0	18.0	30.5	20.0	17.5	13.5	9.0		14.8	6.0	44.0	80.0
40°	8.0	18.0	21.5	12.5	18.0	14.5	11.0		7.3	9.0	47.0	87.0
	8.6	18.0	22.0	13.0	18.5	14.5	10.5		7.8	8.5	47.5	87.0
	9.0	18.0	22.5	14.0	19.0	15.0	10.0		8.3	8.0	48.0	88.0
	9.6	18.0	22.5	15.0	19.0	15.0	10.0		8.8	7.5	48.0	88.0
	10.0	18.0	23.0	15.5	19.5	15.5	9.5		9.0	7.0	48.5	88.0
45°	8.0	18.0	19.0	11.5	18.0	16.0	11.0	15.0	5.7	10.0	47.0	90.0
	8.6	19.5	19.5	12.0	18.5	16.0	10.5	15.5	6.0	9.5	47.5	90.0
	9.0	18.0	20.0	12.5	19.0	16.0	10.0	16.0	6.4	9.0	48.0	90.0
	9.6	18.0	20.0	13.5	19.5	16.5	9.0	16.5	7.8	8.5	48.0	90.0
	10.0	18.0	20.5	14.0	20.0	16.5	0.0	17.0	7.0	8.0	49.0	90.0

O	S	L	A	B	C	D	E	F	G	H	J	K
50°	8.0	18.0	16.0	10.5	19.0	16.5	12.0	15.5	4.9	11.0	50.0	95.0
	8.6	18.0	16.5	11.0	19.5	17.0	11.0	16.0	5.0	10.5	50.0	95.0
	9.0	18.0	17.0	12.0	20.0	17.5	10.5	16.5	5.5	10.0	50.5	96.0
	9.6	18.0	17.0	12.5	20.5	18.0	10.0	16.5	5.8	9.5	51.0	97.0
	10.0	18.0	17.0	13.0	20.5	18.0	10.0	17.0	6.0	9.0	51.0	97.0
60°	8.0	18.0	12.0	9.0	20.0	17.5	18.0	15.0	2.3	13.0	58.0	111.0
	8.6	18.0	12.0	10.0	20.5	18.0	17.0	15.0	2.5	12.5	58.0	111.0
	9.0	18.0	12.0	10.5	20.5	18.0	17.0	15.0	2.6	12.0	58.0	111.0
	9.6	18.0	12.5	11.0	21.0	18.0	16.0	15.0	2.8	11.5	58.0	110.0
	10.0	18.0	12.5	11.5	21.0	18.0	15.0	15.0	2.9	11.0	57.0	108.0
70°	8.0	18.0	7.5	8.5	20.5	18.0	19.5	17.0	1.0	15.0	60.5	116.0
	8.6	18.0	7.5	9.0	20.5	18.0	19.0	17.0	1.0	14.5	60.0	115.0
	9.0	18.0	7.5	9.5	20.5	18.0	18.5	17.0	1.0	14.0	59.5	114.0
	9.6	18.0	7.5	10.0	21.0	18.0	17.5	17.0	1.0	13.5	59.5	114.0
	10.0	18.0	7.5	10.5	21.0	18.5	17.0	17.0	1.0	13.0	59.0	113.0
80°	8.0	18.0	3.5	8.0	20.0	17.0	27.0	18.0	0.3	17.5	67.0	128.0
	8.6	18.0	3.5	8.5	20.0	17.5	25.0	18.0	0.3	17.0	65.0	125.0
	9.0	18.0	3.5	9.0	20.0	17.5	23.0	18.0	0.3	16.0	63.0	121.0
	9.6	18.0	3.5	9.5	20.0	17.5	22.0	18.0	0.3	15.5	62.0	119.0
	10.0	18.0	3.5	10.0	20.0	17.5	22.0	18.0	0.3	14.5	62.0	119.0
90°	8.0	18.0	0.0	8.0	18.0	18.0	28.0	20.0	0.0	0.0	64.0	128.0
	8.6	18.0	0.0	8.5	18.0	18.0	26.0	20.0	0.0	0.0	62.0	124.0
	9.0	18.0	0.0	9.0	18.0	18.0	24.0	20.0	0.0	0.0	59.0	120.0
	9.6	18.0	0.0	9.5	18.0	18.0	23.0	20.0	0.0	0.0	59.0	118.0
	10.0	18.0	0.0	10.0	18.0	18.0	22.0	20.0	0.0	0.0	58.0	116.0

3. Figure III.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
SMALL VEHICLES

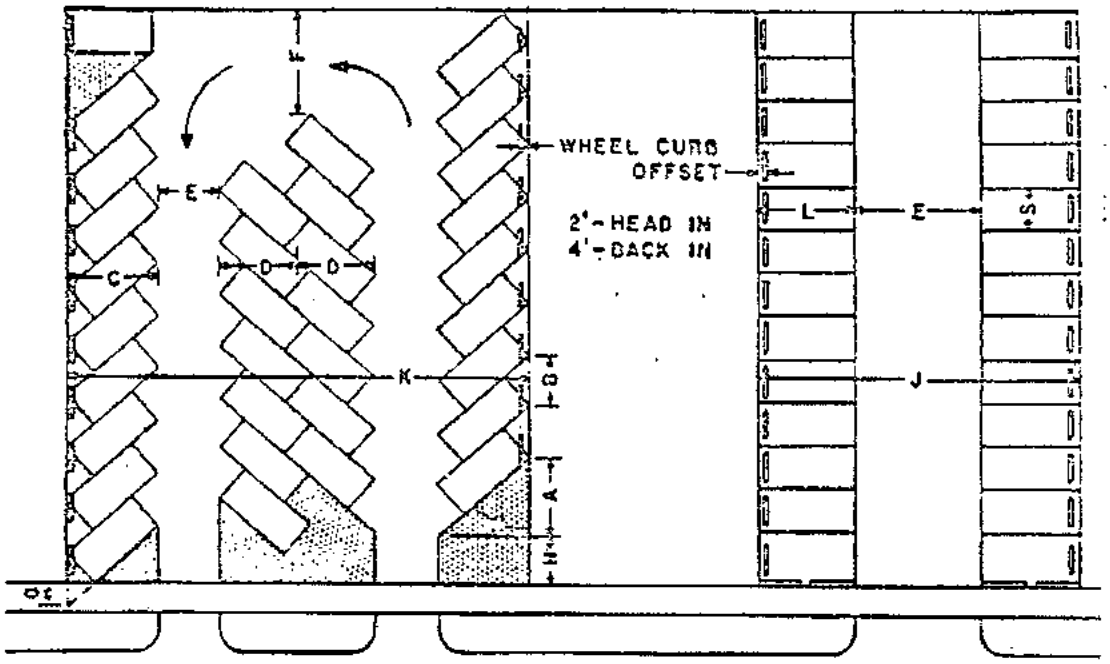


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H	J	K
0°	7.5	20.0	0.0	20.0	7.5	7.5	9.0		0.0	0.0	24.0	
	8.0	21.0	0.0	21.0	8.0	8.0	8.5		0.0	0.0	24.5	
	8.5	22.0	0.0	22.0	8.5	8.5	8.0		0.0	0.0	25.0	
20°	7.5	16.0	36.0	22.0	12.0	9.0	9.0		18.2	3.5	33.0	60.0
	8.0	16.0	37.5	23.5	12.5	9.0	8.5		19.8	3.5	33.5	60.0
	8.5	16.0	39.0	25.0	13.0	9.5	8.5		21.8	3.5	34.5	62.0
	9.0	16.0	40.5	26.0	13.0	10.0	8.5		22.8	3.5	34.5	63.0
	9.5	16.0	42.0	27.0	13.5	10.5	8.0		23.8	3.5	35.0	64.0
30°	7.5	16.0	25.0	15.0	14.0	11.0	9.5		11.0	5.5	37.5	69.0
	8.0	16.0	26.0	16.0	14.5	11.5	9.0		12.0	5.5	38.0	70.0
	8.5	16.0	27.0	17.0	15.0	12.0	8.5		12.5	5.5	38.5	71.0
	9.0	16.0	28.0	18.0	15.5	12.5	8.0		13.5	5.5	39.0	72.0
	9.5	16.0	28.5	19.0	16.0	13.0	8.0		14.3	5.5	40.0	74.0
40°	7.5	16.0	19.0	11.5	16.0	13.0	10.0		6.8	8.0	42.0	78.0
	8.0	16.0	19.5	12.5	16.0	13.5	10.0		7.3	7.5	42.0	79.0
	8.5	16.0	20.0	13.0	16.5	14.0	9.0		7.8	7.5	42.0	79.0
	9.0	16.0	20.5	14.0	17.0	14.0	8.5		8.3	7.0	42.5	79.0
	9.5	16.0	21.0	15.0	17.0	14.5	8.5		8.8	6.5	42.5	80.0

O	S	L	A	B	C	D	E	F	G	H	J	K
45°	7.5	16.0	17.0	10.5	16.5	14.0	10.0	13.0	5.2	9.0	43.0	81.0
	8.0	16.0	17.0	11.0	17.0	14.0	9.5	13.5	5.7	8.5	43.5	81.0
	8.5	16.0	17.5	12.0	17.0	14.5	9.5	14.0	6.0	8.0	43.5	82.0
	9.0	16.0	18.0	13.0	17.5	15.0	8.5	14.5	6.4	7.5	43.5	82.0
	9.5	16.0	18.5	13.5	18.0	15.5	8.0	15.0	6.8	7.5	44.0	83.0
50°	7.5	16.0	14.5	10.0	17.0	15.0	11.0	13.5	4.5	10.0	45.0	86.0
	8.0	16.0	15.0	10.5	17.5	15.0	10.5	14.0	4.9	9.5	45.5	86.0
	8.5	16.0	15.0	11.0	18.0	15.5	10.0	14.5	5.0	9.0	46.0	87.0
	9.0	16.0	15.5	12.0	18.0	15.5	10.0	14.5	5.5	8.5	46.0	87.0
	9.5	16.0	16.0	12.5	18.5	16.0	9.0	15.0	4.8	8.0	46.0	87.0
60°	7.5	16.0	10.0	8.5	18.0	15.5	17.0	13.0	2.0	11.5	53.0	101.0
	8.0	16.0	10.5	9.0	18.0	16.0	16.5	13.0	2.3	11.5	52.5	101.0
	8.5	16.0	10.5	10.0	18.0	16.5	16.0	13.0	2.5	11.0	52.0	101.0
	9.0	16.0	11.0	10.5	18.5	16.5	15.5	13.0	2.6	10.5	52.0	101.0
	9.5	16.0	11.0	11.0	18.5	17.0	15.0	13.0	2.8	10.0	52.0	101.0
70°	7.5	16.0	6.5	8.0	18.0	16.0	18.0	15.0	1.0	13.5	54.0	104.0
	8.0	16.0	6.5	8.5	18.0	16.5	17.0	15.0	1.0	13.0	53.0	103.0
	8.5	16.0	6.5	9.0	18.0	16.5	17.0	15.0	1.0	12.5	53.0	103.0
	9.0	16.0	6.5	9.5	18.5	17.0	16.0	15.0	1.0	12.0	53.0	103.0
	9.5	16.0	6.5	10.0	18.5	17.0	16.0	15.0	1.0	11.5	53.0	103.0
80°	7.5	16.0	3.0	7.5	18.0	16.5	24.0	16.0	0.3	15.5	60.0	117.0
	8.0	16.0	3.0	8.0	18.0	16.5	22.0	16.0	0.3	15.5	58.0	113.0
	8.5	16.0	3.0	8.5	18.0	16.5	21.0	16.0	0.3	14.5	57.0	111.0
	9.0	16.0	3.0	9.0	18.0	17.0	20.0	16.0	0.3	14.0	56.0	110.0
	9.5	16.0	3.0	8.5	18.0	17.0	19.0	16.0	0.3	13.0	55.0	108.0
90°	7.5	16.0	0.0	7.5	16.0	16.0	25.0	18.0	0.0	0.0	57.0	114.0
	8.0	16.0	0.0	8.0	16.0	16.0	23.0	18.0	0.0	0.0	55.0	110.0
	8.5	16.0	0.0	8.5	16.0	16.0	22.0	18.0	0.0	0.0	54.0	108.0
	9.0	16.0	0.0	9.0	16.0	16.0	21.0	18.0	0.0	0.0	53.0	106.0
	9.5	16.0	0.0	9.5	16.0	16.0	20.0	18.0	0.0	0.0	52.0	104.0

4. Figure IV

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
ONE-SIZE-FITS-ALL

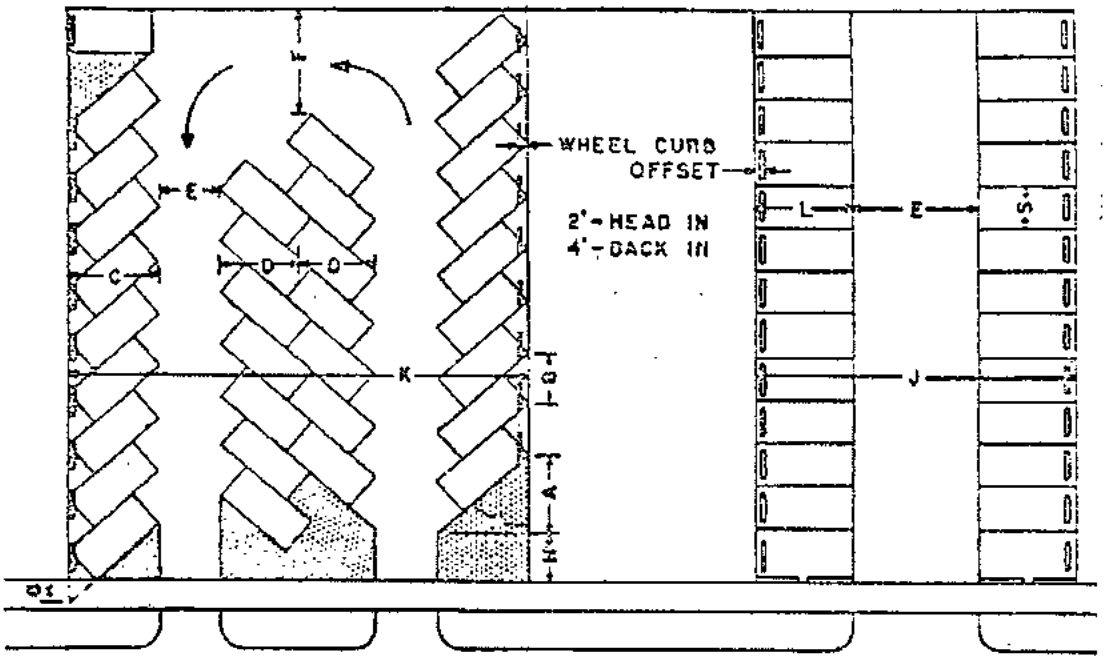


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H	J	K
0°	8.75	24.0	0.0	24.0	8.75	8.75	10.5		0.0	0.0	28.0	
20°	8.75	17.0	38.6	25.6	14.1	10.0	9.5		22.6	4.0	37.7	67.2
30°	8.75	17.0	27.9	17.6	16.1	12.3	9.6		13.1	6.0	41.8	76.0
40°	8.75	17.0	21.1	13.7	17.7	14.3	10.0		8.0	8.0	45.4	84.0
45°	8.75	17.0	18.3	12.4	18.3	15.2	10.0	16.0	6.2	9.0	46.6	87.0
50°	8.75	17.0	15.7	11.5	18.7	15.9	10.5	16.5	4.7	10.0	47.9	90.2
60°	8.75	17.0	11.1	10.2	19.1	17.0	17.0	15.0	2.5	12.0	55.2	106.2
70°	8.75	17.0	7.0	9.4	19.0	17.5	18.0	17.0	1.1	14.0	56.0	109.0
80°	8.75	17.0	3.3	8.9	18.3	17.6	23.0	18.0	0.3	16.0	59.6	117.8
90°	8.75	17.0	0.0	8.8	17.0	17.0	23.0	20.0	0.0	0.0	57.0	114.0

(Sec. 10.08(6)(b)4. Cr. by ORD-17-00044, 4-27-17)

5. Table I.

Parking Design Standards for Other Types of Vehicle Spaces (in Feet)				
Type of Vehicles	Width of Stall	Length of Stall	Two-Way Access Aisle	Turning Radius Wall to Wall Outside Front
Motorcycle	5	10	10	
Moped	3	6	5	
Buses (Vert. CL. 14')	12	40	30	47
Semitrailers WB-40 or WB-50	12	50 or 55	30 - 40	40 - 60
Recreational Vehicles	10	30	30	44

(Sec. 10.08(6)(b)5. Cr. by ORD-17-00044, 4-27-17)

6. Figure V.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
LOADING DOCKS

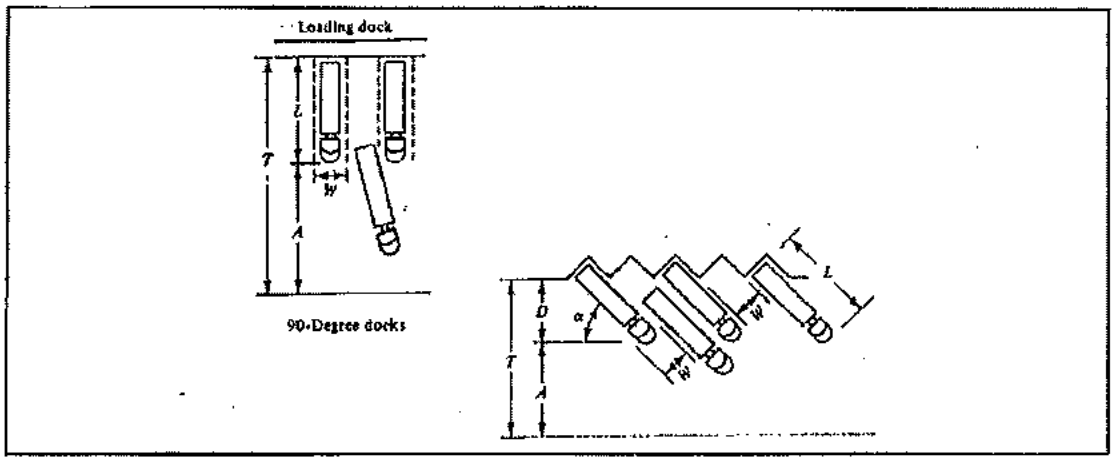


TABLE OF DIMENSIONS (IN FEET)

LOADING DOCK DIMENSIONS						
Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet	Berth Width in Feet	Apron Space in Feet	Total Offset in Feet
WB-40	50	90	50	10	63	113
				12	56	106
				14	52	102
		60	44	10	46	90
				12	40	84
				14	35	79
		45	36	10	37	73
				12	32	68
				14	29	65

LOADING DOCK DIMENSIONS						
Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet	Berth Width in Feet	Apron Space in Feet	Total Offset in Feet
WB-50	55	90	55	10	77	132
				12	72	127
				14	67	122
		60	48	10	55	103
				12	51	99
				14	46	94
		45	39	10	45	84
				12	40	79
				14	37	76

(c) (R. by ORD-12-00134, 1-2-13).

(d) Car washes shall be designed to provide the following:

1. Parking and Reservoir Space Requirements.
   a. One parking space for each two employees, and one parking space for the owner or manager of any car wash.
   b. Reservoir parking spaces equal in number to five (5) times the maximum capacity of a self-service or any other car wash shall be provided: maximum capacity, in this instance, shall be defined as the greatest possible number of automobiles undergoing some phase of laundering at the same time, which shall be determined by dividing the length in feet of each production line by twenty (20).
   c. One additional space shall be provided for each nozzle of any vacuum cleaning machine, while storage space for other car washes shall be adequate to accommodate all vehicles off-street which are awaiting delivery.
   d. Self-service car washes without indoor drying equipment shall provide one drying area stall for each self-service car wash stall to be located outside the area of any exit lane or area used for any other laundering process.
2. The exit door of any car wash shall be at least twenty-five (25) feet from any street or alley lot line.
3. For a self-service or full-service car wash having some type of indoor drying equipment the exit door shall be at least forty (40) feet beyond such dryers. However, the Director of the Building Inspection Division may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and car wash equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets Section 24.08, Madison General Ordinances, and all other requirements. (Am. by ORD-08-00109, 10-7-08)
4. The off-street facility shall make provisions for adequate queue storage that prevents queue interference with pedestrian or other vehicular movement and shall supply a queuing model to the Traffic Engineer for approval.
5. Any exterior lighting shall be in conformity with Madison General Ordinances Section 10.085(6)(a)12.
6. The hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Exceptions to these hours are subject to City Plan Commission review and approval under Section 28.183.

7. A reasonable means, approved by the Director of the Building Inspection Division to prevent the drainage or deposition of water which may create icing conditions, or the drainage or deposition of other cleaning material which may create undesirable conditions in the storm drainage system, from these premises or from any vehicle so serviced on such premises upon any public sidewalk, street or right-of-way of the City of Madison. Reasonable means may include, but are not limited to, drainage pits, areas or racks, mechanical shakers, compressed air blasts, fan blowers, etc. which will dry or remove water or other liquid material from the underside of the vehicle. (Am. by ORD-08-00109, 10-7-08

8. All of the provisions of this subdivision shall be prospective in operation and shall apply to the granting of all building permits for the construction of car washes and all building permits for alterations to, enlargements of and remodeling of existing building, provided, however, that paragraph 7. of this subdivision shall be applicable to existing car washes now in operation and such existing car washes shall comply with the subdivision.

(Sec. 10.08(6)(d) Am. by Ord. 12,008, 1-15-98; ORD-12-00134, 1-2-13)

(7) Application.

(a) All applications for Class III, IIIa, IV and commercial site driveway approach permits shall be made at the office of the Traffic Engineer on a form prescribed by the Board. Applications for commercial driveway approach permits that are proposed as part of a Planned Commercial Development, Planned Urban Development, Conditional Use application, or other application under Chapter 28, may be filed with the Zoning Administrator. (Am. by Ord. 13,489, 1-23-04)

(b) All applications for driveway approaches except Class I and Class II to parking and loading facilities shall be accompanied by scaled drawings, in quintuplicate, and approved by the respective City departments before a building permit will be issued. The following items must be indicated and dimensioned on the five submitted drawings:

1. A scaled drawing plot plan on a single sheet (1" = 20') or larger.
2. Address and parcel number of property.
3. Property lines, existing and proposed structures.
4. Width of abutting rights-of-way, roadways and terraces.
5. Location of driveway approaches-existing, proposed and adjoining.
6. Proposed driveway radii.
7. Type of surface-driveway approach, driveway and parking lot.
8. Proposed routing of motor vehicles entering and leaving.
9. Proposed treatment of right-of-way area adjacent to or between approaches.
10. Rate of slope or grade of approaches and driveways.
11. Utility poles, fire hydrants, trees or other structures to be moved.
12. Means of separation between parking lot and sidewalk.
13. Number, arrangement and size of parking stalls.
14. Proposed parking facility lighting in conformity with Madison General Ordinances Section 10,085. (Am. by Ord. 10,631, Adopted 3-30-93)
15. Distance to intersecting streets within five hundred (500) feet and location, elevation and size of all storm sewers available.
16. Indicate elevation of existing site to City datum. Elevations to be spotted at twenty-five (25) ft. intervals or one (1) ft. contours.
17. If no storm sewers are available, the owner is to include elevation of the top of the curb.
18. If the street is unimproved, the plot plan is to indicate the location and elevation of the drainage ditches abutting the site and proposed street centerline elevation.

19. Proposed method of drainage including the following:
    a. Proposed finished elevations of parking lot, including direction of drainage and elevations of proposed gutters or swales.
    b. Elevations, location and size of inlets, catch basin and storm sewers to be constructed in conjunction with the parking lots.
20. Location of all downspouts from the building and proposed method of disposing of surface water.
21. Name and address of person responsible for paying storm sewer connection charges that may be levied in conjunction with this project.

(c) Application for residential driveway approaches shall be made at the City Engineering Division. Application for commercial driveway approaches to off-street vehicle facilities shall be made at the Traffic Engineering Division.

(d) Before any Class III, III(a) or IV driveway approach permit for the construction or reconstruction of an off-street parking facility is granted under any ordinance, the applicant shall indicate on such application the location of proposed entrances and exits for the accommodation of motor vehicles entering and leaving said facility, together with the proposed plan of routing of motor vehicles entering and leaving said facility. Said application shall then be referred to the Traffic Engineering Division, City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development for their approval. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(e) On receipt and approval of the permit application and appropriate fee(s) under Sec. 10.08(8)(f) below, a permit shall be granted for construction which shall conform to the application. Driveway and parking lot permits shall not be granted or shall be deemed void for any parcel, lot or property which has not been legally divided per City of Madison ordinances. (Am. by Ord. 13,489, 1-23-04)

(f) Permit Fees for Certain Classes of Driveway Approaches. The minimum fee for the review, issuance and inspection of a permit for a single address with a Class I or II driveway approach, sidewalk or terrace improvements shall be twenty-five dollars ($25). The fee for a permit issued after commencing work, expect in cases of emergency as determined by the Engineer, shall be double the fees. The fee for referral of the aforementioned permit that has automatically terminated under Sec. 10.08(8)(a) shall be twenty-five dollars ($25). The fee for the review and issuance of a permit for each Class III, IIIa, IV and commercial site driveway approach shall be $100 for each new approach, modification or reconstruction of an existing approach, removal or closure of an existing approach, including those required under Sec. 10.08(8)(h); or change of class under Sec. 10.08(8)(f). The $100 fee shall apply to each separate driveway approach so approved, whether approved on a single permit form or multiple forms. The fee for renewal of a permit that has automatically terminated under Sec. 10.08(8)(a) shall be $50 for each separate driveway approach for which renewal is requested. (Cr. by Ord. 13,489, 1-23-04; Am. by ORD-14-00053, 3-12-14)

(8) Restrictions and Responsibilities.

(a) Driveway approaches and parking facility requirements must be completed within one (1) year after the permit is issued; otherwise the permit shall automatically terminate. The permit may be renewed prior to the termination date, for a period not to exceed one (1) additional year, by payment of the fee under sec. 10.08(7)(f). (Am. by Ord. 13,489, 1-23-04)

(b) The construction of such driveway and approaches shall not interfere with any existing structure on any street right-of-way without specific permission in writing from the Board and other owner thereof.

(c) The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction of any approach or driveway.

(d) The permittee shall assume responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.

(e) No entrance or approach shall be relocated or its dimensions altered unless a new permit authorizing the relocation or reconstruction is issued for the appropriate driveway approach under Sec. 10.08(7). (Am. by Ord. 13,489, 1-23-04)

(f) A driveway entrance and approach constructed for one class shall not be used under a different class until the appropriate permit for such different class at that location is issued under Sec. 10.08(7). (Am. by Ord. 13,489, 1-23-04)

(g) Where a permit has been granted for entrances to a parking facility, or the Traffic Engineer has approved a site plan for a new or existing parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in Subsection (6)) or (7), as appropriate. The circumstances under which a parking facility shall be considered to have been altered shall include, but are not limited to: any portion or element of the facility as shown on the approved plan is not constructed or completed according to the approved plan, or if any moveable fixtures or features of the facility are located other than as shown on the approved plan. The circumstances under which the plan of operation shall be considered to have changed shall include but are not limited to: vehicles parked beyond the limits of the approved plan, in areas or in a manner other than as designated on the plan, vehicles allowed to circulate, make ingress or egress in any manner other than was shown on the approved plan, excess vehicle storage or other non-vehicle items permitted to be stored that were not approved on the plan, or in a place other than where approved on the plan. (Am. by Ord. 12,865, 8-7-01; Ord. 13,489, 1-23-04)

(h) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also be deemed a request for a permit to reconstruct or close any existing nonconforming or unused entrances and approaches to the same site. No permit to construct a new driveway approach or reconstruct any existing approach shall be granted unless the applicant agrees to properly reconstruct or close any other existing nonconforming or unused entrances or approaches on the site and permits are issued for the same under Sec. 10.08(7). All costs incurred shall be at the expense of the property owner. (Am. by Ord. 13,489, 1-23-04)

(i) Where a driveway approach is no longer used or no longer leads to a driveway, residence, barn, garage, parking facility or other improved area for the lawful use of vehicles, by reason of abandonment, construction, reconstruction or change of land use, such approaches shall be removed and standard curb and gutter replaced at the expense of the property owner and shall be completed within one (1) year after issuance of the appropriate permits under this section. (Am. by Ord. 13,489, 1-23-04)

(j) When a building permit is required for the reconstruction or remodeling of an existing commercial site or a zoning or occupancy certificate is required for use or change of use for any land, buildings or structures, all of the existing, as well as the proposed, driveway approaches and parking facilities shall comply with all design standards as set forth in this ordinance.

(k) No person shall construct a new driveway approach, modify or reconstruct an existing approach, remove or close an existing approach, change the class of an approach, work on any driveway approach for which a permit has automatically terminated under 10.08(8)(a), or cause any of the above to take place, without the appropriate valid permit(s) issued therefore. This provision shall apply equally to

the owner or occupant of the property that the driveway approach leads to and any person performing the construction or work on the driveway approach in question. (Cr. by Ord. 13,489, 1-23-04)

(l) Except for owners of buildings with four (4) or fewer units that are zoned residential, no person shall perform any work on any driveway or driveway approaches within the public right-of-way without holding a license under Sec. 9.20(1)(a). (Cr. by ORD-15-00006, 1-14-15)

(9) Administration.

(a) The Board is hereby authorized to prescribe the form of bond and the form of application for permits under this section and shall have general supervision of the enforcement of the provisions of this section. It shall have authority to make such rules and regulations, consistent with the provisions of this section and law, as may be necessary for the proper administration and enforcement of this section.

(b) If approval of any proposed driveway approach or proposed parking lot and driveway approach is denied, the applicant, owner lessor or lessee may appeal to the Board of Public Works for a review of the denial by filing notice of appeal with the City Clerk within thirty (30) days after such denial. The Notice of Appeal shall state the basis or bases upon which the applicant seeks review of the denial. At such hearing the applicant shall have the opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the denial of the driveway approach or parking lot and driveway approach consistent with the provisions of this section. The Board shall have only the power to determine whether staff has properly interpreted the provisions of this section and may not modify, change or substitute for any provision contained in these ordinances. (Am. by Ord. 11,007, 10-12-94)

(c) Inspection to determine compliance within the terms of this ordinance shall be the responsibility of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(d) Any person violating the provisions of this section shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense.

(10) This ordinance shall be in effect from and after its passage and publication. (Sec. 10.08 Am. by Ord. 7204, 1-22-81)

10.085 OUTDOOR LIGHTING.

(1) Purpose and Intent. This ordinance regulates all outdoor lighting installed on residential site and commercial site property, both publicly and privately owned within the City of Madison with the exception of outdoor lighting on public streets, public bikeways and public walkways which are regulated elsewhere in the ordinances. The purpose of this ordinance is to create standards for outdoor lighting that do not interfere with the reasonable use of commercial site and residential site property, that prevent light trespass and conserve energy yet maintain night time safety. Installation of outdoor lighting is not mandatory but if installed, it shall be in conformance with the provisions of the ordinance, the building code and all other codes and regulations as applicable and under appropriate permit and inspection.

(2) Definitions.

Commercial Site shall mean a tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial site having five (5) or more parking stalls.

Covered Parking Facilities shall mean a parking facility with an overhead covering and shall include all floors except the roof level of a multilevel parking structure or ramp.

Driveway shall mean every way or area used for vehicular travel back of the street right-of-way line.

Footcandle shall mean the illumination of a surface one foot distant from a source of light equivalent to one candle.

Building Inspection Division shall mean the Building Inspection Division of the City Department of Planning and Community and Economic Development. (Am. by ORD-08-00109, 10-7-08

Installation shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light Trespass shall mean stray light or spill light flowing across the property boundary. (Am. by Ord. 13,717, 10-26-04)

Lighting Sources shall mean any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted shall fall within the electromagnetic spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, metal halide and mercury vapor lamps.

Non-Shielded or Non-Cutoff Lighting Fixtures shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, a non-shielded lamp or light source and distributes light at any angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Open Parking Facilities shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Outdoor Canopy shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and which shall include but shall not be limited to canopies over gas station pumps or canopies at convenience stores.

Outdoor Lighting Fixtures shall mean lighting sources which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or for advertisement. Such devices shall include, but are not limited to, searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking area lights, sports lights and sign panels.

Outdoor Merchandizing Area shall mean car sales lots, equipment sales lots, retail gasoline stations, garden centers, and other similar areas where products are permanently displayed or dispensed outdoors.

Person shall mean any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Residential Site shall mean a single parcel in a residential zone containing a residential structure of one or more dwelling units with a parking facility for one (1) or more cars. (Am. by Ord. 13,717, 10-26-04)

Shielded or Cutoff Lighting Fixtures shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by the fixture

housing when the position of observation is at an angle less than fifteen degrees (15°) above horizontal. No light is permitted at an angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Uniformity Ratio shall mean the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.

(3) General Requirements.

(a) All outdoor lighting fixtures installed and thereafter maintained upon private or public residential, commercial, industrial and other nonresidential property shall comply with the following:

1. The maximum allowable light trespass shall be 0.5 horizontal footcandles four (4) feet above the ground. The point of measurement of this offending light shall be at any point at the outer wall of an adjacent building occupied for residential or public use, or at any point greater than 10 feet from the adjacent lot line. This measurement shall not include any ambient, natural light.

2. All fixtures greater than 1,000 initial lumens (equivalent to 70 watts incandescent) shall be full cutoff, or shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five (5) feet or higher above the ground at the property boundary. The light source shall not be of such intensity so as to cause discomfort or annoyance.

3. Any outdoor lighting fixture installed on a parking lot, parking structure or outdoor merchandizing area shall use either high-pressure sodium, metal halide, fluorescent lamps, or any other lamps that produce thirty (30) or more lumens per watt. The lighting system shall be extinguished or reduced to fifty percent (50%) no later than thirty (30) minutes after the close of business for the day or after the end of normal office hours for the majority of employees. (Am. by ORD-07-00032, 3-22-07; ORD-15-00060, 6-10-15)

4. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 P.M.

(b) All outdoor lighting fixtures installed prior to March 30, 1993 shall be exempt from this ordinance except as follows:

1. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to fifty percent (50%) or more of the total number of fixtures, then all fixtures shall comply with the provisions of this ordinance.

2. All outdoor lighting fixtures installed on residential parking facilities irrespective of installation date shall conform to subsection (4)(c) herein.

(c) All outdoor lighting fixtures shall be maintained according to approved plans.

(d) Trees and shrubbery shall not be located where they significantly reduce or block the lighting of parking facilities or roadways.

(e) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; outdoor merchandizing areas; building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(Am. by Ord. 13,717, 10-26-04)

(4) Specific Design Requirements.

(a) A lighting system for parking facilities and outdoor merchandizing areas in commercial, industrial, agricultural and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:

1. Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:

a. High Activity: Facilities for major or league athletic events or major cultural or civic events.

b. Medium Activity: Shopping centers, retail parking areas, hospital and clinic parking areas, transportation parking (airports, commuter lots, etc.), cultural, civic or recreational events, and fast food facilities.

c. Low Activity: Employee parking, educational facility parking, office parks and church parking.

2. Horizontal Illuminances for Parking Facilities.

a. Open Parking Facilities.

General Parking & Pedestrian Area					Vehicle Use Area (Driveway)		
Level of Activity	Min. Footcandles[1] on Pavement	Max Avg Footcandles on Pavement	Max Uniformity Ratio[1] (Avg:Min)	Max. Watts[3]/Sq Foot Lighting Load[2]	Minimum Footcandles[1] on Pavement	Max Avg Footcandles on Pavement	Maximum Uniformity Ratio[1] (Avg:Min)
High	0.6 fc	3.75 fc	5:1	.12	.67 fc	2.5 fc	5:1
Med	0.4 fc	2.5 fc	5:1	.10	.33 fc	1.5 fc	5:1
Low	0.2 fc	1.5 fc	5:1	.08	.125 fc	1.0 fc	5:1

(Sec. 10.085(4)(a)2.a. Am. by Ord. 11,392, Adopted 11-7-95)

b. Covered Parking Facilities.

Areas	Minimum Footcandle Average on Pavement	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts[3]/Sq Ft Lighting Load
General Parking and Pedestrian Areas	5 fc	1.25 fc	9 fc	4:1	.2
Private Controlled Entry Parking	3 fc	.75 fc	6 fc	4:1	.2

[1]Not mandatory within 4 feet of the pavement edge.

[2]Not mandatory for driveways.

[3]Watts shall mean lamp wattage and ballast consumption.

(b) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five (5) watts per lineal foot. Watts shall mean lamp wattage and ballast consumption. Such lighting shall be shielded or installed so as to illuminate the building, and not the sky.

(c) A parking facility for more than three (3) cars on a residential site shall be lighted to provide at least .25 footcandles on any surface with an average illumination level of at least .75 footcandles. Outdoor light fixtures shall be designed and installed to

minimize light trespass. In addition, the uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1. (Am. by ORD-05-00055, 4-6-05)

(d) For an outdoor merchandizing area, the maximum initial illumination level in 75% of the lot shall not exceed 20 footcandles. A contiguous area not to exceed 25% of the lot may be illuminated to a level which shall not exceed 40 footcandles.

(e) The maximum initial illumination level under an outdoor canopy shall not exceed 50 footcandles at any point.

(Am. by Ord. 13,717, 10-26-04)

(5) Approval Procedures.

(a) Any person desiring to install outdoor lighting fixtures greater than 1,000 initial lumens shall submit to the Building Inspection Division for review the following materials:

1. A catalog page, cut sheet or photograph of the lighting fixtures including the mounting method.
2. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
3. A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall initial illumination levels and uniformities and the point where 0.5 horizontal footcandles occurs on the property or adjacent property at a distance four (4) feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
4. A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

(Am. by Ord. 13,717, 10-26-04; ORD-08-00109, 10-7-08)

(b) Upon review of the material described above, the Building Inspection Division may authorize the installation of outdoor lighting fixtures. (Am. by ORD-08-00109, 10-7-08)

(6) Administrative Exemption.

(a) Any person may submit a written request to the Building and Fire Code Review and Appeals Board for an administrative exemption from the requirements of this ordinance. The basis for an administrative exemption shall be any one or more of the following reasons: the provisions of the ordinance do not fully apply; the application of the ordinance may cause a manifest injustice to be done; the compliance time required for compliance with the ordinance is unreasonable; an alternate plan for outdoor lighting is equally good or better than standards set by the ordinance. The request shall state fully the circumstances and conditions relied upon as the basis for an administrative exemption and shall be accompanied by plans and legal description of the property involved. In addition, the request shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Location of the outdoor lighting fixtures for which the exemption is requested.
3. The nature of the circumstances which necessitate the exemption.
4. Use of the outdoor lighting fixture involved.
5. All description data as called for in subsection (5) herein.
6. Such other data and information as may be required by the Board.

(b) In considering whether to grant the request for an administrative exemption from the ordinance, the Building and Fire Code Review and Appeals Board may consider the following factors:

1. Special circumstances or conditions applying to the land, building or outdoor lighting fixture for which the exemption is sought;
2. Deprivation to the applicant of the reasonable use of the land, buildings or outdoor lighting fixtures that strict application of the ordinance may cause;
3. The effect of the granting of the exemption on the public welfare.

(7) Penalties. Any person violating the provisions of this ordinance shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense.

(Sec. 10.085 Cr. by Ord. 10,631, Adopted 3-30-93)

10.09 CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS, TERRACES, CURBS AND GUTTERS.

(1) Construction, Reconstruction, and Repair of Sidewalks. The provisions of Wis. Stat. § 66.0907 relating to the construction and repair of sidewalks are hereby adopted by reference thereto, except that in every case of sidewalk repair or reconstruction the proportion of such cost shall be paid fifty percent (50%) by the City and fifty percent (50%) by the abutting property owners.

(2) Reconstruction. and Repair of Curbs and Gutters. The provisions of Wis. Stat. § 66.0703(1) or Wis. Stat. § 66.0701 and these ordinances shall be followed as a police power action in the case of reconstruction and repair of concrete curb and gutter except that property deemed benefited by said reconstruction and repair shall be paid for fifty percent (50%) by the City and fifty percent (50%) by the benefited properties. (Am. by Ord. 10,182, 1-31-91) (Am. by Ord. 8080, 7-14-83)

(3) Property Owner Initiated Repairs or Reconstruction. Subject to any other permitting requirements of these ordinances that may apply, property owners may repair or reconstruct, or cause to be repaired or reconstructed, defective public sidewalks, curbs and/or gutters abutting their property. The work must be approved by the City Engineering Division prior to the start of construction, and all work must meet the City's standard specifications for concrete and concrete structures. Private contractors completing the work on behalf of the property owner must hold a current City of Madison Concrete Layers License issued under Sec. 9.20(1)(a).

(4) Sidewalk Repair or Replacement Rebate. Once the final work is approved and accepted by the City Engineer, property owners proceeding under subsection (3) shall be reimbursed a portion of the cost to perform this work. The reimbursement amount (rebate) shall be approximately one-third (⅓) the cost of an average sidewalk and curb & gutter citywide installation and repair contract prices for the amount of sidewalk, and/or curb and gutter being repaired or reconstructed by the property owner. The rebate amounts shall be established by the Board of Public Works. The rebate shall not be offered in a year that the property is scheduled for sidewalk repairs as part of the City's sidewalk repair and rehabilitation program. (Cr. by ORD-12-00070, 5-24-12)

(5) Permit Required. No person, partnership, firm, corporation or organization may construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, asphalt curb and gutter, or landscape pavers within the public right-of-way without obtaining a permit from the City Engineer prior to performing the work. The permit fee shall be twenty-five ($25) dollars. All permittees shall comply with all the rules, regulations, and specifications adopted by the Common Council or made by the City Engineer in relation to the work performed and shall pay all damages, costs and expenses caused by his/her negligence, or occasioned by his/her failure to comply with such rules, regulations, and specifications.

(Am. by ORD-15-00006, 1-14-15)

10.10 INSTALLATION OF STREET TREES.

(1) It shall be the policy of the City of Madison to promote and enhance the beauty and general welfare of the City through the planting and maintenance of trees or shrubs within the public right-of-way of any street, alley or highway. The City Forester shall direct, regulate and control the planting, care and removal of all public trees and shrubs within the City subject to the direction of the Superintendent of Parks and the Board of Public Works and the Board of Park Commissioners.

(2) Diseased or destroyed street trees shall be replaced by the City, provided that adequate space for tree growth is available and subject to availability of funds. The replacement of diseased or destroyed trees shall not be assessed to the abutting property owner.

(3) The full cost, including inspection and supervision, of the initial installation of street trees shall be assessed to the abutting properties providing that the abutting properties have not been denied access to the right-of-way in which the street trees are installed. Assessment for street trees shall be in accordance with Wis. Stat. § 66.0701 and this ordinance, except where street trees are installed as a part of a street improvement project in which case Sec. 4.09, MGO, shall govern. The maintenance of street trees shall be the responsibility of the City.

(4) When the City Forester proposes the installation of street trees assessed to abutting properties he/she shall prepare a report listing the street trees to be planted, their location and a schedule of assessments.

(5) A notice shall be published in the official newspaper stating that the City Forester proposes to plant and assess street trees to each of the benefited properties and that the Board of Public Works will hold public hearings on the selection, planting and assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10), and not more than forty (40) days after such publication. (Am. by ORD-10-00114, 12-8-10)

(6) The Board of Public Works shall hold a public hearing on the planting of trees and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Forester's report.

(7) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Forester's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the City and a copy of such notice shall be mailed at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication.

(8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove or modify, or it may re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the tree planting and to accomplish a fair and equitable assessment.

Upon adoption by the Common Council, the assessments shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date. A copy of the resolution adopted by the Common Council shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence.

(Am. by Ord. 8798, 2-27-86)

(9) After the project is completed and all costs have been charged to the project, the City Forester shall modify each special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void

or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (7) and after a public hearing, amend, cancel, or confirm any such prior assessment.

If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

(10) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Wis. Stat. § 66.0703(12), within forty (40) days of the day of the final determination of the governing body.

(11) The Council may, without any notice or hearing provided in Subsections (5), (6), (7) and (8), levy and assess the whole or any part of the cost of installation of street trees as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment.

(12) Special assessments for the installation of street trees shall be payable in installments as provided by Section 4.08 of the Madison General Ordinances. (Cr. by Ord. 6224, 4-27-78)

(Am. by ORD-12-00052, 4-25-12)

10.101 REGULATION OF TREE TRIMMING, PRUNING AND REMOVAL WITHIN THE PUBLIC RIGHT-OF-WAY OF ANY STREET, ALLEY OR HIGHWAY.

(1) Intent and Purpose.

(a) The intent of this ordinance is to regulate the trimming, pruning and removal of trees in an effort to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning and removal that is unnecessarily disfiguring and/or destructive, and to give property owners notice of, and an opportunity to contest, proposed tree trimming, pruning and/or removal operations.

(b) Exemptions. This ordinance is not intended to apply to the trimming, pruning or removal of trees under the following circumstances:

1. When the trees in the public street, alley, highway, or greenway are encroaching on an abutting property owner's property;
2. When the trimming or pruning is being performed by the City of Madison Departments of Public Works or Transportation or employees of those departments as those departments work under the direction of the City Forester who has established policies and procedures for trimming, pruning and removal;
3. When the trimming or pruning is in relation to routine installation (e.g. cable television, telephone, etc.), the installer shall not be required to obtain a permit, but must meet the standards in this ordinance and the standards of the city Forester in performing such work.
4. When the trimming, pruning or removal is by an individual property owner, the City Forester retains his or her discretion to issue individual permits for trimming, pruning or removal in the public right of way when such trimming meets the guidelines and standards of this ordinance and the City Forester.

(2) Definitions.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Greenway. As defined in Madison General Ordinances, Sec. 16.23(2).

Tree Trimming Plan. Tree Trimming Plan applies to trimming, pruning and removal of trees and includes any trimming and/or pruning of roots.

(3) Permit Required for Trimming, Pruning, and Removal of Trees within the Public Right-of-Way of any Street, Alley, Highway or Greenway.

(a) No person shall trim, prune, or remove any tree that is in a public street, alley, highway or greenway or cause such work to be done by others, without first obtaining a permit from the City Forester. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

(b) Any person seeking a permit to trim, prune, or remove a tree in a public street, alley, highway or greenway shall submit a written proposed trimming, pruning or removal plan to the City Forester, setting forth the following:

1. Clear and specific identification of the trees in a public street, alley, highway or greenway which the person is targeting for trimming, pruning, or removal. The identification shall include the name and block number(s) of the street(s) on which the trees are located.
2. A clear and specific statement identifying the dates on which the trimming, pruning, or removal will begin and end.
3. Detail regarding the general nature and character of the proposed trimming, pruning or removal.

The Habitat Stewardship Subcommittee will hold a hearing regarding the proposed Tree Trimming Plan at its first meeting after submission of the plan. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(c) Notification. Upon submission of the Tree Trimming Plan to the City Forester, the party submitting the plan shall notify residents within the proposed tree trimming, pruning or removal area, via United States Mail or personal delivery.

The notice shall inform the resident(s) of the proposed date for trimming, pruning or removal, the date on which the Habitat Stewardship Subcommittee will consider the proposed Tree Trimming Plan, and inform the resident that he/she has the opportunity to appear and testify at the meeting of the Habitat Stewardship Subcommittee.

Whichever method is used to effect notification, the party shall submit proof to the Habitat Stewardship Subcommittee that notification was mailed or delivered to the affected residents.

All meetings of the Habitat Stewardship Subcommittee, including all deliberations on a proposed tree trimming plan shall be open to the public. The Subcommittee shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Park Division and shall be a public record.

The Habitat Stewardship Subcommittee, upon its findings, shall make a recommendation, including the reasons therefore, to the City Forester after the hearing. The recommendation shall be provided to the applicant. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(d) If the City Forester determines that the Tree Trimming Plan is in accordance with the intent and purpose of this ordinance, it will, within 10 days of the hearing at which the plan was considered, authorize the City Clerk to issue a permit to the person submitting the plan. The City Clerk will issue the permit upon submission of the permit fee of fifty dollars ($50.00.) (Am. by Ord. 13,601, 5-11-04)

(e) The permit shall indicate the streets affected by the Tree Trimming Plan and the dates on which the trimming, pruning or removal will occur. The permit will be valid for the streets and dates appearing on the permit, except as provided in

subdivision (e)1. below. Any person trimming, pruning or removing trees outside of the streets or dates specified on the permit will be in violation of this ordinance and subject to penalty.

1. Public utilities and contractors may apply for and obtain, in accordance with this ordinance, an annual forestry permit which will be valid for a period of one (1) year from the date of issue, subject to the following additional conditions:
   a. Provide the City Forester fifteen (15) days advance written notice of work to be performed;
   b. Perform work in conformance with this ordinance and the written guidelines and directives of the City Forester;
   c. Pay an annual forester permit fee of fifty dollars ($50) to the City Clerk's office.
2. The annual forestry permit will be subject to renewal upon reapplication to the City Forester and re-hearing before the Habitat Stewardship Subcommittee. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(4) Administration and Enforcement.
   (a) The purpose of this section is to provide for the administration and enforcement of this ordinance.
   (b) This section shall be administered and enforced by the City Forester and designees thereof and in conformity with Madison General Ordinances Sec. 10.101(1).
   (c) Violations of this section shall be brought to the attention of the City Forester.

(5) Emergency Trimming, Pruning or Removal. The above specified notice procedure does not apply when circumstances arise which require immediate action to protect the public from imminent harm, such as sickness, disease, personal injury or property damage. In determining imminent harm, there must be a balancing of the rights of the abutting property owner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action.

(6) Appeals. Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section may appeal to the Board of Park Commissioners by filing a notice of appeal, stating the grounds therefore, with the President of the Park Commission. The Board of Park Commissioners may, after a hearing, with notice to the appellant, reverse, affirm or modify, in whole or in part, the decision or determination of the Habitat Stewardship Subcommittee or the City Forester. The decision of the Board of Park Commissioners shall be a final administrative determination, subject to judicial review as may be provided by law. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(7) Penalty.
   (a) Any person who violates the provisions of this section shall, upon conviction, pay a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). Each day during which any violation of the provisions of this section shall occur or continue shall constitute a separate offense.
   (b) If, as the result of a violation of any provision of this section, the injury, mutilation, or death of a tree located within the public right-of-way of any street, alley, highway or greenway is caused, the cost of repair and replacement of such tree shall be the responsibility of the person in violation. The replacement value of trees shall be determined in accordance with the most recent edition of A Guide to Plant Appraisal published by the International Society of Arboriculture.

(Sec. 10.101 Cr. by Ord. 12,106, 4-20-98; Am. by Ord. 12,253, 11-17-98; ORD-13-00117, 6-26-13)

10.11 TEARING UP PAVEMENT, ETC. Any person who shall injure or tear up any pavement, sidewalk or crosswalk or any part thereof, or shall dig any hole, ditch or drain in any street,

pavement or sidewalk, without a written permit therefor as provided in this chapter, or who shall hinder or obstruct the authorized making or repair of any pavement, sidewalk or crosswalk, or other public improvement, shall be subject to a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

10.12 PROHIBITING TRACTION ENGINES ON CERTAIN STREETS. No person shall propel or move or cause to be propelled or moved any traction engine or similar machinery having cogs, spikes or other projection on the outer circumference of wheels over or along any street or alley which has been paved with brick, macadam, asphalt or other pavement without first having obtained a permit therefor from the Street Commissioner (Superintendent of Sanitation). The Street Commissioner (Superintendent of Sanitation) is authorized to grant a permit in writing to propel or move a traction engine or similar machinery over paved streets or alleys in case any such engine or other machinery cannot be moved or propelled to its destination over streets or alleys that are not paved, and the Street Commissioner (Superintendent of Sanitation) shall designate in such permit the streets or alleys or portions thereof over or along which any such traction engine or similar machinery may be propelled or moved, provided that when any such traction engine or similar machinery is moved over or along streets paved with sheet asphalt, asphalt macadam, block or brick pavement, planks shall be placed on the street in a manner satisfactory to the Street Commissioner (Superintendent of Sanitation) and the machinery propelled or moved over the planks in order to protect the pavement from injury.

10.13 MACHINERY NOT TO BE PROPELLED ON STREETS FOR EXHIBITION PURPOSES. Machinery shall not be drawn or operated upon the streets for the purpose of exhibition.

10.14 WHEELS NOT TO BE LOCKED. No person shall use any wheeled vehicle upon any macadamized street with any wheel thereof locked or fastened so that the same will not turn.

10.15 CURB CUTS AND DRIVEWAY APPROACHES.

(1) No driveway approach, as defined in Sec. 10.08 of the Madison General Ordinances, shall be constructed between the curb and gutter and property line on any street unless the entire combined curb and gutter shall first have been removed, and the same replaced with a curb cut and a driveway gutter which shall be constructed separate from the driveway approach.

Curb cuts and driveway gutters shall be constructed in accordance with the above, or in accordance with the requirements of those alternative methods as specified in the City of Madison Standard Specifications for Public Works Construction and all addenda and supplements thereto.

(2) No person shall construct or maintain any plank, metal, or other type of access to any driveway approach or alley across any gutter on any street, unless permitted to do so by the Common Council. All such approaches on paved streets heretofore constructed and now maintained contrary to the provisions of this section shall be removed by the Street Superintendent if not removed by the owner after ten (10) days written notice given by said Street Superintendent.

(3) All curb cuts and driveway approaches, excepting those specifically authorized by the Common Council, shall be made only by contractors qualified for such work by the Board of Public Works. Any property owner desiring a curb cut or a driveway approach or both shall file a written request for the same in accordance with the requirements of Sec. 10.08 of the Madison General Ordinances. If the work is to be done by an officially designated contractor, the property owner shall pay the cost of the work to the City Treasurer, the amount to be determined by the City Engineer on the basis of the contract between the City of Madison and the officially designated contractor, and the City Engineer shall direct the officially designated contractor to undertake and complete such work. The City Engineer shall keep an accurate account of the expense of installing curb cuts and

driveway approaches in front of each parcel of land served by such curb cuts or driveway approaches, shall report the same to the Finance Director, shall authorize payments to the officially designated contractor in accordance with the terms of his/her contract with the City, and shall authorize the Finance Director to bill the owner of the parcel of land served by such curb cuts and driveway approaches the actual cost of the work. (Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(Sec. 10.15 Am. by Ord. 6969, 4-30-80)

10.16 DEPOSIT OF INOPERABLE VEHICLES PROHIBITED.

(1) It shall be unlawful for a property or business owner or operator to deposit or cause to be deposited any vehicle parts or any vehicle that reasonably appears to be inoperable or in a state of substantial disrepair upon any portion of the highway adjacent to his/her real property or place of business. A vehicle or vehicle parts deposited on the highway shall be considered "adjacent" if it is upon a portion of the highway that directly abuts or is within 500 feet in any direction of the real property or place of business in question.

(2) Any person who violates Subsection (1) above shall, upon conviction, be subject to a forfeiture of not less than fifty dollars ($50) and not more than five-hundred dollars ($500) plus applicable costs. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(Cr. by Ord. 13,325, 5-28-03)

10.17 DEPOSIT OF RUBBISH AND THROWING OF GLASS ON STREETS PROHIBITED. No person shall deposit any brine, salt, grass, leaves or other rubbish in any street or gutter in the City, and no person shall deposit or permit to be deposited in or upon any street, alley, driveway, sidewalk or public park or in or upon any road or pleasure drive which is under the police jurisdiction of the City any glass, crockery, nails, tacks, pieces of metal, wire briar, thorn, broken stone or other articles liable to injure any person or the wheels or tires of vehicles, except as permitted in the following section. (Am. by Ord. 13,319, 5-28-03)

10.18 COLLECTION OF REFUSE AND RECYCLING OF WASTE.

(1) Collection of rubbish and refuse in the City of Madison shall be in accordance with rules, procedures, and schedules as specified by the Street Superintendent. The Street Superintendent shall designate the days on which rubbish will be collected in the various districts of the City of Madison, which said rubbish collection day shall be kept as nearly uniform as possible for the various districts. No rubbish or refuse to be collected by the City shall be deposited upon the terrace of any street within the City of Madison more than twelve (12) hours before the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.

(2) Deposit of Material in Gutter Prohibited. No material shall be placed in any gutter by any person so as to obstruct the flow of water therein unless such person shall provide a suitable culvert so as to provide for the free and unobstructed flow of water.

(3) Sidewalks and Roadways Not to Be Obstructed. No material shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway. (Am. by Ord. 13,319, 5-28-03)

(4) Damages Caused by Deposit of Rubbish. Any person depositing material in the streets of the City of Madison shall be liable for all damages which may accrue to the public due to the presence of such rubbish or material in the streets. (Am. by Ord. 13,319, 5-28-03)

(5) Persons Who May Collect Rubbish and Refuse. No person, unless she/he has a contract with the City of Madison permitting her/him to collect and remove rubbish and refuse, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent shall collect or remove any rubbish or refuse which has been deposited or placed by any person on the terrace adjoining her/his premises for collection

by the City as herein provided, except that nonprofit organizations may collect household furnishings that have been deposited or placed on the terrace for disposal during daylight hours between May 15 to May 31 and August 15 to August 31. "Person" as used in this section includes individuals, partnerships, associations and bodies politic or corporate. (Am. by Ord. 13,319, 5-28-03)

(6) No owner or operator shall allow a rubbish or refuse container to remain on the terrace of the street in front of her/his premises for more than twenty-four (24) hours after the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. (Am. by Ord. 13,319, 5-28-03)

(7) Separation of Solid Waste Required.

(a) Definitions:

1. Brush is defined as bushes, tree limbs and branches, and other woodlike trimmings. Rosebush trimmings are considered to be brush.
2. Appliances shall include air compressors, air conditioners, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves. (Am. by Ord. 11,170, 2-14-95)
3. Magazines shall mean magazines and other materials printed on similar paper.
4. Newsprint means that portion of newspapers or periodicals which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling. Newsprint does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
   a. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling;
   b. The paper is no longer flat and folded to the approximate dimensions of its original condition;
   c. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of resident or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings; (Am. by ORD-17-00030, 3-8-17)
   d. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
5. Office paper shall mean high grade printing and writing papers from offices in nonresidential facilities and properties.
6. Solid Waste shall mean garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in wastewater effluents or other water pollutants. Solid waste shall include microwave ovens from which the capacitor has been removed.
7. Yard Waste shall mean leaves, grass clippings, garden and other organic yard debris.
8. Directories shall mean any publication that lists names, addresses, telephone numbers or other similar contact information of people, businesses, members, employees, or other similar categories. In this subsection, this

definition only applies to those directories capable of being recycled by the City of Madison, as determined by the Street Superintendent or designee. (Cr. by ORD-11-00043, 3-23-11)

(b) Applicability and Enforcement of Ordinance.

1. Subsections (7), (8), (9), (10) and (11) of Section 10.18 shall apply to all persons and entities who, directly or through the services of the City of Madison or another third party, dispose of or attempt to dispose of solid wastes at any Dane County-owned landfill or at any other landfill located in the City of Madison and includes all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type. (Am. by Ord. 11,170, 2-14-95)

2. Owner Responsibility. Every owner or operator of multi-family dwellings, commercial, retail, industrial, governmental, and public service facilities shall be responsible for maintaining an effective means for tenants to comply with the requirements of this subsection (7), except for subdivision (f). In addition each owner or operator shall at the commencement of a tenant's move to the premises and each 6 months thereafter notify the tenants of the City and County recycling requirements. (Am. by ORD-09-00102, 7-2-09)

3. Pursuant to Wis. Admin. Code § NR 544.04(9) and NR 544.06(2)(e), the City of Madison shall use any lawful means to adequately enforce the requirements of its recycling program including but not limited to inspections to ascertain proper separation, preparation, and collection of recyclable materials and proper disposition of all solid waste including recyclables, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(c) (R. by ORD-11-00043, 3-23-11)

(d) Yard Waste.

1. Prohibited Yard Waste and Brush Disposal. No person shall:

a. Mix or permit the mixing of yard waste or brush with solid waste for landfill disposal at any Dane County-owned landfill or at any other landfill located in the City of Madison, or for City curbside garbage collection or place or permit the placing of yard waste or brush out for City curbside garbage collection;

b. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time or at any authorized yard waste, brush or compost site while the site is closed;

c. Deposit yard waste or brush in or upon any public street, water, or grounds in the City of Madison, except that, on streets where a public works project was completed in a calendar year and pursuant to the directives of the Street Superintendent, the adjoining property owner shall be allowed during that calendar year only to bag their yard waste and place the bags upon the public street immediately adjacent to the curb for pick up by the Streets Division. This limited exception shall solely apply during the calendar year of the completed public works project in an effort to allow the disturbed terraces to stabilize and revegetate. Bags placed in the street under this exception shall not be a violation of any other provision of this section. (Am. by ORD-06-00176, 12-8-06; ORD-12-00061, 5-9-12)

d. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill or collection site located in the City of Madison unless that person is a resident of the City or otherwise authorized user of the site.

2. Permitted Yard Waste Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
   a. Deposit yard waste at any authorized City of Madison yard waste drop-off sites or any authorized compost sites while such authorized sites are open;
   b. Compost yard waste in accordance with Section 7.361;
   c. Deposit grass clippings, leaves and garden debris at curbside to be collected by the City during a fall and spring collection of yard waste.

3. Permitted Brush Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
   a. Deposit brush at any authorized City of Madison brush drop-off site while such authorized sites are open.
   b. Deposit brush at curbside to be collected by the City according to the published brush collection schedule.
   c. Deposit holiday trees at curbside to be collected by the City during the special January collection period.

4. Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under her/his control in accordance with the requirements of this subsection. (Am. by ORD-14-00012, 1-14-14)

(e) Recyclable Waste. Every person disposing of newsprint, yard waste, office paper, directories, waste oil, magazines, tires, lead-acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, and HDPE and PETE plastic containers in the City of Madison shall separate such items from all other solid waste materials, shall recycle such separated items as provided herein and shall not place such separated items in containers for disposal with other refuse or garbage. (Am. by Ord. 11,170, 2-14-95; ORD-11-00043, 3-23-11; ORD-12-00085, 6-26-12)

1. For persons served by regular City refuse collection, except for waste oil, lead acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass barrels and drum containers, the above-listed recyclable items shall be separated and placed at the curb in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such recyclable items may be disposed of by such persons in any other lawful manner. No person shall mix or permit the mixing of said recyclables with garbage or other solid waste in violation of such City rules, procedures or schedules. (Am. by ORD-12-00085, 6-26-12)

2. No person shall deposit or abandon any waste oil, lead acid batteries, or barrel or drum container in or upon any public street, alley, grounds or waters. Waste oil, lead acid batteries, barrels and drum containers shall be disposed of in a lawful manner. No person shall deposit waste oil, lead acid batteries, barrels and drum containers at City of Madison drop-off sites, nor curbside for pickup by the City of Madison.

3. All other persons subject to this ordinance as Dane County-owned or private landfill users shall facilitate and provide for separation and recycling of the above-listed items in a manner conducive to the recycling

of said items. Owners of multifamily dwellings, commercial, retail, industrial, governmental and public service facilities shall place and maintain adequate separate containers in convenient locations for use by tenants, employees, customers and guests for the collection of said recyclable items and shall make arrangements for the recycling of such collected items by public or private means, or such material may be disposed of by said owners in any other lawful manner.

4. Private refuse haulers shall not commingle separate recyclables into containers used for or containing garbage or other refuse, but shall maintain recyclables separately so as not to destroy their value for recycling, and shall not dispose of solid waste containing the above-listed recyclables in any Dane County-owned or other landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
5. Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
6. No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.
7. No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(f) Plastic Bags.

1. Purpose. Each year, it is estimated that the average American uses 330 plastic bags. Hence, Madison residents will use approximately 74,794,500 plastic bags in 2009. Based upon national averages, only 0.6% of those bags (roughly 448,000) will be recycled, and the rest will eventually end up in the Dane County landfill or as sources of land and water based litter. Plastic bags are generally not biodegradable and instead rely upon photodegration to break down. This is problematic in landfills where light is not able to break down the plastic film, leading to an estimated five hundred (500) year breakdown period. Furthermore, while plastic bags will break down into smaller toxic parts when in water, these smaller parts can be harmful to fish, birds, amphibians, and other water based organisms. While plastic bags are generally not biodegradable, they can be recycled and used for durable building and construction products, fencing and deck materials, and new plastic bags. In the Madison area, there is a market for the recycling of clean plastic bags, and many retailers who provide these bags offer recycling bins for use by customers. By banning the disposal of non-contaminated recyclable plastic bags, the City hopes to reduce the negative impacts on the environment associated with plastic bags to save space in the County landfill and protect our lands and waters from the negative impacts associated with plastic bags.
2. Definitions. For the purposes of this subdivision, the following definitions apply:
   a. Contaminated plastic bag means any plastic bag that has been in direct contact with, and remains soiled by, organic or non-organic materials. Plastic bags that contain any solid waste are contaminated for the purposes of this ordinance.

b. Plastic bag shall mean any bag intended for the transportation, storage, or protection of goods that is made, in part, of plastic film. A plastic bag is not the same as a plastic container, as that term is used elsewhere in this subsection.

c. Recyclable plastic bag means any plastic bag that is able to be recycled, or bundled for recycling purposes, in the Madison area, and includes all those types of plastic bags set forth by the Street Superintendent or designee.

3. Every person disposing, or attempting to dispose of non-contaminated recyclable plastic bags in the City of Madison shall separate such items from all other solid waste materials and not place them in containers for disposal with other refuse, garbage or recycling materials.

4. Non-contaminated recyclable plastic bags shall be separated and recycled in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such items may be disposed of in any other lawful manner, including through merchant provided drop off locations. No person shall mix or permit the mixing of non-contaminated recyclable plastic bags with garbage or other solid waste in violation of such City rules, procedures or schedules.

5. Non-contaminated recyclable plastic bags subject to this provision, and capable of being recycled, include:

a. Low density polyethylene bags (LDPE #4). These bags are made of plastic films with high clarity, and moderate stretch and strength characteristics. Such bags include thicker newspaper bags and bread bags.

b. Linear low density polyethylene bags (LLDPE #4). These bags are made of plastic films with moderate clarity that are stretchy and have a slightly tacky feel. Such bags include clear and thin newspaper bags, as well as dry cleaning bags.

c. Medium density polyethylene bags (MDPE #4). These bags are made of plastic films with moderate clarity, and poor stretch and strength characteristics. Such bags include consumer packaging bags such as toilet paper and paper towel packaging.

d. High density polyethylene bags (HDPE #2). These bags are made of plastic films with some opacity, that are crinkly to the touch, have low stretch and high strength characteristics, and are easily torn. Such bags include most grocery bags and retail bags.

6. Enforcement. No enforcement of this subdivision by the City will occur until the Streets Superintendent establishes a City-sponsored recycling program for non-contaminated recyclable plastic bags; such program shall be approved by the Common Council by resolution no later than September 1, 2009.

(Sec. 10.18(7)(f) Cr. by ORD-09-00102, 7-2-09)

(8) Restrictions on Landfill Operations.

(a) Landfill owners and operators shall not dispose of newsprint or newspapers in the City of Madison with garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

(b) On and after February 11, 1991, each municipality which desires to afford its residents, businesses, commercial, retail and governmental entities located within the municipality the opportunity to deposit in any landfill located within the City of Madison any solid waste which originates in or is generated, accumulated or collected in the municipality shall first adopt and provide an effective recycling program requiring landfill users located within the municipality to separate from

all other solid waste, newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, High Density Polyethylene ("HDPE") and Polyethylene Terephthalate (PETE) plastic containers and provide for the recycling of said items and provide for the safe disposal of all other solid waste. (Am. by Ord. 11,170, 2-14-95)

(c) On and after February 11, 1991, no landfill user shall deposit or cause to be deposited at any landfill located in the City of Madison any newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, or HDPE and PETE plastic containers, unless such user is a municipality which has in place an effective recycling program approved by the City of Madison Common Council or is an approved private waste hauler which certifies to the Common Council that each of its customers has an effective recycling program. The standards for determining whether a municipal or private program is effective shall be the same as those followed by the Dane County Board and its committees under Section 41.23 of the Dane County Solid Waste Management Ordinance. (Am. by Ord. 11,170, 2-14-95)

(d) If the Dane County Board approves the temporary suspension of the requirements of said Section 41.23 as to certain separated items at all County-owned landfills, the suspension shall automatically apply to any other landfill located in the City of Madison. Nothing in this ordinance shall be construed to require a municipality to operate or contract for a solid waste collection system.

(e) Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.

(f) No person shall deposit in any Dane County-owned or other landfill located in the City of Madison materials other than as authorized herein and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. 159.

(9) Limitations on Collection of Solid Waste.

(a) Unlawful to Remove Recyclable Material. It shall be unlawful for any person, unless under contract with the City of Madison, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent to collect or remove any recyclable newsprint, magazines, glass, plastic, aluminum cans, ferrous metal cans, or corrugated cardboard which has been deposited or placed by any person on the terrace adjoining her/his premises for collection by the City of Madison. (Am. by Ord. 13,319, 5-28-03)

(b) Private refuse haulers shall not place recyclable newsprint which has been collected in separate containers into containers used for or containing garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

(c) No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.

(d) No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(e) No person other than a City of Madison resident or otherwise lawfully authorized user shall deposit any recyclable materials at any Dane County-owned or other

collection site located in the City of Madison. No person may bring solid waste from a site outside the City limits and deposit those materials curbside within the City limits for pickup with or without permission from the property owner.

(f) No person shall remove any recyclable items from a private premise, recyclable container or dumpster without the consent of the occupant, owner or lessee of the premise. (Cr. by ORD-09-00072, 5-8-09)

(10) Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:

(a) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.

(b) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.

(c) The retailer shall recycle these items with a licensed recycler.

(d) The retailer shall file a plan illustrating how the retailer will comply with this subsection. This plan shall be filed with the City Recycling Coordinator within ninety (90) days of adoption of this ordinance. (Cr. by Ord. 13,499, 1-23-04)

(11) Appliance Fees.

(a) No appliance shall be placed on any terrace or curbside for collection by the City unless the appliance bears an appliance sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such appliance stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all appliances which have been placed at curbside or on the terrace without an appliance sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(New Sec. 10.18(10) Cr. by Ord. 11,170, 2-14-95; Am. by Ord. 13,319, 5-28-03; Renumb. By Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04)

(12) Large Item Fees.

(a) No large item shall be placed on any terrace or curbside for collection by the City unless the large item bears a large item sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such large item stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all large items which have been placed at curbside or on the terrace without a large item sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special

charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by Ord. 12,780, 3-13-01; Am. by Ord. 13,319, 5-28-03; Renumbered by Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04; Am. by ORD-06-00016, 3-10-06)

(13) Electronics.

(a) No televisions, computer monitors, laptop or desktop computers, or CPUs may be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Televisions, computer monitors, laptop or desktop computers, or CPUs must be disposed of at an authorized recycling deposit site or in any other lawful manner. No person shall deposit such recyclables at any authorized recycling center or deposit site while the site is closed. No televisions, computer monitors, laptop or desktop computers, or CPUs shall be deposited at an authorized public recycling site unless the item bears a fee sticker issued by the Street Superintendent. Fees for such stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all televisions, computer monitors, laptop or desktop computers, or CPUs which have been placed at curbside or on the terrace to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

(Sec. 10.18(13) Cr. by ORD-12-00085, 6-26-12)

(14) Penalty.

(a) Any person who violates subsections (7), (9)(a - e) and (10) of Section 10.18 shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each offense within twelve months and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating Sec. 10.18(7), in addition to any forfeiture, shall be liable for the expense of the removal, testing or separation of any matter deposited contrary to the provisions of this subsection.

(b) Any person who violates Section 10.18(8) shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) for each offense within a twelve-month period and not less than one thousand dollars ($1000) nor more than five thousand dollars ($5000) for any subsequent offense within a twelve-month period.

(c) Any solid waste containing yard waste in violation of this Section shall be cause for the City's garbage collector to refuse to pick up such solid waste.

(d) Any person who violates Section 10.18(9)(f) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. (Cr. by ORD-09-00072, 5-8-09)

(Sec. 10.18(10) Renumb. to (11) by Ord. 11,170, 2-14-95; Renumb. to (12) by Ord. 12,780, 3-13-01; Renumb. and Am. by Ord. 13,499, 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

(15) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. (Sec. 10.18(11) Renumbered to (12) by Ord. 11,170, 2-14-95; Renumb. to (13) by Ord. 12,780, 3-13-01; Renumb. by Ord. 13,499 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

10.185 RECYCLING AND REUSE OF CONSTRUCTION AND DEMOLITION DEBRIS.

(1) Definitions. For the purposes of this section, the following definitions apply:

(a) "Building," "owner," and "person" shall have the meanings ascribed to those terms in Sec. 29.03, MGO.

(b) "City certified construction debris recycling facility" means a facility certified pursuant to guidelines set forth by the Street Superintendent whose practices cause the recycling or reuse of construction and demolition debris consistent with the requirement of this section.

(c) "Commercial" means any use other than residential, including, but not limited to, buildings used for retail purposes, offices, manufacturing, and provision of services.

(d) "Construction" means the assembly of materials to form a new building.

(e) "Construction and demolition debris" means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; aluminum and vinyl siding; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials. This term does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible, or materials which the Street Superintendent, from time to time, may indicate are no longer able to be readily recycled or reused in an economically viable manner.

(f) "Contractor" means any person, other than the property owner, who is responsible for the construction, demolition, or remodeling of a building, or any part thereof, and where such work requires the issuance of a building, plumbing, electrical, HVAC or demolition permit under the Madison General Ordinances.

(g) "Demolition" means the demolition or dismantling of a building, but does not include the systematic dismantling of part of a building for alteration, maintenance, remodeling or repair.

(h) The terms "dwelling," "single-family dwelling," and "two-family dwelling" have the meanings ascribed to those terms in Sec. 29.03, MGO. "Three-family dwelling" is a building containing three (3) dwelling units only. "Multi-family dwelling" is a building, or portion thereof, containing four (4) or more dwelling units.

(i) "Recycle" means any process by which construction and demolition debris are diverted from final disposal as solid waste at a permitted landfill and instead are collected, separated and/or processed into raw materials for new, reused or reconstituted products, or for the recovery of materials for energy production processes.

(j) "Recycler" means a recycling facility, transfer station or other waste handling facility approved by the Street Superintendent which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.

(k) "Remodeling" means any improvements or alterations made to a building that do not involve the complete demolition and reconstruction of the building.

(l) "Residential" means a building with one or more dwellings.

(m) "Reuse" means:

1. The on-site use of reprocessed construction and demolition debris including bricks, concrete, other masonry materials, soil, and rock used as fill, if such on-site use is authorized in writing by the Street Superintendent;

2. The off-site redistribution of a material, which would otherwise be disposed of, for use in the same or similar manner; or
3. The use of non-toxic wood as an alternative fuel source.

(n) "Street Superintendent" shall mean the Street Superintendent or his/her designee.

(2) Recycling and Reusing Requirement for Certain Multi-Family Dwellings and Commercial Buildings.

(a) All projects subject to this subsection shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition permit activities by meeting the following requirements:

1. The owner or contractor on a project that is issued a permit with an application date on or after the effective date of this section shall cause to be recycled or reused at least seventy percent (70%) of the construction and demolition debris produced on site, as measured by weight or volume.

(b) The following types of projects are subject to this subsection:

1. The construction or demolition of a multi-family dwelling constructed using concrete and steel supports.
2. The construction or demolition of a commercial building where the total square footage of the space involved is over one thousand (1,000) square feet.

(3) Recycling and Reusing Requirements for Certain Multi-Family Dwellings, Residential Buildings and Remodeling Projects.

(a) The owner or contractor on a project subject to this subsection shall cause to be recycled or reused all of the following construction or demolition debris produced on site as part of construction, demolition, or remodeling permit activities:

1. Wood that has not been rendered nonrecyclable by the application or attachment of paint, stains, varnish, or other liquids or solids;
2. Non-toxic metals;
3. Clean drywall scrap materials;
4. Corrugated Cardboard; and
5. Shingles.

(b) The following types of projects are subject to this subsection:

1. The construction or demolition of multi-family dwellings using wood frame construction.
2. The construction or demolition of a single-family, two-family, or three-family dwelling.
3. Except for roofing projects, the remodeling of a residential or commercial building where the total value of the project is twenty thousand dollars ($20,000) or greater.
4. Any roofing project that includes the tear-off of the existing roofing materials.

(c) The following projects are exempt from this section:

1. A project that only requires a plumbing permit, an electrical permit or an HVAC mechanical permit.
2. A project for which a building permit or demolition permit is not required.
3. A project for which, due to changes in the markets for recycled material, the Street Superintendent waives the requirements of this section.

(4) Certification and Audit of Compliance.

(a) Certification.

1. Certification of compliance with this section shall be made by the owner or contractor pursuant to this subdivision, and in the form and manner as

prescribed by the Street Superintendent. All certification forms shall include a statement from the owner or contractor certifying that the information contained in the form is truthful and accurate.

The owner or contractor subject to the requirements of subsections (2) or (3) shall, either within sixty (60) days of completion of a project or, if the owner or contractor has multiple projects subject to the requirements of this section during a calendar year and has the preauthorization of the Street Superintendent to file an annual report, by December 31 of each calendar year, submit documentation to the Street Superintendent certifying compliance with this section.

2. Except as set forth in paragraph 4., certification forms shall include the following:
   a. A list of the construction and demolition debris that were recycled or reused;
   b. A summary of where and how the construction and demolition debris were recycled or reused;
   c. The actual or estimated volume or weight of the construction and demolition debris that were recycled or reused;
   d. A statement from the owner or contractor that documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) exists and will be maintained for two (2) years from submission of the Certification form; and
   e. A statement from the owner or contractor indicating the extent to which the project complies with the requirements of subsections (2) or (3).
3. It shall be sufficient proof of compliance with this section if the owner or contractor submits the following to the Street Superintendent with the certification form:
   a. Weight tickets from the owner or contractor that show that debris from the project were taken to a City certified construction debris recycling facility; or
   b. Proof of LEED (Leadership in Energy and Environmental Design) or GBH (Green Built Home) certification, or other similar certification acceptable to the Street Superintendent.
4. The owner or contractor's failure to follow the requirements of this subdivision for any project shall be prima facie evidence that subsections (2) and (3) were not complied with on that project.

(b) Audit. Prior to, and up to two (2) years after, submission of a Certification form, the Street Superintendent may initiate an audit of an owner or contractor to monitor and ensure compliance with the requirements of this section. An owner or contractor must comply with all reasonable requests for information and documentation made by the Street Superintendent within thirty (30) days of said request.

(c) Requirement to Maintain and Provide Information.
1. The owner or contractor who submits a certification form as required under this subsection must maintain documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) for two (2) years after submission of the Certification form.
2. Within thirty (30) days of a request made under subdivision (b), the owner or contractor must provide the Street Superintendent the requested information or documentation. The failure to provide this requested

information or documentation shall be considered proof that the owner or contractor did not recycle or reuse that portion of construction and demolition debris relating to said information or documentation.

(5) The Street Superintendent may promulgate such rules and regulations as necessary to implement the provisions of this section.

(6) Penalties. The following penalties apply to violations of this section:

(a) Any person who fails to meet the recycling and reuse requirements in subsection (2) shall be subject to the following forfeitures:

1. For construction or demolition projects involving ten thousand (10,000) square feet or more of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than fifty dollars ($50) nor more than five hundred dollars ($500); and
2. For construction or demolition projects involving less than ten thousand (10,000) square feet of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than twenty five dollars ($25) nor more than two hundred and fifty dollars ($250).

(b) Any person who fails to meet the recycling and reuse requirements of subsection (3) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for the first estimated ton of construction or demolition debris not recycled or reused, and not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each subsequent ton of construction or demolition debris not recycled or reused.

(c) Any person who fails to follow a requirement of subsection (4) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500).

(d) Any person who submits a certification under subsection (4) that falsely states or represents that a project has met the requirements of this section, shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250) nor more than one thousand dollars ($1000).

(7) Effective Date. This ordinance shall be effective on January 1, 2010.

10.19 DUMPING OF RUBBISH.

(1) It shall be unlawful to dump rubbish in any street, alley or public place within the City of Madison.

(2) Any person, firm, association or corporation who violates this section shall be subject to a forfeiture of not more than two thousand dollars ($2000). Each day such violation continues shall be considered a separate offense.

(3) No person shall deposit any brush, newsprint, yard waste, solid waste or other refuse or rubbish of any kind whatsoever on a lawn or a terrace or in a dumpster or other refuse container located in or upon commercial or residential property without the permission of an owner or lessee of said property.

(4) Any person who violates subsection (3) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each separate offense.

(Sec. 10.19 Am. by Ord. 11,150, 1-30-95)

10.20 HAULING OF RUBBISH OVER STREETS. No person shall haul any rubbish or refuse except in a vehicle provided with a box well closed or with a tarpaulin to retain such material while the truck or vehicle in which it is conveyed is traveling to its destination.

10.21 GASOLINE CURB PUMPS PROHIBITED. No gasoline curb pump shall be installed in the

streets of the City of Madison, nor shall any gasoline curb pump be replaced with a new gasoline curb pump.

10.22 AIR HOSE OUTLETS AND STANDARDS. No air hose outlets or air hose standards shall be installed in any public street or alley in the City of Madison, nor shall any air hose outlet or air hose standard be replaced with a new air hose outlet or a new air hose standard.

10.23 OBSTRUCTION OF STREETS AND SIDEWALKS.

(1) Any person unnecessarily obstructing or causing to be obstructed any street, alley, crosswalk, terrace or sidewalk so as to interfere with public traffic or access shall be subject to a fine of not less than fifty dollars ($50) nor more than two hundred ($200).

(2) Any person depositing snow or ice from private property upon any sidewalk, roadway or street, bike path or upon the non-adjacent private property of another without consent, or causing or ordering the same to be done shall be subject to a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200).

(a) In addition to its commonly understood meaning, for the purposes of this Subsection only, the term "private property" includes any portion of the public right-of-way abutting the private property in question, such as the sidewalk, terrace, or driveway apron.

(Am. by ORD-09-00067, 4-2-09; ORD-14-00087, 5-7-14)

(3) The City Engineer, Street Superintendent, or Building Inspection Division Director, or his/her designee(s), shall cause the removal of all snow and ice from any sidewalk, roadway or street that resulted from a violation of Subsection (2) above when the owner of the property where the snow and or ice originated from has failed to do so. An accurate account of the expenses incurred shall be kept and the costs thereof shall be assessed against the property as a special charge. Prosecution under Subsection (2) of this Ordinance shall not bar the City from proceeding under Subsection (3) of this Ordinance, nor shall proceeding under Subsection (3) bar prosecution under Subsection (2). (Cr. by ORD-10-00027, 3-18-10; Am. by ORD-11-00037, 3-8-11)

(Sec. 10.23 Am. by Ord. 11,313, 8-4-95)

10.24 OBSTRUCTION OF CROSSINGS BY TRAINS.

(1) It shall be unlawful to stop and leave standing any railroad train, locomotive or car upon or across any street crossing in the City of Madison longer than five (5) minutes.

(2) It shall be unlawful to operate or permit to be operated any railway train, locomotive or car upon or across any street crossing to the obstruction of public travel thereon for a longer period of time than five (5) minutes.

(3) It shall be unlawful to stop any railroad train or car within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

(4) It shall be unlawful to obstruct any street crossing in the City of Madison for a continuous period of more than five (5) minutes by the operation of more than one (1) train or locomotive over the same crossing.

(5) The five (5) minute limitation as contained in subsection (1) shall be reduced to three (3) minutes if the violation occurs between the hours of 7:00 a.m. and 9:00 a.m., between 12:00 noon and 1:00 p.m. and between 3:30 p.m. and 5:30 p.m. on weekdays. (Am. by Ord. 12,044, 3-2-98)

(6) Any conductor, engineer or brake operator on any engine or train so stopping, operating on, or discharging passengers on any crossing or crosswalk in violation of this section shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100), and the corporation owning or operating any such train, engine or car shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than two hundred

dollars ($200) for each violation of subsection (1) or in case of a violation coming under subsection (5), not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) for each violation. (Am. by Ord. 12,044, 3-2-98; ORD-14-00012, 1-14-14)

(7) It shall be a defense to any prosecution under this section if any obstruction hereunder is caused by accident or to a contingency wholly beyond the control of the operators of the train.

10.25 PLANTINGS IN THE TERRACES.

(1) Definitions. For the purposes of this section, the following definitions apply:

(a) "Occupant" is any person who legally resides in a residential property immediately adjacent to a terrace, including any individual condominium owner within a condominium development.

(b) "Owner" is the person who has legal title to a property immediately adjacent to a terrace, and, for multi-unit properties, includes condominium associations.

(c) "Permissible plantings" are those plants, other than trees and shrubs, and landscape features that have been deemed permissible plantings under subsection (2).

(d) "Residential property" is any single or multi-family property zoned residential under Chapter 28, MGO.

(e) "Terrace" is that portion of the public right-of-way in between the curb or road-way and the adjoining lot line, whether or not the area is occupied by a sidewalk or multi-use path.

(2) Permissible Plantings. The owner of a residential property may plant, maintain and cultivate, or allow an occupant of the residential property to plant, maintain and cultivate, certain plants and landscaping features within the terrace adjoining the owner's property if said plantings and landscaping features are consistent with the requirements of this subsection. Plantings may not include any trees or shrubs, the planting of which are subject to Secs. 23.21 and 23.22, MGO. Plantings and landscape features are permissible plantings under this subsection if the following conditions are met:

(a) Approved Plantings. Any non-woody plantings that are commonly found in vegetable gardens, flower gardens or landscaping are allowed. Any plant species that are deemed invasive and regulated under Wis. Admin. Code ch. NR 40, or elsewhere in these ordinances, are not allowed.

(b) Landscaping Features. Landscaping features meant to protect approved plantings, such as mulch, small rocks or other similar features, shall be allowed provided the materials are stable, do not create any potential public safety hazard, and are easily removable. Temporary wire fencing, lattices, vegetable cages and the like, are permissible landscaping features if necessary to assist the establishment of approved plantings. Specific criteria for these items shall be included in the terrace treatment policy provided for in sub. (2)(c) below. Pots, raised flower beds, railroad ties, and the like, are not landscaping features subject to this subdivision, but rather are encroachments subject to the privileges in street ordinance in Sec. 10.31.

(c) Terrace Treatment Policy. To ensure public safety and access to public facilities, the City Engineer, in consultation with the Food and Alcohol Policy Administrator, shall prepare a terrace treatment policy that describes the following: (Am. by ORD-15-00116, 10-28-15)

1. Where on terraces approved plantings and landscaping features may be placed;
2. How high they are allowed to be maintained;
3. Criteria for more permanent features, such as low retaining walls, steps, and other incidental items when those items are necessary due to steep grades within the terrace; and,
4. Standards for the use of chemical agents such as insecticides or fertilizers.

The terrace treatment policy shall be approved by the Board of Public Works, after consultation with the Food Policy Council, and any amendments to this policy shall be approved by the Board of Public Works in like fashion. Once the terrace treatment policy is approved, the owner or occupant of the property may only place plantings and landscaping features in the terrace pursuant to the terrace treatment policy.

(d) Maintenance of Approved Plantings and Landscaping Features.

1. Approved plantings and landscaping features shall be maintained in a safe and orderly manner, free of any unapproved planting or landscaping feature and in the areas allowed under the terrace treatment policy.
2. Under no circumstances shall an approved planting or landscaping feature obstruct or endanger the public's use of a roadway, sidewalk or other multi-use path, and all approved plantings and landscaping features shall be maintained so as not to interfere with the public's right of travel over these areas, or the visibility required to exit private driveways.

(e) Responsibility. The owner or occupant responsible for the permissible plantings accepts full responsibility for the care and maintenance of the permissible plantings, and understands that permissible plantings in the terrace are made at their own risk, and that they may be removed at any time by the City without compensation. The owner or occupant seeking to place permissible plantings in the terrace is responsible for contacting Digger's Hotline to identify and mark any underground utilities prior to digging within the right-of-way.

(f) Removal. Prior to performing any public works project that may threaten any permissible planting, the City shall attempt to notify property owners and occupants of the City's plans in order to give the owner or occupant sufficient time to relocate the plantings. This notification provision shall not apply in emergency situations or where such notice is not practicable.

(3) Planting of Shrubbery on Terraces Prohibited. Except for permissible plantings made under sub. (2), no person shall plant or maintain or cause to be planted or maintained on any terrace between the sidewalk and curb on any street in the City of Madison any plant or shrub in excess of twenty-four (24) inches in height or within a distance of twenty-four (24) inches from the back of the curb unless necessary to control erosion of the soil.

Any plants or shrubbery planted or maintained on any terrace contrary to the provisions of this ordinance shall be removed. The enforcement of this ordinance shall be under the supervision of the Police Department, the City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development.

Upon default of any person ordered to remove said plants or shrubbery, the City Engineering Division and/or the Department of Planning and Community and Economic Development may cause said plants or shrubbery to be removed. The cost of removal shall be assessed against the lot adjoining the terrace upon which the plants or shrubbery were located as provided in Section 27.05(2)(bb), MGO. Prosecution under this section shall not bar the City from causing the plants or shrubbery to be removed, nor shall the City's removal of the plants or shrubbery bar prosecution hereunder. (Am. by ORD-08-00109, 10-7-08; ORD-12-00134, 1-2-13)

(Am. by Ord. 8473, 12-10-84; ORD-12-00027, 3-14-12; ORD-13-00064, 4-24-13)

10.26 PERSONS NOT TO CONGREGATE ON OR SELL MERCHANDISE ON STREETS OR SIDEWALKS. No persons shall congregate on any public sidewalk or any part of a public street or street corner so as to obstruct the same, nor shall any person or persons use any sidewalks or any part of a street as a place for vending, selling or dealing in merchandise, except as provided in Section 9.13 of these ordinances, under the penalty of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each offense. (Am. by Ord. 11,312, 8-4-95)

10.27 FEE FOR DELIVERY OF WOOD CHIPS. Except for community gardens in the City of Madison, any person who receives a delivery of wood chips from the City of Madison shall pay a fee to the City Treasurer in an amount to be determined yearly by the Streets Superintendent, or designee. (Cr. by ORD-06-00183, 12-21-06; Am. by ORD-10-00021, 3-13-10)

10.28 SNOW AND ICE TO BE REMOVED FROM SIDEWALKS.

(1) The owner of each lot or part of lot shall remove all snow and ice upon the sidewalk abutting the premises which he or she owns not later than 12:00 noon of the day after the snow or ice has accumulated on the sidewalk, regardless of the source of accumulation. The owner of property abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the curb ramp, if any, regardless of the source of the snow accumulation.

Provided that when ice has so formed upon any sidewalk that it cannot be removed, then the owner shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than fifty dollars ($50) for a first offense and not less than thirty dollars ($30) nor more than one hundred dollars ($100) for any subsequent offense. Each day any violation of this ordinance continues shall constitute a separate offense. (Am. by Ord. 11,218, 3-31-95; Ord. 13,760, Adopted 12-14-04; ORD-07-00185, 12-20-07)

(2) The Department of Planning and Community and Economic Development shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. An accurate account of the expenses incurred shall be kept and the costs thereof shall be assessed against the property as a special charge under Section 4.09(13). Prosecution under Subsection (1) of this ordinance shall not bar the City from proceeding under Subsection (2) of this ordinance, nor shall proceeding under Subsection (2) bar prosecution under Subsection (1). (Am. by Ord. 8262, 2-20-84; ORD-07-00185, 12-20-07; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(3) Actions for violations of Sec. 10.28(1) shall be commenced by citation as provided by Wis. Stat. § 66.0113 or summons and complaint or warrant as provided by Wis. Stat. § 66.0114(1)(a). (Am. by Ord. 6370, 10-10-78; ORD-07-00185, 12-20-07)

10.29 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS. No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon any public sidewalk in the City of Madison. When the eaves of any building extend over or are so constructed that water may fall upon any public sidewalk such eaves shall be so protected by proper spouts or otherwise that no water shall fall upon any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to the provisions of this section shall be subject to a fine of not less than five dollars ($5) nor more than twenty-five dollars ($25) for each day any such spout or eaves shall be so maintained.

10.30 RESERVED FOR FUTURE USE. (R. by Ord. 7415, 5-7-81)

10.31 PRIVILEGES IN STREETS.

(1) Privilege for an obstruction or enlargement or alteration to such obstruction beyond the lot line, or within the public street right-of-way, alley or public ground, other than by permit issued under another provision of these ordinances, for encroachments of ninety (90) days or less, shall be granted only as provided in this section. All existing encroachments which are nonconforming to the provisions of this section are to hereafter

comply with the requirements of this section. No building permits shall be issued under Section 29.05 on any premises where an encroachment exists until the requirements of this section are met, unless the Director of the Department of Planning and Community and Economic Development or her/his designee determines that an emergency condition exists which requires immediate remedy, provided an application for privilege in streets is submitted with the application for said building permit.
(Am. by Ord. 12,522, Adopted 1-4-00)

(2) (a) Applications for privileges in streets shall be made to the Economic Development Division of the Planning and Community and Economic Development Department. A nonrefundable application and initial processing fee of seven hundred fifty dollars ($750) shall accompany said application. There shall be no proration of the application and initial processing fee.

A Report of Ownership and a drawing or survey at a scale of not less than 1" = 10' on an 8½ × 14 size paper or in an equivalent digital file, showing the privilege in streets in relation to the owner's property shall also accompany said application. The drawing or survey shall include sufficient data to permit City staff to draft a legal description and determine the square footage of the street area occupied by the privilege in streets.

The Director of the Economic Development Division or her/his designee (Director) shall not recommend that the privilege be granted unless the applicant shows that the requirements of this section will be satisfied, and that applicable ordinances, resolutions and Board of Public Works and Plan Commission policies will be complied with. If the Director recommends approval of an application for a privilege in streets, the Director shall inform the applicant in writing of its recommendation and the conditions of approval. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare an agreement, setting forth the requirements and conditions under which the privilege in streets is permitted. Following execution of all the documents by the applicant, the required documents are to be executed by the Director, who shall monitor the payment of the annual fees in the event they are not collected as a special charge.

Following receipt of the insurance certificate and the first year's fee, the agreement is to be recorded with the Dane County Register of Deeds. A copy of the recorded agreement shall be furnished to the Applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.
(Sec. 10.31(2)(a) Am. by Ord. 12,105, 4-20-98; Am. by Ord. 13,411, 9-24-03; ORD-08-00025, 3-15-08; ORD-13-00212, 12-10-13)

(b) Appeal. In the event the Director disapproves an application for a privilege in streets, the Director shall inform the applicant, in writing, of the reasons for disapproval. The applicant or any interested party, including any City department head or alderperson, may appeal the Director's decision to the Board of Public Works within thirty (30) days after mailing of the Director's notice to the address of the applicant as shown on the application. Such appeal must be in writing, and must inform the Board of the reasons why the applicant believes the Director's decision to be in error. Failure to so appeal a denial shall result in automatic approval of the denial without further action by the Director or Board of Public Works.

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the applicant and the Director may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall issue a written decision which shall affirm, reverse or modify the determination of the Director. Appeal of the Board of

Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(Sec. 10.31(2) Am. by Ord. 10,969, 8-29-94; Am. by Ord. 13,411, 9-24-03)

(3) (a) Conditions of Approval. Any privilege granted by the City of Madison shall be to the owner, agent or person obligated pursuant to a regulatory order of the property adjacent to the public area to be occupied by the privilege in streets and shall be on condition that the applicant or the applicant's heirs and assigns shall become primarily liable for damages to person or property by reason of the granting of the privilege.

(b) Insurance. The applicant shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage and minimum limits of one million dollars ($1,000,000) per occurrence. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the privilege in streets. This insurance condition may be waived for other governmental units and in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived. (Am. by Ord. 12,886, 8-24-01; ORD-14-00005, 1-14-14)

(c) Removal of Encroachment. The applicant shall remove said encroachment or obstruction upon ten (10) days written notice by the City of Madison. Additionally, the applicant or the applicant's heirs or assigns shall be entitled to no damages for removal of the privilege in streets, and if the applicant shall not remove the same upon due notice, it shall be removed at the applicant's expense and levied as a special charge for current services rendered against the applicant's property as provided by law; if the applicant is not the owner of the property adjacent to the public area to be occupied by the privilege in streets, said applicant shall provide a bond, in such amount to cover the cost of removal of any object, structure or instrument pursuant to any privilege and the total annual fees for the estimated life of the privilege. In the event of acquisition of all or a portion of the applicant's property for a planned public improvement, no compensation will be paid to the applicant for the improvements constructed within the area on which the privilege in streets exists, for cost incurred in realigning personal property located on the area on which the privilege in streets exists, or for loss of value or damage to the remaining improvements of the applicant caused by reasons of the acquisition or taking as provided under Wis. Stat. ch. 32.

In accepting the privilege, the applicant waives any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of compensation charged by the City of Madison. The applicant may be required to comply with additional conditions as the Director may impose, including execution of a written agreement incorporating all conditions upon which the privilege in streets is to be granted. Such agreement shall be binding upon the applicant, the applicant's heirs and assigns and shall be drafted in recordable form and recorded in the Office of the Dane County Register of Deeds, and the terms and conditions contained in the agreement or resolution shall remain in full force and effect as long as the privilege in streets exists. The privilege may be terminated by the applicant at any time by providing the Director written notice of its desire to terminate this privilege. Following removal of the privilege in streets and restoration of the public area on which the privilege in streets existed to the satisfaction of the City Engineer and the Director of Planning and Community and Economic

Development, the Director shall record in the Dane County Register of Deeds office a suitable document terminating the privilege. A copy of the document shall be furnished to the applicant and the City Clerk. (Am. by Ord. 13,411, 9-24-03)

(d) Fee Schedule.

1. An annual minimum fee of five hundred dollars ($500) or an amount established hereinafter, shall be charged for the privilege of encroaching into street right of way. The annual fee may be levied as a special charge for current services rendered against the applicant's property as provided by law. The agreement may provide for alternative means of payment of annual fees in excess of ten thousand dollars ($10,000). An annual fee for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the privilege in streets is issued. There shall be no proration upon termination of any privilege in streets.

2. For every use of public space permitted as a privilege under the terms of this chapter, the following annual rental fee shall apply:

   a. For each story above or below the surface, the fee shall be fixed at five percent (5%) of the square foot value per story, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or if more than one lot abuts such use, five percent (5%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars ($500), whichever is greater.

   b. If such use of space involves utilization of the surface by the applicant, the fee for such surface use shall be fixed at ten percent (10%) of the square foot value, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or, if more than one lot abuts such use, ten percent (10%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars ($500), whichever is greater.

   c. Every five (5) years the Director shall re-calculate the fee using current property values as fixed by the City Assessor.

   d. Monitoring wells and other multiple location privileges: annual fee of five hundred dollars ($500) for the first encroachment plus one hundred dollars ($100) for each additional location.

   e. If such use is for fiber optic for a non-public utility use, the fee shall be two dollars ($2.00) per lineal foot for two inch (2") diameter duct and four dollars ($4.00) per lineal foot for four inch (4") diameter duct. (Cr. by Ord. 13,411, 9-24-03)

(Sec. 10.31(3)(d) Am. by Ord. 11,888, 6-27-97; ORD-13-00212, 12-10-13)

(e) Existing street encroachments shall be subject to the terms and provisions of this ordinance upon renewal. (Cr. by Ord. 13,411, 9-24-03)

(f) Although subject to the provisions of this section, there shall be no application fee or annual fee (if encroachment is approved) for the following:

1. Neighborhood Identification Signs.
2. Bicycle racks.
3. Decorative Pavement Painting Design Permit under Sec. 10.42, MGO. (Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)
4. Little Free Libraries. (Cr. by ORD-13-00212, 12-10-13)

5. Bus Shelters.

a. For the purposes of this paragraph, "Bus Shelters" means a privately owned and maintained shelter, approved by Metro Transit and Traffic Engineering, adjacent to a bus stop and intended to provide temporary shelter for bus passengers.

b. A bus shelter shall be considered a "Madison Transit Utility bus shelter" for the purposes of Secs. 3.14(4)(i) and 31.03(2), but only for non-commercial messages.

(Sec. 10.31(3)(f)5. Cr. by ORD-15-00087, 9-11-15)

(Sec. 10.31(3)(f) Cr. by Ord. 13,411, 9-24-03)

(g) Although subject to the provisions of this Section, there shall be no annual fee (if encroachment is approved) for existing architectural features that contribute to the historic character of buildings that have been designated a Madison Landmark. (Cr. by ORD-09-00131, 9-18-09)

(Sec. 10.31(3) Am. by Ord. 10,969, 8-29-94)

(4) Construction, Reconstruction, Abandonment and Maintenance of Underground Sidewalk Vaults.

(a) In addition to the requirements of this section, no vault under any sidewalk, in any street or alley in the City of Madison shall be constructed, reconstructed or repaired unless plans prepared by a registered professional engineer have been submitted to and approved by the City Engineer and the Director of Planning and Community and Economic Development and a permit has been obtained from the Director of Planning and Community and Economic Development. No vault shall be abandoned without first obtaining a Street Opening Permit, as issued under Section 10.03, Madison General Ordinances, and a building permit if alterations to the building are involved in the abandonment.

(b) All vaults under sidewalks shall be constructed or reconstructed in accordance with the State of Wisconsin Administrative Code, the City of Madison General Ordinances, other applicable Building Codes, and plans and specifications of any City project. Loading requirements for all vaults within the right-of-way shall be as follows:

1. Sidewalks with no vehicular restrictions: 250 pounds/square foot or 12,000 pound concentrated load in any position.

2. Sidewalks with partial vehicular restriction: 115 pounds/square foot or 10,000 pound concentrated load, plus 30% impact factor. Concentrated load distributed as a four-wheel vehicle with 5,200 pounds on each rear wheel, 1,300 pounds each front wheel.

3. Sidewalks with total vehicular restriction: 100 pounds/square foot.

4. The most severe distribution and concentration shall govern.

5. Vehicular restrictions shall be permanently fixed barriers. In addition, no cover or door to any such vault, constructed in any sidewalk, shall contain any open spaces greater than one-half inch (½") in width. Wherever possible, vaults shall be constructed or reconstructed so that the outside vault wall encroaches no more than six (6) feet into the right-of-way.

(c) All vaults and covers or doors to any such vault in the City of Madison, which encroach on the public right-of-way, shall be maintained in a safe condition, and capable of carrying the loadings required in Section 10.31(4)(b), Madison General Ordinances. If the Director of Planning and Community and Economic Development finds at any time that the above mentioned ordinances, laws and codes are not being complied with, s/he shall serve written notice on the property owner. The property owner shall then have twenty (20) days to indicate in writing his/her

intention to remove, replace or repair the vault. The Director of Planning and Community and Economic Development and City Engineer may require interim measures to protect the public safety, at the owner's expense.

If the property owner elects to retain the vault, to repair or replace it for continued use, or to abandon the vault, s/he shall complete such repairs, replacement or abandonment within eighty (80) days of the original notice. The total cost of certification, reconstruction, replacement or abandonment shall be the responsibility of the property owner.

The City may, if it finds it to be in its best interest, participate in the vault abandonment. The City's share shall not exceed one half the cost of removing the vault, closing any existing accesses to the vault, and backfilling, nor shall it exceed $10,000 per parcel of land. The property owner's share shall be treated as other special assessments. All other costs to prepare the vault for abandonment, such as relocating utilities or storage space, shall be the responsibility of the property owner.

(Sec. 10.31(4)(c) Am. by Ord. 11,945, 10-14-97)

(d) Cellar Doors and Covers of Vaults on Sidewalks Not to Be Kept Open. No person shall keep or leave open any cellar door or cover of any vault on any highway or sidewalk, or suffer the same to be left or kept open except when necessary for purposes of moving material or merchandise to or from such cellar or vault, and whenever the same shall be open it shall be properly guarded to protect persons using the sidewalk or highway from any danger. It shall be unlawful for any person to permit any such cellar door and cover of a vault in any public sidewalk in front of the premises owned or occupied by her/him, or any part of such sidewalk, to become or continue so broken as to be dangerous to persons traveling on such sidewalks.

(5) Any person causing or maintaining any obstruction or excavation contrary to this section shall be subject to a forfeiture of not less than $25 nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.31 Am. by Ord. 7730, 5-28-82)

10.32 NEWS BOXES.

(1) Purpose. To promote public health, safety, and welfare through the regulation of placement, appearance, maintenance, and insuring of news boxes in the public right-of-way.

(2) Applicability. The provisions of this ordinance shall apply to all news boxes, whether installed and maintained prior to or after the effective date of any of the provision of this ordinance. Those news boxes installed prior to the effective date of this ordinance shall be brought into compliance within thirty days of the effective date thereof.

(3) Definitions. For the purpose of this ordinance, the following words shall have the meaning indicated.

"News Box" shall mean any coin-operated or self-service box, container, or other dispenser placed in the public right-of-way for the vending of, or free distribution of newspapers or other publications.

"Public Right-of-Way" shall mean the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated right-of-way for travel purposes.

"Person" shall mean any individual, corporation, company, association, firm, partnership, limited liability company or partnership, or other business entity and their lessors, transferees, and receivers.

(4) Administration. This section is administered by the Economic Development and Building Inspection Divisions of the Department of Planning and Community and Economic Development. (Am. by ORD-08-00025, 3-15-08; ORD-08-00109, 10-7-08)

(5) Application. Application for a permit shall be made to the Economic Development Division. A permit shall issue within ten (10) days of the receipt of complete application materials. A complete application shall include:

(a) The name, address, and telephone number of the applicant.

(b) A Certificate of Insurance showing General Liability Insurance, including Property Damage, in the amount of one million ($1,000,000) per occurrence and naming the City of Madison as an additional insured.

(c) An agreement, in a form acceptable to the City, that the applicant will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's news box(es) in the public right-of-way.

(d) An annual permit fee of fifty ($50) dollars.

(Am. by ORD-08-00025, 3-15-08)

(6) Appeal of Permit Determination. Review of the grant or denial of a permit shall follow the provisions of Section 9.49, M.G.O.

(7) Standards. Every person shall install and maintain all news boxes as follows:

(a) No person may place a news box in the public right of way without having obtained a permit.

(b) No news box shall be placed at any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.

(c) No chaining, bolting, or other means shall be used to attach a news box to any property within the public right-of-way without prior express written permission of the owner.

(d) News boxes shall be maintained in a safe, clean, and neat condition and in good repair at all times.

(e) There shall be two (2) or more feet of open area behind any curb face.

(f) There shall be three (3) or more feet of open area behind the curb face at any bus stop, loading zone or other place where parking is prohibited or where stopping, standing or parking is otherwise restricted.

(g) There shall be at least five (5) feet between any news box and any driveway opening, fire hydrant, police or fire call box or other emergency facility.

(h) There shall be at least fifteen (15) feet between any news box and any fire station driveway, railroad track, intersecting property line at an intersection, and marked or unmarked crosswalk.

(i) A clear area shall be maintained at bus shelter openings and on the street side of bus shelters; in no case shall a news box be placed closer than five (5) feet from a bus shelter.

(j) No news box shall be used for advertising signs or publicity purpose other than that dealing with the display, sale, or purchase of the material sold or available within, or of an activity sponsored by the publication. Except for the news boxes in the State Street and Capitol Square District, allowable advertising, other than the name of the publication, shall appear only once, shall be on the side of the news box facing away from the street, and shall not exceed 18" x 18". Printing or other display on news boxes in the State Street and Capitol Square District shall be limited to the front and back of the news box. It shall be centered on the box and shall contain one (1) line of print no more than three and one-half (3½) inches in height, two (2) lines totaling not more than five (5) inches in height, or a logo no more than eight (8) inches in height. (Am. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(k) No news box shall be placed on Olin Terrace.

(l) No news box shall remain empty of current publications for more than fourteen (14) consecutive days.

(m) Any news box shall be removed upon ten (10) days written notice to the person named on the application for any lawful governmental purpose, including, but not limited to, right of way repair.

(n) In the State Street and Capitol Square District, which includes State Street and intersecting streets to a point one hundred twenty-five (125) feet from the abutting State Street right of way and the Capitol Square and intersecting streets to one hundred twenty-five (125) feet from the abutting Capitol Square right of way, all news boxes shall be located only at the sites designated below. (Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(o) All news boxes in the State Street and Capitol Square District shall be black in color and shall have the following dimensions:

1. Height between thirty-four (34) inches and forty-six (46) inches. (Am. by ORD-10-00075, 8-12-10)
2. Width between sixteen (16) inches and twenty-five (25) inches.
3. Depth between sixteen (16) inches and twenty (20) inches.

(Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(8) Enforcement. The office of the Economic Development Division shall enforce this ordinance.

(a) A Notice of Violation issued from the Economic Development Division shall specify the nature of any violation and the location of the news box in violation.

(b) Any person aggrieved by orders from the Economic Development Division may appeal to the Board of Public Works within fifteen (15) days after the mailing of the Notice of Violation(s). Such appeal must be in writing and must inform the Board of the reasons why the person aggrieved believes the orders have been issued in error. Within thirty (30) days after receipt of the request for appeal, the Board shall hold a hearing at which the parties may offer testimony and documents. Within ten (10) days of the hearing, the Board shall affirm, modify, or reverse the orders of the Economic Development Division. A concurring vote of two-thirds (⅔) of the voting members present shall be required to modify or reverse an order. Appeal of the action of the Board shall be to Circuit Court. No further enforcement action shall take place during the pendency of an appeal.

(c) Failure to correct a violation of Sec. 10.32(7) or request a hearing by filing an appeal under Sec. 10.32(8)(b) may result in a news box being removed. Thirty (30) days after notice of removal is mailed, a news box is subject to disposal.

(d) Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than twenty five dollars ($25) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.32(8) Am. by ORD-08-00025, 3-15-08)

(Sec. 10.32 Cr. by Ord. 12,522, Adopted 1-4-00)

10.33 BICYCLE-SHARING FACILITIES.

(1) Purpose. A City-sponsored bicycle-sharing program offers residents and visitors of the City the ability to use rented bicycles as an alternative form of short-term transportation. Such a program will be an important amenity and means of transportation for City residents, workers and visitors, and will help bring visitors to the City's downtown, displace car traffic, take pressure off of the City's downtown parking needs, and improve public health by providing opportunities for exercise. This program will also help the City meet its goals of reducing air pollution and greenhouse gas emissions and having twenty percent (20%) of all downtown trips done by bicycle by 2020.

For a bicycle-sharing program to be successful, program facilities will have to be placed at optimal locations throughout the urban environment that prioritize visibility, location desirability, and convenience, among other considerations. However, due to a lack

of sufficient public or private open space at optimal locations, it will be necessary, at certain locations, to place some of the facilities of a City-sponsored bicycle-sharing program within the City right-of-way, including on sidewalks and terraces. It may also be necessary, and desirable, to place these facilities on other City land.

Hence, to enable the success of the City-sponsored bicycle-sharing program, this section allows for the placement of bicycle-sharing facilities in the right-of-way and other City land through the granting of a bicycle-sharing facility privilege pursuant to the requirements of Wis. Stat. § 66.0425.

(2) Applicability. The provisions of this ordinance shall only apply to bicycle-sharing facilities within the right-of-way or on other City land that are part of a City-sponsored bicycle-sharing program.

(3) Definitions. For the purpose of this ordinance, the following words shall have the meaning indicated.

(a) Bicycle-Sharing Facility means a facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program. This definition includes, but is not limited to, a rental station, informational signs, bicycles, solar panels, or other equipment attached to and necessary for the facility's operation.

(b) Bicycle-Sharing Program is a program which provides specially designed bicycles for short-term rent to the public at multiple facilities throughout the City and in which the users of the bicycles are able to return the bicycles at any other bicycle-sharing facility maintained by the program in the City.

(c) Bicycle-Sharing System is the entire network of bicycle-sharing facilities that make up a City-sponsored bicycle-sharing program, including facility locations on right-of-way, other City land, and private property.

(d) City-Sponsored means that the City provides a bicycle-sharing program support, either by running and operating such a program in cooperation with another party, providing an applicant direct financial support for the program, or providing an applicant with significant assistance in the operation and establishment of the program.

(e) Contact Information includes the address, telephone number(s), e-mail address(s), and any and all other means that would allow City staff to contact a person, including the address of any registered agent.

(f) Managing Agent is the person who, by virtue of his or her position, operates a bicycle-sharing program and has control, including physical and contractual, over the bicycle-sharing facilities used therein.

(g) Other City Land includes City park land, City-owned or leased greenways, and bike paths owned by or under the control of the City.

(h) Owner means any person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the bicycle-sharing facilities.

(i) Person means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust, or other entity that may enter into contracts.

(j) Right-of-Way means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane, public sidewalk and terrace in which the City has an interest, including any other dedicated right-of-way for travel purposes.

(4) Administration. This section is administered by the Director of the Department of Planning and Community and Economic Development or her/his designee.

(5) Application. The application for a privilege under this section may be made by either the owner or managing agent of the bicycle-sharing program and shall be made to the Department of Planning and Community and Economic Development and shall include and incorporate the following:

(a) Application Fee. A nonrefundable application and initial processing fee of five hundred dollars ($500) shall accompany the application. There shall be no proration of the application and initial processing fee. This application fee shall cover all locations of bicycle-sharing facilities. Any application to increase the number of bicycle-sharing facilities by more than thirty-five percent (35%) shall be accompanied by a new fee under this section.

(b) Program Information. The application shall include the name, address, and telephone number of the bicycle-sharing program owner(s) and managing agent(s), and a basic description of the bicycle-sharing program, along with the means of City sponsorship of said program, the information required in sub. (c) below, and any other information as may be required by the Director of the Department of Planning and Community and Economic Development.

(c) Location Information. The application shall include a description and drawing of the proposed bicycle-sharing facility locations sufficient enough to permit City staff to draft a legal description of the privilege(s) sought. All right-of-way, greenway and bike path locations for which a privilege is sought must be approved by the City Engineer, or designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel at the location. All park land locations for which a privilege is sought must be approved by the Superintendent of the Parks Division, or designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel or use at the location. The applicant is urged to consult with the City Engineer and Superintendent of the Parks Division regarding proposed locations prior to submitting an application under this section.

(6) Approval of Application. Subject to the required conditions of approval noted in Sub. (8), the Director of the Department of Planning and Community and Economic Development shall not approve the bicycle-sharing facility privilege application unless the requirements of this section are satisfied, and that all other applicable ordinances, resolutions and policies will be complied with. If the Director approves the bicycle-sharing facility privilege application, the Director shall inform the applicant in writing of this recommendation and the conditions of approval.

(7) Agreement. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare a bicycle-sharing facility privilege agreement, setting forth the requirements and conditions under which the bicycle-sharing facility privilege is permitted, including the conditions set forth in Sub. (8) below. This agreement may be included as part of a general bicycle-sharing program operating agreement between the owner and the City, and may cover bicycle-sharing facilities not located on right-of-way or other City land. This agreement shall be binding upon the owner, the owner's heirs and assigns, and the terms and conditions contained in the agreement shall remain in full force and effect as long as the bicycle-sharing facility privilege exists. The Director is authorized to execute this bicycle-sharing facility privilege agreement on behalf of the City. Following receipt of the insurance certificate, a copy of the agreement shall be furnished to the applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.

(8) Conditions of Approval. As a condition of approval of the application, the following conditions must be met and shall be included in the bicycle-sharing facility privilege agreement required under Sub. (7):

(a) Insurance. The owner shall be required to furnish a Certificate of Insurance, on a form provided by the City, evidencing existence of general public liability and

property damage insurance with the City of Madison being named as an additional insured. The insurance shall include contractual liability coverage with minimum limits of one million dollars ($1,000,000) combined single limits per occurrence, which coverage owner agrees to keep in full force and effect throughout the term of the agreement entered into under this section.

(b) Indemnification. The bicycle-sharing facility agreement shall include a requirement that the owner will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the bicycle-sharing facilities in the public right-of-way or on other City land.

(c) Removal of Facilities. The owner shall remove the bicycle-sharing facilities in the right-of-way that are permitted under this section upon ten (10) days written notice by the City of Madison. Additionally, the owner or the owner's heirs or assigns shall be entitled to no damages for removal of the bicycle-sharing facilities, and if the owner shall not remove the same upon due notice, it shall be removed at the owner's expense.

(d) Permits and Approvals. Owner is responsible for obtaining and maintaining all other required permits and approvals necessary to install and operate the program's facilities in the right-of-way or on other City land. Failure to have or maintain valid permits or approvals will cause the bicycle-sharing facility privilege granted under this section to immediately expire. Such expiration shall apply to the location in question, or the entire program, as the case may be.

(e) Restoration. After a bicycle-sharing facility is removed, the owner shall restore the right-of-way or other City land to its original condition. City may charge the owner for its costs associated with restoring the right-of-way or other City property to its original condition if the owner fails to do so.

(f) Signs. As a condition of approval, the owner must agree and acknowledge that all signs on the bicycle-sharing facility equipment are subject to Sec. 10.33(10) herein. Further, the owner agrees to give the City final approval of the specifications for any signs displayed on the bicycles, and such approved specifications shall be included in the agreement required under Sub. (7) and/or any bicycle-sharing program operating agreement between the owner and the City.

(g) Waiver. In accepting the bicycle-sharing facility privilege, the owner agrees to waive any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of fees or compensation charged by the City.

(h) Termination. The bicycle-sharing facility privilege will be terminated pursuant to the terms of the agreement required under Sub. (7). Following removal of the bicycle-sharing facility and restoration of the public area on which the facilities existed to the satisfaction of the City Engineer or the Superintendent of the Parks Division, as the case may be, the Director shall provide a document terminating the privilege to the owner, filing a copy with the City Clerk.

(i) Annual fee. An annual permit fee for each bicycle-sharing facility location of fifty ($50) dollars per square foot of right-of-way or other City land occupied by the base of the rental station equipment and authorized poster board sign (as described below in Sec. 10.33(10)(c)3.a.), or two hundred and fifty dollars ($250), whichever is greater.

(9) Operational Changes. If, at any time after approval of the application, the owner or managing agent desires to relocate existing program facilities subject to the agreement required under Sub. (7), or place new facilities in the right-of-way or on other City land (subject to the requirement of Sub. (5)(a) above), the applicant must submit an operational

change request to the Director which shall include the information set forth in Sub. (5)(c) above, and shall proceed according to the procedures and requirements of Subsections (6) through (8).

(10) Signs on City-Sponsored Bicycle-Sharing Facilities.

(a) Signs on City-sponsored bicycle-sharing facilities located on non-city owned property shall be subject to Sec. 31.046(4).

(b) Signs on City-sponsored bicycle-sharing facilities on other City lands may be displayed in compliance with the requirements of Sec. 10.33(10)(c) herein.

(c) Signs on City-Sponsored Bicycle-Sharing Facilities in the Right-of-Way.

1. Purpose and Findings. As stated in Sec. 10.33(1), a bicycle-sharing program is critical to the well-being of the City of Madison, its residents and taxpayers. The City has considered options for providing a convenient, cutting-edge, public bicycle-sharing program for short-term travel about the city, especially the downtown area. To be successful, some of the facilities must be placed in the highway right-of-way. In order to fund a high quality City-sponsored program with the features the City desires, the program must be supported in part by allowing limited advertising for sponsors on City-sponsored bicycle-sharing facility equipment and bicycles located in the right-of-way and on other City land.

The Common Council finds that the display of signs consistent with this section on City-sponsored bicycle-sharing facilities and bicycles, in the right-of-way and on other City land, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, when included as part of the overall program, such signs will further the City's substantial governmental interests set forth in Sec. 10.33(1) by:

a. Allowing the City to select and control the location and appearance of the equipment and signs;

b. Identifying the equipment as part of the City-sponsored bicycle program;

c. Providing necessary directions and instructions for using the bicycle program;

d. Allowing for attractive, well-maintained public bicycle equipment;

e. Providing information about sponsors of the program thereby defraying the costs of offering the program to the public;

f. Offering an environmentally beneficial transportation option that relieves vehicular congestion, reduces air pollution and greenhouse gas emissions;

g. Improving public health by providing opportunities for recreation and exercise;

h. The Common Council further finds that signs mounted on the bicycles used in the City-sponsored bicycle-sharing program are incidental to the primary use of the bicycles as vehicles.

2. Certain Wisconsin statutes and regulations, specifically Wis. Stat. § 86.19 and regulations adopted thereto, raise doubts about whether such signs may be placed within the highway rights-of-way. The determination of whether to place maps, directional information, instructions, operator or manufacturer logos, advertisements including business name and logo of sponsors, or other signs on City-sponsored bicycle-sharing facilities located on city sidewalks or terraces is a matter of the local affairs and government of the City of Madison. The Common Council of the City of Madison hereby determines that, to the extent Wis. Stat. § 86.19 and Wisconsin Administrative Code regulations restrict the City's ability to place signs or to sell or authorize the sale of advertisements on City-sponsored bicycle-

sharing facilities within the limits of any street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19, to the extent stated herein.

3. Sign Criteria. The City, or the owner or managing agent operating under a bicycle-sharing facility privilege agreement under Sub. (7), may place advertisements and other signs on City-sponsored bicycle-sharing facilities in the street or highway right-of-way (except State Trunk Highways as defined in Wis. Stat. § 84.02) as follows:

a. Poster Board Sign. One sign, permanently attached to the bicycle-sharing facility equipment, with not more than two (2) sign faces of not more than five feet and one inch (5'1") square feet in area per sign face, or with a single sign face of not more than ten (10) square feet in area. This sign shall not be illuminated, shall not include any flashing, moving, digital or electronic changeable copy features as those terms are defined in Chapter 31, and shall be oriented toward users of the facility and not toward the roadway, street frontage or motor vehicle traffic. The sign shall include a map showing the bicycle-sharing system, other directional information, and instructions for using the bicycle-sharing facility, and may also include:

i. Maps and information about other City of Madison governmental services;

ii. A City of Madison logo and/or the logo and/or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility of not more than one half (½) of a square foot in area each; and,

iii. Text describing the bicycle-sharing program and up to one logo and/or business name of the owner, managing agent or manufacturer of the bicycle-sharing facility of not more than one half (½) of a square foot in area.

(Am. by ORD-14-00066, 4-16-14)

b. Sponsor Signs. Four (4) additional signs mounted on a piece of equipment necessary for the bicycle-sharing facility, not more than twelve inches by nine inches (12" × 9") in area each, measured by drawing a box around the sign copy, to identify a sponsor of the facility. Such signs shall include only the logo and/or business name of the sponsor, and must include the words "sponsored by" or a similar statement to signify the sponsorship. Such signs shall not be illuminated nor shall they include any flashing, moving, digital or electronic changeable copy features as those terms are defined in Chapter 31.

c. Operator Logos. In addition to the logos on the poster board sign under sub. 3.a.ii. above, the following signs bearing only the name and logo(s) of the owner, managing agent, or manufacturer of the bicycle-sharing facility or other symbol to identify the equipment as a bicycle-sharing facility may be displayed on the facility equipment:

i. One 2-sided round sign of not more than two (2) square feet in area, per side, and

ii. Up to two (2) additional signs of not more than one half (½) of a square foot mounted on the equipment;

iii. One sign incorporated into the instructional panel described in sub. f. below.

The logo signs under this subsection c. are solely to identify the equipment as a City-sponsored bicycle-sharing facility and shall not include any sponsorship advertising.

d. One sign of not more than 20 square inches, mounted upon the payment equipment, to identify credit cards accepted for payment.

e. One sign of not more than 105 square inches denoting the location name of the bicycle-sharing station.

f. One instructional panel with information for operating the bicycle-sharing facility mounted elsewhere on the equipment, that may include a twelve square inch sign bearing the logo or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility, and no other logos, business names or sponsorship signs of any kind.

g. Signs on Bicycles. Signs mounted on the bicycles provided under the City-sponsored bicycle-sharing program are considered incidental to the primary and principle use of the bicycles as vehicles. The bicycles may include signs identifying the business name or logo of the owner, managing agent, or manufacturer of the facility or the bikes, and the logo, business name or other sign copy identifying sponsors of the bicycle-sharing program. The specifications for any signs on the bicycles, including number, location, size, and materials, must be approved by the City and included in the written bicycle-sharing facility privilege agreement.

4. Any sign on a City-sponsored bicycle-sharing facility in the highway right-of-way or other City land not authorized by this section is prohibited.

5. This Charter Ordinance, Sec. 10.33(10)(c), shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

6. Sec. 10.33(10)(c) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(11) Penalty. Any person causing or maintaining any bicycle-sharing facility in the right-of-way or on other City land contrary to this section shall be subject to a forfeiture of not less than twenty-five ($25) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.33 Cr. by ORD-11-00044, 3-23-11)

10.34 STREET NUMBERS.

(1) The purpose for uniform street addresses is to enable emergency vehicles to respond quickly to calls, expedite postal and other delivery services, eliminate confusion, and to locate business places and residences without difficulty or delay.

(2) The City Engineer shall establish and maintain a street address for all parcels in the City of Madison in conformance with this ordinance and in consultation with the U.S. Postal Service Addressing Guidelines. Residential buildings shall take their address off the street upon which they front. Commercial buildings shall take their address off the street from which they gain primary access and primary fire apparatus access to the property. Internal building addresses shall be numeric and approved by the City Engineer in consultation with the Fire Marshal. The City Engineer shall maintain records, including maps and databases, of the street address numbers and street names.

(3) It shall be the duty of each owner or occupant of any building, within twenty (20) days after the completion or occupancy, whichever occurs first, of such building, or in the event that any building is assigned a new number by the City Engineer, to attach securely, or apply to the same, in a conspicuous position, that can be plainly seen from the street, the

address number assigned by the City Engineer. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four inches (4") high (102 mm) with a minimum of stroke width of 0.5 inch (12.7 mm). The address numbers shall contrast with the background on which they are affixed. The address number shall be not higher than the first or ground floor of said building. If any building is located so that the address number is not clearly visible from the street, an additional address number shall be posted at the intersection of the driveway with the street or in a conspicuous place that is clearly seen from the street. The additional address number shall be placed upon a post or other structure that displays the number at least forty-eight (48) inches above the ground. No person shall affix or caused to be affixed, or allow to remain upon any building, which she or he owns or occupies, a different number from the one designated by the City Engineer. It shall be the duty of each owner or occupant of any building keep such numbers so attached or applied at all times. (Am. by ORD-09-00126, 8-20-09; ORD-14-00012, 1-14-14)

(4) The different streets in the City of Madison shall bear the names given on the maps referred to in Sec. 10.34(2). New public and private street names shall be subject to the approval of the City Engineer who shall consult with the US Postal Service Standard Addressing Guidelines and generally shall use the following criteria:

a) New street names shall not duplicate or closely approximate street names already assigned within the City of Madison municipal limits or surrounding areas.

b) Postal suffixes, prefixes and directionals shall not be used as street names (example: Terrace St, East Ave).

c) Directionals shall not be used as a suffix (Yellow St East). No post-directionals shall be allowed (Yellow East).

d) Special characters such as apostrophes, hyphens, decimals, or periods shall not be allowed.

e) Use the most common spelling of a street name (example: "Dakota", not "Dacota"; "Wind", not "Wynd").

New street names shall be no longer than 17 character spaces including the Postal approved abbreviated suffix.

(5) The following US Postal Service Standard Abbreviations shall be used for the street suffix. The first four (N, S, E, W) are to be used for prefix directionals only.

N - NORTH	S - SOUTH	E - EAST
W - WEST	ALY - ALLEY	AVE - AVENUE
BLVD - BOULEVARD	BND - BEND	BLF - BLUFF
CIR - CIRCLE	CT - COURT	CRES - CRESCENT
CRST - CREST	DR - DRIVE	GLN - GLEN
LN - LANE	PKWY - PARKWAY	PL - PLACE
PLZ - PLAZA	PT - POINT	RDG - RIDGE
RD - ROAD	ST - STREET	TER - TERRACE
TRCE - TRACE	TRL - TRAIL	

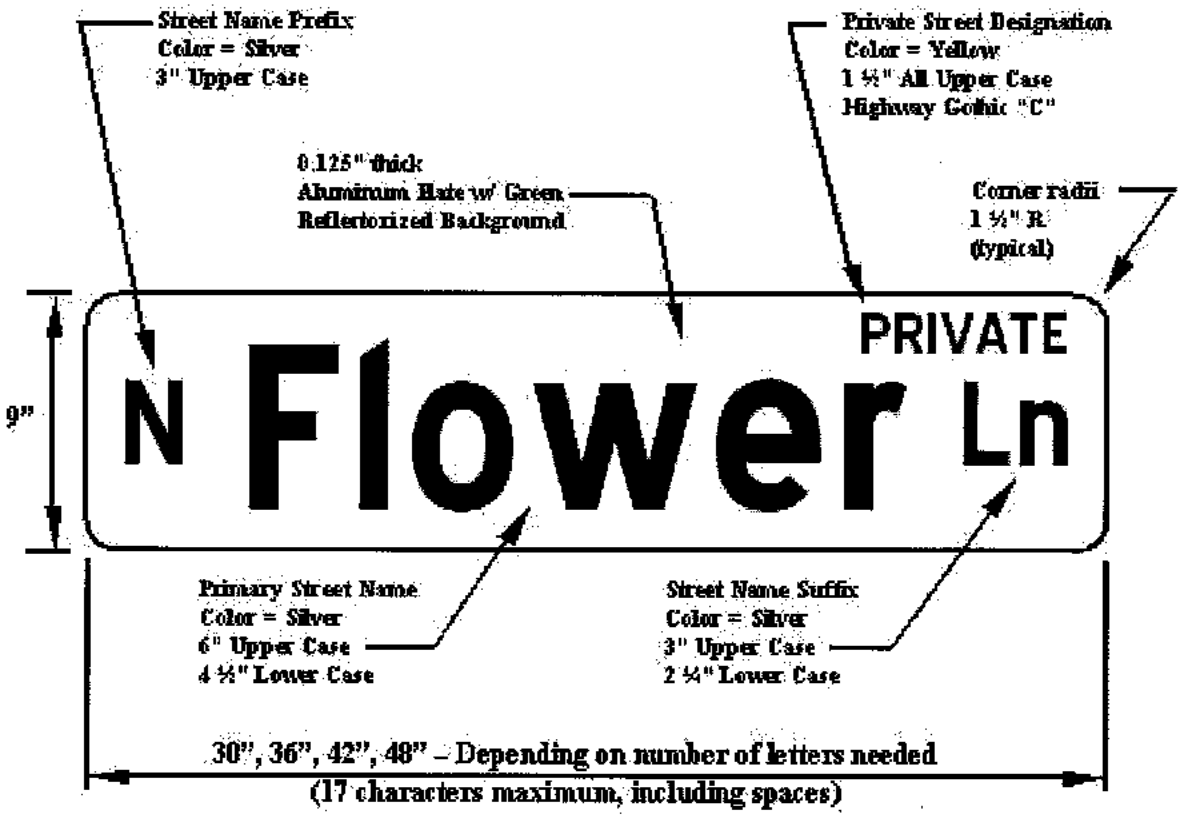
The following suffixes may not be abbreviated:

LOOP MALL PASS PATH ROW RUN SPUR WALK WAY

(6) Effective November 1, 1990, the owner(s) of a building site(s) which use building addresses from a privately owned street or right-of-way, shall install and maintain private street name signs at all intersections with private streets and public streets. In addition, the owners shall install and maintain a regulation Stop sign and a "Private Drive" or "Private Road" sign at all intersections of public streets and private streets. At intersections of private streets and public streets, the private street sign shall be installed above but it shall be at the owner's option to install the public street sign. The owner shall adhere to the specifications for the design, manufacture and installation of private street signs as contained herein. However, the City Engineer, in consultation with the Fire Marshall, may

approve private street name signs that are generally equivalent to these specifications. Private street name signs that are similar in style or architecture to the development may be approved if equivalent in size, location, height and reflective properties to the specifications.

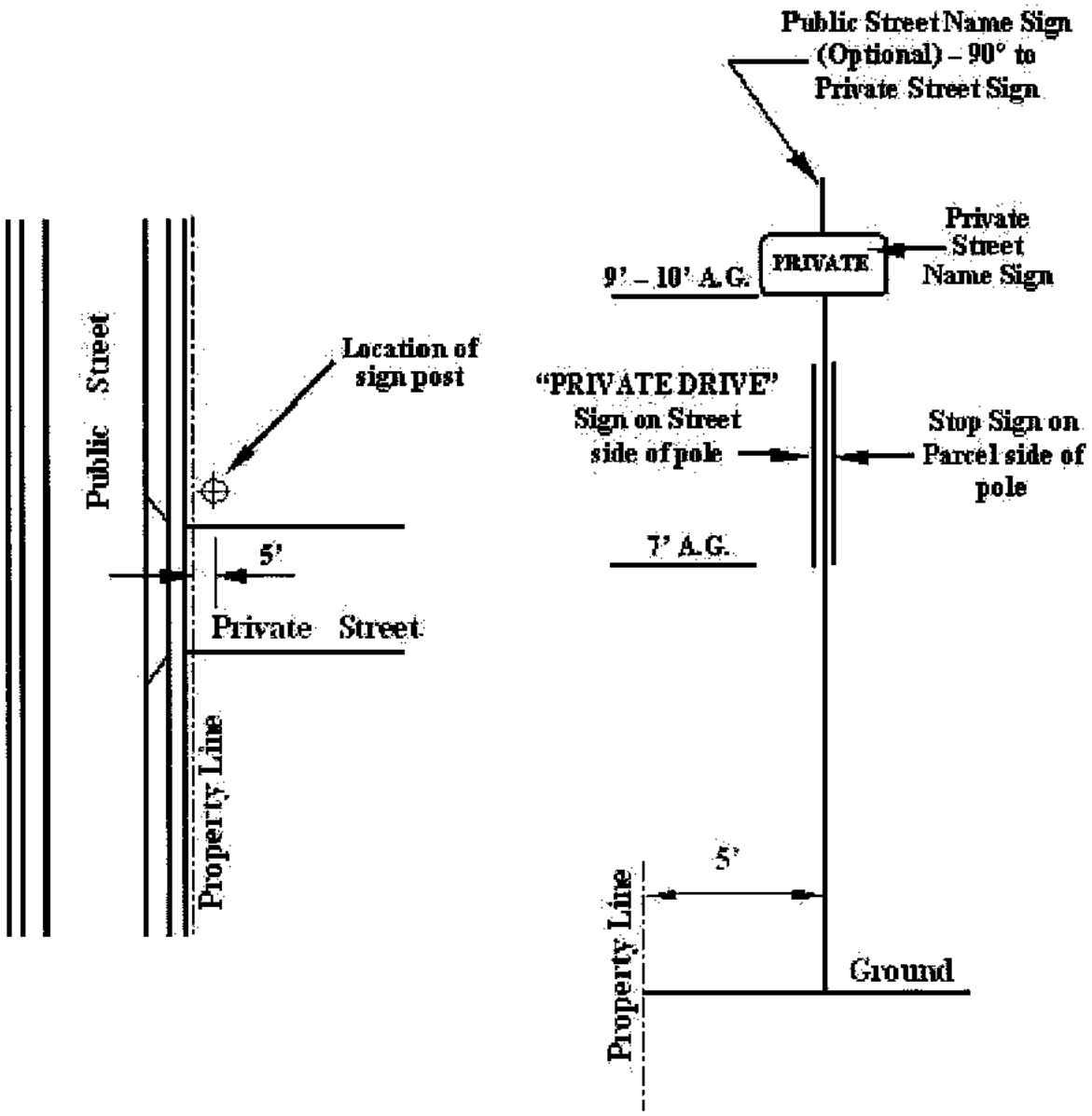
(a) Sign Design.



All sign text is Highway Gothic "B" or "C" font depending on the number of letters and the final size of the sign blank. Unless otherwise noted in this detail.

MGO: Sec. 10.34(3)(a)
Detail 1 – Street Name Signage
Rev. 2-1-2007

(b) Sign Installation. Street name signs shall be installed five (5) feet behind the property line on private property on the right hand side of the private street approach to the public street. Signs may be mounted on wood posts, drive posts or on two (2) inch (I.D.) steel pipe mounted on a concrete stub buried in the ground. At all private-public street intersections, the property owner shall install and maintain a regulation stop sign (minimum 24" × 24") and a "Private Drive" sign (minimum 18" × 18") mounted on the street name sign post seven (7) feet above ground (measured to the bottom of the sign). Street name signs shall be mounted no less than nine (9) feet, nor more than ten (10) feet above ground (measured to the bottom of the sign).



MGO: Sec. 10.34(3)(b)
Detail 1 – Street Signage Placement
Rev.2-1-2007

(7) If the owner or occupant of any building fails to duly display and maintain the proper numbers on such building or on the additional address number sign or fails to install a private street name sign, the City Engineer, the Fire Chief, the Director of the Inspection Division, or their designees shall send him/her a notice. If the owner or operator fails to comply with the requirements of this ordinance, s/he shall, upon conviction thereof, be subject to a forfeiture of not more than two hundred dollars ($200) and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (Am. by ORD-07-00018, 2-22-07)

(Sec.10.34 R. & R by ORD-07-00030, 3-15-07)

10.35 RESERVED FOR FUTURE USE. (R. by ORD-07-00030, 3-15-07)

10.36 STREET DEFINED. The term "street" as used in this chapter shall include all of the territory set apart for highway purposes between the boundary lines of the property abutting thereon, whether or not the same is actually used for travel. When the terms "sidewalk" or "roadway" are used in this chapter they shall have the meaning as defined in Chapter 12.

10.37 STREETS VACATED. The following streets, alleys and portions of streets and alleys in the City of Madison are hereby vacated and discontinued:

(1) That part of East Dayton Street situated between North Seventh Street and the extension of line between Lots 2 and 3, Block 4 of the Girstenbrei Plat of the City of Madison, said part being 214 feet northeast of the northeast line of North Sixth Street, in the City of Madison, Dane County, Wisconsin (January 15, 1938).

(2) That part of a 12-foot alley in Sections 21 and 28, Town 7 North, Range 9 East, Dane County, Wisconsin, extending from the northwest line of Monroe Street to the southeast line of Keyes Avenue extended, the easterly line of said alley being 13 feet westerly from and parallel to the center line of Consumers Company's spur track as located November 15, 1920, and the west line of said alley being 25 feet from and parallel to the center line of said spur track, hereinafter more particularly described: The westerly 12 feet in width of property described as beginning at the most northerly corner of Lot 16, Block 1, of the Plat of Hillington Green; thence southwesterly along the southeasterly line of said Lot 16, 119 feet to the most southerly corner of said lot; thence southeasterly along an extension of the southwesterly line of said Lot 16, 50.3 feet to a point of intersection of said line with an extension southwesterly of the southeasterly line of Block 7 of said Plat of Hillington Green; thence northeasterly along said extension of said last mentioned line 36.5 feet to a point on the westerly line of Lot 12, Block 2, of Terry's Addition, which point is distant 31.7 feet southwesterly from the most northerly corner of said Lot 12; thence northeasterly along the westerly line of said Lot 12, 31.7 feet to the most northerly corner of said Lot 12; thence west along the south line of Lot 9, Block 7, of the Plat of Hillington Green 26.5 feet to the southwest corner of said Lot 9, 47.3 feet to an angle in said line; thence continuing northeasterly along the westerly line of said Lot 9, 90 feet to the northwest corner of said Lot 9; thence southwesterly in a direct line 67.9 feet to the point of beginning, City of Madison, Dane County, Wisconsin (March 26, 1939).

(3) That part of Rogers Street in the City of Madison extending between the northwest line of Spaight Street to the southeast line of Jenifer Street being that portion of Rogers Street lying between Block 229 and Block 236 of the original plat of the City of Madison (November 12, 1938).

(4) That part of the alley lying northerly of Lots 8, 9, 10 and 11, Plat of Kendall Terrace, more particularly described as follows: Beginning at the northeast corner of Lot 8, thence westerly along the northerly line of Lots 8, 9, 10 and 11, to the northwesterly corner of Lot 11, thence northerly on an extension of the westerly line of Lot 11, to the southerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, thence easterly along said right-of-way line to the northwest corner of Lot 7, to the place of beginning (August 14, 1939).

(5) That part of Hancock Street in the City of Madison extending from Gorham Street to Lake Mendota, lying between Block 262 and Block 272, original plat of the City of Madison (May 13, 1940).

(6) That part of Roth Street in the City of Madison, more particularly described as follows, to-wit: Beginning at a point on the westerly line of Packers Avenue 1,183.1 feet southerly from the east and west quarter of Section 31, Town 8 North, Range 10 East, Dane County, Wisconsin; thence south 0 degrees 3 minutes east 66.11 feet along the easterly line of Packers Avenue; thence north 83 degrees 36 minutes west 573.93 feet; thence north 10 degrees 11 minutes east 66.14 feet; thence south 83 degrees 36 minutes east 567.9 feet to a point of beginning (October 14, 1940).

(7) That certain alleyway in Block 35, Randall Addition to Nakoma, City of Madison, which alleyway extends from Yuma Drive to a southwesterly direction to the northwest line of Lot 19, Block 35, Randall Addition to Nakoma (March 31, 1941).

(8) All of Derby Court as platted in the E. J. Baskerville Replat of Lots 5 to 16 inclusive, of Block 303 of the Addition of Blocks 301, 302, 303 and 304 to the City of Madison (June 15, 1942).

(9) That part of Jackson Street lying between Florence Street and Sullivan Street; all that part of Florence Street which lies between a line which is 10 feet southeasterly of the west corner of Lot 8, Block 3, Sullivan's Replat, said line being at right angles to the northerly line of said street to Jackson Street in said Sullivan's Replat; all that part of Sullivan Street which lies between a line which extends from the southwest corner of Lot 8, Block 2, Sullivan's Replat across said street at right angles to the north line thereof to Jackson Street in said Sullivan's Replat; all of the above being in Sullivan's Replat of a part of Lot 100 of Farwell's Addition to the City of Madison, Dane County, Wisconsin (July 13, 1942).

(10) That part of the alley in Block 15, Nakoma, lying northeasterly of the northwesterly line of Lot 36, Replat "B" of Blocks 15 and 16, Nakoma, except the following: A certain strip of land 20 feet wide described as follows: Beginning at the most northerly corner of Lot 36, Replat "B" of Blocks 15 and 16, Nakoma; thence north 28 degrees 33 minutes east 190.8 feet, thence south 69 degrees 56 minutes east 73.2 feet, thence north 18 degrees 31 minutes east 20 feet, thence north 69 degrees 56 minutes west 89.45 feet, thence south 28 degrees 33 minutes west 204.5 feet, thence south 50 degrees 42 minutes east 20 feet, to the point of beginning (October 12, 1942).

(11) The alley extending from Kalen Street to Olin Avenue in the City of Madison and lying between Lots 5, 6, 7 and 8 and Lots 1, 2, 3 and 4 of Block 3, Orchard Lawn Addition in the City of Madison (June 24, 1944).

(12) That part of the alley in Block 35, Randall Addition to Nakoma, in the City of Madison, Dane County, Wisconsin, which lies between the southwest line of Lot 8 and the northeast line of Lots 7 and 19 of said Block 35, and also that part of Nakoma Road described as follows: Beginning at the east corner of Lot 14, Block 35, of Randall Addition to Nakoma; thence southwesterly along the southeasterly line of Lots 8 to 14 inclusive and said line extended, 184 feet to the northeasterly line of Lot 7 of said Block 35; thence southeasterly along said northeasterly line of Lot 7 to a point which is distant 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive and said line extended, measured at right angles thereto; thence northeasterly, along a line parallel to and 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive, and said line extended, to the point of intersection of said parallel line with an extension southeasterly of the northeasterly line of said Lot 14 of said Block 35; thence northwesterly along said extension of said lot line, 43.5 feet, more or less to beginning (November 13, 1944).

(13) The alley in Block 5, Eighmy Ramsay Company's Addition to the City of Madison (November 13, 1944).

(14) An alley located in Outlot 4 of the University Addition to the City of Madison referred to as all that part of Outlot 4 of University Addition to the City of Madison, Dane County, Wisconsin, the boundaries of which are described as follows: Beginning at a point which is distant 241 feet west of the east line of said Outlot 4 and 389.67 feet south of the south line of West Dayton Street; thence north, parallel to said east line of Outlot 4, 95 feet to the south line of lands owned by the Illinois Central Railroad Co.; thence west, parallel to West Dayton Street, 17.67 feet more or less to the east line of lands owned by said Railroad Company, said line being distant 175 feet east from the east line of North Murray Street; thence south, parallel to the east line of said Outlot 4 of University Addition, 95 feet more or less to the south line of lands owned by said Illinois Central Railroad Company; thence east 17.67 feet more or less to the point of beginning (October 1, 1945).

(15) All of the alley in the Plat of Kendall Terrace, City of Madison, Dane County, Wisconsin, paralleling and abutting upon the railroad right-of-way which alley is described as follows: All of the alley in the plat of Kendall Terrace in the City of Madison, Dane County, Wisconsin, as shown on the map of said plat on record in the office of the Register of Deeds for Dane County. Said alley is located between the southerly line of the right-of-way of the Chicago, Milwaukee and Pacific Railroad Company and the northerly line of Lots 8, 9, 10, 11, 12 and 13 of said plat and extends from the westerly line of Lot 7 of said plat to an extension northerly in a straight line, of the westerly line of Lot 13 to said railway right-of-way line (December 17, 1945).

(16) That part of Olive Street in the City of Madison extending from Pennsylvania Avenue to Commercial Avenue (April 14, 1947).

(17) A part of North Lawn Avenue in the City of Madison and a part of Sachs Street in said City, and all of an alley in Block 1 of Reuter's Subdivision in said City, which is described as follows: All of North Lawn Avenue lying west of Blocks 1 and 2 of Reuter's Subdivision north of the southerly line of Block 2 extended, and all of Sachs Street in said subdivision except that part lying east of the east line of Block 1 extended, and also all of the alley in said Block 1, said streets being more particularly described as follows: Beginning at the northwest corner of Block 1 Reuter's Subdivision; thence south 0 degrees 17 minutes west along the west side of said Block 1 at a distance of 108.3 feet to the southwest corner of said Block 1; thence east along the south line of Block 1 a distance of 272.3 feet to the southeast corner of said Block 1; thence south 50 feet to the north line of Block 2; thence west along the north line of Block 2 a distance of 271.6 feet to the northwest corner of Block 2; thence south 0 degrees 17 minutes west along the west line of Block 2 a distance of 200 feet to the southwest corner of Block 2; thence north 82 degrees 30 minutes west on an extension of the southerly line of Block 2 a distance of 30.26 feet to the west line of North Lawn Avenue in said subdivision; thence north 0 degrees 17 minutes east 336.7 feet along said west line to the southerly line of East Washington Avenue; thence north 59 degrees 44 minutes east 34.9 feet to the point of beginning (April 25, 1947).

(18) That part of the alley between Rusk Street and Division Street in Edison Replat, City of Madison, more particularly described as follows: Beginning at the southwest corner of Outlot A, Edison's Replat in the City of Madison, thence south 82 degrees 20 minutes east 151.6 feet along the south line of Outlot A to the west line of Division Street; thence south 33 feet along the west line of Division Street; thence north 82 degrees 20 minutes west to a point of intersection with the northwest line of Outlot A projected southwesterly; thence northwesterly on said southwesterly projection to the point of beginning (August 22, 1947).

(19) That part of Northwestern Avenue between the east line of Sherman Avenue and the west line of Ruskin Street in the City of Madison.

(20) That portion of Doncaster Drive lying within the plat of Second Addition to Crawford Heights, to-wit: between Whenona Drive and Nieman Place, and also that portion of Nieman Place between U. S. Highways 12 and 18 and Mohawk Drive.

(21) That portion of Spohn Avenue from the east line of Sherman Avenue to the west line of Ruskin Street.

(22) All of an unnamed street, alley or areaway in Reuter's Subdivision in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at the northeast corner of Lot 8, Block 2, of said Reuter's Subdivision; thence north, along the east line of Reuter's Subdivision 260.08 feet to the southeast line of East Washington Avenue; thence southwesterly, along said street line, 34.9 feet to the east line of Lot 3, Block 1 of said Reuter's Subdivision; thence southerly, along the east line of said Block 1, and said line extended, 241.88 feet to the north line of Block 2 of Reuter's Subdivision; thence easterly, along said north line of Block 2, 30 feet to beginning, all of which lies in Block 1 of Reuter's Subdivision.

(23) All that portion of the public street known as Seminole Highway lying south of Lot 1, Plat of Westwood, in the City of Madison, Dane County, Wisconsin, more particularly described as follows: That portion of Seminole Highway lying south of Lot 1, Plat of Westwood extending from the east line of Winslow Lane extended southerly to the east line of the Plat of Westwood extending southerly, all as shown on the recorded Plat of Westwood, part of the northwest quarter of the southwest quarter of Section 33, Town 7 North, Range 9 East, Dane County, Wisconsin.

(24) All that part of the access road or alley in Block 2, replat of parts of Blocks 2, 3, 4 and 5, University Park, formerly in the Town of Madison, now in the City of Madison, which alley or access road runs from Eugenia Avenue between Lots 18 and 19 and along the eastern boundaries of Lots 13 to 17, both inclusive, in Block 2, the part herein described as follows, to-wit: Commencing at the southwest corner of said Lot 18; thence northeasterly along the northerly line of said alley a distance of 149.5 feet; thence at right angles to a point on the southerly line of said alley which is distant 149.5 feet from the northwest corner of aforesaid Lot 19; thence 149.5 feet in a southwesterly direction along the southerly line of said alley to the northwest corner of said Lot 19; thence in a northwesterly direction along the easterly line of Eugenia Avenue to the point of beginning.

(25) That part of Plymouth Circle described as follows: All that part of Plymouth Circle in the City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at a point on the northerly line of Lot 29 of Sunset Hills Subdivision which point is distant 25.4 feet northwesterly from the northeasterly corner of said Lot 29; thence westerly along the arc of a circle having a radius of 123.6 feet, convex toward the north, the long chord of which bears north 74 degrees 13 minutes west 82.52 feet to a point which is distant 15 feet northwesterly from the northwesterly line of said Lot 29; thence in a westerly direction, along the arc of a circle convex toward the south, having a radius of 65 feet, the long chord of which bears north 32 degrees 53 minutes west, 113.6 feet, chord measurement and which arc is concentric with and at all points distant 15 feet northerly from the southerly line of Plymouth Circle as now platted; thence in a northerly direction, along the arc of a circle convex toward the east having a radius of 123.6 feet, the long chord of which bears north 8 degrees 27 minutes east, 82.52 feet chord measurement, to a point on the easterly line of Lot 25 of said Sunset Hills Subdivision, which point is distant 4.84 feet northerly from the southeasterly corner of said Lot 25; thence in a southerly line of Plymouth Circle to point of beginning.

(26) That part of a street known as Memory Lane in the Plat of Coney Weston, City of Madison, Dane County, Wisconsin, more particularly described as the west 33 feet of the said Plat of Coney Weston, being the east half of the southeast quarter of the southeast quarter of Section 30, Town 7 North, Range 9 East in the City of Madison, Dane County, Wisconsin.

(27) That part of a public walk located in the Plat of Sunset Village, Sunset Ridge Addition to the City of Madison, more particularly described as follows: A part of the northeast quarter of Section 20, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the northwest corner of Lot 381, Plat of Sunset Village, Sunset Ridge Addition, City of Madison, Dane County, Wisconsin; thence south 89 degrees, 00 minutes east 145.63 feet along the north line of said Lot 381 to the most northerly corner of Lot 400, said Plat of Sunset Village, Sunset Ridge Addition; thence south 59 degrees, 30 minutes east 150 feet along the northeast line of said Lot 400 to the northeast corner of said Lot 400; thence northeasterly 10 feet along the west line of Hillside Terrace to the most southerly corner of Lot 399, said Plat of Sunset Village, Sunset Ridge Addition; thence north 59 degrees 30 minutes west 151 feet along the southwest line of said Lot 399 to the southeast corner of Lot 382; thence north 89 degrees

00 minutes west 145.63 feet along the south line of said Lot 382 to the southwest corner of said Lot 382; thence south 0 degrees 10 minutes west 10 feet along the east line of Meadow Lane to the point of beginning. (Am. by Ord. 11,653, 8-20-96)

(28) That portion of the public street known as Albert Court, also known as Prairie Court, lying east of the exterior of the southwestern boundary of Lot 10, Block 14, Fourth Addition to Washington Heights, City of Madison, Dane County, Wisconsin, except the eastern 36 feet of said Albert Court abutting and intersecting with Prairie Avenue in the Brigham-Lerdahl Plat, City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at the point of intersection of the extension of the southwesterly line of Lot 10, Block 14, Fourth Addition to Washington Heights Plat with the centerline of a 50 foot street known as Albert Court; thence north 49 degrees 13 minutes east along said centerline to Albert Court 198 feet to the intersection with the northeasterly line of said Washington Heights Plat; thence north 49 degrees 15 minutes east along the centerline of Albert Court, also known as Prairie Court as defined in Brigham-Lerdahl Plat 29.6 feet to the beginning of a curve; thence northeasterly along the curved centerline, the radius of which is 225.1 feet, to a point which is one foot northwest of the intersection with the extension of the line between Lots 10 and 11 of said Brigham-Lerdahl Plat, this being and is the description of the centerline of that part of the 50 foot width street which is intended to be vacated.

(29) That portion of Hilltop Drive in the City of Madison, to-wit: Beginning at the southeast corner of Lot 12 of the S. A. Mackesey Addition, City of Madison, Dane County, Wisconsin; thence east along the north line of Lot 92, Town of Madison Assessor's Plat No. 3 of Oak Park Heights to a point 60 feet west of the east line of Hilltop Drive; thence north on a line that is parallel to and 60 feet west of, measured at right angles, the east line of Hilltop Drive to its point of intersection with the easterly prolongation of the north line of Lot 10 of the S. A. Mackesey Addition; thence west along said easterly prolongation to the northeast corner of said Lot 10; thence south along the east line of Lots 10, 11 and 12 of the S. A. Mackesey Addition to the point of beginning.

(30) That part of Picton Place and Kingston Drive described as follows: Parcel 1—"Picton Place," being a part of the First Addition to Arbor Hills in the Town of Fitchburg, Dane County, Wisconsin, described as follows: Beginning at the most southerly corner of Lot 39 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60 feet; thence north 60 degrees 17 minutes west 135 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 74 degrees 43 minutes west 21.21 feet to a point of tangency; thence 29 degrees 43 minutes east 90 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 15 degrees 17 minutes east 21.21 feet to a point of tangency; thence south 60 degrees 17 minutes east 135 feet to the point of beginning.

Parcel 2—a part of "Kingston Drive", being a part of the First Addition to Arbor Hills, Town of Fitchburg, Dane County, Wisconsin described as follows: Beginning at the most southerly corner of Lot 41 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60.03 feet; thence north 58 degrees 35 minutes west 150.07 feet; thence north 29 degrees 43 minutes east 75.03 feet to the start of a curve; thence on a curve to the left which has a radius of 15.45 feet and a long chord which bears south 14 degrees 26 minutes east 21.52 feet to a point of tangency; thence south 58 degrees 35 minutes east 135.07 feet to the point of beginning.

(31) That portion of Segoe Road in the City of Madison, to-wit: Commencing at the northwest corner of Outlot A as recorded in the Plat of Golf Green Subdivision, City of Madison, Dane County, Wisconsin; thence north 89 degrees 31 minutes east along the north line of said Outlot A 245 feet; thence south 1 degree 42 minutes east, 20 feet to the south line of the newly widened Odana Road; thence continuing south 1 degree 42 minutes east 183.64 feet to the new northwest line of Segoe Road; thence 48 degrees 59 minutes east along said new northwest line of Segoe Road 37.68 feet to the point of beginning of this description;

thence continuing north 48 degrees 59 minutes east along said new northwest line of Segoe Road 46.71 feet; thence on a curve to the left whose radius is 70 feet and whose long chord bears north 24 degrees 15 minutes east for a distance of 58.58 feet; thence north 0 degrees 29 minutes west, 60.53 feet; thence on a curve to the left whose radius is 15 feet and whose long chord bears north 45 degrees 29 minutes west for a distance of 21.21 feet to the south line of newly widened Odana Road; thence south 89 degrees 31 minutes west along said south line of newly widened Odana Road, 18 feet; thence on a curve to the right whose radius is 15 feet and whose long chord bears south 45 degrees 29 minutes east for a distance of 21.21 feet; thence south 0 degrees 29 minutes east 52.88 feet; thence on a curve to the right whose radius is 120 feet and whose long chord bears south 24 degrees 15 minutes west for a distance of 100.41 feet to the point of beginning of this description.

(32) That part of Jones Court in the City of Madison described as follows: All of Jones Court lying west of Corry Street, also being all of Atwood Court lying west of Mendota Street as shown in James P. Corry Addition, City of Madison, Dane County, Wisconsin.

Note: Some streets and alleys are vacated by resolution. Check with City Clerk for necessary information.

10.38 CONSTRUCTION OF HEATED CONCRETE SIDEWALK. Whenever a sidewalk is to be constructed with electric, circulating fluid, steam or any other type of heating system, the property owner shall submit plans for approval to the City Engineer showing the type of heating and the location and design of the heating unit in the sidewalk and its connection to the source of power or heat at least five (5) days prior to installation. A record of all heated sidewalk installations shall be kept in the office of the City Engineer. A permit for such installation shall be obtained from the City Engineer before commencement of the work. Acceptance of the permit by the applicant shall constitute her/his agreement to the following conditions. (Am. by ORD-14-00012, 1-14-14)

(1) A metal identification plate shall be placed flush with the sidewalk or the words "Heated Walk" shall be stamped in each section of sidewalk. Letters shall be a minimum of two (2) inches high.

(2) When the heated sidewalk is in need of repair and requires the repair or reinstallation of the heating system, the property owner shall pay any and all costs involved for replacement of the heated sidewalk. It shall be the responsibility of the property owner to make arrangements with her/his own contractor for repairing or reinstalling the heating system. In the event that new utilities are to be installed or if existing utilities are in need of repair under the heated sidewalk, it shall be the responsibility of the utility to repair at its expense the heating system and the sidewalk. (Am. by ORD-14-00012, 1-14-14)

(3) All heated sidewalk installations will be inspected by the City Engineer prior to pouring the concrete sidewalk.

(4) No part of the heating system will be installed in that portion of the sidewalk that is located within three (3) feet of the back of the curb and gutter.

10.39 INSTALLATION OF STREET LIGHTS.

(1) It shall be the policy of the City of Madison to promote traffic safety and general welfare of the City through the installation and upgrading of street lighting within the public right-of-way of any street, alley or highway. The City Traffic Engineer shall direct, regulate and control the installation and upgrading of all street lighting within the City. (Am. by Ord. 9144, 3-30-87)

(2) The full cost, including inspection and supervision, of the installation and upgrading of street lighting shall be assessed to the abutting properties provided that the abutting properties have not been denied access to the right-of-way in which the street lights are installed. Assessment for street lights shall be in accordance with Section 66.0701 of the Wisconsin Statutes, Section 12.03(4)(c) and (d) of the Madison General Ordinances and

this ordinance, except where street lights are installed as a part of a street improvement district, in which case Section 66.0703(1) of the Wisconsin Statutes shall govern. (Am. by Ord. 9144, 3-30-87)

(3) When the City Traffic Engineer proposes the installation or upgrading of street lights assessed to abutting properties he/she shall prepare a report listing the street lights to be installed or upgraded, their location, and a schedule of assessments. (Am. by Ord. 9144, 3-30-87)

(4) A notice shall be published in the official newspaper stating that the City Traffic Engineer proposes to install or upgrade and assess street lighting to each of the benefited properties and that the Board of Public Works will hold public hearing on the installation, upgrading, and assessments. Such notice shall be published as a Class I notice, under Chapter 985, Wisconsin Statutes, ten (10) days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after such publication. (Am. by Ord. 9144, 3-30-87)

(5) The Board of Public Works shall hold a public hearing on the installation and upgrading of street lights and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Traffic Engineer's report. (Am. by Ord. 9144, 3-30-87)

(6) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Traffic Engineer's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class I notice, under Chapter 985, Wisconsin Statutes, in the City and a copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication and mailing.

(7) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove, modify, or re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the street light installation and upgrading and to determine a fair and equitable assessment.

Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date.

(Am. by Ord. 9144, 3-30-87)

(8) After the project is completed and all costs have been charged to the project, the City Traffic Engineer shall modify such special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (6) and after a public hearing, amend, cancel, or confirm any such prior assessment. If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, and the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

(9) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Section 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of the final determination by the governing body.

(10) The Council may, without any notice or hearing provided in Subsections (4), (5), (6) and (7), levy and assess the whole or any part of the cost of installation and upgrading of street lights as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. The waiver form shall advise property owners of the availability of the procedures of this section and that waiver of such notice of hearing provisions does not preclude the Common Council from acting according to Subsection (8) nor the property owner's right of appeal contained in Subsection (9). (Am. by Ord. 9144, 3-30-87) (Sec. 10.39 Cr. by Ord. 6516, 2-23-79)

10.40 TRAFFIC CONTROLS FOR STREET CONSTRUCTION AND MAINTENANCE OPERATIONS. Adoption by reference. The manual on Traffic Control for Street Construction and Maintenance Operations under date of 1972 is adopted by reference as if each provision were reprinted in full in this section. It shall be unlawful for any person, firm or corporation to suffer, cause or permit the violation of any provisions hereof. Each day of violation shall be considered a separate and distinct offense.

10.41 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

10.42 DECORATIVE PAVEMENT PAINTING DESIGN PERMIT.

(1) Purpose. The purpose of this ordinance is to permit the painting of the roadway on certain local streets by granting a permit for neighborhood associations and others with a stake in the neighborhood to paint the pavement as provided herein. By permitting decorative application of paint the City of Madison does not intend to create a forum for speech nor to convert the surface of the highway right of way into a forum for speech, nor does the City intend such paintings to be an official traffic control device. Decorative designs hereunder shall be intended to enhance the appearance of the roadway and work in connection with the ordinary uses of the roadway, and shall not be designed to draw pedestrians, or cyclists into portions of the roadway that are not intended for their use.

(2) Charter Ordinance. Certain state statutes and administrative rules, specifically Wis. Stat. § 86.19, and administrative regulations adopted pursuant to that statute, raise doubts about whether such painted designs may be located on a roadway within the limits of highway rights-of-way. The determination of whether to allow local neighborhood and business associations to apply decorative paint to a local street as described in this ordinance is a local affair of the government of the City of Madison. Therefore, the City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve the decorative application of paint within the limits of any street or highway right of way, the City will not be governed by sec. 86.19 to that extent. Any signs not authorized by this Ordinance shall remain subject to regulation pursuant to state and local law. This

Charter Ordinance shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02. This Section 10.42 is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101 and Article XI, Sec. 3 of the Wisconsin Constitution.

(3) Eligible Applicants. A Neighborhood Association or Neighborhood Planning Council recognized as such by the City, or a business association or other non-profit community organization that would be eligible for a neighborhood grant administered by the Planning Division, may apply for a permit to apply a decorative painted design to the surface of a local City roadway within the area served by the organization.

(4) Application through Privileges in Streets.

(a) Application shall be made to the Economic Development Division of the Planning and Community and Economic Development Department using the procedure for Privileges in Streets in Sec. 10.31. The designee of that division shall notify the City Traffic Engineer upon receipt of the application. The application form shall include:

1. Full legal business name of the applicant association, and type of association.
2. Registered Agent for applicant, if applicable.
3. Name and contact information of a person with primary responsibility for the application.
4. Scale, color drawing showing the detailed design and proposed location meeting the requirements of Sec. 10.31.
5. Petition with a signature from not less than sixty percent (60%) of the total number of residential dwelling units, businesses, and non-residential properties within a two hundred (200) foot radius from the proposed design location, indicating approval of the project and location. The petition area can be expanded at the discretion of the City Traffic Engineer up to a radius of six hundred (600) feet (approximate distance of a standard City block). Each dwelling unit, business and non-residential property is entitled to one signature.
6. Statement that the alderperson for the district in which the painting project is proposed has been notified and given a copy of the application by regular mail or electronic mail.
7. Any other information required by Sec. 10.31.
8. Any additional information deemed necessary by the Traffic Engineer.

(b) Application Fee. The fee to apply for a permit to paint the pavement under this section shall be one hundred and fifty dollars ($150) and nonrefundable. This does not include the separate application fee for the Street Use Permit required by sub. (9) to close the street for the painting project. However, applicants are exempt from the application fee and annual fee for a privilege in streets, under Sec. 10.31(3)(f).

(c) Temporary Chalk Applications. An application to paint the pavement with water-soluble chalk that meets the criteria of Sec. 23.06(6) shall be made using the same criteria of sub. (a) except that such applications are not reviewed under Section 10.31 and may be administratively approved or denied by the Traffic Engineer. All provisions of this ordinance shall apply to the City Traffic Engineer's review and to any permit issued, except those provisions that expressly incorporate Sec. 10.31.

(5) Eligible Locations:

(a) A painted intersection design may be located at the intersection of two streets both with a functional classification of "local" or a mid-block location on a street with a functional classification of "local," only on streets with a speed limit of not more than twenty-five (25) miles per hour, and shall not be located within two hundred (200) feet of an intersection with a street with a higher functional classification.

State Trunk Highways, County Highways and federally funded mass transit ways are not eligible. The location must be within the area served by the applicant association.

(b) The City Traffic Engineer must approve the proposed location. Whether a proposed location meets the above criteria, including the functional classification of the street, shall be determined by the City Traffic Engineer.

(6) Paint and Design Elements.

(a) The proposed painting shall include decorative designs and patterns only, and shall contain no text, numerals, symbols, overt messages or any images designed to convey a message of any kind, including commercial messages.

(b) Prohibited paint or design features:

1. No retroreflectivity.
2. The paint and resulting design shall not include any relief or texture (except anti-skid texturizing material under sub. (6)(d) herein, if approved by the City Traffic Engineer.)
3. The design shall not create a three-dimensional or multi-dimensional effect or other optical illusion.
4. The design shall not include any element that mimics or imitates an official traffic control device or marking or would be confused with the same.
5. The design shall not include any element that interferes with or hinders the visibility of an official traffic control device or marking already in place, such as stop lines, marked cross walks, edge lines, lane markers, bike lane markers, etc.
6. The design shall not include any feature or element that, in the opinion of the City Traffic Engineer, would create a safety hazard for vehicles or pedestrians.
7. Nothing about the design shall violate any applicable city, state or federal law.

(c) The City Traffic Engineer shall review the proposed design to determine compliance with the criteria of this ordinance, and shall take into account the proposed design in relation to the configuration of the intersection or roadway, including but not limited to: the overall shape and size of the intersection or roadway, the presence and location of stop lines and marked and unmarked crosswalks, and whether or not the proposed design would interfere with such markings or is likely to confuse motor vehicle drivers, bicycle operators or pedestrians using the roadway.

(d) Acceptable Paint Materials.

1. Only acrylic water-based traffic marking paint may be used, in the colors traditionally available (white, yellow, blue, red, and black) or other colors that may be achieved by mixing the traditional colors.
2. Paint must not result in a slippery surface. To accomplish this, the traffic marking paint must contain an anti-skid additive approved by the City Traffic Engineer.
3. Paint must not be retroreflective.
4. A temporary chalk design applied entirely with water-soluble chalk that meets the criteria of Sec. 23.06(6) may be used instead of paint and shall be subject to all design and location criteria herein.

(7) Approval Criteria. All applications shall be reviewed according to the procedures for privileges in streets in Sec. 10.31, however no permit shall be issued without the review and express approval of the City Traffic Engineer who shall apply the criteria of this ordinance to all such applications.

(8) Appeal Process. Appeals of a decision to approve or deny an application under this section shall be available as provided in Sec. 10.31(2)(b), and any such appeal may also include a review of the decision of the City Traffic Engineer under this ordinance.

(9) Project Installation Procedure. Once the design has been fully approved under this ordinance, the applicant must apply for and obtain a Street Use Permit under Sec. 10.056 for permission to close the affected street(s) for the date(s) and times of the painting project. No work may be performed on the painting project within the roadway or on a bike path without an approved Street Use Permit for the date(s) and time(s) of the work. All requests to close the street are subject to Sec. 10.056 and the decision of the Street Use Staff Commission as provided in that ordinance.

(10) Insurance and Indemnification. If a permit is approved the applicant shall agree to indemnify the City of Madison and provide proof of insurance as required by Sec. 10.31. Compliance with Sec. 10.31 shall be sufficient for the insurance and indemnification requirements of this section.

(11) Repair and Maintenance of the Design. The applicant shall be solely responsible for maintaining the design in good condition and repair. If the design should become deteriorated or damaged and in the opinion of the City, the design is repairable, the applicant must repair it or make arrangements for the repair within sixty (60) days of written notice by the City. "Repair" shall mean restoring the original design to the originally-approved specifications. All repairs or maintenance, whether voluntary or in response to a notice under this section, shall be in compliance with all requirements of this ordinance and shall require a Street Use Permit as described in sub. (9). If the design is not repaired according to the notice. The City may cause the design to be removed and restore the roadway to its previous condition, at the expense of the applicant. The procedures in this paragraph for maintenance and removal may be exercised in addition to the procedure for removal of an encroachment in Sec. 10.31(3)(c). Removal and charges for costs associated with removal shall be as allowed by Sec. 10.31. The bond requirement in Sec. 10.31(3)(c) may be waived upon the recommendation of the City Risk Manager.

(12) No Renewals. Once issued, a permit under this section authorizes the design as approved for as long as the design exists, as long as the design does not change and it is repaired and maintained as required by sub. (11). A request to change the originally-approved design will require an application for a new permit and a new permit fee and be processed as a new application.

(13) Damage, Removal. In granting a permit under this ordinance, the City of Madison shall not be responsible for any maintenance or repairs or removal of the design; any damage to the design regardless of cause, including but not limited to damage caused by any utility or contractor performing work in the right-of-way or resulting from street surface maintenance such as street cleaning, plowing and road treatment for snow and ice. Utility work or roadwork by the City or a utility may result in damage to the design requiring the design to be permanently removed. Additionally, if any portion of the design creates a hazard in the sole opinion of the City, the City may remove the design without notice to the applicant. The permit shall be considered terminated upon removal of the design for any reason by the City or the applicant.

(14) Permit Revocation. A permit under this section may be revoked by the City at any time if the applicant violates the conditions of the approved permit, including but not limited to installing something other than the approved design, modification of the design subsequent to the initial installation, or violations of the terms of the encroachment agreement under Sec. 10.31. Prior to revocation of a permit under this subsection, the City shall send written notice to the applicant, except that if the encroachment agreement is terminated according to the procedures in that agreement or in Sec. 10.31, the permit under this section automatically terminates. The permit shall also be considered terminated upon removal of the design for any reason under subs. (11) or (13) herein.

Section 10.42 is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).
(Sec. 10.42 Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)

10.50 PENALTY. Any person who shall violate any provisions of this chapter for which no penalty is already provided shall be subject to a fine of not less than twenty dollars ($20) nor more than four hundred dollars ($400).

MADISON GENERAL ORDINANCES

VOLUME II

CHAPTERS 11-19

CITY OF MADISON

COUNTY OF DANE

STATE OF WISCONSIN

EDITOR- MICHAEL P. MAY

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11.01 RAILWAYS.

(1) To Ring Bells at Street Crossings. No railroad train or locomotive shall run over any public traveled grade crossing in the City of Madison except where gates are operated or a flag man is stationed, unless the engine bell shall be rung continuously within three hundred thirty (330) feet of and until such crossing shall be reached.

(2) Not to Blow Whistles at Street Crossings.

(a) It shall be unlawful for any railroad company or any locomotive engineer to blow any locomotive whistle within the City limits unless necessary to prevent immediate danger to life or property.

(b) The prohibition contained in Subdivision (a), above, shall not apply when a locomotive is within 330 feet of a grade crossing not protected by gates or flashing signals.

(c) Any person violating Subdivision (a), above, shall be subject to a forfeiture of not less than $200 and not more than $500.

(d) This provision shall become effective October 1, 2001.
(Rep. & Recr. by Ord. 12,852, 7-25-01)

(3) Side Tracks and Spurs.

(a) Permission has heretofore been granted to the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, to the Chicago and North Western Railroad Company, and to the Illinois Central Railroad Company for the construction of spur tracks at the following locations in the City of Madison:

Chicago and North Western Railroad Company

Location	Date of Ordinance
Baldwin	February 12, 1904
Dickinson	January 12, 1906
Main	December 12, 1906
Linden	December 12, 1906
Baldwin & Main	February 8, 1907
Clymer (or Railroad)	January 15, 1910
Blair and Dickinson	May 17, 1910
Wilson	May 17, 1910
Blount	May 17, 1910
Livingston	May 17, 1910
Clymer & South Livingston	July 19, 1912
Railroad (formerly Clymer), Ingersoll & East Main	May 9, 1913
Livingston and Blount	October 24, 1913
East Main, Fist and Washington	December 21, 1915
Commercial Avenue	August 28, 1925
Blount	March 26, 1926
East Mifflin	September 10, 1926
Paterson	September 10, 1926
Ingersoll and Brearly	October 8, 1926
Along Railroad between Brearly and Ingersoll	November 25, 1927
Brearly	May 24, 1929
Railroad	April 12, 1935
South Ingersoll and Railroad	September 28, 1945

Illinois Central Railroad Company

Location	Date of Ordinance
Lake	June 28, 1946
Murray	May 12, 1911

Chicago, Milwaukee, St. Paul and Pacific Railroad Company

Location	Date of Ordinance
Washington	May 11, 1906
Repeals Washington	September 13, 1907
Murray	May 10, 1912
Doty and Wilson	June 12, 1914
North Murray	October 27, 1916
Murray	November 9, 1917
Farley Avenue	July 9, 1926
South Paterson	October 8, 1926
North Dickinson	February 11, 1927
West Main	March 8, 1935
Roth (two)	August 22, 1941
Aberg	August 22, 1941
Dickson	November 28, 1941
Wilson	May 25, 1945
Commercial Avenue (two)	June 28, 1940

Northern Electrical Manufacturing Company

Location	Date of Ordinance
Wilson	June 18, 1907

Gisholt Machine Company

Location	Date of Ordinance
Baldwin and East Wilson	November 11, 1904
Baldwin Street	July 14, 1911

Janesville and Madison Traction Company

Location	Date of Ordinance
Atwood Avenue	April 14, 1915

(b) All spur tracks or side tracks heretofore or hereafter laid by any railroad company shall conform to the lawful grade of any street or alley upon which said track is laid, and shall, at the expense of the railway company, be maintained in accordance with the grade of such street as the same may be changed from time to time; and whenever the City shall pave, gravel, or improve any street or alley, the said railway company shall at their own expense plank or pave with suitable material to be determined by the Board of Public Works of the City of Madison, and in a substantial and workmanlike manner, all that portion of said street or alley lying between the rails of said track and extending four (4) feet beyond the outside rails, and to keep pavement at all times in good condition, so as to admit of convenience and uninterrupted travel by the public.

(4) Spur Track Across and Upon Fitzpatrick Road.

(a) Permission and authority is hereby granted and given to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, its successors and assigns, to maintain a railroad spur track upon and across Fitzpatrick Road in the City of Madison at the location and between the points designated on the blueprint on file with the

City Engineer and City Clerk which said spur track is thereon indicated in yellow and which is now used and is intended to be used principally to serve Marshall Erdman and Associates, Inc., and land now owned by J.J. Fitzpatrick Lumber Company, Inc., and the Fitzpatrick Realty Corporation, Inc.

(b) The said railroad company shall pave or surface the entire length of the spur track within Fitzpatrick Road with the same or similar material as that used on said road.

(c) The maintenance of said spur track and all paving and surfacing work thereon shall be without cost or expense to the City of Madison and shall be accomplished in accordance with the ordinances of the City of Madison and to the satisfaction of the Board of Public Works of said City.

(d) As a condition of the within grant, the said railroad company, for itself, its successors and assigns, agrees that it will be liable for and shall hold and truly save and indemnify and keep harmless the City of Madison from and against all damages, claims, liabilities, judgments, costs and expenses occasioned by or arising out of the use or occupancy of Fitzpatrick Road as before described or which may result from the acts or neglect of said railroad company, its agents or employees in connection with the maintenance of such spur track. As a further condition of the within grant, the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company agrees to remove such spur track at its own expense in the event such removal shall be necessary for the promoting of the public safety and convenience.
Note: Fitzpatrick Road is now North Whitney Way.

11.02 MOTOR BUS TRANSPORTATION.

(1) License. It shall be unlawful for any common motor carrier of passengers, that is, any person, firm, or corporation holding himself or itself out to the public, as willing to undertake for hire to transport persons by motor vehicle between fixed termini or over a regular route upon the public highways, where said operations take place entirely within the City of Madison and incorporated cities or villages contiguous to the City of Madison and in municipalities contiguous to the City of Madison when the motor carrier has its principal place of business therein, to operate any motor vehicle along and upon any public highway of the City of Madison, without first making application and procuring the consent of the Common Council of said City to so operate, and no consent shall be given except by means of license therefore as provided in Subsection (2) of Section 11.02 of the General Ordinances. The Common Council may at any time suspend or prohibit the right of common motor carriers of passengers to operate motor vehicles over any public highway of the City of Madison when necessary for the proper preservation or policing of the same. No common motor carrier of passengers shall operate any motor vehicle within or through the City of Madison, except in compliance with action taken by the Common Council of said City in relation to the routing of said common motor carrier over the streets of the City of Madison. For purposes of this ordinance, an amphibious motor vehicle properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a "common motor carrier" and therefore not subject to the provisions of this ordinance. (Am. by Ord. 8570, 4-24-85; ORD-05-00127, 7-22-05)

(2) Application. A separate application in writing shall be made and filed with the City Clerk of said City by each person, firm or corporation proposing to operate such motor vehicle or vehicles in the City of Madison, which application shall be verified as to the truth of the statements therein contained by the oath of the person making such application, if a natural person, and by a member thereof if applicant is a firm, and by an officer thereof if the applicant is a corporation.
Each application shall contain the following statements, to wit: name, age, residence, and business address if the applicant is a natural person; the business name of the firm and the

names of the persons comprising the same, with the business address of each partner and of the firm, if a firm; its name, date of incorporation and place of business, if a corporation; the seating capacity of each motor vehicle proposed to be used; the route or territory over which it is proposed to operate each such vehicle; the proposed hours of such operation; the rate of fare to be charged. The name, type and make of each motor vehicle to be used, the factory and engine numbers thereof, the state license number thereof, shall be filed with the City Clerk as soon as the motor vehicle is operated.

(3) Whenever an applicant for one (1) or more licenses shall have complied with all the conditions and regulations relative to the filing of his/her application, it shall be the duty of the City Clerk to forward said application to the Common Council at any regular or special meeting. A majority vote of the members elect of the Common Council shall authorize the issuance or denial of a license for each bus listed in such application. No such license shall be issued by the City Clerk until favorable action upon the application thereof is first had by the Common Council, and the fees provided for in Subsection (5) fully paid to the City Treasurer. The Common Council may, upon proper application, permit a licensee to transfer the license from one vehicle to another upon the surrender of the City Treasurer's motor vehicle receipts issued for such motor vehicle and by the payment of the difference in license rate as provided in subsection (5) of the general ordinances between the vehicle license surrendered and the rate of the substitute vehicle, and the payment of one dollar ($1) transfer fee for each such substitute vehicle, but in no case shall the City refund any portion of the license rate in case the substitute vehicle is of less seating capacity. Each bus licensed under the provisions of this ordinance shall carry in a conspicuous place the license issued therefor. (Am. by ORD-14-00012, 1-14-14)

(4) Termination; License Not an Exclusive Right. Each license shall be for an annual period commencing January 1 and expiring December 31 of each year. Provided, however, that the issuance of a license or licenses hereunder shall not be construed as giving an exclusive use or right to operate such motor vehicles over any proposed route or territory, or as giving such exclusive use or right to any person, firm, or corporation obtaining such license or licenses.

(5) License Rate. As reasonable compensation for the repair and maintenance of pavements and bridges, and compensation for the regulation of street traffic and for other expenses occasioned by the operation of such motor vehicle or vehicles upon the streets or highways of the City of Madison, each person, firm, or corporation procuring a license shall, before obtaining such license, pay to the City Treasurer fees computed upon the manufacturer's rated seating capacity of such motor vehicles upon the basis set forth in the following schedule, to wit:

For buses having the largest seating capacity, per annum three hundred dollars ($300). For all other buses having a smaller seating capacity, the annual license fee shall be a proportionate sum based on the ratio of the seating capacity thereof to the seating capacity of the largest bus regularly operated in the City of Madison.

Provided, however, if a license is issued after March 31, and before the first day of the succeeding January, the above license fees shall be reduced in proportion to the number of quarters of the license year which have fully elapsed (at the time license is issued) bears to the full year, and that emergency licenses for a period of three (3) months may be issued upon payment of license fees in the sum equal to one-fourth (¼) of the annual license fees hereinabove specified.

Every operator of such motor vehicle shall in each licensing period pay for the licenses required for vehicles necessary to be operated on the several lines of the operator to meet its regular schedule requirements. Regular schedule requirements shall be understood to mean vehicles of the number and capacity required for such route or routes on each day over a consecutive period of not less than ten (10) days, exclusive of Saturday and Sunday. (Sec. 11.03(5) Am. by Ord. 9401, 2-11-88; Auto. R. 2-15-88)

11.03 MOTOR BUS SHELTER - LAWFUL USE.

(1) No person shall enter or remain in a bus shelter or at a transfer point except while actually waiting for the arrival of the next scheduled bus routed to the person's destination or except while having business to attend to in connection with waiting for a bus. (Am. by ORD-05-00119, 7-12-05)

(2) No citation may be issued for a violation of this subsection unless the area has been posted with an official sign which notifies the person not to enter or remain on the premises. (Am. by ORD-05-00119, 7-12-05)

(3) This section does not prohibit any person from entering or remaining in a bus shelter in an emergency situation or for a brief period of time to seek protection from the elements.

(4) Any person violating this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) for each offense.

(Sec. 11.03 Cr. by Ord. 11,357, 9-29-95)

11.04 MOTOR BUSES - OBSTRUCTION OF OPERATOR'S VIEW.

(1) Illegal Operation. It shall be unlawful for the operator of any motor bus to operate the same when it is so loaded as to obstruct the view of the operator to the front or to the sides or to interfere with the operator having free use of both hands and feet to the operating mechanism or controls of the motor bus.

(2) Illegal Riding. It shall be unlawful for any passenger in a motor vehicle to ride in such a position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control of the operating mechanism of the vehicle.

(3) Definition of Obstruction. The driver's view shall be deemed to be obstructed within the purview of this ordinance when any passenger is standing forward of a line parallel to and extending through the rear edge of the operator's or driver's seat. Said line shall be clearly marked on the floor and walls of each motor bus operated upon the streets of the City of Madison, and each bus shall be equipped with a sign forbidding passengers to stand forward of said line. Said sign shall be of sufficient size to be clearly visible and shall be placed or hung at the said line hereinbefore described and shall contain the following language or words similar thereto, "Passengers standing forward of this line prohibited by City ordinance".

(4) Unlawful to Obstruct Operator's View. No passenger shall stand in or on any portion of any bus forward of the rear edge of the back of the operator's or driver's seat while such bus is being operated on any street in the City of Madison.

(5) Unlawful to Operate When View Obstructed. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated on any street in the City of Madison any bus contrary to the provisions of this section.

11.045 MOTOR BUSES - NO RADIOS OR TAPE PLAYERS, OR CONSUMPTION OF ALCOHOLIC BEVERAGES.

(1) It shall be unlawful for any person in a Madison Metro Bus within the jurisdictional limits of the City of Madison to:

(a) Play radios, tape players or other similar devices, except if a device such as an earphone is used by the listener.

(b) Consume any food and/or beverage, except for Metro Motorcoach Operators while taking a break from duty and except for infant feeding.

(c) Dispose of any litter, garbage, or refuse.

(2) A sign substantially bearing the words "No Radio or Tape Playing, Consumption of Food and/or Beverages, or Littering . . . City Ordinances" shall be displayed in a conspicuous place in each motor bus.

(3) The provisions of this ordinance and Sec. 23.05 Madison General Ordinances, so far as it applies to motor buses, shall not apply to private charters.

(Sec. 11.045 Am. by Ord. 9892, 11-14-89)

11.05 MOTOR BUSES - CONSENT OF COUNCIL TO OPERATE ON STREET.

(1) No person, firm, or corporation shall operate any common motor carrier of property or of passengers within or through any street in the City of Madison except in compliance with action taken by the Common Council in relation to such street and route. For purposes of this ordinance, an amphibious motor vehicles properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a "common motor carrier or property or passengers" and therefore not subject to the provisions of this ordinance. (Am. by ORD-05-00127, 7-22-05)

(2) No common motor carrier of property or passengers shall operate any motor vehicle within or through any street in the City of Madison until permission therefor, evidenced by resolution of the Common Council, be first obtained.

(3) No common motor carrier of property or passenger shall operate any motor vehicle within or through any street in the City of Madison after permission for such use has been withdrawn or rescinded by action of the Common Council.

11.06 LICENSING AND REGULATING PUBLIC PASSENGER VEHICLES, FOR HIRE.

(1) Purpose. The purpose of this ordinance is to

(a) Protect consumers by providing for safe, convenient and efficient public transportation for hire.

(b) Protect the health and safety of drivers of public passenger vehicles.

(c) Eliminate conflict and confusion among different types of service.

(d) Improve operating conditions to enable licensees and drivers to provide better public service.

(2) License Required.

(a) No person shall engage in the business of transporting passengers for hire or drive a vehicle transporting passengers for hire within the City limits of Madison unless duly licensed to do so as hereinafter provided.

1. Transportation of passengers for hire includes demand-responsive transportation by a specialized transportation vehicle.

2. Transportation of passengers for hire shall include taking any tip, donation or gratuity for the service, regardless of whether an actual quoted fare is paid. (Am. by ORD-15-00041, 4-8-15)

3. Transportation of passengers for hire does not include the following:

a. Inter-city bus transportation or school bus transportation whether by fixed route or by charter service.

b. Transportation provided exclusively for elderly or low-income persons or persons with disabilities, when such transportation is provided by volunteers or by agents or employees of bona fide non-profit agencies, and transportation provided by ambulance.

c. Courtesy rides provided to customers by auto dealerships or auto repair businesses.

(b) No public passenger vehicle shall be used to transport passengers for hire unless a permit has been issued under this ordinance for such use.

(c) The City Traffic Engineer shall have the authority to issue a provisional license to Pedal-Cab and Commercial Quadricycle operators pending final approval of the Common Council if the Pedal-Cab or Commercial Quadricycle operator obtains a valid driver permit, provides proof of liability insurance coverage as required in Subsection (8)(b) of this ordinance, and passes a vehicle inspection. (Am. by ORD-14-00091, 5-7-14)

(d) No person licensed to offer public passenger vehicle service or similar transportation service to the public within the City limits of Madison shall employ a driver

or allow any person to drive any vehicle licensed in the name of said person unless said driver or person shall have first obtained a public passenger vehicle driver's permit as hereinafter provided.

(e) No person shall operate any public passenger vehicle until s/he shall have obtained a public passenger vehicle driver's permit from the Chief of Police.

(f) A person who is licensed as a driver under Subsection (6) of this ordinance and who complies with the terms of that license is not required to also be licensed under Subsection (4), unless that person is also engaged in the business of transporting passengers for hire.

(g) The inspection of public passenger vehicles and enforcement of this section shall be under the supervision and control of the City Traffic Engineer. Appeals from decisions of the City Traffic Engineer shall be governed by Subsection (13) of this ordinance. (Am. by Ord. 11,848, Adopted 4-14-97; Effective 5-21-97)

(Sec. 11.06(2) Am. by ORD-12-00086, 6-26-12)

(3) Definitions.

"Accessible" means, with respect to vehicles, complying with the accessibility requirements of 49 CFR 37.3 Definitions (Wheelchairs); and 49 CFR §§38.23 Mobility aid accessibility, 38.25 Doors, steps and thresholds, 38.29 Interior circulation, handrails and stanchions, and 38.31, Lighting, currently in effect and as amended from time to time. (Cr. by Ord. 13,596, 4-21-04)

"Accessible taxicab service" means public passenger vehicle service for hire which provides one or more accessible vehicles. (Cr. by Ord. 13,596, 4-21-04)

"Airport shuttle service" shall mean a service by means of a public passenger vehicle for hire, not equipped with a taximeter and not licensed as a taxicab. Such service is covered by this ordinance only for rides between the Dane County Regional Airport and points within the City of Madison. (Renumbered by Ord. 13,596, 4-21-04)

"Carpool" shall mean any group of three or more persons using a self-propelled vehicle for travel to or from work. (Renumbered by Ord. 13,596, 4-21-04)

"Commercial Quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power, that has four (4) wheels and is operated in a manner similar to a bicycle, that is equipped with at least twelve (12) seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner. (Cr. by ORD-14-00091, 5-7-14)

"Demand-responsive transportation" shall mean transportation by any public passenger vehicle available for call or hail and not operated on a fixed route along a public way. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00091, 5-7-14)

"Driver" shall mean a person who holds a valid permit authorized by this ordinance to drive a public passenger vehicle as authorized by this ordinance. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00091, 5-7-14)

"Estimated fare" shall mean the fare which, under ordinary circumstances, would be the fare for the trip requested by the passenger. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00091, 5-7-14)

"Global Positioning System" or "GPS" shall mean a navigational system using satellite signals to fix the location of a radio receiver on or above the earth's surface. (Cr. by ORD-15-00041, 4-8-15)

"Group loading" shall mean the method of entry by passengers constituting a single party on a trip in a demand-responsive vehicle where all of the passengers enter at the same point of origin and disembark at the same destination; or, at the request of any passenger, the trip might involve multiple origins and/or multiple destinations; all paying only one single fare for the group ride, whether by meter or mileage rate. The passengers constitute a group load. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00091, 5-7-14)

"Horse-drawn vehicle" shall mean any vehicle which is operated or pulled by a horse, mule, ox or any other beast of burden which may be hired for the transportation of passengers and which picks up passengers within the corporate limits of the City of Madison. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00091, 5-7-14)

"Low-speed vehicle" shall mean a vehicle subject to Wis. Stat. § 340.01(27h). Low-speed vehicle does not include a golf cart. (Cr. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Meter taxicab" shall mean a public passenger vehicle so designated under Subsection (5) and equipped with a taximeter for the purpose of registering the fare charged upon the basis of the time and distance traveled. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Multiple loading" shall mean the method of entry by passengers constituting separate parties on a trip where all of the passengers enter at the same point of origin and disembark at more than one destination, or vice versa, each paying an individual fare for the trip. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Party" shall mean either an individual passenger or multiple passengers requesting a trip together if they have sufficient common bonds (for example: family, friends, etc.). In general, such commonality can be determined by whether or not there is a single spokesperson requesting a trip for a number of passengers; if there is, then the number constitutes a single party; if the passengers individually request a trip then the number constitutes separate parties. (Renumbered by Ord. 13,596, 4-21-04; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

A "peak period" is a period of high passenger demand. For the purpose of this ordinance, a peak period must be identified in one of the following ways:

1. The City Traffic Engineer may provide licensees with advance notice of a peak period or periods. Such notice may be by FAX or regular mail and must contain the date and time of the beginning and end of the peak period.
2. The Director of the Dane County Regional Airport may provide the City Traffic Engineer and all licensees simultaneously with notice of a peak period or periods. Such notice may be by FAX, or by regular mail and must contain the date and time of the beginning and end of the peak period.

(Am. by Ord. 11,911, 7-29-97; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

Pedal-cab operator: Any person, partnership, corporation, association, or other organization engaged in the business of transporting passengers for hire by means of one or more than one pedal-cab. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

Pedal-cab: A multi-wheeled, hooded or unhooded vehicle that is propelled by human power, is used in the transport of passengers and is available for hire on the public streets within the corporate limits of the City of Madison. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

Pedal-cab driver: Any person who drives a pedal-cab, including an operator or an employee of an operator. (Cr. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Person" shall mean a natural person, firm, partnership, corporation, association, company or any other group of individuals acting together for a common purpose; and together with associated pronouns, shall include the male or female gender, singular or plural, as the context in which they are used requires. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Public passenger vehicle" shall mean any vehicle, including but not limited to, a taxicab, transportation network vehicle, airport shuttle vehicle, horse-drawn vehicle, specialized transportation vehicle, pedal-cab, commercial quadricycle pedal-cab, or horse-drawn vehicle which is used for the transportation of passengers for hire, excepting: 1) those operated on fixed routes pursuant to authority granted by the City, State or Federal Government; 2) such vehicles as are rented to be driven by the renter or her/his agent, commonly known as rent-a-cars; 3) vehicles operated solely as funeral cars; 4) carpools; 5) amphibious motor vehicles properly registered and licensed by the Wisconsin Department of Transportation as motor buses and operating on the highway upon routes between lake access points; and 6) hotel shuttle vehicles. (Renumbered & Am. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Am. by ORD-05-00127, 7-22-05; ORD-12-00112, 11-07-12; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14; ORD-15-00041, 4-8-15)

"Public way" shall mean any public street, road, boulevard, alley, lane, highway and sidewalk, and including those portions of any public place under the control of the public or county which have been designated for use by motor vehicles. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Rest period" means a continuous uninterrupted period of time, lasting at least eight (8) hours, during which the driver does not drive a public passenger vehicle. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Scanner" means an FM radio receiving device capable of operating in taxicab radio bands. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Shared ride" means a method of operating a zone taxicab in which passengers sharing a common portion of a trip may enter the vehicle at one or more points of origin and disembark at one or more destinations, each passenger paying an individual fare for the trip. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Specialized transportation vehicle" shall mean a vehicle for hire, other than a taxicab, shuttle vehicle, horse-drawn vehicle, luxury limousine or courtesy car, or mass transportation vehicle, which is especially suited for the transportation of elderly persons or persons with disabilities. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Am. by ORD-06-00099, 8-2-06; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Taximeter" shall mean a mechanical or electrical device which records and indicates a charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, and other charges authorized by this section or by rule, or any combination of any of the foregoing, and which records other data. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

"Transportation Network Company" or "TNC" shall mean any company or organization that provides transportation services using only an online-enabled platform to connect passengers with drivers using their personal vehicles. (Cr. by ORD-15-00041, 4-8-15)

"Zone taxicab" shall mean a public passenger vehicle so designated on the permits and which operates on the zone system of charges established by tariff in accordance with the provisions of this ordinance. (Renumbered by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04; Renum. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

(4) Licensing of Public Passenger Services.

(a) The fees for a license to engage in the business of transporting passengers for hire under this subsection, commencing with licenses issued in 2012 and thereafter, shall be as follows:

Type of Service	Initial license - 1 year	Initial License - 2 years	Renewal - 2 years
Meter Taxicab Service	$1,200	$2,075/license	$1,750/license
Zone Taxicab Service	$1,200	$2,075/license	$1,750/license
Airport Shuttle Service	$1,200	$2,075/license	$1,750/license
Transportation Network Company	$1,200	$2,075/license	$1,750/license
Horse-Drawn Vehicle Service	$1,200	$1,800/license	$1,520/license
Specialized Transportation Service	$1,200	$2,200/license	$1,850/license
Pedal-Cab Service	$125	$200/license	$100/license
Low-speed Vehicle Service	$125	$200/license	$100/license
Commercial Quadricycle	$300	$500/license	$400/license

(Sec. 11.06(4)(a) Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; Ord. 13,487, 1-23-04; ORD-05-00110, 6-8-05; ORD-10-00038, 5-1-10; ORD-12-00086, 6-26-12; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14; ORD-15-00041, 4-8-15)

(b) Application for Initial License to Engage in the Business of Transporting Passengers for Hire. Any person wishing to obtain a license to engage in the business of transporting passengers for hire, whose rides originate within the City of Madison, shall present to the City Clerk a written application accompanied by proof of payment of the fee or fees established in Subdivision (a) above and by proof of liability insurance coverage as required in Subsection (8)(a) of this ordinance.

The application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, the schedule of rates of fare to be adopted, and such other pertinent information as the City Traffic Engineer may require.

The applicant shall identify the number and type of accessible vehicle(s) which will be furnished as part of applicant's accessible taxicab service responsibilities; or, in the event this obligation will be fulfilled by contracting with another currently licensed operator in the business of public passenger vehicles for hire in the City of Madison, the applicant shall provide a copy of the agreement with that operator as evidence of compliance with the requirements in Section 11.06(7)(a). Applicants solely wishing to operate pedal-cabs, low-speed vehicles, horse-drawn vehicles, or commercial quadricycles shall be exempt from this requirement as it pertains to accessible vehicle requirements.

All such applications shall be received by the City Clerk and shall be referred to the City Traffic Engineer. The Traffic Engineer shall make such investigations as s/he deems necessary and shall furnish the application and any additional relevant information and his/her recommendation to the Transit and Parking Commission for its consideration, with the exception of Pedal-Cab operators. The City Traffic Engineer shall have the authority to issue a provisional license to pedal-cab and commercial quadricycle operators pursuant to Sec. 11.06(2)(c).

For an initial application, the Traffic Engineer shall give notice of the time and place of the meeting at which the Transit and Parking Commission will consider the application by publishing a Class 2 notice under the Wisconsin Statutes in the official City paper. No notice is required if the license is solely for the operation of pedal-cabs.

The Commission shall consider whether or not the applicant should receive an initial or renewal license to engage in the business of transporting passengers for hire and shall make a recommendation to the Common Council. In doing so, the Commission shall consider the following:

1. The financial capability and responsibility of the applicant.
2. The applicant's prior experience in operating public passenger services.
3. The level and quality of service provided by the applicant in the past in areas in which it has operated.
4. The experience and competence of the applicant's drivers.
5. The applicant's prior record of compliance with applicable regulatory laws, ordinances and rules. This includes records of complaints and enforcement actions against drivers and vehicle owners.
6. The applicant's prior record of service complaints.
7. The age and condition of the vehicles proposed to be licensed by the applicant.
8. The applicant's safety record, including records of accident experience and record of employee safety training.

The Commission may also establish additional standards or criteria to use in reviewing such applications, not inconsistent with the above standards.

Upon completing its review hereunder, the Commission shall recommend to the Common Council the grant or denial of the license, and shall provide the Council with a report stating the reasons for its recommendation.

(Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; Ord. 13,596, 4-21-04; ORD-12-00086, 6-26-12; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

(c) Duration and Expiration of License to Engage in the Business of Transporting Passengers for Hire.

Beginning with the 2012 licensing season and thereafter, all licenses to engage in the business of transporting passengers for hire shall be for a two (2) year period, running from the date of issue through the second June 30th following the date of issue, so that all licenses under this section shall expire and be eligible for renewal during odd-numbered years.

However, first-time applicants for an initial license may opt for one (1) year license, which shall expire on the first June 30th following the date of issue, and may be renewed for one (1) additional one-year period for the same fee, if renewal is applied for during an even-numbered year, so that the licensee may be brought into the same schedule as the two-year licensees.

Once an initial license is granted under this subsection, it may be renewed under sub. (4)(d).

1. Annual Staff Review of Licensee. The City Traffic Engineer shall gather operating statistics from all two-year licensees under this subsection at least once during the two-year period, and shall provide the results to the Transit and Parking Commission.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; Ord. 12,744, 12-29-00; Am. by ORD-05-00110, 6-8-05; ORD-12-00086, 6-26-12)

(d) Renewal of License to Engage in Business of Transporting Passengers for Hire.

A license issued under sub. (4)(c) above may be renewed, using the following procedure. Renewal licenses shall be for a two (2) year period except for the one-time, one year renewal described in sub. (4)(c). An application to renew an existing license shall be submitted to the City Clerk on or before January 31st of the year the license is due to expire. The application shall be accompanied by the renewal fee in sub. (4)(a). Failure to apply for renewal by January 31st will result in

a waiver of the renewal process and any late renewal application, shall be treated as an application for an initial license and subject to the procedures and fees for an initial license described elsewhere in this ordinance.

The renewal application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, and schedule of rates of fare to be adopted, and any other information the Transit and Parking Commission ("TPC") may require. The Clerk shall refer the renewal application to the City Traffic Engineer, who shall provide the application, any additional relevant information and a recommendation to grant or deny the license renewal to the TPC. The TPC shall use the standards under sub. (4)(b), and any additional criteria established by the TPC, to determine whether the license should be renewed, and shall hear all persons desiring to be heard.

The TPC shall report its findings and recommend approval or denial of the renewal license to the Common Council, in time for the Council to act on all renewals by April 30th, so that the renewal license, if granted, may be issued by the Clerk before the existing license expires. However, the Council may approve a provisional renewal of up to ninety (90) days to allow completion of an investigation by the TPC and/or City Traffic Engineer commenced pursuant to a timely-filed renewal application. The Clerk shall issue all licenses renewed by the Council. All renewal licenses shall run for a two (2) year period from the date of renewal through June 30th of the second year after renewed. (Am. by Ord. 12,141, 6-1-98; Ord. 12,744, 12-29-00; ORD-05-00110, 6-8-05)

(e) Final Administrative Determination. Denial of an initial license or renewal by the Common Council is a final administrative determination, subject to judicial review as provided by law. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; Ord. 12,744, 12-29-00; Am. by ORD-05-00110, 6-8-05)

(f) Issuance of License. If the Council approves the grant of the license renewal, the applicant shall, upon complying with all of the provisions of this ordinance, be entitled to and shall receive from the City Clerk a written license signed by the Mayor and attested by the seal of the City of Madison authorizing such person to carry on the business of transporting passengers for hire. (Am. by Ord. 12,744, 12-29-00)

(g) License Not Transferable. No license to engage in the business of transporting passengers for hire issued pursuant to this Subsection shall be transferable. A change of ownership of a licensed operator shall act as a termination of the license. The new owner must apply for and receive a new license prior to engaging in the business of public passenger services. (Am. by Ord. 12,141, 6-1-98)

(h) A license granted under this subsection may be revoked or suspended by the City Traffic Engineer. All license suspension or revocation proceedings shall be conducted as set forth in Subsection (13) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(5) Licensing of Public Passenger Vehicles.

(a) Public Passenger Vehicle Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2014 licensing year, and subsequent thereto, the following fees shall be in effect:

Meter Taxicab	$65/vehicle/year
Zone Taxicab	$65/vehicle/year
Airport Shuttle Vehicle	$65/vehicle/year
Horse-Drawn Vehicle	$65/vehicle/year
Specialized Transportation Vehicle	$65/vehicle/year

Transportation Network Vehicle	$65/vehicle/year
Transfer of Permit	$20/transfer
Pedal-Cab Vehicle	$30/vehicle/year
Low-Speed Vehicle	$30/vehicle/year
Commercial Quadricycle	$50/vehicle/year

(Sec. 11.06(5)(a) Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04; ORD-10-00038, 5-1-10; ORD-12-00086, 6-26-12; ORD-14-00022, 1-29-14; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14; ORD-15-00041, 4-8-15)

(b) Permit Required. An applicant for a public passenger vehicle permit shall present a written application to the City Clerk, accompanied by proof of payment of the fee established in Subdivision (a). The application shall contain the name and address of the licensee under whose license the vehicle is to be operated, together with the names of any and all persons who may have any interest whatsoever in the vehicle and a description of the vehicle, including make, model, and serial number, and such other pertinent information as the City Traffic Engineer may require. The applicant shall certify that the vehicle will be operated in compliance with the ordinances of the City of Madison. Such application shall also be accompanied by proof showing that such vehicle is fully covered by liability insurance as required in Subsection (8)(a) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; ORD-15-00041, 4-8-15)

(c) Permit Tags and Cards. The City Clerk shall issue a permit tag bearing on its face the words "City of Madison Carrier's License" and the year and the vehicle permit number for each vehicle for which a permit is issued. The licensee shall attach said permit tag securely and in a conspicuous place on the back of the vehicle so permitted immediately after receiving the same. Further, the City Clerk shall issue a permit card containing the owner's name and address, vehicle license number and vehicle permit number for each vehicle for which a permit is issued. It shall be the duty of every licensee and permit holder to have the permit card displayed inside the vehicle for inspection.

(d) No public passenger vehicle permit may be transferred from one public passenger vehicle to another except upon consent and authorization of the City Clerk. Any owner of a public passenger vehicle permit who desires to transfer said permit from one vehicle to another shall file an application in writing with the City Clerk. Such application shall be accompanied by the fee established in Subdivision (a) and shall contain all of the information and assurances required in applications under Subdivision (b).

(e) Any time there is a change in ownership in any public passenger vehicle except as to a lessee who is an individual leasing a single taxicab or as to the mortgagee or conditional sales vendor, a new permit for said vehicle shall be obtained pursuant to Subdivision (d) above.

(6) Permits for Drivers of Public Passenger Vehicles.

(a) Public Passenger Vehicle Driver's Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:

Original permit	$25
Provisional permit	$25
Renewal permit, if application is received before expiration of prior permit	$25
Change of employer	$20

Duplicate permit	$25

(Sec. 11.06(6)(a) Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04)

(b) Application for Initial Permit.

1. Any person wishing to obtain a public passenger vehicle driver's permit shall present a written application to the Chief of Police, accompanied by proof of payment of the fee established in Subdivision (a). The application shall contain the name and address of the licensee under whose license the applicant intends to drive public passenger vehicles, and such other pertinent information as the Chief of Police may require. Every licensee shall provide to the Madison Police Department the name and complete identification of each driver, and shall see to it that each driver arranges with the Police Department to have her/his photograph taken for this purpose.

2. Such permit shall not be granted to any person under the age of eighteen (18) years, nor to any person who has been convicted by a court of competent jurisdiction, or has charges pending against her or him, of any offense the circumstances of which substantially relate to the circumstances of taxicab or other public passenger vehicle operation. Such offenses include, but are not limited to, crimes against persons or property or driving a vehicle while under the influence of intoxicants or controlled substances; provided, however, that the Chief of Police shall grant a permit to such convicted person if the conviction is reversed, or if the person is granted a pardon for the offense in question.

3. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the number of convictions, the nature and seriousness of the crime or crimes, whether they involved violence, whether they involved theft or other evidence of lack of trustworthiness with money, whether the crime involved driving, the age and maturity of the individual at the time of the conviction, the amount of time elapsed since the last conviction, and any evidence of personal rehabilitation.

4. Disability and Sensitivity Training Program. Applicants for a public passenger vehicle driver's permit, with the exception of pedal-cab operators and low-speed vehicle operators, shall be certified as having successfully completed the City of Madison's approved Disability and Sensitivity Training Program before issuance of any such permit, except that applicants who have successfully completed an approved disability/sensitivity course, for credit, shall be deemed to have satisfied this requirement. Applicants shall pay the tuition fee. Those who complete such program shall have an appropriate endorsement recorded and placed on their permit. The driver shall successfully complete the program within the permit year unless the program is not offered between the time of application and the end of the permit year; in such an event, the applicant shall be granted a provisional driver's permit upon proof of payment of the fee established in Subsection (6)(a) and shall complete the program within 90 days. No driver's permit shall be issued or renewed to any person who failed to complete the program during any previous period during which such person held a driver's permit, unless the person first successfully completes the program. In addition, licensee shall insure that drivers who operate accessible vehicles are trained to proficiency so that they operate vehicles and

equipment, including lifts/ramps and securement devices, safely and properly assist individuals with disabilities who use the service. (Am. by Ord. 13,596, 4-21-04; ORD-12-00086, 6-26-12; ORD-14-00049, 3-6-14)

5. Permit Years. Unless it is renewed, a driver's permit expires at the end of the permit year. All driver's permits shall expire on June 30 of each year. (Am. by Ord. 11,283, 7-3-95; ORD-12-00086, 6-26-12)

6. Renewals. A driver's permit may be renewed annually if the driver continues to be eligible for a permit. The fee shall be as established for a "renewal permit" in Sub. (6)(a) if the renewal is applied for before expiration of the permit. (Am. by Ord. 12,141, 6-1-98; Ord. 13,487, 1-23-04)

7. If an applicant is eligible to receive a driver's permit, s/he shall receive from the Chief of Police a written permit to which shall be attached the applicant's photograph. The permit or such other permit information as the City Traffic Engineer may require, shall be placed in a location visible to all passengers in the vehicle driven by the driver. The permit shall state the name of the licensee by whom the driver is employed or from whom the driver leases a taxicab. No driver may drive a taxicab or other public passenger vehicle for any other than the licensee named in the permit. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(c) Appeals. If the Chief of Police denies a public passenger vehicle driver permit, s/he shall notify the applicant in writing, and shall state the reasons for the denial. S/he shall provide the City Traffic Engineer with a copy of the denial. The applicant may appeal the denial by notifying the City Traffic Engineer within fifteen (15) days of the date of the written denial. The appeal proceeding shall be held within forty-five (45) days after the date of the appeal, and shall be conducted by the Appeal Subcommittee as provided in Subsection (13)(c) of this ordinance. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(d) Any public passenger vehicle driver's permit issued hereunder may be suspended or revoked by the City Traffic Engineer for any one or more of the following causes: (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

1. When said driver has been convicted by a court of competent jurisdiction of an offense the circumstances of which substantially relate to the circumstances of taxicab operation. Such offenses include but are not limited to reckless driving as defined in Wis. Stat. § 346.62 or driving under the influence of intoxicants or controlled substances as defined in Wis. Stat. § 346.63. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the factors enumerated in Subdivision (b)3. herein. (Am. by ORD-15-00116, 10-28-15)

2. When such holder of a driver's permit has been convicted in any license year of violating this ordinance or of violating any of the following Sections of the Madison General Ordinances or the following Wisconsin Statutes: Wis. Stat. § 346.05, requiring vehicles to be driven on the right side of the roadway; Wis. Stat. § 346.06, regulating meeting of vehicles; Wis. Stat. §§ 346.075 and 346.08, regulating overtaking and passing; Wis. Stat. § 346.10, regulating passing at railroad crossings, intersections, bridges and viaducts; Wis. Stat. § 346.12, prohibiting driving through safety zones; Wis. Stat. § 346.13, regulating driving on roadways laned for traffic; Wis. Stat. § 346.14, regulating distance between vehicles; Wis. Stat. § 346.15 , regulating driving on divided highways; Wis. Stat. § 346.18, regulating right-of-way; Wis. Stat. § 346.19, governing procedures on

approach of an emergency vehicle; Wis. Stat. § 346.31, regulating turning at intersections; Wis. Stat. § 346.32, regulating turning; Wis. Stat. § 346.34, regulating turning movements and required signals; Wis. Stat. § 346.37, regulating compliance with traffic control signals; 12.50, regulating vehicle control at stop or yield right-of-way and school crossing signs; Wis. Stat. § 346.57, establishing speed restrictions; establishing certain speed limits; 12.60 and, regulating minimum speed; and Wis. Stat. § 346.90, prohibiting following an emergency vehicle. (Am. by ORD-15-00116, 10-28-15)

3. When an operator of a horse-drawn vehicle has been convicted of violating Sec. 23.18 or Sec. 8.26 of the Madison General Ordinances;
4. When any holder of a driver's permit shall consume or be under the influence of alcohol or controlled substances, while on duty, as that term is defined in Subsection (7)(d).
5. When the driver has made a false statement in her/his application for a permit under this subsection.
6. When the driver has engaged in violent, obscene, or abusive behavior while on duty, as that term is defined in Subsection (7)(d).
7. When the driver has failed to maintain daily logs as required in Subsection (7)(e) of this ordinance.

(Am. by ORD-15-00041, 4-8-15)

(e) For the purpose of determining when to revoke or suspend a license under this Subsection the City Traffic Engineer may determine and adopt by rule a method of weighing offenses by their seriousness and may change such weighted scale from time to time as experience or accident frequency in the City makes necessary or desirable. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(f) If the City Traffic Engineer revokes or suspends a license or permit, s/he shall notify the licensee or permittee in writing. The notice of suspension or revocation shall state the period of suspension, if any, and the reasons for the suspension or revocation. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(g) A revocation or suspension of a driver's permit shall take effect immediately, unless the permittee, within five (5) days after the date of the notice of suspension or revocation, requests the City Traffic Engineer to stay the suspension or revocation. Such requests shall be in writing, and shall state reasons for the requested stay. The City Traffic Engineer may stay the suspension or revocation but the stay may not exceed thirty (30) days. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(h) Any applicant who is denied a permit and any driver whose permit is revoked or suspended may appeal the denial, suspension, or revocation by following the procedures set forth in Subsection (13)(c) of this ordinance. The term "applicant" includes a permit holder who requests renewal under Subdivision (b)6.

(7) Operating Requirements.

(a) Service to be Provided. It shall be a condition of any meter or zone taxicab service or transportation network company operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour taxicab service throughout the City of Madison and shall provide a twenty-four (24) hour telephone number. It shall also be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour accessible taxicab service, i.e. public passenger vehicle for hire service using an accessible vehicle, throughout the City of Madison. The licensee's accessible taxicab service obligations may be fulfilled directly by providing an accessible vehicle in its regular operating fleet or by contracting with another licensed operator to provide it. In all cases the licensee shall remain responsible for compliance with all applicable rules of operation and other applicable ordinance

requirements under this Chapter. Conditions of horse-drawn vehicle operating licenses, pedal-cab vehicle operating licenses, and commercial quadricycle operating licenses are contained in Subdivisions (j), (k) and (l), respectively, below. (Am. by Ord. 11,229, 4-13-95; Ord. 13,596, 4-21-04)

Unsafe Weather Conditions. A metered or zoned taxicab licensee is not required to provide twenty-four (24) hour taxicab or accessible taxicab service when Madison Metro Transit has suspended bus operations for unsafe weather conditions, upon being notified by the Division of Traffic Engineering via FAX, e-mail or telephone. The notification shall include the start and end dates and times of Metro's suspension of service, if known. If an end time is not stated, Division of Traffic Engineering will notify the licensee when Metro has resumed service via FAX, email or telephone. The licensee must resume complete, twenty-four (24) hour service by the stated end time or upon notification from the Division of Traffic Engineering that Metro has resumed service. During hours when Metro does not offer service, the City Traffic Engineer or designee may declare a "weather emergency" for purposes of suspension of taxicab service and notify licensees using the methods above.
(Am. by ORD-05-00110, 6-8-05; ORD-12-00086, 6-26-12; ORD-14-00091, 5-7-14; ORD-15-00041, 4-8-15)

(b) Special Operating Requirements for Transportation Network Companies. It shall be a condition of any Transportation Network Company operating license granted hereunder that the licensee shall meet the following requirements.

1. Maintain a business office in the City of Madison that shall be open and personally staffed by an employee of the TNC on all business days between the hours of 9 a.m. and 5 p.m., excluding City recognized holidays.
2. Maintain a toll-free business telephone number or electronic communication service that is answered during all hours TNC drivers are operating.
3. Shall have a local mailing address and email address where the TNC staff will accept mail.
4. Shall maintain all records that this chapter requires the TNC to maintain including copies of for-hire drivers licenses and TNC vehicle endorsements (if applicable) of TNC drivers, lists of all TNC drivers and their affiliated vehicles, new driver training records, vehicle insurance policies, vehicle registrations, and passenger complaint records. Records shall be retained by the licensee for a period of at least one (1) year, and shall be made available at any time for the inspections by the Chief of Police or designee or the City Traffic Engineer or designee. Records may be maintained electronically.
5. Shall provide a plan to the City Traffic Engineer on how passengers may recover lost items.
6. Shall provide service throughout the City of Madison.
7. One year from the effective date of this ordinance, the TNC shall submit to the City Traffic Engineer a report detailing all attempted rides not completed due to unavailable drivers. This report shall include the address from which each declined ride was solicited within a designated area to be determined by the City Traffic Engineer.
8. Drivers shall not accept payment of a fare or a gratuity directly. All payments shall be made electronically via the TNC's online-enabled platform.
9. The company shall ensure that TNC drivers do not pick up hails or otherwise solicit riders. Drivers shall only transport passengers who solicit rides via the online-enabled platform.

10. Shall require that passengers be able to view a picture of the driver and vehicle license plate number on their smart phone, tablet or other mobile device used to connect with the TNC dispatch application before the trip is initiated.

11. No commercial advertisements, or lighting not installed by the original manufacturer shall be displayed on the exterior of any transportation network vehicle unless it is approved by the City Traffic Engineer.

12. Shall provide to the City a written or electronic version of a list of best practices developed with the City Traffic Engineer.

13. Shall provide to TNC drivers a written or electronic version of potential risks of driving for a TNC, provided by the City Traffic Engineer.

(Cr. by ORD-15-00041, 4-8-15)

(c) Rest Periods. Every driver of a public passenger vehicle shall have at least one rest period, as defined in Subsection (3), in every 24-hour period, except where a different period is set forth in Subdivisions (j), (k) and (l) for drivers of horse-drawn vehicles, pedal-cab vehicles, and commercial quadricycles. No licensee may permit its drivers, whether employees or contractors, to violate this Subdivision (b). (Am. by Ord. 11,229, 4-13-95; ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

(d) The driver of a public passenger vehicle is "on duty" if s/he is either transporting a passenger or available to respond to a call or hail. No driver of a public passenger vehicle may remain on duty more than twelve (12) continuous hours, except where a different period is set forth in Subdivisions (j), (k) and (l) for drivers of horse-drawn vehicles, pedal-cab vehicles, and commercial quadricycles. In determining whether a driver has been on duty for twelve (12) continuous hours, no break lasting less than one (1) hour may be subtracted from the sum of hours on duty. (Am. by Ord. 11,229, 4-13-95; Ord. 12,744, 12-29-00; ORD-14-00091, 5-7-14)

(e) Daily Logs.

1. Every driver of a taxicab or transportation network company vehicle shall maintain daily logs current to the end of the last shift worked. The daily log shall contain the driver's name, permit number and vehicle identification number and shall clearly state the starting time and ending time of each rest period taken by the driver, and the starting and ending time of each period in which the driver is on duty.

2. Drivers shall file their daily log no later than seventy-two (72) hours after the completion of their work shift. Daily logs shall be kept on file in the office of the licensee and shall be retained by the licensee at least one (1) year.

3. Daily logs shall be made available at any time for inspection by the Chief of Police or designee or the City Traffic Engineer or designee. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

4. Daily logs may be maintained electronically.

5. No driver may transport a passenger for hire without recording the transaction with the taxicab company or transportation network company.

6. Pedal-cab, horse-drawn vehicle, low-speed vehicle and commercial quadricycle operators shall be exempt from this requirement. (Cr. by ORD-12-00086, 6-26-12; ORD-14-00091, 5-7-14)

(Am. by ORD-15-00041, 4-8-15)

(f) Refusal to Carry Passengers Prohibited.

1. Drivers may elect to charge estimated fares in advance for rides when a passenger or prospective passenger engages in any of the following activities:
   a. Is known to the driver as having refused to pay a fare after receiving taxicab or transportation network vehicle service. (Am. by ORD-15-00041, 4-8-15)
   b. Indicates that they may be unable or unwilling to pay the full fare.
   c. Requests service by hailing the taxicab rather than contacting a dispatcher.
   d. Indicates their destination is outside the City of Madison.
   e. Changes their destination while en route or is unable to provide the driver with an exact destination.
   f. Requests to make a stop before the final destination is reached.
   g. Admits to being intoxicated or shows signs of intoxication.
   h. Is placed in the taxicab or transportation network vehicle by a law enforcement officer. (Am. by ORD-15-00041, 4-8-15)
2. In the event a driver requires a passenger to prepay an estimated fare, at the conclusion of the ride, the driver shall refund the difference if the estimated fare exceeds the actual fare, or the passenger shall pay any additional fare owed if the actual fare exceeds the estimated fare that was prepaid.
3. A driver will notify the dispatch center of each instance in which a passenger is requested to pay a fare in advance.
4. No driver may request an estimated fare be paid in advance of service unless a notice informing a passenger that they may be required to prepay under this Ordinance is posted in the vehicle.
5. No driver or licensee may refuse to carry passengers or baggage unless a passenger or prospective passenger engages in violent, abusive or indecent behavior or refuses to pay the estimated fare in advance when the driver makes that request for one of the above reasons. A driver or licensee may also refuse to carry a passenger or baggage if the driver or licensee can demonstrate that the passenger intentionally summoned more than one licensee for the same ride.
6. Except as provided above, no driver or licensee may refuse to carry passengers or baggage to or from any part of the City with reasonable promptness and at prices established in compliance within this ordinance.

(Sec. 11.06(7) (e) Rep. & Rec. by ORD-10-00091, 9-15-10)

(g) Operation by Owner or Employee or Lessee Required. No public passenger vehicle shall be operated except by the owner thereof, or her/his employee or lessee and it shall be unlawful for such owner or employee or lessee to permit the operation of said vehicle by any other person.

(h) Liability of Licensee. Any licensee shall be liable for any violations of ordinances or statutes by any and all persons operating public passenger vehicles under its license. Licensees shall subscribe to the service provided by the State of Wisconsin Department of Transportation under which the Department notifies the licensee if the driver's license of any driver is revoked while that driver's permit under Subsection (6)(d) lists the licensee as lessor or employer.

(i) Airport Shuttle Operating Restrictions. The holder of an airport shuttle operating license may provide service only between the Dane County Regional Airport and other destinations, except that airport shuttle licensees may use their vehicles to provide contract services.

(j) Special Rules for Operation of Horse-Drawn Vehicles.

1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the Division of Traffic Engineering and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the Division of Traffic Engineering and filing with the City Clerk shall be a violation of this section. (Am. by ORD-14-00049, 3-6-14)
2. Operators of horse-drawn vehicles shall maintain trip records. Licensees shall keep all trip records on file for at least three (3) years and shall permit the City Traffic Engineer or her/his designee to inspect such records at any time. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
3. No operator shall be allowed to drive a horse-drawn vehicle for more than a period of ten hours in any twenty-four hour day.
4. Licensees shall comply with the following sanitation requirements:
   a. All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling upon the streets of the city. Any excrement which should fall upon the streets of the city shall be removed at the expense of the licensee.
   b. All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment or disposal. The City reserves the right to approve or disapprove sites taking into account routes within the city, and the rules and regulations of the governmental body having jurisdiction over said sites or facilities.
5. Licensees shall assure adequate rest periods, feeding schedules, health and related animal performance and well-being for each animal under the licensee's ownership, care or control. This responsibility shall include carriage load limits, hours of operation and daily hours of animal usage, except that no animal shall be required to work more than ten hours per day. No animal shall be left unattended while in service.
6. For each animal that will be pulling a permitted vehicle, licensees shall provide a certificate of soundness issued by a veterinarian licensed in the State of Wisconsin, finding such animal to be free from infectious disease, in good health and fit for hack and carriage service under this subdivision. Each animal shall thereafter be re-examined at intervals of no more than six (6) months, and a new certificate of soundness shall be issued by a veterinarian in order for each animal to remain in service. No animal shall be used to draw a horse-drawn vehicle unless the licensee keeps on file a certificate of soundness certified and dated within any preceding six-month period. The licensee shall permit the City Traffic Engineer or her/his designee to inspect said certificates at any time. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(k) Special Rules for Operation of Pedal-cab and Low-Speed Vehicles.

1. Licensees must adhere to the routes or zones specified in their application for an operating license. New or temporary routes must be applied for and approved by the Division of Traffic Engineering and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the Division of Traffic Engineering and filing with the City Clerk shall be a violation of this section.

2. No operator shall be allowed to drive a pedal-cab or low-speed vehicle for more than a period of ten hours in any twenty-four hour day.

3. Pedal-cab operation is prohibited between 6:00 a.m. and 6:00 p.m. Monday through Friday, unless approved by the City Traffic Engineer, and during such additional weekday and weekend hours designated by the City Traffic Engineer in the interest of pedestrian and traffic safety and the safe and orderly flow of traffic. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; ORD-12-00086, 6-26-12)

4. It is unlawful for any person to operate or to permit another to operate a pedal-cab or low-speed vehicle at other times or in other locations than those approved by the Traffic Engineer.

5. No pedal-cab or low-speed vehicle driver shall drive, or be permitted by a pedal-cab operator to drive, a pedal-cab vehicle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States. (Am. by ORD-13-00163, 10-9-13)

6. The driver of a pedal-cab or low-speed vehicle shall operate the vehicle at all times in compliance with applicable city and state traffic laws as provided in Sec. 12.06(3) of the Madison General Ordinances and Wis. Stat. § 346.02(4).

7. The City Traffic Engineer may adopt and from time to time amend rules and regulations relating to pedal-cab vehicles and their operation, including but not limited to, hours of operation, routes, vehicle markings and safety equipment. It shall be unlawful for any person to violate the rules and regulations adopted by the City Traffic Engineer hereunder. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(Sec. 11.06(7)(j) Cr. by Ord. 11,229, 4-13-95; Am. by ORD-14-00049, 3-6-14)

(l) Special Rules for the Operation of Commercial Quadricycles.

1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the City Traffic Engineer and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the City Traffic Engineer and filing with the City Clerk shall be a violation of this section.

2. No operator shall be allowed to drive a commercial quadricycle for more than a period of ten (10) hours in any twenty-four (24) hour day.

3. Commercial quadricycle operation is prohibited between 6:00 a.m. and 6:00 p.m. Monday through Friday, unless approved by the City Traffic Engineer, and during such additional weekday and weekend hours designated by the City Traffic Engineer in the interest of pedestrian and traffic safety and the safe and orderly flow of traffic.

4. It is unlawful for any person to operate or to permit another to operate a commercial quadricycle at other times or in other locations than those approved by the City Traffic Engineer.

5. It is unlawful to operate a commercial quadricycle in the City after 10:30 p.m.

6. No commercial quadricycle operator shall drive, or be permitted by a commercial quadricycle operator to drive, a commercial quadricycle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States.

7. The operator of a commercial quadricycle shall hold a valid operator's license pursuant to Sec. 38.03(5), MGO.

8. The operator of a commercial quadricycle shall operate the vehicle at all times in compliance with applicable city and state traffic laws as provided in Sec. 12.06(3), MGO, and Wis. Stat. § 346.02(4).
9. Each passenger on a commercial quadricycle is permitted to carry onto the commercial quadricycle no more than twenty-four (24) ounces of fermented malt beverages, as defined in Wis. Stat. § 125.02(6).
10. No other alcohol beverages, as defined in Wis. Stat. § 125.02(1), may be carried onto a commercial quadricycle.
11. No glass containers may be carried on a commercial quadricycle.
12. A minimum of two (2) employees of the licensed carrier must be on board a commercial quadricycle if fermented malt beverages are carried on.
13. No alcohol beverages, including fermented malt beverages, shall be possessed, carried on, or consumed on a commercial quadricycle if any passenger of the commercial quadricycle has not attained the legal drinking age, as defined in Wis. Stat. § 125.02(8m), unless that person is accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
14. No operator of a commercial quadricycle, or employee riding on a commercial quadricycle, may consume alcohol while they are hired to transport passengers.
15. No operator of a commercial quadricycle, or employee riding on a commercial quadricycle, may have a blood alcohol concentration of more than 0.00 while they are hired to transport passengers.
16. The City Traffic Engineer may adopt and from time to time amend rules and regulations relating to commercial quadricycles and their operation, including but not limited to, hours of operation, routes, vehicle markings and safety equipment. It shall be unlawful for any person to violate the rules and regulations adopted by the City Traffic Engineer hereunder.

(Sec. 11.06(7)(k) Cr. by ORD-14-00091, 5-7-14)

(m) Curb-to-Curb Service Delivery. Taxicab service is provided in a curb-to-curb manner. This means that the passenger is responsible to get to the curb or other loading location where the vehicle is stopped for pick-ups. Likewise, on disembarking from the vehicle, the passenger is responsible for getting from the curb or other loading location where the vehicle stops to his/her final destination. (Cr. by Ord. 13,596, 4-21-04; Renum. by ORD-14-00091, 5-7-14)

(n) Effective Date of Accessible Taxicab Service Provisions. The requirements of Section 11.06(7)(a) and the additional ancillary provisions relating to operation of accessible taxicab service in this Substitute Ordinance # 13,596, shall have a delayed effective date in accordance with the following:

1. No Initial Undertaking By Licensees to Trigger Effective Date. The said requirements shall become effective on January 1, 2005 if, after July 1, 2004, the Traffic Engineer submits to the Common Council a report finding that a need for this ordinance exists as no current zone and/or meter taxicab service licensee has undertaken to provide accessible taxicab service as described in this ordinance and such report is approved by the Common Council by August 3, 2004.
2. Approved Traffic Engineer Report to Trigger Effective Date. In the event the said requirements do not first become effective in accordance with Paragraph 1., above, the Traffic Engineer shall submit an annual "Finding of Need" report to the Mayor, the Common Council, and the Transit and Parking Commission in conjunction with the annual taxicab license renewal recommendations report. This report shall include but not be limited to such information as the number of rides provided, the number

of rides refused, accessible taxicab vehicle downtime, and actual cost of accessible taxicab rides to licensee. In the event that the Traffic Engineer's annual "Finding of Need" report for any given year finds that a need for the ordinance exists as the need for accessible taxicab service as described in this ordinance is not being met by one or more zone and/or meter taxicab service licensees and that such report is approved by the Common Council, the said requirements shall become effective six (6) months from the date of such approval.

3. Five-year Review and Reassessment. Every fifth year, the Traffic Engineer report referred to in Paragraph 2., above, shall contain an in-depth study of the ordinance addressing its continued need and efficacy in achieving accessible taxicab service, the existence of other viable alternatives and approaches and such other information as the Traffic Engineer deems relevant. Such study shall include information from affected industry and consumer groups and individuals and a survey of other similarly-sized municipal jurisdictions relating to accessible taxicab service.

4. If after the fifth annual report, there has as yet been no finding of need which has been approved by the Common Council, the accessible taxicab service provisions of the ordinance shall sunset and have no further force and effect unless the ordinance is further extended by action of the Common Council.

Until such time as the effective date of the accessible taxicab service requirements are triggered as provided in Paragraphs 1. or 2., above, the provisions of this ordinance requiring accessible taxicab service shall have no effect. Except as provided herein, the ordinance shall be effective upon publication. In the event the remaining provisions become effective as provided above, the ordinance shall be republished in full. (Cr. by Ord. 13,596, 4-21-04)

(o) Commencing with the effective date of this ordinance, the Traffic Engineer shall prepare, no later than July 1 of each year, a written report on accessible taxicab service throughout the City of Madison which shall include the number of passenger complaints and positive comments; a survey of licensee's opinions and concerns; the need for and sufficiency of the accessible taxicab surcharge; an evaluation of the efficacy of the ordinance in achieving adequate accessible taxicab service and such other information as the Traffic Engineer deems relevant. The report shall be submitted to the Disability Rights Commission, the Transit and Parking Commission, and the Common Council. (Cr. by Ord. 13,596, 4-21-04; ORD-15-00086, 8-12-15)

(Renum. by ORD-14-00091, 5-7-14; Am. by ORD-15-00041, 4-8-15)

(8) Financial Responsibility.

(a) It shall be unlawful to operate a meter or zone taxicab for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for license deposits with the City Clerk a policy or certificate of auto liability insurance for the vehicles for which licenses are sought. Auto liability insurance policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars ($1,000,000) per accident. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when taxicab or cab or similar transportation is offered to the public without an insurance policy as

required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars ($200) for each offense. (Am. by ORD-15-00041, 4-8-15)

(b) It shall be unlawful to operate a vehicle using a transportation network company or permit the same to be operate, nor shall any license be issued hereunder until and unless the applicant for license deposits with the City Clerk a policy or certificate of auto liability insurance that provides coverage for accidents involving a vehicle operating using a transportation network company that occur from the period of time beginning when the driver of the vehicle accepts a request for a ride through the company's online-enabled platform, continues while the driver transports the passenger in the vehicle, and ends when the passenger departs from the vehicle. Auto liability insurance policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars ($1,000,000) per accident during the times described above. For the period of time when a driver is logged into a transportation network company's digital network but is not engaged in a transporting a passenger, the company shall maintain a primary automobile insurance policy that recognizes that the driver is a transportation network company driver and covers the driver's provision of transportation network services while the driver is logged into the transportation network company's digital network and must meet at least a minimum coverage of one hundred thousand dollars ($100,000) to any one (1) person in any one (1) accident, three hundred thousand ($300,000) dollars to all persons in any one (1) accident, and for property damage arising out of the use of the motor vehicle to a limit, exclusive of interest and costs, of twenty-five thousand ($25,000) dollars in any one (1) accident. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any transportation network company vehicle is operated for the conveyance of passengers for hire is offered to the public without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars ($200) for each offense. (Cr. by ORD-15-00041, 4-8-15)

(c) It shall be unlawful for pedal-cab, low-speed vehicle or commercial quadricycle operators to operate a pedal-cab, low-speed vehicle or commercial quadricycle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposits with the City Clerk a policy or certificate of commercial general liability insurance coverage. Insurance policies shall be issued by a company or companies authorized to do business in the state of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars ($1,000,000) per occurrence, shall be primary and non-contributory, and shall list the City of Madison, its officers, officials, and employees as additional insureds. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any pedal-cab, low-speed vehicle or commercial quadricycle is operated is operated for the conveyance of passengers for hire without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every

person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars ($200) for each offense. (Am. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14; Renum. by ORD-15-00041, 4-8-15)

(d) The Police Department shall have the power to impound any vehicle which is being operated in violation of the provisions of this subsection. Any such vehicle which is impounded hereunder shall be released to the owner or operator thereof when the provisions of this subsection have been complied with or upon the owner thereof filing a signed statement with the City Clerk wherein s/he agrees that said vehicle will not be operated as a public passenger vehicle until all provisions of this subsection have been complied with and shall file therewith a bond in the penal sum of two hundred dollars ($200) with surety to be approved by the Common Council guaranteeing the performance of said agreement. (Renum. by ORD-15-00041, 4-8-15)

(Sec. 11.06(8) Am. by ORD-12-00086, 6-26-12)

(9) Rates of Fares.

(a) No license granted under Subsection (4) of this ordinance shall have any force or effect unless the licensee files with the City Clerk a schedule of rates of fares. Licensees may charge fares measured according to zones, according to meters, or according to GPS-enabled devices, except that horse-drawn vehicle and pedal-cab vehicle licensees shall charge fares according to subs. (m) and (n) below. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule. Any discounts or special fares shall be included in the rates of fares filed with the City Clerk. A schedule of rates of fares must be on file with the City Clerk for 28 days before the rates are effective, except that promotional discounts or coupons may be implemented if the City Traffic Engineer is notified at least forty-eight (48) hours in advance. Any duly established rate other than the said promotional discounts shall remain in effect for a minimum duration of six months. In the case of extreme changes in conditions, the owner of a licensed company may petition the Transit and Parking Commission to review a schedule of rate change within a shorter period of time. After reviewing the request the Transit and Parking Commission may approve a rate change effective within the six-month period but may not approve such a rate change unless the current rates of fares have been in effect for at least ninety (90) days. The rates of fares authorized to be established by this ordinance shall not vary with time of day.

Notwithstanding the foregoing, at any time during the first twelve (12) months from the effective date of the accessible taxicab requirement, the owner of a licensed company may modify its schedule of rates of fares provided such modification is solely due to the cost of compliance with the accessible taxicab ordinance. The schedule of rates of fares so modified must be on file with the City Clerk for twenty-eight (28) days before the rates are effective. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97; ORD-12-00086, 6-26-12; ORD-15-00041, 4-8-15)

(b) Notwithstanding the provisions of Subdivision (a) above, a licensee of meter or zoned taxicab services may charge an accessible taxicab surcharge not to exceed twenty cents ($.20) per trip or fifty cents ($.50) per trip as described below, subject to the following conditions:

1. The accessible taxicab surcharge shall not exceed twenty cents ($.20) per trip except that if the licensee provides a dedicated accessible vehicle and driver twenty-four hours per day, seven days per week to furnish its required accessible taxicab service, the allowable surcharge shall not exceed fifty cents ($.50) per trip.

2. The exact fee imposed as a surcharge must be on file with the City Clerk before any surcharge may be collected and cannot be increased during the license year.
3. The amount of the surcharge shall be marked on the interior of the vehicle, in addition to the information required by Subsection (10)(a)1. of this ordinance.
4. The amount of the surcharge shall be marked on the right and left exterior sides of the taxicab, in addition to the markings required by Subsection (10)(a)2. of this ordinance.
5. Notwithstanding the provisions of this subdivision, a licensee is not authorized to charge and shall not collect an accessible taxicab surcharge during any period that its accessible vehicle is out of service as described in Sec. 11.06(10)(g).
6. This provision, permitting licensees to charge an accessible taxicab surcharge, expires and shall have no further effect commencing three (3) years after the effective date of the accessible taxicab service provisions of this ordinance, Substitute Ordinance # 13,596, as determined per Subsection (7)(n), unless extended by action of the Common Council.

(Cr. by Ord. 12,649, 7-28-01; Am. by Ord. 13,596, 4-21-04)

(c) Meter Taxicab Rates.

1. Taximeter Required. Every meter taxicab shall contain a taximeter in good repair, inspected by the City Sealer or Weights and Measures Inspector as required in Subsection (10)(c)2. The taximeter shall be set to measure only the rates listed below:
   a. The meter taxicab rate filed with the City Clerk.
   b. A mileage rate filed with the City Clerk, to be used only for out-of-city trips, pursuant to Paragraph 3. below.
2. Mileage Charge. For conveying one (1) passenger on a mileage basis the charge shall be the scheduled rate for a unit of distance and the scheduled rate for each additional unit of distance. No charge may be made for additional passengers going to the same place, however a premium fare may be charged for large parties as permitted under Sub. (9)(j)6. (Am. by ORD-05-00110, 6-8-05)
3. For out-of-city trips a licensee shall charge the mileage rate from the point of origin to the point of destination.
4. Waiting Charge. On vehicles operating on the mileage rate, a waiting charge for each unit of time may be charged after the passenger has entered the taxi or requested the operator to wait. In addition, a waiting charge for each unit of time may be charged a passenger who is not ready for pick-up commencing five (5) minutes after a "time call" pick-up time or five (5) minutes after the actual taxicab arrival time for a "time call", whichever is later, or commencing five (5) minutes after the taxicab arrival time for an "on-demand" pick-up. (Am. by Ord. 11,011, 10-12-94; Ord. 13,596, 4-21-04)
5. Shortest Route. Meter taxicabs must take the shortest, most direct route to a certain destination, unless the passenger approves a different route.
6. Unlawful to Charge any Other Amount Than That Registered on Taximeter. Except for multiple loading or shared rides as provided in Paragraph 8. below, it shall be unlawful for any driver of a meter taxicab to convey any passenger within the limits of the City of Madison unless the taximeter is used in determining the fare to be charged, unless the driver and passenger agree that an hourly rate shall be charged instead. Such agreements are subject to the requirements of Subdivision (h) of this Subsection. If the

driver and passenger have not agreed on an hourly rate, no other or different fare shall be charged to the passenger than is recorded on the reading face of the taximeter for the trip. This paragraph does not prohibit the premium fare for large parties allowed under sub. (9)(j)6., which shall be calculated based upon a percentage of the metered rate, nor shall this paragraph prohibit other fees expressly allowed elsewhere in this ordinance. (Am. by ORD-05-00110, 6-8-05)

7. Individual Service. Any patron who first engaged service in a meter cab shall receive individual service, unless the passenger requests that one or more additional passengers be carried, or unless Paragraph 8. below is applicable.

8. Multiple Loading or Shared Ride. For rides to or from the Dane County Airport, multiple loading, as defined in Subsection (3) above, is permitted for meter taxicabs during peak periods if all passengers consent. The term "peak period" is defined in Subsection (3) above. The fare shall be no greater than the lowest airport shuttle rate filed pursuant to Section 11.06(9)(g) of the Madison General Ordinances for the airport shuttle zone or zones through which the cab will travel. (Am. by ORD-14-00049, 3-6-14; ORD-14-00091, 5-7-14)

(d) Zone Taxicab Rates.

1. The base rate of fare per passenger shall be the scheduled rate for the first passenger from any point to any other point within one (1) zone plus the scheduled rate for the first passenger when that passenger crosses from one zone into another zone.
   a. The charge for additional passengers starting at the same point and going to the same destination shall be the scheduled rate for each additional passenger regardless of the zones traversed.
   b. Beyond and starting from the last designated zone lines on the zone map to the present or future City limits, which for the purposes of this ordinance shall be designated the "outer zone", the charge shall be the scheduled rate per unit of distance or fraction thereof.

2. Waiting Charge. A waiting charge may be added when the vehicle is waiting at the direction of the passenger. The waiting charge shall be charged to the passenger who requested the wait. In addition, a waiting charge may be charged a passenger who is not ready for pick-up commencing five (5) minutes after a "time call" pick-up time or five (5) minutes after the actual taxicab arrival time for a "time call", whichever is later, or commencing five (5) minutes after the taxicab arrival time for an "on-demand" pick-up. (Am. by Ord. 13,596, 4-21-04)

3. For trips originating in the outer zone and ending in the outer zone:
   a. The First passenger shall be charged the initial scheduled zone rate established in paragraph one above, plus the additional scheduled rate established in paragraph one above for each unit of distance or fraction thereof established in paragraph one above, starting from point of origin.
   b. Each additional passenger to the same destination shall be charged the scheduled rate established in paragraph one above.

4. If a trip originates in an outer zone and ends in a zoned area the above rates would apply, mileage beginning at the point of origin and ending at the first zone line crossed; thereafter and including the first zone line so crossed: The scheduled rate established in paragraph one above for the first passenger, additional when crossing from one zone into another.

5. If an out-of-town trip originates within a zone, the regular zone fare to the last zone line applies.
6. Direct Trip Required. The charge made by zone taxicabs must be for a direct trip to a certain destination, provided said trip may be indirect as to a passenger, for the purpose of delivering or picking up a delivery or another passenger or passengers.
7. Hourly Rate. Zone taxicabs are permitted to agree with passengers on an hourly rate, subject to the requirements in Subdivision (h) of this Subsection.

(e) Zones. The City Traffic Engineer, in consultation with licensees operating under the zone system, is hereby authorized to establish zones for the operation of zone taxicabs. A complete and current description of such zones shall be available for public inspection and copying in the office of the Department of Transportation.

1. When territory is annexed into the City, the new territory shall continue as an outer zone until a new zone is created by action of the Transit and Parking Commission.
2. At least every ten (10) years, commencing in 1994, the Department of Transportation shall study the system of zones and recommend revised and updated zones to the Transit and Parking Commission.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(f) GPS-Calculated Rates.

1. GPS Device Required. Every public passenger vehicle operating under a Transportation Network Company shall contain a GPS device in good repair.
2. Mileage Charge. For conveying one (1) passenger on a mileage basis the charge shall be the scheduled rate for a unit of distance and the scheduled rate for each additional unit of distance. No charge may be made for additional passengers going to the same place, however a premium fare may be charged for large parties as permitted under Sec. 11.06(9)(j)6.
3. For out-of-city trips a licensee shall charge the mileage rate from the point of origin to the point of destination.
4. Waiting Charge. On vehicles operating on the mileage rate, a waiting charge for each unit of time may be charged after the passenger has entered the taxi or requested the operator to wait. In addition, a waiting charge for each unit of time may be charged a passenger who is not ready for pick-up commencing five (5) minutes after a "time call" pick-up time or five (5) minutes after the actual taxicab arrival time for a "time call", whichever is later, or commencing five (5) minutes after the taxicab arrival time for an "on-demand" pick-up.
5. Shortest Route. Drivers operating public passenger vehicles using a Transportation Network Company must take the shortest, most direct route to a certain destination, unless the passenger approves a different route.
6. Unlawful to Charge any Other Amount Than That Registered on a GPS Device. Except for multiple loading or shared rides as provided in Paragraph 8. below, it shall be unlawful for any driver to convey any passenger within the limits of the City of Madison unless the GPS device is used in determining the fare to be charged, unless the driver and passenger agree that an hourly rate shall be charged instead. Such agreements are subject to the requirements of Subdivision (i) of this Subsection. If the driver and passenger have not agreed on an hourly rate, no other or different fare shall be charged to the passenger than is recorded on the reading face of the taximeter for the trip. This paragraph does not

prohibit the premium fare for large parties allowed under sub. (9)(j)6., which shall be calculated based upon a percentage of the metered rate, nor shall this paragraph prohibit other fees expressly allowed elsewhere in this ordinance.

7. Individual Service. Any patron who first engaged service in a vehicle operated using a Transportation Network Company shall receive individual service, unless the passenger requests that one or more additional passengers be carried, or unless Paragraph 8. below is applicable.

8. Multiple Loading or Shared Ride. For rides to or from the Dane County Airport, multiple loading, as defined in Subsection (3) above, is permitted for vehicles operating using Transportation Network Companies during peak periods if all passengers consent. The term "peak period" is defined in Subsection (3) above. The fare shall be no greater than the lowest airport shuttle rate filed pursuant to Section 11.06(9)(g) of the Madison General Ordinances for the airport shuttle zone or zones through which the vehicle will travel.

(Cr. by ORD-15-00041, 4-8-15)

(g) Airport Shuttle Rates. The City Traffic Engineer, in consultation with airport shuttle licensees, is hereby authorized to establish zones for the operation of airport shuttle service. A complete and current description of such zones shall be available for public inspection and copying in the office of the Department of Transportation. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(h) Flat Rate. When a specialized transportation vehicle is occupied by one (1) passenger, a rate not to exceed the scheduled rate for the first unit of distance, and an additional maximum scheduled rate for each additional unit of distance, may be charged. When the specialized transportation vehicle is occupied by two (2) or more passengers, an additional scheduled rate per passenger may be charged.

(i) Hourly Rate. Zone and meter taxicabs and specialized transportation vehicles may charge a rate by the hour provided that the passenger requests it and the driver agrees to it before the commencement of the ride. The rate for one hour is the minimum that may be charged. No additional charge may be made for additional passengers under the hourly rate.

1. The hourly rate may be requested by the passenger at any time to commence at the said time. Any metered or zoned fare accrued at the time of the hourly rate request shall be paid by the passenger in addition to the hourly rate.
2. After a passenger requests an hourly rate charge, no additional mileage, meter or zone charge may be assessed.
3. Charges for other services as authorized in Subdivision (j) below may be assessed for the services specified therein.
4. The rate charged for the hourly service shall be posted in the vehicles at all times.

(j) Rates For Other Services.

1. Personal Baggage and Groceries. For personal baggage, drivers shall charge the scheduled rate. If the driver is required to carry grocery bags from the cab to the door of a residence or building, the driver shall charge the scheduled rate for the service.
2. Trunks, Footlockers and Other Large Items. Drivers shall charge the scheduled rate for each trunk, footlocker or other large item transported.
3. Aids to persons with disabilities, including but not limited to wheelchairs, walkers, canes, crutches, and service animals shall be transported free of charge, nor shall there be any charge if the driver is required to load or

unload any of these aids into or from the taxicab. The limitations of Sec. 11.06(9)(j)5. shall apply to any aid the driver may be requested to handle.

4. The driver is not required to handle any single article greater than fifty (50) pounds in weight.

5. A driver may refuse to transport items which are too heavy or too large to be transported safely, and any animal which the driver reasonably believes is dangerous to health or safety.

6. Large Party Fare. A metered or zoned taxicab licensee may charge a premium fare of up to one and one-half the regular fare when a passenger requests a single vehicle to accommodate service for a party of six (6) or more passengers. If a licensee elects to use this charge, it shall be stated on the schedule of rates of fare required under sub. (9)(a) (Cr. by ORD-05-00110, 6-8-05)

(k) Rate Allowance for Airport Taxicab Fee. An additional charge per taxicab shall be made whenever the taxicab is required to pay an airport taxicab fee. Said charge shall not exceed the fee imposed by the Dane County Regional Airport.

(l) Fraudulent Representations Forbidden. It shall be unlawful for the owners, drivers, or any persons engaged in the business of carrying passengers for hire to induce any person to employ her/him by knowingly or carelessly misinforming or misleading such person, either as to the time of arrival or departure of any railroad car or train, or other public conveyance, or as to the location of any railroad depot, office, station, or railroad ticket office, or the location of any hotel, public place or private residence within the City of Madison; and it shall be unlawful for any such owner or driver knowingly or carelessly to misinform any person carried as a passenger as to the distance such person is carried or as to the distance between two (2) locations.

(m) Rates for Horse-Drawn Vehicles. Rates as set by the driver of a horse-drawn vehicle shall be set by the hour or fraction thereof and shall be in the form of a stated amount for the first hour and a stated amount for each fraction of an hour thereafter.

(n) Rates for Pedal-Cab Vehicles. Rates as set by the operator of a pedal-cab vehicle service shall be set by the hour or fraction thereof or by the block and shall be in the form of a stated amount for the first hour or block and a stated amount for each fraction of an hour or additional block thereafter. Pedal-cabs may opt to accept any tip or gratuity for the service, in lieu of a set rate. (Cr. by Ord. 11,229, 4-13-95; Am. by ORD-13-00163, 10-9-13)

(o) Additional Authorized Charges. A licensee engaged in the business of transporting passengers for hire may charge the following additional fees, however these fees shall not be considered part of the rate of fare:

1. Soiling or Damaging Vehicle. A passenger may be charged a reasonable fee for the cost of cleaning a public passenger vehicle that has been soiled or damaged by the passenger to the extent that the vehicle must be taken out of service and cleaned or repaired before it can be put back into service. This paragraph shall not act as a limit or waiver upon any private right of action between the licensee or permittee and the passenger.

2. No-Load Fee. If a taxicab licensee can prove that a passenger has intentionally summoned more than one licensee for the same ride or if the licensee can prove that a passenger called for service but subsequently does not use the service and does not cancel the request before the arrival of the taxicab, the passenger may be charged a no-load fee equal to the amount of the first mileage increment fee ("drop fee") for a metered taxicab or the first zone fee for a zoned taxicab.

(Cr. by ORD-05-00110, 6-8-05)

(p) Temporary Fuel Surcharge. Notwithstanding the provisions of Subdivision 11.06(9)(a) of this ordinance, a licensee may charge a fuel surcharge in any amount not to exceed one dollar ($1.00) per trip, subject to the following conditions:

1. Licensee shall file a statement with the City Clerk indicating the amount of the surcharge, prior to implementing the surcharge. A licensee may vary the amount of its surcharge, up to the $1.00 limit, by filing a new statement with the Clerk and changing the vehicle markings as required below.
2. When multiple loading is permitted on trips to and from the airport during declared peak periods as defined in Subsection (3), and all passengers are going to the same destination, a metered taxicab may charge only one (1) such surcharge per trip, and the surcharge shall be divided equally among the passengers.
3. On a shared ride in a zoned taxicab, as defined in Subsection (3), if all passengers are going to the same destination, only one (1) surcharge may charged and shall be divided equally among the individual passenger fares.
4. The amount of the surcharge shall be marked on the interior of the vehicle, in addition to the information required by Subsection (10)(a)1. of this ordinance.
5. The amount of the surcharge shall be marked on the right and left exterior sides of the taxicab, in addition to the markings required by Subsection (10)(a)2. of this ordinance.
6. Sunset Clause and Effect of Rate Change. This provision, Sec. 11.06(9)(p), permitting licensees to charge a fuel surcharge, shall have no effect after six (6) months after the date of publication of the ordinance creating it, however if a licensee obtains a regular rate change during this six-month period, that licensee shall no longer be permitted to charge a fuel surcharge under this provision.

(Sec. 11.06(9) Renum. and Am. by ORD-15-00041, 4-8-15)

(10) Vehicles.

(a) Vehicle Marking. All public passenger vehicles shall be appropriately marked as required herein. Vehicles not in compliance with these requirements shall not be used for carrying passengers.

1. Interior Marking. Each vehicle shall be marked on the interior or electronically displayed to the passenger with the owner's name, vehicle license number, driver's permit, type of vehicle permit issued, City complaint telephone number or City complaint email form, and current rates of fare. Each vehicle issued a permit to operate on a zone or airport shuttle basis shall also contain a clear and readable notice informing the passenger that zone information is available upon request. The foregoing requirements do not apply to specialized transportation vehicles.
2. Exterior Marking. Each meter or zone taxicab, or vehicle operating using a transportation network company shall be conspicuously marked with a decal approved by the City Clerk on the exterior of the vehicle. The decal shall be displayed on a placard on the left dashboard and visible from the outside of the vehicle through the windshield. The decal shall contain the company name, vehicle permit number, type of vehicle permit issued, and current rates of fare. Transportation network companies shall make the license plate number available to the passenger on the online-enabled platform.

Vehicles issued a permit to operate on a flat rate or airport shuttle basis need not display a current rate of fare.

Vehicles which are required to display current rates of fare shall include at least the following information:

a. The minimum or first increment rate.
b. The rate per mile, calculated according to rates filed with the City Clerk.
c. Waiting charge.
d. Charge for additional mileage increments.

Vehicles shall be conspicuously and permanently marked on the rear with the vehicle permit number. Specified exterior markings as determined by the City Traffic Engineer shall be in letters and numbers not less than three (3) inches in height and shall be a light color on a dark background or a dark color on a light background.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(b) Color Scheme. Each licensee or applicant for a taxicab license hereunder shall designate the color scheme for the cabs to be operated under such license. The Department of Transportation shall designate the color scheme assigned to each licensee and the color scheme shall be placed on file with the City Clerk. Thereafter all cabs shall be painted to correspond to the color scheme of the licensee under which such cab is authorized to operate and both the permittee and the licensee shall at all times see that the color scheme of the cabs operated under such license or permit is so maintained; nor shall any person drive a cab the color scheme of which is not that of the licensee under which it is operated. Transportation network companies are not required to designate a color scheme for their vehicles, however, any company that does not operate using a uniform color scheme shall be prohibited from operating on State Street and shall be prohibited from using Taxicab Stands.

(c) Inspection of the Condition of the Vehicles for Public Conveyance.

1. Each Public Passenger Vehicle shall be kept and maintained in a safe operating condition. To insure the safe condition of all vehicles:

a. Meter and Zone Taxicab Inspections. The licensee shall cause all meter and zone taxicab under the licensee's operation or control to be inspected once for each 5,000 miles driven. The taxicab licensee shall maintain adequate inspection facilities. In addition to regular inspections, the licensee shall cause all Public Passenger Vehicles under its operation or control to undergo such special inspections as the City Traffic Engineer may require. If any taxicab fails to pass a regular or special inspection, it shall be removed from service until such time as it has passed inspection.

i. The licensee shall establish or cause to be established a system of regular and frequent maintenance checks of lifts/ramps and securement devices of accessible vehicles to determine if they are operative. (Cr. by Ord. 13,596, 4-21-04)

ii. The licensee shall maintain maintenance records for all Public Passenger Vehicles under the licensee's operation or control, including but not limited to records of all tests of brakes, tires, steering wheels, mechanical parts and lighting equipment and shall make said records available to the City Traffic Engineer or designee upon her/his request.

iii. All mobility devices, securement devices and other required equipment for accessible vehicles shall be maintained in a safe operating condition and in compliance with the 49 CFR Parts 37 and 38 sections set forth in Section 11.06(3),

above, currently in effect and as amended from time to time. (Cr. by Ord. 13,596, 4-21-04; Am. by ORD-15-00041, 4-8-15)

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

b. Transportation Network Company Vehicle Inspections. All TNC companies shall require every affiliated vehicle to undergo a 19-point inspection by a mechanic approved by the City Traffic Engineer prior to operating as a public passenger vehicle, and annually after that. That inspection shall certify in writing that the following items are mechanically sound and fit for driving.

i. Foot brakes (check stopping at 20 mph, a vehicle must be capable of stopping within 25 feet).
ii. Emergency brakes (engine stall test).
iii. Steering mechanism.
iv. Windshield (no cracks or chips larger than one inch).
v. Rear window and other glass (no cracks or chips larger than one inch).
vi. Windshield wipers.
vii. Headlights.
viii. Tail lights.
ix. Turn indicator lights.
x. Stop lights.
xi. Front seat adjustment mechanism.
xii. Doors (open, close, lock).
xiii. Horn.
xiv. Speedometer.
xv. Bumpers.
xvi. Muffler and exhaust system.
xvii. Condition of tires, including tread depth.
xviii. Interior and exterior rear view mirrors; and
xix. Safety belts and air bags for the driver and passenger(s).

2. Every taximeter being operated in a taxicab in the City of Madison shall be inspected by the City Sealer or Weights and Measures Inspectors within 10 days after any new rate goes into effect and at such other times as the Inspectors or Director of Transportation may require.

3. Each horse-drawn vehicle shall be kept in a safe and sanitary condition at all times. The licensee shall cause each horse-drawn vehicle or stable under the licensee's operation or control to be inspected at least once each month. The licensee shall maintain adequate inspection facilities and shall maintain records of all such inspections, and shall make the records available to the City Traffic Engineer upon her/his request. The City shall have the right to inspect or cause to be inspected any horse-drawn vehicle or stable as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this section or any other rule, regulation, ordinance or law relating to the operation of such horse-drawn vehicles and stables. If any horse-drawn vehicle or stable shall fail to pass such inspection, it shall be removed from service on the day of inspection, and shall remain out of service until it has passed inspection. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(d) Radios. It shall be unlawful for any driver of a taxicab to use or operate a radio in said taxicab while transporting passengers provided, however, that it shall be lawful to equip taxicabs with radios for the purpose of communicating between

taxicabs and the central office for the purpose of directing the operation and business of such taxicabs. At the request of the passenger, the operator shall turn the radio off. It shall be unlawful for any taxicab driver or operator to monitor the calls of another company for the purpose of taking the other company's calls. (Am. by Ord. 11,011, 10-12-94)

(e) Legal Passenger Load. It shall be unlawful for any driver of a taxicab, transportation network vehicle or low-speed vehicle to carry at one time a number of passengers greater than the number of seat belts available and in good working order in the vehicle. (Am. by ORD-12-00086, 6-26-12; ORD-14-00049, 3-6-14)

(f) Passenger Seating. Unless the driver specifically authorizes the passenger to sit in the front seat, all passengers shall sit in the rear seat.

(g) Accessible Vehicles Compliance Notification. A licensee that is providing accessible taxicab service under an agreement with another licensed operator shall provide written notification to the City Traffic Engineer of any change in contractor/vendor within twenty-four (24) hours of the effective date of such change. In addition, licensees shall provide written notification via e-mail, fax, or letter to the City Traffic Engineer in the event an accessible vehicle is required to be out of service for more than twenty-four (24) hours. (Cr. by Ord. 13,596, 4-21-04) (Am. by ORD-15-00041, 4-8-15)

(11) Books and Records.

(a) Every licensee shall maintain accurate records of the number of passengers carried, daily logs required by Subsection (7)(e) of this ordinance, and such other records as the City Traffic Engineer may prescribe. Licensees shall also collect and maintain all pertinent information relating to accessible taxicab operation, including rates, number of rides provided, number of rides refused and reasons, amount of down time for vehicle being used, method of operation, accidents and worker claims associated with the service. Licensees shall retain such records for at least three (3) years, except that trip sheets must be retained for one (1) year. (Am. by Ord. 13,596, 4-21-04; ORD-15-00041, 4-8-15)

(b) Every licensee shall permit the City Traffic Engineer or her/his designee to inspect and copy those records at any time at least forty-eight (48) hours after the licensee receives the Engineer's written request.

(c) Taxicab companies will be required to maintain and have available for inspection and copying, statements of operating expenses, revenue and characteristics as required by the City Traffic Engineer on a form provided by the Engineer. The City Traffic Engineer may further require the filing of annual reports, schedules and other data by such owners so that the provisions of this ordinance may be completely carried out.

(d) Taxicab companies shall provide, upon request, information to the City Traffic Engineer in order that accident rates and rates of complaints and moving violations for various taxicab companies within the City of Madison can be established.

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(12) Common Council May Impose Further Restrictions. Any license, public passenger vehicle permit or driver's permit issued hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the Common Council, after public hearings and recommendations by the Transit and Parking Commission. (Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)

(13) Enforcement.

(a) Revocation or Suspension of Licenses and Permits. The City Traffic Engineer may suspend or revoke licenses and permits issued under this section when s/he determines that the licensee or permittee has violated a state statute, a City

ordinance or any rule established under the authority of this ordinance. In order to suspend or revoke a license or permit issued under this section, the City Traffic Engineer shall follow the procedures in this Subsection.

(b) Procedures for Revocation or Suspension of License or Permit. In addition to any other penalties provided for the violation of any of the provisions of this section or any other offense or misconduct substantially related to taxicab or other vehicle operation by any owner or driver shall be cause for revocation or suspension of up to twelve (12) months by the City Traffic Engineer of the license under which said vehicle is operated or the permit covering said vehicle or the driver's permit of the person committing the violation or any or all of them. When a license or permit is revoked no other license or permit shall be granted to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any license or permit so revoked be refunded. The City Traffic Engineer shall inform the owner, operator or driver of the revocation or suspension and the reasons therefore in writing.

(c) Appeals. Any suspension or revocation imposed by the City Traffic Engineer may be appealed to an Appeal Subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk within ten (10) days after the date of such notice of revocation or suspension. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the Engineer's determination.

The suspension or revocation of a company license ordered by the City Traffic Engineer shall take effect thirty (30) days after the date of the notice of suspension or revocation, unless the City Traffic Engineer grants a stay. The City Traffic Engineer may grant a stay if:

1. S/he receives a written request for a stay on or before the effective date of the suspension or revocation; and
2. The request for a stay states reasons supporting the request; and
3. The City Traffic Engineer finds that granting a stay of the suspension or revocation will not constitute a danger to the public health, safety, welfare, or convenience.

If the Director of Transportation grants a stay of a suspension or revocation under this Subdivision (c), and subsequently determines that the continuation of such stay constitutes a danger to the public health, safety, welfare, or convenience, s/he may rescind the stay by providing written notice to the licensee. Such written notice shall contain reasons for rescission of the stay. The suspension or revocation shall take effect immediately after the licensee receives written notice of rescission of the stay.

The Appeal Subcommittee shall consist of the chair of the Transit and Parking Commission or designee, one (1) Alderperson and one (1) resident who are members of the Transit and Parking Commission, appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Appeal Subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the City Traffic Engineer. Decisions of the subcommittee are final administrative determinations subject to judicial review as provided by law. The final action of the Appeal Subcommittee shall terminate any stay granted under this Subdivision (c). (Am. by ORD-17-00030, 3-8-17)

(d) In the event that a licensee is convicted twice within twelve (12) months of charging fares other than the rate of fare filed with the City Clerk and authorized

pursuant to Sec. 11.06(9), the licensee shall forthwith forfeit any license issued hereunder without further notice, and no license shall thereafter be granted to such person for a period of one (1) year from the date of such revocation.

(e) Forfeitures. Any person violating the provisions of this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each and every offense. A violator of Sec. 11.06(13)(d) shall be liable for a forfeiture of fifty dollars ($50) for each day that a public passenger vehicle contains or is equipped with a scanner, as defined in Subsection (3). (Am. by ORD-12-00086, 6-26-12; ORD-14-00091, 5-7-14; ORD-15-00041, 4-8-15)

(Am. by Ord. 11,848, Adopted 4-15-97; Effective 5-21-97)
(Sec. 11.06 R./Re-Cr. by Ord. 10,982, Adopted 8-30-94)

11.07 CAB AND BUS STANDS - REGULATION THEREOF.

(1) The word "stand" when used in this section shall mean a place to be occupied by a vehicle used for the conveyance of passengers or baggage for hire when such vehicle is unengaged and is awaiting or soliciting new business.

(2) Such place or places as the Traffic Engineer may from time to time designate within the public streets or grounds of the City of Madison shall be the authorized stands for hacks, cabs, wagons, omnibuses, horse-drawn vehicles or other vehicles used for the conveyance of passengers or baggage for hire, and it shall be unlawful for any person to use any other place as a stand for such vehicles except by special permission of the Common Council. The Traffic Engineer shall likewise have the power to designate the stand which each of said respective vehicles may occupy, and when any stand shall have been so allotted to any vehicle or vehicles, it shall be unlawful for the owners or operators of such vehicles to permit said vehicle to occupy any other stand except by special permission of the Common Council. Such designation by the Traffic Engineer shall be in writing and filed with the City Clerk, and may be changed from time to time. No person shall solicit passengers in a loud, boisterous manner, or obstruct the crosswalks or sidewalks in the vicinity of said stand. Any hackman, omnibus driver, express man, job wagon man, or any other person engaged in soliciting or procuring passengers for any of the above vehicles named who shall, while waiting for employment at any mass transportation terminal, leave such vehicle, except for the purpose of getting the baggage or other personal property of the person employing him, or leave the horse or other animal attached to the vehicle unattended, or use indecent or profane language, or be guilty of boisterous or loud talking or hallooing, or any disorderly conduct, or vex or annoy travelers and residents, or obstruct any sidewalks or crosswalks shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) in every case. (Am. by Ord. 8154, 11-14-83; Ord. 13,760, Adopted 12-14-04; ORD-17-00030, 3-8-17)

11.08 ADOPTION BY REFERENCE: STATE CODE. The following is adopted by reference and made a part hereof, as if fully set forth herein:

(1) Wisconsin Administrative Code, Trans 305, Standards for Motor Vehicle Equipment.

(2) A copy of the applicable codes shall be kept at all times and available for inspection, during reasonable hours, in the offices of the City Clerk and the City Transportation Department.

(3) Penalty for Violation of Trans 305. Unless otherwise provided by statute, any person violating the provisions of the Wis. Admin. Code ch. Trans 305, shall be required to forfeit not less than $10 nor more than $200.

(Cr. by Ord. 10140, 11-14-90; Am. by ORD-09-00147, 11-6-09)

11.09 PAYMENT OF TAXICAB AND MOTOR BUS FARE REQUIRED.

(1) Any person who hires a taxicab licensed pursuant to this chapter and fails to pay the fare authorized by law shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

(2) Any person who enters a motor bus that transports persons for hire and refuses to pay, without delay, upon demand of the operator or other person in charge of the motor bus, the prescribed transportation fare shall be subject to a forfeiture not to exceed one hundred dollars ($100). (Am. by Ord. 13,760, Adopted 12-14-04)

(Am. by Ord. 9847, 9-14-89; Am. by Ord. 13,760, Adopted 12-14-04)

11.10 RESERVED FOR FUTURE USE.

11.11 - 11.19 RESERVED FOR FUTURE USE.

11.20 PENALTY. Any person, firm, or corporation shall violate any of the provisions of this chapter for which a penalty has not heretofore been provided shall be subject to a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). (Am. by Ord. 10,324, 11-14-91)

CHAPTER 12

VEHICLE CODE

Section

WORDS AND PHRASES DEFINED

12.01 Words and Phrases Defined.
12.011 Adoption of Chapters 340 Through 348 of the Wisconsin Statutes. (Cr. by Ord. 11,810, Adopted 3-4-97)

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See also Wis. Stats. Ch. 343 and Chs. 346.02, 346.03
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12.031 Time Limitations on Special Registration Plate/Special Identification Card Parking Spaces. (Cr. by Ord. 11,776, 2-3-97)
12.04 Firefighters.
12.045 Emergency Regulations. (Renumbered by Ord. 8382, 7-25-84)
12.05 - 12.18 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)

DRIVING, MEETING, OVERTAKING AND PASSING

12.19 One-Way Streets.
12.20 - 12.25 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)
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12.32 When Standing or Loitering In Roadway or Highway Prohibited.
12.325 Entering or Staying Upon Highways Restricted. (Cr. by Ord. 10,506, 9-11-92; Rep. & Rec. by ORD-17-00015, 2-20-17)
12.33 - 12.38 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)
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12.505 Owner's Liability for Vehicle Illegally Crossing Controlled School Crossing. (Cr. by Ord. 11,614, 6-3-96)
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12.53 Through Streets.
12.54 Stops Required At Certain Intersections.
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12.57 Modifying State Speed Limit on Certain Streets.
12.58 Reserved for Future Use. (R. by Ord. 12,189, 8-31-98)
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12.1335 Alternate-Side Parking and Snow Emergency Parking. (Cr. by Ord. 7148, 11-11-80)
12.1336 Thirty Minute Parking 8:00 A.M. to 6:00 P.M.
12.1337 Thirty-Six Minute Parking 8:00 A.M. to 6:00 P.M. (Cr. by Ord. 6344, 8-16-78)
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12.1339 Clean Streets and Clean Lakes Parking Restrictions. (Cr. by Ord. 11,219, 3-31-95)
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12.1375 Permits for Nonmetered Two-Hour and One-Hour Parking Zones. (Am. by ORD-08-00132, 12-5-08)
12.138 Residential Daytime Parking Privileges For "Commuter Parking Impacted" Streets. (Am. by Ord. 6044, 11-29-77)
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12.1495 Thirty Minute Parking Meter Zones. (Am. by Ord. 7566, 11-19-81)
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12.1505 Combination One Hour, 30 Minute, 25 Minute and 15 Minute Parking Meter Zones. (Am. by Ord. 7567, 11-19-81; Am. by ORD-06-00061, 6-3-06)
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12.1516 Combination Ten Hour, Two Hour, 30 Minute, 25 Minute and 15 Minute Parking Meter Zones. (Cr. by ORD-06-00061, 6-3-06)
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12.156 Construction of this Chapter.
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12.158 Title.

MOTOR DRIVEN CYCLES

12.159 - 12.165 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)

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12.166 Snowmobiles.

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12.167 State Street Pedestrian Mall. (Cr. by Ord. 4726, 9-23-74)
12.168 - 12.176 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)
12.177 - 12.184 Reserved for Future Use. (R. by Ord. 11,810, Adopted 3-4-97)

WORDS AND PHRASES DEFINED

12.01 WORDS AND PHRASES DEFINED. In addition to those words and phrases defined in Wis. Stat. ch. 340, in Chapter 12, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning.

Holidays means the following days: New Year's Day, Martin Luther King, Jr.'s Birthday (third Monday in January), Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. (Am. by Ord. 9622, 11-11-88)

Loading zone means that portion of a highway adjacent to the curb or edge of the highway reserved for the use of vehicles for the purpose of loading or unloading passengers or freight, subject to the restrictions imposed by this chapter, when such loading zone is appropriately designated by the Traffic Engineer.

Power driven cycle means a motor driven cycle weighing between one hundred (100) and three hundred (300) pounds fully equipped but without gasoline or oil and designed to travel not over thirty-five (35) miles per hour with a one hundred fifty (150) pound rider on a dry, level, hard surface with no wind.

Public way means any sidewalk, street, bicycle path, alley, highway or other public thoroughfare.

Solid waste has the meaning designated in Wis. Stat. § 144.01. (Cr. by Ord. 10,297, 8-29-91)

Waters of the State has the meaning designated in Section 159.81, Wis. Stats. (Cr. by Ord. 10,297, 8-29-91)

(Sec. 12.01 Am. by Ord. 11,810, Adopted 3-4-97)

12.011 ADOPTION OF CHAPTERS 340 THROUGH 348 OF THE WISCONSIN STATUTES.

Pursuant to the provisions of Wis. Stat. § 349.06, the City of Madison does hereby adopt and incorporate into this chapter of the Madison General Ordinances the provisions of Wis. Stats. Chs. 340—348, inclusive of all future amendments to any provisions of those sections of the Wisconsin Statutes. The City's power to enforce any provision of Wis. Stats. Chs. 340—348, shall not be extended to any offense for which jail or imprisonment, other than for non-payment of a forfeiture, is a prescribed penalty.

(Sec. 12.011 Cr. by Ord. 11,810, Adopted 3-4-97)

ADMINISTRATION

12.02 TRAFFIC BUREAU OF THE POLICE DEPARTMENT.

(1) The Traffic Bureau of the Police Department consists of those officers of the Police Department assigned thereto by the Chief of Police, under the supervision of a Captain of Traffic directly responsible to the Chief.

(2) It shall be the primary duty of the officers of the Traffic Bureau, with such aid as may be rendered by other officers of the Police Department, to enforce the provisions of this chapter and of the State Vehicle Code; to direct traffic; to investigate traffic accidents; and to cooperate with the Traffic Engineer and other officers of the City and state in the enforcement of traffic laws and in developing ways and means to improve traffic conditions.

(3) Officers of the Traffic Bureau, and other police officers, shall in the event of an emergency, direct traffic as conditions require notwithstanding the provisions of this chapter or the State Vehicle Code.

(4) (R. by Ord. 11,808, 3-14-97)

(5) The Traffic Bureau in cooperation with the Records Bureau of the Police Department shall maintain records or files of the following:

(a) All violations or alleged violations in this City of this chapter and of the State Vehicle Code, including a record of final disposition of all such violations so as to show the number of each type of violation. Said records shall be maintained for at least five (5) years and shall be numbered serially. Monthly and annual summaries of the dispositions of said violations shall be available to the public.

(b) Traffic accident reports filed alphabetically by street name and the information in such reports shall be made available to the Traffic Engineer.

(c) Traffic accidents, arrests, convictions, complaints and warrants, recorded alphabetically by the operator's name, for at least five (5) years.

(6) The Traffic Bureau shall periodically study, in cooperation with the Traffic Engineer, the records and files required by this chapter and attempt to discover the reasons for such violations and accidents and devise needed remedial measures.

(7) The Traffic Bureau shall annually prepare a traffic report which shall be filed with the Mayor. Said report shall contain the following information on traffic matters in this City:

(a) The number of accidents, the number of persons killed, the number of persons injured and other pertinent accident data.

(b) The number of traffic accidents investigated and other pertinent data concerning the safety activities of the Police Department.

(c) The plans and recommendations of the Traffic Bureau for future traffic safety activities.

12.03 CITY TRAFFIC ENGINEER AND PARKING MANAGER. In addition to the duties provided in Section 3.14 the City Traffic Engineer and Parking Manager or designee shall perform the duties provided in this section (including the duties listed in Sec. 3.14(3) in the absence of a Director of Transportation.) When used in this Section or throughout this Chapter, the title "Traffic Engineer" means the City Traffic Engineer and Parking Manager, or designee. (Am. by ORD-06-00061, 6-3-06)

(1) The Traffic Engineer shall conduct engineering analyses and investigations of traffic accidents and other traffic conditions; plan the operation of traffic on the streets of this City; cooperate with the Traffic Bureau of the Police Department in periodic studies of the records and files referred to in Section 12.02 and attempt to discover the reasons for violations and accidents and devise needed remedial measures and cooperate with other City officials in the development of ways and means to improve traffic conditions.

(2) The Traffic Engineer shall install and maintain traffic control signs, signals and devices as required by this chapter to make effective the provisions thereof, and may install and

maintain such additional traffic control devices as she or he may deem necessary to regulate traffic pursuant to this chapter and the State Vehicle Code. All such traffic control signs, signals and devices shall conform to the provisions of Wis. Stat. § 349.065. (Am. by ORD-14-00012, 1-14-14)

(3) The Traffic Engineer, acting pursuant to the findings of his/her engineering analyses and investigations and his/her studies of Traffic Bureau records, may:

(a) Install parking meters limiting parking to twelve (12) minutes or thirty (30) minutes at particular parking spaces in any parking meter zone established by this chapter.

(b) Establish and designate by appropriate devices, signs, marks or lines upon or adjacent to the streets, the following, and thereafter maintain such devices, signs, marks or lines:

1. Crosswalks.
2. Safety zones.
3. Loading zones.
4. Traffic lanes.
5. Bus stops or stands.
6. Taxi stands.
7. "No Parking" zones not to exceed one hundred (100) feet in length.
8. Parking spaces.

(Am. by ORD-14-00012, 1-14-14)

(4) Authority To Order Street Light Installations.

(a) The Traffic Engineer is hereby authorized to order street light installations as funds are available, with preference for the installation to be determined by a comparison of vehicular and pedestrian traffic volume, accident experience, crime experience, area development, neighborhood desire for additional lighting, or other factors concerning public welfare. Direct street lighting should be controlled with cutoff or full cutoff lighting fixtures.

(b) The minimum standards for good street lighting in residential areas served by overhead distribution systems should be one (1) six-thousand-(6,000) lumen street light at every intersection of streets which occurs at intervals of approximately four hundred (400) feet. Where intersections are six hundred (600) feet or more apart, midblock street lights may be installed if it is deemed by the Traffic Engineer that a particular hazard exists. Where intersections are eight hundred (800) feet or more apart, a midblock light or lights spaced approximately four hundred (400) feet apart should be considered necessary and be installed when funds are available. A street light should be installed in an alley in a residential district if the alley is longer than six hundred (600) feet or is longer than four hundred (400) feet and does not have a street light at each end. In residential areas within six hundred (600) feet of, and affected by a nighttime activity from, a commercial district, lights should be spaced approximately three hundred (300) feet apart.

(c) The Traffic Engineer is hereby authorized to order street light installation in residential areas served by underground distribution systems after assessments have been established in accordance with Section 66.0701 of the Wisconsin Statutes. The minimum standard for good street lighting in these areas should be one (1) six-thousand (6000) lumen street light at every intersection of streets which occurs at intervals of approximately three hundred (300) feet. Where intersections are four hundred (400) feet or more apart, midblock street lights may be installed if deemed appropriate by the Traffic Engineer. An initial assessment shall be levied to the developer and/or benefited property owners to cover the initial installation cost of the street lighting units.

(d) The Traffic Engineer is hereby authorized to order street light installation in commercial areas served by underground distribution systems after assessments

have been established in accordance with Wis. Stat. § 66.0701. Street lighting units shall be installed in accordance with the criteria stated in Section 12.03(4)(c). An initial assessment shall be levied to the developer and/or benefited property owners to cover the initial installation cost of the street lighting units.
(Am. by Ord. 7969, 3-11-83; ORD-07-00032, 3/22/07)

12.031 TIME LIMITATIONS ON SPECIAL REGISTRATION PLATE/SPECIAL IDENTIFICATION CARD PARKING SPACES.

(1) The City Traffic Engineer and Parking Manager may impose a three-hour or less limitation on parking of a motor vehicle used by a person with a physical disability upon any portion of a street, highway or parking facility reserved for persons with physical disabilities by official traffic signs indicating the restriction if the following conditions are complied with:

(a) No more than one-third of the number of spaces reserved by the city for use by a motor vehicle used by a person with a physical disability are subjected to such time limitations;

(b) No time limitations may be imposed on a reserved space in a parking facility unless an adjacent space without any such time limitation is reserved for use by a motor vehicle used by a person with a physical disability;

(c) The Parking Council on People with Disabilities shall give advice and make recommendations to the City Traffic Engineer and Parking Manager regarding the location of such time restricted reserved spaces;

(d) The official traffic sign for such reserved spaces shall include information on the applicable time limitation for use by a motor vehicle used by a person with a physical disability.

(Am. by ORD-06-00061, 6-3-06; ORD-06-00099, 8-2-06)

(2) Penalty. Parking in excess of any time limitation imposed under this section shall be considered a violation of Wis. Stat. § 346.53(6) as adopted by the Madison General Ordinances and is therefore punishable as set forth in Wis. Stat. § 346.56(1m), as adopted by the Madison General Ordinances.

(3) Reports. The City Traffic Engineer and Parking Manager shall submit a report by December 31 of each odd-numbered year to the Parking Council on People with Disabilities under Wis. Stat. § 46.29(1)(fm), on implementation and administration of the ordinance, including an evaluation of the effectiveness of time limitations imposed by the ordinance. With respect to spaces reserved by the city for use by a motor vehicle used by a person with a physical disability upon any portion of a street, highway or parking facility, the report shall include the total number of spaces; the total number of spaces in a parking facility and the number of those spaces that are subject to a time limitation, and the duration of any such limitation; and the total number of spaces upon a street or highway and the number of those spaces that are subject to a time limitation, and the duration of any such limitation. (Am. by ORD-06-00061, 6-3-06; ORD-06-00099, 8-2-06)

(Sec. 12.031 Cr. by Ord. 11,776, 2-3-97)

12.04 FIREFIGHTERS. Members of the Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding the provisions of this chapter or of the Wisconsin Vehicle Code.

12.045 EMERGENCY REGULATIONS. The Chief of Police, by and with the approval of the Director of Transportation, may make regulations necessary to make effective the provisions of this chapter.

(1) (a) When it becomes necessary to effectuate the effective movement of vehicles and to plow snow or ice from streets which because of the accumulation of snow or ice

thereon causes such a hindrance to traffic as constitutes an emergency unless the snow or ice is promptly removed, the Chief of Police or his/her designated subordinate, after consultation with the Director of Public Works or his/her designated subordinate and with the Director of Transportation or his/her designated subordinate, shall by appropriate public media declare the beginning of an emergency and the application of emergency snow parking regulations, which regulations shall remain in force and effect until lifted by the Chief of Police or his/her designated subordinate. For the purpose of this ordinance the accumulation of snow or ice on any streets or area sufficient for the application of emergency regulations herein shall be any such accumulation of snow or ice which hinders the safe movement of traffic thereon or that impedes the ability of emergency vehicles and public transportation vehicles to travel safely and expeditiously over such streets or areas. (Am. by ORD-14-00012, 1-14-14)

(b) Reserved for Future Use. (Repealed by Ord. 12,505, 11-19-99)

(c) Enforcement of this ordinance shall not require posting on affected streets but posting shall be placed or erected at or reasonably near the corporate limits on all state and county trunk highways and connecting streets informing motorists that snow emergency regulations are in effect.

(2) When necessary for the cleaning, clearing or repairing of, the removal of snow or ice from any street or streets, or for other emergency or special conditions, the Chief of Police or his/her designated subordinates, is hereby authorized to make temporary regulations of traffic and parking upon such street or streets as conditions require. Notice shall be given of any such regulations by the posting, within a reasonable time before such regulations are to become effective, of reasonably conspicuous signs or other appropriate and convenient means. (Am. by ORD-14-00012, 1-14-14)

(3) The Superintendents of Sanitation (Streets), Parks and Water Supply shall each have concurrent authority with the Chief of Police and his/her designated subordinates, to make emergency regulations when any of said departments are performing work assigned to said department upon, under or above any street or alley when such work might constitute a special hazard to traffic upon such street. The department concerned shall give notice of such regulations in the manner prescribed in subsection (2). (Am. by ORD-14-00012, 1-14-14)

(4) The Traffic Engineer may test traffic control devices under actual conditions of traffic for a period of ninety (90) days, except that such experiments may be continued for an additional ninety (90) day period unless the Common Council shall be resolution determine otherwise in conformity with the provisions of Section 3.14(3)(d). (Am. by Ord. 4605, 6-19-74)

(5) (R. by Ord. 4605, 6-19-74)

(6) Any person violating the provisions of Sec. 12.045(2) and (3) shall be subject to a forfeiture of not less than ten dollars ($10) nor more than thirty dollars ($30) for the first offense and not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for the second or subsequent conviction within a year. In the event the vehicle is towed, the forfeiture shall be not less than forty dollars ($40) nor more than seventy dollars ($70). (Am. by Ord. 8104, 9-19-83; Ord. 12,505, 11-19-99; ORD-10-00015, 2-18-10)

(Sec. 12.05 Renumbered to 12.045 by Ord. 8382, 7-25-84)

12.05 - 12.18 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

DRIVING, MEETING, OVERTAKING AND PASSING

12.19 ONE-WAY STREETS. The following streets and alleys or parts thereof are declared to be one-way streets, and official traffic signs shall be erected at all entrances to said streets and alleys

from other streets or alleys, and no operator of a vehicle shall operate or drive such vehicle except in the direction indicated, unless otherwise directed by an official traffic sign or a traffic officer.

(1) On the alley in Block 15, Greenbush, from Park Street to Brooks Street in a westerly direction.
(2) On the alley in Block 18, Greenbush, from Park Street to Brooks Street in a westerly direction.
(3) On the alley in Block 7, Mills Subdivision, from Hamilton Street to Fairchild Street in a westerly direction.
(4) (R. by Ord. 6591, 4-19-79)
(5) On Atwood Avenue from Winnebago Street to First Street in a westerly direction.
(6) On Bassett Street from Gorham Street and University Avenue to Wilson Street in a southerly direction.
(7) On Bowen Court from Mills Street to Randall Avenue.
(8) (R. by Ord. 8975, 9-25-86)
(9) On Broom Street from Doty Street to Gorham Street in a northerly direction.
(10) (R. by Ord. 5320, 2-18-76)
(11) On Carroll Street from Doty Street to Main Street in a northerly direction.
(12) (R. by Ord. 13,570, 4-21-04)
(13) On Carroll Street from Mifflin Street to Main Street in a southerly direction.
(14) On Charter Street from Regent Street to Dayton Street in a northerly direction.
(15) On Clymer Place from Park Street to Mills Street in a westerly direction.
(16) On College Court from Mills Street to Park Street in an easterly direction.
(17) On Conklin Place from Mills Street to Brooks Street and from Frances Street to Bassett Street in an easterly direction. (Am. by Ord. 13,689, 8-24-04)
(18) On Dayton Street from State Street to Hamilton Street in a westerly direction. (Am. by Ord. 5321, 2-18-76)
(19) On Doty Street from Fairchild Street to Henry Street in a westerly direction. (Am. by Ord. 5322, 2-18-76; Ord, 13,571, 4-21-04)
(20) On that portion of Elmside Boulevard known as Elmside Circle, in a counterclockwise direction.
(21) On Fahrenbrook Court from Park Street to Mills Street in a westerly direction.
(22) On Fairchild Street from Doty and Hamilton Streets to State Street in a southerly direction. (Am. by Ord. 5323, 2-18-76)
(23) On Franklin Street from Wilson Street to Gorham Street in a northerly direction.
(24) On Gilman Street from University Avenue to State Street in an easterly direction.
(25) On Gorham Street from Baldwin and Johnson Streets to Bassett Street and University Avenue in a westerly direction.
(26) On Hancock Street from Gorham Street to Wilson Street in a southerly direction.
(27) On Henry Street from Johnson and State Streets to Gorham Street in a northerly direction.
(28) On Henry Street from Johnson and State Streets to Dayton Street in a southerly direction. (Am. by Ord. 5324, 2-18-76)
(29) On Hiawatha Circle in a counterclockwise direction.
(30) On North Ingersoll Street from East Dayton Street to Sherman Avenue in a northerly direction. (Am. by Ord. 10,449, 6-1-92)
(31) On Jewel Court in a counterclockwise direction.
(32) On Johnson Street from Randall Avenue to Baldwin Street in an easterly direction.
(33) On Lake Court from Lakeside Street to Van Deusen Street in a southerly direction.
(34) (R. by Ord. 13,699, 8-24-04)
(35) On Lawrence Street from Van Deusen Street to Lakeside Street in a northerly direction.
(36) On Madison Street from Oakland Avenue to Regent Street in an easterly direction.
(37) (R. by Ord. 13,594, 4-21-04)
(38) On Main Street from Carroll Street to Pinckney Street in an easterly direction.

(39) (R. by Ord. 8469, 11-14-84)
(40) On Mifflin Street from Pinckney Street to Carroll Street in a westerly direction and from Pinckney Street to Webster Street in an easterly direction. (Am. by Ord. 13,572, 4-21-04)
(41) On Norman Way from Old Middleton Road to Dale Avenue in an easterly direction.
(42) On North Court from Corry Street to Farwell Street in a westerly direction.
(43) On Oakland Avenue from Regent Street to Madison Street in a southerly direction.
(44) On Orchard Street from Dayton Street to Regent Street in a southerly direction. (Am. by Ord. 13,690, 8-24-04)
(45) On Pinckney Street from Dayton Street to Mifflin Street in a southerly direction.
(46) On Pinckney Street from Main Street to Doty Street in a southerly direction.
(47) On Pinckney Street from Main Street to Mifflin Street in a northerly direction.
(48) On Prospect Place from Paterson Street to Washburn Place in a westerly direction.
(49) On the park drive from Randall Avenue to Erin and Wingra Streets in a westerly direction. (Am. by Ord. 7635, 1-28-82)
(50) On Saint Dunstan Drive from Old Middleton Road to University Avenue. (Am. by Ord. 12,853, 7-25-01; Ord. 13,595, 4-21-04)
(51) On South Court from Farwell Street to Corry Street in an easterly direction.
(52) On Third Avenue from Bram Street to Center Street in a southerly direction.
(53) On Thornton Avenue from Johnson Street to Dayton Street in a southerly direction except for the easterly lane which shall be for bicycles traveling in a northerly direction. (Am. by Ord. 8568, 4-24-85)
(54) On University Avenue from Bassett Street to Babcock Drive in a westerly direction except for the south lane, which is one-way in an easterly direction for bicycles only. (Am. by Ord. 13,691, 8-24-04)
(55) (R. by Ord. 13,633, 6-23-04)
(56) On that portion of Vilas Avenue known as Vilas Circle, in a counterclockwise direction.
(57) On the main circular park drive known as Vilas Park Drive from Edgewood Avenue to the Vilas Zoo parking lot entrance in an easterly direction except for the northerly lane which shall be for bicycles traveling in a westerly direction. (Am. by Ord. 8964, 9-12-86)
(58) On Washburn Place from Prospect Place to Gorham Street in a southerly direction.
(59) On Webster Street from Hamilton Street to King Street in a northerly direction. (Am. by Ord. 5325, 2-18-76)
(60) On Wilson Street from Bedford Street to Broom Street in an easterly direction. (Am. by Ord. 5326, 2-18-76)
(61) On Wilson Street from Blair Street to Blount Street in an easterly direction.
(62) On Carey Court from Third Street to Second Street in a westerly direction. (Cr. by Ord. 5625, 10-19-76)
(63) On Atwood Avenue from Eastwood Drive to the southerly leg of Division in a westerly direction. (Cr. by Ord. 5019, 6-4-75)
(64) On Eastwood Drive from Winnebago Street to Atwood Avenue in a northeasterly direction. (Cr. by Ord. 5020, 6-4-75)
(65) On Hamilton Street from Wilson Street to Doty Street in a northerly direction. (Cr. by Ord. 5327, 2-18-76)
(66) On Doty Street from King Street to Fairchild Street in an easterly direction. (Cr. by Ord. 5328, 2-18-76)
(67) On Wilson Street from Henry Street to King Street in a westerly direction. (Cr. by Ord. 5329, 2-18-76)
(68) On Main Street from Fairchild Street to Carroll Street and from Webster Street to Pinckney Street in a westerly direction. (Cr. by Ord. 5330, 2-18-76)
(69) (Cr. by Ord. 5331, 2-18-76; R. by Ord. 13,462, 11-21-03)
(70) On Blair Street from Johnson Street to Washington Avenue in a southerly direction. (Cr. by Ord. 5914, 7-13-77)

(71) On Sawyer Terrace from Segoe Road to Frey Street in a northerly direction. (Cr. by Ord. 6797, 10-31-79)

(72) On Old Middleton Road from its exit off the north side of University Avenue to a point 150 feet southwest of the Blackhawk Bridge in a westerly direction. (Cr. by Ord. 7953, 2-25-83)

(73) (R. by Ord. 11,125, 12-22-94)

(74) On Britta Drive from Helene Parkway to Britta Parkway in an easterly direction. (Cr. by Ord. 8645, 8-2-85)

(75) On Cantwell Court from Jenifer Street to Williamson Street in a northerly direction. (Cr. by Ord. 8711, 10-28-85)

(76) On Bernard Court from Dayton Street to Clymer Court in a northerly direction. (Cr. by Ord. 9612, 11-11-88)

(77) On Campus Drive from Babcock Drive to Orchard Street in an easterly direction. (Cr. by Ord. 13,692, 8-24-04)

12.20 - 12.25 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

RESPECTIVE RIGHTS AND DUTIES OF DRIVERS AND PEDESTRIANS AND BICYCLISTS

12.26 RESERVED FOR FUTURE USE. (R. by ORD-09-00125, 8-20-09)

12.27 - 12.28 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, 3-4-97)

12.29 - 12.31 RESERVED FOR FUTURE USE. (R. by Ord. 12,336, 3-12-99)

12.32 WHEN STANDING OR LOITERING IN ROADWAY OR HIGHWAY PROHIBITED.

(1) No person shall be on a roadway for the purpose of soliciting a ride from the operator of any vehicle other than a public passenger vehicle.

(2) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(3) No person shall be on a bridge or approach thereto for the purpose of utilizing such bridge or approach for fishing or swimming when signs have been erected by the Traffic Engineer indicating that fishing or swimming off such bridge or approach is prohibited.

12.325 ENTERING OR STAYING UPON HIGHWAYS RESTRICTED.

(1) Purpose. Pedestrians are increasingly using highways in ways for which the roads were not designed. These uses include approaching vehicles when in use or staying upon medians for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile crashes more likely. This ordinance is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute on the busiest streets within the City of Madison, identified as arterial streets or highways, and some streets intersecting with those arterial streets. This ordinance applies to those "covered highways" identified in sub. (7) herein.

(2) Definitions. As used in this ordinance,

"Covered Highway" is defined in sub. (7) herein.

A vehicle is "in operation" when it has an operator, as defined in Wis. Stat. § 340.01(41).

A "median" is a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or in the case of left or right hand turn lanes, vehicles traveling in the same direction.

(3) No person, other than a person in or on a vehicle, shall be on a covered highway listed in sub. (7) and approach any vehicle in operation, except a vehicle that is legally parked at the curb or the shoulder.

(4) No person shall be upon a median of a covered highway listed in sub. (7) unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the state traffic laws adopted herein.
This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway" for purposes of the exception in sub. (6)(b).

(5) No operator of a vehicle shall park, stop or leave standing a vehicle on a covered highway listed in sub. (7) where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating subs. (3) or (4).

(6) Exceptions. This ordinance does not apply to (a) persons on the sidewalk, (b) persons using the safety zone or crosswalk to cross the highway, (c) persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person, (d) persons entering a vehicle as an invited passenger where it is lawful to do so, including activity permitted under Wis. Stat. § 346.29(1) (taxis), (e) persons engaged in repair or maintenance activities on the highway under the direction or authority of the City of Madison or the State of Wisconsin; or (f) streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the City.

(7) Covered Highways. This ordinance applies only to covered highways, which are those highways or portions of highways listed in subs. (a) and (b) below:

(a) The following highways are designated as arterial streets, the streets and highways within the City of Madison that have the most traffic, and are covered highways under this ordinance:

Aberg Ave
Allen Blvd
Agriculture Dr
American Pkwy
Anderson St
Atwood Ave
Bassett St
Beltline Hwy
Blair St
Brandt Rd-CTH AB
Broom St (Between John Nolen Dr & Gorham St)
W Broadway
Buckeye Rd
Campus Dr
Commercial Ave
Cottage Grove Rd
Dayton St (Between N Hamilton & State St)
Doty St
Dutch Mill Rd
E & W Johnson St
E Springs Dr (Between E Washington & High Crossing Blvd)
E Washington Ave
Eastwood Dr
Fair Oaks Ave
Fairchild St
Femrite Dr
First St
Fish Hatchery Rd
Fordem Ave
N & S Gammon Rd
Gorham St
Hamilton St (Between Wilson St & Doty St)
Highland Ave
High Crossing Blvd
Hoepker Rd
I 39-90-94
International Ln
John Nolen Dr
Junction Rd
Lien Rd (Between Theier Rd & Thompson Dr)
Little St
Maple Grove Dr
Marsh Rd
McKee Rd
McKenna Blvd (Between Gammon Rd & Putnam)

Midtown Rd (Between S Gammon Rd & Woods Rd)
Midvale Blvd
Milwaukee St (Between E Washington & Swanton Rd)
Mineral Point Rd
Monona Dr
Monroe St
Moorland Rd
Nakoma Rd
Nelson Rd
North Shore Dr
Northport Dr
Odana Rd
Old Middleton Rd
Old Sauk Rd
Olin Ave
Packers Ave
Park St
Pennsylvania Ave
Pflaum Rd (Between Monona Dr & Agriculture Dr)
Pleasant View Rd
Proudfit St
Putnam (Between McKenna Blvd & Maple Grove Dr)
Randall (Between Monroe & University)
Raymond Rd
Regent St
Reiner Rd
Rimrock Rd
Schroeder Rd
Seminole Hwy
N Sherman Ave (Between Fordem & Northport Dr)
Siggelkow Rd (Between Stoughton Rd & Holscher Rd)
South Towne Dr
Speedway Rd
Sprecher Rd
STH 30
Stoughton Rd
Theier Rd (Between E N Thompson Dr (Between Swanton and East Washington)
University Ave
Verona Rd
Vondron Rd (Between Agriculture Dr & Buckeye Rd)
W Washington Ave
Watts Rd (Between Gammon & Junction)
W Wilson St (Between Bassett & Hamilton)
Webster St
Whitney Way
Williamson St
Winnebago St
Wisconsin Ave (Between Gorham & Dayton)
Wright St (Between E Washington & Anderson St)
Zeier Rd

(b) In addition to the arterial highways designated above, this ordinance applies to any highway containing a median that intersects with any of the arterial highways, but only for the first two hundred (200) feet of the intersecting highway from the arterial highway, as measured along the center line of the intersecting highway from the point the intersecting highway touches the right of way of the arterial highway.

(8) This ordinance shall be effective April 10, 2017, (sixty (60) days after passage). Within three (3) weeks of passage, the Chief of Police, Traffic Engineer and City Attorney will file with the Clerk and Common Council office a plan for educating persons on the new ordinance, including brochures showing places the ordinance is applicable.

(9) The Chief of Police will file a report with the Common Council providing data on the first six (6) months of operation of the ordinance, to include the numbers of those cited, the persons with no permanent address, and other relevant information. The report will be filed no later than eight (8) months after the effective date of the ordinance.

(10) Any person violating this ordinance may be required to forfeit not less than twenty-five dollars ($25) nor more than three hundred dollars ($300). Officers are encouraged to provide a warning for a first offense.

(Sec. 12.325 Rep. & Rec. by ORD-17-00015, 2-20-17)

12.33 - 12.38 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.39 - 12.40 RESERVED FOR FUTURE USE. (R. by ORD-07-00193, 12-20-07)

REQUIRED STOPS

12.41 - 12.49 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, 3-4-97)

12.50 ERECTION OF STOP SIGNS.

(1) The erection of a stop sign by the City Traffic Engineer upon any street shall constitute a declaration that the intersecting street or part thereof is a through highway, except where traffic on said intersecting street is required to stop by an official traffic control device or traffic officer. The City Traffic Engineer may erect stop signs at intersections where:

(a) Three (3) or more accidents preventable by such signs have occurred within the most recent twelve (12) month period and the safe approach speed is fourteen (14) miles per hour or less; or

(b) Vehicle volume shall exceed fifty (50) vehicles per hour for the thirtieth (30th) highest hour of the year, the safe approach speed is fourteen (14) miles per hour or less, and two (2) accidents preventable by such signs have occurred during the most recent twelve (12) month period.

(c) The intersection control criteria adopted by the Common Council indicates stop signs should be erected.

(2) The City Traffic Engineer may erect yield right-of-way signs at intersections where:

(a) Three (3) or more accidents preventable by such signs have occurred during the most recent twelve (12) month period and the safe approaching speed is fifteen (15) miles per hour or more on the minor approaches; or

(b) Vehicle volume shall exceed fifty (50) vehicles per hour for the thirtieth (30th) highest hour of the year; the safe approach speed is fifteen (15) miles per hour or more; and two (2) accidents preventable by such signs have occurred within the most recent twelve (12) month period; or

(c) Channelization or complex traffic patterns require the use of such signs in order to achieve safe and efficient operation.

(d) The intersection control criteria adopted by the Common Council indicates yield signs should be erected.

(3) Where there is no stop sign or yield right-of-way sign, every operator of a vehicle shall approach an intersection in accordance with the requirements of a safe approach speed sign which has been erected by the City Traffic Engineer. The City Traffic Engineer shall erect safe approach speed signs designating the maximum speed at intersections where the safe approach speed has been determined to be less than fifteen (15) miles per hour and more than eight (8) miles per hour, and where the vehicle volume shall exceed fifty (50) vehicles per hour for the thirtieth (30th) highest hour of the year.

(4) Compliance with the standards set out in subsections (1), (2) and (3) shall be established by the use of accepted traffic engineering practices.

(5) The Traffic Engineer shall erect signs in accordance with the provisions of subsections (1), (2) and (3) and shall immediately notify the City Clerk, the Police Department and the alder of the ward in which the affected intersection is located of such installation. (Am. by ORD-09-00147, 11-6-09)

(Sec. 12.50 Am. by Ord. 11,810, Adopted 3-4-97)

12.505 OWNER'S LIABILITY FOR VEHICLE ILLEGALLY CROSSING CONTROLLED SCHOOL CROSSING.

(1) The owner of a vehicle involved in a violation of Wis. Stat. § 346.46(2m), shall be liable for the violation as provided in this section.

(2) An adult school crossing guard who observes a violation of Wis. Stat. § 346.46(2m), may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the vehicle involved in the violation.

(c) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(3) Within 24 hours after observing the violation, the school crossing guard may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

(4) (a) Within 48 hours after receiving a report containing all the information in sub. (2), the traffic officer may prepare a uniform traffic citation under s. 345.11 and may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

(5) (a) Except as provided in par. (b), it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(b) The following are defenses to a violation of this section:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

1m. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.

2. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under s. 343.46 (3), then the lessee and not the lessor shall be charged under this section.

3. If the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address and

operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

(Sec. 12.505 Cr. by Ord. 11,614, 6-3-96)

12.51 - 12.525 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.53 THROUGH STREETS. The following streets or parts of streets are declared to be through streets, and official stop signs shall be erected at all entrances to said streets from other streets or alleys and every operator of a vehicle shall stop as required by Wis. Stat. § 346.46, before entering said through streets, and shall yield the right-of-way to other vehicles which have entered or are approaching the intersection upon the through street. (Am. by Ord. 11,810, Adopted 3-4-97)

(1) Aberg Avenue from the east line of North Sherman Avenue to Commercial Avenue.
(2) Allen Street from the south line of University Avenue to its connection with Edgewood Avenue, except at Regent Street and Commonwealth Avenue.
(3) Atwood Avenue from the south line of Winnebago Street to its connection with Monona Drive, except traffic from Lakeland Avenue which is proceeding southeasterly on Atwood Avenue.
(4) Badger Road from the east line of Fish Hatchery Road to the west line of Park Street.
(5) Baldwin Street from the south line of Sherman Avenue to the south line of Rutledge Street except at Williamson Street, Johnson Street, Washington Avenue and Spaight Street. (Am. by Ord. 6330, 8-3-78)
(6) Bassett Street from the south line of University Avenue to the north line of Wilson Street, except at Johnson Street and Washington Avenue. (Am. by Ord. 8103, 8-24-83)
(7) Bedford Street from the south line of Dayton Street to the north line of North Shore Drive, except at Washington Avenue.
(8) West Beltline Highway from the northwest city limits to the interchange with Broadway. (Am. by Ord. 5769, 3-7-77)
(9) Division Street from the south line of Winnebago Street to the south line of Lakeland Avenue, except at Atwood Avenue and Eastwood Drive. (Am. by Ord. 5026, 6-4-75)
(10) (R. by ORD-09-00059, 4-2-09)
(11) Blair Street from the south line of Johnson Street to the south line of North Shore Drive, except at Washington Avenue, Wilson Street and Williamson Street.
(12) Bluff Street from Ridge Street to Blackhawk Avenue.
(13) Breese Terrace from the north line of Regent Street to the south line of University Avenue.
(14) Broadway from the interchange with the West Beltline Highway to the east city limits. (Am. by Ord. 5770, 3-7-77)
(15) Broom Street from the north line of Doty Street to the south line of Johnson Street, except at Washington Avenue.
(16) Buckeye Road from the east line of Monona Drive to the east city limits, except at South Stoughton Road and at Vondron Road. (Am. by Ord. 11,778, 2-3-97)
(17) Commercial Avenue from the east line of Sherman Avenue to the east line of Pulley Drive, except at Packers Avenue and North Street. (Am. by Ord. 13,362, 7-22-03)
(18) Starker Avenue at its intersection with Dondee Road.
(19) Starker Avenue at its intersection with Acewood Boulevard.
(20) Piping Rock Road at its intersection with Brookwood Road.
(21) Vondron Road from the south line of Buckeye Road to Pflaum Road.
(22) American Parkway from the south line of Hoepker Road to Nelson Road.
(23) American Parkway from the north line of High Crossing Boulevard to the south line of Hoepker Road.
(24) Doty Street from the south line of King Street to the east line of Bedford Street, except at Henry Street, Broom Street and Bassett Street. (Am. by Ord. 5332, 2-18-76)

(25) Drake Street from the east line of Garfield Street to the west line of Park Street, except at Mills Street and Randall Avenue. (Am. by Ord. 5107, 8-7-75)

(26) Edgewood Avenue from its connection with Allen Street to the north line of Monroe Street.

(27) Fair Oaks Avenue from the south line of Washington Avenue to the north line of Commercial Avenue, and from the north line of Chicago Avenue to the north line of Atwood Avenue, except at Milwaukee Street.

(28) Farley Avenue from the north line of Regent Street to the north line of Van Hise Avenue.

(29) First Street from the south line of Johnson Street to the north line of Eastwood Drive except at Washington Avenue and Winnebago Street. (Am. by Ord. 5017, 6-4-75)

(30) Fish Hatchery Road from the west line of Park Street to the city limits.

(31) Fordem Avenue from the north line of Johnson Street to the northwest line of Sherman Avenue. (Am. by Ord. 5450, 4-7-76)

(32) Franklin Avenue from the north line of Speedway Road to the south line of University Avenue, except at Regent Street when traveling north.

(33) Glen Drive from the west line of Glenway Street to the center line of Toepfer Avenue.

(34) Glenway Street from the south line of Regent Street to the north line of Monroe Street, except at Mineral Point Road and Speedway Road.

(35) Gorham Street from the center lines of Baldwin and Johnson Streets to the center line of Bassett Street and University Avenue except at its intersection with Ingersoll Street. (Am. by Ord. 5558, 8-13-76)

(36) Grant Street from the south line of Monroe Street to the north line of Drake Street.

(37) Hammersley Road from the northwest line of the Verona Road Service Road to the east line of McKenna Boulevard, except at Gilbert Road and Whitney Way. (Am. by Ord. 7584, 12-17-81)

(38) Highland Avenue from the south line of University Avenue to the north line of Regent Street.

(39) Hudson Avenue from the south line of Atwood Avenue to the north line of Oakridge Avenue.

(40) Jenifer Street from the south line of Williamson Street to the west line of Thornton Avenue, except at Baldwin Street, Dickinson Street and Rogers Street. (Am. by Ord. 11,778, 2-3-97)

(41) Johnson Street from the east line of Randall Avenue to the north line of Washington Avenue except at Park Street, State Street and when traveling in a westerly direction at Pennsylvania Avenue and North Lawn Avenue when traveling on the one way, free flow ramp from Washington Avenue. (Am. by Ord. 5912, 7-13-77)

(42) Kendall Avenue from Ridge Street to the west line of Franklin Avenue.

(43) Lakeland Avenue from the east line of Division Street to the east line of Welch Avenue. (Am. by Ord. 5701, 12-28-76)

(44) Lakeside Street from the east line of Park Street to the north line of Olin Avenue, except at John Nolen Drive.

(45) Langdon Street from the east line of Park Street to the west line of Wisconsin Avenue, except at Lake Street. (Am. by Ord. 7416, 5-13-81)

(46) Main Street from the west line of Brittingham Place to the west line of Ingersoll Street, except at Proudfit Street, Bedford Street, Bassett Street, Broom Street, Henry Street, Fairchild Street, Carroll Street, Webster Street, Butler Street, Blair Street, and Paterson Street. (Am. by Ord. 8307, 4-16-84)

(47) Midvale Boulevard from the south line of University Avenue to the north line of Nakoma Road, except at Mineral Point Road.

(48) Mifflin Street from the east line of Broom Street to the west line of Baldwin Street, except at Henry Street, Fairchild Street, Webster Street, Blair Street, Blount Street and Paterson Street. (Am. by Ord. 6794, 10-31-79)

(49) Mills Street from the south line of University Avenue to the north line of Wingra Drive, except at Johnson Street, Dayton Street, Regent Street, Drake Street, Chandler Street, Erin Street, and Mound Street. (Am. by Ord. 11,778, 2-3-97)

(50) Milwaukee Street from the south line of Washington Avenue to the east city limits, except at Stoughton Road.

(51) Mineral Point Road from the east line of Glenway Street to the west city limits.

(52) Monona Drive from its connection with Atwood Avenue to the south city limits.

(53) Monroe Street from the west line of Nakoma Road to the east line of Randall Avenue, except at Regent Street.

(54) Nakoma Road from the north line of Monroe Street to the West Beltline Highway.

(55) Northport Drive from the west line of Packers Avenue to the north city limits.

(56) North Street from the south line of Commercial Avenue to the north line of Washington Avenue, except at Johnson Street.

(57) Oakridge Avenue from the east line of Division Street to the south line of Atwood Avenue.

(58) Odana Road from the east side of Gammon Road to the west side of Nakoma Road, except at its intersection with Midvale Boulevard and Whitney Way. (Am. by Ord. 4586, 5-24-74)

(59) Old Middleton Road from the south line of University Avenue to the west city limits, except at Whitney Way, Capital Avenue and at Old Sauk Road. (Am. by Ord. 12,025, 2-16-98)

(60) Olin Avenue from the east line of Park Street to John Nolen Drive, except at Gilson Street when traveling west.

(61) Owen Drive from the west side of Blackhawk Avenue to the north side of Mineral Point Road, except at Regent Street.

(62) Packers Avenue from the north line of Sixth Street to the north city limits, except at Northport Drive when traveling in a southerly direction.

(63) Park Street from the north line of Langdon Street to the south city limits except at University Avenue, Johnson Street, and at Langdon Street. (Am. by Ord. 11,778, 2-3-97)

(64) Pflaum Road from the east line of Monona Drive to the west line of Vondron Road, except at South Stoughton Road.

(65) Pinckney Street from the south line of Dayton Street to the north line of Doty Street, except at Main Street.

(66) Proudfit Street from the south line of Washington Avenue to the north line of North Shore Drive.

(67) Randall Avenue from the south line of University Avenue to the north line of Drake Street, except at Monroe Street, Regent Street, Mound Street and Campus Drive. (Am. by Ord. 10,464, 6-26-92)

(68) Raymond Road from the northwest line of Verona Road to the west city limits, except at Whitney Way and McKenna Boulevard. (Am. by Ord. 8925, 7-24-86)

(69) Regent Street from the west line of Larkin Street to the north line of Washington Avenue, except at Franklin Avenue, Highland Avenue and Park Street.

(70) Regent Street from the east line of Rosa Road to the west line of Blackhawk Avenue, except at Segoe Road, Whitney Way and Midvale Boulevard. (Am. by Ord. 4881, 2-3-75)

(71) Rosa Road from the south line of Old Middleton Road to the north line of Mineral Point Road.

(72) Rowley Avenue from the west line of Spooner Street to the east line of Harrison Street.

(73) Rutledge Street from the west line of Baldwin Street to the east line of Division Street, except at Rogers Street, Dickinson Street, Thornton Avenue when traveling in a westerly direction and Riverside Street when traveling in an easterly direction. (Am. by Ord. 6831, 12-12-79)

(74) Segoe Road from the south line of University Avenue to the north line of Odana Road, except at Mineral Point Road.

(75) Seminole Highway from the southeast line of Nakoma Road to the South City limits, except at the west Beltline Highway Frontage Road. (Am. by Ord. 7042, 7-9-80)

(76) North Sherman Avenue from the west line of Brearly Street to the north city limits, except at Ingersoll Street when traveling north, Fordem Avenue when traveling north, at Northport Drive and at Wheeler Road. (Am. by Ord. 11,778, 2-3-97)

(77) North Shore Drive from the east line of West Shore Drive to the west line of John Nolen Drive, except that traffic from West Main Street which is proceeding southwesterly on North Shore Drive may enter North Shore Drive according to the provisions of Section 12.50.

(78) Spaight Street from the south line of Jenifer Street to the west line of Rogers Street except at Baldwin Street. (Am. by Ord. 5137, 9-3-75)

(79) Speedway Road from the east line of Glenway Street to the south line of Regent Street.

(80) State Street from the east line of Lake Street to the west line of Fairchild Street, except at Johnson Street and Gorham Street. (Am. by Ord. 5333, 2-18-76)

(81) Stoughton Road from the north city limits to the south city limits, except at Washington Avenue.

(82) Thornton Avenue from the south line of Sherman Avenue to the north line of Rutledge Street, except at Johnson Street, Washington Avenue and Williamson Street.

(83) Tokay Boulevard from the center line of Toepfer Avenue to the east line of Segoe Road, except at Midvale Boulevard.

(84) Tompkins Drive from the east line of Monona Drive to the east line of Camden Avenue.

(85) Troy Drive from the east line of Green Avenue to the west line of Sherman Avenue, except at Northport Drive.

(86) University Avenue from the center lines of Gorham Street and Bassett Street to the west city limits.

(87) Verona Road from the West Beltline Highway to the south city limits.

(88) Walter Street from the south line of Milwaukee Street to the north line of Atwood Avenue.

(89) Washington Avenue from the east line of Park Street to the west line of Fairchild Street. (Am. by Ord. 5334, 2-18-76)

(90) Washington Avenue from the east line of Webster Street to the east city limits, except at North Stoughton Road and Fair Oaks Avenue. (Am. by Ord. 5335, 2-18-76)

(91) Whitney Way between the south City limits and the south line of University Avenue, except at Mineral Point Road, Raymond Road and Old Middleton Road. (Am. by Ord. 6413, 11-2-78)

(92) Williamson Street from the north line of Wilson Street to its connection with Winnebago Street.

(93) Wilson Street from the east line of Bassett Street to the west line of Blair Street, except at King Street, Henry Street when traveling east and at Williamson Street. (Am. by Ord. 5336, 2-18-76)

(94) Winnebago Street from its connection with Williamson Street to the east line of Florence Street. (Am. by Ord. 13,032, 3-13-02)

(95) Yuma Drive from the northwest line of Nakoma Road to the east line of Midvale Boulevard.

(96) Kendall Avenue from Bluff Street to the west line of Franklin Avenue.

(97) Bluff Street from Kendall Avenue to Blackhawk Avenue.

(98) Blackhawk Avenue from the south line of University Avenue to the north line of Regent Street except at Bluff Street.

(99) Swanton Road from the south line of Commercial Avenue to the north line of Milwaukee Street. (Cr. by Ord. 4992, 6-4-75)

(100) Eastwood Drive from the south line of Winnebago Street to the south line of Atwood Avenue. (Cr. by Ord. 5018, 6-4-75)

(101) Hammersley Road from the west line of Midvale Boulevard to the east line of Pontiac Trail. (Cr. by Ord. 5226, 12-1-75)

(102) Fairchild Street from the north line of Hamilton Street to the south line of State Street. (Cr. by Ord. 5337, 2-18-76)

(103) Webster Street from the south line of Hamilton Street to the north line of King Street. (Cr. by Ord. 5338, 2-18-76)

(104) Blue Ridge Parkway from the south line of Old Sauk Road to the north line of Yellowstone Drive. (Cr. by Ord. 5318, 2-18-76)

(105) Yellowstone Drive from the north line of Blue Ridge Parkway to the north line of Odana Road, except at Mineral Point Road. (Am. by Ord. 8995, 10-30-86 & 11-4-86)

(106) Old Sauk Road from the west line of Old Middleton Road to the west city limits except at Gammon Road, the West Beltline Highway, Excelsior Drive and Pleasant View Road. (Am. by Ord. 11,778, 2-3-97)

(107) Lien Road from the south line of East Washington Avenue to the east City limits except at Zeier Road, Thierer Road, North Thompson Drive and Eagan Road. (Am. by Ord. 11,987, 12-12-97)

(108) Portage Avenue from the north line of East Washington Avenue to the north city limits. (Cr. by Ord. 5773, 3-7-77)

(109) Dayton Street from the north line of State Street to the west line of Hamilton Street.

(110) Applegate Road from the north line of Greenway Cross to the east line of Perry Street, except at the West Beltline Highway. (Cr. by Ord. 6085, 1-6-78)

(111) Wingra Drive from the east line of Mills Street to the west line of Park Street, except at Fish Hatchery Road. (Am. by Ord. 7569, 11-19-81)

(112) Paterson Street from the south line of Johnson Street to the north line of Washington Avenue. (Cr. by Ord. 6589, 4-19-79)

(113) Post Road from the west line of Fish Hatchery Road to the east line of Todd Drive. (Cr. by Ord. 6795, 10-31-79)

(114) International Lane from the east line of Packers Avenue to the Dane County Regional Airport. (Cr. by Ord. 6836, 12-12-79)

(115) Greenway Cross from the east line of Fish Hatchery Road to the east line of Latham Drive. (Cr. by Ord. 7165, 12-17-80)

(116) Stewart Street from the east line of Latham Drive to the west line of Syene Road. (Cr. by Ord. 7166, 12-17-80)

(117) Grand Canyon Drive from the south line of Mineral Point Road to the north line of Odana Road. (Cr. by Ord. 7207, 1-29-81)

(118) Thompson Drive from the south line of Lien Road to the north line of Milwaukee Street, except at Commercial Avenue and Swanton Road. (Am. by Ord. 11,443, 12-14-95)

(119) McKenna Boulevard from the east line of Gammon Road to the north line of Putnam Road, except at Raymond Road and Pilgrim Road. (Am. by Ord. 11,778, 2-3-97)

(120) South Hill Drive from the west line of Segoe Road to the east line of Whitney Way. (Cr. by Ord. 7952, 2-25-83)

(121) Schroeder Road from the west line of Whitney Way to the east line of Gammon Road. (Cr. by Ord. 8329, 5-11-84)

(122) Syene Road from Perry Street to the southerly city limits. (Cr. by Ord. 8639, 7-19-85)

(123) D'Onofrio Drive from the south line of Mineral Point Road to the east line of High Point Road. (Cr. by Ord. 8759, 12-31-85)

(124) Wheeler Road from the east line of School Road to the west line of North Sherman Avenue. (Cr. by Ord. 9577, 8-29-88)

(125) School Road from the north line of Troy Drive to the south line of Wheeler Road, except at Northport Drive. (Cr. by Ord. 9576, 8-29-88)

(126) High Point Road from the north City limits to the south City limits, except at Old Sauk Road, Tree Lane, Brule Street, Mineral Point Road and Mid-Town Road. (Am. by Ord. 11,122, 12-22-94; Ord. 13,365, 7-22-03)

(127) Prairie Road from the south line of Raymond Road to the east line of Maple Grove Drive except at Monticello Way and Pilgrim Road. (Am. by Ord. 11,778, 2-3-97; Ord. 13,388, 8-23-03)
(128) Gammon Road from the north city limits to the north line of McKenna Boulevard, except Mineral Point Road. (Cr. by Ord. 10,608, 3-12-93)
(129) Commonwealth Avenue from the east line of Harrison Street to the north line of Monroe Street, except at Allen Street.
(130) Cottage Grove Road from the east line of Monona Drive to the east city limits.
(131) Dayton Street from the west line of Bassett Street to the east line of Randall Avenue, except at Park Street.
(132) Femrite Drive from Agriculture Drive to the east city limits. (Cr. by Ord. 12,696, 10-20-00)
(133) McKee Road from the east city limits to the west city limits. (Cr. by Ord. 12,698, 10-20-00)
(134) Maple Grove Drive from the south line of Putnam Road to the north line of Nesbitt Road.
(135) Mid Town Road from the west line of Gammon Road to the west city limits except at County Highway "M". (Cr. by Ord. 12,977, 12-24-01)
(136) Dempsey Road from the south line of Milwaukee Street to the north line of Maher Avenue, except at Cottage Grove Road.
(137) Blackhawk Road from Pleasant View Road to the West City limits. (Cr. by Ord. 13,061, 5-29-02)
(138) Wyalusing Drive from Annestown Drive to Broad Creek Boulevard. (Cr. by Ord. 13,063, 5-29-02)
(139) Hanson Road from the east line of North Stoughton Road to the east city limits. (Cr. by Ord. 13,324, 5-28-03)
(140) Hoepker Road from the east line of North Stoughton Road to the west line of American Parkway, except at Portage Road. (Cr. by Ord. 13,323, 5-28-03)
(141) Felland Road from the north line of Commercial Avenue to the south line of Burke Road. (Cr. by Ord. 13,322, 5-28-03)
(142) Nelson Road from the east line of High Crossing Boulevard to the east city limits. (Cr. by Ord. 13,321, 5-28-03)
(143) Burke Road from the east line of City View Drive to the east city limits. (Cr. by Ord. 13,320, 5-28-03)
(144) Red Tail Drive from the north line of Mid Town Road to the north line of Eaglewood Drive. (Cr. by Ord. 13,366, 7-22-03)
(145) Muir Field Road from the south line of Raymond Road to the north line of McKee Road. (Cr. by Ord. 13,390, 8-23-03)
(146) Cross Country Road from the west line of Nesbitt Road to the west city limits. (Cr. by Ord. 13,389, 8-23-03)
(147) Valley View Road from the west line of County Trunk Highway "M" to the west city limits. (Cr. by Ord. 13,394, 8-23-03)
(148) County Trunk Highway "M" from the south center line of Mineral Point Road to the north line of McKee Road. (Cr. by Ord. 13,393, 8-23-03)
(149) Reiner Road from the north line of Commercial Avenue to the north city limits. (Cr. by Ord. 13,458, 11-21-03)
(150) Sprecher Road from the south line of Commercial Avenue to the south city limits, except Cottage Grove Road. (Cr. by Ord. 13,457, 11-21-03; Am. by Ord. 13,593, 4-21-04)
(151) Marsh Road from the south line of Femrite Drive to the south city limits. (Cr. by Ord. 13,463, 11-21-03)
(152) Siggelkow Road from the east line of Terminal Road to the east city limits. (Cr. by Ord. 13,464, 11-21-03)
(153) Moorland Road from the east line of Rimrock Road to the south City limits, except at Raywood Road. (Cr. by Ord. 13,496, 1-23-04)
(154) East Pass from the west line of Maple Grove Drive to the south city limits except at Mammoth Trail and Cross Country Road. (Cr. by Ord. 13,496, 1-23-04)

(155) Sycamore Street from the east line of Mendota Street to the West line of North Thompson Drive. (Cr. by Ord. 13,591, 4-21-04)
(156) Junction Road from the south line of Old Sauk Road to the north line of Mineral Point Road. (Cr. by ORD-05-00024, 2-24-05)
(157) Pleasant View Road from the north line of Mineral Point Road to the north city limits. (Cr. by ORD-05-00024, 2-24-05)

12.54 STOPS REQUIRED AT CERTAIN INTERSECTIONS. The following streets or parts of streets, at their intersections with the designated intersecting streets, are declared to be through streets and official stop signs shall be erected to give notice of the provisions of this section, and every operator of a vehicle shall stop as required by Wis. Stat. § 346.46, before entering said through streets, and shall yield the right-of-way to other vehicles which have entered or are approaching the intersection upon the through street:

(1) Allis Avenue at its intersection with Camden Road.
(2) Beld Street at its east intersection with Cedar Street.
(3) Chapman Street at its intersection with Cross Street.
(4) Dayton Street at its north intersection with Kedzie Street.
(5) Few Street at its intersection with Dayton Street.
(6) Olbrich Avenue at its intersection with Clover Lane. (Cr. by ORD-09-00030, 2-19-09)
(7) Gilman Street at its intersection with Henry Street.
(8) Gilson Street at its east intersection with Olin Avenue.
(9) Gregory Street at its intersection with Sheldon Street.
(10) Hamilton Street at its west intersection with Dayton Street.
(11) Hanover Street at its intersection with Lakeview Avenue.
(12) Henry Street at its west intersection with Dayton Street.
(13) (R. by Ord. 11,778, 2-3-97)
(14) Hollister Avenue at its intersection with Vista Road.
(15) Independence Lane at its intersection with Dwight Drive.
(16) Ingersoll Street at its west intersection with Main Street.
(17) Ingersoll Street at its west intersection with Sherman Avenue.
(18) Kedzie Street at its intersection with Hoard Street.
(19) LaFollette Avenue at its intersection with Corry Street.
(20) Linden Avenue at its south intersection with Corscot Court.
(21) Linden Avenue at its intersection with Rusk Street.
(22) Livingston Street at its east intersection with Jenifer Street.
(23) Livingston Street at its intersection with Mifflin Street.
(24) Margaret Street at its intersection with Busse Street.
(25) Mayfair Avenue at its intersection with Lexington Avenue.
(26) Merrill Springs Road at its intersection with Risser Road.
(27) Mifflin Street at its intersection with Seventh Street.
(28) Milford Road at its intersection with Danbury Street.
(29) Northlawn Avenue at its intersection with Hoard Street.
(30) Oak Street at its intersection with Union Street.
(31) Paterson Street at its intersection with Dayton Street.
(32) Potter Street at its north intersection with Lake Court.
(33) (R. by Ord. 11,778, 2-3-97)
(34) (R. by Ord. 11,778, 2-3-97)
(35) Rogers Street at its east intersection with Spaight Street.
(36) (R. by Ord. 11,778, 2-3-97)
(37) Sherman Avenue at its south intersection with Ingersoll Street as to vehicles turning to travel west on Sherman Avenue.
(38) Spooner Street at its west intersection with Rowley Avenue.
(39) Spooner Street at its west intersection with Summit Avenue.

(40) Toepfer Avenue at its intersection with Saint Clair Street.
(41) Vilas Avenue at its intersection with Orchard Street.
(42) (R. by Ord. 11,778, 2-3-97)
(43) (R. by Ord. 11,778, 2-3-97)
(44) Wisconsin Avenue at its intersection with Gilman Street.
(45) Ingersoll Street at its intersection with East Gorham Street. (Cr. by Ord. 5522, 6-25-76)
(46) Hillcrest Drive at its intersection with Owen Parkway. (Am. by Ord. 5942, 8-15-77)
(47) Holly Avenue at its intersection with Birch Avenue. (Cr. by Ord. 11,050, 11-14-94)
(48) Holly Avenue at its intersection with Clifden Drive. (Cr. by Ord. 11,051, 11-14-94)
(49) East Wilson Street at its intersection with Few Street. (Cr. by Ord. 11,052, 11-14-94)
(50) Ingersoll Street at its intersection with East Wilson Street. (Cr. by Ord. 11,053, 11-14-94)
(51) Riverside Drive at its intersection with Jenifer Street. (Cr. by Ord. 11,054, 11-14-94)
(52) Pilgrim Road at its intersection at Canterbury Road. (Cr. by Ord. 11,161, 1-30-95 & 2-8-95)
(53) Williamsburg Way at its intersection with Danville Drive. (Cr. by Ord. 11,160, 1-30-95 & 2-8-95)
(54) (R. by Ord. 11,778, 2-3-97)
(55) (R. by Ord. 11,778, 2-3-97)
(56) (R. by Ord. 11,778, 2-3-97)
(57) (R. by Ord. 11,778, 2-3-97)
(58) Todd Drive at its intersection with Wimbledon Way. (Cr. by Ord. 11,362, 9-29-95)
(59) Todd Drive at its intersection with Ashford Lane. (Cr. by Ord. 11,363, 9-29-95)
(60) Todd Drive at its intersection with Ardsley Circle. (Cr. by Ord. 11,364, 9-29-95)
(61) Todd Drive at its intersection with Ardsley Lane. (Cr. by Ord. 11,365, 9-29-95)
(62) Greenway View at its intersection with Churchill Drive. (Cr. by Ord. 11,366, 9-29-95)
(63) Hiawatha Drive at its intersection with Chippewa Drive. (Cr. by Ord. 11,744, 12-13-96)
(64) Rugby Row at its north intersection with Virginia Terrace. (Cr. by Ord. 11,751, 12-13-96)
(65) Lewon Drive at its intersection with Dorsett Drive. (Cr. by Ord. 12,023, 2-16-98)
(66) Lake Mendota Drive at its intersection with Capital Avenue. (Cr. by Ord. 12,024, 2-16-98)
(67) Lewon Drive at its intersection with Knox Lane and Dorsett Drive. (Cr. by Ord. 12,256, 11-17-98)
(68) Allied Drive at its intersection with Jenewein Road. (Cr. by Ord. 12,088, 4-20-98)
(69) Ohio Avenue at its intersection with Willard Avenue. (Cr. by Ord. 12,082, 4-20-98)
(70) Gladstone Drive at its intersection with Tucson Trail. (Cr. by Ord. 12,096, 4-20-98)
(71) Almo Avenue at its intersection with Wyldewood Drive. (Cr. by Ord. 12,093, 4-20-98)
(72) MacPherson Street at its intersection with Pleasure Drive. (Cr. by Ord. 12,090, 4-20-98)
(73) MacPherson Street at its intersection with Hooker Avenue. (Cr. by Ord. 12,091, 4-20-98)
(74) MacPherson Street at its intersection with Fremont Avenue. (Cr. by Ord. 12,092, 4-20-98)
(75) Elderberry Road at its intersection with Harbour Town Drive. (Cr. by Ord. 12,098, 4-20-98)
(76) Westfield Road at its intersection with Millstone Road. (Cr. by Ord. 12,097, 4-20-98)
(77) West Towne Way at its intersection with Zor Shrine Place. (Cr. by Ord. 12,117, 5-18-98)
(78) Ellen Avenue at its intersection with Camilla Road and La Sierra Way. (Cr. by Ord. 12,118, 5-18-98)
(79) Vondron Road at its intersection with Thompson Drive and Pebblebrook Drive. (Cr. by Ord. 12,119, 5-18-98)
(80) Vondron Road at its intersection with Camilla Road. (Cr. by Ord. 12,120, 5-18-98)
(81) Hawser Road at its intersection with Frigate Drive. (Cr. by Ord. 12,126, 5-18-98)
(82) Engelhart Drive at its intersection with Fell Road. (Cr. by Ord. 12,225, 10-19-98)
(83) Engelhart Drive at its intersection with Settlement Drive. (Cr. by Ord. 12,226, 10-19-98)
(84) Gilson Street at its intersection with Spruce Street. (Cr. by Ord. 12,257, 11-17-98
(85) Gilson Street at its intersection with Pine Street. (Cr. by Ord. 12,259, 11-17-98)
(86) Gilson Street at its intersection with Cedar Street. (Cr. by Ord. 12,258, 11-17-98)

(87) Cedar Street at its intersection with Hickory Street. (Cr. by Ord. 12,268, 11-17-98)
(88) Gettle Avenue at its intersection with Glen Highway. (Cr. by Ord. 12,314, 2-1-99)
(89) Jerome Street at its intersection with Winnequah Road. (Cr. by Ord. 12,432, 7-23-99)
(90) McClellan Drive at its intersection with Sharpsburg Drive. (Cr. by Ord. 12,433, 7-23-99)
(91) Woodvale Drive at its intersection with Meadowlark Lane. (Cr. by Ord. 12,435, 7-23-99)
(92) Dandaneau Trail at its intersection with Kottke Drive. (Cr. by Ord. 12,449, 7-23-99)
(93) Merryturn Road at its intersection with Sudbury Way. (Cr. by Ord. 12,451, 8-20-99)
(94) Myrtle Street at its intersection with North Street. (Cr. by Ord. 12,534, 2-18-00)
(95) Sudbury Way at its intersection with Coach House Drive. (Cr. by Ord. 12,624, 6-29-00)
(96) Settlers Road at its intersection with Swallowtail Drive. (Cr. by Ord. 12,625, 6-29-00)
(97) Settlers Road at its intersection with Stagecoach Trail. (Cr. by Ord. 12,626, 6-29-00)
(98) New Washburn Way at its intersection with Dandaneau Trail. (Cr. by Ord. 12,633, 6-29-00)
(99) Sprecher Road at its intersection with Dominion Drive. (Cr. by Ord. 12,883, 8-24-01)
(100) Hoepker Road at its intersection with Fieldwood Road. (Cr. by Ord. 12,974, 12-24-01)
(101) Savannah Road at its intersection with Millpond Road. (Cr. by Ord. 12,955, 12-24-01)
(102) Savannah Road at its intersection with Long Drive. (Cr. by Ord. 12,956, 12-24-01)
(103) City View Drive at its intersection with Wall Street. (Cr. by Ord. 12,965, 12-24-01)
(104) Crossroads Drive at its intersection with Wall Street. (Cr. by Ord. 12,966, 12-24-01)
(105) Kipling Drive at its intersection with Scott Lane. (Cr. by Ord. 13,226, 1-25-03)
(106) East Pass at its intersection with Stonebridge Drive. (Cr. by Ord. 13,261, 2-25-03)
(107) East Pass at its intersection with Ice Age Drive. (Cr. by Ord. 13,259, 2-25-03)
(108) Gammon Road at its intersection with Mid Town Road. (Cr. by Ord. 13,258, 2-25-03)
(109) Science Drive at its intersection with Science Court. (Cr. by Ord. 13,363, 7-22-03)
(110) Millpond Road at its intersection with Long Drive. (Cr. by Ord. 13,386, 8-23-03)
(111) Harvey Street at its intersection with Schmitt Place. (Cr. by Ord. 13,583, 4-21-04)
(112) Harvey Street at its intersection with Hill Street. (Cr. by Ord. 13,584, 4-21-04)
(113) Eton Ridge at its intersection with Vista Road. (Cr. by Ord. 13,585, 4-21-04)
(114) Tucson Trail at its intersection with Cimarron Trail. (Cr. by Ord. 13,588, 4-21-04)
(115) Van Deusen Street at its intersection with Lawrence Street. (Cr. by Ord. 13,632, 6-23-04)
(116) Watts Road at its intersection with Plaza Drive. (Cr. by Ord. 13,658, 7-28-04)
(117) Watts Road at its intersection with Commerce Drive. (Cr. by Ord. 13,659, 7-28-04)
(118) Country Grove Drive at its intersection with Westbourne Street. (Cr. by Ord. 13,664, 7-28-04)
(119) Eagle Crest Drive at its intersection with Hazelcrest Drive. (Cr. by Ord. 13,663, 7-28-04)

12.541 CONTROLLED INTERSECTION. The following intersections of streets are declared controlled intersections, and official stop signs shall be erected at all entrances to said intersections and every operator of a vehicle shall stop as required by Sec. 12.50 of these ordinances before entering said intersections, and shall yield the right-of-way to other vehicles which have entered or are approaching said intersection as required by law.

(1) American Parkway at its intersection with Hoepker Road and Rattmann Road.
(2) Anderson Street at its intersection with Wright Street.
(3) Arboretum Road at its intersection with Haywood Drive and North Wingra Drive.
(4) Brule Circle at its intersection with South High Point Road.
(5) Buckeye Road at its intersection with Vondron Road.
(6) Butler Street at its intersection with East Main Street.
(7) Carroll Street at its intersection with West Gilman Street.
(8) Chandler Street at its intersection with South Mills Street.
(9) Chautauqua Trail at its intersection with Dandaneau Trail and New Washburn Way.
(10) Commonwealth Avenue at its intersection with South Allen Street.
(11) Drake Street at its intersection with Garfield Street.
(12) Drake Street at its intersection with South Randall Avenue.

(13) Drake Street at its intersection with South Mills Street.
(14) East Eagan Road at its intersection with East Towne Boulevard.
(15) East Main Street at its intersection with South Paterson Street.
(16) Erin Street at its intersection with South Mills Street.
(17) Excelsior Drive at its intersection with Old Sauk Road.
(18) Gilman Street at its intersection with Pinckney Street.
(19) Greenway View at its intersection with Todd Drive.
(20) Hammersley Road at its intersection with Pontiac Trail.
(21) Highland Avenue at its intersection with Regent Street and Speedway Road.
(22) Jenifer Street at its intersection with Rogers Street.
(23) Langdon Street at its intersection with North Park Street.
(24) McKenna Boulevard at its intersection with Pilgrim Road.
(25) McKenna Boulevard at its intersection with Raymond Road.
(26) Monticello Way at its intersection with Pilgrim Road and Prairie Road.
(27) Morrison Street at its intersection with Rogers Street.
(28) Mound Street at its intersection with South Randall Avenue.
(29) New Washburn Way at its intersection with Welton Drive.
(30) North Henry Street at its intersection with West Mifflin Street.
(31) North Highpoint Road at its intersection with Tree Lane.
(32) North Lake Street at its intersection with Langdon Street.
(33) North Lake Street at its intersection with State Street.
(34) North Sherman Avenue at its intersection with Wheeler Road.
(35) Old Middleton Road at its intersection with Old Sauk Road.
(36) Old Middleton Road at its intersection with Whitney Way.
(37) Pelham Road at its intersection with Todd Drive.
(38) Pleasant View Road at its intersection with West Old Sauk Road.
(39) Post Road at its intersection with Todd Drive.
(40) Raymond Road at its intersection with Whitney Way.
(41) Rogers Street at its intersection with Rutledge Street.
(42) Seminole Highway at its intersection with West Beltline Service Road.
(43) Short Street at its intersection with North Wingra Drive.
(44) South Dickinson Street at its intersection with Jenifer Street.
(45) South Henry Street at its intersection with West Main Street.
(46) South High Point Road at its intersection with Tree Lane.
(47) South Mills Street at its intersection with Mound Street.
(48) South Mills Street at its intersection with Wingra Drive.
(49) Spruce Street at its intersection with Wingra Drive.
(50) West Gilman Street at its intersection with North Henry Street.
(51) Lien Road at its intersection with Zeier Road. (Cr. by Ord. 11,988, 12-12-97)
(52) Tree Lane at its intersection with Westfield Road. (Cr. by Ord. 12,187, 8-14-98)
(53) Gilbert Road at its intersection with Hammersley Road. (Cr. by Ord. 12,222, 10-19-98)
(54) Capital Avenue at its intersection with Old Middleton Road. (Cr. by Ord. 12,261, 11-17-98)
(55) Englehart Drive at its intersection with Foxwood Trail and Lorena Parkway. (Cr. by Ord. 12,431, 7-23-99)
(56) Acewood Boulevard at its intersection with Deerwood Drive and Starker Avenue. (Cr. by Ord. 12,718, 12-4-00)
(57) Struck Street at its intersection with Watts Road. (Cr. by Ord. 12,957, 12-24-01)
(58) East Pass at its intersection with Mammoth Trail. (Cr. by Ord. 13,260, 2-25-03)
(59) Grandview Boulevard at its intersection with Sandwood Way. (Cr. by Ord. 13,368, 7-22-03)
(60) Division Street and its intersection with Jenifer Street and Oakridge Avenue. (Cr. by ORD-08-00044, 4-26-08)

(61) Blackhawk Avenue at its intersection with Bluff Street. (Cr. by ORD-09-00058, 4-2-09)

(62) Dean Avenue at its intersection with Lakeview Avenue and Allis Avenue. (Cr. by ORD-09-00060, 4-2-09)

(Sec. 12.541 Cr. by Ord. 11,778, 2-3-97)

SPEED RESTRICTIONS

12.55 - 12.56 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, 3-4-97)

12.57 MODIFYING STATE SPEED LIMIT ON CERTAIN STREETS.

(1) It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets should be modified.

(a) Said investigation has determined that the speed permitted by state law upon the following streets is less than is necessary for the safe operation of vehicles thereon under the conditions found to exist on such streets, and it is hereby declared that the speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated.

1. Aberg Avenue from a point 650 feet east of Packers Avenue to East Washington Avenue—45 miles per hour. (Am. by Ord. 5500, 6-3-76)
2. Atwood Avenue between Cottage Grove Road and Starkweather Creek—30 miles per hour.
3. Beltline Highway between Esther Beach Road and a point 1,000 feet west of the Fish Hatchery Road overhead structure—50 miles per hour. (Am. by Ord. 5536, 7-28-76)
4. West Beltline Highway frontage road from Fish Hatchery Road to Seminole Highway—30 miles per hour. (Am. by Ord. 5768, 3-7-77)
5. West Beltline Highway frontage road from Seminole Highway to Verona Road frontage road—30 miles per hour.
6. Reserved for Future Use. (R. by Ord. 12,229, 10-19-98)
7. East Buckeye Road between Droster Road and east city limits—35 miles per hour. (Am. by Ord. 9251, 8-28-87)
8. Campus Drive from a point 750 feet west of University Avenue to University Avenue—30 miles per hour. (Am. by Ord. 5151, 9-12-75)
9. Campus Drive between a point 750 feet west of University Avenue and a point 1,000 feet east of Farley Avenue—40 miles per hour. (Am. by Ord. 5186, 10-10-75)
10. Commercial Avenue from Fair Oaks Avenue to Interstate Highway I-90—55 miles per hour. (Am. by Ord. 5762, 3-7-77)
11. Commercial Avenue between Washington Avenue and Fair Oaks Avenue—45 miles per hour.
12. Cottage Grove Road between Thompson Drive and the east city limits—40 miles per hour. (Am. by Ord. 11,779, 2-3-97)
13. Cottage Grove Road between Drexel Avenue and Cottage Court—30 miles per hour. (Am. by Ord. 5049, 6-16-75)
14. Dutch Mill Road between East Broadway and Femrite Drive—40 miles per hour.
15. Femrite Drive between Dutch Mill Road and Vondron Road—40 miles per hour.
16. Femrite Drive between Vondron Road and the east city limits—50 miles per hour.
17. (R. by Ord. 9683, 1-26-89 & 1-31-89)

18. Fish Hatchery Road between Park Street and the south city limits—30 miles per hour. (Am. by Ord. 11,535, 3-1-96)
19. (R. by Ord. 11,536, 3-1-96)
20. (R. by Ord. 11,537, 3-1-96)
21. Gammon Road between the north city limits and the south city limits—35 miles per hour. (Am. by Ord. 8271, 3-5-84)
22. John Nolen Drive from 1,000 feet south of North Shore Drive to Lakeside Street—45 miles per hour. (Am. by Ord. 11,876, 6-13-97)
23. John Nolen Drive from 1,000 feet south of North Shore Drive to Blair Street and between Lakeside Street and the West Beltline Highway—35 miles per hour. (Am. by Ord. 11,877, 6-13-97)
24. Johnson Street between Pennsylvania Avenue and Fordem Avenue—30 miles per hour. (Am. by Ord. 7755, 7-2-82)
25. Midvale Boulevard between University Avenue and Nakoma Road—30 miles per hour.
26. Milwaukee Street between Walter Street and the east city limits—35 miles per hour. (Am. by Ord. 13,062, 5-29-02)
27. Mineral Point Road between Glenway Street and Segoe Road—30 miles per hour. (Am. by Ord. 7036, 7-9-80)
28. Mineral Point Road between Whitney Way and the west city limits—40 miles per hour. (Am. by Ord. 8272, 3-5-84; Ord. 12,970, 12-24-01)
29. Monona Drive between Cottage Grove Road and the south city limits—30 miles per hour.
30. Monroe Street between Odana Road and Arbor Drive—30 miles per hour. (Am. by Ord. 12,424, 7-23-99)
31. Nakoma Road between Odana Road and the West Beltline Highway—30 miles per hour.
32. Northport Drive between a point 0.10 mile northwest of Knutson Drive to a point 200 feet northwest of Kennedy Road—40 miles per hour. (Am. by Ord. 5520, 6-25-76)
33. Northport Drive between a point 200 feet northwest of Kennedy Road and Packers Avenue—35 miles per hour. (Am. by Ord. 5521, 6-25-76)
34. Odana Road between Nakoma and Gammon Roads—30 miles per hour. (Am. by Ord. 7035, 7-9-80)
35. Old Middleton Road from University Avenue to Capital Avenue—30 miles per hour. (Am. by Ord. 11,858, 5-19-97)
36. (R. by Ord. 9530, 7-15-88)
37. Olin Avenue between Wingra Creek and John Nolen Drive—35 miles per hour. (Am. by Ord. 9531, 7-15-88)
38. Packers Avenue between Sixth Street and the north city limits—35 miles per hour.
39. Park Street between the West Beltline Highway and the south city limits—50 miles per hour. (Am. by Ord. 5766, 3-7-77)
40. (R. by Ord. 13,574, 4-21-04)
41. Park Street between Regent Street and the West Beltline Highway—30 miles per hour. (Am. by Ord. 9876, 10-26-89; Ord. 13,575, 4-21-04)
42. Pennsylvania Avenue between Sixth Street and Third Street—35 miles per hour.
43. Pennsylvania Avenue between Third Street and Johnson Street—30 miles per hour.
44. Portage Road between Washington Avenue and Derek Road—35 miles per hour. (Am. by Ord. 10,150, 12-5-90)

45. Proudfit Street between North Shore Drive and Washington Avenue—30 miles per hour.
46. Raymond Road between Verona Road and McKenna Boulevard —30 miles per hour. (Am. by Ord. 12,127, 5-18-98)
47. Rimrock Road between Kent Lane and John Nolen Drive—35 miles per hour. (Am. by Ord. 9532, 7-15-88)
48. Segoe Road between University Avenue and Odana Road—30 miles per hour.
49. Sherman Avenue between Fordem Avenue and the north City limits—30 miles per hour. (Am. by Ord. 8001, 4-26-83; Ord. 13,402, 8-23-03)
50. Reserved for Future Use. (Am. by Ord. 8002, 4-26-83; R. by Ord. 13,403, 8-23-02)
51. Speedway Road between Regent Street and Glenway Street—30 miles per hour.
52. Stoughton Road between Concord Avenue and a point 0.20 mile south of Milwaukee Street—45 miles per hour. (Am. by Ord. 5171, 9-29-75)
53. Stoughton Road between Anderson Street and Concord Avenue—35 miles per hour. (Am. by Ord. 5172, 9-29-75)
54. Stoughton Road from Anderson Street to a point 200 feet north of Pierstorff Road—45 miles per hour. (Am. by Ord. 7453, 6-25-81)
55. (R. by Ord. 8785, 2-5-86)
56. University Avenue between Farley Avenue and the west City limits—35 miles per hour. (Am. by Ord. 8787, 2-5-86)
57. (R. by Ord. 8786, 2-5-86)
58. Verona Road between the West Beltline Highway and a point 0.30 mile south of the northwest quadrant of the Nakoma Interchange—30 miles per hour.
59. Verona Road frontage road from West Beltline Highway frontage road to a point 100 feet north of Britta Parkway—30 miles per hour.
60. Verona Road between a point 0.30 mile south of the northwest quadrant of the Nakoma Interchange and Chalet Gardens Road—40 miles per hour. (Am. by Ord. 4386, 11-20-73)
61. Washington Avenue between Butler Street and Stoughton Road—35 miles per hour.
62. Washington Avenue between Park Street and Regent Street—30 miles per hour.
63. Washington Avenue between the east City limits and a point 0.20 mile northeast of Zeier Road—50 miles per hour. (Am. by Ord. 8269, 3-5-84)
64. Washington Avenue between Stoughton Road and a point 0.20 mile northeast of Zeier Road—40 miles per hour. (Am. by Ord. 8270, 3-5-84)
65. Whitney Way between University Avenue and Mineral Point Road and from Tokay Boulevard to the south City limits—30 miles per hour. (Am. by Ord. 8416, 9-4-84)
66. Pflaum Road between South Stoughton Road and Vondron Road—35 miles per hour. (Cr. by Ord. 4535, 4-10-74)
67. Schroeder Road from Gammon Road to Whitney Way—35 miles per hour. (Cr. by Ord. 4864, 2-3-75)
68. Cottage Grove Road between Cottage Court and Thompson Drive—35 miles per hour. (Am. by Ord. 5984, 9-30-77)
69. Anderson Street between International Lane and Stoughton Road—35 miles per hour. (Am. by Ord. 5401, 3-1-76)
70. (R. by Ord. 5402, 3-1-76)

71. Regent Street between Midvale Boulevard and Whitney Way—30 miles per hour. (Cr. by Ord. 5087, 7-3-75)
72. Campus Drive between Farley Avenue and a point 1,000 feet east of Farley Avenue—35 miles per hour. (Cr. by Ord. 5152, 9-12-75)
73. Fordem Avenue between Johnson Street and Sherman Avenue—30 miles per hour. (Cr. by Ord. 5201, 10-31-75)
74. Raymond Road between McKenna Boulevard and the west city limits—35 miles per hour. (Am. by Ord. 12,128, 5-18-98)
75. Eastwood Drive from Winnebago Street to Atwood Avenue—30 miles per hour. (Cr. by Ord. 5305, 2-10-76)
76. North Shore Drive from Proudfit Street to John Nolen Drive—30 miles per hour. (Cr. by Ord. 5452, 4-7-76)
77. Aberg Avenue from a point 650 feet east of Packers Avenue to a point 200 feet east of Everett Street—35 miles per hour. (Cr. by Ord. 5501, 6-3-76)
78. Broadway from South Towne Drive to Dutch Mill Road—40 miles per hour. (Cr. by Ord. 5535, 7-28-76; Am. by Ord. 12,230, 10-19-98)
79. Whitney Way between Mineral Point Road and Tokay Boulevard—35 miles per hour. (Cr. by Ord. 5699, 12-28-76)
80. Old Sauk Road between Westfield Road and the west city limits—35 miles per hour. (Am. by Ord. 9697, 1-26-89 & 1-31-89)
81. Greenway Cross between Applegate Road and Latham Drive—30 miles per hour. (Cr. by Ord. 6592, 4-19-79)
82. Stewart Street between Latham Drive and Syene Road—30 miles per hour. (Cr. by Ord. 6593, 4-19-79)
83. Prairie Road between Hammersley and Maple Grove Drive—30 miles per hour. (Cr. by Ord. 7058, 7-30-80; Am. by Ord. 12,227, 10-19-98)
84. Mineral Point Road between Segoe Road and Whitney Way-35 miles per hour. (Cr. by Ord. 7037, 7-9-80; Am. by Ord. 12,856, 7-25-01)
85. Post Road between Fish Hatchery Road and Knollwood Way—30 miles per hour. (Cr. by Ord. 7038, 7-9-80)
86. Grandview Boulevard between Knollwood Way and the north City limits—30 miles per hour. (Cr. by Ord. 7039, 7-9-80)
87. Westfield Road between Mineral Point Road and Old Sauk Roads—30 miles per hour. (Cr. by Ord. 7040, 7-9-80)
88. Rosa Road between Old Middleton and Mineral Point Roads—30 miles per hour. (Cr. by Ord. 7041, 7-9-80)
89. (R. by Ord. 9696, 1-26-89 & 1-31-89)
90. Old Sauk Road between Old Middleton Road and Westfield Road—30 miles per hour. (Cr. by Ord. 7217, 1-29-81)
91. Sheboygan Avenue between Segoe Road and Whitney Way—30 miles per hour. (Cr. by Ord. 7388, 4-13-81)
92. Badger Road between Fish Hatchery Road and Park Street—30 miles per hour. (Cr. by Ord. 7389, 4-13-81)
93. Stoughton Road from the south City limits to a point 0.25 of a mile south of Buckeye Road, and from a point 0.25 of a mile north of Buckeye Road to 0.20 of a mile south of Milwaukee Street, and from a point 200 feet north of Pierstorff Road to the north City limits—55 miles per hour. (Cr. by Ord. 7451, 6-25-81)
94. Vondron Road from Pflaum Road to the Chicago and Northwestern Railroad Tracks—35 miles per hour. (Cr. by Ord. 7411, 5-7-81; Am. by Ord. 12,231, 10-19-98)

95. Stoughton Road from a point 0.25 of a mile south of Buckeye Road to a point 0.25 of a mile north of Buckeye Road—45 miles per hour. (Cr. by Ord. 7452, 6-25-81)
96. Reserved For Future Use.
97. McKenna Boulevard between Gammon Road and Raymond Road—35 miles per hour. (Cr. by Ord. 7585, 12-17-81)
98. Hammersley Road between the West Beltline Highway and McKenna Boulevard—30 miles per hour. (Cr. by Ord. 8754, 12-31-85)
99. West Beltline frontage road between Verona Road frontage road and Hammersley Road—30 miles per hour. (Cr. by Ord. 8755, 12-31-85)
100. Tree Lane between Mineral Point Road and Gammon Road—30 miles per hour. (Am. by Ord. 8838, 4-4-86)
101. Darwin Road between Packers Avenue and International Lane—35 miles per hour. (Cr. by Ord. 9226, 6-30-87)
102. (R. by Ord. 13,262, 2-25-03)
103. East Buckeye Road between South Stoughton Road and Droster Road—30 miles per hour. (Cr. by Ord. 9251, 8-28-87)
104. High Point Road between Mineral Point Road and the south city limits—35 miles per hour. (Am. by Ord. 11,081, 12-6-94)
105. Tokay Boulevard between Whitney Way and Odana Road—30 miles per hour. (Cr. by Ord. 9478, 4-29-88)
106. Rattman Road, between East Washington Avenue and a point 1380 feet south of Hoepker Road—55 miles per hour. (Cr. by Ord. 9713, 2-14-89)
107. Watts Road from Gammon Road to High Point Road—30 miles per hour. (Cr. by Ord. 9801, 6-15-89)
108. On Commerce Road between Mineral Point Road and its southerly end—30 miles per hour. (Cr. by Ord. 9877, 10-26-89)
109. Portage Road between Derek Road and the north city limits—30 miles per hour. (Cr. by Ord. 10,149, 12-5-90)
110. Wheeler Road from Sherman Avenue to the east City limits—35 miles per hour. (Cr. by Ord. 10,760, 11-1-93; Am. by Ord. 13,281, 3-21-03)
111. High Point Road between Mineral Point Road and the north City limits — 30 miles per hour. (Cr. by Ord. 11,055, 11-14-94)
112. Country Grove Drive between McKee Road and the south City limits — 30 miles per hour. (Cr. by Ord. 11,072, 12-6-94)
113. On North Thompson Drive from Lien Road to a point 300 feet south of Swanton Road—30 miles per hour. (Cr. by Ord. 11,444, 12-14-95)
114. On North Thompson Drive from a point 300 feet south of Swanton Road to Milwaukee Street—35 miles per hour. (Cr. by Ord. 11,445, 12-14-95)
115. (R. by ORD-09-00107, 7-24-09)
116. Junction Road between Mineral Point Road and Old Sauk Road—30 miles per hour. (Cr. by Ord. 11,785, 2-17-97)
117. County Trunk Highway M between Mineral Point Road to a point 900 feet south of Watts Road—35 miles per hour. (Cr. by Ord. 11,784, 2-17-97)
118. American Parkway between High Crossing Boulevard and the north city limits — 35 miles per hour. (Cr. by Ord. 12,146, 6-12-98)
119. High Crossing Boulevard between East Springs Drive and American Parkway — 30 miles per hour. (Cr. by Ord. 12,147, 6-12-98)
120. Nelson Road between High Crossing Boulevard and the east city limits — 35 miles per hour. (Cr. by Ord. 12,148, 6-12-98)
121. Science Drive from Mineral Point Road to Whitney Way—30 miles per hour. (Cr. by Ord. 12,221, 10-19-98)

122. East Pass between Maple Grove Drive and the south city limits—30 miles per hour. (Cr. by Ord. 12,228, 10-19-98)
123. Agriculture Drive between Femrite Drive and Pflaum Road—35 miles per hour. (Cr. by Ord. 12,232, 10-19-98)
124. (R. by ORD-09-00107, 7-24-09)
125. Sycamore Avenue between Walsh Road and North Thompson Drive — 35 miles per hour. (Cr. by Ord. 12,262, 11-17-98)
126. East Springs Drive between East Washington Avenue and Zeier Road — 30 miles per hour. (Cr. by Ord. 12,263, 11-17-98)
127. Zeier Road between East Washington Avenue and Lien road — 35 miles per hour. (Cr. by Ord, 12,264, 11-17-98) by Ord, 12,264, 11-17-98)
128. Thierer Road between East Washington Avenue and Lien Road — 35 miles per hour. (Cr. by Ord. 12,265, 11-17-98)
129. Lien Road between Eagan Road and North Thompson Drive — 30 miles per hour. (Cr. by Ord. 12,266, 11-17-98)
130. Lien Road between East Washington Avenue and Eagan Road — 35 miles per hour. (Cr. by Ord. 12,267, 11-17-98)
131. International Lane between Packers Avenue and the Dane County Regional Airport — 35 miles per hour. (Cr. by Ord. 12,260, 11-17-98)
132. (R. by ORD-09-00107, 7-24-09)
133. Lien Road from East Washington Avenue to the east city limits - 35 miles per hour. (Cr. by Ord. 12,967, 12-24-01)
134. Maple Grove Drive between McKee Road and East Pass - 30 miles per hour. (Cr. by Ord. 12,968, 12-24-01)
135. Maple Grove Drive between East Pass and Nesbitt Road - 35 miles per hour. (Cr. by Ord. 12,969, 12-24-01)
136. Mid Town Road from the east city limits to the west city limits — 35 miles per hour. (Cr. by Ord. 12,979, 12-24-01)
137. Woods Road from Midtown Road to County Trunk Highway PD — 45 miles per hour. (Cr. by Ord. 13,387, 8-23-03)

(b) Said investigation has determined that the speed permitted by state law upon the following streets is greater than is reasonable or safe under the conditions found to exist on such streets and it is hereby declared that the speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated.

1. State Street - 15 miles per hour.
2. Spooner Street between Rowley Avenue and Keyes Avenue—15 miles per hour. (Cr. by Ord. 10,268, 6-14-91)

(c) Said investigation has determined that the speed permitted by state law upon streets within the Highland Manor Manufactured and Mobile Home community is greater than reasonable or safe under the conditions found to exist on such streets and it is hereby declared that the speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated, provided that the City of Madison Police Department has entered into an agreement for traffic regulation enforcement under Wis. Stat. § 349.03(5).

1. Belaire Drive - 15 miles per hour.
2. Fairlane Court - 15 miles per hour.
3. Harvest Circle - 15 miles per hour.
4. Hollywood Drive - 15 miles per hour.
5. Lasalle Street - 15 miles per hour.
6. Malibu Drive - 15 miles per hour.
7. Manor Drive - 15 miles per hour.
8. Rustic Parkway - 15 miles per hour.

9. Sierra Court - 15 miles per hour.

(Sec. 12.57(1)(c) Cr. by ORD-10-00088, 9-15-10)

(2) The speed limits established under this section will be in effect when signs are erected giving notice thereof.

(Am. by Ord. 12,189, 8-14-98)

12.58 RESERVED FOR FUTURE USE. (R. by Ord. 12,189, 8-31-98)

12.59 - 12.75 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

BICYCLES AND PLAY VEHICLES

12.751 LICENSING OF OFF-ROAD MOTOR VEHICLES.

(1) Registration of Off-Road Motor Vehicles. Effective January 1, 1979, no person shall operate and no owner shall give permission for the operation of a motor vehicle within the City of Madison while not on a roadway whether on public or private property unless said vehicle is currently licensed and bears license plates pursuant to Wis. Stats. chs. 341 or 350 or unless said vehicle is exempt from registration pursuant to Wis. Stats. Chs. 341.05(1)—(20), Wisconsin Statutes or unless said motor vehicle has first been registered with the City of Madison and properly displays a license plate issued by the City Treasurer.

(2) Registration Form. Every owner of any motor vehicle which is required to be registered and licensed under Subsection (1) of this ordinance shall, by January 1, 1979 or within ten (10) days of the date of acquisition of such off-road motor vehicle, file with the City Treasurer or her/his representative a complete description including make, color, serial number and name and address of purchaser of such off-road motor vehicle, upon a form to be provided for that purpose. Such registration shall be serially numbered and kept on file by the City Treasurer in her/his office as public record. The Treasurer shall issue a certificate of registration to the owner. (Am. by ORD-14-00012, 1-14-14)

(3) License Plate. Immediately upon the registration of an off-road motor vehicle in her/his office, the City Treasurer or her/his representative shall issue to the owner of such off-road motor vehicle a reflectorized license plate serially numbered to correspond with the registration of such off-road motor vehicle and containing thereon the name "Madison" and the date of expiration of registration. Such license plate shall be affixed to such off-road motor vehicle so that it is plainly visible from the rear and shall be kept reasonably clean at all times. It shall thereafter remain affixed to such off-road motor vehicle until the expiration or the cancellation of the registration, or until the off-road motor vehicle is sold or otherwise disposed of by the person to whom the plate was issued. A fee of five dollars ($5) shall be charged for the registration or licensing of any off-road motor vehicle under provisions of this ordinance. In case of theft or loss, a new plate shall be issued for an additional one dollar ($1) fee. No person shall willfully remove, deface or destroy any such license plate. In lieu of issuing a new plate upon each renewal of registration of an off road motor vehicle, the City Treasurer or her/his representative may issue insert tags or decals to indicate the expiration date of registration. (Am. by ORD-14-00012, 1-14-14)

(4) Expiration. Commencing January 1, 1979 motorized off-road vehicles shall be registered each year. All plates issued shall expire on January 1 of each year.

(5) Change of Ownership. Upon the sale or transfer of a licensed off-road motor vehicle, the licensee shall remove the license plate and shall either surrender the same to the City Treasurer, destroy the plate, or may upon proper application but without payment of an additional fee have said plates assigned to another off-road motor vehicle owned by the applicant. When an off-road motor vehicle is dismantled and taken out of operation the license plate shall be destroyed.

(6) No person, firm, corporation or dealer shall sell within the City of Madison a vehicle which is required to be registered pursuant to this section without first providing the buyer a copy of Madison General Ordinances Secs. 12.751(1) through (5) and 12.752 relating to the regulation of off-road motor vehicles. The seller of any such vehicle shall obtain a signed receipt from the purchaser of said vehicle acknowledging receipt of a copy of the ordinances and shall retain a copy of all receipts and the purchaser of said vehicle make the receipts available for inspection by the Police Department for a period of three (3) years from the date of sale. The City Clerk shall prepare copies of these sections of the ordinances and make them available for purchase. (Cr. by Ord. 6761, 10-3-79)

12.752 REGULATION OF OFF-ROAD MOTOR VEHICLES. No person shall operate an off-road motor vehicle in the City of Madison in the following manner:

(1) At a rate of speed that is unreasonable or improper under the circumstances.

(2) In any reckless manner so as to endanger the person or property of another.

(3) While under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

(4) In such a way that the exhaust of the motor makes an excessive or unusual noise.

(5) Without a functioning muffler or a muffler which fails to meet the standards and requirements of Wis. Stat. § 347.39(1) through (3).

(6) On the private property of another without the consent of the owner or lessee. Failure to post property does not imply consent for off-road motor vehicle use.

(7) Between the hours of 10:30 p.m. and 7:00 a.m. when within one hundred fifty (150) feet of a dwelling.

(8) On any private property without obtaining written permission of the property owner, said written permission to be carried on the person of the operator. Immediate members of the owner's family are exempt from this requirement. (Cr. by Ord. 8395, 7-25-84)

(9) (a) On any sidewalk area except at a permanent or temporary established driveway.

(b) Exemptions.

1. Madison Gas and Electric shall be permitted to operate ATVs on sidewalks for the maintenance or repair of gas lines.

2. The Madison City Engineering Division shall be permitted to operate ATVs on sidewalks for maintenance or repair purposes. (Cr. by Ord. 13,142, 9-24-02)

12.76 SPECIAL RULES APPLICABLE TO BICYCLES.

(1) No person shall ride a bicycle on the sidewalk where a building abuts the sidewalk. Bicycle riding on sidewalks is permitted, except as prohibited in this subsection and otherwise regulated in this chapter.

(2) No person shall ride or operate any bicycle over any footbridge within the limits of Madison unless specifically permitted as part of a designated bicycle path.

(3) Trick Riding Prohibited. No person shall engage in trick riding of a bicycle upon any public way.

(4) Parking.

(a) Bicycles parked on streets shall be against the curb in areas where vehicle parking is permitted.

(b) Bicycles parked on sidewalks shall be placed in racks for their support or next to buildings or at the curb and in a manner which affords the least obstruction of pedestrian traffic.

(c) Bicycles parked on public ways shall not be secured to any object within fifteen (15) feet of a crosswalk or to any tree located on public sidewalk or terrace whether paved or not.

(d) Bicycles shall not be parked on the terrace adjacent to any bus stop, freight loading zone, truck loading zone, passenger loading zone, loading zone for people with disabilities, taxi stand or any parking place for persons with disabilities so as to interfere with the unloading or loading of persons or property.

(e) Effective May 1, 1978, bicycles parked in violation of this or any other parking regulation may be removed from the unlawful parking position by any police officer and either relocated at a nearby legal parking space or stored in the Police Property Room until retrieved by the lawful owner.

(f) Mopeds shall comply with this subsection, pursuant to Wis. Stat. § 346.54(1)(e). (Am. by ORD-12-00003, 1-10-12)

(g) Permits for the installation of bicycle racks may be approved by the Board of Public Works and the Common Council. Approval of said application for permit shall be in accordance with the rules and regulations set by the Board of Public Works, pursuant to Wis. Stat. § 66.0425.

(Sec. 12.76 Am. by Ord. 11,810, Adopted 3-4-97)

(5) Bicycle Signals.

(a) Unless otherwise directed by a bicycle signal as provided in Secs. 12.76(6) - 12.76(7), MGO, the operator of a bicycle shall obey the provisions of these ordinances and of the Wisconsin Statutes applicable to the operator of a vehicle.

(b) Whenever an official traffic control signal exhibiting different colored bicycle symbols is shown, the operator of a bicycle facing those traffic control signals shall obey the bicycle signals as provided in Secs. 12.76(6) - 12.76(7).

(Sec. 12.76(5) Cr. by ORD-11-00059, 4-7-11)

(6) Bicycle Traffic-Control Signal Legend.

(a) Whenever bicycle traffic is controlled by bicycle traffic control signals exhibiting different colored bicycle symbols successively, or with arrows, the following colors shall be used and shall indicate and apply to operators of bicycles as follows:

1. Green. Bicycle traffic facing a green bicycle signal may proceed straight through, make a U-turn, or turn right or left unless a sign at such place prohibits the turning maneuver, but bicycle traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

2. Yellow. When shown with or following the green, bicycle traffic facing a yellow bicycle signal shall stop before entering the intersection unless so close to it that a stop may not be made in safety.

3. Red.

a. Bicycle traffic facing a red bicycle signal shall stop before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection or at such other point as may be indicated by a clearly visible sign or marking and shall remain standing until green or other signal permitting movement is shown.

b. No pedestrian, bicyclist, or rider of an electric personal assistive mobility device facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

c. Bicycle traffic facing a red bicycle signal at an intersection may, after stopping as required under Sub. a., cautiously enter the intersection to make a right turn into the nearest lawfully available lane for traffic moving to the right or to turn left from a one-way highway into the nearest lawfully available lane of a one-way highway on which bicycle traffic travels to the left. No turn may be made on a red bicycle signal if lanes of moving traffic are crossed

or if a sign at the intersection prohibits a turn. In making a turn on a red bicycle signal bicycle traffic shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to other traffic lawfully using the intersection.

4. Green Arrow.

a. Bicycle traffic facing a green bicycle arrow signal may enter the intersection to make the movement indicated by the bicycle arrow but shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection. Bicycle traffic facing a left turn bicycle arrow may make a U-turn unless a sign prohibits U-turns. When the green bicycle arrow signal indicates a right or left turn bicycle traffic shall cautiously enter the intersection.

b. No pedestrian, bicyclist, or rider of an electric personal assistive mobility device facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

(b) In the event an official bicycle traffic signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(Sec. 12.76(6) Cr. by ORD-11-00059, 4-7-11)

(7) Flashing Bicycle Signals. Whenever flashing red or yellow bicycle signals are used they require obedience by bicycle traffic as follows:

(a) Flashing Red (Stop Signal). When a red bicycle lens is illuminated with rapid intermittent flashes, operators of bicycles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed is subject to the rules applicable after making a stop at a stop sign.

(b) Flashing Yellow (Caution Signal). When a yellow bicycle lens is illuminated with rapid intermittent flashes, operators of bicycles may proceed through the intersection or past such signal only with caution.

(Sec. 12.76(7) Cr. by ORD-11-00059, 4-7-11)

12.761 ABANDONED BICYCLES.

(1) Violation. No person may leave unattended any bicycle on any public street, highway, building, place or park upon any public or private property, for such time and under such circumstances as to cause the bicycle to reasonably appear to be abandoned.

(2) Notice of Abandonment. Any bicycle in violation of sub. (1) may have a notice affixed to it which informs the owner of the bicycle, that the bicycle appears to be abandoned. Only a police officer, the City Traffic Engineer and Parking Manager, and the Superintendent of Parks or his/her designee have authority to affix such notices upon bicycles. The notice shall indicate:

(a) The date and time the notice was affixed;

(b) A phone number for the owner to call to inform the agency which affixed the notice, that the bicycle is not abandoned;

(c) The date and time after which the bicycle may be removed under sub. (3).

A bicycle shall be deemed as "not abandoned" if the owner of the bicycle, within 48 hours of the affixing of a Notice of Abandonment, notifies the agency affixing that notice, that the bicycle is not abandoned. (Am. by ORD-06-00061, 6-3-06)

(3) Removal. If a bicycle remains in violation of sub. (1) more than 48 hours after the Notice of Abandonment has been affixed in compliance with sub.(2), that bicycle may be removed by any police officer; City Traffic Engineer and Parking Manager's designee; or Superintendent of Parks designee, and immediately thereafter delivered to the police property room. However, before any designated person removes a bicycle they shall first determine whether their agency has designated the bicycle as "not abandoned." A bicycle designated "not abandoned" may not be removed. A bicycle removed under this section shall remain in the custody of the police department until it is retrieved by the owner or otherwise disposed of according to law. (Am. by ORD-06-00061, 6-3-06)

(Cr. by Ord. 11,867, 6-2-97)

12.762 REMOVAL OF BICYCLE RACKS FOR STREET USE PERMITS OR EMERGENCY REMOVAL.

Upon compliance with this section, the City of Madison may remove any bicycle rack located on City-owned property within the City of Madison and may impound any bicycle parked in the rack. Only a police officer; the City Traffic Engineer and Parking Manager, and the Superintendent of Parks, or his/her designee, shall have authority to remove any bicycle rack and impound any bicycle parked in the bicycle rack. (Am. by ORD-06-00061, 6-3-06)

(1) Definitions. For purposes of this section, the following words or terms have the meaning set forth below:

(a) "City-owned Property" means real property owned by the City of Madison, including but not limited to, streets, sidewalks, alleys, parks, parking lots, buildings and rights-of-way.

(b) "Bicycle" has the meaning found in Wis. Stat. § 340.01(5).

(c) "Bicycle Rack" means a frame, stand or other permanent or semi-permanent fixture designed and intended to provide parking space for bicycles.

(d) "Removal period" means the portion of time during which a Street Use Permit granted under Section 10.056, MGO, is in effect or an emergency declared by the Madison Police Department is in effect.

(2) A bicycle rack may not be removed more than twenty-four (24) hours prior to the removal period.

(3) Notice Procedures. Before removing any bicycle rack and impounding any bicycle parked in the bicycle rack, the City of Madison, or its designee, shall provide notice of the removal as follows:

(a) At least forty-eight (48) hours before the scheduled removal of the bicycle rack, notice shall be affixed to each designated bicycle rack and other permanent fixtures in the area. Notice shall also be affixed to the handlebars or seat of any bicycle parked in the bicycle rack. The notice shall include:

1. The date and time of the scheduled removal of the bicycle rack;
2. A statement that any bicycle parked in the bicycle rack on the removal date will be impounded;
3. Information about retrieving an impounded bicycle, including but not limited to, a phone number, address and the hours during which the owner may retrieve the bicycle;
4. A phone number for the owner to call for information about alternate available parking for bicycles during the removal period.

(b) Twenty-four (24) hours before the scheduled removal of the bicycle rack, notice shall be affixed to the handlebars or seat of any bicycle parked in the rack. Said notice shall contain the identical information set forth in subsection (a).

(c) Upon removal of the bicycle rack, all bicycles parked in the bicycle rack shall be removed and securely stored in the Police Property Room.

(d) Once the bicycle rack has been removed, notice shall be affixed to the nearest permanent fixture providing information about retrieving an impounded bicycle. The notice shall include a phone number, address and the hours during which the owner may retrieve the bicycle.

(4) The City of Madison shall return the bicycle rack to its original location within twenty-four (24) hours after the removal period ends.

12.77 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.78 REGISTRATION OF BICYCLES.

(1) Registration and Licensing of Bicycles. No person shall operate a bicycle upon any public way within the City of Madison unless said bicycle shall have been properly registered by the City of Madison as hereinafter provided, or shall have a valid current registration in another municipality.

(2) Registration Form. Every owner or operator of any bicycle within the City of Madison shall, within ten (10) days of the acquisition of such bicycle or from establishing a residence in the City, file with the Director of Transportation or her/his designee a complete description including make, model, color, serial number and additional information as required and name and address of purchaser of such bicycle, upon a form to be provided for that purpose. The registrar shall verify serial number and name and address. Such registration shall be serially numbered and kept on file by the Department of Transportation in its office as a public record. The registration shall be cross-referenced so that a bicycle can be identified by all of the following methods:

(a) Bicycle serial number.

(b) Registration sticker or decal number.

(c) Name of owner.

(d) Any bicycle purchased from a bicycle dealer within the City of Madison after the effective date of this ordinance shall be registered by the dealer. The dealer, at the time of sale, shall require the buyer to complete an application for registration, collect the required fee, and mail the application and fee to the Director of Transportation or her/his designee no later than two (2) weeks after the date of sale. When a bicycle dealer sells a bicycle to a person from another city, town, or village who wishes to register that bicycle in her or his home city, town, or village, the dealer shall, at the time of sale, complete an application for registration and indicate on the application that the bicycle is to be registered in another city, town, or village. All bicycle dealers shall supply registration information to the City on all bicycles sold or transferred. Dealers may retain one dollar ($1) from the sale of each registration to cover the costs of administration of the registration program.

(e) The University of Wisconsin-Madison shall actively promote bicycle registration through both educational and enforcement programs. The UW-Madison or its representatives may complete applications for bicycle registration and collect the required fee. The UW-Madison or its designated representative shall mail the completed applications and collected fees to the Director of Transportation no later than two weeks after completion of each application. The UW-Madison may retain one-half of each registration fee collected to cover the costs of the registration program.

(Sec. 12.78(2) Am. by Ord. 11,917, 8-18-97)

(3) Sticker or Decal. Immediately upon the registration of a bicycle, the registrar shall issue to the owner of such bicycle a serially numbered sticker or decal to indicate the period of registration. Such sticker or decal shall be affixed to the bicycle frame so that it is plainly visible and shall be kept reasonably clean at all times. It shall thereafter remain affixed to

such bicycle until the expiration or the cancellation of the registration. A fee of ten dollars ($10) for one or two bicycles, and eight dollars ($8) for each subsequent bicycle shall be charged for the registration of any bicycle under provisions of this ordinance. No person shall willfully remove, deface or destroy any such sticker or decal. (Am. by Ord. 13,601, 5-11-04)

(4) Expiration of Registration. Bicycles shall be registered every four (4) years. Registration of bicycles shall be effective until May 15 of the calendar year four years after the year of registration.

(5) Lost Registration Stickers or Decals and Ownership Transfer. In case of theft or loss of decal or sticker, a new decal or sticker shall be obtained. Upon the sale or transfer of a registered bicycle, the new owner shall report the sale or transfer to the Chief of Police, indicating her/his name and address as well as the name and address of the person from whom the bicycle was acquired.

(6) Notification of Change in Address. Whenever the owner of a registered bicycle moves or changes address, s/he shall notify the Chief of Police in writing of the new address within ten (10) days.

(7) Bicycle To Be In Safe Mechanical Condition. The Chief of Police or her/his designee shall refuse to register or shall suspend the registration of any bicycle found to be in unsafe mechanical condition or not equipped or registered as herein required until proof is given that the defect or defects are corrected. Unsafe mechanical condition includes, but is not limited to, a bicycle with improvised or defective handlebars.

(Section 12.78 Am. by Ord. 10,245, 4-26-91)

12.781 LICENSING OF BICYCLE DEALERS.

(1) No person, firm, association or corporation shall carry on or operate within the City of Madison a business for the purchase or sale or transfer of new or used bicycles or bicycle parts, without first having obtained a license therefore as hereinafter provided. For purposes of this ordinance, the sale or transfer of three (3) or more bicycles in a period of one (1) year constitutes a business. (Am. by Ord. 8124, 10-17-83)

(2) The license fee for each individual premises shall be one hundred dollars ($100) per annum. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9022, 12-11-86; Ord. 13,601, 5-11-04; OD-06-00154, 11-23-06)

(3) At least every 14 calendar days when bicycles are sold or transferred, every person, firm, association or corporation engaged in the business of selling or transferring new or used bicycles in the City of Madison shall report to the Chief of Police all sales, transfers, and registrations made by her/him, giving a description of each bicycle sold or transferred, the name and address of purchaser or transferee, make of bicycle, color, serial number, and additional information as may be required. New bicycles, manufactured without a serial number, shall have a serial number stamped on the frame by the dealer in accordance with an approved city numbering system. (Am. by Ord. 10,245, 4-26-91)

(4) The Chief of Police shall provide suitable forms upon which such reports shall be made, which shall be furnished upon request to persons, firms, associations or corporations engaged in selling or transferring of new or used bicycles in the City of Madison. (Am. by Ord. 10,245, 4-26-91)

(5) One designated copy of such record shall be retained by the licensee. Such reports shall be open to the police.

12.782 SALE AND RENTAL OF BICYCLES.

(1) Provision of Safety Equipment. No person, firm, association or corporation shall sell or transfer a bicycle without proper safety equipment as designated in Wis. Stat. § 347.489.

(2) No person shall sell, transfer, or offer for sale or transfer any bicycle unless s/he can prove ownership of said bicycle. A City of Madison bicycle registration form or a bill of sale shall constitute a proof of ownership.

(3) No person shall rent, lease or loan a bicycle of any kind to another unless s/he has ascertained that the bicycle is in safe mechanical condition, properly equipped and registered.

(4) No person shall knowingly rent, lease or loan a bicycle of any kind to any person who is incapable of operating said bicycle by reason of physical or mental disability, or is under the influence of liquor, fermented beverages, narcotics or other drugs.

(Am. by Ord. 10,245, 4-26-91)

12.79 PENALTY FOR VIOLATING SECTIONS 12.74 THROUGH 12.782. The penalty for violating Sections 12.74 through 12.782 shall be as follows:

(1) Any person violating any provision of Sections 12.76(1) to (4), 12.78(6), 12.782(3) and (4) may be required to forfeit not more than forty dollars ($40). (Am. by ORD-10-00015, 2-18-10)

(2) Any person violating any provision of Section 12.78(1), (2) and (4) may be required to forfeit not more than twenty dollars ($20) for the first offense and not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for the second and subsequent convictions within one year.

(3) Any person violating any provision of Sections 12.78(3), (5) or 12.782(1) may be required to forfeit not more than ten dollars ($10).

(4) Any person violating Section 12.781 may be required to forfeit not less than ten dollars ($10) nor more than one hundred dollars ($100).

(5) Any person violating Section 12.78(2), 12.781(3), or 12.782(2) may be required to forfeit not less than ten dollars ($10) nor more than two hundred dollars ($200) for the first offense, and not less than ten dollars ($10) nor more than two hundred dollars ($200) for the second offense and revocation of license for the second offense within a licensing year.

(6) Any person violating any provision of Section 12.751 may be required to forfeit not less than ten dollars ($10) nor more than one hundred dollars ($100).

(7) Any person violating any provision of Section 12.752 may be required to forfeit not less than twenty dollars ($20) nor more than two hundred and fifty dollars ($250). (Am. by Ord. 13,760, Adopted 12-14-04)

(8) Penalty. Any person violating any provision of Section 12.76(6) or 12.76(7) may be required to forfeit not more than $20. (Cr. by ORD-11-00059, 4-7-11)

(Sec. 12.79 Am. by Ord. 11,810, Adopted 3-4-97)

MOPEDS

12.791 RIDING MOPED ON BICYCLE WAY. No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way. Any person violating this Section may be required to forfeit not more than twenty dollars ($20) upon conviction. (Sec. 12.791 Am. by Ord. 11,810, Adopted 3-4-97)

12.792 NEIGHBORHOOD ELECTRIC VEHICLES ALLOWED.

(1) Definition. "Low-speed vehicle" means a vehicle as defined in Wis. Stat. § 340.01(27h).

(2) A Low-speed vehicle may be operated on any roadway that has a speed limit of 35 miles per hour or less, subject to the limitations in Section 3, herein.

(3) A Low-speed vehicle may be operated on a connecting highway or an intersection where the roadway crosses a state trunk highway, if, pursuant to Wis. Stat. § 349.26, the Wisconsin Department of Transportation has either consented to such use or has not made a timely objection to such use.

(4) The Traffic Engineer shall provide the Wisconsin Department of Transportation written notice of the enactment of this ordinance, which shall include identification of any connecting highway or state trunk highway intersection to which the ordinance will apply. If the Wisconsin Department of Transportation objects, as provided in Sub 4, to the application of this ordinance to such connecting highway or intersection, then the Traffic Engineer shall cause appropriate signs to be placed at those locations objected to by the Wisconsin Department of Transportation, advising that a Low-speed vehicle may not be operated at those locations.

(5) Any person who operates a Low-speed vehicle contrary to this ordinance may be required to forfeit not less than ten dollars ($10.00) and not more than five hundred dollars ($500.00).

(Sec. 12.792 Cr. by ORD-08-00045, 4-26-08; Am. by ORD-14-00049, 3-6-14)

MISCELLANEOUS RULES

12.80 USE OF FLASHING RED WARNING LIGHTS BY SCHOOL BUS OPERATORS. Pursuant to Wis. Stat. § 349.21, school bus operators may use flashing red warning lights in a residence or business district at locations where there are no traffic signals when pupils or other authorized persons must cross the street or highway before being loaded or after being unloaded. (Cr. by Ord. 11,949, 10-31-97)

12.81 COMPRESSION BRAKES PROHIBITED

(1) No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any motor vehicle.

(2) It shall be an affirmative defense to prosecution under Sub. (1) that the compression brakes were applied in an emergency and were necessary to prevent immediate danger to life or property.

(3) Any person violating the provisions of this section shall be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200) and each instance of violation shall constitute a separate offense.

(4) This section shall become effective April 1, 2002.

(Cr. by Ord. 13,025, 2-26-02)

12.82 - 12.86 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.87 PARADES, PROCESSIONS AND CARNIVAL EQUIPMENT.

(1) Each driver in any procession except a procession permitted by the Chief of Police under subsection (11) shall drive as near to the right-hand edge of the roadway as practical, except upon one-way streets or when otherwise directed by a police officer, and shall follow the vehicle ahead as close as is practical and safe.

(2) Parades and Processions.

(a) The streets and other public places in possession of the City are primarily for the use of the public in the ordinary way. However, under proper circumstances they may be used for parades and processions, subject to reasonable municipal regulation and control. It is recognized that there is a fundamental and constitutional right to use the public streets for a parade. Therefore this ordinance is intended to regulate and control parades and processions to the end that the general welfare of the City be protected.

(b) In this section "parade" means any parade, march or procession of any kind and the assembly areas therefore.

(c) No person shall form, direct, marshal, lead or participate in any parade in any area used principally for pedestrian or vehicular traffic, where she or he knows a permit

has not been obtained in advance, unless a permit has been obtained in advance from the Chief of Police, except that, upon notification to the Chief of Police a parade on sidewalks and footways, in which persons move not more than two (2) abreast and which does not substantially hinder normal use of the sidewalk or footway, and which conforms with traffic signals and other traffic regulations, is permitted without a permit. (Am. by ORD-14-00012, 1-14-14)

(d) No person who leads or participates in a parade shall disobey, or encourage others to disobey, this section after a police officer has directly and presently informed her or him of any of the provisions of this section or the terms of the parade permit that she or he is violating. (Am. by ORD-14-00012, 1-14-14)

(e) A permit is not required for assembling or movement of a funeral procession, or for any parade sponsored by an agency of the federal or state government, acting in its governmental capacity within the scope of its authority. Federal and state authorities are requested to coordinate preparations for and holding parades sponsored by them under this section with the Chief of Police.

(f) A written application for a permit for any parade for which use of streets, sidewalks or walkways is desired shall be made at the earliest convenience of its organizer to the Chief of Police on a form provided by him, but in no case less than seventy-two (72) hours prior to the parade.

(g) The Chief of Police shall obtain the recommendations of the City Traffic Engineer for any parade permit that is proposed on or across a City bus route or arterial street or requires the services and/or equipment from the Traffic Engineering Division to close streets and/or reroute traffic before he/she approves a parade permit. The Chief of Police shall also obtain the recommendations of such other governmental agencies as the Chief deems necessary before he/she approves a parade permit.

(h) The application maybe denied:

1. If it is for a parade that is to be held on a work day during hours when and at places where, in addition to the proposed parade, the flow of vehicular and pedestrian traffic is usually delayed by its own volume; or
2. If it is for a parade that is to be held between the hours of 10:00 p.m. and 6:00 a.m.
3. If sufficient parade marshals are not provided as to reasonably assure the orderly conduct of the parade.

(i) The application shall be denied:

1. If it is made less than seventy-two (72) hours in advance of the time the parade is scheduled to commence; or
2. If it is for a parade that is primarily for private or commercial economic gain; or
3. If it is for a parade which would involve violation of federal or state highway law or of other applicable provisions of the Madison General Ordinances; or
4. If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
5. If the application does not contain the information required by subsection (k); or
6. If more than one assembly area or more than one dispersal area is proposed.

(j) All applications shall be filed with the Chief of Police. Applications filed less than thirty-five (35) days prior to the date on which the parade is proposed to be conducted shall be filed in person with the Chief of Police.

(k) The application shall set forth the following information regarding the proposed parade:

1. The name, address and telephone number of the applicant.
2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
3. The name, address and telephone number of the person who will be responsible for conducting the parade.
4. The date when the parade is to be conducted and its duration.
5. The assembly area, the starting point, the route to be traveled and the termination point.
6. The number and size of units comprising the parade.
7. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on her/his behalf. (Am. by ORD-14-00012, 1-14-14)
8. Any additional information which the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.

(l) The Chief of Police shall issue a permit to the applicant subject to the foregoing paragraphs of this section, unless the Chief concludes that:

1. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the City; or
2. The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
3. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
4. The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(Am. by ORD-14-00012, 1-14-14)

(m) The Chief of Police shall act as promptly as she or he reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed thirty-five (35) days or more in advance shall be granted or denied not less than twenty-eight (28) days before the date applied for. Action on applications filed less than thirty-five (35) days in advance shall be taken within seven (7) days after the application is filed, but in no case later than ten (10) hours in advance of the time applied for. The Chief of Police shall immediately by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for her/his denial of the permit. In lieu of denying a permit or revoking it under subdivision (o) the Chief of Police may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for or as permitted. The applicant or permittee may accept such modification by immediately notifying the Chief of Police, in writing, of such acceptance. In lieu of revoking a permit under subdivision (o), the Chief of Police may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City of Madison and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the parade sufficient

to indemnify the City of Madison and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants. (Am. by ORD-14-00012, 1-14-14)

(n) Where the Chief of Police and Mayor have determined that the cost of City services incident to the staging of the parade will be increased because of the parade, the Chief of Police and Mayor may require the permittee to make payment into the general fund of the City of Madison in an amount equal to the increased cost for the City services.

(o) Nothing herein shall prevent the Mayor or the Common Council from overruling the Chief of Police in granting or denying a permit. The Chief of Police may revoke a permit already issued, upon notification to and approval by the Mayor, if the Chief of Police deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance.

(p) Each parade permit shall state such information as the Chief of Police shall find necessary to the enforcement of this section.

(q) Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

1. The Mayor.
2. The Fire Chief.
3. The Director of the Department of Public Works.
4. All divisions of the Department of Public Works affected by the parade (City Engineering, Parks, and Streets).
5. Each public transportation utility whose regular routes will be affected by the parade (Madison Metro and private bus lines).
6. The City Traffic Engineer.

(r) A permittee under this section shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(s) Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection shall not affect the validity or enforceability of any other portion.

(3) It shall be unlawful for any person, firm or corporation to operate any vehicle or vehicles transporting carnival equipment or paraphernalia over any street in the City of Madison without a permit from the Chief of Police. Said permit shall designate the time for use and the streets to be used by said vehicles. No carnival shall load or unload in the City of Madison.

(Sec. 12.87 Am. by Ord. 11,810, Adopted 3-4-97)

12.88 PENALTY FOR VIOLATING SECTION 12.87.

(1) Any person violating any provision of Section 12.87(2) may be required to forfeit not less than ten dollars ($10) nor more than two hundred dollars ($200).

(2) Any person violating any provision of Sections 12.87(1) or (3) may be required to forfeit not more than one hundred dollars ($100).

(Sec. 12.88 Am. by Ord. 11,810, Adopted 3-4-97)

CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS

12.89 HEAVY TRAFFIC ROUTES.

(1) The following streets in the City of Madison are hereby designated as heavy traffic routes under the provisions of Wis. Stat. § 349.17.

1. Aberg Avenue from North Sherman Avenue to East Washington Avenue.

2. Atwood Avenue and Monona Drive from Winnebago Street to the south city limits.
3. (R. by Ord. 12,619, 6-29-00)
4. Blair Street from Johnson Street to John Nolen Drive. (Am. by Ord. 13,685, 8-24-04)
5. Buckeye Road from Monona Drive to the east city limits.
6. Campus Drive from Johnson Street to Farley Avenue.
7. Commercial Avenue from Sherman Avenue to the east city limits.
8. Cottage Grove Road from Monona Drive to the east city limits.
9. (R. by Ord. 12,620, 6-29-00)
10. Fair Oaks Avenue from Atwood Avenue to Milwaukee Street.
11. Fifth Street from Washington Avenue to Winnebago Street.
12. First Street from Johnson Street to Eastwood Drive. (Am. by Ord. 5036, 6-4-75)
13. Fish Hatchery Road from Park Street to the south city limits.
14. (R. by Ord. 12,621, 6-29-00)
15. (R. by Ord. 10,929, 6-17-94)
16. Huxley Street from Aberg Avenue to Roth Street.
17. John Nolen Drive from the Beltline Highway to Blair Street.
18. Johnson Street from First Street to Pennsylvania Avenue.
19. Johnson Street from Randall Avenue to Blair Street in an easterly direction. (Am. by Ord. 5917, 7-13-77)
20. Lien Road from East Washington Avenue to the east city limits.
21. Mayfair Avenue from Commercial Avenue to Lexington Avenue.
22. McCormick Avenue from Washington Avenue to Aberg Avenue.
23. Midvale Boulevard from University Avenue to Nakoma Road.
24. (R. by Ord. 12,618, 6-29-00)
25. Milwaukee Street from Washington Avenue to the east city limits.
26. Mineral Point Road from Speedway Road to the west city limits.
27. Monroe Street from Randall Avenue to Nakoma Road.
28. (R. by Ord. 11,409, 11-16-95)
29. North Street from Washington Avenue to Commercial and Mayer Avenues.
30. Northport Drive from Packers Avenue to the north city limits.
31. Olin Avenue from Park Street to John Nolen Drive.
32. Packers Avenue from Sixth Street to the north city limits.
33. Park Street from University Avenue to the south city limits.
34. Pennsylvania Avenue from Commercial Avenue to Johnson Street.
35. Pflaum Road from Monona Drive to Vondron Road.
36. Proudfit Street from North Shore Drive to Washington Avenue.
37. Randall Avenue from University Avenue to Regent Street.
38. Regent Street from Washington Avenue to Monroe Street.
39. Roth Street from Sherman Avenue to the Chicago, Milwaukee, St. Paul and Pacific Railroad.
40. North Sherman Avenue from Aberg Avenue to Commercial Avenue.
41. North Shore Drive from John Nolen Drive to Proudfit Street.
42. Speedway Road from Highland Avenue to Mineral Point Road.
43. (R. by Ord. 12,617, 6-29-00)
44. University Avenue from Park Street to Highland Avenue and from Farley Avenue to the west city limits and from Highland Avenue to Farley Avenue in an easterly direction.
45. East Washington Avenue from Blair Street to the east city limits.
46. West Washington Avenue from Bedford Street to Park Street.

47. Whitney Way from the West Beltline Highway north to University Avenue and south to Raymond Road. (Am. by Ord. 8756, 12-31-85)
48. Williamson Street from Blair Street to Winnebago Street.
49. Winnebago Street from Williamson Street to Washington Avenue.
50. Eastwood Drive from Winnebago Street to Atwood Avenue in a northeasterly direction. (Cr. by Ord. 5016, 6-4-75)
51. International Lane from Packers Avenue to Darwin Road. (Am. by Ord. 11,078, 12-6-94)
52. Anderson Street from International Lane to Stoughton Road. (Cr. by Ord. 5703, 12-28-76)
53. Gammon Road from Mineral Point Road to the south City limits. (Cr. by Ord. 5705, 12-28-76)
54. Verona Road Frontage Road (East) from the West Beltline Highway Frontage Road (South) to the signalized median break between Britta Parkway and Red Arrow Trail. (Cr. by Ord. 5774, 3-7-77)
55. West Beltline Highway Frontage Road (South) from Seminole Highway to the Verona Road Frontage Road (East). (Cr. by Ord. 5775, 3-7-77)
56. Seminole Highway from Warwick Way to the West Beltline Highway Frontage Road (South). (Cr. by Ord. 5776, 3-7-77)
57. Rethke Avenue from Washington Avenue to Commercial Avenue. (Cr. by Ord. 6151, 2-25-78)
58. Walsh Road from Nakoosa Trail to Sycamore Avenue. (Cr. by Ord. 6397, 10-19-78)
59. Nakoosa Trail from Stoughton Road to Walsh Road. (Cr. by Ord. 6398, 10-19-78)
60. Vondron Road from Pflaum Road to Femrite Drive. (Cr. by Ord. 8599, 6-6-85)
61. Dutch Mill Road from East Broadway to Femrite Drive. (Cr. by Ord. 8600, 6-6-85)
62. Femrite Drive from Dutch Mill Road to the east city limits. (Cr. by Ord. 8601, 6-6-85)
63. Raymond Road from Verona Road to the west City limits. (Cr. by Ord. 8757, 12-31-85)
64. McKenna Boulevard from Gammon Road to Raymond Road. (Cr. by Ord. 8758, 12-31-85)
65. McKee Road, from the east city limits to the west city limits. (Cr. by Ord. 9900, 12-1-89)
66. Badger Road from Rimrock Road to Nob Hill Road. (Cr. by Ord. 11,056, 11-14-94)
67. Nob Hill Road from Badger Road to Industrial Drive. (Cr. by Ord. 11,057, 11-14-95)
68. Darwin Road from Packers Avenue to International Lane. (Cr. by Ord. 11,079, 12-6-94)
69. Sprecher Road from Cottage Grove Road to County Trunk Highway "T". (Cr. by Ord. 13,665, 7-28-04)
70. Reiner Road from County Trunk Highway "T" to the north City limits. (Cr. by Ord. 13,666, 7-28-04)
71. Nelson Road, from United States Highway 151 to the east City limits. (Cr. by Ord. 13,667, 7-24-04)
72. Hoepker Road, from the east City limits to United States Highway 51. (Cr. by Ord. 13,668, 7-24-04)
73. Felland Road, from the north City limits to the south City limits. (Cr. by Ord. 13,669, 7-24-04)

74. Zeier Road from East Washington Avenue to Lien Road. (Cr. by ORD-05-00026, 2-24-05)
75. Thierer Road from East Washington Avenue to Lien Road. (Cr. by ORD-05-00028, 2-24-05)
76. American Parkway from Eastpark Boulevard to Nelson Road. (Cr. by ORD-13-00066, 4-24-13)
77. Eastpark Boulevard from American Parkway to Portage Road. (Cr. by ORD-13-00066, 4-24-13)
78. Hanson Road from USH 51 to Eastpark Boulevard. (Cr. by ORD-13-00066, 4-24-13)

(2) Trucks Prohibited on Other Than Heavy Traffic Routes. It shall be unlawful for any person to operate any motor vehicle having a gross weight of more than eight thousand (8,000) pounds except motor buses on any street other than on a federal or state trunk highway or on the streets designated in Subsection (1) hereof, except when necessary for the purpose of obtaining orders and delivering and moving supplies or other necessary commodities to or from any place of business or residence fronting on any such streets, and except when necessary for the purpose of leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated for heavy truck traffic as provided in Subsection (1) hereof, such operator shall leave and re-enter such heavy truck routes at the point closest to his/her immediate destination. (Am. by Ord. 7554, 11-5-81; ORD-14-00012, 1-14-14)

(3) Appropriate signs shall be erected to give notice of the designation of the streets listed in Subsection (1) as heavy traffic routes.

12.895 CITY ROUTES FOR COMMON MOTOR CARRIERS OF PASSENGERS. The Transit and Parking Commission established pursuant to Sec. 3.14 of these ordinances shall determine routes to be used by any intercity common motor carrier of passengers under the provisions of Wis. Stat. § 194.33, and no person, firm or corporation shall operate or cause to be operated any intercity common motor carrier of passengers, with the exception of charter buses, on any street in the City of Madison except upon those streets duly authorized for such use pursuant to this ordinance. Appeals of route decisions may be taken to the Common Council pursuant to Sec. 3.14(5)(f) of these ordinances. (Am. by Ord. 8017, 5-5-83; ORD-09-00147, 11-6-09)

12.896 TEMPORARY HEAVY TRAFFIC ROUTES. The following streets in the City of Madison are hereby designated as temporary heavy traffic routes under the provisions of Section 349.17 of the Wisconsin Statutes:

12.90 COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS. No person shall operate any motor truck, road tractor or truck tractor upon the following streets, except for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any place of business or residence fronting on such streets.

(1) North Shore Drive from Proudfit Street to West Shore Drive.
(2) West Shore Drive from West Washington Avenue to Parr Street.
(3) South Shore Drive from Parr Street to Gilson Street.
(4) Gilson Street from South Shore Drive to Lakeside Street.
(5) North Wingra Drive from Haywood Drive to Fish Hatchery Road. (Cr. by Ord. 6388, 10-10-78)

12.905 MASS TRANSIT WAYS AND PREFERENTIAL LANE USE DESIGNATION. In addition to regulations and restrictions established pursuant to other sections of these ordinances, the following named roadways or parts of roadways in the City of Madison are hereby established under the provisions of Wis. Stat. § 349.22 and 349.23, for use by a particular class or

classes of vehicles including but not limited to buses, carpools, taxis, and bicycles, and for certain vehicle operations such as turning and parking. For purposes of this section, a person may occupy a preferential use lane to make a permitted turn only as long as necessary to execute such turn and only with due regard for the reasonable safety of other lawful users of the preferential lane. (Am. by Ord. 8305, 4-16-84)

(1) On the west side curb lane of North Carroll from West Mifflin Street to West Washington Avenue for bicycles, buses, and right turns only.

(2) On the west side curb lane of South Carroll Street from West Washington Avenue to West Main Street for bicycles, buses, and right turns only.

(3) On the roadway connection between the Jenifer Street cul-de-sac and Williamson Street for buses and bicycles only.

(4) On the south side curb lane of West Main Street from South Carroll Street to Martin Luther King, Jr. Boulevard for bicycles, buses and right turns only. (Am. by Ord. 9087, 1-29-87)

(5) On the south side curb lane of East Main Street from Martin Luther King, Jr. Boulevard to South Pinckney Street for bicycles, buses and right turns only. (Am. by Ord. 9898, 11-14-87)

(6) On the north side curb lane of East Mifflin Street from Pinckney Street to Wisconsin Avenue for bicycles, buses and right turns only.

(7) On the north side curb lane of West Mifflin Street from Wisconsin Avenue to Carroll Street for bicycles, buses and right turns only. (Am. by Ord. 9897, 11-14-89)

(8) On the east side curb lane of South Pinckney Street from East Main Street to East Washington Avenue for bicycles, buses and right turns only.

(9) On the east side curb lane of North Pinckney Street from East Washington Avenue to East Mifflin Street for bicycles, buses and right turns only. (Am. by Ord. 9896, 11-14-89)

(10) On the south side curb lane of Spaight Street from Jenifer Street to a point 120 feet eastward for bicycles only.

(11) (R. by Ord. 7638, 1-28-82)

(12) On the south side (eastbound roadway) of University Avenue from Babcock Drive to North Bassett Street for bicycles only. (Am. by Ord. 7660, 2-25-82)

(13) On the north side curb lane of University Avenue from West Gorham Street to Lorch Court for buses and right turns only and the adjacent roadway lane for bicycles only. (Am. by Ord. 8965, 9-12-86)

(14) (R. by Ord. 11,394, Adopted 11-7-95)

(15) On both curb lanes of Mineral Point Road from Whitney Way to the West Beltline Highway for bicycles, buses, and right turns only. (Am. by Ord. 8965, 9-12-86)

(16) On both curb lanes of South Park Street from the Chicago & North Western Railroad tracks to Badger Road for bicycles, buses and right turns only. (Cr. by Ord. 8234, 1-30-84)

(17) On the east side curb lane of Thornton Avenue from Dayton Street to a point 80 feet north of East Johnson Street for bicycles only. (Cr. by Ord. 8569, 4-24-85)

(18) On both curb lanes of West Dayton Street between Marion Street and Orchard Street for bicycles and right turns only.

(19) On the north side curb lane of Gorham Street from Brearly Street to University Avenue for parking, bicycles and right turns only.

(20) On the north side curb lane of Johnson Street from Bassett Street to Brearly Street for parking, bicycles and left turns only.

(21) On the west side curb lane of North Brearly Street from Sherman Avenue to East Gorham Street for right-turning bicycles only.

(22) On the east side curb lane of North Park Street from West Johnson Street to Lathrop Drive for bicycles and right turns only.

(23) On the west side curb lane of North Park Street from University Avenue to Conklin Court for bicycles only.

(24) On the north side curb lane of Old Middleton Road from Whitney Way to Old Sauk Road for bicycles and right turns only.

(25) On the south side curb lane of Old Middleton Road from Old Sauk Road to Whitney Way for parking, bicycles and right turns only.

(26) On the north side curb lane of Old Sauk Road from Old Middleton Road to High Point Road for bicycles and right turns only. (Am. by Ord. 11,123, 12-22-94)

(27) On the south side curb lane of Old Sauk Road from High Point Road to Old Middleton Road for parking, bicycles and right turns only. (Am. by Ord. 11,124, 12-22-94)

(28) On both curb lanes of Gammon Road between Mineral Point Road and Tree Lane for buses, bicycles and right turns only.

(29) On the east side curb lane of Gammon Road from the eastbound on-ramp to the westbound off-ramp of the West Beltline Highway for bicycles only.

(30) On both curb lanes of Seminole Highway between Manitou Way and the West Beltline Highway south side service road for bicycles and right turns only.

(31) On the north side curb lane of Vilas Park Drive from the Vilas Zoo parking lot entrance to Edgewood Avenue for bicycles traveling in a westerly direction only.

(32) On the third lane from the east side curb on Park Street from University Avenue to 100 feet south of University Avenue for left-turning bicycles only.

(33) On the third lane from the west side curb on Park Street from University Avenue to 50 feet north of University Avenue for left-turning bicycles only.

(34) (R. by Ord. 11,080, 12-6-94)

(35) On the west side curb lane of Gammon road from Seybold Road to Schroeder Road for bicycles and right turns only.

(36) On the east side curb lane of Gammon Road from Schroeder Road to the westbound off-ramp of the West Beltline Highway for bicycles and right turns only."

(Subsections (18) through (36) inclusive of Sec. 12.905 Cr. by Ord. 8965, 9-12-86)

12.91 TRAFFIC ON EDGEWOOD DRIVE RESTRICTED. No person shall operate any motor vehicle other than an automobile upon Edgewood Drive and no person shall operate any motor vehicle upon Edgewood Drive for other than park or pleasure purposes.

(1) No person shall park, stop or leave standing any vehicle at any time, whether attended or unattended, on Edgewood Drive. (Cr. by Ord. 11,711, 11-13-96)

12.915 TRAFFIC ON STATE STREET RESTRICTED.

(1) Purpose. There is congestion on State Street. In addition to authorized emergency vehicles, public utility vehicles and motor buses, there are too many automobiles, motor trucks, and large motor trucks moving in and out of the area. Many vehicles park in the area but are not actively delivering goods or services. One effect is to threaten the safety of pedestrians. A second effect is to limit accessibility to State Street for authorized emergency vehicles, especially fire vehicles. A final effect is to severely erode the purpose of State Street, which is to serve as a mall for the residents and guests of Madison.

The purpose of this section is to reduce traffic in the area and thus protect the health and safety of the residents and guests of the City and maintain the pedestrian-friendliness and esthetic qualities of the mall, to maintain adequate delivery of services and goods to area merchants, and to allow access for authorized emergency vehicles, public utility vehicles and motor buses. (Am. by Ord. 12,777, 3-13-01; ORD-17-00030, 3-8-17)

(2) Definitions. Words and phrases in this section have the meanings designated in Sec. 12.01, Madison General Ordinances, unless the context clearly indicates a different meaning with the following definitions for use in this section only.

Active or actively loading and unloading means the loading and unloading of goods, freight, materials, passengers, tools, or any other items with no more than 10 minutes of inactivity at any one time.

Automobile means a motor vehicle with a shipping weight of more than one thousand (1,000) pounds, registered as an automobile pursuant to Sec. 341.25(1), Wis. Stats., designed and used for carrying persons or property, which may include public passenger vehicles, but which does not come within the definition of motor truck, motor bus, motorcycle, moped or motor bicycle.

Food delivery vehicles means an automobile or motor truck as designated in this subsection, which is clearly marked with a name or logo of the establishment utilizing it, when the vehicle is used to deliver prepared food from an establishment located on State Street to a customer located elsewhere.

Large motor truck means every motor vehicle designed, used or maintained primarily for the transportation of property, which is registered as a double bottom, road tractor, semitrailer, truck tractor, tractor-semitractor combination pursuant to Sec 341.25(2), Wis. Stats., and which has six or more wheels.

Mass transit way means that portion of the highway designated for the primary use of mass transit vehicles.

Motor truck means every automobile or motor truck designed, used and maintained for the transportation of persons or property, which may include public passenger vehicles, which is registered as a motor truck pursuant to Sec. 341.25, Wis. Stats., which has a maximum of four wheels.

Public passenger vehicle means a motor vehicle which is used for the transportation of passengers for hire except: those operated on fixed routes pursuant to authority granted by the city, state or federal government; rent-a-cars; vehicles operated solely as funeral cars; carpool vans; and amphibious motor vehicles properly registered and licensed by the Wisconsin Department of Transportation as motor buses and operating on the highway upon routes between lake access points. (Am. by ORD-05-00127, 7-22-05)

Public utility vehicle means vehicles of a public utility as defined in Sec. 196.01, Wis. Stats.

(Sec. 12.915(2) Am. by Ord. 12,777, 3-13-01)

(3) Description of Area. This section applies to the 100 through 600 blocks of State Street running between West Mifflin Street and North Lake Street. When used in this section, the phrases "State Street" or "the area" shall include only the 100 through 600 blocks of State Street as described within this subsection. (Am. by Ord. 12,777, 3-13-01)

(4) Authority for Legislation.

(a) Pursuant to Wis. Stats. §§ 66.0905, 349.13 and 349.22, the 100 through 600 blocks of State Street are restricted for use by the particular type, character and class of vehicles which may be operated thereon and by the particular type of vehicle operations which may be performed such as turning and parking.

(b) This area is designated as a mass transit way. Use of the area is limited to bicycles, motor buses, public utility vehicles and authorized emergency vehicles except as enumerated elsewhere in this section. Vehicles other than bicycles, motor buses, public utility vehicles and authorized emergency vehicles may occupy a preferential use lane to make a permitted turn only as long as necessary to execute such turn and only with due regard for the safety of other lawful users of the preferential lane.

(5) Automobile Regulations.

(a) Automobiles shall be operated on State Street only for the following purposes, and shall not park, stop or stand upon State Street for any purposes other than:

1. Furnishing transportation for persons with a disability that limits or impairs the ability to walk; or
2. Furnishing delivery or maintenance service functions.
3. Picking up or returning merchandise so large, bulky or heavy that vehicular access immediately adjacent to the establishment is necessary.

(b) It shall be unlawful for automobiles to enter or exit State Street other than via the cross street nearest to their destination or by a route specified by the Traffic Engineering Division of the Department of Transportation.

(c) It shall be unlawful for automobiles to be parked on State Street without the visible display of an auto-use permit.

1. The permit shall be placed on the driver's side dashboard, clearly and entirely visible to a person outside the automobile.
2. Permits are available from the Traffic Engineering Division of the Department of Transportation with use restricted to the purposes delineated in Subsection (5)(a) of this section. (Am. by ORD-11-00014, 1-27-11)
3. A maximum of one permit shall be allowed to each establishment on State Street upon application to the Traffic Engineering Division of the Department of Transportation. (Am. by ORD-11-00014, 1-27-11)
4. Permits shall be distributed by establishments only for the purposes expressed in Subsection (5)(a) of this ordinance and may be used by the owner, operator, employees, vendors, service providers or patrons of the establishment.
5. Appeals for the denial of an auto-use permit may be made to the Pedestrian/Bicycle/Motor Vehicle Commission and shall be made within thirty (30) days of notice having been sent by first class mail to the applicant's address as indicated on the auto-use application.

(d) Automobiles shall park parallel to the curb as follows:

1. In the 100-200 blocks, there shall be a minimum of two wheels on the curb;
2. In the 300-600 blocks, all four wheels must be on the curb between the glitter pole line and the street if space permits. If space does not allow all four wheels on the curb, there shall be two wheels on the curb.

(e) It shall be unlawful for automobiles to park in loading zones except on Sundays and holidays.

(f) It shall be unlawful for automobiles to park on State Street for more than thirty (30) minutes. While parked, automobiles shall be actively loading and unloading.

(Sec. 12.915(5) Am. by Ord. 12,777, 3-13-01)

(6) Motor Truck Regulations.

(a) It shall be unlawful to stop, stand or park any motor truck, as defined in paragraph (2), on State Street between the hours of 11:30 a.m. and 1:30 p.m. (Cr. by Ord. 12,777, 3-13-01)

(b) Motor trucks shall enter the area and be operated upon State Street for the sole purpose of receiving or delivering merchandise or services to immediately adjacent properties specifically requesting such merchandise or service and; before 11:30 a.m. and after 1:30 p.m., shall not park, stop, or stand upon State Street for any other purposes except as authorized in this ordinance. (Am. and Renum. by Ord. 12,777, 3-13-01)

(c) It shall be unlawful for motor trucks to enter or exit State Street other than via the cross street nearest to their destination or by a route specified by the Traffic Engineering Division of the Department of Transportation. (Am. and Renum. by Ord. 12,777, 3-13-01; Am. by ORD-11-00014, 1-27-11)

(d) It shall be unlawful for motor trucks to park in this area during the times allowed unless active loading and unloading is taking place from the motor truck. (Am. and Renum. by Ord. 12,777, 3-13-01)

(e) Motor trucks shall, during the times allowed, park parallel to the curb as follows:

1. In the 100-200 blocks, motor trucks shall have at least two wheels on the curb.
2. In the 300-600 blocks, motor trucks must park in a loading zone. If the loading zones are full, motor trucks must have all four wheels on the curb

between the glitter pole line and the street, if space permits. If space does not allow all four wheels on the curb, there shall be two wheels on the curb. (Am. and Renum. by Ord. 12,777, 3-13-01)

(7) Large Motor Truck Regulations.

(a) It shall be unlawful to stop, stand or park any large motor truck, as defined in Paragraph (2), on State Street between the hours of 11:30 a.m. and 1:30 p.m. (Cr. by Ord. 12,777, 3-13-01)

(b) Large motor trucks shall enter the area and be operated on State Street for the sole purpose of receiving or delivering merchandise or services to immediately adjacent properties specifically requesting such merchandise or service, and; before 11:30 a.m. and after 1:30 p.m., shall not stop, stand, or park on State Street for any other purposes except as authorized in this ordinance. (Am. and Renum. by Ord. 12,777, 3-13-01)

(c) It shall be unlawful for large motor trucks to enter or exit State Street other than via the cross street nearest to their destination or by a route specified by the Traffic Engineering Division of the Department of Transportation. (Renum. by Ord. 12,777, 3-13-01; Am. by ORD-11-00014, 1-27-11)

(d) It shall be unlawful for large motor trucks to park in this area during the times allowed unless active loading and unloading is taking place from the large motor truck. (Am. and Renum. by Ord. 12,777, 3-13-01)

(e) Large motor trucks shall, during the times allowed, park parallel to the curb as follows:

1. Large motor trucks must park in the loading zone of the block being serviced if the zone is available and will accommodate the size of the vehicle. If not, the vehicle shall have all wheels on one side of the vehicle on the curb not to extend beyond the glitter pole line into the sidewalk area.
2. It is unlawful for large motor trucks to park opposite one another.

(Am. and Renum. by Ord. 12,777, 3-13-01)

(f) No operator of any large motor truck shall permit such vehicle to remain stationary with the main power train motor running for more than fifteen (15) minutes when the outside air temperature is between 40°F and 80°F. This subsection shall not apply to maintenance, construction or public utility vehicles. (Renum. by Ord. 12,777, 3-13-01)

(8) Public Passenger Vehicle Regulations.

(a) Between 10:00 p.m. and 4:00 a.m.: Between 10:00 p.m. and 4:00 a.m., taxicabs and other public passenger vehicles licensed under Sec. 11.06, MGO, may provide service on State Street without being subject to the restrictions in subsection (8)(b) of this ordinance. (Am. by Ord. 11,668, 9-4-96; Am. by Ord. 12,792, 4-9-01; ORD-12-00112, 11-07-12; ORD-16-00043, 4-27-16)

(b) Between 4:00 a.m. and 10:00 p.m.: Between 4:00 a.m. and 10:00 p.m., it shall be unlawful for taxicabs and other public passenger vehicles to enter and exit State Street other than via the cross street nearest to their immediate destination. Taxicabs and other public passenger vehicles shall enter the area for the sole purpose of receiving or discharging passengers specifically requesting service to properties directly adjacent to State Street, provided, however, that while picking up or depositing a passenger on the one block of State Street they are allowed to use, taxicabs and other public passenger vehicles may pick up any other passengers on that block that hail the cab. (Am. by Ord. 12,777, 3-13-01; ORD-11-00014, 1-27-11 ORD-12-00112, 11-07-12)

(c) Public passenger vehicles regulated in this subsection shall otherwise be subject to the regulations found elsewhere in this section according to whether the vehicle is registered as an automobile or motor truck, pursuant to Sec. 341.25, Wis. Stats., and thus falls within the definition of automobile or motor truck as designated in

subsection (2) except that public passenger vehicles registered as motor trucks may remain standing, as that term is defined in sec. 340.01(59m), Wis. Stats., between the hours of 11:30 a.m. and 1:30 p.m. and are not subject to the restrictions prohibiting standing in subsection (6)(a), herein. (Am. by Ord. 12,777, 3-13-01)

(9) Food Delivery Vehicles Regulations and Exceptions.

(a) An establishment in the area as described in Subsection (3) may have one food delivery vehicle, as defined in Subsection (2) parked directly in front of the establishment without active loading and unloading from the time the establishment opens until 5:00 p.m., may have up to two food delivery vehicles parked directly in front of the establishment without active loading and unloading between the hours of 5:00 p.m. and 9:00 p.m., and may have one food delivery vehicle parked directly in front of the establishment without active loading and unloading from 9:00 p.m. until the establishment closes if:

1. The establishment has no rear access for vehicles; and
2. There is a demonstrated need for such unlimited parking; and
3. The establishment was in business as of January 1, 1995.

Food service vehicles regulated in this subsection shall otherwise be subject to the regulations found elsewhere in this section according to whether the vehicle falls within the definition of automobile or truck as designated in subsection (2).

(b) Food delivery vehicles which do not meet the criteria described in subsection (9)(a) shall be subject to the regulations found elsewhere in this section according to whether the vehicle falls within the definition of automobile or motor truck designated in subsection (2).

(c) Food delivery vehicles which meet the criteria described in Subsection (9)(a) are exempt from the restrictions contained in Subsection (6)(a) herein.

(Sec. 12.915(9) Am. by Ord. 12,777, 3-13-01)

(10) Exceptions.

(a) The prohibitions found in this section do not apply to authorized emergency vehicles and properly signed city service vehicles required for maintenance, installation, repair, construction, and inspection of facilities in the area.

(b) The prohibitions found in subsections (5)(f) and (6)(d) do not apply to motor trucks which display a clearly visible street occupancy permit issued by the Building Inspection Division of the Department of Planning and Community and Economic Development and approved by the Traffic Engineering Division of the Department of Transportation. (Am. by ORD-08-00109, 10-7-08)

(c) Pursuant to Wis. Stat. § 349.13(1)(a), the exceptions to stopping and parking restrictions found in Wis. Stat. § 346.50, including but not limited to the exceptions for public utility vehicles in circumstances enumerated in the statute, are hereby incorporated by reference including all subsequent amendments, additions, and recodifications thereto.

(Sec. 12.915(10) Am. by Ord. 12,777, 3-13-01)

(11) Severability. Any provision of this section which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and the remaining provisions shall nevertheless remain in full force and effect.

(Sec. 12.915 Cr. by Ord. 11,394, Adopted 11-7-95)

12.92 PENALTY FOR VIOLATING SECTIONS 12.89 THROUGH 12.915.

Any person violating any provision of Sections 12.89 through 12.91 (including Sections 12.89, 12.895, 12.896, 12.90, 12.905 and 12.91) may be required to forfeit not less than ten dollars ($10) nor more than two hundred dollars ($200). Any person violating any provision of Section 12.915 may be required to forfeit no less than twenty-five dollars ($25) nor more than two hundred dollars

($200) plus any costs, including towing, for the first offense committed within twelve (12) months and no less than fifty dollars ($50) nor more than two hundred dollars ($200) plus any costs, including towing, for the second and subsequent offenses within twelve (12) months.

12.93 - 12.121 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

GENERAL RESTRICTIONS ON STOPPING AND PARKING

12.122 APPLICABILITY OF AND EXCEPTIONS TO STOPPING AND PARKING RESTRICTIONS.

(1) (a) In General. The provisions of Chapter 12 restricting parking, stopping or leaving a vehicle standing shall apply at all times, or at those times specified herein, when indicated by official signs, subject to the exceptions stated in this section and Sec. 346.50, Wis. Stats.

(b) (R. by Ord. 13,470, 12-11-03)

(2) State Capitol Areas. Pursuant to Section 16.843 Wisconsin Statutes (1983), Wisconsin state legislators may park automobiles on the capitol park side of the four streets surrounding the state capitol park, in areas designated by the State Engineer, exempt from restrictions of this chapter, except emergency regulations, during sessions of the Wisconsin State Legislature, and when such automobiles are identified as provided in Section 16.843(4), Wisconsin Statutes (1983).

(Sec. 12.122 Am. by Ord. 11,810, Adopted 3-4-97)

12.1221 - 12.126 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.127 TWENTY MINUTE PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than twenty (20) minutes between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following streets or parts of streets.

(1) On the East side of Allen Street from a point 85 feet south from Chadbourne Avenue to a point 160 feet south from Chadbourne Avenue.

(Sec. 12.127 Cr. by ORD-09-00036, 3-14-09)

12.128 MISCELLANEOUS RESTRICTIONS ON PARKING.

(1) Prohibiting Operators From Leaving Keys in Parked Motor Vehicles. Every passenger motor vehicle shall be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gearshift lever or ignition system; and no person shall permit a motor vehicle in her/his custody to stand or remain unattended on any street, alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gearshift or ignition of said vehicle is locked and the key for such lock is removed from the vehicle. (Am. by Ord. 4821, 1-16-75; ORD-14-00012, 1-14-14)

(2) Advertising Display. No person shall drive or park a vehicle on any highway for the primary purpose of displaying advertising; provided, however, that this ordinance shall not be deemed to prohibit a street parade sponsored by business, industrial or trade organizations for the purpose of promoting a general business theme or program where no advertising matter relating to a particular make or brand of article or product or a particular business outlet is displayed.

(3) Street Storage Prohibited. No person shall leave a vehicle standing upon any street for storage purposes. Storage is defined as the leaving of a vehicle standing upon a street for a continued period of forty-eight (48) hours or more. (Am. by Ord. 6032, 11-11-77)

(4) Vehicle Abandonment Prohibited; Removal; Disposal.

(a) Violation. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Madison, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this subsection, whenever any vehicle has been left unattended on any street or highway in the City of Madison or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by the Police Chief or her/his designee. (Am. by ORD-14-00012, 1-14-14)

(b) Removal and Impoundment of Vehicles. Any vehicle in violation of Subdivision (a) shall be removed and impounded until lawfully claimed or disposed of under the provisions of Subdivision(c) except that if it is deemed by the Police Chief or her/his designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to expiration of the impoundment period upon determination by the Police Chief or her/his designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with Subdivision (c). (Am. by ORD-14-00012, 1-14-14)

(c) Removal, Storage, Notice, Reclaimer or Disposal of Abandoned Vehicles. The provisions of this subdivision shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles.

1. Removal. Any police officer or parking enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the police officer shall notify the Police Chief or her/his designee of the abandonment and of the location of the impounded vehicle. (Am. by Ord. 12,924, 11-23-01; ORD-14-00012, 1-14-14)

2. Storage and Reclaimer. Any vehicle which is deemed abandoned by the Police Chief or her/his designee and not disposed of under Subdivision (b) shall be retained in storage for a minimum period of ten (10) days after certified mail notice, as hereinafter provided, has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Any abandoned vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges, including but not limited to any towing forfeiture imposed under Sec. 12.1331 of these ordinances, and upon presentation of the vehicle title or other satisfactory evidence to the Police Chief or her/his designee to prove an ownership or lienholder interest in said vehicle. (Am. by Ord. 12,924, 11-23-01; ORD-14-00012, 1-14-14)

3. Notice to Owner or Lienholders of Record. Pursuant to Wis. Stat. § 342.40(3), certified mail notice, as referred to herein, shall notify the owner of the abandoned vehicle, if any, and/or the lienholders of record, if any, of the year, make, model and serial number of the abandoned vehicle and the place where the vehicle is being held and shall inform the owner or any lienholder of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to

reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle and that the vehicle has been deemed abandoned and impounded by the City of Madison; and if the "determined value" of the abandoned vehicle or the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within ten (10) days of the date of mailing the notice, unless the Police Chief or her/his designee has determined that the cost of towing and storage charges for impoundment will exceed the value of the vehicle. Within ten (10) days from the date of mailing the notice and upon the payment of the aforesaid charges the owner or aforesaid lienholders of record may, upon request made within the ten (10) day period, be granted a hearing relative to the determinations made with respect to the value of said vehicle. Said hearing shall be before the Chief of Police. (Am. by ORD-14-00012, 1-14-14)

4. Disposal of Abandoned Vehicles. Any abandoned vehicle impounded by the City of Madison which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions hereof, may be sold by public auction sale or public sale calling for the receipt of sealed bids, pursuant to Wis. Stat. § 342.40(3)(c). Class 1 Notice, including the description of the vehicle, the name(s) and address(es) of the owner and lienholders of record, if known, as well as the information contained in the notice sent to the owners and lienholders of record, and the time of sale, shall be published before the sale, at which sale the highest bid for any such motor vehicle shall be accepted unless it is deemed inadequate by the Police Chief or designee in which case all bids may be rejected. Any interested person may offer bids on each abandoned vehicle to be sold. If all bids are rejected or no bid is received, the Chief of Police or her/his designee may readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle without further public notice. In lieu of a sale, if any abandoned vehicle remains unclaimed 30 days after notice has been sent under subsection (4)(b)3., the Chief of Police or designee may notify the Superintendent of Fleet Service or designee that the vehicle is available. The Superintendent of Fleet Service or designee shall determine whether it is in the best interests of the City to keep the vehicle for municipal purposes. An inventory of all such vehicles retained by the City shall be maintained by Fleet Service pursuant to Wis. Stat. § 66.0319, unless allocated to an agency which maintains its own fleet, in which case that agency shall maintain the inventory. The proceeds from the sale of any vehicle under this subsection shall be put in a segregated fund to be used for the costs associated with the acquisition of vehicles under this subsection, and any net proceeds after deducting such costs may be used for vehicle-related costs. (Am. by ORD-14-00012, 1-14-14)

5. If an abandoned vehicle is sold under any methods described above, the purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a storage fee for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be abandoned and may be sold again.

6. Report of Sale or Disposal. Within five (5) days after the direct sale or disposal of a vehicle as provided in this subsection, the Chief of Police or designee shall advise the State of Wisconsin Department of Transporta-

tion, Division of Motor Vehicles, of such sale or disposal on a form supplied by said division. A copy of the form shall be given to the purchaser of said vehicle.

7. Owner Responsible for Impoundment and Disposal Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the City against the owner.

(Sec. 12.128(4)(c) Am. by Ord. 12,070, 3-27-98)

(5) Repairing Vehicles. No person shall repair any vehicle upon any highway, except to make such repairs as may be necessary to permit the removal of a disabled vehicle after an accident to, or mechanical failure of, the vehicle.

(6) Parking on Public Property; City-County Building Garage.

(a) No person shall without the permission of the City-County Building Commission leave or park any motor vehicle or vehicles in the garage of the City-County Building contrary to a posted sign thereon if there is in plain view on such property a "No Parking" sign or a sign indicating limited or restricted parking. The City-County Building Commission may permit parking of automobiles when said automobiles are operated by employees or officers of the City or County and where the necessities of their employment or office require parking facilities in the garage of the City-County Building and for that purpose the City-County Building Commission may designate appropriate space for such parking. At no time, however, may any person leave or park any vehicle in the garage of the City-County Building unless the vehicle bears a valid authorized parking sticker issued by the City-County Building Commission which is valid for the area in which the vehicle is parked. Appropriate conspicuous signs shall be posted at the entrance to the City-County Building Garage indicating this restriction. (Am. by Ord. 6865, 12-28-79)

(b) Speeding. It shall be unlawful and a violation of this ordinance to operate a vehicle in the garage in excess of the permissible speeds for vehicle traffic posted by authority of this ordinance.

(c) Traffic Control. It shall be unlawful and a violation of this ordinance to operate a vehicle in the garage contrary to any other regulations or restrictions governing the routing or operation of vehicular traffic established by authority of this ordinance.

(d) The City of Madison Police Department is authorized to enforce all the provisions of this subsection. The City-County Building Facility Manager or her/his designee is authorized to enforce subdivision (a) of this subsection. Upon complaint, those authorized to issue citations for subdivision (a) of this subsection may authorize the tow of any motor vehicle(s) found in violation of "No Parking" or unauthorized parking, as set forth in subdivision (a) of this subsection.

(7) (a) No person shall park a vehicle on a highway unless the vehicle is equipped with a gas cap and the fuel system is free of leaks, as specified by Section MVD 5.24(1)(e) and (f) of the Wisconsin Administrative Code.

(b) No person shall park a vehicle on a highway or on private or public property unless the vehicle is maintained so as to prevent unreasonable leakage of oil, water, or other fluids from the vehicle onto the highway.

(8) Unauthorized Parking on Private Driveways Prohibited. No person shall park or leave standing any motor vehicle in any private driveway or any yard in a residential district which is not a paved or graveled surface without the permission of the owner or lessee of the property upon which such driveway or yard is located, whether or not such driveway or yard is posted to limit or restrict parking, any other such requirement notwithstanding.

(9) Tampering with Marks on Tires. No person shall intentionally, by physical or mechanical force or by the use of an instrument or device, damage, obliterate, erase or tamper with any

mark placed by a City of Madison police officer or parking monitor on the tire of a vehicle when the purpose for placing such mark is to identify the time such vehicle was found in a parked position.

(10) Truck Loading Zone. No operator of a vehicle other than one currently registered as a truck pursuant to Wis. Stat. § 341.25(2), a farm truck pursuant to Wis. Stat. § 341.26(3)(a), a dual purpose farm truck pursuant to Wis. Stat. § 341.26(3)(am), or a dual purpose motor home pursuant to Wis. Stat. § 341.26(1)(c), shall stop or leave standing his or her vehicle in a space indicated by official traffic signs as a truck loading zone. The operator of a vehicle which is currently registered as specified above may only stop or leave standing his or her vehicle in a truck loading zone while actually engaged in loading or unloading freight and while the vehicle is attended by a licensed operator and for no more than 30 minutes.

(11) Off-Driveway Parking Prohibited. No person shall park or leave standing any motor vehicle in any yard area wherein parking of motor vehicles is prohibited pursuant to Sec. 28.141(8)(c) of the Madison General Ordinances. (Am. by ORD-12-00134, 1-2-13)

(12) Unregistered Motor Vehicles Prohibited on Streets.

(a) Definitions. For purposes of this subsection:

"Unregistered motor vehicle" means any motor vehicle that is located upon a highway and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under Wis. Stat. § 341.18 (1) for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding thirty-one (31) days. (Am. by ORD-10-00084, 9-15-10)

(b) Violation. No person shall cause any unregistered motor vehicle to be located upon any highway within the City of Madison.

(c) Any police officer or parking enforcement officer who discovers any unregistered motor vehicle located upon any highway within the city may cause the motor vehicle to be removed to a suitable place of impoundment. Upon removal of the motor vehicle, the officer shall notify the Chief of Police, or designee, of the location of the impounded motor vehicle and the reason for the impoundment. (Am. by Ord. 12,924, 11-23-01)

(d) A person charged with violating subdivision (b) of this subsection may not be convicted if she/he produces in court or in the office of the arresting officer satisfactory evidence that, at the time of the issuance of the citation, either a complete application for registration for the motor vehicle, including evidence of inspection under Wis. Stat. § 110.20, when required, accompanied by the required fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid, or the motor vehicle was exempt from registration under Wis. Stat. ch. 341. (Am. by Ord. 12,924, 11-23-01)

(e) The owner of any unregistered motor vehicle is responsible for all costs of impounding and disposing of the motor vehicle, which shall be in addition to any forfeiture imposed for a violation of this ordinance and any towing forfeiture imposed under Sec. 12.1331 of these ordinances. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the City against the owner. (Am. by Ord. 12,924, 11-23-01)

(f) Notwithstanding subdivision (h) of this subsection, the owner of an unregistered motor vehicle that has been impounded under this subsection may secure release of the motor vehicle by doing any of the following:

1. Paying any forfeiture imposed for a violation of this ordinance, including but not limited to any towing forfeiture charged under Section 12.1331 and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one of the following:

a. That the motor vehicle is currently registered in this state.

b. That a complete application for registration for the motor vehicle, including evidence of inspection under Wis. Stat. § 110.20, when required, accompanied by the required fee has been delivered to the state Department of Transportation or deposited in the mail properly addressed with postage prepaid.

c. That the motor vehicle is exempt from registration under Wis. Stat. ch. 341.

2. Providing satisfactory evidence that, at the time of the impoundment of the motor vehicle, either a complete application for registration for the motor vehicle, including evidence of inspection under Wis. Stat. § 110.20, when required, accompanied by the required fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid, or the motor vehicle was exempt from registration under Wis. Stat. ch. 341.

(Am. by Ord. 12,924, 11-23-01)

(g) Any motor vehicle in violation of this section may be impounded until lawfully claimed or disposed of under subdivision (h) of this subsection, except that if it is deemed by the Chief of Police or designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the motor vehicle may be junked or sold by the City prior to the expiration of the impoundment period upon determination by the Chief of Police that the motor vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete motor vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with subdivision (h) of this subsection.

(h) Any motor vehicle which is impounded and not disposed of under subdivision (g) of this subsection shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lienholders of record, if known or readily ascertainable, to permit reclamation of the motor vehicle after payment of accrued charges and, for reclamation of the motor vehicle by the owner, compliance with subdivision (f) of this subsection. Such notice shall set forth the year, make, model, and serial number of the motor vehicle and the place where the motor vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the motor vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle under this ordinance shall be considered a waiver of all right, title and interest in the motor vehicle and a consent to the sale of the motor vehicle. Each retained motor vehicle not reclaimed by its owner or lienholder may be sold. The City may dispose of the motor vehicle by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is considered inadequate by the Chief of Police or designee, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the City may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the motor vehicle. Any interested person may offer bids on each motor vehicle to be sold. Public notice of said sales shall be posted at the City of Madison Police Department headquarters. The posting shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of a motor vehicle, the City shall supply the purchaser with a completed form designed by the state Department of Transportation enabling the purchaser to obtain a regular certificate of title for the motor vehicle.

The purchaser shall have ten (10) days to remove the motor vehicle form the storage area, but shall pay a reasonable storage fee established by the City for each day that the motor vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit

all interest in the motor vehicle, and the motor vehicle shall be considered to be abandoned and may be sold again. Any listing of motor vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.

(i) Within five (5) days after the sale or disposal of a motor vehicle as provided in this ordinance, the City shall advise the state Department of Transportation of the sale or disposition on a form supplied by that department.

(j) Any person violating subdivision (b) of this ordinance shall be required to forfeit not less than ten dollars ($10) nor more than one hundred dollars ($100).

(k) This ordinance shall not be construed to deter or limit the applicability and enforcement of any other ordinance of this city or statute of this state.

(Sec. 12.128 Am. by Ord. 11,810, Adopted 3-4-97)

(13) Unauthorized Parking on School Property.

(a) No person shall park or leave standing any motor vehicle anywhere on school property contrary to a sign or marking which prohibits, limits, requires a permit, or otherwise restricts parking thereon.

(b) School Property Defined. For purposes of this subsection, "school property" includes all property owned or operated by public schools as defined in Wis. Stat. § 115.01(1), private schools as defined in Wis. Stat. § 115.001(3r), and technical colleges authorized under Wis. Stat. ch. 38.

(c) Penalty. Any person who violates Sec. 12.128(13)(a) shall forfeit not less than $20 nor more than $40 for the first violation, and not less than $50 nor more than $100 for the second or subsequent conviction within one year. (Cr. by Ord. 12,486, 10-19-99)

(14) Parking on Terrace Prohibited. No person shall stop or leave standing any vehicle, upon any portion of a street between the curb line thereof and the cement or traveled portion of the sidewalk, said space being commonly known as the terrace, except temporarily and for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be promptly moved in case of an emergency; or unless specifically allowed for bicycle parking under Section 12.76(4) of these ordinances. (Cr. by Ord. 12,506, 11-19-99; Am. by Ord. 12,924, 11-23-01)

(15) Parking Prohibited in Certain Specified Places. No person shall park, stop or leave standing any motor vehicle in any of the following specified places, except temporarily for the purpose of and while actually engaged in loading or unloading or receiving or discharging passengers and while attended by a licensed operator so that it may be promptly moved in case of an emergency or to avoid obstruction of traffic:

(a) Upon a highway closer than thirty (30) feet upon the approach to any stop sign, flashing beacon, or official traffic control signal.

(b) Upon a highway closer than fifteen (15) feet to the near side of an intersection with a bicycle way.

(c) Upon any bridge, overpass or other portion of highway constructed upon an elevated structure, or within a tunnel. (d) Upon any portion of any highway or public or private alley that is less than eighteen (18) feet wide from curb to curb, or in the case of a highway or alley that does not have a delineated curb, less than eighteen (18) feet wide when measuring that portion of the roadway which is improved, designed, or ordinarily used for vehicular travel, excluding any berm or shoulder.

(d) On any portion of a highway adjacent to a curb which has been marked with yellow paint authorized by the official in charge of the maintenance of the highway and when such paint is sufficiently visible to be seen by an ordinarily observant person.

(Cr. by Ord. 13,038, 3-26-02)

(16) Parking within Four (4) Feet of a Mailbox Prohibited. Between the hours of 6 a.m. and 8 p.m. on Monday through Saturday, no person shall stop, stand or park a vehicle within four (4) feet on either side of a mailbox which is placed and equipped for the purpose of depositing mail from vehicles on the roadway, except:

(a) Temporarily stopped for the purpose of and while actually engaged in loading or unloading or receiving or discharging passengers and while attended by a licensed operator so that it may be moved in case of an emergency or to allow for the delivery of mail;

(b) When a person is stopping, standing or parking a vehicle within four (4) feet of their own mailbox, provided that while doing so, the person is not within four (4) feet of another person's mailbox.

(c) Temporarily stopped for the purpose and while actually engaged in the delivery of mail or newspapers. (Cr. by ORD-08-00096, 8-23-08)

(Am. by ORD-11-00091, 7-13-11)

(17) Successive Violations. Upon any street where the parking, stopping or leaving standing of vehicles is limited to a specified time period, each successive like period that a vehicle is allowed to remain parked, stopped, or standing constitutes a separate violation of the ordinance applicable to such street. (Cr. by Ord. 13,651, 7-7-04; Renum. by ORD-08-00096, 8-23-08)

(18) Dutch Mill Park-and-Ride.

(a) The City Traffic Engineer or designee may regulate parking, stopping and standing in the Dutch Mill Park-and-Ride by the installation of signs which indicate such restrictions.

(b) No person shall park, stop, or leave standing a vehicle contrary to a sign posted in accordance with (a).

(c) The City of Madison Police Department is authorized to take any action authorized by Wis. Stat. §§ 349.13(3), 342.40(3), and 341.65(2), in addition to exercising any other lawful authority or duties with respect to the removal of vehicles parked in the Dutch Mill Park-and-Ride lot. This includes without limitation directing the towing of vehicles parked longer than the posted time limits.

(Cr. by ORD-11-00099, 8-1-11)

12.129 PARKING HEAVY TRAFFIC IN RESIDENCE DISTRICTS.

(1) No operator of a motor truck, truck tractor, trailer or semitrailer, motor home or any other vehicle or combination of vehicles, other than motor buses, weighing more than six thousand (6,000) pounds, shall park such vehicle on any highway, other than routed State Trunk Highways, in any residence district except for such time as is reasonably necessary to facilitate the loading or unloading of such vehicle.

(2) No operator of any motor bus weighing over eight thousand (8000) pounds shall permit such motor bus to remain stationary with the main power train motor running for more than fifteen (15) minutes when such motor bus is on a highway abutting a residential building and when the outside air temperature is between 40°F and 80°F.

(Sec. 12.129 Am. by Ord. 11,255, 5-15-95; ORD-05-00044, 3-16-05)

12.130 STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED.

(1) No operator of a bus shall leave such vehicle standing, whether attended or not, upon any street at any place other than a bus stop designated by an official sign.

(2) No operator of a bus shall stop such vehicle upon any street for the purpose of loading or unloading passengers or their baggage at any place other than at a bus stop designated by official sign, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop on a street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of traffic.

(4) No operator of a bus shall park, stop, or leave standing any bus, whether attended or unattended, for more than fifteen (15) minutes, on any of the following streets or parts of streets when designated by official traffic signs or markers:

(a) On the north side of Langdon Street from a point 340 feet east of Park Street, to a point 97 feet east therefrom.

(Cr. by Ord. 12,492, 11-4-99)

(5) The operator of a taxicab shall not leave such vehicle standing upon any street at any place other than in a taxicab stand designated by official sign except temporarily, in accordance with other stopping or parking regulations, and for the purpose of and while actually engaged in the expeditious loading or unloading of passengers and baggage. (Renumbered by Ord. 12,492, 11-4-99)

12.131 RESTRICTED USE OF BUS AND TAXICAB STANDS. No person shall stop, stand or park a vehicle other than a bus or taxicab in any bus or taxicab stop or stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab about to enter such stop or stand, and while such vehicle is attended by a licensed operator.

12.132 PARKING PROHIBITED AT ALL TIMES. No person shall park, stop or leave standing any vehicle, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, upon any of the following highways or parts of highways.

(1) On both sides of Aberg Avenue from Sherman Avenue to East Washington Avenue. (Am by Ord. 13,686, 8-24-04)

(2) (R. by Ord. 13,687, 8-24-04)

(3) On the east side of Acewood Boulevard from Cottage Grove Road to a point 320 feet north therefrom and on the west side from Goldfinch Drive to Bob-O-Link Lane.

(4) On both sides of Airco Drive from Femrite Drive to its northerly end.

(5) On both sides of Allen Street from Commonwealth Avenue to its connection with Edgewood Avenue.

(6) On the east side of Allen Street from Commonwealth Avenue to Regent Street.

(7) On the west side of Allen Street from University Avenue to Kendall Avenue and from Chadbourne Avenue to Regent Street. (Am. by Ord. 6083, 1-6-78)

(8) On both sides of Ann Street from Fish Hatchery Road to Perry Street.

(9) On both sides of Anzinger Court from Milwaukee Street to its end.

(10) On the south side of Appleton Road from Fish Hatchery Road to South Street.

(11) On the south side of Arbor Drive to and including its circle end.

(12) On the south side of Arlington Place from Chamberlain Avenue to Prospect Avenue.

(13) On the west side of Ash Street from Chamberlain Avenue to Van Hise Avenue.

(14) On the north side of Atwood Avenue from Jackson Street to St. Paul Avenue.

(15) On the south and southwest side of Atwood Avenue from Maple Avenue to the south city limits.

(16) On the northeast side of Atwood Avenue from Sugar Avenue to Cottage Grove Road.

(17) On the north side of West Badger Road from Fish Hatchery Road to Catalpa Road. (Am. by Ord. 9592, Adopted 9-27-88; Am. by Ord. 13,065, 5-29-02)

(18) (R. by Ord. 7824, 9-23-82)

(19) On both sides of Baker Avenue from Lake Mendota Drive to Lake Mendota.

(20) On the east side of Baltzell Street from Monroe Street to Gregory Street.
(21) On the west side of Bassett Street from Conklin Place to Dayton Street and from a point 150 feet north of Washington Avenue to Washington Avenue and from a point 115 feet north of Wilson Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88).
(22) On the east side of Bassett Street from Gorham Street to Wilson Street.
(23) (R. by Ord. 6163, 3-7-78)
(24) On the north side of Beacon Street from Park Street to Brooks Street.
(25) (R. by Ord. 9483, Adopted 5-3-88)
(26) On the east side of Bedford Street from Mifflin Street to a point 232 feet north therefrom, and on the west side from Dayton Street to a point 260 feet south therefrom. (Am. by Ord. 7535, 10-8-81)
(27) On the west side of Bernard Court from Clymer Place to Dayton Street, and on the east side from a point 60 feet north of Dayton Street to Clymer Place. (Am. by Ord. 9611, 11-11-88)
(28) On the west side, south side and circle end of Birge Terrace.
(29) (R. by Ord. 9483, Adopted 5-3-88)
(30) On both sides of Blair Street from Lake Monona to Washington Avenue and on the east side from Washington Avenue to Mifflin Street and from a point 135 feet south of Johnson Street to Johnson Street. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(31) (R. by Ord. 5568, 8-13-76)
(32) On both sides of Blount Street from Mifflin Street to Market Place and on the east side from Johnson Street to its northerly end. (Am. by Ord. 11,198, 3-16-95)
(33) On the west side of Blount Street from a point 140 feet south of Railroad Street to Wilson Street and on the east side from Railroad Street to Wilson Street and from East Mifflin Street to a point 160 feet west therefrom. (Am. by Ord. 9483, Adopted 5-3-88; Ord. 12,818, 5-18-01)
(34) On the south side of Bluff Street from DuRose Terrace to Kendall Avenue, and on the north side from Palomino Lane to a point 200 feet east therefrom.
(35) On the south side of Bowen Court from Randall Avenue to Mills Street.
(36) On both sides of Braxton Place from a point 600 feet east of Park Street to its easterly end, and on the north side from Park Street to a point 170 feet east therefrom. (Am. by Ord. 8994, 10-30-86 & 11-4-86)
(37) On the west side of Brearly Street from Sherman Avenue to Lake Mendota.
(38) On the east side of Brearly Street between Williamson Street and Spaight Street and on the west side from Jenifer Street to Spaight Street. (Am. by Ord. 4949, 5-8-75)
(39) On the west side of Breese Terrace from Regent Street to Monroe Street.
(40) On the east side of Breese Terrace from University Avenue to a point 100 feet therefrom.
(41) On the north side of Britta Parkway from Niemann Place to Whenona Drive. (Am. by Ord. 9592, Adopted 9-27-88)
(42) (R. by Ord. 9496, 6-1-88)
(43) On the east side of Brooks Street from Delaplaine Court to Erin Street, and on both sides from Chandler Street to Regent Street, and from Spring Street to its northerly end. (Am. by Ord. 9483, Adopted 5-3-88)
(44) On the north side of Brooks Street from Fish Hatchery Road to a point 300 feet west therefrom.
(45) On the west side of Broom Street from John Nolen Drive to Dayton Street and from Johnson Street to Gorham Street and on the east side from John Nolen Drive to Doty Street and from 125 feet south of Mifflin Street to Mifflin Street. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(46) (R. by Ord. 4182, 3-20-73)
(47) On the east side of Bryan Street from Thorp Street to Fair Oaks Avenue, and on the west side from Milwaukee Street to Thorp Street. (Am. by Ord. 12,592, 6-29-00)
(48) On the east side of Buell Street from Winnebago Street to its north end.

(49) On both sides of Butler Street from Gilman Street to Lake Mendota.
(50) On the west side of Cantwell Court from Williamson Street to Jenifer Street.
(51) On both sides of Capital Avenue from Lake Mendota Drive to Lake Mendota. (Am. by Ord. 11,230, 4-13-95; Ord. 13,131, 8-28-02)
(52) On the south side of Capitol Court from Orchard Street to Charter Street.
(53) On the south side of Carey Court from Second Street to Third Street.
(54) On the west side of Caromar Drive from Keating Terrace to Tokay Boulevard.
(55) On the west side of Carroll Street from Dayton Street to Johnson Street.
(56) On both sides of Carroll Street from Langdon Street to Lake Mendota.
(57) On the south side of Catalpa Circle from Catalpa Road to and including its Circle end. (Am. by Ord. 9592, Adopted 9-27-88)
(58) On both sides of Catalpa Road from Fish Hatchery Road to Sequoia Trail. (Am. by Ord. 9592, Adopted 9-27-88)
(59) On the north side of Center Avenue from Atwood Avenue to Elmside Boulevard.
(60) On the south side of Center Avenue from Division Street to Elmside Boulevard.
(61) (R. by Ord. 9592, Adopted 9-27-88)
(62) (R. by Ord. 9592, Adopted 9-27-88)
(63) On the north side of Chamberlain Avenue from Kendall Avenue to Arlington Place.
(64) On the west side of Chamberlain Avenue from University Avenue to Kendall Avenue.
(65) On the east side of Chamberlain Avenue from University Avenue to the Milwaukee Road tracks.
(66) On the east side of Chapman Street from Monroe Street to Gregory Street.
(67) On the east side of Charter Street from a point 166 feet south of Dayton Street to Johnson Street and from a point 145 feet north of Johnson Street to University Avenue and on the west side from University Avenue to Dayton Street and from a point 220 feet north of Spring Street to Spring Street. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(68) On the east side of Chestnut Street from Van Hise Avenue to University Avenue.
(69) On the east side of Clarence Court from Lakeside Street to Lake Monona.
(70) On the north side of Clark Court between South Brittingham Place and Rodney Court.
(71) On both sides of Clifford Court from Lake Mendota Drive to Lake Mendota.
(72) On the east side of Clyde Gallagher Avenue from Milwaukee Street to Sachs Street, and on the west side from Worthington Avenue to Darbo Drive.
(73) On both sides of Clymer Place from Park Street to Mills Street.
(74) On the east side of Colby Street from Olin Avenue to Van Deusen Street.
(75) On the north side of College Court from Mills Street to Brooks Street, and on the south side from Brooks Street to Park Street. (Am. by Ord. 10,368, 1-30-92)
(76) On the north side of Commercial Avenue from Ruskin Street to North Street, and on the south side from a point 400 feet west of Pennsylvania Avenue to North Street. (Am. by Ord. 9592, Adopted 9-27-88)
(77) On the south side of the North Commercial Avenue Service Road from Fair Oaks Avenue to the East Washington Service Road, and on the north side from Fair Oaks Avenue to a point 450 feet west therefrom.
(78) On the south side of Commercial Avenue from North Sherman Avenue to the Chicago and North Western Railroad tracks.
(79) On the north side of the South Commercial Avenue Service Road from the East Washington Avenue Service Road to Rethke Avenue and on the south side from the East Washington Avenue Service Road to a point 600 feet west of Rethke Avenue. (Am. by Ord. 9592, Adopted 9-27-88)
(80) On the south side of Commonwealth Avenue from Monroe Street to Rowley Avenue.
(81) On both sides of Conklin Place from Bassett Street to Frances Street and from Park Street to Mills Street. (Am. by Ord. 9592, Adopted 9-27-88)
(82) On the south side of Coolidge Street from North Street to a point 400 feet west therefrom. (Am. by Ord. 9592, Adopted 9-27-88)

(83) On both sides of Corscot Court from Atwood Avenue to Linden Avenue.
(84) On both sides of Cottage Grove Road from Monona Drive to Vernon Avenue and from Thompson Drive to Sprecher Road and on the north side from a point 300 feet west of Acewood Boulevard to a point 475 feet east therefrom. (Am. by Ord. 10,896, 5-3-94; Ord. 13,660, 7-28-04)
(85) On the west side of Country Club Road from Manitou Way to Iroquois Drive.
(86) On both sides of Coyne Court between Regent Street and Capital Court.
(87) On the east side of Crandall Street from Monroe Street to Gregory Street.
(88) On the south side of Cross Street from Glenway Street to Baltzell Street.
(89) On both sides of Curtis Court from Ingersoll Street to Few Street.
(90) On the west side of Cypress Way from Sequoia Trail to Hughes Place. (Am. by Ord. 11,100, 12-22-94)
(91) On the north side of Dahle Street from North Street to Dexter Street.
(92) On the south side of Davidson Street from Monona Drive to a point 160 feet east therefrom.
(93) On the south side of Dayton Street from Carroll Street to a point 150 feet east of Wisconsin Avenue and on the north side from Carroll Street to State Street and from a point 120 feet west of Hamilton Street to Hamilton Street. (Am. by Ord. 9483, Adopted 5-3-88)
(94) On both sides of Dayton Street from Henry Street to Charter Street and on the south side of Dayton Street from Orchard Street to Charter Street. (Am. by Ord. 11,101, 12-22-94)
(95) On the north side of Delaplaine Court from Park Street to Mills Street and on the south side from Park Street to a point 150 feet west therefrom and from Brooks Street to a point 160 feet west therefrom and from Mills Street to a point 180 feet east therefrom. (Am. by Ord. 8119, 10-3-83)
(96) On the east side of Dempsey Road from Cottage Grove Road to a point 200 feet north therefrom, from Anchor Drive to Tulane Avenue and from a point 120 feet north of Calvert Road to Milwaukee Street; and on the west side from Milwaukee Street to a point 840 feet south therefrom, from a point 180 feet north of Cottage Grove Road to Cottage Grove Road and from Park Court to Maher Avenue. (Am. by Ord. 6530, 2-23-79).
(97) (R. by Ord. 6531, 2-23-79)
(98) On the north side of Dewey Court from Dickinson Street to Schley Pass.
(99) On the west side of Dexter Street from Dahle Street to Mayer Avenue.
(100) On the east side of Dickinson Street from Dayton Street to Johnson Street.
(101) On both sides of Dickinson Street from Main Street to Washington Avenue. (Am. by Ord. 9670, 1-26-89 & 1-31-89)
(102) On the east side of Division Street from Lakeland Avenue to Atwood Avenue and on the west side from Atwood Avenue to Helena Street. (Am. by Ord. 5027, 6-4-75)
(103) On the west side of Division Street from Winnebago Street to Atwood Avenue and on the east side from LaFollette Avenue to Winnebago Street.
(104) On the west side of Dixon Street from Fairview Street to the Chicago and North Western Railroad right-of-way.
(105) On the east and north side of Doncaster Drive from a point 125 feet south of Mohawk Drive to a point 685 feet south and southeast of Mohawk Drive. (Am. by Ord. 7214, 1-29-81)
(106) (R. by Ord. 9483, Adopted 5-3-88)
(107) (R. by Ord. 5340, 2-18-76)
(108) On the south side of Doty Street from King Street to Pinckney Street.
(109) On the east side of Dow Court.
(110) On the north side of Dwight Drive from Continental Lane to Independence Lane.
(111) On both sides of Eagan Road from East Washington Avenue to Lien Road.
(112) On both sides of Eastlawn Court from North Street to Kedzie Street.

(113) On both sides of East Towne Boulevard from East Springs Drive to Eagan Road and on the south side from Eagan Road to a point 610 feet westerly therefrom. (Am. by Ord. 11,414, 11-16-95)
(114) On the south side of Eberhardt Court from Wingra Street to its easterly end.
(115) On the west side of Edgewood Avenue from Allen Street to Edgewood Drive, and on the east side of Edgewood Avenue from Allen Street to Fox Avenue and Vilas Avenue to Jefferson Street. (Am. by Ord. 9592, Adopted 9-27-88)
(116) On the east side of Elm Street from Van Hise Avenue to Chamberlain Avenue.
(117) On the east side of Ely Place from Summit Avenue to Prospect Avenue.
(118) On both sides of Epworth Court from Lake Mendota Drive to Lake Mendota.
(119) On the south side of Erin Street from Park Street to Mills Street.
(120) On the east side of Ethelwyn Road from West Broadway to Waunona Way.
(121) On the east side of Eugenia Avenue from Stevens Street to North Owen Drive.
(122) On the south side of Fahrenbrook Court from Park Street to Mills Street.
(123) On the west side of Fairchild Street from Doty Street to Main Street.
(124) On the west side of Fair Oaks Avenue from Dixon Street to Atwood Avenue.
(125) On the east side of North Fair Oaks Avenue from Washington Avenue to a point 360 feet south therefrom and on the west side 315 feet south of Washington Avenue and from Dixon Street to a point 153 feet north therefrom. (Am. by Ord. 10,823, 1-31-94; Ord. 13,400, 8-23-03)
(126) On both sides of Feeney Court from Main Street to its end.
(127) On the west side of Few Street from Johnson Street to Washington Avenue.
(128) On the west side of Fifth Street from Johnson Street to Washington Avenue.
(129) On both sides of Fifth Street from Washington Avenue to Winnebago Street.
(130) (R. by Ord. 9592, Adopted 9-27-88)
(131) On both sides of First Street from Eastwood Drive to Johnson Street. (Am. by Ord. 5028, 6-4-75)
(132) On the west side of Fish Hatchery Road from Park Street to Brooks Street and from a point 300 feet south of Martin Street to the southerly City limits, and on the east side from Park Street to Brooks Street and from West Wingra Drive to a point 120 feet north of Culmen Street and from West Badger Road to the southerly City limits. (Am. by Ord. 9592, Adopted 9-27-88)
(133) On both sides of Fitch Court from University Avenue to its northerly end. (Am. by Ord. 9592, Adopted 9-27-88)
(134) On both sides of Florence Street from Winnebago Street to its south end.
(135) On the east side of Fordem Avenue from Sherman Avenue to Northfield Place. (Am. by Ord. 5488, 5-14-76)
(136) On the west side of Forest Street from University Avenue to Bascom Street.
(137) On the east side of Fourth Street from Washington Avenue to Johnson Street.
(138) On the west side of Fourth Street from Washington Avenue to Winnebago Street. (Am. by Ord. 9592, Adopted 9-27-88)
(139) On the west side of Frances Street from Dayton Street to Johnson Street and from Johnson Street to a point 150 feet north therefrom, from a point 130 feet north of University Avenue to and including the cul-de-sac dead end, and from Langdon Street to Lake Mendota, and on the east side from Conklin Place to University Avenue, and on both sides from and including the cul-de-sac dead end north of State Street to Langdon Street. (Am. by Ord. 7985, 3-25-83; Ord. 12,980, 12-24-01)
(140) (R. by Ord. 7985, 3-25-83)
(141) (R. by Ord. 7985, 3-25-83)
(142) On the west side of Franklin Avenue from University Avenue to Franklin Court.
(143) On the south side of Frey Street from Segoe Road to Sawyer Terrace.

(144) On the west side of Gammon Road from McKenna Boulevard to a point 525 feet north of Colony Drive and from a point 470 feet north of Farmington Way to the north City limits. (Am. by Ord. 9154, 3-30-87)
(145) On the east side of Garfield Street from Madison Street to Monroe Street.
(146) (R. by Ord. 12,632, 6-29-00)
(147) On both sides of Gilbert Road from Hammersley Road to Whitney Way.
(148) On the north side of Gilman Street from Wisconsin Avenue to Butler Street. (Am. by Ord. 6768, 10-5-79)
(149) On the west side of Gilmore Street from Gregory Street to Monroe Street.
(150) On the west side of Gilson Street from Lakeside Street to Olin Avenue and on the east side from Olin Avenue to a point 160 feet north therefrom.
(151) On the south side of Gorham Street from Baldwin Street to Henry Street. (Am. by Ord. 9483, Adopted 5-3-88)
(152) On the north side of Gorham Street from Baldwin to Few Street and from a point 145 feet east of Brearly Street to Castle Place and from 157 feet east of Pinckney Street to Pinckney Street and from a point 207 feet east of Carroll Street to Carroll Street and from 250 feet east of Henry Street to Henry Street and from 150 feet east of University Avenue to University Avenue. (R. & Re-Cr. 9483, Adopted 5-3-88; Am. by Ord. 12,973, 12-24-01)
(153) On the east side of Grand Avenue from Kendall Avenue to University Avenue, and on the west side of Grand Avenue from University Avenue to Stevens Street.
(154) On the east side of Grant Street from Garfield Street to Monroe Street, and on the west side from Madison Street to Monroe Street.
(155) On the north side of Hammersley Road from Midvale Boulevard to a point 160 feet west therefrom and on the south side to a point 236 feet west therefrom, and on the south side from Pontiac Trail to a point 130 feet east therefrom and from the cul-de-sac of Hammersley Road and Pontiac Trail to its westerly end. (Am. by Ord. 9592, Adopted 9-27-88; Ord. 12,951, 12-24-01)
(156) On the south side of Hammersley Road from Whitney Way to Brookwood Road and from a point 172 feet east of Reetz Road to the West Verona Road Service Road and on the north side from a point 100 feet east of Reetz Road to the West Verona Road Service Road. (Am by Ord. 9592, Adopted 9-27-88; Ord. 12,952, 12-24-01)
(157) On the east side of Hancock Street from Gorham Street to Johnson Street and on both sides from Wilson Street to its southerly end. (Am. by Ord. 9151, 3-30-87; and 9182, 5-14-87)
(158) On the east side of Harrison Street from Madison Street to West Lawn Avenue and on the west side from Regent Street to Rowley Avenue. (Am. by ORD-05-00070, 3-29-05)
(159) On both sides of Harvey Terrace from Brearly Street to Taylor Place.
(160) On both sides of Hawthorne Court from State Street to University Avenue.
(161) On the south side of Heather Crest from Midvale Boulevard to Meadow Lane.
(162) (R. by Ord. 9592, Adopted 9-27-88)
(163) (R. by Ord. 5015, 6-4-75)
(164) On the south side of Helena Street from Division Street to a point 340 west therefrom.
(165) On the west side of Henry Street from Langdon Street to Lake Mendota and from Doty Street to a point 140 feet north therefrom, on the east side from Gorham Street to Johnson Street and from Main Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88)
(166) On the east side of Hickory Street from Emerson Street to Olin Avenue.
(167) On the west side of Highland Avenue from Regent Street to a point 158 feet north therefrom, and from Van Hise Avenue to a point 108 feet south therefrom, and from Kendall Avenue to University Avenue. (Am. by Ord. 11,405, 11-16-95)
(168) On the east side of Highland Avenue from University Avenue to its northerly end, and from Regent Street to a point 140 feet north therefrom and on the west side from a point 20 feet south of the Campus Drive overhead structure to the northerly end. (Am. by Ord. 11,404, 11-16-95)

(169) On the south side of Hillington Green from Hillington Way to Commonwealth Avenue.
(170) On the east side of Hillington Way from Norwood Place to Rugby Row.
(171) On the west side of Hill Street from University Avenue to Harvey Street, and on the east side from University Avenue to a point 200 feet south therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(172) (R. by Ord. 9592, Adopted 9-27-88)
(173) On the east side of Hoboken Road from Broadway to Waunona Way, and on the west side from Broadway to Lake Point Drive. (Am. by Ord. 12,428, 7-23-99)
(174) On the north side of Hollister Avenue from Prospect Avenue to Virginia Terrace.
(175) On the east side of Holly Avenue from Birch Street to Mineral Point Road.
(176) On the south side of Hoven Court from Wingra Street to its end.
(177) On both sides of Howard Place from Langdon Street to its end.
(178) (R. by Ord. 9592, Adopted 9-27-88)
(179) On the west side of Huxley Street from Roth Street to Aberg Avenue.
(180) On both sides of Ida Street from Emil Street to its southerly end. (Am. by Ord. 9592, Adopted 9-27-88)
(181) On the east side of Ingersoll Street from Johnson Street to Gorham Street and from Mifflin Street to Wilson Street and on the west side from Washington Avenue to Main Street and from a point 50 feet north of the Chicago & North Western Railroad tracks to Wilson Street. (Am. by Ord. 9803, 6-15-89)
(182) On both sides of Iota Court from Henry Street to its end.
(183) On the west side of Jackson Street from St. Paul Avenue to Atwood Avenue. (Am. by Ord. 9689, 1-26-89 & 1-31-89)
(184) On the north side of James Street from Daley Drive to Fair Oaks Avenue. (Am. by Ord. 11,102, 12-22-95)
(185) On the north and west side of Jean Street from Few Street to Elizabeth Street.
(186) On the south side of Jenifer Street from Russell Street to Division Street.
(187) On the north side of Jenifer Street from Williamson Street to a point 140 feet east therefrom, and on the south side from Williamson Street to a point 380 feet west of Livingston Street. (Am. by Ord. 9592, Adopted 9-27-88)
(188) On both sides of John Nolen Drive from Blair Street to North Shore Drive and from Lakeside Street to Broadway. (Am. by Ord. 5847, 5-13-77)
(189) (R. by Ord. 5772, 3-7-77)
(190) On both sides of Johnson Street from Orchard Street to Broom Street, Baldwin Street to Third Street, and Pauling Street to East Washington Avenue. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(191) On the south side of Johnson Street from Randall Avenue to Orchard Street, and from Blair Street to a point 130 feet east of Blair Street. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(192) On the north side of Johnson Street from a point 160 feet west of Campus Drive to Campus Drive, from Few Street to Baldwin Street, and from Third Street to Pauling Street. (R. & Re-Cr. by Ord. 9483, Adopted 5-3-88)
(193) (R. by Ord. 9483, Adopted 5-3-88)
(194) (R. by Ord. 9483, Adopted 5-3-88)
(195) On the north side of Joss Court from Highland Avenue to Chestnut Street.
(196) On the north side of Kendall Avenue from Prospect Avenue to Farley Street, and on both sides from Shepard Terrace to Ridge Street and from Lathrop Street to Prospect Avenue. (Am. by Ord. 13,577, 4-21-04)
(197) On the south side of Keyes Avenue from Prospect Avenue to Spooner Street. (Am. by Ord. 9185, 5-14-87)
(198) On the north side of King Street from Butler Street to Webster Street. (Am. by Ord. 5646, 11-3-76)

(199) On the west side of Knickerbocker Street from a point 60 feet north of Monroe Street to Arbor Drive.
(200) On the east side of Knickerbocker Street from Monroe Street to Gregory Street.
(201) On both sides of LaFollette Avenue from Winnebago Street to Division Street, and on the north side of LaFollette Avenue from Dunning Street to Division Street.
(202) On both sides of Lake Court from Lakeside Street to Van Deusen Street.
(203) On the south side of Lakeland Avenue from Rutledge Street to Welch Avenue. (Am. by Ord. 9592, Adopted 9-27-88)
(204) On both sides of Lakelawn Place from Langdon Street to Henry Street.
(205) On the south side of Lake Mendota Drive from Spring Harbor Drive to Minocqua Crescent and on the north side from Spring Court to a point 175 feet east of Spring Harbor Drive.
(206) On both sides of Lakeshore Court from Lakeside Street to and including its southeast end.
(207) (R. by Ord. 8546, 3-18-85)
(208) On the east side of Lake Street from a point 150 feet north of University Avenue to State Street and from Langdon Street to Lake Mendota and on the west side from Dayton Street to Seymour Street. (Am. by Ord. 8547, 3-18-85)
(209) (R. by Ord. 9483, Adopted 5-3-88)
(210) On the south side of Langdon Street from Lake Street to Wisconsin Avenue.
(211) On the north side of Langdon Street from Park Street to a point 300 feet east therefrom.
(212) On the west side of Latham Drive from Applegate Road to Greenway Cross and on the east side from Applegate Road to its southerly end. (Am. by Ord. 11,712, 11-13-96)
(213) On the east side of Lathrop Street from Hoyt Street to Kendall Avenue. (Am. by Ord. 9675, 1-26-89 & 1-31-89)
(214) On the west side of Lathrop Street from University Avenue to Kendall Avenue.
(215) On both sides of Laurel Crest from Lake Mendota Drive to Lake Mendota.
(216) On the south side of West Lawn Avenue from Harrison Street to Monroe Street, and on the north side from Monroe Street to Spooner Street.
(217) On the south side of the 800 block of Lawrence Street.
(218) On the west side of Lawrence Street from Lakeside Street to Van Deusen Street.
(219) (R. by Ord. 9592, Adopted 9-27-88)
(220) On the west side of Leitch Court from Elizabeth Street to the circle.
(221) On the east side of Lewis Court from Monroe Street to Wyota Avenue.
(222) On the south side of Lexington Avenue from Mayfair Avenue to Stoughton Road and on the north side from Stoughton Road to a point 800 feet west therefrom. (Am. by Ord. 11,446, 12-14-95)
(223) On both sides of Lexington Avenue from Washington Avenue to Powers Avenue.
(224) On the southwest side of Lindbergh Street between Fair Oaks Avenue and Garrison Street.
(225) On the south side of Linden Avenue from Winnebago Street to Dunning Street, and on the north side of Linden Avenue from Winnebago Street to Lunder Court.
(226) On both sides of Little Street from Monroe Street to Regent Street.
(227) (R. by Ord. 12,086, 4-20-98)
(228) On the west side of Ludington Avenue between Atwood Avenue and Oakridge Avenue. (Am. by Ord. 11,402, 11-16-95)
(229) On both sides of Lunder Court from Linden Avenue to Bashford Avenue.
(230) In the circle end of the 1200 block of MacArthur Road.
(231) On the north side of MacPherson Street from Fremont Avenue to North Sherman Avenue.
(232) On the north side of Main Street from the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks to Dickinson Street.
(233) On the south side of East Main Street from First Street to Fourth Street.

(234) On the south side of Main Street from a point 150 feet west of Fairchild Street to Fairchild Street and on the north side from Fairchild Street to Carroll Street. (Am. by Ord. 11,654, 8-20-96)

(235) On the north side of Main Street from Livingston Street to a point 190 feet east therefrom. (Am. by Ord. 12,064, 3-27-98)

(236) On the west side of Marion Street from Johnson Street to Dayton Street.

(237) On the east side of Marquette Street from Washington Avenue to Darbo Drive and on the west side from Washington Avenue to Hauk Street. (Am. by Ord. 5007, 6-4-75)

(238) On the west side of Marston Avenue from Sherman Avenue to Johnson Street.

(239) On the east side of McCormick Avenue from Aberg Avenue to East Washington Avenue, and on the west side from Aberg Avenue to Commercial Avenue.

(240) (R. by Ord. 9483, Adopted 5-3-88)

(241) On the north side of Mendota Street from East Washington Avenue to Beaumont Circle and on the south side from East Washington Avenue to Hoover Drive.

(242) On the southwest side of Merry Street from Winnebago Street to its end.

(243) On the north side of Michigan Court from North Sherman Avenue to Superior Street.

(244) On the south side of Midland Street from Fish Hatchery Road to Park Street.

(245) On the east side of Midvale Boulevard from Wakefield Street to a point 300 feet north of Tokay Boulevard.

(246) On the north side of Mifflin Street from Brearly Street to Blair Street, and from Pinckney Street to Wisconsin Avenue, and from Henry Street to Broom Street, and on the south side from Fairchild Street to Carroll Street and from Pinckney Street to Webster Street and from Brearly Street to a point 220 feet east therefrom and from Ingersoll Street to a point 197 feet west therefrom. (Am. by Ord. 11,103, 12-22-94; Ord. 13,582, 4-21-04; ORD-06-00040, 4-22-06)

(247) (R. by Ord. 9483, Adopted 5-3-88)

(248) On the west side of Mills Street from Wingra Drive to Arboretum Drive and on the east side from Delaplaine Court to Haywood Drive. (Am. by Ord. 9678, 1-26-89 & 1-31-89)

(249) On the east side of Mills Street from Mound Street to Conklin Place and on the west side from College Court to Milton Street and from University Avenue to a point 70 feet south therefrom. (Am. by Ord. 11,214, 3-31-95)

(250) On both sides of Milton Court from Milton Street to St. James Court.

(251) On the north side of Milwaukee Street from Washington Avenue to a point 340 feet east therefrom and from Fair Oaks Avenue to Walbridge Avenue and from Crystal Lane to a point 155 feet west therefrom and from a point 110 feet west of Swanton Road to a point 123 feet east of Swanton Road and on the south side from Schenk Street to Belmont Road and from East Washington Avenue to a point 165 feet east therefrom and from a point 180 feet west of Fair Oaks Avenue to Fair Oaks Avenue and from Crystal Lane to a point 131 feet east therefrom and from Swanton Road to a point 110 feet west therefrom. (Am. by Ord. 9878, 10-26-89; Ord. 13,364, 7-22-03)

(252) On both sides of Mineral Point Road from Racine Road to the west City limits (Am. by Ord. 9592, Adopted 9-27-88)

(253) On the south side of Mineral Point Road from Owen Drive to Holly Avenue.

(254) On the east side of Monona Drive from Cottage Grove Road to the southernmost city limits.

(255) On both sides of Monroe Street from Crandall Street to Knickerbocker Street. (Am. by Ord. 9592, Adopted 9-27-88)

(256) On the north side of Monroe Street from Randall Avenue to a point 120 feet west therefrom, and from Spooner Street to a point 150 feet west therefrom; and from Commonwealth Avenue to a point 145 feet east of Commonwealth Avenue. (Am. by Ord. 9592, Adopted 9-27-88)

(257) On the south side of Monroe Street from Regent Street to a point 90 feet west therefrom and from Randall Avenue to a point 130 feet west therefrom and from a point 280 feet west of Randall Avenue to a point 160 feet west therefrom. (Am. by Ord. 9773, 5-12-89)
(258) On the west side of Monterey Drive from Trailsway to a point 300 feet north of Wyldewood Drive.
(259) On both sides of Moulton Court from Winnebago Street to its end.
(260) On the west side of Murray Street from State Street to University Avenue, and from Dayton Street to a point 300 feet south therefrom and on the east side from Dayton Street to Regent Street. (Am. by Ord. 9483, Adopted 5-3-88; Ord. 12,420, 7-23-99)
(261) On the south side of Myrtle Street from North Street to a point 360 feet west therefrom. (Am. by Ord. 9693, 1-26-89 & 1-31-89)
(262) On the south side of Nakoma Road from Manitou Way to Odana Road. (Am. by Ord. 9592, Adopted 9-27-88)
(263) (R. by Ord. 9592, Adopted 9-27-88)
(264) On the east side of Niemann Place from the West Beltline Frontage Road to Britta Parkway.
(265) On the south side of Norman Way from Greening Lane to Lake Mendota Drive.
(266) On both sides of Norman Way from Lake Mendota Drive to Lake Mendota.
(267) On both sides of Norman Way from Old Middleton Road to Dale Avenue.
(268) On the south side of North Court from Corry Street to Farwell Street.
(269) On the northwest side of Northern Court from Dickinson Street to Main Street and on the east side from Main Street to a point 150 feet south therefrom.
(270) On both sides of Northport Drive from Packers Avenue to the west city limits.
(271) On the west side of North Street from Coolidge Street to Dahle Street.
(272) On the north side of Norwood Place from Hillington Green to Virginia Terrace.
(273) On both sides of Crazylegs Lane from Regent Street to Monroe Street. (Am. by Ord. 9592, Adopted 9-27-88)
(274) On the south side of Oakridge Avenue from Division Street to Atwood Avenue.
(275) On the north side of Oakridge Avenue from Elmside Blvd. to Maple Avenue. (Am. by Ord. 4879, 2-3-75)
(276) On both sides of Odana Road from Segoe Road to Gammon Road. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(277) On the west side of Orton Court from Rutledge Street to its end.
(278) On both sides of Packers Avenue from the north city limits to Sixth Street.
(279) On the east side of Park Street from Midland Street to Olin Avenue and from Haywood Street to Erin Street and from Drake Street to West Washington Avenue and on the west side from Wingra Drive to the Chicago and North Western Railroad and from Beacon Street to Delaplaine Court. (Am. by Ord. 9592, Adopted 9-27-88; Ord. 13,253, 3-11-03)
(280) On both sides of Park Street from Vilas Avenue to Lake Mendota.
(281) On both sides of Parr Street from Park Street to West Shore Drive.
(282) On the east side of Paterson Street from Jenifer Street 400 feet north of Williamson Street and from 370 feet south of Main Street. (Am. by Ord. 11,104, 12-22-94)
(283) On the east side of Paunack Place from University Avenue to its end.
(284) On the east side of Pennsylvania Avenue from Commercial Avenue to a point 600 feet south therefrom, and on the west side from Commercial Avenue to a point 100 feet south therefrom. (Am. by Ord. 11,105, 12-22-94)
(285) On both sides of Pennsylvania Avenue from Sixth Street to Johnson Street.
(286) On the north side of Pflaum Road from Monona Drive to a point 300 feet east therefrom and on both sides of Pflaum Road from Stoughton Road to Agriculture Drive and on the north side of Pflaum Road from Agriculture Drive to Vondron road and on the south side from a point 422 feet east of Agriculture Drive to Vondron Road and on the south side from Herro Lane to a point 70 feet west therefrom. (Am. by Ord. 11,780, 2-3-97; Ord. 12,719, 12-4-00; Ord. 12,949, 12-24-01)

(287) On the east side of Pickford Street from Monroe Street to Gregory Street.
(288) (R. by Ord. 9592, Adopted 9-27-88)
(289) On the west side of Pinckney Street from Gilman Street to Lake Mendota. (Am. by Ord. 4286, 8-22-73)
(290) On the east side of Pinckney Street from East Washington Avenue to Main Street, and on the west side from Dayton Street to Mifflin Street and Main Street to Doty Street, and on both sides from Wilson Street to its south end. (Am. by Ord. 9483, Adopted 5-3-88; ORD-06-00043, 4-22-06)
(291) On the east side of Price Place from Regent Street to the northerly end.
(292) On the west side of Princeton Avenue from University Avenue to Prospect Avenue, and on the east side of Princeton Avenue from University Avenue to a point 60 feet south therefrom.
(293) On the east side of Prospect Avenue from Commonwealth Avenue to Van Hise Avenue, and on the west side of Prospect Avenue from University Avenue to Van Hise Avenue; on the east side of Prospect Avenue from Ely Place to Spooner Street. (Am. by Ord. 9672, 1-26-89 & 1-31-89)
(294) On the west side of Prospect Avenue from West Lawn Avenue to Monroe Street and from Commonwealth Avenue to its dead end. (Am. by Ord. 12,079, 4-20-98)
(295) On the north side of Prospect Place from Paterson Street to Washburn Place, and on the south side of Prospect Place from Washburn Place to its west end.
(296) On both sides of Proudfit Street from Washington Avenue to Main Street. (Am. by Ord. 10,465, 6-26-92)
(297) On the east side of Randall Avenue from Drake Street to its south end and from Mound Street to Regent Street.
(298) (R. by Ord. 9483, Adopted 5-3-88)
(299) On the west side of Randall Avenue from University Avenue to Regent Street and on the east side from Spring Street to University Avenue. (Am. by Ord. 9483, Adopted 5-3-88)
(300) On both sides of Randall Court from Randall Avenue to its east end.
(301) On the east side of Raywood Road from West Broadway to Frazier Avenue and on both sides of Raywood Road from Frazier Avenue to Waunona Way.
(302) (R. by Ord. 9592, Adopted 9-27-88)
(303) On the west side of Reetz Road from Hammersley Road to Raymond Road.
(304) (R. by Ord. 9483, Adopted 5-3-88)
(305) On the north side of Regent Street from Meadow Lane to Price Place and on the south side from Midvale Boulevard to Price Place. (Am. by Ord. 9483, Adopted 5-3-88)
(306) (R. by Ord. 9483, Adopted 5-3-88)
(307) On the south side of Regent Street from Park Street to Washington Avenue. (Am. by Ord. 9483, Adopted 5-3-88)
(308) (R. by Ord. 9483, Adopted 5-3-88)
(309) On the south side of Regent Street from Segoe Road to LaFayette Drive and on the north side from Segoe Road to a point 160 feet west therefrom. (Am. by Ord. 5299, 2-10-76)
(310) (R. by Ord. 9483, Adopted 5-3-88)
(311) On the north side of Regent Street from Virginia Terrace to Grand Avenue, and on the south side of Regent Street from Glenway Street to Virginia Terrace. (Am. by Ord. 8440, 10-5-84)
(312) On the north side of Regent Street from Washington Avenue to Murray Street.
(313) On the west side of Riverside Drive from Winnebago Street to Yahara Place, and on the east side from Yahara Place to a point 125 feet north of Rutledge Street. (Am. by Ord. 9592, Adopted 9-27-88)
(314) On both sides of Roberts Court from Spooner Street to Stockton Court.
(315) On the east side of Roby Road from Rowley Avenue to Prospect Avenue.
(316) On both sides of Rodney Court from Brittingham Place to Clark Court.

(317) On the west side of Rogers Street from Spaight Street to Rutledge Street. (Am. by Ord. 6605, 5-4-79)
(318) On the west side of Rosa Road from South Hill Drive to Mineral Point Road and on the east side from Mineral Point Road to a point 240 feet north therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(319) On the south side of Roth Street from Huxley Street to and including its cul de sac end. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(320) On both sides of Rowland Avenue from Straubel Street to Washington Avenue.
(321) On the south side of Rowley Avenue from Allen Street to Virginia Terrace. (Am. by Ord. 5858, 5-13-77)
(322) On the southeast side of Rusk Street from Atwood Avenue to Bashford Avenue, and on the northwest side from Atwood Avenue to a point 200 feet east therefrom.
(323) On the west side of Russell Street from Winnebago Street to a point 180 feet south therefrom and on the east side from a point 105 feet south of Winnebago Street to and including its cul de sac end. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(324) On both sides of Rutledge Street from Brearly Street to a point 120 feet east therefrom.
(325) On the south side of Rutledge Street from Rogers Street to Lakeland Avenue, and on the north side of Rutledge Street from Rogers Street to a point 105 feet east of Riverside Drive.
(326) On the north side of St. James Court from Mills Street to Brooks Street, and on the south side from Randall Avenue to Brooks Street.
(327) On the south side of St. Paul Avenue from Waubesa Street to and including the cul-de-sac west of Jackson Street. (Am. by Ord. 11,746, 12-13-96)
(328) On both sides of Sauthoff Road from Memorial Drive to Veith Avenue.
(329) On the northwest side of Sawyer Terrace from a point 146 feet east of Segoe Road to a point 194 feet north therefrom and from Frey Street to and including its cul-de-sac dead end north of Frey Street. (Am. by Ord. 11,447, 12-14-95)
(330) On the east side of Sayle Street from Lakeside Street to Van Deusen Street.
(331) On both sides of Schley Pass from Wilson Street to Dewey Court.
(332) On the north side of Schlimgen Avenue from North Sherman Avenue to a point 200 feet east therefrom and on the south side from North Sherman Avenue to a point 230 feet east therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(333) (R. by Ord. 9592, Adopted 9-27-88)
(334) On the east side of Second Street from East Washington Avenue to Johnson Street.
(335) On the west side of Second Street from Washington Avenue to 70 feet north of Atwood Avenue. (Am. by Ord. 9592, Adopted 9-27-88)
(336) (R. by Ord. 5457, 4-7-76)
(337) On the west side of Segoe Road from University Avenue to a point 450 feet south therefrom, and from Sheboygan Avenue to Sawyer Terrace, and on the east side from Sawyer Terrace to a point 211 feet south therefrom and from a point 195 feet south of Frey Street to University Avenue. (Am. by Ord. 5456, 4-7-76; Ord. 12,536, 2-18-00)
(338) (R. by Ord. 4212, 4-24-73)
(339) On both sides of Seminole Highway from the West Beltline Highway to Manitou Way. (Am. by Ord. 6029, 11-11-77)
(340) On the east side of Seventh Street from Washington Avenue to Mifflin Street.
(341) On the north side of Sheboygan Avenue from Segoe Road to a point 1,100 feet west therefrom and on the south side from Eau Claire Avenue to a point 180 feet east of Eau Claire Avenue and from a point 550 feet east of Eau Claire Avenue to a point 570 feet west of Segoe Road and from a point 390 feet west of Segoe Road to Segoe Road. (Am. by Ord. 9592, Adopted 9-27-88)
(342) On the east side of North Sherman Avenue from Browning Road to Windom Way and on the west side from a point 20 feet north of Thackery Road to Trailsway, and from Aberg Avenue to Steensland Drive. (Am. by Ord. 9592, Adopted 9-27-88)

(343) On the west side of North Sherman Avenue from Wheeler Road to a point 200 feet north therefrom. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(344) On both sides of Sherman Avenue from Marston Avenue to the village limits east of Sherman Terrace, and on the south side of Sherman Avenue from Marston Avenue to Brearly Street. (Am. by Ord. 9592, Adopted 9-27-88)
(345) On the north side of South Shore Drive from Gilson Street to Parr Street. (Am. by Ord. 9592, Adopted 9-27-88)
(346) On the east side of West Shore Drive from Parr Street to Washington Avenue and on the west side from Vilas Avenue to Washington Avenue.
(347) On the east side of Sixth Street from Upham Street to Washington Avenue.
(348) On the south side of Sommers Avenue from Division Street to Elmside Boulevard.
(349) On the north side of South Court from Farwell Street to Corry Street and on the south side from Corry Street to a point 140 feet west therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(350) On the south side of Spaight Street from Livingston Street to Paterson Street, and on the north side from Jenifer Street to a point 150 feet east therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(351) On the north side of Spaight Street from Thornton Avenue to Dickinson Street and from Brearly Street to a point 130 feet east therefrom. (Am. by Ord. 12,861, 7-25-01)
(352) On the south side of Spaight Street from Walton Place to Russell Street.
(353) (R. by Ord. 9592, Adopted 9-27-88)
(354) On the east side of Spooner Street from Monroe Street to Regent Street and from Chadbourne Avenue to Prospect Avenue and on the west side from Chadbourne Avenue to Regent Street, and from Rowley Avenue to Monroe Street. (Am. by Ord. 12,396, 6-18-99)
(355) On the north side of Spring Street from Park Street to Mills Street, and on the south side from Mills Street to Randall Avenue.
(356) On both sides of Spring Trail from Nakoma Road to its dead end.
(357) (R. by Ord. 5733, 2-1-77)
(358) On the north side of Stevens Street from a point 100 feet east of Eugenia Avenue to a point 450 feet west of Ridge Street and from Franklin Avenue to Farley Avenue. (Am. by Ord. 9592, Adopted 9-27-88)
(359) On the west side of Stockton Court from Roberts Court to Monroe Street and on both sides from Roberts Court to and including its circle end.
(360) On the highway sides of the South Stoughton Road Service Roads from the north city limits to the south city limits and on the north side of the South Stoughton Road Service Road that parallels Buckeye Road.
(361) On both sides of Sullivan Street from Winnebago Street to the easterly end of Sullivan Street.
(362) On both sides of Summit Avenue from Breese Terrace to Lathrop Street and on the south side from Van Hise Avenue to Lathrop Street. (Am. by Ord. 11,378, 10-23-95)
(363) On the west side of Superior Street from Commercial Avenue to Michigan Court.
(364) On both sides of Taylor Place from Spaight Street to Harvey Terrace.
(365) On both sides of Third Avenue from Bram Street to its south end.
(366) On the east side of Thornton Avenue from Morrison Street to Spaight Street, and on the west side of Thornton Avenue from Williamson Street to Spaight Street. (Am. by Ord. 6664, 7-10-79)
(367) On the west side of Thornton Avenue from Williamson Street to a point 150 feet north therefrom and from East Washington Avenue to a point 150 feet south therefrom and from Main Street to the Chicago and North Western Railroad tracks. (Am. by Ord. 9592, Adopted 9-27-88)
(368) On the east side of Thornton Avenue from Williamson Street to a point 2345 feet north therefrom and from Main Street to Sherman Avenue. (Am. by Ord. 12,918, 11-23-01)
(369) On the north side of Tokay Boulevard from Caromar Drive to Midvale Boulevard.

(370) On the north side of Trailsway from Monterey Drive to North Sherman Avenue.

(371) On both sides of Troy Drive from Northport Drive to Hanover Street and from Marcy Road to School Road and on the north side from Hanover Street to Sherman Avenue and from 160 feet east of Main Drive to Green Avenue and on the south side from 230 feet east of Main Drive to Green Avenue. (Am. by Ord. 11,606, 6-3-96)

(372) On the south side of University Avenue from the west city limits to Grand Avenue and from Highland Avenue to Bassett Street. (Am. by Ord. 6022, 10-28-77)

(373) On the north side of University Avenue from Bassett Street to Highland Avenue and from Grand Avenue to Overlook Pass. (Am. by Ord. 6021, 10-28-77)

(374) On both sides of Upham Court from Lake Mendota Drive to Lake Mendota.

(375) On the east side of Van Buren Street from Madison Street to Monroe Street.

(376) On the north side of Van Deusen Street from Colby Street to Sayle Street.

(377) On both sides of Veith Avenue from Sauthoff Road to its south end.

(378) On the east side of the West Verona Road Service Road from Hammersley Road to a point 2,200 feet south therefrom and on the west side from Hammersley Road to a point 1,200 feet south therefrom.

(379) On both sides of Vilas Avenue from Park Street to West Shore Drive and on the north side from Park Street to Mills Street.

(380) On the east side of Virginia Terrace from Eton Ridge to Regent Street. (Am. by Ord. 6745, 9-14-79)

(381) On the west side of Vista Road from Regent Street to Rugby Row.

(382) On the west side of Walnut Street from Chamberlain Avenue to a point 820 feet north of University Avenue, and on the east side from University Avenue to a point 820 feet north of University Avenue.

(383) On the east side of Walter Street from Johns Street to Atwood Avenue and on the west side from Richard Street to Atwood Avenue. (Am. by Ord. 5652, 11-3-76)

(384) On the west side of Washburn Place from Prospect Place to Gorham Street.

(385) On the north side of East Washington Avenue from First Street to the Chicago and North Western Railroad tracks.

(386) On the highway side of the East Washington Avenue Service Road from Hagan Drive to Anniversary Lane.

(387) (R. by Ord. 9040, 12-23-86)

(388) On both sides of West Washington Avenue from Regent Street to a point 160 feet east of the Chicago, Milwaukee, St. Paul and Pacific Railroad and on the north side from Park Street to a point 310 feet east therefrom and from Regent Street to a point 110 feet west therefrom and on the south side from Park Street to a point 190 feet east of West Shore Drive and from Proudfit Street to a point 626 feet west therefrom. (Am. by Ord. 12,860, 7-25-01)

(389) On both sides of the East Washington Avenue Service Road from Clyde Gallagher Avenue to the Commercial Avenue Frontage Road. (Am. by Ord. 9483, Adopted 5-3-88)

(390) On the south side of East Washington Avenue from Thornton Avenue to a point 230 feet east therefrom.

(391) On the north side of Waunona Way from Ethelwyn Road to Hoboken Road.

(392) On the east side of Webster Street from Hamilton Street to Mifflin Street and on the west side from a point 120 feet north of King Street to King Street. (Am. by Ord. 9483, Adopted 5-3-88)

(393) On the northeast side of Western Avenue from Monroe Street to a point 234 feet north therefrom. (Cr. by Ord. 9592, Adopted 9-27-88; Am. by Ord. 12,858, 7-25-01)

(394) On both sides of Whenona Drive from the West Beltline Highway to Britta Parkway. (Am. by Ord. 7588, 12-17-81)

(395) On both sides of Whitney Way from Gilbert Road to South Hill Drive and from Old Middleton Road to University Avenue and on the west side from Langlois Street to a point 187 feet south therefrom. (Am. by Ord. 9592, Adopted 9-27-88; Am. by Ord. 13,283, 3-21-03)

(396) On the north side of Williamson Street from Baldwin Street to a point 80 feet east therefrom.

(397) (R. by Ord. 9592, Adopted 9-27-88)

(398) On the south side of Williamson Street from Jenifer Street to a point 100 feet east therefrom.

(399) On both sides of Williamson Street from Wilson Street to Jenifer Street. (Am. by Ord. 9592, Adopted 9-27-88)

(400) On the north side of Wilson Street from Bassett Street to a point 200 feet east therefrom and from a point 160 feet west of Broom Street to a point 110 feet east of Henry Street, and on the south side from Bassett Street to a point 145 feet east of Henry Street. (Am. by Ord. 9483, Adopted 5-3-88)

(401) On the south side of Wilson Street from Franklin Street to Blair Street, and on the north side from Blair Street to Blount Street and from Pinckney Street to a point 213 feet east therefrom. (Am. by Ord. 9483, Adopted 5-3-88)

(402) On the north side of Plaenert Drive from Park Street to Fish Hatchery Road. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)

(403) On the south side of Winnebago Street from LaFollette Avenue to Division Street.

(404) (R. by Ord. 5022, 6-4-75)

(405) On the west side of Wisconsin Avenue from Gorham Street to Gilman Street and on both sides from Langdon Street to a point 132 feet north of Langdon Street. (Am. by Ord. 9483, Adopted 5-3-88)

(406) On the east side of Wright Street from Washington Avenue to Straubel Street, and from a point 200 feet south of Anderson Street to Anderson Street and from a point 900 feet north of Anderson Street to 400 feet south of Kinsman Boulevard, and on the west side of Wright Street from Washington Avenue to Anderson Street and from a point 900 feet north of Anderson Street to Kinsman Boulevard. (Am. by Ord. 9204, 6-1-87)

(407) (R. by Ord. 5987, 9-30-77)

(408) On the south side of Wyota Court from Lewis Court to Glenway Street.

(409) On the south side of Yahara Place from Riverside Drive to Dunning Street.

(410) On both sides of Zeier Road from East Washington Avenue to its southerly end.

(411) On both sides of Rimrock Road from John Nolen Drive to the John Nolen Drive Service Road.

(412) On the west side of the John Nolen Drive Service Road from its northerly end to its southerly end and on the east side from a point forty feet north of Rimrock Road to a point 100 feet south of Rimrock Road. (Am. by Ord. 7012, 6-6-80)

(413) Reserved for Future Use. (R. by Ord. 11,609, 6-3-96)

(414) On the north side of Milton Street from Brooks Street to Mills Street.

(415) On both sides of Kinsman Boulevard from Stoughton Road to its westerly end.

(416) On the south side of Warwick Way from Seminole Highway to a point 250 feet west therefrom. (Cr. by Ord. 4210, 4-24-73)

(417) On the west side of North Street from Washington Avenue to a point 175 feet north therefrom. (Cr. by Ord. 4229, 6-1-73)

(418) On the east side of Claire Street from Cottage Road to Gary Street. (Am. by Ord. 5056, 6-16-75)

(419) On both sides of Independence Lane from a point one hundred (100) feet east of Columbus Lane to Dwight Drive. (Am. by Ord. 4501, 3-6-74; Ord. 12,593, 6-6-00)

(420) On the south side of Sequoia Trail from Hackberry Lane to Cypress Way. (Cr. by Ord. 4431, 1-7-74)

(421) On the north side of Harbor Court from Lake Mendota Drive to and including its cul-de-sac end. (Am. by Ord. 11,741, 12-13-96)

(422) On both sides of Anderson Street from Wright Street to Stoughton Road. (Am. by Ord. 9592, Adopted 9-27-88)

(423) On the west side of Sutherland Court from Main Street to Winnebago Street. (Cr. by Ord. 4533, 4-10-74)

(424) On the north and west side of Freeport Road from Reetz Road to and including its cul-de-sac dead-end and on the east side from the cul-de-sac point of curvature to a point fifty (50) feet south therefrom. (Cr. by Ord. 4534, 4-10-74)

(425) On the east side of Belmont Road from Portland Parkway to a point 405 feet southeast therefrom. (Am. by Ord. 11,750, 12-13-96)

(426) On the north side of Raymond Road from Reetz Road to Verona Road and from Gammon Road to a point 340 feet west therefrom and on the south side from Verona Road to a point 250 feet west of Reetz Road. (Am. by Ord. 9592, Adopted 9-27-88; Ord. 13,256, 3-21-03)

(427) (R. by Ord. 9592, Adopted 9-27-88)

(428) On the south side of Thorp Street from Fair Oaks Avenue to its westerly end. (Cr. by Ord. 4780, 11-6-74)

(429) On the north side of Elizabeth Street from Ingersoll Street to Baldwin Street. (Am. by Ord. 4989, 6-4-75)

(430) On the west side of North Wingra Drive from Fish Hatchery Road to a point 280 feet north therefrom and on the east side from Fish Hatchery Road to a point 190 feet north therefrom. (Am. by Ord. 9592, Adopted 9-27-88)

(431) On the south side of Lake Point Drive from Fayette Street to its westerly end. (Am. by Ord. 11,037, 11-14-94; Ord. 12,427, 7-23-99)

(432) On the west side of Vernon Avenue from Cottage Grove Road to Ellie Circle. (Cr. by Ord. 4878, 2-3-75)

(433) On the north side of the West Beltline Frontage Road from Verona Road to Seminole Highway and on the south side from Whenona Drive to Seminole Highway. (Cr. by Ord. 5008, 6-4-75)

(434) On both sides of Eastwood Drive from Winnebago Street to Atwood Avenue. (Cr. by Ord. 5014, 6-4-75)

(435) On the south side of Seymour Street from Lake Street to Murray Street. (Cr. by Ord. 5100, 8-7-75)

(436) On the south side of Frances Court from Frances Street to Lake Street. (Cr. by Ord. 5101, 8-7-75)

(437) On the east side of Marquette Street from Atwood Avenue to Fairview Street. (Cr. by Ord. 5103, 8-7-75)

(438) On the south side of Melody Lane from Independence Lane to the westerly end and on the north side from Independence Lane to Crest Line Drive. (Cr. by Ord. 5104, 8-7-75; Am. by Ord. 13,590, 4-21-04)

(439) On the south side of Jonathan Drive from Latham Drive to Perry Street and on the north side from Latham Drive to a point 245 feet east therefrom. (Am. by Ord. 11,416, 11-16-95)

(440) On the west side of Ogden Street from Tulane Avenue to Dennett Drive. (Cr. by Ord. 5295, 2-10-76)

(441) On the west side of Columbus Lane from Independence Lane to the East Washington Avenue service road. (Cr. by Ord. 5298, 2-10-76)

(442) On the west side of Baldwin Street from Washington Avenue to the railroad tracks and from Dayton Street to a point 111 feet north therefrom, and from Mifflin Street to a point 111 feet south therefrom and on the east side of Baldwin Street from Sherman Avenue to a point 103 feet north therefrom and from Dayton Street to a point 111 feet north therefrom and from Johnson Street to a point 115 south therefrom. (Cr. by Ord. 5279, 2-10-76; Ord. 13,580, 4-21-04)

(443) On the northwest side of Glen Drive from Toepfer Avenue to a point 175 feet northeast therefrom. (Cr. by Ord. 5289, 2-10-76)
(444) (R. by Ord. 8340, 5-15-84)
(445) On the west side of Fairchild Street from Washington Avenue to a point 200 feet north therefrom. (Cr. by Ord. 5346, 2-18-76)
(446) On the east side of Hamilton Street from Wilson Street to Doty Street, and on the west side from Wilson Street to a point 140 feet north therefrom. (Cr. by Ord. 5347, 2-18-76)
(447) (R. by Ord. 9483, Adopted 5-3-88)
(448) On the north side of Washington Avenue from Webster Street to Butler Street. (Cr. by Ord. 5349, 2-18-76)
(449) On the west side of Hamilton Street from Dayton Street to a point 142 feet north therefrom. (Cr. by Ord. 5350, 2-18-76; Am. by Ord. 13,576, 4-21-04)
(450) On the east side of Carroll Street from Dayton Street to a point 150 feet south therefrom. (Cr. by Ord. 5351, 2-18-76)
(451) On the west side of Carroll Street from Doty Street to a point 140 feet south therefrom. (Cr. by Ord. 5352, 2-18-76)
(452) (R. by Ord. 9483, Adopted 5-3-88)
(453) On the north side of Main Street from Butler Street to Pinckney Street and from Thornton Avenue to a point 238 feet east therefrom and on the south side from Carroll Street to Pinckney Street and from Thornton Avenue to a point 187 feet east therefrom and from South Hancock Street to a point 120 feet east therefrom. (Am. by Ord. 9483, Adopted 5-3-88; Ord. 12,919, 11-23-01)
(454) On both sides of Ruskin Street from Commercial Avenue to a point 260 feet north therefrom. (Cr. by Ord. 5412, 3-12-76)
(455) On the east side of North Sherman Avenue from Northfield Place to 160 feet north of Erie Court. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(456) On the east side of South Street from Appleton Road to a point 450 feet north therefrom. (Cr. by Ord. 5564, 8-13-76)
(457) (R. by Ord. 9483, Adopted 5-3-88)
(458) On the north and east side of Woodward Drive from Marcy Road to Forester Drive and on the north side from Marcy Road to a point 210 feet west therefrom, and on the east side of Woodward Drive from Sheridan Drive to Forester Drive. (Am. by Ord. 11,747, 12-13-96)
(459) On both sides of Hoyt Street from Breese Terrace to Lathrop Street and on the north side from Lathrop Street to Spooner Street. (Am. by Ord. 10,926, 6-17-94)
(460) On the east side of Regas Road from Milwaukee Street to its northerly end. (Cr. by Ord. 5700, 12-28-76)
(461) On the east side of Pinecrest Drive from East Washington Avenue to a point 300 feet south therefrom. (Cr. by Ord. 5737, 2-1-77)
(462) (R. by Ord. 9592, Adopted 9-27-88)
(463) (R. by Ord. 9592, Adopted 9-27-88)
(464) On the north side of Old Sauk Road from Old Middleton Road to Westfield Road and on the south side from Old Middleton Road to a point 390 feet west of Old Middleton Road and from a point 210 feet east of Gammon Road to a point 220 feet west of Gammon Road. (Am. by Ord. 7659, 2-25-82; Ord. 13,255, 2-25-03)
(465) On both sides of Swanton Road from Thompson Boulevard to a point 500 feet south therefrom. (Am. by Ord. 9592, Adopted 9-27-88)
(466) On the northerly side of Medical Circle from Whitney Way to Odana Road. (Cr. by Ord. 5786, 4-1-77)
(467) On the west side of Manitou Way from a point 100 feet south of Tumalo Trail to a point 268 feet south of Tumalo Trail. (Cr. by Ord. 5787, 4-1-77)
(468) On the north side of Bram Street from Koster Street to its easterly end. (Am. by Ord. 8707, 10-28-85)

(469) On both sides of Merrill Crest from Frosty Lane to Old Middleton Road. (Cr. by Ord. 5910, 7-7-77)
(470) (R. by Ord. 9483, Adopted 5-3-88)
(471) (R. by Ord. 6849, 12-21-79)
(472) On the north side of Webb Avenue from the East Washington Avenue Service Road to Rethke Avenue and on the south side from the service road to a point 420 feet east therefrom. (Am. by Ord. 7361, 3-12-81)
(473) On the north side of Academy Drive from a point 200 feet west of Vondron Road to Woodvale Avenue. (Cr. by Ord. 6013, 10-28-77)
(474) (R. by Ord. 9592, Adopted 9-27-88)
(475) (R. by Ord. 6532, 2-23-79)
(476) On the east side of Fisher Street from Buick Street to West Wingra Drive. (Am. by Ord. 9592, Adopted 9-27-88)
(477) On the east side of Butler Street from a point 165 feet south of Washington Avenue to Gilman Street, and on the west side from a point 220 feet north of King Street to King Street. (Am. by Ord. 9483, Adopted 5-3-88)
(478) On the west side of Livingston Street from Gorham Street to its northerly end. (Cr. by Ord. 6368, 9-19-78)
(479) (R. by Ord. 11,748, 12-13-96)
(480) On the west side of Ellen Avenue from Painted Post Drive to a point 130 feet south therefrom. (Cr. by Ord. 6414, 11-2-78)
(481) On the west side of Seiferth Road from Pflaum Road to Tompkins Drive. (Cr. by Ord. 6473, 1-17-79)
(482) On both sides of Greenway Cross from Fish Hatchery Road to Watford Way. (Am. by Ord. 11,106, 12-22-94)
(483) On the south side of Buckeye Road from Vondron Road to a point 375 feet west therefrom. (Cr. by Ord. 6519, 2-23-79)
(484) On the west side of Farley Avenue from University Avenue to a point 220 feet south therefrom and on the east side from University Avenue to a point 160 feet south therefrom. (Cr. by Ord. 6523, 2-23-79)
(485) On the south side of Village Lane from Portage Avenue to Sunbrook Road. (Cr. by Ord. 6535, 2-23-79)
(486) On both sides of Thompson Drive from Swanton Road to Commercial Avenue and on the east side of North Thompson Drive from Commercial Avenue to a point 240 feet north therefrom and on the west side from Commercial Avenue to a point 290 feet north therefrom. (Am. by Ord. 11,454, 12-14-95)
(487) On the east side of Bascom Place from Van Hise Avenue to Chamberlain Avenue. (Cr. by Ord. 6521, 2-23-79)
(488) On the south side of the East Broadway service road from Dutch Mill Road to its easterly end. (Cr. by Ord. 6537, 2-23-79)
(489) On the south side of Spring Court from Lake Mendota Drive to its northerly end. (Cr. by Ord. 6595, 4-19-79)
(490) On the south side of Schroeder Road from Gammon Road to Hampshire Place and from a point 610 feet east of Schroeder Court to Whitney Way, and on the north side from Gammon Road to Laurie Drive and from Hathaway Drive to Whitney Way. (Am. by Ord. 11,485, 1-5-96)
(491) On the south side of Lien Road from Mendota Street to a point 180 feet east of Onsgard Road and on both sides from East Washington Avenue to the easterly city limits. (Am. by Ord. 9592, Adopted 9-27-88; Ord. 12,976, 12-24-01)
(492) On the north side of Sycamore Avenue from a point 1,000 feet east of Walsh Road to the east City limits. (Am. by Ord. 9111, 2-27-87)
(493) On the east side of Odana Lane from Odana Road to Fairway Drive. (Cr. by Ord. 6832, 12-12-79)

(494) On the south side of Haywood Drive from Park Street to a point 150 feet west therefrom. (Cr. by Ord. 6835, 12-14-79)

(495) On the north side of Norman Way from University Avenue to Lake Mendota Drive. (Am. by Ord. 8457, 10-29-84)

(496) On both sides of Schmedeman Avenue from Washington Avenue to Graceland Avenue. (Am. by Ord. 9592, Adopted 9-27-88)

(497) On the south side of Burrows Road from Sherman Avenue to Bayside Drive. (Cr. by Ord. 6922, 3-20-80)

(498) On both sides of Stein Avenue from Swanton Road to Sinykin Circle. (Am. by Ord. 8922, 7-24-86)

(499) On the east side of Winslow Lane from Seminole Highway to a point 180 feet south therefrom. (Cr. by Ord. 6920, 3-20-80)

(500) On the north side of Libby Road from Colonel Wise Road to its easterly end. (Cr. by Ord. 7116, 10-9-80)

(501) On the west side of Dryden Drive from Northport Drive to a point 330 feet south therefrom and on the east side from Northport Drive to a point 310 feet south therefrom. (Re-cr by Ord. 11,038, 11-14-94)

(502) On the north side of Kenosha Drive from Glen Highway to Rock Road. (Cr. by Ord. 7120, 10-9-80)

(503) On the east side of Glen Highway from Park Way to Kenosha Drive. (Cr. by Ord. 7121, 10-9-80)

(504) On the southwest side of Park Way from Glen Highway to 250 feet south of Temple Court. (Cr. by Ord. 7122, 10-9-80)

(505) On the west side of Doncaster Drive from Mohawk Drive to a point 275 feet south of Mohawk Drive and from a point 500 feet south of Mohawk Drive to a point 665 feet south of Mohawk Drive. (Cr. by Ord. 7215, 1-29-81)

(506) On the east side of Gammon Road from McKenna Boulevard to a point 1,300 feet north of Mineral Point Road and from a point 500 feet north of Tree Lane to the north City limits. (Am. by Ord. 9592, Adopted 9-27-88)

(507) Within the cul-de-sac of Petra Place. (Cr. by Ord. 7591, 12-17-81)

(508) On the south and east sides of Forester Drive from Troy Drive to Becker Drive. (Cr. by Ord. 7590, 12-17-81)

(509) On the west side of Helene Parkway from Britta Parkway to Crawford Drive. (Cr. by Ord. 7658, 2-25-82)

(510) On the west side of Reindahl Avenue from East Washington Avenue to a point 116 feet north therefrom and on the east side from Ridgeway Avenue to a point 128 feet south therefrom. (Cr. by Ord. 7657, 2-25-82; Ord. 12,954, 12-24-01)

(511) On both sides of Grand Canyon Drive from a point 215 feet south of Mineral Point Road to a point 125 feet north of Mineral Point Road. (Cr. by Ord. 7693, 4-8-82)

(512) On the west side of Schroeder Court from Schroeder Road to and including its northerly end. (Am. by Ord. 9592, Adopted 9-27-88)

(513) On the north side of Logan Street from Fremont Avenue to Sherman Avenue. (Cr. by Ord. 7744, 6-17-82)

(514) On the both sides of Parkside Drive from East Washington Avenue to Portage Road. (Am. by Ord. 11,010, 10-12-94)

(515) On the both sides of Portage Road from East Washington Avenue to Dwight Drive. (Am. by Ord. 11,009, 10-12-94)

(516) On the west side of South Brittingham Place from Main Street to West Brittingham Place. (Cr. by Ord. 7967, 3-11-83)

(517) On the west side of Lake Street from a point 50 feet south of University Avenue to a point 80 feet north of Johnson Street and on the east side from Johnson Street to University Avenue. (Cr. by Ord. 7882, 11-29-82)

(518) On the south side of East Washington Avenue from Florence Street to Milwaukee Street. (Cr. by Ord. 7951, 2-25-83)
(519) (R. by Ord. 9592, Adopted 9-27-88)
(520) On the west side of the East Verona Road Service Road from the West Beltline Highway to Allied Drive and on the east side from Britta Parkway to Allied Drive. (Am. by Ord. 8692, 9-26-85)
(521) On the south side of Kenward Street from Beld Street to Fisher Street. (Cr. by Ord. 8208, 12-28-83)
(522) On the south side of Railroad Street from a point 220 feet west of Blount Street to a point 220 feet east of Blair Street west and the north side from Blount Street to Blair Street. (Cr. by Ord. 8207, 12-28-83; Am. by Ord. 12,859, 7-25-01; Am. by ORD-06-00061, 6-4-06)
(523) On the south side of Frazier Avenue from Raywood Road to West Broadway and on the north side from West Broadway to a point 150 feet west therefrom. (Am. by Ord. 9686, 1-26-89 & 1-31-89)
(524) On both sides of Robertson Road from the South Stoughton Road service road to a point 780 feet east of Atlas Avenue. (Cr. by Ord. 8232, 1-30-84)
(525) On the south side of Shepard Terrace from Barlow Street to Franklin Avenue. (Cr. by Ord. 8233, 1-30-84)
(526) On both sides of Amoth Court from Atwood Avenue to Eastwood Drive. (Am. by Ord. 9540, 7-28-88)
(527) On the north side of Emmett Street from Garrison Street to Fair Oaks Avenue. (Cr. by Ord. 8417, 9-4-84)
(528) On the west side of Esther Beach Road from Quinn Circle to West Broadway. (Cr. by Ord. 8526, 2-18-85)
(529) On both sides of Science Drive from Mineral Point Road to its southerly end. (Cr. by Ord. 8571, 4-24-85)
(530) On both sides of Science Court from Science Drive to its easterly end. (Am. by Ord. 8572, 4-24-85)
(531) On the east side of Ellen Avenue from Vondron Road to a point 400 feet northeast therefrom. (Cr. by Ord. 8624, 7-2-85)
(532) (R. by Ord. 9592, Adopted 9-27-88)
(533) On the south side of Koster Street between Rusk Street and Bram Street. (Cr. by Ord. 8729, 11-29-85)
(534) On the south side of Iroquois Drive between Manitou Way and Country Club Road and including its circle end. (Am. by Ord. 12,087, 4-20-98)
(535) On the west side of Hanover Street from Troy Drive to Drewry Lane. (Cr. by Ord. 8801, 2-27-86)
(536) On the west side of Todd Drive from McDivitt Road to Pelham Road. (Cr. by Ord. 8802, 2-27-86)
(537) On both sides of Franklin Court from Franklin Avenue to Harvey Street. (Cr. by Ord. 8830, 4-4-86)
(538) On the east side of Dixon Street from Fair Oaks Avenue to Fairview Street. (Cr. by Ord. 8836, 4-4-86)
(539) On the north side of Luann Lane from Coho Street to 180 feet west therefrom. (Cr. by Ord. 8839, 4-4-86)
(540) On both sides of Olin Avenue from Colby Street to John Nolen Drive. (Cr. by Ord. 8976, 9-25-86)
(541) On the north side of Moorland Road from Dunwoody Drive to Rimrock Road. (Cr. by Ord. 8923, 7-24-86)
(542) (R. by Ord. 9483, Adopted 5-3-88)
(543) On the west side of Watford Way from Stewart Street to its southerly end. (Cr. by Ord. 8963, 9-12-86)

(544) On the south side of East Washington Avenue from Ingersoll Street to a point 220 feet west of Ingersoll Street. (Cr. by Ord. 9041, 12-23-86)

(545) On the north side of East Washington Avenue from Thornton Avenue to a point 160 feet east of Thornton Avenue. (Cr. by Ord. 9042, 12-23-86)

(546) On both sides of Walbridge Avenue from Wittwer Road to Zink Avenue. (Am. by Ord. 9494, 6-1-88)

(547) On both sides of Nakoosa Trail from Stoughton Road to Walsh Road. (Am. by Ord. 9250, 8-28-87)

(548) On the south and west sides of the Commercial Avenue Service Road from Pulley Drive to Nakoosa Trail, and on the north and east sides from a point 1,000 feet west of Ziegler Road to Nakoosa Trail and on both sides from Webb Avenue to Rethke Avenue. (Cr. by Ord. 9113, 2-27-87; Am. by ORD-05-00030, 2-24-05)

(549) On the north side of Wyoming Way from a point 100 feet east of Esch Lane to a point 280 feet east of Esch Lane. (Cr. by Ord. 9121, 2-27-87)

(550) On the east side of Pearson Street from Anderson Street to a point 1700 feet north therefrom and on the west side from Anderson Street to a point 1800 feet north of Anderson Street. (Am. by Ord. 11,107, 12-22-94)

(551) On both sides of Hoffman Street from Anderson Street to a point 400 feet south of Kinsman Boulevard. (Cr. by Ord. 9120, 2-27-87)

(552) On the east side of Brearly Street from a point 240 feet south of Main Street to a point 250 feet north of Williamson Street, and on the west side from a point 250 feet south of Main Street to a point 360 feet south of Main Street and from a point 420 feet north of Williamson Street to a point 240 feet north of Williamson Street. (Cr. by Ord. 9108, 2-27-87)

(553) On the south side of Windom Way from Elka Lane to 440 feet west therefrom. (Cr. by Ord. 9189, 5-14-87)

(554) On the north side of Hermina Street from a point 260 feet west of Oak Street to a point 550 feet west of Oak Street. (Cr. by Ord. 9290, 10-29-87)

(555) On the west side of Zor Shrine Place from West Towne Way southerly to and including its circle end. (Cr. by Ord. 9296, 10-29-87)

(556) On the west side of Waubesa Street from LaFollette Avenue to a point 310 feet south of St. Paul Avenue and on the east side from LaFollette Avenue to a point 460 feet south therefrom. (Cr. by Ord. 9292, 10-29-87)

(557) On the east side of D'Onofrio Drive from Mineral Point Road to West Towne Way and on the west side from Mineral Point Road to Ganser Way. (Cr. by Ord. 9295, 10-29-87)

(558) On the west side of Franklin Street from Main Street to a point 230 feet south therefrom and on the east side from Wilson Street to a point 115 feet north therefrom. (Cr. by Ord. 9483, Adopted 5-3-88)

(559) On the south side of Wilson Street from Ingersoll Street to Baldwin Street. (Cr. by Ord. 9483, Adopted 5-3-88; Am. by Ord. 13,399, 8-23-03; ORD-09-00005, 1-24-09)

(560) On the south side of Buffalo Trail from Door Drive to North Eau Claire Avenue. (Cr. by Ord. 9414, 2-29-88)

(561) On both sides of Tree Lane from Mineral Point Road to a point 700 feet north therefrom and on the north side of Tree Lane from Gammon Road to a point 530 feet west therefrom and on the south side of Tree Lane from Gammon Road to a point 340 feet west therefrom and on the south side of Tree Lane from Randolph Drive to a point 145 feet east therefrom. (Am. by Ord. 11,448, 12-14-95; ORD-05-00029, 2-24-05)

(562) On the north side of Elka Lane from Packers Avenue to Talisman Street. (Cr. by Ord. 9469, 4-29-88)

(563) On the north side of Orin Road from the North Stoughton Road Service Road to a point 300 feet east therefrom. (Cr. by Ord. 9471, 4-29-88)

(564) On the east side of Salem Drive from Seven Nations Drive to Kent Lane. (Cr. by Ord. 9475, 4-29-88)

(565) On the south side of Kent Lane from Rimrock Road to Salem Drive. (Cr. by Ord. 9474, 4-29-88)

(566) On both sides of High Point Road from D'Onofrio Drive to the West Beltline Highway and on the east side from Mineral Point Road to Tree Lane and from Old Sauk Road to a point 1,483 feet north therefrom and on the west side from Mineral Point Road to a point 617 feet north therefrom and from Tree Lane to a point 110 feet south therefrom and from Old Sauk Road to a point 1,558 feet north therefrom. (Am. by Ord. 11,577, 5-1-96; Ord. 12,862, 7-25-01)

(567) On the south and east sides of Tokay Boulevard from Whitney Way to Odana Road and on the west side from Odana Road to a point 300 feet north therefrom and on the north side from Whitney Way to a point 500 feet west therefrom. (Am. by Ord. 11,513, 1-26-96)

(568) On the east side of Orchard Street from Wingra Drive to Erin Street, and on the west side from Dayton Street to a point 160 feet south therefrom. (Am. by Ord. 11,418, 11-16-95)

(569) On the west side of Wittwer Road from Walbridge Avenue to a point 220 feet south therefrom and on the east side from Walbridge Avenue to a point 230 feet south therefrom. (Cr. by Ord. 9495, 6-1-88; Am. by Ord. 12,223, 10-19-98)

(570) On the north side of the West Broadway Service Road from Hoboken Road to a point 175 feet east therefrom, and on the south side from Hoboken Road up to and including its circular end. (Cr. by Ord. 9497, 6-1-88)

(571) On the northeasterly side of Acewood Boulevard from Crystal Lane to a point 380 feet east therefrom. (Cr. by Ord. 9592, Adopted 9-27-88)

(572) On the south side of Britta Parkway from Verona Road Frontage Road to Niemann Place. (Cr. by Ord. 9592, Adopted 9-27-88)

(573) On the south side of Cottage Grove Road from a point 760 feet west of Ellen Avenue to Interstate Highway 90, and on the north side from Eldon Court to Interstate Highway 90. (Cr. by Ord. 9592, Adopted 9-27-88)

(574) On both sides of the DeVolis Parkway median from Helene Parkway to Axel Avenue. (Cr. by Ord. 9592, Adopted 9-27-88)

(575) On the west side of Fair Oaks Avenue from a point 133 feet south of Milwaukee Street to a point 215 feet north of Milwaukee Street and on the east side from a point 180 feet south of Milwaukee Street to a point 160 feet north of Milwaukee Street. (Cr. by Ord. 9592, Adopted 9-27-88)

(576) On the northwest side of Fordem Avenue from Johnson Street to a point 700 feet north of Johnson Street and from McGuire Street to a point 265 feet south therefrom and on the east side from Johnson Street to a point 400 feet north of Johnson Street. (Am. by Ord. 10,408, 3-31-92)

(577) On the west side of Grand Canyon Drive from Normandy Lane to a point 159 feet south of Odana Road and on the east side from Normandy Lane to a point 120 feet south of Odana Road. (Cr. by Ord. 9592, Adopted 9-27-88)

(578) On both sides of Mendota Street from Ridgeway Avenue to Lein Road. (Cr. by Ord. 9592, Adopted 9-27-88)

(579) On the east side of Midvale Boulevard from University Avenue to a point 295 feet south therefrom, and from Nakoma Road to the West Beltline Highway, and on the west side from University Avenue to a point 360 feet south therefrom and from a point 160 feet north of Regent Street to Regent Street and from 200 feet north of Mineral Point Road to Mineral Point Road and from Hammersley Road to the West Beltline Highway. (Cr. by Ord. 9592, Adopted 9-27-88; Am. by ORD-09-00063, 4-2-09)

(580) On the south side of Mifflin Street from a point 167 feet west of Bedford Street to a point 277 feet west of Bedford Street and on the north side of Mifflin Street from Bedford Street westerly to and including its cul de sac end. (Am. by Ord. 11,195, 3-16-95)

(581) On both sides of the East Verona Road Service Road from the West Beltline Highway to Allied Drive. (Cr. by Ord. 9592, Adopted 9-27-88)

(582) On the south side of Williamson Street from Cantwell Court to Thronton Avenue. (Cr. by Ord. 9592, Adopted 9-27-88)

(583) On the south side of West Wingra Drive from Park Street to a point 350 feet west therefrom and on the north side from Park Street to a point 120 feet east therefrom and from Fish Hatchery Road to a point 165 feet east therefrom. (Cr. by Ord. 9592, Adopted 9-27-88; Ord. 13,254, 2-25-03)

(584) On the north side of Wheeler Road from School Road to a point 200 feet west therefrom and on the south side from School Road to a point 160 feet west therefrom. (Cr. by Ord. 9578, 8-29-88)

(585) On both sides of Annamark Drive from East Springs Drive to Gisholt Road. (Cr. by Ord. 9575, 8-29-88)

(586) On both sides of East Springs Drive from East Washington Avenue to Zeier Road. (Am. by Ord. 11,036, 11-14-94)

(587) On the south and west side of Cimarron Trail from Tucson Trail to Muirfield Road. (Cr. by Ord. 9633, 11-28-88)

(588) On both sides of Kessel Court including its circular end. (Cr. by Ord. 9632, 11-28-88)

(589) On the west side of the East Packers Avenue Frontage Road from Coolidge Avenue to Roth Street and on the east side from Coolidge Avenue to Myrtle Street. (Cr. by Ord. 9691, 1-26-89 & 1-31-89)

(590) On the east and north sides of Hayes Road from Portage Road to the East Washington Avenue Service Road. (Cr. by Ord. 9694, 1-26-89 & 1-31-89)

(591) On the north side of Ardmore Drive from a point 350 feet west of Rusk Street to a point 125 feet west therefrom. (Cr. by Ord. 9680, 1-26-89 & 1-31-89)

(592) On the west side of the West Verona Road Service Road from the signalized median break to a point 260 feet south therefrom. (Cr. by Ord. 9695, 1-26-89 & 1-31-89)

(593) On the east side of Argosy Court from Neptune Court to a point 340 feet south therefrom and on the west side from Neptune Court to a point 130 feet south therefrom. (Cr. by Ord. 9669, 1-26-89 & 1-31-89)

(594) On both sides of Olin-Turville Drive from East Lakeside Street to a point 530 feet south therefrom. (Cr. by Ord. 9681, 1-26-89 & 1-31-89)

(595) On the south side of East Lakeside Street from John Nolen Drive to Olin-Turville Drive and on the north side from John Nolen Drive to a point 85 feet east of Olin-Turville Drive. (Cr. by Ord. 9682, 1-26-89 & 1-31-89)

(596) On the west side of Schurz Avenue from Yahara Place to Oakridge Avenue. (Cr. by Ord. 9671, 1-26-89 & 1-31-89)

(597) On the east side of Mayfair Avenue from Lexington Avenue to Home Avenue. (Cr. by Ord. 9712, 2-14-89)

(598) On the south side of Pilgrim Road from Canterbury Road to a point 350 feet west therefrom. (Cr. by Ord. 9800, 6-15-89)

(599) On the south side of Watts Road from Struck Street to High Point Road and on the north side from a point 584 feet east of Gammon Road to High Point Road. (Cr. by Ord. 9802, 6-15-89; Am. by Ord. 13,401, 8-23-03)

(600) On Busse Street at its circular dead end. (Cr. by Ord. 9958, 3-6-90)

(601) On the east side of Comanche Way from Golf Course Road to Wheeler Road. (Cr. by Ord. 9981, 4-2-90)

(602) On the north side of Van Hise Avenue from Lathrop Street to Summit Avenue. (Cr. by Ord. 10,364, 1-30-92; Am. by Ord. 12,395, 6-18-99)

(603) On the east side of Advance Road from Progress Road to Pflaum Road. (Cr. by Ord. 10,367, 1-30-92)

(604) On both sides of McKenna Boulevard from Raymond Road to New Washburn Way. (Am. by Ord. 12,292, 12-14-98; Ord. 12,999, 1-8-02)

(605) On the south side of McGuire Street from Fordem Avenue to a point 185 feet west therefrom. (Cr. by Ord. 10,407, 3-31-92)

(606) On the south side of Rowley Avenue from Allen Street to a point 310 feet east therefrom and from a point 450 feet east of Allen Street to Prospect Avenue. (Cr. by Ord. 10,850, 2-28-94)

(607) On the north side of East Wilson Street from Dickinson Street to a point 115 feet west therefrom. (Am. by Ord. 11,745, 12-13-96; Ord. 13,398, 8-23-03; ORD-09-00005, 1-24-09)

(608) On the west side of Glenway Street from Wyota Court to a point 150 feet north therefrom. (Cr. by Ord. 11,040, 11-14-94)

(609) On the north side of Gladstone Drive from Muirfield Road to Scenic Ridge Drive. (Cr. by Ord. 11,041, 11-14-94)

(610) On both sides of Gammon Lane from Park Edge Drive to Gammon Road. (Cr. by Ord. 11,042, 11-14-94)

(611) On the west side of Everett Street from Aberg Avenue to its northerly end. (Cr. by Ord. 11,043, 11-14-94)

(612) On both sides of Bernard Lane from High Crossing Boulevard to its easterly end. (Cr. by Ord. 11,028, 11-14-94)

(613) On both sides of Lancaster Drive from High Crossing Boulevard to Wayne Terrace. (Cr. by Ord. 11,029, 11-14-94)

(614) On both sides of High Crossing Boulevard from East Springs Drive to Nelson Road. (Cr. by Ord. 11,030, 11-14-94)

(615) On both sides of Wayne Terrace from High Crossing Boulevard to its southerly end. (Cr. by Ord. 11,031, 11-14-94)

(616) On both sides of Lien Road from Parkside Drive to Thompson Drive. (Cr. by Ord. 11,032, 11-14-94)

(617) On both sides of Annamark Drive from East Springs Drive to High Crossing Boulevard. (Cr. by Ord. 11,033, 11-14-94)

(618) On both sides of Kinsman Boulevard from Stoughton Road to Bartillon Drive. (Cr. by Ord. 11,034, 11-14-94)

(619) On both sides of Lien Road from East Washington Avenue to Parkside Drive. (Cr. by Ord. 11,035, 11-14-94)

(620) On both sides of MacArthur Road from Larson Court to its southerly end. (Cr. by Ord. 11,074, 12-6-94)

(621) On both sides of Burke Road from City View Drive to east City limits. (Cr. by Ord. 11 075, 12-6-94)

(622) On both sides of Corben Court from Amelia Earhart Drive to its southerly end. (Cr. by Ord. 11,076, 12-6-94)

(623) On both sides of Amelia Earhart Drive from U.S. Highway 51 to Corben Court. (Cr. by Ord. 11,077, 12-6-94)

(624) On the north side of South Highlands Drive from Old Middleton Road to Hillside Avenue. (Cr. by Ord. 11,083, 12-6-94)

(625) On the west side of Camus Lane to a point 123 feet therefrom. (Cr. by Ord. 11,082, 12-6-94)

(626) On both sides of City View Drive from Burke Road to High Crossing Boulevard. (Cr. by Ord. 11,108, 12-22-94)

(627) On the east side of Advance Road from Pflaum Road to Helgeson Drive and on the west side from Pflaum Road to a point 260 feet therefrom. (Cr. by Ord. 11,109, 12-22-94)

(628) On the east side of Old Gate Road from Rieder Road to Bartelt Court. (Cr. by Ord. 11,110, 12-22-94; Am. by Ord. 13,592, 4-21-04)

(629) On both sides of Dayton Street from Orchard Street to Randall Avenue. (Cr. by Ord. 11,111, 12-22-94)

(630) On both sides of Monona Court from Buckeye Road to Maher Avenue. (Cr. by Ord. 11,112, 12-22-94)

(631) On the west side of Pebble Beach Drive from a point 140 feet north of Pinehurst Circle to a point 950 feet therefrom and on the east side from a point 500 feet north of Pinehurst Circle to a point 240 feet therefrom. (Cr. by Ord. 11,136, 1-6-95)

(632) On both sides of New Washburn Way from Gammon Road to Morraine View Drive. (Cr. by Ord. 11,137, 1-6-95)

(633) Reserved for Future Use. (R. by ORD-09-00011, 1-24-09)

(634) Reserved for Future Use. (R. by Ord. 12,995, 1-25-02)

(635) On both sides of Shopko Drive from Aberg Avenue to its westerly end. (Cr. by Ord. 11,413, 11-16-95)

(636) On the east side of Tawhee Drive from Celia Court to the south City limits. (Cr. by Ord. 11,411, 11-16-95)

(637) On the south side of Chadbourne Avenue from North Roby Road to Breese Terrace. (Cr. by Ord. 11,408, 11-16-95; Am. by Ord. 12,397, 6-18-99)

(638) On the west side of Island Drive from Hawser Road to Masthead Drive. (Am. by Ord. 11,534, 3-1-96)

(639) On the south side of Willard Avenue from Evergreen Avenue to Elmside Boulevard. (Cr. by Ord. 11,400, 11-16-95)

(640) On both sides of Randolph Drive from Mineral Point Road to Westward Way. (Cr. by Ord. 11,452, 12-14-95)

(641) On both sides of Westfield Road from Tree Lane to a point 156 feet north therefrom and on the east side of Westfield Road from Tree Lane to a point 100 feet south therefrom and from Mineral Point Road to a point 680 feet north therefrom and on the west side of Westfield Road from Mineral Point Road 300 feet north therefrom. (Am. by Ord. 12,129, 5-18-98)

(642) On the east side of Atlas Avenue from a point 113 feet north of Neptune Court to a point 284 feet north therefrom and from Atlas Court to a point 280 feet south therefrom and on the west side from a point 66 feet north of Atlas Court to Cottage Grove Road. (Cr. by Ord. 11,455, 12-14-95; Am. by Ord. 12,434, 7-23-99)

(643) (R. by Ord. 11,579, 5-1-96)

(644) On the east side of North Thompson Drive from Mesta Lane to a point 180 feet south of Oak Valley Drive and on the west side from a point 180 feet south of Mesta Lane to a point 180 feet north of Mesta Lane and on the west side from Sycamore Avenue to a point 180 feet south of Birchwood Circle. (Cr. by Ord. 11,453, 12-14-95)

(645) On the north side of Main Street from Proudfit Street to a point 303 feet east therefrom and from Bedford Street to a point 125 feet west therefrom and on the south side from Proudfit Street to a point 247 feet east therefrom. (Cr. by Ord. 11,456, 12-14-95; Am. by Ord. 12,993, 1-25-02)

(646) Reserved for Future Use.

(647) On both sides of the Terminal Drive cul de sac from Terminal Drive to its northerly end. (Cr. by Ord. 11,488, 1-5-96)

(648) On both sides of Junction Road from Mineral Point Road to Old Sauk Road. (Cr. by Ord. 11,576, 5-1-96)

(649) On the south side of Helgesen Drive from Stoughton Road to a point 530 feet east. (Cr. by Ord. 11,604, 6-3-96; Am. by ORD-07-00083, 7-20-07)

(650) On the south side of Reef Court from Mustang Way to and including its cul de sac end. (Cr. by Ord. 11,602, 6-3-96)

(651) On the south and east side of Mustang Way from Vondron Road to Pflaum Road. (Cr. by Ord. 11,603, 6-3-96)

(652) On the west side of Green Avenue from Troy Drive to a point 450 feet north of North Road and on the east side from Troy Drive to Knutson Drive. (Cr. by Ord. 11,607, 6-3-96)

(653) On the east side of Cross Street from Odana Road to a point 120 feet north therefrom. (Cr. by Ord. 11,846, 4-24-97)

(654) On the northwest side of Spring Harbor Drive from University Avenue to Lake Mendota Drive. (Cr. by Ord. 11,857, 5-19-97)

(655) On both sides of Owen Parkway from Hillcrest Drive to Regent Street. (Cr. by Ord. 12,078, 4-20-98)

(656) On the north side of Larson Court from MacArthur Road to its west end. (Cr. by Ord. 12,089, 4-20-98)

(657) On both sides of Millpond Road from Savannah Road to a point 269 feet west therefrom. (Cr. by Ord. 12,095, 4-20-98; Am. by Ord. 12,950, 12-24-01)

(658) On both sides of Long Drive from Highways 12 & 18 to Millpond Road. (Cr. by Ord. 12,094, 4-20-98)

(659) On the north side of Sheridan Drive from Woodward Drive to a point 1040 feet east therefrom and on the south side from Woodward Drive to a point 240 feet east therefrom. (Cr. by Ord. 12,121, 5-18-98)

(660) On the east side of South Franklin Street from Wilson Street to a point 140 feet therefrom. (Cr. By Ord. 12,115, 5-18-98)

(661) On the north side of Tompkins Drive from Monona Drive to a point 170 feet east therefrom. (Cr. by Ord. 12,125, 5-18-98)

(662) On the north side of Ridgeway Avenue from Grover Street to Carpenter Street. (Cr. by Ord. 12,149, 6-12-98)

(663) On the north side of Anniversary Lane from Hayes Road to a point 210 feet west therefrom, and on the south side from Hayes Road to a point 200 feet west of Forest Run Road. (Cr. by Ord. 12,269, 11-17-98)

(664) On the east side of Woodrow Street from Monroe Street to a point 754 feet south therefrom and on the west side of Woodrow Street from a point 754 feet south of Monroe Street to Edgewood Drive. (Cr. by Ord. 12,425, 7-23-99)

(665) On the east side of Schmidt Place from University Avenue to Harvey Street. (Cr. by Ord. 12,631, 6-29-00)

(666) On the west side of Maywood Street from Commercial Avenue to a point 110 feet south therefrom. (Cr. by Ord. 12,697, 10-20-00)

(667) On both sides of McKee Road from the east city limits to the west city limits. (Cr. by Ord. 12,699, 10-20-00)

(668) On both sides of Manley Street from Packers Avenue to a point 205 feet west therefrom. (Cr. by Ord. 12,854, 7-25-01)

(669) On both sides of Saint Dunstan Drive from Old Middleton Road to University Avenue. (Cr. by Ord. 12,855, 7-25-01)

(670) On the south side of Old Middleton Road from Rosa Road to a point 175 feet east therefrom. (Cr. by Ord. 12,958, 12-24-01)

(671) On the east side of Progress Road from a point 160 feet south of Tompkins Drive to a point 165 feet south therefrom. (Cr. by Ord. 12,959, 12-24-01)

(672) On both sides of Savannah Road from Highway 12 & 18 to Millpond Road and from a point 1240 feet west of Millpond Road to Evan Acres Road. (Cr. by Ord. 12,960, 12-24-01)

(673) On both sides of Evan Acres Road from Savannah Road to a point 380 feet west therefrom. (Cr. by Ord. 12,961, 12-24-01)

(674) On the north side of Mid Town Road from Dewberry Drive to a point 180 feet east therefrom and on the south side from Gammon Road to a point 219 feet west therefrom and on both sides from Marty Road to South High Point Road. (Cr. by Ord. 12,978, 12-24-01; Am. by Ord. 13,257, 2-25-03)

(675) On the south side of Monticello Way from Jonquil Road to a point 145 feet west therefrom. (Cr. by Ord. 12,984, 12-24-01)

(676) On the west side of Perry Street from Badger Road to a point 270 feet south therefrom. (Cr. by Ord. 13,067, 5-29-02)

(677) On both sides of World Dairy Drive from Agriculture Drive to Dairy Drive. (Cr. by Ord. 13,278, 3-21-03)

(678) On the west side of Dairy Drive from Agriculture Drive to World Dairy Drive and on the east side from Agriculture Drive to a point 387 feet therefrom. (Cr. by Ord. 13,279, 3-21-03)

(679) On the north and south side of Helgesen Drive from 75 feet west of Advance Road to Daniels Street. (Cr. by Ord. 13,280, 3-21-03; Am. by ORD-07-00082, 7-20-07)

(680) On the west side of Heritage Circle from Hammersley Road to a point 346 feet north therefrom and its cul de sac end. (Cr. by Ord. 13,277, 3-21-03)

(681) On both sides of East Pass from Blue Maple Trail to a point 136 feet north and to a point 126 feet south. (Cr. by Ord. 13,392, 8-23-03)

(682) On the west side of Dorchester Way from McKee Road to a point 150 feet south of Edensway Road. (Cr. by Ord. 13,391, 8-23-03)

(683) On the south side of Old Middleton Road from Rosa Road to a point 175 feet east therefrom. (Cr. by Ord. 13,435, 10-24-03)

(684) On the west side of Fritz Avenue to and including its cul de sac end. (Cr. by Ord. 13,433, 10-24-03)

(685) On the west side of Nautilus Drive from Mineral Point Road to a point 350 feet north therefrom. (Cr. by Ord. 13,432, 10-24-03)

(686) On the south side of Park Ridge Drive from a point 140 feet east of South Gammon Road to a point 195 feet therefrom and from a point 980 feet east of South Gammon Road to Park Edge Drive and on the north side of Park Ridge Drive from a point 640 feet east of Gammon Road to 190 feet east therefrom and from a point 980 feet east of South Gammon Road to Park Edge Drive. (Cr. by Ord. 13,494, 1-23-04)

(687) On the north side of Park Edge Drive from a point 190 feet east of Gammon Lane to a point 185 feet east therefrom and from a point 1075 feet east of Gammon Lane to Park Ridge Drive. (Cr. by Ord. 13,495, 1-23-04)

(688) On the north side of Washington Avenue from Bedford Street to a point 140 feet east therefrom. (Cr. by ORD-06-00130, 10-6-06)

(689) On both sides of Rieder Road from Stoughton Road to a point 156 feet west of Old Gate Road. (Cr. by ORD-09-00007, 1-24-09)

(690) On the east side of Melvin Court from 70 feet south of Ridgeway Avenue to 145 feet north of Ridgeway Avenue. (Cr. by ORD-09-00008, 1-24-09)

(691) On the north side of Stephen Street. (Cr. by ORD-09-00009, 1-24-09)

12.133 PARKING PROHIBITED: MISCELLANEOUS IRREGULAR PERIODS.

No person shall park, stop or leave standing any vehicle except a vehicle licensed as a common carrier while actually engaged in receiving or discharging passengers upon any of the following highways or parts of highways, at the time indicated, and with the exceptions indicated.

(1) On the west side of Allen Street from Kendall Avenue to Chadbourne Avenue, between 7:00 a.m. and 9:00 a.m., and between 4:00 p.m. and 6:00 p.m. except Sundays and legal holidays. (Am. by Ord. 6082, 1-6-78)

(2) On the north side of Atwood Avenue from 250 feet west of Sugar Avenue to Winnebago Street between 7:00 a.m. and 8:30 a.m. and on the south side of Atwood Avenue from Dunning Street to Elmside Boulevard between 4:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9687, 1-26-89 & 1-31-89)

(3) (R. by Ord. 6657, 7-10-79)

(4) (R. by Ord. 6830, 12-12-79)

(5) (R. by Ord. 7690, 4-8-82)

(6) (R. by Ord. 4870, 2-3-75)

(7) On the south side of Johnson Street from a point 316 feet east of Broom Street to Wisconsin Avenue between 7:00 a.m. and 9:00 a.m., and between 3:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 6850, 12-21-79; Ord. 12,508, 12-20-99)

(8) (R. by Ord. 9483, Adopted 5-3-88)

(9) (R. by Ord. 4778, 11-6-74)

(10) (R. by Ord. 4672, 8-7-74)

(11) On the north side of Mineral Point Road from Glenway Street to a point 115 feet east of south Midvale Boulevard and from a point 200 feet west of south Midvale Boulevard to Racine Road between 4:00 p.m. and 5:30 p.m. and on the south side from Racine Road to a point 200 feet west of south Midvale Boulevard and from a point 115 feet east of south Midvale Boulevard to Owen Drive and from Holly Avenue to a point 130 feet west of Glenway Street between 7:00 a.m. and 8:30 a.m. (Am. by Ord. 11,464, 12-14-95)

(12) On the south side of Monroe Street from Lewis Court to Crandall Street and from Knickerbocker Street to a point 90 feet west of Regent Street, and from a point 590 feet east of Regent Street to a point 130 feet west of Randall Avenue between 7:00 a.m. and 8:30 a.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9771, 5-12-89)

(13) On the north side of Monroe Street from Regent Street to Spooner Street, and from a point 150 feet west of Spooner Street to Lewis Court between 4:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9772, 5-12-89)

(14) (R. by Ord. 5006, 6-4-75)

(15) On the south side of Pflaum Road from Groveland Terrace and a point 500 feet east therefrom between 7:30 a.m. and 4:30 p.m. on school days.

(16) On the north side of Regent Street from Breese Terrace to Ash Street between 4:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(17) On the south side of Regent Street from Madison Street to Mills Street between 7:00 a.m. and 8:30 a.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(18) On the north side of Regent Street from Park Street to a point 130 feet east of Brooks Street and from a point 125 feet west of Mills Street to Madison Street between 4:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9889, 11-14-89)

(19) On the south side of Regent Street from Virginia Terrace to a point 170 feet east of Virginia Terrace and from Vista Road to a point 100 feet west of Breese Terrace between 7:00 a.m. and 8:30 a.m., except on Saturdays, Sundays and holidays. (Am. by Ord. 8828, 4-4-86)

(20) On the south side of Russett Road from Gilbert Road to Whitney Way between 8:00 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,458, 12-14-95)

(21) (R. by Ord. 4227, 6-1-73)

(22) (R. by Ord. 4994, 6-4-75)

(23) On the south side of Williamson Street from 100 feet east of Jenifer Street to Cantwell Court between 4:00 p.m. and 5:30 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(24) On the north side of Williamson Street from Thornton Avenue to Jenifer Street between 7:00 a.m. and 8:30 a.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(25) (R. by Ord. 5355, 2-18-76)

(26) On the north side of Winnebago Street from Atwood Avenue to Merry Street, between 7:00 a.m. and 8:30 a.m., except Saturdays, Sundays and holidays. (Am. by Ord. 7776, 7-30-82)

(27) On the north side of Regent Street from Ash Street to Virginia Terrace between 7:00 a.m. and 5:30 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 8015, 5-5-83)

(28) On the east side of Meadowlark Drive from Agate Lane to Jade Lane between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 4584, 5-24-74)

(29) On the south side of Academy Drive from Vondron Road to a point 160 feet west therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 6012, 10-28-77)

(30) On the north side of Buckeye Road from Davies Street to a point 360 feet west therefrom and on the south side from Jerome Street to a point 290 feet east therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 4628, 7-1-74)

(31) On the east side of Webster Street from King Street to Main Street between 4:00 p.m. and 5:30 p.m. (Am. by Ord. 7778, 7-30-82)

(32) On the south side of Doty Street from Hamilton Street to Pinckney Street between 4:00 p.m. and 5:30 p.m. (Am. by Ord. 7773, 7-30-82)

(33) (R. by Ord. 7503, 8-27-81)

(34) On the east side of Prairie Road from a point 150 feet south of Pilgrim Road to a point 440 feet south of Pilgrim Road, between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,027, 11-14-94)

(35) (R. by Ord. 9483, Adopted 5-3-88)

(36) On the south side of University Avenue from Grand Avenue to Highland Avenue between 7:00 a.m. and 8:30 a.m. except Sundays and holidays. (Am. by Ord. 7779, 7-30-82)

(37) On the north side of Tennyson Lane from a point 70 feet west of Spenser Lane to a point 50 feet east of Spenser Lane, and on the south side from a point 100 feet west of Spenser Lane to a point 60 feet east of Spenser Lane, between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 6134, 2-13-78)

(38) On the south side of Tompkins Drive from a point 125 feet west of Maher Avenue to a point 155 feet east of Maher Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 6249, 5-18-78)

(39) On the south side of Johnson Street from Wisconsin Avenue to Franklin Street between 3:00 p.m. and 5:30 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 8679, 9-16-85)

(40) On the north side of Inner Drive from Horseshoe Bend to a point 370 feet east therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 6594, 4-19-79)

(41) On the south side of Milwaukee Street from Walter Street to a point 130 feet west of Schenk Street between 4:00 p.m. and 5:30 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 7772, 7-30-82)

(42) On the east side of Maple Avenue from Center Avenue to a point 210 feet north of Center Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 7013, 6-6-80)

(43) On the west side of Seventh Street from Johnson Street to Dayton Street between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 7011, 6-6-80)

(44) On the northwest side of Speedway Road from a point 400 feet southwest of Regent Street to Glenway Street between 4:00 p.m. and 5:30 p.m. except Saturdays, Sundays and legal holidays. (Am. by Ord. 11,315, 8-4-95)

(45) On the west side of Highland Avenue from a point 105 feet north of University Avenue to a point 60 feet south of Campus Drive between 3:30 P.M. and 5:30 P.M. except Saturdays, Sundays and holidays. (Cr. by Ord. 8610, 6-18-85)

(46) On the south side of East Washington Avenue from Blair Street to a point 220 feet west of Ingersoll Street and from Ingersoll Street to Thornton Avenue, between 9:00 p.m. and 6:00 a.m. (Cr. by Ord. 9043, 12-23-86)

(47) On the north side of East Washington Avenue from Blair Street to Baldwin Street and from Dickinson Street to Thornton Avenue and from a point 160 feet east of Thornton Avenue to the Chicago & North Western Railroad tracks, between 9:00 p.m. and 6:00 a.m. (Cr. by Ord. 9044, 12-23-86)

(48) On both sides of Sycamore Avenue from Walsh Road to a point 900 feet east therefrom between 9:00 p.m. and 6:00 a.m. (Am. by Ord. 9592, Adopted 9-27-88)

(49) On the west side of Walsh Road from Sycamore Avenue to a point 670 feet south therefrom between 9:00 p.m. and 6:00 a.m. (Am. by Ord. 11,457, 12-14-95)

(50) On the south side of Wyoming Way from a point 70 feet east of Monica Lane to a point 80 feet east of Esch Lane between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9124, 2-27-87)

(51) (R. by Ord. 9206, 6-1-87)
(52) (R. by Ord. 12,997, 1-25-02)
(53) (R. by Ord. 12,700, 10-20-00)
(54) On both sides of Groveland Terrace from Pflaum Road to Douglas Terrace between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,113, 12-22-94)
(55) On the southeast side of Speedway Road from a point 400 feet northeast of Hillcrest Drive to a point 400 feet southwest of Regent Street between 7:00 a.m. and 8:30 a.m. except Saturdays, Sundays and legal holidays. (Cr. by Ord. 11,317, 8-4-95)
(56) On the west side of Highland Avenue from a point 158 feet north of Regent Street to a point 108 feet south of Van Hise Avenue and on the east side of Highland Avenue from a point 140 feet north of Regent Street to a point 84 feet south of Van Hise Avenue between midnight and 7:45 a.m. (Cr. by Ord. 11,406, 11-16-95)
(57) On the east side of Walsh Road from Sycamore Avenue to a point 670 feet south therefrom between 9:00 p.m. and 6:00 a.m. (Cr. by Ord. 11,578, 5-1-96)
(58) On the west side of Kennedy Road from Claremont Lane to a point 175 feet south therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,669, 9-4-96)
(59) On the west side of Kennedy Road from Claremont Lane to a point 175 feet south therefrom between 7:30 a.m. to 4:30 p.m. on school days. (Cr. by Ord. 11,749, 12-13-96)
(60) On both sides of Wall Street from Crossroads Drive to City View Drive between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 11,752, 12-13-96)
(61) On both sides of Crossroads Drive from Wall Street to its southerly end between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 11,753, 12-13-96)
(62) On both sides of City View Drive from Burke Road to its southerly end between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 11,754, 12-13-96)
(63) On both sides of Promontory Place from High Crossing Boulevard to its southerly end between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 11,755, 12-13-96)
(64) On both sides of Cross Hill Drive from High Crossing Boulevard to its southerly end between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 11,756, 12-13-96)
(65) On the north side of East Washington Avenue service road between Hagan Drive and Continental Lane between 9:00 p.m. and 6:00 a.m. (Cr. by Ord. 11,757, 12-13-96)
(66) On the west side of Rosa Road from a point 140 feet north of Stadium Drive to a point 489 feet south of Stadium Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 12,185, 8-14-98)
(67) On both sides of Livingston Street from a point 583 feet south of Eat Main Street to East Washington Avenue between 9:00 p.m. and 2:00 a.m. (Cr. by Ord. 12,081, 4-20-98; Am. by Ord. 13,395, 8-23-03)
(68) On both sides of Main Street from South Blair to Paterson Street between 9:00 p.m. and 2:00 a.m. (Cr. by Ord. 12,083, 4-20-98; Am. by Ord. 12,426, 7-23-99; Ord. 13,396, 8-23-03)
(69) On both sides of Blount Street from Railroad Street to East Washington Avenue between 9:00 p.m. and 2:00 a.m. (Cr. by Ord. 12,084, 4-20-98; Am. by Ord. 13,397, 8-23-03)
(70) On the north side of Badger Road from Catalpa Road to the west side of Perry Street between 8:00 p.m. and 6:00 a.m. (Cr. by Ord. 12,430, 7-23-99)
(71) On both sides of Independence Lane from Dwight Drive to Frontage Road between 9:00 p.m. and 6:00 a.m. (Cr. by Ord. 12,920, 11-23-01)
(72) On the north side of Lexington Avenue from Jacobson Avenue to a point 125 feet west therefrom and to a point 180 feet east therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,282, 3-21-03)
(73) Reserved for Future Use.
(74) Reserved for Future Use.
(75) On the north side of Cable Avenue from Beach Street to a point 115 feet west therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 12,983, 12-24-01)
(76) On both sides of Weber Drive from Lake Point Drive to Wild Oak Circle between 4 p.m. and 6 a.m. (Cr. by Ord. 13,070, 5-29-02)

(77) On the north side of Post Road from Leopold Way to a point 241 feet west therefrom and from a point 553 feet west of Traceway Street to a point 161 feet west therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,068, 5-29-02; Am. by Ord. 13,459, 11-21-03)

(78) On the east side of Caromar Drive from a point 185 feet north of Clifden Drive to a point 550 feet north of Clifden Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,369, 7-22-03)

(79) On both sides of Quarry Park Road from City View Drive to a point 456 feet east therefrom between 10 p.m. and 5 a.m. (Cr. by Ord. 13,589, 4-21-04)

12.1331 VEHICLE TOWAWAY.

(1) The City of Madison Police Department is authorized to take any action authorized by Wis. Stat. §§ 349.13(3), 349.13(3m), 342.40(3), and 341.65(2), in addition to exercising any other lawful authority or duties with respect to the removal of vehicles from highways and public and private property within the City of Madison. The City of Madison Fire Department is authorized to tow, direct the towing of, or contract for the towing of any vehicle found in violation of Section 34.503(1)(b) of the Madison General Ordinances, in addition to exercising any other lawful authority or duties with respect to the removal of vehicles. For purposes of this section, "tow" and "towing" means to move or remove a vehicle to a place where parking is permitted or to either private or public parking or storage premises or direct or contract for the same. (Am. by Ord. 12,924, 11-23-01; ORD-10-00083, 9-15-10)

(2) Police Authorized Parking Zones. No person shall park, stop or leave standing any vehicle at any time upon any of the following highways or parts of highways, such areas being set aside for the exclusive temporary storage of police authorized towed vehicles.

(a) On the south side of West Washington Avenue from a point 565 feet east of South Park Street to a point 265 feet east therefrom. (Am. by Ord. 13,132, 8-28-02; Ord. 13,371, 7-22-03)

(3) Towing Charge Forfeiture. Pursuant to its authority under Wis. Stat. §§ 349.13(3), 349.13(3m), 342.40(3), and 341.65(2), the City of Madison hereby establishes a towing charge forfeiture. Whenever a vehicle is lawfully towed by or at the direction of the police or fire department, the owner or operator of the towed vehicle shall forfeit sixty-five dollars ($65). This forfeiture shall be in addition to any other charges which may be lawfully charged to the owner or operator of the vehicle for the cost of removal, impounding, immobilization, storage or disposal of said vehicle. (Am. by Ord. 12,924, 11-23-01; ORD-16-00012, 1-28-16)

(4) No Stopping, Standing, Parking in Commuter Lane Towaway Zones. No person shall park, stop or leave standing any vehicle, whether attended or unattended, on any street or portion of a street that is designated a "commuter lane," "commuter zone," or "towaway zone" by posting of official traffic sign(s) which identify the "commuter lane" or "commuter zone" or "towaway zone," indicate the parking restriction(s), and that the vehicle may be towed for violating the restriction(s). Any person violating this subsection shall forfeit not less than forty dollars ($40) and not more than one-hundred dollars ($100). (Cr. by Ord. 12,759, 2-7-01)

(Sec. 12.1331 Am. by Ord. 11,878, 6-13-97)

12.1332 PARKING PROHIBITED EXCEPT FOR COMMON MOTOR CARRIERS. No person shall park, stop or leave standing any vehicle except a vehicle licensed as a common motor carrier while actually engaged in receiving or discharging passengers upon the following highways or parts of highways at any time. (Am. by Ord. 8570, 4-24-85)

(1) On both sides of Anderson Street from International Lane to Wright Street. (Am. by Ord. 5403, 3-1-76)

(2) On the north side of Atwood Avenue from Sugar Avenue to a point 250 feet west of Sugar Avenue and on the south side from Elmside Boulevard to Maple Avenue. (Am. by Ord. 9688, 1-26-89 & 1-31-89)

(3) On both sides of Campus Drive from Farley Avenue and University Bay Drive to Johnson Street.

(4) (R. by Ord. 9294, 10-29-87)

(5) On the north side of Gorham Street from Henry Street to State Street and on the south side from Broom Street to Bassett Street.

(6) (R. by Ord. 7480, 8-11-81)

(7) On John Nolen Drive at the crosswalk into Law Park Parking Lot, north side, from a point 300 feet east of the crosswalk to a point 150 feet west of the crosswalk and on the south side from Broom Street to a point 150 feet east of the crosswalk and on both sides from North Shore Drive to Lakeside Street. (Am. by Ord. 5846, 5-13-77)

(8) (R. by Ord. 5404, 3-1-76)

(9) On the north side of Regent Street from a point 150 feet east of Larkin Street to Larkin Street. (Am. by Ord. 8441, 10-5-84)

(10) On the north side of Russett Road from Gilbert Road to Whitney Way.

(11) On the north side of Williamson Street from a point 260 feet west of Baldwin Street to a point 400 feet west of Baldwin Street. (Am. by Ord. 9592, Adopted 9-27-88)

(12) On both sides of Winnebago Street from Thornton Avenue to Merry Street. (Am. by Ord. 7479, 8-11-81)

(13) On the south side of Washington Avenue from Butler Street to Webster Street.

(14) On the southeast side of Speedway Road from Highland Avenue to Glenway Street, and on the northwest side from Highland Avenue to Hillcrest Drive. (Am. by Ord. 8014, 5-5-83)

(15) On the east side of Webster Street from Main Street to Washington Avenue. (Cr. by Ord. 5385, 2-18-76)

(16) On the south side of Washington Avenue from Henry Street to Fairchild Street. (Cr. by Ord. 5807, 3-28-77)

(17) On the north side of Wyoming Way from Monica Lane to a point 100 feet east of Esch Lane. (Am. by Ord. 9125, 2-27-87)

(18) On the north side of Academy Drive from a point 60 feet east of Vondron Road to a point 200 feet west of Vondron Road. (Cr. by Ord. 6011, 10-28-77)

(19) On the south side of Milwaukee Street from Schenk Street to a point 130 feet west therefrom. (Cr. by Ord. 6613, 5-4-79)

(20) On the west side of Lake Street from University Avenue to State Street. (Cr. by Ord. 7209, 1-29-81)

(21) On the north side of Johnson Street from Broom Street to Butler Street. (Am. by Ord. 9483, Adopted 5-3-88)

(22) On the east side of Lake Street from University Avenue to a point 150 feet north of University Avenue. (Cr. by Ord. 7736, 5-28-82)

(23) On the west side of Highland Avenue from University Avenue to a point 105 feet north therefrom. (Am. by Ord. 8612, 6-18-85)

(24) On the west side of Lake Street from University Avenue to a point 50 feet south of University Avenue and from a point 80 feet north of Johnson Street to Johnson Street. (Cr. by Ord. 7881, 11-29-82)

(25) On both sides of Broom Street from Dayton Street to Johnson Street. (Cr. by Ord. 8205, 12-28-83)

(26) On the south side of Johnson Street from Broom Street to a point 316 feet east of Broom Street, 255 feet west of Carroll Street to Carroll Street, Franklin Street to Blair Street, Butler Street to a point 150 feet east therefrom and from 100 feet west of Baldwin Street to Baldwin Street. (Am. by Ord. 9483, Adopted 5-3-88; Ord. 12,507, 12-20-99)

(27) On the south side of Regent Street from a point 170 feet west of Vista Road to Vista Road. (Cr. by Ord. 8829, 4-4-86)

(28) On both sides of Mineral Point Road from a point 200 feet west of south Midvale Boulevard to a point 115 feet east of south Midvale Boulevard. (Cr. by Ord. 8890, 6-12-86)

(29) On the west side of Grand Canyon Drive from Grand Teton Plaza to 140 feet south therefrom. (Cr. by Ord. 9153, 3-30-87)

(30) On both sides of Wright Street from Anderson Street to a point 900 feet north of Anderson Street. (Cr. by Ord. 9207, 6-1-87)

(31) On both sides of Park Court from Dempsey Road to Maher Avenue. (Cr. by Ord. 9339, 11-30-87)

(32) On the west side of Bedford Street from Washington Avenue to a point 135 feet south of Washington Avenue. (Cr. by Ord. 9483, Adopted 5-3-88)

(33) On the north side of Langdon Street from a point 220 feet west of Howard Place to 50 feet east of Howard Place. (Cr. by Ord. 9483, Adopted 5-3-88)

(34) On both sides of Mendota Court from Lake Street to and including its circle end. (Cr. by Ord. 9483, Adopted 5-3-88)

(35) On the north side of Regent Street from a point 125 feet west of Mills Street to a point 130 feet east of Brooks Street and on the south side from Park Street to a point 125 feet west of Mills Street and from a point 106 feet east of Randall Avenue to Randall Avenue. (Cr. by Ord. 9483, Adopted 5-3-88)

(36) (R. by Ord. 9774, 5-12-89)

(37) On both sides of Henry Street from Johnson Street to Dayton Street. (Cr. by Ord. 9483, Adopted 5-3-88)

(38) On both sides of Mohawk Drive from Nakoma Road to Doncaster Drive. (Cr. by Ord. 9592, Adopted 9-27-88)

(39) On both sides of Monroe Street from Odana Road to Lewis Court and on the south side from Regent Street to a point 590 feet east therefrom and on the north side from Little Street to a point 540 feet east therefrom. (Am. by Ord. 9775, 5-12-89)

(40) On the southeast side of Speedway Road from Glenway Street to a point 400 feet northeast of Hillcrest Drive and from Regent Street to a point 400 feet southwest therefrom and on the north side from Regent Street to a point 400 feet southwest therefrom. (Am. by Ord. 11,316, 8-4-95)

(41) On both sides of Sycamore Avenue from Walsh Road to a point 900 feet west therefrom. (Cr. by Ord. 9592, Adopted 9-27-88)

(42) On the east side of South Mills Street from Erin Street to Delaplaine Court and on the west side from Erin Street to Wingra Drive. (Cr. by Ord. 9677, 1-26-89 & 1-31-89)

(43) (R. by Ord. 11,149, 1-30-95)

(44) On both sides of Worthington Avenue from Clyde Gallagher Avenue to Rosemary Avenue. (Cr. by Ord. 11,044, 11-14-94)

(45) On the east side of Baird Street from Center Street to a point 190 feet east of Fisher Street. (Cr. by Ord. 11,045, 11-14-94; Am. by Ord. 12,220, 10-19-98

(46) On both sides of Lake Point Drive from Bridge Road to Hoboken Road and on the north side from Fayette Street to Hoboken Road.. (Cr. by Ord. 11,046, 11-14-94; Am. by Ord. 12,429, 7-23-99)

(47) On both sides of Dryden Drive from Northport Drive to Browning Road. (Cr. by Ord. 11,047, 11-14-94)

(48) On both sides of Cypress Way from Badger Road to Hughes Place. (Cr. by Ord. 11,114, 12-22-94)

(49) On both sides of Magnolia Lane from Cypress Way to Magnolia Circle. (Cr. by Ord. 11,115, 12-22-94)

(50) On the south side of Hughes Place to the easterly City limits. (Cr. by Ord. 11,116, 12-22-94)

(51) On the north side of Mifflin Street from Ingersoll Street to Brearly Street. (Cr. by Ord. 11,117, 12-22-94)
(52) On the north side of West Dayton Street from Charter Street to Orchard Street. (Cr. by Ord. 11,118, 12-22-94)
(53) On the west side of north Mills Street from Johnson Street to a point 110 feet north therefrom. (Cr. by Ord. 11,216, 3-31-95)
(54) On the south side of Mineral Point Road from Glenway Street to a point 130 feet west therefrom. (Cr. by Ord. 11,463, 12-14-95)
(55) On both sides of Allied Drive from the Verona Road Service Road to Crescent Road. (Cr. by Ord. 11,743, 12-13-96)
(56) On the north side of Lovell Lane from Allied Drive to Carling Drive and on the south side from Allied Drive to a point 285 feet west of Allied Drive. (Cr. by Ord. 12,085, 4-20-98)
(57) On the north side of Regent Street from Murray Street to a point 276 feet west therefrom. (Cr. by Ord. 12,701, 10-20-00)
(58) On both sides of Magnolia Circle from Magnolia Lane to and including its circle end. (Cr. by Ord. 12,962, 12-24-01)
(59) On the west side of Fisher Street from Buick Street to Dane Street. (Cr. by Ord. 12,963, 12-24-01)
(60) On the north side of Buick Street from Fisher Street to Taft Street. (Cr. by Ord. 12,964, 12-24-01)
(61) On the east side of Perry Street from Badger Road to a point 365 feet south therefrom. (Cr. by Ord. 13,066, 5-29-02)
(62) On the south side of Badger Road from Perry Street to Park Street. (Cr. by Ord. 13,064, 5-29-02)
(63) On both sides of Theresa Terrace from Hammersley Road to Jacobs Way. (Cr. by Ord. 13,461, 11-21-03)
(64) On the east side of Carling Drive from Lovell Lane to Frontage Road. (Cr. by Ord. 13,586, 4-21-04)
(65) On both sides of Dane Street from Fisher Street to Baird Street. (Cr. by Ord. 13,634, 6-23-04)
(66) On the north side of Harvey Street from a point 65 feet east of Ridge Street to Franklin Court. (Cr. by ORD-09-00010, 1-24-09)
(67) On the north side of Balsam Road from a point 292 feet west of Leland Drive to Thrush Lane and on the south side of Balsam Road. (Cr. by ORD-10-00121, 12-23-10)

12.1333 FIFTEEN MINUTE PARKING MISCELLANEOUS IRREGULAR PERIODS.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than fifteen (15) minutes on any day except Sundays and holidays on any of the following streets or parts of streets.

(1) On the south side of Sawyer Terrace from Segoe Road to a point 225 feet east therefrom and on the north side from Segoe Road to a point 146 feet east therefrom between the hours of 7:00 a.m. and 6:00 p.m.

(Sec. 12.1333 Cr. by Ord. 11,462, 12-14-95)

12.1334 PARKING PROHIBITED EXCEPT TEMPORARILY WHILE ATTENDED BY OPERATOR.

No person shall park, stop or leave standing any vehicle, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, upon any of the following highways or parts of highways, at the time indicated, and with the exceptions indicated.

(1) (R. by Ord. 11,742, 12-13-96)
(2) (R. by Ord. 5150, 9-12-75)
(3) (R. by Ord. 5050, 6-16-75)

(4) (R. by Ord. 9592, Adopted 9-27-88)
(5) (R. by Ord. 4629, 7-1-74)
(6) On the south side of Chadbourne Avenue from Ash Street to North Roby Road between 8:00 a.m. and 8:00 p.m. (Am. by Ord. 12,398, 6-18-99)
(7) On the north side of Chamberlain Avenue from Arlington Place to Farley Avenue between 8:00 a.m. and 8:00 p.m.
(8) On the north side of East Coldspring Avenue from West Lakeview Avenue to Monona Drive, and on the south side from Bainbridge Street to West Lakeview Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,575, 5-1-96)
(9) On the north side of Concord Avenue from Rosedale Avenue to Stoughton Road between 8:00 a.m. and 6:00 p.m., except Sundays and holidays.
(10) On the west side of Corry Street from St. Paul Avenue to Atwood Avenue between 8:00 a.m. and 8:00 p.m.
(11) On the east side of Corry Street from St. Paul Avenue to Milwaukee Street between 8:00 a.m. and 8:00 p.m.
(12) (R. by Ord. 11,845, 4-24-97)
(13) On the north side of Davidson Street from Monona Drive to Hegg Avenue between 8:00 a.m. and 8:00 p.m.
(14) On the north side of Dayton Street from Second Street to Fourth Street between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,684, 10-14-96)
(15) (R. by Ord. 9483, Adopted 5-3-88)
(16) On the north side of East Dayton Street from East Washington Avenue to North Street between 8:00 a.m. and 6:00 p.m., except Sundays and holidays.
(17) (R. by Ord. 9592, Adopted 9-27-88)
(18) On both sides of Douglas Trail from Alder Place to Kvamme Lane between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 12,124, 5-18-98; Ord. 12,630, 6-29-00)
(19) (R. by Ord. 4990, 6-4-75)
(20) (R. by Ord. 9592, Adopted 9-27-88)
(21) On the east side of Farwell Street from Milwaukee Street to South Court between 8:00 a.m. and 8:00 p.m.
(22) On the west side of Fifth Street from Johnson Street to Upham Street and on the east side from East Washington Avenue to Dayton Street between 9:00 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,686, 10-14-96)
(23) On the south side of Garrison Street from Atwood Avenue to Emmett Street between 8:00 a.m. and 8:00 p.m.
(24) (R. by Ord. 6765, 10-5-79)
(25) On both sides of Groveland Terrace from Acacia Lane to Douglas Terrace between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,119, 12-22-94)
(26) (R. by Ord. 6522, 2-23-79)
(27) On the east side of High Street from Delaplaine Court to a point 300 feet north of Short Street between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 4871, 2-3-75)
(28) (R. by Ord. 10,927, 6-17-94)
(29) On both sides of Jerome Street from Coldspring Avenue to Winnequah Road between 7:30 a.m. and 4:30 p.m. on school days.
(30) On the east side of Kedzie Street from East Washington Avenue to Johnson Street between 8:00 a.m. and 8:00 p.m.
(31) On the north side of Kendall Avenue from Farley Avenue to Franklin Street between 8:00 a.m. and 8:00 p.m.
(32) (R. by Ord. 6833, 12-12-79)
(33) (R. by Ord. 12,394, 6-18-99)
(34) (R. by Ord. 11,401, 11-16-95)
(35) (R. by Ord. 11,120, 12-22-94)

(36) (R. by Ord. 4225, 6-1-73)
(37) (R. by Ord. 5102, 8-7-75)
(38) (R. by Ord. 9592, Adopted 9-27-88)
(39) On the north side of Mifflin Street from Fourth Street to Second Street between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,687, 10-14-96)
(40) On the east side of Mills Street from Erin Street to Mound Street between 7:00 a.m. and 6:00 p.m., including Saturdays, Sundays and holidays. (Am. by Ord. 9679, 1-26-89 & 1-31-89)
(41) On the south side of Mohawk Drive from Doncaster Drive to Whenona Drive between 8:00 a.m. and 8:00 p.m., except Sundays and holidays.
(42) On the west side of Ohio Avenue from Atwood Avenue to Oakridge Avenue at all times, except Sundays and holidays.
(43) On the west side of Pawling Street from Johnson Street to Hoard Street between 8:00 a.m. and 6:00 p.m.
(44) On the south side of Pflaum Road from Alder Road to Groveland Terrace and from a point 70 feet west of Herro Lane to a point 160 feet west of Herro Lane and on the north side from a point 40 feet west of Kvamme Lane to Admiral Drive between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 12,717, 12-4-00)
(45) On the south side of Rowley Avenue from Spooner Street to Prospect Avenue between 8:00 a.m. and 8:00 p.m. (Am. by Ord. 10,851, 2-28-94)
(46) (R. by Ord. 9592, Adopted 9-27-88)
(47) On the west side of Sayle Street from Lakeside Street to Van Deusen Street between 7:00 a.m. and 6:00 p.m.
(48) On the north side of Sheboygan Avenue from a point 1,100 feet west of Segoe Road to Eau Claire Avenue between 7:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays.
(49) On the east side of Sherman Avenue from McGuire Street to Fordem Avenue and from a point 160 feet north of Erie Court to Commercial Avenue and from the Chicago and North Western Railroad to Windom Way; and on the west side from Harbort Drive to Burrows Road, and from the Chicago and North Western Railroad to Trailsway between 7:00 a.m. and 6:00 p.m. (Am. by Ord. 5489, 5-14-76)
(50) On the south side of Spaight Street from Ingersoll Street to Few Street between 8:00 a.m. and 6:00 p.m., except Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)
(51) (R. by Ord. 12,393, 6-18-99)
(52) (R. by Ord. 9483, Adopted 5-3-88)
(53) On the north side of Stevens Street from Grand Avenue to Franklin Avenue between 8:00 a.m. and 8:00 p.m.
(54) (R. by Ord. 8328, 5-11-84)
(55) (R. by Ord. 11,379, 10-23-95)
(56) On the north side of Tennyson Lane between North Sherman Avenue and a point 70 feet west of Spenser Lane and from a point 50 feet east of Spenser Lane to Eliot Lane; and on the south side, from North Sherman Avenue to a point 100 feet west of Spenser Lane and from a point 60 feet east of Spenser Lane to Eliot Lane between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 6133, 2-13-78)
(57) On the east side of Third Street from East Washington Avenue to Johnson Street between 7:30 a.m. and 4:30 p.m. on school days.
(58) On the south side of Van Hise Avenue from Highland Avenue to Allen Street between 8:00 a.m. and 8:00 p.m.
(59) (R. by Ord. 5288, 2-10-76)
(60) On the north side of Van Hise Avenue from Roby Road to Allen Street between 8:00 a.m. and 8:00 p.m. (Am. by Ord. 12,392, 6-18-99)
(61) On the east side of Waubesa Street from Atwood Avenue to a point 460 feet south of LaFollette Avenue and from LaFollette Avenue to Milwaukee Street between 8:00 a.m. and 8:00 p.m. (Am. by Ord. 9592, Adopted 9-27-88)

(62) On the south side of Wyoming Way from a point 80 feet east of Esch Lane to a point 450 feet east of Esch Lane between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 9123, 2-27-87)
(63) (R. by Ord. 8837, 4-4-86)
(64) (R. by Ord. 6031, 11-11-77)
(65) On the west side of Park Street from Erin Street to Fish Hatchery Road between 4:00 p.m. and 6:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 4258, 7-12-73; Am. by ORD-07-00050, 4-12-07)
(66) On the east side of Gilbert Road from a point 250 feet north of Russett Road to Flad Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 9109, 2-27-87)
(67) On the south side of Buena Vista Street from Garrison Street to Fair Oaks Avenue between 8:00 a.m. and 8:00 p.m. (Cr. by Ord. 4502, 3-6-74)
(68) (R. by Ord. 8728, 11-29-85)
(69) On both sides of Lake View Avenue from Esch Lane to a point 400 feet east therefrom between 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 4538, 4-10-74)
(70) On the west side of Prospect Avenue from Commonwealth Avenue to Regent Street between 7:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 4579, 5-24-74)
(71) On the north side of Van Hise Avenue from Ash Street to Highland Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 11,759, 12-13-96)
(72) (R. by Ord. 12,538, 2-18-00)
(73) (R. by Ord. 5291, 2-10-76)
(74) (R. by Ord. 5765, 3-7-77)
(75) On the east side of Brooks Street from Chandler Street to Erin Street and from Delaplaine Court to Haywood Drive between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 5292, 2-10-76)
(76) On the south side of Medical Circle from a point 165 feet west of Whitney Way to a point 400 feet west therefrom between 7:00 a.m. and 6:00 p.m. (Am. by Ord. 11,121, 12-22-94)
(77) On the east side of Ingersoll Street from Dayton Street to a point 170 feet south therefrom between 7:30 a.m. and 4:30 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9147, 3-30-87)
(78) On the east side of Randall Avenue from Mound Street to Drake Street between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 4874, 2-3-75)
(79) (R. by Ord. 5566, 8-13-76)
(80) On the south side of East Washington Avenue from the Chicago and North Western Railroad tracks to First Street between 4:00 p.m. and 6:00 p.m., except Saturdays, Sundays, and holidays. (Cr. by Ord. 4993, 6-4-75)
(81) (R. by Ord. 7737, 5-28-82)
(82) On the east side of Orchard Street from Drake Street to Erin Street between 8:00 a.m. and 8:00 p.m. (Cr. by Ord. 5005, 6-4-75)
(83) On the west side of Claire Street from Cottage Grove Road to Gary Street between 8:00 a.m. and 4:00 p.m. (Am. by Ord. 8727, 11-29-85)
(84) On the east side of Seminole Highway from Manitou Way to a point 200 feet south of Nakoma Road and from the West Beltline Highway to Sheffield Road between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays, and holidays. (Am. by Ord. 9592, Adopted 9-27-88)
(85) On the south side of Erie Court from Fordem Avenue to Superior Street between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 5275, 2-10-76)
(86) On the west side of Superior Street from Michigan Court to North-field Place between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 5276, 2-10-76)
(87) (R. by Ord. 11,417, 11-16-95)

(88) On both sides of Pontiac Trail from Hammersley Road to Onaway Pass between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 5304, 2-10-76)

(89) On the north and east side of the Stoughton Road Service Road from Blossom Lane to a point 275 feet west and north therefrom, between 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 5559, 8-13-76)

(90) On the south side of Delaplaine Court from Brooks Street to a point 220 feet east therefrom, between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 6084, 1-6-78)

(91) (R. by Ord. 9592, Adopted 9-27-88)

(92) On the west side of South Street from Appleton Road to a point 425 feet north therefrom, between 8:00 a.m. and 6:00 p.m. (Am. by Ord. 5650, 11-3-76)

(93) On the south side of Barton Road from Lewon Drive to a point 280 feet east therefrom between 8:00 a.m. and 8:00 p.m. (Cr. by Ord. 5588, 9-13-76)

(94) On the south side of Old Sauk Road from a point 802 feet west of Old Middleton Road to a point 1,176 feet west of Old Middleton Road, between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 9592, Adopted 9-27-88; Am. by Ord. 12,434, 10-24-03)

(95) (R. by Ord. 9122, 2-27-87)

(96) On the west side of Esch Lane from Wyoming Way to Delaware Boulevard between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 5990, 9-30-77)

(97) On the south side of Hermina Street from Marquette Street to Clyde Gallagher Avenue between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 6173, 3-9-78)

(98) On the west side of Farley Avenue from Stevens Street to a point 220 feet south of University Avenue between 8:00 a.m. and 6:00 p.m. (Am. by Ord. 6524, 2-23-79)

(99) On the north side of Jenifer Street from Williamson Street to Baldwin Street between 8:00 a.m. and 4:00 p.m. on odd-numbered calendar days and on the south side of Jenifer Street from Williamson Street to Baldwin Street between 8:00 a.m. and 4:00 p.m. on even-numbered calendar days. These prohibitions are in effect from December 1 to March 15. (Am. by Ord. 11,134, 1-6-95)

(100) On the south side of Bascom Street from Bascom Place to Prospect Avenue between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 6525, 2-23-79)

(101) On the north side of Waunona Way from Hoboken Road to its easterly dead end between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 6529, 2-23-79)

(102) On the north side of Van Hise Avenue from Grand Avenue to Highland Avenue between 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 6520, 2-23-79)

(103) On the north side of Farragut Street from Sherman Avenue to Fremont Avenue between 8:00 a.m. and 8:00 p.m. (Am. by Ord. 7211, 1-29-81)

(104) (R. by Ord. 7454, 6-25-81)

(105) On the west side of Seminole Highway from the West Beltline Highway to Sheffield Road between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 6662, 7-10-79)

(106) (R. by ORD-05-00069, 3-29-05)

(107) On the south side of Lakeside Street from Lake Court to a point 90 feet east of Rowell Street between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 6661, 7-10-79)

(108) On the north side of Davies Street from Buckeye Road to Hegg Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 6839, 12-12-79)

(109) (R. by Ord. 9338, 11-30-87)

(110) On the west side of Larkin Street from Regent Street to Plymouth Circle between 8:00 a.m. and 6:00 p.m. except Sundays and holidays. (Cr. by Ord. 6939, 3-20-80)

(111) On the east side of School Road from a point 175 feet south of Northport Drive to a point 390 feet south of Northport Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 7118, 10-9-80)

(112) (R. by Ord. 12,145, 6-12-98)

(113) On the west side of Ruskin Street from a point 130 feet south of Schlimgen Avenue to Spohn Avenue between 8:00 a.m. and 6:00 p.m. (Am. by Ord. 7354, 3-6-81)

(114) On the west side of Lake Mendota Drive from Spring Harbor Drive to Harbor Court between 8:00 a.m. and 8:00 p.m. (Cr. by Ord. 7412, 5-7-81)

(115) (R. by Ord. 11,859, 5-19-97)

(116) On both sides of Kvamme Lane from Pflaum Road to Douglas Trail between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 7589, 12-17-81)

(117) On the east side of Woodrow Street from Monroe Street to Edgewood Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 8013, 5-5-83)

(118) (R. by Ord. 13,370, 7-22-03)

(119) (R. by Ord. 10,366, 1-30-92)

(120) On the south side of Norman Way from Wood Circle to Greening Lane between 8:00 a.m. to 1:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 8835, 4-4-86)

(121) On both sides of Greening Way from Norman Way to Epworth Court between 8:00 a.m. to 1:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 8834, 4-4-86)

(122) On the north side of Clifden Drive from Caromar Drive to Owen Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 8831, 4-4-86)

(123) On both sides of Westmorland Boulevard from Mineral Point Road to Saint Claire Street between 7:00 a.m. and 8:00 p.m. (Cr. by Ord. 8851, 4-11-86)

(124) On the west side of Glenway Street from Regent Street to Ridge Street from 8:00 a.m. to 6:00 p.m. except Sundays and holidays. (Cr. by Ord. 8924, 7-24-86)

(125) On the east side of Castle Place between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 8962, 9-12-86)

(126) On the north side of Potter Street from Rowell Street to Lawrence Street between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9038, 12-23-86)

(127) On the south side of Schroeder Road from Hampshire Place to a point 610 feet east of Schroeder Court between 7:00 a.m. and 6:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 11,486, 1-5-96)

(128) On the east side of Wright Street from Straubel Street to a point 200 feet south of Anderson Street between 7:00 a.m. and 6:00 p.m. (Cr. by Ord. 9118, 2-27-87)

(129) On the south side of Dayton Street from Ingersoll Street to a point 200 feet west of Ingersoll Street between 7:30 a.m. and 4:30 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 9148, 3-30-87)

(130) (R. by Ord. 11,049, 11-14-94)

(131) On the west side of North Livingston Street from East Mifflin Street to a point 235 feet south therefrom between 6:00 a.m. and 8:30 a.m. (Cr. by Ord. 9287, 10-29-87)

(132) (R. by Ord. 12,998, 1-25-02)

(133) On the west side of Vondron Road from Academy Drive to Starker Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9297, 10-29-87)

(134) On the north side of Ridgeway Avenue from a point 317 feet east of Schmedeman Avenue to a point 222 feet west of Schmedeman Avenue and from Reindahl Avenue to a point 193 feet east therefrom and on the south side from a point 236 feet east of Schmedeman Avenue to a point 222 feet west of Schmedeman Avenue and from Reindahl Avenue to a point 193 feet east therefrom between 6:00 P.M. and 6:00 A.M. (Am. by Ord. 9442, 3-25-88; Ord. 12,948, 12-24-01)

(135) On the east side of Charter Street from Johnson Street to a point 145 feet north of Johnson Street at all times except Sundays. (Cr. by Ord. 9483, Adopted 5-3-88)

(136) (R. by Ord. 9764, 4-28-89)

(137) On both sides of Crest Line Drive between 9:00 P.M. and 6:00 A.M. (Cr. by Ord. 9413, 2-29-88)

(138) On both sides of Spaanem Avenue from Hob Street to Pflaum Road between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9544, 7-28-88)

(139) On the north side of Linda Vista Road from Spaanem Avenue to Turner Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9543, 7-28-88)

(140) On the north side of Russett Road from Gilbert Road to a point 325 feet east of Gilbert Road between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9541, 7-28-88)

(141) On both sides of Turner Avenue from Hob Street to Pflaum Road between 7:30 a.m. and 4:30 p.m. on school days. (Am. by Ord. 12,123, 5-18-98)

(142) On the west side of Holly Avenue from Mineral Point Road to Euclid Avenue from 7:30 a.m. to 4:30 p.m. on school days. (Cr. by Ord. 9592, Adopted 9-27-88)

(143) On the east side of Ingersoll Street from Main Street to a point 450 feet south therefrom between 1:00 a.m. and 7:00 a.m. (Cr. by Ord. 9592, Adopted 9-27-88)

(144) On the east side of Seventh Street from Johnson Street to Dayton Street between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9592, Adopted 9-27-88)

(145) On the east side of Maywood Street from Hoard Street to its southern end between 7:00 a.m. and 1:00 p.m. on Sundays only. (Am. by Ord. 9692, 1-26-89 & 1-31-89)

(146) On both sides of Ridgeway Avenue from Mendota Street to its easterly end between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 9854, 9-28-89)

(147) On the south side of Rowley Avenue from a point 310 feet east of Allen Street to a point 450 feet east of Allen Street except Saturday and Sunday. (Cr. by Ord. 10,852, 2-28-94)

(148) On the both sides of Dover Place from Acacia Lane to Douglas Trail between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 10,897, 5-2-94; Am. by Ord. 12,629, 6-29-00)

(149) On the east side of north Mills Street from University Avenue to Conklin Place and on the west side of north Mills Street from a point 70 feet south of University Avenue to a point 110 feet north of Johnson Street, except Sundays. (Cr. by Ord. 11,215, 3-31-95)

(150) (R. by Ord. 12,994, 1-25-02)

(151) On the north side of McKinley Street from Ridge Street to a point 325 feet west therefrom between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 11,385, 10-27-95)

(152) On both sides of Straubel Street from Wright Street to its westerly end between 7:00 a.m. and 6:00 p.m. (Cr. by Ord. 11,412, 11-16-95)

(153) On both sides of Louden Lane from Acacia Lane to Douglas Trail between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,410, 11-16-95)

(154) On the south side of Flad Avenue from Gilbert Road to a point 451 feet east therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,459, 12-14-95)

(155) Reserved for Future Use.

(156) On the south side of Dayton Street from Fifth Street to the circle end east of Sixth Street between 9:00 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,685, 10-14-96)

(157) On the south side of Mifflin Street from Fifth Street to Seventh Street between 9:00 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 11,688, 10-14-96)

(158) On the east side of Saybrook Road from a point 72 feet south of Schroeder Road to Yorkshire Road between 5:00 p.m. and 6:00 a.m. (Cr. by Ord. 11,710, 11-13-96)

(159) On the south side of Yorkshire Road from Saybrook Road to a point 209 feet west therefrom between 5:00 p.m. and 6:00 a.m. (Cr. by Ord. 11,713, 11-13-96)

(160) On the south side of Flad Avenue from a point 451 feet east of Gilbert Road to Maria Place between 7:00 a.m. and 9:00 a.m. Monday through Friday. (Cr. by Ord. 11,739, 12-13-96)

(161) On both sides of Maher Avenue from Linda Vista Road to Pflaum Road between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 12,076, 4-20-98; Am. by Ord. 12,922, 11-23-01)

(162) On the west side of Rosa Road from a point 202 feet north of South Hill Drive to a point 248 feet north of South Hill Drive between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 12,186, 8-14-98)

(163) On the west side of Leonard Street on odd numbered calendar days and on the east side on even numbered days from West Lawn Avenue to Monroe Street between 8:00 a.m. and 6:00 p.m. (Cr. by Ord. 12,421, 7-23-99)

(164) On the west side of Painted Post Drive from Amsterdam Avenue to a point 140 feet northerly therefrom. (Cr. by Ord. 12,436, 7-23-99)

(165) On the west side of Merrill Crest from Shaw Court to Regent Street between 8:00 a.m. and 2:00 p.m. on Sundays. (Cr. by Ord. 12,766, 2-27-01)

(166) On the north side of Langlois Street between 8:00 a.m. and 2:00 p.m. on Sundays. (Cr. by Ord. 12,767, 2-27-01)

(167) On the east side of Thornton Avenue from Main Street to a point 583 feet south therefrom from 7:00 a.m. to 6:00 p.m. (Cr. by Ord. 12,921, 11-23-01)

(168) On the east side of Reindahl Avenue from Ridgeway Avenue to Graceland Avenue between 6:00 p.m. and 6:00 a.m. (Cr. by Ord. 12,953, 12-24-01)

(169) On the north side of Post Road from a point 119 feet west of Traceway Drive to a point 433 feet west therefrom between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,069, 5-29-02; Am. by Ord. 13,460, 11-21-03)

(170) On the west side of O'Neill Avenue from a point 370 feet north of Roth Street to Roth Street between 7:00 a.m. and 6:00 p.m. except Saturdays, Sundays, and holidays. (Cr. by Ord. 13,086, 6-25-02)

(171) On both sides of Bainbridge Street from east Winnequah Road to East Coldspring Avenue between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,186, 11-26-02)

(172) On both sides of Lakeview Avenue from Buckeye Road to Lance Lane between 7:30 a.m. and 4:30 p.m. on school days. (Cr. by Ord. 13,187, 11-26-02)

(173) On the east side of Westfield Road from Apple Hill Circle to a point 379 feet north therefrom and on the west side from Apple Hill Circle to a point 187 feet north therefrom between 10:00 p.m. and 5:00 a.m. (Cr. by Ord. 13,367, 7-23-03)

(174) On both sides of Winnequah Road from Monona Drive to Jerome Street between 7:30 a.m. to 4:30 p.m. on school days. (Cr. by Ord. 13,534, 2-24-04; Am. by Ord. 13,587, 4-21-04)

(175) On the south side of Rugby Row from Virginia Terrace to Commonwealth Avenue from 8:00 a.m. to 6:00 p.m. (Cr. by ORD-05-00023, 2-24-05)

(176) On the east side of Virginia Terrace from Eaton Ridge to Rugby Row from 8:00 a.m. to 6:00 p.m. (Cr. by ORD-05-00025, 2-24-05)

(177) On both sides of Rethke Avenue from the Commercial Avenue Service Road to Webb Avenue between the hours of 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Cr. by ORD-05-00031, 2-24-05)

12.1335 ALTERNATE-SIDE PARKING AND SNOW EMERGENCY PARKING.

(1) Alternate-side parking. From the dates of November 15 to March 15, between the hours of 1:00 a.m. and 7:00 a.m. all vehicles will be parked only on the even-numbered side of the street on even-numbered calendar days, and only on the odd side of the street on odd-numbered calendar days; unless otherwise posted or exempted in this ordinance. No person shall park, stop, or leave standing any vehicle in violation of this subsection.

A street which is divided by a boulevard, median strip, or other separation between the traveled portions of the roadway shall be considered to be one street for the purposes of this ordinance. A street which is a circle or court and is numbered with all odd or all even house numbers shall not be exempt from this ordinance unless specifically listed under the exceptions in Subsection (5).

(2) "Snow Emergency Zone." Alternate-side parking as defined in Subsection (1) shall not apply to the area defined as a Snow Emergency Zone unless a snow emergency has been declared under this section. Snow Emergency Zone is defined as the area within the city bounded by Lake Mendota, the Yahara River, Lake Monona, the northern border of Brittingham Park until the intersection of Park Street, West Washington Avenue, and Vilas Avenue, and the portion of Park Street continuing north from said intersection to Lake Mendota. (Am. by ORD-16-00016, 1-28-16)

(3) Signage. The Traffic Engineer shall erect appropriate signs designating the restrictions as required under Wis. Stat. § 349.13.

(4) Snow Emergency Parking. The Street Superintendent, or designee, may declare a snow emergency whenever it becomes necessary to clear the streets of snow and ice to effectuate the movement of vehicles. Factors which constitute a snow emergency include, but are not limited to, the accumulation of snow or ice on any street or area which hinders the safe movement of traffic or impedes the ability of emergency vehicles and public transportation vehicles to travel safely and expeditiously over such streets or areas.

(a) Media Declaration. The Street Superintendent, or designee, shall declare the beginning of a snow emergency and the application of emergency snow parking regulations by appropriate public media.

(b) Duration. A snow emergency declared under this subsection shall remain in effect for 48 hours unless specifically extended by the Street Superintendent or designee through a second media declaration under Subsection (4)(a). or unless cancelled under Subsection (5)(d).

(c) Parking Restrictions During Snow Emergency. Upon the declaration of a snow emergency under this subsection, the alternate-side parking restrictions under Subsection (1) shall apply to the entire city, including the area within the city defined in Subsection (2) as a Snow Emergency Zone and no person shall park, stop or leave standing any vehicle in violation of Subsection (1) for the duration of the snow emergency, unless otherwise excepted in Subsection (5). The declaration of a snow emergency is not limited to the dates of November 15 to March 15 as listed in Subsection (1). (Am. by ORD-08-00060, 6-7-08; ORD-16-00016, 1-28-16)

(d) Any person violating Subs. (1) or (4)(c) of this ordinance is subject to towing and fees for towing pursuant to Sec. 12.1331, MGO. (Cr. by ORD-08-00127, 11-22-08)

(e) Cancellation of Snow Emergency. The Mayor, or designee, after consultation with the Street Superintendent, or designee, may suspend the provisions of this subsection, whereupon Subsections (1), (2), (3), and (5) shall be in effect in their entirety.

(5) Exceptions. The following streets or portions of streets shall be excepted from the provisions of this ordinance:

(a) Blocks of streets which prohibit parking at all times on one side of said block or street and which permit parking of any status on the other side of said block or street. "Block" shall mean that portion of a street between two intersecting streets. For purposes of this section, an intersecting street includes both a street which fully intersects the street in question, and a street which begins or terminates at the street in question.

(b) Jenifer Street between Williamson Street and South Baldwin Street.

(c) The following portions of streets, commonly known as "circles" or "courts":

2-22 Appomattox Court, 5-9 Ashland Court, 3-11 Beaumont Circle, 1-21 Black Oak Circle, 1-29 Blue Ridge Court, 4-22 Bonner Circle, 6-26 Brompton Circle, 1-21 Burningwood Court, 2-10 Calumet Circle, 6-18 Cathy Court, 1-13 Cobblestone Court, 2-10 Denton Circle, 2-22 Dorfmeister Court, 3-11 Downer Circle, 1-17 Dumont Circle, 2-30 Eldon Court, 3-9 Elgar Circle, 2-22 Ellie Circle, 1-11 Fremont Circle, 1-9 Gale Court, 6-14 Georgiana Circle, 3-11 Gina Court, 6-18 Glacier Court, 5-35 Hiawatha Circle, 1-21 Hoff Court, 1-25 Homestead Court, 3-9 Jay Circle, 3-11 Judy Circle, 5-21 Kewaunee Court, 6-14 Knollwood Court, 1-17 Leah Court, 3-11 Leland Circle, 6-22 Magnolia Circle, 4020 Mandan Circle, 9-25 Menomonie Court, 5-7 Oconto Court, 10-22 Pelham Court, 1-25 Piedmont Court, 1-29 Pilgrim Circle, 8-22 Quinn Circle, 1-11 Robin Circle, 317-332 Seth Circle, 2109-2121 Sheridan Circle, 6-18 Starr Court, 2-22 Sumter Court, 1-9 Susan Circle,

5-25 Walworth Court, 5-7 Waupaca Court, 7-15 Waushara Circle, 2-22 Wood Circle, 5-21 Wood Crest Court, 1-29 Woodvale Circle, 6-10 Wyldewood Circle, and 6-10 Yellowstone Court,

(Sec. 12.1335 Am. by Ord. 11,542, 3-14-96; Ord. 12,505, 11-19-99)

(6) Violations.

(a) Any person violating Subsection (1) when there is no snow emergency is in violation of this section.

(b) Any person violating Subsection (1) or (4)(c) during a snow emergency is in violation of this section.

(Cr. by ORD-08-00127, 11-22-08)

12.1336 THIRTY MINUTE PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than thirty (30) minutes between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following streets or parts of streets.

(1) (R. by Ord. 9483, Adopted 5-3-88)

(2) On the south side of Hammersley Road from Heritage Circle to a point 115 feet west therefrom and on the north side from Pontiac Trail to a point 100 feet east therefrom. (Am. by Ord. 5300, 2-10-76)

(3) On the west side of Lake Street from Langdon Street to State Street (Am. by Ord. 9483, Adopted 5-3-88)

(4) (R. by Ord. 9483, Adopted 5-3-88)

(5) (R. by Ord. 6927, 3-20-80)

(6) (R. by Ord. 6926, 3-20-80)

(7) (R. by Ord. 9592, Adopted 9-27-88)

(8) (R. by Ord. 6343, 8-16-78)

(9) (R. by Ord. 6343, 8-16-78)

(10) On the north side of Lakeside Street from Clarence Court to Rowell Street and on the south side from Rowell Street to a point 90 feet east therefrom. (Cr. by Ord. 8708, 10-28-85)

(11) (R. by Ord. 10,814, 1-31-94)

(12) On the west side of Bassett Street from Mifflin Street to a point 95 feet south therefrom. (Am. by Ord. 11,761, 12-13-96)

12.1337 THIRTY-SIX MINUTE PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than thirty-six (36) minutes between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following streets or parts of streets.

(1) (R. by Ord. 9483, Adopted 5-3-88)

(2) On both sides of Wilson Street from Carroll Street to Martin Luther King Jr. Boulevard. (Am. by Ord. 9087, 1-29-87)

(Sec. 12.1337 Cr. by Ord. 6344, 8-16-78)

12.1338 FIFTEEN MINUTE PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than fifteen (15) minutes between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays, and except certain other days where stated, on any of the following streets or parts of streets.

(1) On the east side of South Broom Street from West Main Street to a point 60 feet north therefrom. (Cr. by Ord. 9289, 10-29-87)

(2) (R. by Ord. 11,442, 12-14-95)

(3) (R. by Ord. 10,816, 1-31-94)

(Sec. 12.1338 Cr. by Ord. 9208, 6-1-87)

12.1339 CLEAN STREETS AND CLEAN LAKES PARKING RESTRICTIONS. (Am. by ORD-08-00127, 11-22-08)

(1) In order to facilitate the removal of all manner of debris and snow from the highways and parts of highways located within the City of Madison, no person shall park, stop, or leave standing any motor vehicle on any highway or part of a highway where and when prohibited by an official traffic sign. (Am. by Ord. 13,553, 4-6-04; ORD-08-00081, 7-17-08; ORD-10-00018, 2-18-10; ORD-10-00060, 6-11-10)

(2) The Traffic Engineer shall erect appropriate signs designating the restrictions of Subsection (1) of this ordinance.

(3) Any person violating Subsection (1) of this ordinance shall be required to forfeit not less than five dollars ($5) nor more than fifty dollars ($50).

(Sec. 12.1339 Cr. by Ord. 11,219, 3-31-95)

12.134 ONE HOUR PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than one hour between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following streets or parts of streets.

(1) (R. by Ord. 5359, 2-18-76)

(2) On the north side of Dayton Street from Carroll Street to a point 120 feet west of Hamilton Street, and on the south side from State Street to Carroll Street, and from a point 150 feet east of Wisconsin Avenue to Hamilton Street. (Am. by Ord. 9483, Adopted 5-3-88)

(3) On the south side of Doty Street from Hamilton Street to Carroll Street and on both sides from Carroll Street to Pinckney Street. (Am. by Ord. 12,000, 12-30-97)

(4) On the east side of Fairchild Street from Hamilton Street to State Street, and on the west side from Main Street to Washington Avenue, and from a point 200 feet north of Washington Avenue to State Street. (Am. by Ord. 7504, 8-27-81)

(5) (R. by Ord. 6767, 10-5-79)

(6) On both sides of Hamilton Street from Dayton Street to Mifflin Street, and from Main Street to Doty Street.

(7) (R. by Ord. 12,059, 3-27-98)

(8) On the south side of Langdon Street from Park Street to a point 300 feet east therefrom.

(9) On the south side of Main Street from Fairchild Street to Carroll Street and on both sides from Franklin Street to Blair Street. (Am. by Ord. 12,062, 3-27-98)

(10) On the north side of Mifflin Street from Webster Street to Pinckney Street and from Carroll Street to Fairchild Street, and on both sides from Fairchild Street to Henry Street. (Am. by Ord. 6928, 3-20-80)

(11) On both sides and at the median parking islands of Martin Luther King, Jr. Boulevard from Main Street to Wilson Street. (Am. by Ord. 9087, 1-29-87)

(12) On the east side of Pinckney Street from Doty Street to Main Street and from Mifflin Street to Dayton Street. (Am. by Ord. 9483, Adopted 5-3-88)

(13) (R. by Ord. 6017, 10-28-77)

(14) On the north side of Washington Avenue from Henry Street to Carroll Street and on the south side from Fairchild Street to Carroll Street. (Am. by Ord. 9483, Adopted 5-3-88)

(15) On both sides of Washington Avenue from Pinckney Street to Webster Street. (Am. by Ord. 9483, Adopted 5-3-88)

(16) On the west side of Webster Street from Hamilton Street to Main Street and on the east side from Mifflin Street to Washington Avenue. (Am. by Ord. 12,002, 12-30-97)

(17) On both sides of Wilson Street from Martin Luther King, Jr. Boulevard to Pinckney Street and on the south side from Blair Street to Blount Street. (Am. by Ord. 9087, 1-29-87)

(18) On both sides of Wisconsin Avenue from Johnson Street to Mifflin Street, and at the median parking island from Mifflin Street to Dayton Street.

(19) (R. by Ord. 9483, Adopted 5-3-88)

(20) On the west side of Carroll Street from Dayton Street to Mifflin Street, and from Main Street to Doty Street, and from a point 140 feet south of Doty Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88)

(21) (R. by Ord. 7501, 8-27-81)

(22) On both sides of Hancock Street from Main Street to Wilson Street, except Saturdays. (Cr. by Ord. 9921, 12-29-89)

(23) On both sides of Franklin Street from East Washington Avenue to Main Street, on the west side from a point 230 feet south of Main Street to Wilson Street, and on the east side from a point 140 feet north of Wilson Street to Main Street, except Saturdays. (Am. by Ord. 12,116, 5-18-98)

(24) On both sides of Vilas Avenue from Lincoln Street to Edgewood Avenue, except Saturdays, Sundays and holidays. (Cr. by Ord. 11,128, 12-22-94)

(25) On the west side of Leonard Street on even numbered calendar days and on the east side on odd numbered calendar days from West Lawn Avenue to Monroe Street. (Cr. by Ord. 12,422, 7-23-99)

12.136 ONE HOUR PARKING, MISCELLANEOUS SPECIFIED TIMES.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than one hour during the hours and on the days stated, except Sundays and holidays, on any of the following streets or parts of streets:

(1) (R. by Ord. 7502, 8-27-81)

(2) On the south side of Doty Street from Hamilton Street to Pinckney Street between 8:00 a.m. and 4:00 p.m. (Cr. by Ord. 5369, 2-18-76)

(3) (R. by Ord. 12,003, 12-30-97)

(4) In the parking area on the east side of Wisconsin Avenue north of Langdon Street 24 hours per day including Sundays and holidays. (Cr. by Ord. 10,863, 3-14-94)

(5) On the north side of Regent Street from a point 125 feet east of North Allen Street to North Allen Street between 8:00 a.m. and 4:00 p.m. except football Saturdays, Sundays and holidays. (Cr. by Ord. 12,981, 12-24-01)

12.137 TWO HOUR PARKING 8:00 A.M. TO 6:00 P.M. No person shall park, stop or leave standing any vehicle whether attended or unattended, for more than two hours between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays, and except certain other days where stated, on any of the following streets or parts of streets.

(1) On both sides of Adams Street from Randall Avenue to Van Buren Street, and from Lincoln Street to Edgewood Avenue, except Saturdays, Sundays and holidays. (Am. by Ord. 11,276, 6-19-95; Ord. 13,661, 7-28-04)

(2) On the east side of Allen Street from Regent Street to University Avenue, and on the west side of Allen Street from Regent Street to a point 80 feet south therefrom. (Am. by Ord. 6332, 8-3-78)

(3) On the northwest side of the parking bay in the 1900 block of Atwood Avenue and on both sides of the parking bay in the 2100 block of Atwood Avenue. (Am. by Ord. 8535, 3-11-85)

(4) On both sides of Atwood Avenue from First Street to Winnebago Street and on the south side from Winnebago Street to Corscot Court. (Am. by Ord. 5030, 6-4-75)

(5) (R. by Ord. 9592, Adopted 9-27-88)

(6) (R. by Ord. 5149, 9-12-75)

(7) On the east side of Baldwin Street from East Washington Avenue to Johnson Street a point 247 feet north therefrom and from a point 115 feet south of Johnson Street to a point 163 feet south of Johnson Street, and on the west side from East Washington Avenue to a point 223 feet north therefrom and from Mifflin Street to a point 212 feet north therefrom and from Johnson Street to a point 161 feet south therefrom. (Am. by Ord. 13,581, 4-21-04)

(8) On the east side of Baldwin Street from Washington Avenue to a point 500 feet south therefrom and on both sides from Williamson Street to Jenifer Street. (Am. by Ord. 7726, 5-28-82)

(9) On the west side of Bassett Street from Dayton Street to Mifflin Street, and from a point 50 feet south of Mifflin Street to a point 150 feet north of Washington Avenue and from Washington Avenue to a point 115 feet north of Wilson Street, and on both sides from Wilson Street to its south end. (Am. by Ord. 11,484, 1-5-96)

(10) (R. by Ord. 7360, 3-12-81)

(11) On the south side of Beacon Street from Brooks Street to Park Street.

(12) On the east side of Bedford Street from Main Street to Mifflin Street and from a point 232 feet north of Mifflin Street to Dayton Street, and on the west side from a point 260 feet south of Dayton Street to Washington Avenue, and on both sides from Doty Street to North Shore Drive. (Am. by Ord. 9483, Adopted 5-3-88)

(13) On the east side of Blair Street from Mifflin Street to a point 135 feet south of Johnson Street and from Johnson Street to Gorham Street, and on the west side from Washington Avenue to Dayton Street, except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(14) On both sides of Blount Street from Main Street to Mifflin Street and from Market Place to Dayton Street and Williamson Street to its southerly end, on the west side from Williamson Street to Wilson Street and from Gorham Street to a point 85 feet north therefrom. (Am. by Ord. 11,197, 3-16-95)

(15) On the north side of Bowen Court from Mills Street to Randall Avenue, except Saturdays, Sundays and holidays.

(16) On the east side of Breese Terrace from Monroe Street to Regent Street, and on both sides from Regent Street to University Avenue. (Am. by Ord. 6140, 2-15-78)

(17) On both sides of Brooks Street from University Avenue to Dayton Street. (Am. by Ord. 6164, 3-7-78)

(18) On both sides of Brooks Street from Spring Street to Regent Street and from Haywood Drive to a point 530 feet south therefrom, and on the west side from Erin Street to Haywood Drive. (Am. by Ord. 9733, 3-15-89)

(19) (R. by Ord. 6165, 3-7-78)

(20) On both sides of Broom Street from State Street to Gorham Street and on the east side from Gorham Street to Johnson Street and from Dayton Street to Mifflin Street and from 125 feet south of Mifflin Street to Doty Street. (Am. by Ord. 9483, Adopted 5-3-88)

(21) (R. by Ord. 4186, 3-20-73)

(22) On the west side of Butler Street from a point 220 feet north of King Street to Mifflin Street, and on the east side from Wilson Street to a point 165 feet south of Washington Avenue. (Am. by Ord. 9483, Adopted 5-3-88)

(23) On both sides of Campbell Street from Mound Street to Drake Street. (Am. by Ord. 9703, 1-26-89 & 1-31-89)

(24) On the east side of Carroll Street from Johnson Street to Dayton Street and on the west side from Mifflin Street to Main Street. (Am. by ORD-06-00039, 4-22-06)

(25) On both sides of Carroll Street from Langdon Street to Johnson Street.

(26) On the north side of Chadbourne Avenue from Breese Terrace to Ash Street. (Am. by Ord. 6332, 8-3-78)

(27) On both sides of Chamberlain Avenue from Shepard Terrace to Farley Avenue and on the south side from Farley Avenue to a point 300 feet east of Forest Street, and on the east side from Arlington Place to University Avenue. (Am. by Ord. 10132, 10-30-90)

(28) On the south side of Chandler Street from Park Street to Randall Avenue, on the north side from Brooks Street to Randall Avenue and on both sides from Randall Avenue to Garfield Street, except Saturdays. (Am. by Ord. 9254, 8-28-87; Ord. 12,537, 2-18-00)

(29) On both sides of Charter Street from Spring Street to Regent Street, on the east side from Spring Street to a point 166 feet south of Dayton Street and on the west side from Dayton Street to a point 220 feet north of Spring Street, except Saturdays. (Am. by Ord. 9483, Adopted 5-3-88)

(30) On South Charter Street between St. James Court and Mound Street.

(31) On the south side of College Court from Mills Street to Brooks Street.

(32) (R. by Ord. 8029, 5-12-83)

(33) (R. by Ord. 4313, 8-31-73)

(34) On both sides of Dickinson Street from Main Street south to a point 50 feet north of the Chicago and North Western Railway tracks, and on the west side from Williamson Street to a point 120 feet north therefrom, and on the east side from Williamson Street to a point 60 feet north therefrom. (Am. by Ord. 10,843, 2-11-94)

(35) On the east side of Dickinson Street from East Washington Avenue to Mifflin Street.

(36) (R. by Ord. 7997, 4-26-83)

(37) (R. by Ord. 8151, 11-14-83)

(38) On the east side of Division Street from Atwood Avenue to Linden Avenue.

(39) On both sides of Doty Street from Fairchild Street to Henry Street, and on the north side from Pinckney Street to King Street. (Am. by Ord. 11,999, 12-30-97)

(40) On both sides of Doty Street from Henry Street to Bedford Street, except Saturdays, Sundays and holidays. (Am. by Ord. 5589, 9-13-76)

(41) On both sides of Drake Street from Park Street to Brooks Street, except Saturdays. (Am. by Ord. 7483, 8-13-81)

(42) (R. by Ord. 7950, 2-25-83)

(43) On both sides of Emerald Street from West Shore Drive to Brooks Street, and on the south side from Brooks Street to Mills Street, except Saturdays. (Am. by Ord. 7152, 12-1-80)

(44) On the north side of Erin Street from West Shore Drive to a point 350 feet west of Mills Street and on the south side from West Shore Drive to Park Street and from Mills Street to a point 350 feet west of Mills Street, except Saturdays.

(45) On both sides of Evergreen Avenue from Atwood Avenue to Sommers Avenue.

(46) On the north side of Fahrenbrook Court from Park Street to Mills Street.

(47) On the south side of Fair Oaks Avenue from the corner of Atwood and Fair Oaks Avenue to the public alley opposite Dixon Street.

(48) On the east side of Few Street from Washington Avenue to Mifflin Street.

(49) On the east side of Forest Street from Bascom Street to University Avenue.

(50) On the east side of Frances Street from Frances Court to Conklin Place, from University Avenue to a point 360 feet north therefrom and from Langdon Street to Lake Mendota, and on the west side from Frances Court to Dayton Street and from Johnson Street to a point 130 feet north of University Avenue. (Am. by Ord. 7984, 3-25-83)

(51) (R. by Ord. 7984, 3-25-83)

(52) (R. by Ord. 7984, 3-25-83)

(53) (R. by Ord. 7984, 3-25-83)

(54) On both sides of Franklin Street from Gorham Street to East Washington Avenue, except Saturdays. (Am. by Ord. 9922, 12-29-89)

(55) (R. by Ord. 9188, 5-14-87)

(56) On both sides of Gilman Street from Henry Street to University Avenue. (Am. by Ord. 6763, 10-5-79)

(57) On both sides of Gilman Street from Wisconsin Avenue to Henry Street, and on the south side from Wisconsin Avenue to Butler Street, except Saturdays. (Am. by Ord. 6214, 4-6-78)

(58) On the north side of Gorham Street from Livingston Street to Henry Street, except Saturdays. (Am. by Ord. 9383, 1-14-88)

(59) On the south side of Gorham Street from Henry Street to Broom Street and on the north side from State Street to a point 150 feet east of University Avenue. (Am. by Ord. 9483, Adopted 5-3-88)

(60) On the east side of Hamilton Street from Dayton Street to Johnson Street, and on the west side from Johnson Street to a point 142 feet north of Dayton Street and on both sides from Johnson Street to Gorham Street. (Am. by Ord. 6214, 4-6-78; Am. by Ord. 13,579, 4-21-04)

(61) On the west side of Hamilton Street from Doty Street to a point 140 feet north of Wilson Street. (Am. by Ord. 5372, 2-18-76)

(62) On the both sides of Hamilton Street from Wilson Street to its south end, except Saturdays. (Am. by Ord. 10,817, 1-31-94)

(63) On both sides of Hancock Street from Johnson Street to East Washington Avenue, on the east side from East Washington Avenue to Main Street, and on the west side from Gorham Street to Johnson Street, except Saturdays. (Am. by Ord. 9920, 12-29-89)

(64) On the north side of Haywood Drive from Park Street to Wingra Drive and on the south side from Wingra Drive to a point 150 feet west of Park Street. (Am. by Ord. 6919, 3-20-80)

(65) (R. by ORD-09-00061, 4-2-09)

(66) On the north side of Helena Street from Division Street to a point 175 feet west therefrom and from a point 335 feet east of Russell Street to Russell Street, and on the south side from Russell Street to 340 feet west of Division Street. (Am. by Ord. 9592, Adopted 9-27-88)

(67) On both sides of Henry Street from Gilman Street to Gorham Street, and Dayton Street to Main Street, and on the west side from Gorham Street to State Street, and from Main Street to a point 140 feet north of Doty Street and Doty Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88)

(68) On both sides of Henry Street from Langdon Street to Gilman Street and from Wilson Street to its south end, and on the east side from Langdon Street to Lake Mendota, except Saturdays.

(69) On the south side of Hoyt Street from Spooner Street to Lathrop Street. (Am. by Ord. 8027, 5-12-83)

(70) On both sides of Hudson Avenue from Atwood Avenue to Sommers Avenue.

(71) (R. by Ord. 9592, Adopted 9-27-88)

(72) On both sides of Jefferson Street from Regent Street to Van Buren Street, and from Lincoln Street to Edgewood Avenue, except Saturdays. (Am. by Ord. 10,416, 4-22-92; Ord. 12,455, 8-20-99)

(73) On the south side of Johnson Street from a point 360 feet east of Broom Street to Hamilton Street on Saturdays only. (Am. by Ord. 9483, Adopted 5-3-88)

(74) On the north side of Johnson Street from Hamilton Street to Livingston Street and on the south side from 130 feet east of Blair Street to Livingston Street, except Saturdays. (Am. by Ord. 9381, 1-14-88)

(75) (R. by Ord. 9483, Adopted 5-3-88)

(76) On the north side of Johnson Street from Livingston Street to a point 356 feet east of Paterson Street, and on the south side of Johnson Street from Livingston Street to a point 99 feet east of Paterson Street, and from North Street to a point 160 feet east therefrom. (Am. by Ord. 6117, 1-26-78)

(77) On both sides of Kendall Avenue from Shepard Terrace to Franklin Avenue and on the south side from Franklin Avenue to Prospect Avenue. (Am. by Ord. 9953, 2-14-90; Ord. 13,573, 4-21-04)

(78) On the north side of Lakeside Street from Lake Court to Clarence Court and from Rowell Street to Gilson Street and on the south side from Gilson Street to Rowell Street. (Am. by Ord. 8637, 7-19-85).

(79) On the east side of Lake Street from Seymour Street to Johnson Street and from State Street to Langdon Street, and on the west side from Langdon Street to its northerly dead end and from Johnson Street to Dayton Street. (Am. by Ord. 9483, Adopted 5-3-88)

(80) (R. by Ord. 6677, 7-10-79)

(81) (R. by Ord. 4633, 7-1-74)

(82) On the north side of Langdon Street from Frances Street to Lake Street, and on both sides of Langdon Street from Lake Street to a point 300 feet east of Park Street.

(83) On the north side of Langdon Street from Wisconsin Avenue to a point 50 feet east of Howard Place, and from a point 220 feet west of Howard Place to Frances Street. (Am. by Ord. 9483, Adopted 5-3-88)

(84) On the west side of Lathrop Street from Kendall Avenue to Regent Street, except Saturdays. (Am. by Ord. 6332, 8-3-78)

(85) On the north side of West Lawn Avenue from Spooner Street to Harrison Street and on both sides from Harrison Street to Edgewood Avenue. (Am. by Ord. 6823, 12-12-79)

(86) On both sides of Madison Street from Regent Street to Edgewood Avenue, except Saturdays, Sundays and holidays. (Am. by Ord. 10,833, 1-31-94; Ord. 13,635, 6-23-04)

(87) On both sides of Main Street from Webster Street to Franklin Street, and on the south side from Martin Luther King, Jr. Boulevard to Webster Street and Blair Street to a point 65 feet east therefrom. (Am. by Ord. 12,063, 3-27-98; ORD-06-00036, 4-22-06)

(88) On the south side of Main Street from Dickinson Street to Thornton Avenue and on the north side from Dickinson Street to a point 170 feet east therefrom. (Am. by Ord. 9653, 12-30-88)

(89) On the north side of Main Street from Fairchild Street to Henry Street and on the south side from Henry Street to a point 150 feet west of Fairchild Street. (Am. by Ord. 11,655, 8-20 & 8-26-96)

(90) On both sides of Main Street from South Brittingham Place to Proudfit Street and from Bedford Street to Henry Street, and on the north side of Main Street from a point 364 feet west of Bedford Street to a point 345 feet west of Bedford Street and on the south side from a point 141 feet west of Bedford Street to a point 301 feet west of Bedford Street (Am. by Ord. 11,460, 12-14-95; Ord. 12,996, 1-25-02)

(91) On the east side of Marion Street from Dayton Street to Johnson Street.

(92) (R. by Ord. 8030, 5-12-83)

(93) On the west side of Midvale Boulevard from Heather Crest to a point 160 feet north of Regent Street, except Saturdays, Sundays and holidays. (Am. by Ord. 8800, 2-27-86)

(94) On the south side of Mifflin Street from Blair Street to Livingston Street.

(95) On both sides of Mifflin Street from Broom Street to Bassett Street. (Am. by Ord. 11,196, 3-16-95)

(96) On both sides of Mifflin Street from Butler Street to Blair Street. (Am. by Ord. 6930, 3-20-80; ORD-06-00041, 4-22-06)

(97) On the south side of Mifflin Street from Henry Street to Broom Street, on the north side from Wisconsin Avenue to Carroll Street and on both sides from Webster Street to Butler Street. (Am. by Ord. 7825, 9-23-82; ORD-06-00041, 4-22-06)

(98) On the north side of Mifflin Street from Dickinson Street to Baldwin Street. (Am. by Ord. 4536, 4-10-74)

(99) (R. by Ord. 10,819, 1-31-94)

(100) (R. by Ord. 6931, 3-20-80)

(101) (R. by Ord. 5297, 2-10-76)

(102) On the west side of Mills Street from Johnson Street to College Court and from Milton Street to Vilas Avenue. (Am. by Ord. 9483, Adopted 5-3-88)

(103) On the north side of Milton Street from Mills Street to Randall Avenue and on the south side from Brooks Street to Milton Court and from a point 300 feet west of Milton Court to Randall Avenue, except Saturdays. (Am. by Ord. 6607, 5-4-79)

(104) On both sides of Monroe Street from Commonwealth Avenue to Knickerbocker Street on Saturdays only, holidays excepted.

(105) On the north side of Monroe Street from a point 120 feet west of Randall Avenue to a point 530 feet east of Little Street, from Regent Street to Spooner Street and from a point 150 feet west of Spooner Street to Van Buren Street on Saturdays only, holidays excepted. (Am. by Ord. 9592, Adopted 9-27-88)

(106) On the south side of Monroe Street from Van Buren Street to a point 90 feet west of Regent Street and from a point 530 feet east of Regent Street to a point 160 feet west of Randall Avenue on Saturdays only, holidays excepted. (Am. by Ord. 9592, Adopted 9-27-88)

(107) On the north side of Mound Street from Adams Street to Brooks Street and on the south side from Campbell Street to Randall Avenue and from Orchard Street to Mills Street, except Saturdays. (Am. by Ord. 7580, 12-17-81)

(108) (R. by Ord. 4164, 3-21-73)

(109) On the west side of Murray Street from Dayton Street to a point 140 feet south therefrom and on the east side from a point 400 feet south of Dayton Street to Seymour Street. (Am. by Ord. 9483, Adopted 5-3-88)

(110) On the east side of Murray Street from University Avenue to a point 350 feet north therefrom. (Am. by Ord. 5734, 2-1-77)

(111) (R. by Ord. 8066, 6-30-83)

(112) On both sides of North Street from East Lawn Court to Johnson Street. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)

(113) On both sides of Oakland Avenue from Monroe Street to Adams Street.

(114) On the east side of O'Neill Avenue from Stephens Street to Roth Street except Saturdays, Sundays and holidays. (Am. by Ord. 6534, 2-23-79)

(115) On the east side of Orchard Street from Dayton Street to Drake Street, and on the west side from 160 feet south of Dayton Street to Drake Street, except Saturdays. (Am. by Ord. 11,420, 11-16-95)

(116) (R. by ORD-09-00065, 4-2-09)

(117) On the west side of Park Street from Vilas Avenue to Emerald Street and from Fish Hatchery Road to Spruce Street and on the east side from Drake Street to Erin Street and from Haywood Drive to Midland Street and from Olin Avenue to Spruce Street. (Am. by Ord. 9592, Adopted 9-27-88; Am. by Ord. 13,252, 2-25-03; ORD-09-00062, 4-2-09)

(118) On both sides of Paterson Street from Dayton Street to Gorham Street.

(119) (R. by Ord. 10,821, 1-31-94)

(120) On both sides of Pinckney Street from Doty Street to Wilson Street, and on the north side from East Washington Avenue to East Mifflin Street. (Am. by Ord. 6925, 3-20-80; ORD-06-00044, 4-22-06)

(121) On both sides of Pinckney Street from Gilman Street to Dayton Street and on the east side from Gilman Street to its northerly end, except Saturdays. (Am. by Ord. 6176, 3-9-78; ORD-06-00044, 4-22-06)

(122) On the west side of Price Place from Regent Street to Vernon Boulevard and from a point 340 feet north of Vernon Boulevard to its northerly end, except Saturdays, Sundays and holidays. (Am. by Ord. 11,957, 10-31-97)

(123) On the east side of Princeton Avenue from Prospect Avenue to University Avenue. (Am. by Ord. 6140, 2-15-78)

(124) On the east side of Prospect Avenue from Spooner Street to University Avenue and Van Hise Avenue to Bascom Street, and on the south side from Bascom Street to Ely Place, and on the west side from Van Hise Avenue to Regent Street, on the east side from Monroe Street to Keyes Avenue and on the west side from Keyes Avenue to West Lawn Avenue, except Saturdays. (Am. by Ord. 9673, 1-26-89 & 1-31-89)

(125) On the west side of Randall Avenue from Drake Street to Regent Street, and on the east side from a point 100 feet north of Regent Street to Spring Street except Saturdays. (Am. by Ord. 10144, 11-14-90)

(126) On the north side of Regent Street from Allen Street to Ash Street and from Franklin Avenue to Glenway Street, and on the south side of Regent Street from Vista Road to Allen Street except football Saturdays, Sundays and Holidays. (Am. by Ord. 13,490, 1-23-04)

(127) On the north side of Regent Street from Park Street to a point 130 feet east of Brooks Street, from a point 125 feet west of Mills Street to Madison Street, and from Breese Terrace to Spooner Street, and on the south side from Spooner Street to Breese Terrace, from Madison Street to a point 125 feet west of Mills Street, on Saturdays only, holidays excepted. (Am. by Ord. 9891, 11-14-89)

(128) On the north side of Regent Street from Price Place to Segoe Road, and on the south side from Segoe Road to a point 185 feet east therefrom, except Saturdays, Sundays and holidays. (Am. by Ord. 12,067, 3-27-98)

(129) On the north side of Roth Street from O'Neill Avenue to a point 145 feet east of Huxley Street. (Am. by Ord. 6042, 11-29-77)

(130) (R. by Ord. 6041, 11-29-77)

(131) (R. by Ord. 9592, Adopted 9-27-88)

(132) On the north side of St. James Court from Mills Street to Milton Court and from a point 300 feet west of Milton Court to Randall Avenue, except Saturdays.

(133) On the southeast side of Sawyer Terrace from a point 195 feet north of Segoe Road to a point 340 feet north of Segoe Road and on the northwest side from a point 340 feet north of Segoe Road to a point 510 feet north of Segoe Road. (Am. by Ord. 11,461, 12-14-95)

(134) On the west side of Second Street from Atwood Avenue to a point 70 feet north of Atwood Avenue and from East Washington Avenue to East Mifflin Street and on the east side from Winnebago Street to the Chicago and North Western Railway right-of-way. (Am. by Ord. 13,694, 8-24-04)

(135) (R. by Ord. 9592, Adopted 9-27-88)

(136) On the west side of Segoe Road from a point 450 feet south of University Avenue to Sheboygan Avenue and from Sawyer Terrace to a point 100 feet north of Regent Street and on the east side from Regent Street to Vernon Boulevard, and from a point 62 feet north of Kelab Drive to a point 178 feet north therefrom, except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88; Ord. 12,535, 2-18-00)

(137) (R. by Ord. 10110, 9-27-90)

(138) On both sides of Sheboygan Avenue from Whitney Way to Eau Claire Avenue and on the south side from a point 180 feet east of Eau Claire Avenue to a point 380 feet east therefrom, and from 570 feet west of Segoe Road to a point 390 feet west of Segoe Road, except Saturdays. (Am. by Ord. 9080, 1-29-87)

(139) On the west side of Spooner Street from Prospect Avenue to Chadbourne Avenue, and on the east side from Chadbourne Avenue to Regent Street, except Saturdays. (Am. by Ord. 6332, 8-3-78)

(140) On the south side of Spring Street from Mills Street to Park Street, and on the north side from Mills Street to Randall Avenue.

(141) On the east side of Stockton Court from Monroe Street to Roberts Court, except Saturdays, Sundays and holidays.

(142) On the north side of Summit Avenue from Lathrop Street to Van Hise Avenue. (Am. by Ord. 6140, 2-15-78)

(143) On the west side of Third Street from Johnson Street to East Washington Avenue, except Saturdays, Sundays and holidays.

(144) On the west side of South Thornton Avenue from a point 150 feet south of East Washington Avenue to East Main Street. (Am. by Ord. 9592, Adopted 9-27-88)

(145) On the north side of University Avenue from Highland Avenue to Grand Avenue. (Am. by Ord. 6018, 10-28-77)

(146) On the south side of Van Hise Avenue from Allen Street to Lathrop Street and Highland Avenue to Grand Avenue, on the north side from Allen Street to Ash Street and on both sides from Grand Avenue to a point 305 feet west of Farley Avenue and from Franklin Avenue to Shepard Terrace. (Am. by Ord. 10,235, 4-12-91)

(147) On the south side of Vernon Boulevard from Segoe Road to Price Place, except Saturdays, Sundays and holidays. (Am. by Ord. 8717, 11-14-85; Ord. 13,637, 6-23-04)

(148) On the south side of Vilas Avenue from Park Street to Brooks Street, and from Orchard Street to Randall Avenue, and on both sides from Mills Street to Orchard Street and from Randall Avenue to Vilas Circle. (Am. by Ord. 10,836, 1-31-94)

(149) On both sides of Washington Avenue from Butler Street to Hancock Street.

(150) On the south side of Washington Avenue from Hancock Street to a point 220 feet west of Ingersoll Street, and on the north side from Hancock Street to Paterson Street, and from Brearly Street to Few Street. (Am. by Ord. 9483, Adopted 5-3-88)

(151) On both sides of Washington Avenue from Henry Street to the Milwaukee Road right-of-way. (Am. by Ord. 6164, 3-7-78)

(152) On the north side of Washington Avenue from North Street to Fifth Street, and on the south side from Fourth Street to Seventh Street.

(153) On the south side of East Washington Avenue from a point 230 feet east of Thornton Avenue to the Chicago and North Western Railway tracks.

(154) On the north side of Washington Avenue from Thornton Avenue to a point 50 feet east of the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks, and from Dickinson Street to Baldwin Street and on the south side from Few Street to Baldwin Street and from Dickinson Street to Thornton Avenue.

(155) On the west side of Waubesa Street between Atwood Avenue and a point 310 feet south of St. Paul Avenue.

(156) (R. by Ord. 7518, 10-6-81)

(157) (R. by Ord. 9592, Adopted 9-27-88)

(158) (R. by Ord. 9592, Adopted 9-27-88)

(159) On both sides of Wilson Street from a point 107.5 feet west of Dow Court to Bassett Street, and on the north side from a point 200 feet east of Bassett Street to a point 160 feet west of Broom Street, except Saturdays. (Am. by Ord. 7631, 1-28-82)

(160) On both sides of Wilson Street from Hamilton Street to Carroll Street, and from Pinckney Street to Franklin Street, and on the north side from Franklin Street to Blair Street.

(161) On the north side of Winnebago Street from Atwood Avenue to First Street on Saturdays only. (Am. by Ord. 5025, 6-4-75)

(162) On the south side of Winnebago Street from Division Street to Sullivan Street and on the north side from Division Street to Washington Avenue. (Am. by Ord. 10,815, 1-31-94)

(163) On the north side of Winnebago Street from Sutherland Court to Second Street and on the south side from Moulton Court to Russell Street and Atwood Avenue to Sutherland Court. (Am. by Ord. 8153, 11-14-83)

(164) (R. by Ord. 5024, 6-4-75)

(165) On the east side of Wisconsin Avenue from Johnson Street to Langdon Street and on the west side from Johnson Street to Gorham Street and from Gilman Street to Langdon Street. (Am. by Ord. 9483, Adopted 5-3-88)

(166) On the west side of Park Street from Haywood Drive to Fish Hatchery Road on Saturdays only. (Cr. by Ord. 4259, 7-12-73)

(167) (R. by Ord. 6067, 12-28-77)

(168) (R. by Ord. 9483, Adopted 5-3-88)

(169) On the north side of Hammersley Road from Jewel Court to Heritage Circle. (Am. by Ord. 5301, 2-10-76)

(170) (R. by Ord. 11,254, 5-15-95)

(171) On the north side of Capitol Court from Charter Street to Orchard Street. (Cr. by Ord. 5277, 2-10-76)

(172) (R. by Ord. 6829, 12-12-79)
(173) On both sides of Dayton Street from Blair Street to Paterson Street, except Saturdays and on the north side of Dayton Street from Broom Street to a point 144 feet west of Bassett Street. (Am. by Ord. 11,608, 6-3-96)
(174) On both sides of Charter Street from its southerly dead end to Vilas Avenue and on the east side from Vilas Avenue to Chandler Street, except Saturdays. (Am. by Ord. 10,288, 7-26-91))
(175) On the south side of University Avenue from Highland Avenue to Grand Avenue on Saturdays only. (Cr. by Ord. 6019, 10-28-77)
(176) On the east side of Ash Street from Regent Street to Chamberlain Avenue. (Cr. by Ord. 6141, 2-15-78)
(177) On the east and north sides of Birge Terrace. (Cr. by Ord. 6141, 2-15-78)
(178) On the west side of Chestnut Street from Kendall Avenue to Van Hise Avenue. (Cr. by Ord. 6141, 2-15-78)
(179) On the west side of Elm Street from Chamberlain Avenue to Van Hise Avenue. (Cr. by Ord. 6141, 2-15-78)
(180) On the west side of High Street from Delaplaine Court to Haywood Drive. (Cr. by Ord. 6108, 1-24-78)
(181) On the west side of Bascom Place from Chamberlain Avenue to Van Hise Avenue, except Saturdays. (Cr. by Ord. 6331, 8-3-78)
(182) On the east side of Farley Avenue from Stevens Street to a point 160 feet south of University Avenue and on both sides from Stevens Street to Regent Street except Saturdays. (Am. by Ord. 11,084, 12-6-94)
(183) On the south side of Joss Court from Highland Avenue to Chestnut Street. (Cr. by Ord. 6141, 2-15-78)
(184) On the east side of Highland Avenue from Van Hise Avenue to University Avenue and on the west side from Kendall Avenue to Van Hise Avenue. (Cr. by Ord. 6141, 2-15-78)
(185) On the west side of Paunack Place from University Avenue to its northerly end. (Cr. by Ord. 6141, 2-15-78)
(186) On the west side of Roby Road from Prospect Avenue to Rowley Avenue. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)
(187) On the north side of Rowley Avenue from Spooner Street to Harrison Street and from Allen Street to Virginia Terrace, except Saturdays. (Am. by Ord. 9741, 3-30-89)
(188) On the west side of Butler Street from a point 75 feet north of Mifflin Street to Gilman Street, except Saturdays. (Am. by Ord. 8000, 4-26-83)
(189) On the north side of Arlington Place from Prospect Avenue to Chamberlain Avenue. (Cr. by Ord. 6213, 4-6-78)
(190) On the west side of Ely Place from Prospect Avenue to Summit Avenue. (Cr. by Ord. 6213, 4-6-78)
(191) On the north side of Bascom Street from Forest Street to Bascom Place, except Saturdays. (Cr. by Ord. 6331, 8-3-78)
(192) On the east side of Walnut Street from Chamberlain Avenue to University Avenue, except Saturdays. (Cr. by Ord. 6331, 8-3-78)
(193) (R. by Ord. 7720, 5-14-82)
(194) (R. by Ord. 7489, 8-20-81)
(195) On the east side of Vista Road from Rowley Avenue to Regent Street, except Saturdays. (Cr. by Ord. 6554, 3-16-79; Am. by Ord. 13,023, 2-26-02)
(196) On the west side of Virginia Terrace from Regent Street to Eton Ridge, except Saturdays. (Cr. by Ord. 6553, 3-16-79)
(197) On the south side of Delaplaine Court from 180 feet east of Mills Street to High Street. (Am. by Ord. 8120, 10-3-83)
(198) On the south side of Hollister Avenue from Vista Road to Allen Street, except Saturdays. (Cr. by Ord. 6646, 6-13-79)

(199) On both sides of Lynn Terrace from Franklin Avenue to its east end, except Saturdays. (Cr. by Ord. 6961, 4-17-80)

(200) On the north side of Stevens Street from a point 450 feet west of Ridge Street to Shepard Terrace and on the south side from a point 750 feet west of Ridge Street to Shepard Terrace and from Franklin Avenue to Grand Avenue. (Am. by Ord. 10,826, 1-31-94)

(201) On the east side of Franklin Avenue from Mason Street to University Avenue and on the west side from Franklin Court to Mason Street. (Am. by Ord. 11,716, 11-13-96)

(202) On the west side of West Shore Drive from Vilas Avenue to a point 370 feet south of Erin Street. (Am. by Ord. 11,985, 12-12-97)

(203) On the north side of Proudfit Street from a point 323 feet south of Main Street to West Brittingham Place, and on the south side from Main Street to West Brittingham Place, except Saturdays. (Re-Cr. by Ord. 11,878, 6-13-97)

(204) On the west side of Grand Avenue from Stevens Street to Van Hise Avenue and Mason Street to Park Place and on the east side from Kendall Avenue to Mason Street, except Saturdays. (Am. by Ord. 10,050, 6-28-90)

(205) On the southwest side of Dow Court from Wilson Street to its southeasterly dead end. (Cr. by Ord. 7723, 5-14-82)

(206) On the south side of Mound Street from Mills Street to Brooks Street except Saturdays. (Cr. by Ord. 7738, 5-28-82)

(207) On the both sides of Eau Claire Avenue from Regent Street to Old Middleton Road, except Saturdays.. (Am. by Ord. 9078, 1-29-87)

(208) On both sides of Shepard Terrace from Van Hise Avenue to Chamberlain Avenue, and from Kendall Avenue to Barlow Street, except Saturdays. (Am. by Ord. 11,644, 7-29-96)

(209) On both sides of Barlow Street from Shepard Terrace to its westerly end, except Saturdays. (Am. by Ord. 10,069, 8-2-90)

(210) (R. by Ord. 9110, 2-27-87)

(211) On the west side of Potomac Lane from Odana Road to a point 125 feet north therefrom. (Cr. by Ord. 8481, 12-10-84)

(212) On both sides of Vilas Avenue from Vilas Circle to Harrison Street, except Saturdays, Sundays and holidays. (Am. by Ord. 10,991, 10-10-94)

(213) On both sides of Ridge Street from Harvey Street to Kendall Avenue. (Am. by Ord. 10,290, 7-26-91)

(214) On both sides of Paterson Street from Jenifer Street to Spaight Street, and Mifflin Street to Dayton Street, except Saturdays. (Am. by Ord. 9385, 1-14-88)

(215) On both sides of Eton Ridge from Allen Street to Virginia Terrace, except Saturdays. (Am. by Ord. 8932, 8-15-86)

(216) On the north side of Harvey Street from Hill Street to a point 65 feet east of Ridge Street, and on the south side from Schmitt Place to Ridge Street and from 150 feet east of Ridge Street to Franklin Court, except Saturdays. (Am. by Ord. 11,346, 9-12-95)

(217) (R. by Ord. 9418, 2-29-88)

(218) On the north side of Keyes Avenue from Spooner Street to Prospect Avenue. (Am. by Ord. 9164, 4-13-87)

(219) On the west side of Livingston Street from Dayton Street to Mifflin Street. (Cr. by Ord. 8960, 9-12-86)

(220) On the east side of Russell Street from a point 65 feet south of Winnebago Street to a point 105 feet south of Winnebago Street. (Cr. by Ord. 8966, 9-12-86)

(221) On the north side of Braxton Place from a point 355 feet east of Park Street to a point 600 feet east of Park Street and on the south side from Park Street to a point 600 feet east therefrom. (Am. by Ord. 9879, 10-26-89)

(222) On the north side of the northeast and northwest quadrants and south side of the southwest and southeast quadrants of Vilas Circle. (Am. by Ord. 10,831, 1-31-94)

(223) On the northeast side of Harrison Street from Regent Street to Rowley Avenue and Jefferson Street to Madison Street, on the southwest side from West Lawn Avenue to Madison Street and on both sides from Jefferson Street to Adams Street. (Am. by Ord. 10,157, 12-14-90)

(224) On the west side of South Hancock Street from East Washington Avenue to East Main Street. (Cr. by Ord. 9183, 5-14-87)

(225) On the north side of Orin Road from a point 300 feet east of the North Stoughton Road Service Road to a point 300 feet east therefrom and on the south side from the North Stoughton Road Service Road to a point 400 feet east therefrom, except Saturdays. (Am. by Ord. 9470, 4-29-88)

(226) On both sides of Livingston Street from Dayton Street to Gorham Street, on the east side from East Washington Avenue to a point 165 feet north therefrom and from Gorham Street to its northerly end, and on the west side from Mifflin Street to Dayton Street, except Saturdays. (Am. by Ord. 10,820, 1-31-94)

(227) On both sides of N. Wingra Drive from Short Street to Haywood Drive, Spruce Street to Midland Street, and on the east side from 190 feet north of Fish Hatchery Road to Spruce Street and on the west side from Spruce Street to a point 280 feet north of Fish Hatchery Road except Saturdays. (Am. by Ord. 10,864, 3-14-94)

(228) (R. by Ord. 12,819, 5-18-01)

(229) On the north side of Capitol Court from Charter Street to Orchard Street. (Cr. by Ord. 9592, Adopted 9-27-88)

(230) On both sides of Ohio Avenue from Atwood Avenue to St. Paul Avenue. (Cr. by Ord. 9592, Adopted 9-27-88)

(231) On the east side of Fifth Street from Dayton Street to Johnson Street, except Saturdays. (Cr. by Ord. 9630, 11-28-88)

(232) On the west side of South Street from Midland Street to a point 425 feet north of Appleton Road and on the east side from High Street to a point 450 feet north of Appleton Road and from Appleton Road to West Wingra Drive, except Saturdays. (Cr. by Ord. 9790, 5-31-89)

(233) On the north side of Midland Street from High Street to Fish Hatchery Road, except Saturdays. (Cr. by Ord. 9788, 5-31-89)

(234) On both sides of Spruce Street from Fish Hatchery Road to North Wingra Drive, except Saturdays. (Cr. by Ord. 9792, 5-31-89)

(235) On the west side of Fish Hatchery Road from Midland Street to a point 210 feet north of Wingra Drive and on the east side from a point 180 feet north of Wingra Drive to Appleton Road and from Spruce Street to Midland Street, except Saturdays. (Am. by Ord. 10,762, 11-1-93)

(236) On both sides of Harrison Street from Keyes Avenue to West Lawn Avenue. (Cr. by Ord. 9867, 10-13-89)

(237) On the east side of South Brittingham Place from Main Street to West Brittingham Place, except Saturdays. (Cr. by Ord. 9904, 12-2-89)

(238) On both sides of Mason Street from Grand Avenue to Shepard Terrace, except Saturdays. (Am. by Ord. 11,714, 11-13-96)

(239) On the east side of Garfield Street from Drake Street to Chandler Street and on the west side from Adams Street to a point 130 feet south of Adams Street and from a point approximately 60 feet north of Vilas Avenue to Vilas Avenue, except Saturdays. (Am. by Ord. 10,829, 1-31-94)

(240) Reserved for Future Use. (R. by ORD-06-00061, 6-3-06)

(241) On both sides of Park Place from Grand Avenue to Farley Avenue, except Saturdays, Sundays, and holidays. (Cr. by Ord. 10,130, 10-30-90)

(242) On the east side of N. Meadow Lane from Lucia Crest to University Avenue and on the west side from a point 225 feet south of University Avenue to Lucia Crest, except Saturdays. (Cr. by Ord. 10,718, 8-27-93)

(243) On the east side of North Fair Oaks Avenue from a point 360 feet south of East Washington Avenue to Lexington Avenue and on the west side from a point 315 feet south of East Washington Avenue to Lexington Avenue. (Cr. by Ord. 10,822, 1-31-94)

(244) On the west side of Van Buren Street from Monroe Street to Madison Street and on both sides from Madison Street to Jefferson Street. (Cr. by Ord. 10,835, 1-31-94; Am. by Ord. 12,297, 12-28-98)

(245) On both sides of Wingra Street from Drake Street to Hoven Court, except Saturdays. (Cr. by Ord. 11,126, 12-22-94)

(246) On the west side of South Livingston Street from East Washington Avenue to a point 120 feet south. (Am. by Ord. 12,080, 4-20-98)

(247) On the east side of Pennsylvania Avenue from a point 150 feet north of 6th Street to a point 330 feet north therefrom. (Am. by Ord. 12,066, 3-27-98)

(248) On the south side of Mifflin Street from Fifth Street to Sixth Street, except Saturdays. (Cr. by Ord. 11,163, 1-30-95)

(249) On the north side of Spaight Street from Paterson Street to Jenifer Street. (Cr. by Ord. 11,285, 7-3-95)

(250) On the north side of Dayton Street from Broom Street to Bedford Street, except Saturdays. (Cr. by Ord. 11,290, 7-3-95)

(251) On both sides of Erin Street from South Orchard Street to Wingra Street. (Cr. by Ord. 11,288, 7-3-95)

(252) On both sides of West Brittingham Place from Proudfit Street to South Brittingham Place. (Cr. by Ord. 11,465, 12-14-95)

(253) On the south side of Stephen Street from Ruskin Street to O'Neill Street. (Cr. by Ord. 11,601, 6-3-96)

(254) On the north side of McKinley Street from a point 325 feet west of Ridge Street to a point 500 feet west therefrom, and on the south side from Ridge Street to a point 500 feet west of Ridge Street, except Saturdays, Sundays and holidays. (Cr. by Ord. 11,955, 10-31-97)

(255) On the west side of Webster Street from King Street to Main Street. (Cr. by Ord. 12,006, 12-30-97)

(256) On both sides of King Street from Pinckney Street to Webster Street and on the south side from Doty Street to Wilson Street. (Cr. by Ord. 12,060, 3-27-98)

(257) On the south side of Old Middleton Road from Merrill Crest to a point 330 feet east therefrom. (Cr. by Ord. 12,628, 6-29-00)

(258) On both sides of Garfield Street from Jefferson Street to Adams Street, except Saturdays. (Cr. by Ord. 12,742, 12-29-00)

(259) On the east side of O'Neill Avenue from a point 220 feet north of Roth Street to Roth Street. (Cr. by Ord. 13,087, 6-25-02)

(260) On the north side of Bluff Street from Ridge Street to a point 725 feet west. (Cr. by Ord. 13,188, 11-26-02)

(261) On both sides of Drake Street from Randall Avenue to Garfield Street. (Cr. by Ord. 13,493, 1-23-04)

(262) On both sides of Washington Avenue from Henry Street to Bassett Street and on the north side from Bassett Street to a point 250 feet east of Bedford Street and from Bedford Street to a point 245 feet west therefrom and on the south side from Bassett Street to a point 370 feet west of Bedford Street. (Cr. by ORD-06-00130, 10-6-06; Am. by ORD-10-00017, 2-18-10)

(263) On the north side of Wilson Street from Ingersoll Street to Baldwin Street. (Cr. by ORD-09-00006, 1-24-09)

(264) In the parking area in the public right-of-way adjacent to 2550 University Avenue. (Cr. by ORD-12-00079, 6-20-12)

12.1375 PERMITS FOR NONMETERED TWO-HOUR AND ONE-HOUR PARKING ZONES. (Am. by ORD-08-00132, 12-5-08)

(1) The purpose of this ordinance is to provide a means for operators of motor vehicles to park in excess of the posted one-hour or two-hour, on-street nonmetered parking restrictions contained in Sections 12.137 and 12.139 of these ordinances, for loading and unloading equipment, furniture, fixtures and supplies necessary to and in the vicinity of their work. For purposes of this section, "equipment, furniture, fixtures and supplies necessary" is intended to mean that the operator is using the vehicle for storage of materials or tools needed on the job or is engaged in moving articles or as a work space necessary to the job.

(2) The City Traffic Engineer and Parking Manager or his or her designee is authorized to issue permits to relieve the permit holder of the one or two-hour parking restriction but only to vehicles actively engaged in performing construction, repair or moving work in the immediate vicinity of the parking area and where the vehicle is necessary for loading, unloading or storing tools or supplies used in servicing buildings in the vicinity and where the vehicle is not owned or operated by the owner of the premises or an employee of a business operated on the premises.

(3) Application for a permit must be made to the City Traffic Engineer and Parking Manager by a firm or individual who will be engaged in repair, construction or moving work. The application shall be in writing and on a form designated by the City Traffic Engineer and Parking Manager. Permits may be purchased in any number either in person or by mail. Permits shall cost $5 per day and each permit is valid for only the one date listed on the permit. One permit may only cover one vehicle. The permit holder shall be responsible for filling in the required information on the permit form before using the permit.

(4) No person may alter or use a permit with an altered expiration date.

(5) Permits may only be used to allow a vehicle for the purposes herein stated to park in excess of the one or two-hour limit at locations specified in Secs. 12.137 and 12.139 of these ordinances. All other stopping, standing and parking restrictions remain applicable to vehicles with permits. The issuance of a permit does not guarantee that a parking space will be available at any specific location.

(6) Permits must be displayed only on the inside of the street-side, front door window facing out. Permits not displayed as indicated are not valid.

(7) Use of the permit for other than the uses specified in this ordinance or tampering with a permit may be grounds for revocation or suspension of the right to use these permits and may require the return of unused permits. In addition, the person or firm misusing or tampering with a permit shall be subject to a forfeiture of not more than $200 for each act of tampering or each day or fraction thereof of improper use.

(8) The City Traffic Engineer and Parking Manager or his or her designee may withdraw the right to use a permit in any one block of a street if traffic, parking or weather conditions so warrant.

(Cr. by Ord. 8927, 7-24-86; Am. by ORD-08-00132, 12-5-08)

12.138 RESIDENTIAL DAYTIME PARKING PRIVILEGES FOR "COMMUTER PARKING IMPACTED" STREETS.

(1) Established. There is hereby declared the necessity to establish, as hereinafter provided, a permit system whereby vehicles bearing a valid residential parking permit issued pursuant to this section may, as hereinafter provided, park 1) in excess of the posted time limits on specifically designated streets within certain designated areas between the hours of 8:00 a.m. and 6:00 p.m. or 2) in locations designated for resident parking only between the hours of 8:00 a.m. and 6:00 p.m. (Am. by Ord. 7073, 8-14-80; Ord. 12,568, 5-3-00)

(2) Purpose. The purpose of this provision is to establish a mechanism whereby area residents will be afforded an opportunity for the limited storing of vehicles on public streets to the partial exclusion of commuter vehicles. It is intended that this residential parking

Ordinance will reduce automobile commuting and its accompanying energy waste and air pollution, reduce the total vehicle miles of travel in the affected area, and alleviate traffic congestion, illegal parking, and related health and safety hazards.

In addition, this ordinance is designed to promote the use of off-street parking by residents of the property instead of by commuters, to aid in the enforcement of parking regulations by requiring payment or court appearance for outstanding parking citations before issuance of a permit.

(Am. by Ord. 8558, 4-4-85)

(3) Definitions.

(a) "Residential parking area" shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, churches, hospitals, and nursing homes).

(b) "Commuter vehicle" shall mean a motor vehicle parked in a residential area by a person not a resident thereof.

(c) "Dwelling unit" shall mean one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed, shall always be included with each dwelling unit.

(d) "Lodging house" is a residential building or portion thereof, containing lodging rooms which accommodate five (5) or more persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation on a monthly or larger basis.

(e) "Lodging room" is a room rented as sleeping and living quarters, but without kitchen facilities, and with or without individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purposes of this ordinance. (Am. by Ord. 7073, 8-14-80)

(f) "Traffic Engineer" shall mean the City Traffic Engineer and Parking Manager of the City of Madison Traffic Engineering Division of the Department of Transportation, or designee. (Am. by ORD-06-00061, 6-3-06; ORD-11-00014, 1-27-11)

(g) "Permanent residence is where a person has his/her true, fixed, permanent home to which he/she intends to return whenever absent. (Cr. by Ord. 8558, 4-4-85)

(h) "Temporary resident" means a person who lives while in Madison for the academic year or for a short, limited time. (Cr. by Ord. 8558, 4-4-85)

(i) "Residential permit parking street" is a street that has met the requirements for residential permit parking.

(j) "Resident parking only" is the designation given to a residential permit parking street where approximately fifty percent (50%) of the lawful on-street parking spaces are posted as parking for residents only between the hours of 8:00 a.m. and 6:00 p.m.

(k) "In excess of posted time limits" is the designation given to a residential permit parking street where lawful on-street parking is restricted to posted time limits.

(l) "Block" shall mean both sides of a street between two intersecting streets.

(4) Area and Street Designation and Eligibility.

The designated area boundaries, for purposes of administration and enforcement, should generally coincide with natural boundaries and/or Aldermanic Districts where feasible. A residential street shall be deemed eligible for designation as a residential permit parking street if it meets all of the following criteria:

(a) At least one side or fifty percent (50%) of each block for which residential parking is requested must be zoned Residential (R1, R2, R3, R4, R4A, R4L, R5, R6, R6H). (Am. by ORD-06-00130, 10-6-06)

(b) Each street and block for which residential parking is requested must have more dwelling units and/or lodging rooms in lodging houses than legal off-street parking spaces, except for single family dwelling units.

(c) On streets that have unrestricted parking, a majority of the onstreet parking spaces must be occupied by commuter vehicles a majority of the time between 8:00 a.m. and 6:00 p.m. except Sundays and holidays. This requirement will be deemed satisfied if the street already has time limit parking restrictions under an existing ordinance. (Am. by Ord. 12,568, 5-3-00)

(d) A desire and need of more than fifty percent (50%) of the residents of the street and block for residential permit parking and a willingness to pay the cost for the residential permit parking program.

(e) An election has been made by those in (d) above to designate their block as either "resident parking only" or "in excess of posted time limits."

(Am. by Ord. 7073, 8-14-80; Ord. 12,568, 5-3-00)

(5) Notice of Public Hearing. In order to determine whether particular streets should be designated eligible for residential permit parking, the Traffic Engineer may request, upon his or her own initiative or upon an alder's request, or upon a petition of a majority of the dwelling units on such streets, addressed to the Traffic Engineer or the Transit and Parking Commission, a public hearing, prior to the designation for parking permits, or prior to the withdrawal of such designation once it is established. Such hearing shall be held by the Transit and Parking Commission only after due notice has been published in a newspaper of general circulation throughout the City. The notice shall clearly state the purpose of the hearing, the exact location of said residential streets under consideration for permit parking, and the reasons why such streets are being proposed for designation as residential permit parking streets. During such hearing, any interested person shall be entitled to appear and be heard. No hearing shall be held and no street designated if it is not found to be an impacted street under Subsection (3) of this section. Withdrawal of the designation of a street as a residential permit parking street shall not occur until at least twelve (12) months from the date of designation. A change in the election made in (4)(e) may be made only at the request of more than fifty percent (50%) of the residents of the block. (Am. by Ord. 8558, 4-4-85; Ord. 12,568, 5-3-00; ORD-06-00061, 6-3-06; ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)

(6) At said public hearing, the Traffic Engineer shall recommend by report to the Commission, based on the record of his or her investigation, whether or not to designate the street under consideration as a residential permit parking street or to retain or remove the designation in the case of an established residential permit parking street. Within sixty (60) days following the receipt of the report, the Commission shall approve or disapprove the recommendation of the Traffic Engineer and report same to the Common Council prior to action being taken on the recommendation. (Am. by Ord 8558, 4-4-85; Ord. 12,568, 5-3-00; ORD-06-00061, 6-3-06; ORD-14-00012, 1-14-14).

(7) Issuance of Permit. Following Council approval of the designation of a residential permit parking street, the Traffic Engineer shall issue appropriate permits. A permit shall be issued, upon application and payment of the applicable fee, to the owner or the operator of a motor vehicle who resides within his/her residential permit parking area. A duplicate permit shall be issued only if all or part of the original permit is produced at the time that a duplicate permit is applied for, or if proof of theft of the vehicle is demonstrated to the satisfaction of the Traffic Engineer. A residential parking permit will not be issued to the owner or operator of a motor vehicle currently having any outstanding parking citations, nor to the owner or operator of a motor vehicle who resides on any residential property which is specifically restricted by condition imposed by the City Plan Commission or by other valid use restriction prohibiting residents of said property from obtaining residential parking permits. (Am. by Ord. 9221, 6-30-87; ORD-06-00061, 6-3-06)

(8) Application.

(a) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, and registration number. The motor vehicle's registration shall be required to be presented to the City Traffic Engineer and Parking Manager or his/her designee, or presented through an on-line process, at the time of making said application. In order to verify that the applicant legally resides at the address for which the permit is requested, the motor vehicle's registration shall show the address of the dwelling unit in the area for which the permit is sought. If the applicant for a residential parking permit is the owner of the vehicle sought to be registered and his/her permanent residence is at the address for which the permit is sought, then said vehicle shall be registered at the permanent address and shall have valid State of Wisconsin motor vehicle plates. If the applicant for a residential parking permit has his/her permanent residence at the address for which the permit is sought but the vehicle under his/her control indicates another address of residence for the owner of said vehicle, the applicant shall be required to certify that said vehicle is kept by the applicant and only at the address for which the permit is requested and that it will not be kept at any other location for the duration of the permit's validity. The applicant shall also provide an executed lease or other reasonable proof showing residence for the dwelling unit within the area for which the permit is sought. The permit shall be renewed annually upon such conditions and procedures as the City Traffic Engineer and Parking Manager shall specify. The permit shall display the motor vehicle's license and expiration date. (Am. by ORD-06-00061, 6-3-06; ORD-08-00132, 12-5-08)

(b) Certain temporary residents living in Madison may obtain a permit upon compliance with this subdivision, in addition to compliance with all other provisions of this section, except such motor vehicle shall be validly registered and licensed in the jurisdiction of lawful permanent residence of said applicant. Such temporary resident applicant shall certify on the application for a permit that he or she: 1) maintains his/her permanent residence in another jurisdiction and shall specify the address thereof; 2) owns or operates a motor vehicle registered in the jurisdiction of permanent residence but which is housed at the Madison residence for which the permit is sought; 3) is living in Madison under a residential housing lease at a particular address and shall so specify with a complete address and telephone number, and name, address and telephone number of the rental agent or owner of the building in question; 4) that such statement is made for the purpose of obtaining a residential parking permit and that it is understood that any change in circumstances materially affecting any of the requirements of this ordinance or any false information or representation made in such statement shall be cause for immediate revocation of such permit. Further, such temporary resident applicant shall be required to provide a copy of his or her lease or other reasonable proof that such applicant is living at the address in question at the time of making such application.

(Sec. 12.138(8) Am. by Ord. 9126, 2-27-87; Ord. 12,568, 5-3-00; ORD-06-00130, 10-6-06)

(9) Parking Permits.

(a) A residential parking permit is valid only when visibly and properly displayed on the vehicle when parked in the designated area where the resident lives. Use of said permit shall be restricted to streets designated for residential permit parking within the designated area. A residential parking permit shall not guarantee or reserve to the holder a parking space on residential streets designated for permit parking. (Am. by Ord. 10,013, 5-14-90)

(b) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing,

or parking of motor vehicles is prohibited, metered, or set aside to specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than the specified hourly parking limit. Residential parking permits do not exempt holders from Street Abandonment Regulations. Residential parking permits may be temporarily suspended by the City for snow removal, emergency or construction purposes. (AM. by ORD-06-00130, 10-6-06)

(c) The owner or operator of a vehicle displaying a residential parking permit shall completely remove said permit immediately upon its expiration or termination. (Cr. by Ord. 9190, 5-14-87)

(10) Transferability.

(a) Only the registered motor vehicle with the license plate named on the residential parking permit shall be eligible to display this permit. Any transference of this permit to a vehicle other than that named on the permit or a change of license plate to the registered motor vehicle without providing notice to City Traffic Engineer and Parking Manager shall constitute a violation of this ordinance. (Am. by ORD-07-00173, 11-29-07)

(b) It shall constitute a violation of this ordinance for any person to falsely represent herself/himself as eligible for a residential parking permit or to furnish any false information in an application to the City Traffic Engineer and Parking Manager in order to obtain a residential parking permit. A residential parking permit is valid only while the permittee resides within the area for which it was issued. Any change of address of the permittee shall be reported to the City Traffic Engineer and Parking Manager within seven (7) days. Failure to so report a change of address shall constitute a violation of this ordinance. (Am. by Ord. 9784, 5-31-89)

(c) The City Traffic Engineer and Parking Manager is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this ordinance and, upon written notification thereof, the permittee shall surrender such permit to the City Traffic Engineer and Parking Manager. Failure to surrender a residential parking permit so revoked, shall constitute a violation of this ordinance. When a Residential Parking Permit is so revoked no other permit shall be granted to such person or vehicle registered to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit so revoked be refunded. Any revocation imposed by the City Traffic Engineer and Parking Manager may be appealed within ten (10) days of such notice of revocation to a subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the City Traffic Engineer and Parking Manager's determination. Said subcommittee shall consist of the chair of the Transit and Parking Commission or designee, one (1) Alderperson and one (1) resident who are members of the Transit and Parking Commission appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote modify or reverse the revocation imposed by the City Traffic Engineer and Parking Manager. (Am. by Ord. 10,013, 5-14-90; ORD-17-00030, 3-8-17)

(d) It shall be a violation of this ordinance for any person to copy, reproduce or resell a permit.

(Am. by ORD-06-00061, 6-3-06; ORD-08-00132, 12-5-08)

(11) Permit Fee. A permit fee of twenty-eight ($28) per year shall be charged. The charge for a duplicate permit shall be seven dollars ($7). This ordinance shall become effective September 1, 2016. (Am. by Ord. 12,406, 6-30-99; ORD-08-00132, 12-5-08; ORD-16-00044, 4-27-16)

(12) Fund. All monies received from said permit fees shall be placed in the Residential Permit Parking Fund to cover the costs of administering this permit program, and all costs for the printing of application forms and permits, stationery, postage, office supplies, the engineering studies, notices, and signing costs to implement this system shall be paid for out of this fund.

(13) Severability. The provisions of this ordinance shall be severable. If any provision of this ordinance is invalid or if the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or application which can be given effect without the invalid provision or application. It is expressly declared that if any provision of this ordinance is declared invalid, that notwithstanding, the Common Council would have passed the other provisions of this ordinance.

(14) Eligibility of Properties. In order to support the purpose of reducing commuter impact and promoting the use of off-street parking, residents of new developments approved for construction after the effective date of this ordinance will only be eligible for participation in the Residential Parking Permit Program if the dwelling has three units or less. The City Traffic Engineer and Parking Manager shall maintain and make accessible to the public a list of ineligible addresses. (Cr. by ORD-16-00007, 1-13-16)

12.1385 STREETS DESIGNATED FOR RESIDENTIAL DAYTIME PARKING PERMITS. Subject to the regulations of Section 12.138 of these ordinances, the following streets are designated for daytime residential parking permits:

(1) On both sides of Adams Street from Randall Avenue to Van Buren Street, and from Lincoln Street to Edgewood Avenue. (Am. by Ord. 11,275, 6-19-95; Ord. 13,662, 7-28-04)

(2) On the south side of Beacon Street from Brooks Street to Park Street.

(3) On the north side of Bowen Court from Mills Street to Randall Avenue.

(4) On the west side of Brooks Street from Delaplaine Court to Haywood Drive and on both sides from Haywood Drive to a point 530 feet south therefrom. (Am. by Ord. 9732, 3-15-89)

(5) On both sides of Campbell Street from Mound Street to Drake Street. (Am. by Ord. 9702, 1-26-89 & 1-31-89)

(6) On the east side of Allen Street from Regent Street to Chadbourne Avenue, and Kendall Avenue to University Avenue, and on both sides from Chadbourne Avenue to Kendall Avenue. (Am. by Ord. 6334, 8-3-78)

(7) On the south side of Chandler Street from Park Street to Randall Avenue, on the north side Brooks Street to Randall Avenue and on both sides from Randall Avenue to Garfield Street. (Am. by Ord. 9253, 8-28-87; Ord. 12,539, 2-18-00)

(8) On both sides of Charter Street from its southerly dead end to Vilas Avenue, on the east side from Vilas Avenue to Chandler Street, and on both sides from St. James Court to Mound Street and Spring Street to Dayton Street. (Am. by Ord. 10,287, 7-26-91)

(9) On the east side of Ash Street from Regent Street to Chamberlain Avenue. (Cr. by Ord. 6145, 2-15-78)

(10) On both sides of Drake Street from Park Street to Mills Street and on the north side of Drake Street from Mills Street to 400 feet west of Mills Street and on the south side of Drake Street from Mills Street to 575 feet west of Mills Street. (Am. by Ord. 7484, 8-13-81; ORD-09-00056, 4-2-09)

(11) On both sides of Emerald Street from West Shore Drive to Brooks Street, and on the south side from Brooks Street to Mills Street. (Am. by Ord. 7160, 12-17-80)

(12) On the north side of Erin Street from West Shore Drive to a point 350 feet west of Mills Street and on the south side from West Shore Drive to Park Street and from Mills Street to a point 350 feet west of Mills Street and on both sides from South Orchard Street to Wingra Street. (Am. by Ord. 11,287, 7-3-95)

(13) On the east and north sides of Birge Terrace. (Cr. by Ord. 6145, 2-15-78)

(14) On both sides of Breese Terrace from Regent Street to University Avenue. (Cr. by Ord. 6145, 2-15-78)

(15) On both sides of Haywood Drive from Park Street to Wingra Drive.

(16) On the west side of High Street from Delaplaine Court to Haywood Drive. (Cr. by Ord. 6108, 1-24-78)

(17) On both sides of Jefferson Street from Regent Street to Edgewood Avenue. (Am. by Ord. 10,415, 4-22-92; Ord. 12,454, 8-20-99; ORD-09-00057, 4-2-09)

(18) On both sides of Baldwin Street from Washington Avenue to Dayton Street and on the west side from Dayton Street to Johnson Street. (Am. by Ord. 11,367, 9-29-95)

(19) On both sides of Madison Street from Regent Street to Edgewood Avenue. (Am. by Ord. 10,832, 1-31-94; Ord. 13,636, 6-23-04)

(20) On both sides of Main Street from South Brittingham Place to Proudfit Street, Bedford Street to Henry Street, and from Franklin Street to Blair Street. (Am. by Ord. 6175, 3-9-78)

(21) On the north side of Chadbourne Avenue from Breese Terrace to Ash Street. (Am. by Ord. 6334, 8-3-78)

(22) On the north side of Milton Street from Mills Street to Randall Avenue and on the south side from Brooks Street to Milton Court and from a point 300 feet west of Milton Court to Randall Avenue. (Am. by Ord. 6609, 5-4-79)

(23) On the north side of Mound Street from Adams Street to Brooks Street and on the south side from Campbell Street to Randall Avenue and from Orchard Street to Mills Street. (Am. by Ord. 7579, 12-17-81)

(24) On both sides of Oakland Avenue from Monroe Street to Adams Street.

(25) On both sides of Orchard Street from Regent Street to Drake Street. (Am. by Ord. 11,419, 11-16-95)

(26) On both sides of Dayton Street from Blair Street to Paterson Street. (Am. by Ord. 11,212, 3-31-95)

(27) On the west side of Randall Avenue from Drake Street to Regent Street, and on the east side from Regent Street to Spring Street (Am. by Ord. 10,143, 11-14-90)

(28) On the north side of St. James Court from Mills Street to Milton Court and from a point 300 feet west of Milton Court to Randall Avenue.

(29) On both sides of Chamberlain Avenue from Shepard Terrace to Farley Avenue and on the south side from Farley Avenue to a point 300 feet east of Forest Street, and on the east side from Arlington Place to University Avenue. (Am. by Ord. 10131, 10-30-90)

(30) On the south side of Vilas Avenue from Park Street to Brooks Street and from Orchard Street to Randall Avenue and on both sides from Mills Street to Orchard Street and Randall Avenue to Harrison Street and from Lincoln Street to Edgewood Avenue. (Am. by Ord. 11,129, 12-22-94)

(31) On the west side of Chestnut Street from Kendall Avenue to Van Hise Avenue. (Cr. by Ord. 6145, 2-15-78)

(32) On the west side of Elm Street from Chamberlain Avenue to Van Hise Avenue. (Cr. by Ord. 6145, 2-15-78)

(33) On the east side of Farley Avenue from Stevens Street to a point 160 feet south of University Avenue and on both sides from Stevens Street to Regent Street. (Am. by Ord. 11,085, 12-6-94)

(34) On the east side of Forest Street from Bascom Street to University Avenue. (Cr. by Ord. 6145, 2-15-78)

(35) On the south side of Hoyt Street from Spooner Street to Lathrop Street. (Am. by Ord. 8028, 5-12-83)

(36) On the south side of Joss Court from Highland Avenue to Chestnut Street. (Cr. by Ord. 6145, 2-15-78)

(37) On both sides of Kendall Avenue from Shepard Terrace to Franklin Avenue and on the south side from Franklin Avenue to Prospect Avenue. (Am. by Ord. 9952, 2-14-90; Ord. 13,578, 4-21-04)

(38) On the west side of Lathrop Street from Kendall Avenue to Regent Street. (Am. by Ord. 6334, 8-3-78)

(39) On the west side of Paunack Place from University Avenue to its northerly end. (Cr. by Ord. 6145, 2-15-78)

(40) On the east side of Princeton Avenue from Prospect Avenue to University Avenue. (Cr. by Ord. 6145, 2-15-78)

(41) On the east side of Prospect Avenue from Spooner Street to University Avenue and Van Hise Avenue to Bascom Place, and on the south side from Bascom Street to Ely Place, and on the west side from Van Hise Avenue to Regent Street, and on the east side from Monroe Street to Keyes Avenue and on the west side from Keyes Avenue to West Lawn Avenue. (Am. by Ord. 9674, 1-26-89 & 1-31-89)

(42) On the north side of Regent Street from Breese Terrace to Spooner Street and Allen Street to Ash Street and from Franklin Avenue to Glenway Street, and on the south side from Vista Road to Allen Street and Lathrop Street to Spooner Street. (Am. by Ord. 6253, 5-18-78; Ord. 13,491, 1-23-04)

(43) On the west side of Roby Road from Prospect Avenue to Rowley Avenue. (R./Re-Cr. by Ord. 9592, Adopted 9-27-88)

(44) On the north side of Rowley Avenue from Spooner Street to Harrison Street and from Allen Street to Virginia Terrace. (Am. by Ord. 9740, 3-30-89)

(45) On the west side of Spooner Street from Prospect Avenue to Chadbourne Avenue, and on the east side from Chadbourne Avenue to Regent Street. (Am. by Ord. 6334, 8-3-78)

(46) On the east side of Stockton Court from Monroe Street to Roberts Court. (Cr. by Ord. 6145, 2-15-78)

(47) On the north side of Summit Avenue from Lathrop Street to Van Hise Avenue. (Am. by Ord. 2-15-78)

(48) On the north side of Van Hise Avenue from Allen Street to Ash Street, on the south side from Allen Street to Lathrop Street and Highland Avenue to Grand Avenue and on both sides from Grand Avenue to Shepard Terrace. (Am. by Ord. 11,758, 12-13-96)

(49) On the north side of West Lawn Avenue from Spooner Street to Harrison Street and on both sides from Harrison Street to Edgewood Avenue. (Am. by Ord. 6822, 12-12-79)

(50) On the east side of Highland Avenue from Van Hise Avenue to University Avenue and on the west side from Kendall Avenue to Van Hise Avenue. (Am. by Ord. 8977, 9-25-86)

(51) On the west side of Bassett Street from Dayton Street to Wilson Street, and on both sides from Wilson Street to its southerly end. (Cr. by Ord. 6162, 3-7-78; Ord. 12,591, 6-6-00)

(52) On the east side of Bedford Street from a point 232 feet north of Mifflin Street to Dayton Street, and on the west side from a point 260 feet south of Dayton Street to Mifflin Street and on both sides from Doty Street to Wilson Street. (Am. by Ord. 7860, 11-15-82)

(53) On both sides of Brooks Street from Spring Street to College Court. (Am. by Ord. 10,003, 4-27-90)

(54) On the east side of Broom Street from Washington Avenue to Doty Street. (Cr. by Ord. 6162, 3-7-78; Am. by ORD-07-00043, 4-5-07)

(55) On both sides of Doty Street from Henry Street to Bedford Street. (Am. by Ord. 6190, 3-24-78)

(56) On the north side of Fahrenbrook Court from Park Street to Mills Street. (Am. by Ord. 10,004, 4-27-90)

(57) (R. by Ord. 6191, 3-24-78)

(58) On the east side of Marion Street from Dayton Street to Johnson Street. (Cr. by Ord. 6162, 3-7-78)

(59) On both sides of Mifflin Street from Broom Street to Bassett Street and from Butler Street to Blair Street, and on the north side from Dickinson Street to Baldwin Street, and on the south side from Fifth Street to Sixth Street. (Am. by Ord. 11,162, 1-30-95 & 2-4-95)

(60) On both sides of Orchard Street from Dayton Street to Spring Street. (Cr. by Ord. 6162, 3-7-78)

(61) On the north side of Spring Street from Mills Street to Randall Avenue, and on the south side from Mills Street to Park Street. (Am. by Ord. 10,005, 4-27-90)

(62) On both sides of Washington Avenue from Broom Street to Bedford Street and on the north side from Sixth Street to Fifth Street. (Am. by Ord. 10,455, 6-11-92)

(63) On both sides of Wilson Street from a point 107.5 feet west of Dow Court to Bassett Street, and on the north side from a point 200 feet east of Bassett Street to a point 160 feet west of Broom Street. (Am. by Ord. 7632, 1-28-82)

(64) On the east side of Blair Street from Gorham Street to Dayton Street and on both sides from Dayton Street to Mifflin Street. (Cr. by Ord. 6174, 3-9-78)

(65) On the west side of Butler Street from a point 75 feet north of Mifflin Street to Gilman Street. (Am. by Ord. 7998, 4-26-83)

(66) On both sides of Carroll Street from Langdon Street to Johnson Street. (Cr. by Ord. 6174, 3-9-78)

(67) On the east side of Frances Street from Langdon Street to Lake Mendota. (Cr. by Ord. 6174, 3-9-78)

(68) On both sides of Franklin Street from Wilson Street to Gorham Street. (Cr. by Ord. 6174, 3-9-78)

(69) On both sides of Gilman Street from Wisconsin Avenue to Henry Street and on the south side from Wisconsin Avenue to Butler Street. (Am. by Ord. 6216, 4-6-78)

(70) On the north side of Gorham Street from Livingston Street to Henry Street. (Am. by Ord. 9382, 1-14-88)

(71) On both sides of Hamilton Street from Wilson Street to its south end. (Cr. by Ord. 6174, 3-9-78)

(72) On both sides of Hancock Street from Johnson Street to East Washington Avenue and from Main Street to Wilson Street, and on the west side from Gorham Street to Johnson Street. (Am. by Ord. 9150, 3-30-87)

(73) On both sides of Henry Street from Langdon Street to Gilman Street and from Wilson Street to its south end and on the east side from Langdon Street to Lake Mendota and on the west side from Doty Street to Wilson Street. (Cr. by Ord. 6174, 3-9-78; Am. by Ord. 13,022, 2-26-02)

(74) On the south side of Johnson Street from Wisconsin Avenue to Hamilton Street and on the north side from Hamilton Street to Blair Street and on both sides from Blair Street to Livingston Street. (Am. by Ord. 9380, 1-14-88)

(75) On both sides of Pinckney Street from Gilman Street to Dayton Street and on the east side from Gilman Street to its northerly end. (Cr. by Ord. 6174, 3-9-78; Am. by Ord. 13,021, 2-26-02)

(76) On the east side of Wisconsin Avenue from Johnson Street to Langdon Street and on the west side from Johnson Street to Gorham Street and from Gilman Street to Langdon Street. (Am. by Ord. 9483, 5-10-88)

(77) On the north side of Arlington Place from Prospect Avenue to Chamberlain Avenue. (Cr. by Ord. 6215, 4-6-78)

(78) On the west side of Ely Place from Prospect Avenue to Summit Avenue. (Cr. by Ord. 6215, 4-6-78)

(79) Reserved For Future Use.

(80) On both sides of Hamilton Street from Johnson Street to Gorham Street. (Cr. by Ord. 6215, 4-6-78)

(81) On the west side of Mills Street from Milton Street to Mound Street, Chandler Street to Vilas Avenue and College Court to Dayton Street. (Am. by Ord. 10,006, 4-27-90)

(82) On the north side of Carey Court from Third Street to Second Street. (Cr. by Ord. 6232, 5-10-78)

(83) On the west side of Third Street from Johnson Street to Washington Avenue. (Cr. by Ord. 6232, 5-10-78)

(84) On the west side of Bascom Place from Chamberlain Avenue to Van Hise Avenue. (Cr. by Ord. 6333, 8-3-78)

(85) On the north side of Bascom Street from Forest Street to Bascom Place. (Cr. by Ord. 6333, 8-3-78)

(86) On the east side of Walnut Street from Chamberlain Avenue to University Avenue. (Cr. by Ord. 6333, 8-3-78)

(87) (R. by Ord. 7488, 8-20-81)

(88) On the east side of Vista Road from Rowley Avenue Ridge to Regent Street. (Cr. by Ord. 6558, 3-16-79; Am. by Ord. 13,024, 2-26-02)

(89) On the west side of Virginia Terrace from Regent Street to Eton Ridge. (Cr. by Ord. 6557, 3-16-79)

(90) On the south side of Delaplaine Court from 180 feet east of Mills Street to High Street. (Am. by Ord. 8121, 10-3-83)

(91) On the south side of Hollister Avenue from Vista Road to Allen Street. (Cr. by Ord. 6647, 6-13-79)

(92) On both sides of Lynn Terrace from Franklin Avenue to its easterly end. (Cr. by Ord. 6962, 4-17-80)

(93) On the north side of Stevens Street from a point 450 feet west of Ridge Street to Shepard Terrace and on the south side from a point 750 feet west of Ridge Street to Shepard Terrace and from Franklin Avenue to Grand Avenue. (Am. by Ord. 10,827, 1-31-94)

(94) On the east side of Franklin Avenue from Mason Street to University Avenue and on the west side from Franklin Court to Mason Street. (Am. by Ord. 11,717, 11-13-96)

(95) On the west side of West Shore Drive from Vilas Avenue to a point 370 feet south of Erin Street. (Am. by Ord. 11,658, 8-20-96)

(96) On both sides of Proudfit Street from Main Street to West Brittingham Place. (Cr. by Ord. 7559, 11-13-81)

(97) On the west side of Grand Avenue from Stevens Street to Van Hise Avenue and Mason Street to Park Place, and on the east side from Kendall Avenue to Mason Street. (Am. by Ord. 10049, 6-28-90)

(98) On the southwest side of Dow Court from Wilson Street to its southeasterly dead end. (Cr. by Ord. 7724, 5-14-82)

(99) On both sides of Jenifer Street from Williamson Street to Paterson Street. (Am. by Ord. 8312, 5-11-84)

(100) On both sides of Shepard Terrace from Van Hise Avenue to Chamberlain Avenue, and from Kendall Avenue to Barlow Street. (Am. by Ord. 11,643, 7-29-96)

(101) On both sides of Barlow Street from Shepard Terrace to its westerly end. (Am. by Ord. 10068, 8-2-90)

(102) On both sides of Ridge Street from Harvey Street to Kendall Avenue. (Am. by Ord. 10,289, 7-26-91)

(103) On both sides of Paterson Street from Jenifer Street to Spaight Street and Mifflin Street to Dayton Street. (Am. by Ord. 9384, 1-14-88)

(104) On both sides of Eton Ridge from Allen Street to Virginia Terrace. (Am. by Ord. 8931, 8-15-86)

(105) On both sides of Harvey Street from Schmitt Place to Franklin Court and on the north side from Schmitt Place to Hill Street. (Am. by Ord. 11,347, 9-12-95)

(106) (R. by Ord. 9417, 2-29-88)

(107) On the north side of Keyes Avenue from Spooner Street to Prospect Avenue. (Am. by Ord. 9163, 4-13-87)

(108) On the north side of the northeast and northwest quadrants and the south side of the southwest and southeast quadrants of Vilas Circle. (Am. by Ord. 10,830, 1-31-94)

(109) On the northeast side of Harrison Street from Regent Street to Rowley Avenue and Jefferson Street to Madison Street, on the southwest side from Monroe Street to Madison Street and on both sides from Jefferson Street to Adams Street. (Am. by Ord. 10,156, 12-14-90)

(110) On the west side of Segoe Road from Sawyer Terrace to Regent Street. (Cr. by Ord. 9076, 1-29-87)

(111) On the east side of Midvale Boulevard from Regent Street to 365 feet north of Heather Crest and on the west side from 360 feet south of University Avenue to Heather Crest.. (Cr. by Ord. 9075, 1-29-87; Am. by ORD-09-00064, 4-2-09)

(112) On the north side of Heather Crest from Meadow Lane to Midvale Boulevard. (Cr. by Ord. 9074, 1-29-87)

(113) On the east side of Eau Claire Avenue from a point 468 feet north of Regent Street to Sheboygan Avenue and on the west side from a point 218 feet north of Buffalo Trail to Old Middleton Road, except Saturdays. (Am. by Ord. 9404, 2-11-88)

(114) On both sides of Sheboygan Avenue from Whitney Way to Eau Claire Avenue and on the south side from a point 180 feet east of Eau Claire Avenue to a point 380 feet east therefrom, and from 570 feet west of Segoe Road to a point 390 feet west of Segoe Road. (Cr. by Ord. 9079, 1-29-87)

(115) On both sides of Livingston Street from Mifflin Street to Gorham Street and on the east side from Gorham Street to its northerly end. (Cr. by Ord. 9374, 1-14-88)

(116) On both sides of Blount Street from Dayton Street to Johnson Street, on the west side from Johnson Street to Gorham Street, on the west side from Gorham Street to its northerly end, and on both sides from Williamson Street to, but not including, the cul-de-sac dead end. (Am. by Ord. 11,284, 7-3-95)

(117) On the east side of Fifth Street from Dayton Street to Johnson Street. (Cr. by Ord. 9629, 11-28-88)

(118) On the west side of South Street from Midland Street to a point 425 feet north of Appleton Road and on the east side from High Street to a point 450 feet north of Appleton Road and from Appleton Road to West Wingra Drive. (Cr. by Ord. 9789, 5-31-89)

(119) On the north side of Midland Street from High Street to Fish Hatchery Road. (Cr. by Ord. 9787, 5-31-89)

(120) On both sides of Spruce Street from Fish Hatchery Road to North Wingra Drive. (Cr. by Ord. 9791, 5-31-89)

(121) On the west side of Fish Hatchery Road from Midland Street to Wingra Drive and on the east side from Wingra Drive to Appleton Road and Spruce Street to Midland Street. (Am. by Ord. 10,761, 11-1-93)

(122) On both sides of Harrison Street from Keyes Avenue to West Lawn Avenue. (Cr. by Ord. 9866, 10-13-89)

(123) On the east side of South Brittingham Place from Main Street to West Brittingham Place. (Cr. by Ord. 9903, 12-1-89)

(124) On both sides of Mason Street from Grand Avenue to Shepard Terrace. (Am. by Ord. 11,715, 11-13-96)

(125) On the south side of College Court from Mills Street to Brooks Street. (Cr. by Ord. 10,007, 4-27-90)

(126) On the east side of Garfield Street from Drake Street to Chandler Street and on the west side from Adams Street to a point 130 feet south of Adams Street and from a point approximately 60 feet north of Vilas Avenue to Vilas Avenue. (Am. by Ord. 10,828, 1-31-94)

(127) On both sides of Park Place from Grand Avenue to Farley Avenue. (Cr. by Ord. 10129, 10-30-90)

(128) On the west side of N. Wingra Drive from Haywood Drive to Short Street and on both sides from Midland Street to Fish Hatchery Road. (Am. by Ord. 10,865, 3-14-94)

(129) On both sides of N. Meadow Lane from University Avenue to Lucia Crest. (Cr. by Ord. 10,719, 8-27-93)

(130) On the west side of Van Buren Street from Monroe Street to Madison Street and on both sides from Madison Street to Jefferson Street.. (Cr. by Ord. 10,834, 1-31-94; Am. by Ord. 12,298, 12-28-98)

(131) On both sides of Wingra Street from Drake Street to Hoven Court. (Cr. by Ord. 11,127, 12-22-94)

(132) On the north side of Spaight Street from Paterson Street to Jenifer Street. (Cr. by Ord. 11,286, 7-3-95)

(133) On the north side of Dayton Street from Broom Street to Bedford Street. (Cr. by Ord. 11,289, 7-3-95)

(134) On both sides of West Brittingham Place from Proudfit Street to South Brittingham Place. (Cr. by Ord. 11,466, 12-14-95)

(135) On the north side of McKinley Street from a point 325 feet west of Ridge Street to a point 500 feet west of Ridge Street, and on the south side from Ridge Street to a point 500 feet west of Ridge Street. (Cr. by Ord. 11,956, 10-31-97)

(136) On both sides of Garfield Street from Jefferson Street to Adams Street. (Cr. by Ord. 12,741, 12-29-00)

(137) On both sides of Leonard Avenue from West Lawn to its southerly dead end. (Cr. by Ord. 13,085, 6-25-02)

(138) On the north side of Bluff Street from Ridge Street to a point 725 feet west. (Cr. by Ord. 13,189, 11-26-02)

(139) On both sides of Drake Street from Randall Avenue to Garfield Street. (Cr. by Ord. 13,492, 1-23-04)

(140) On the west side of Second Street from Mifflin Street to Washington Avenue. (Cr. by Ord. 13,693, 8-24-04)

12.139 TWO HOUR PARKING, MISCELLANEOUS SPECIFIED TIMES.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than two hours during the hours and on the days stated, subject to any exceptions stated, on any of the following streets or parts of streets.

(1) On the north side of Atwood Avenue from Marquette Street to Winnebago Street between 8:30 a.m. and 6:00 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9690, 1-26-89 & 1-31-89)

(2) On the south side of Atwood Avenue from Dunning Street to Elmside Boulevard between 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 5034, 6-4-75)

(3) (R. by Ord. 6656, 7-10-79)

(4) (R. by Ord. 5590, 9-13-76)

(5) (R. by Ord. 6828, 12-12-79)

(6) Upon any portion of the asphalt road and the concrete parking area in James Madison Park between 8:00 a.m. and 4:00 p.m. Monday through Friday, holidays excepted.

(7) (R. by Ord. 6854, 12-21-79)

(8) (R. by Ord. 9483, Adopted 5-3-88)

(9) On the north side of Monroe Street from Commonwealth Avenue to Knickerbocker Street between 8:00 a.m. and 4:00 p.m., and on the south side from Knickerbocker Street to Commonwealth Avenue between 8:30 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 7781, 7-30-82)

(10) On the north side of Monroe Street from a point 120 feet west of Randall Avenue to a point 540 feet east of Little Street between 8:00 a.m. and 6:00 p.m., and on the south side of Monroe Street from a point 590 feet east of Regent Street to a point 70 feet east therefrom and from a point 130 feet west of Randall Avenue to a point 150 feet west therefrom between 8:30 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9776, 5-12-89)

(11) On the north side of Monroe Street from Regent Street to Spooner Street and from a point 150 feet west of Spooner Street to Van Buren Street between 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(12) On the south side of Monroe Street from Van Buren Street to Regent Street between 8:30 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(13) (R. by Ord. 9592, Adopted 9-27-88)

(14) (R. by Ord. 6142, 2-15-78)

(15) On the north side of Regent Street from Park Street to a point 130 feet east of Brooks Street, from a point 125 feet west of Mills Street to Madison Street, from Breese Terrace to Spooner Street, and from Allen Street to Ash Street between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9890, 11-14-89; Ord. 12,982, 12-24-01)

(16) On the south side of Regent Street from Spooner Street to Breese Terrace, from Madison Street to a point 125 feet west of Mills Street, and from Vista Road to Allen Street, between 8:30 a.m. and 6:00 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(17) (R. by Ord. 6653, 7-10-79)

(18) On the south side of Williamson Street from 100 feet east of Jenifer Street to Livingston Street and from Few Street to Dickinson Street between 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(19) On the north side of Williamson Street from Dickinson Street to a point 260 feet west of Baldwin Street and from a point 400 feet west of Baldwin Street to Few Street and from Paterson Street to Jenifer Street between 8:30 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(20) On the north side of Winnebago Street from Atwood Avenue to First Street between 8:30 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays. (Am. by Ord. 7776, 7-30-82)

(21) (R. by Ord. 6825, 12-14-79)

(22) (R. by Ord. 5010, 6-4-75)

(23) On the west side of Park Street from Haywood Drive to Fish Hatchery Road between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 4257, 7-12-73)

(24) On the north side of Carey Court from Third Street to Second Street between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Cr. by Ord. 5626, 10-19-76)

(25) On the south side of University Avenue from Grand Avenue to Highland Avenue between 8:30 a.m. and 6:00 p.m. except Sundays and holidays. (Am. by Ord. 7779, 7-30-82)

(26) On the west side of Allen Street from Kendall Avenue to Chadbourne Avenue between 9:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9592, Adopted 9-27-88)

(27) On the south side of Johnson Street from Wisconsin Avenue to Hamilton Street between 8:00 a.m. and 3:00 p.m. except Saturdays, Sundays and holidays. (Am. by Ord. 9483, Adopted 5-3-88)

(28) On the south side of Johnson Street from a point 316 feet east of Broom Street to Wisconsin Avenue between 9:00 a.m. and 3:00 p.m., except Saturdays, Sundays and holidays. (Cr. by Ord. 6851, 12-21-79; Am. by Ord. 12,510, 12-20-99)

(29) (R. by Ord. 11,760, 12-13-96)

(30) On both sides of Jenifer Street from Williamson Street to Paterson Street from April 11 to November 14, and on the north side on even-numbered calendar days from November 15

to April 10, and on the south side on odd-numbered calendar days from November 15 to April 10, between 8:00 a.m. and 6:00 p.m., Saturdays, Sundays and holidays excepted. (Am. by Ord. 8313, 5-11-84)

(31) On the west side of Highland Avenue from a point 105 feet north of University Avenue to a point 185 feet north of University Avenue between 8:00 A.M. and 3:30 P.M. except Saturdays, Sundays and holidays. (Cr. by Ord. 8611, 6-18-85)

(32) On the east side of Webster Street from King Street to Main Street between 8:00 a.m. and 4:00 p.m. (Cr. by Ord. 12,005, 12-30-97)

12.140 FORTY-FIVE MINUTE PARKING 2:00 A.M. TO 5:00 A.M. No person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than forty-five minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day where posted on any of the following streets or parts of streets.

(1) On the west side of Butler Street from Wilson Street to Johnson Street, and on the east side from Wilson Street to a point 165 feet south of Washington Avenue.

(2) On both sides of Carroll Street from Johnson Street to Wilson Street.

(3) On the north side of Dayton Street from State Street to Hamilton Street, and on the south side from State Street to Carroll Street, and from Wisconsin Avenue to Hamilton Street.

(4) On both sides of Doty Street from King Street to Henry Street.

(5) On both sides of Fairchild Street from Hamilton Street to State Street.

(6) On the west side of Frances Street from Langdon Street to a point 60 feet north of State Street.

(7) (R. by Ord. 9483, Adopted 5-3-88)

(8) On both sides of Hamilton Street from Henry Street to Carroll Street, and from Pinckney Street to Butler Street.

(9) On both sides of Henry Street from Langdon Street to Main Street.

(10) On both sides of Johnson Street from Henry Street to Pinckney Street.

(11) On both sides of King Street from Pinckney Street to Butler Street.

(12) On both sides of Lake Street from State Street to Langdon Street.

(13) On both sides of Main Street from Henry Street to Butler Street.

(14) On both sides of Mifflin Street from Butler Street to Henry Street.

(15) On both sides and at the median parking islands of Martin Luther King, Jr. Boulevard from Main Street to Wilson Street. (Am. by Ord. 9087, 1-29-87)

(16) On both sides of Pinckney Street from Wilson Street to Johnson Street.

(17) On the north side of State Street from Carroll Street to Park Street, and on the south side from Park Street to a point 80 feet west of Mifflin Street.

(18) (R. by Ord. 9483, Adopted 5-3-88)

(19) (R. by Ord. 9483, Adopted 5-3-88)

(20) On both sides of Webster Street from Hamilton Street to King Street.

(21) On both sides of Wilson Street from Henry Street to Franklin Street, and on the north side from Blair Street to Franklin Street.

(22) On both sides of Wisconsin Avenue from Mifflin Street to Gorham Street, and at the median parking island from Mifflin Street to Dayton Street.

12.141 PENALTIES FOR VIOLATING SECTIONS 12.122 THROUGH 12.140.

(1) Any person violating any provision of Sections 12.128 (1), (3), (14), and (16), 12.130, 12.1334 except 12.1334(99), 12.134 to 12.136 inclusive, 12.138(9), or 12.140, shall be subject to a forfeiture of not less than ten dollars ($10) nor more than fifty dollars ($50) for the first offense and not less than twenty dollars ($20) nor more than one hundred dollars ($100) for the second or subsequent conviction within a year. (Am. by Ord. 12,506, 11-19-99; Ord. 13,651, 7-7-04; Ord. 13,760, Adopted 12-14-04)

(2) Any person violating Section 12.127, 12.128(5), 12.128(16), 12.1334(99) or 12.1336 shall be subject to a forfeiture of not less than five dollars ($5) nor more than sixty dollars ($60). (Am. by ORD-08-00096, 8-23-08; ORD-08-00127, 11-22-08; ORD-09-00036, 3-14-09)

(3) Any person violating Section 12.1335 shall be subject to a forfeiture of not less than five dollars ($5) nor more than one hundred dollars ($100). (Cr. by ORD-08-00127, 11-22-08)

(4) Any person violating Sections 12.128(4)(a) or 12.128(6) or 12.128(9) or 12.128(10) or 12.128(11) or 12.129(1) or 12.138 shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). (Am. by Ord. 13,760, Adopted 12-14-04; ORD-06-00173, 12-8-06)

(5) Any person violating any provisions of Sections 12.137 inclusive and 12.139 shall be subject to a forfeiture of not less than eight dollars ($8) nor more than forty dollars ($40) for the first offense and not less than ten dollars ($10) nor more than one hundred dollars ($100) for the second or subsequent conviction within a year. In the event the vehicle is towed, the forfeiture shall be not less than thirty dollars ($30) nor more than seventy dollars ($70).

(6) Any person violating any provision of Sections 12.128(2), (7) or (18) shall be subject to a forfeiture of not less than ten dollars ($10) nor more than two hundred dollars ($200). (Am. by ORD-11-00099, 8-1-11)

(7) Any person violating Section 12.128(8) shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

(8) Any person violating Section 12.1338 shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100).

(9) Any person violating Section 12.129(2) shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than one hundred dollars ($100) for the first offense and not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the second or subsequent conviction within a year.

(10) Any person violating Section 12.128(13), 12.128(15) or any Section 12.131, 12.132 or 12.133 shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than sixty dollars ($60) for the first offense and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the second or subsequent conviction within a year. (Am. by Ord. 13,038, 3-26-02; Ord. 13,060, 5-29-02; ORD-10-00015, 2-18-10)

(Sec. 12.141 Am. by Ord. 12,019, 2-16-98; Secs. (3)-(9) to (4)-(10) Renum. by ORD-08-00127, 11-22-08)

PARKING METERS

12.142 TEMPORARY RESTRICTED PARKING - ON-STREET METERS.

(1) Purpose. The purpose of this ordinance is to establish a procedure for the City Traffic Engineer and Parking Manager to create "Temporary Restricted Parking Areas" and to issue hangtag parking permits within on-street metered parking areas. When used in this Section, the title "Traffic Engineer" means the "City Traffic Engineer and Parking Manager or designee." Under this procedure, operators are permitted to park overtime at a metered space when displaying a hangtag parking permit, to cover certain on-street parking meters or stall markers with Temporary Restricted Parking Hoods, or to designate Temporary Restricted Parking areas for multi-space metered zones for the following purposes:

(a) to provide temporary parking for contractors or other vehicle operators to load and unload equipment and supplies necessary to and in the vicinity of their work, while actively engaged in performing construction or repair work in the immediate vicinity of the restricted parking area, where the vehicle is necessary for loading, unloading or storing tools or supplies used in servicing buildings in the vicinity, and where the vehicle is not owned or operated by the owner of the premises or an

employee of a business operated on the premises adjacent to the parking area. For purposes of this section, "equipment and supplies necessary" means that the operator is using the vehicle for storage of materials or tools needed on the job or as a work space necessary to the job, such as, to hold vices, air compressor, self-contained cleaning equipment, etc.

(b) to provide temporary parking for a Large Motor Truck, as defined in Sec. 12.915, a Motor Bus as defined in Wis. Stat. § 340.01(31) (2003-2004) or a School bus as defined in Wis. Stat. § 340.01(56) (2003-2004), for loading and unloading of passengers, freight, or other equipment and for temporary parking, when in the opinion of the Traffic Engineer, there is no reasonable alternative for on-street parking in the vicinity of the vehicle's destination that will accommodate the size of the vehicle.

(c) to create a temporary parking space for motor vehicles used by a person with a physical disability at an on-street metered parking stall, when a permanent parking space reserved for motor vehicles used by a person with a physical disability has been temporarily removed for construction or other reasons. The person, firm, or event sponsor responsible for the removal of the permanent parking space, shall apply for and pay the fee for the meter hood or Temporary Restricted Parking area to create the temporary relocated parking space, at the rates herein. (Am. by ORD-06-00178, 12-8-06)

(d) to provide temporary parking for election workers adjacent to polling places on election days (no fee shall be required.)

(Am. by ORD-09-00073, 5-08-09; ORD-12-00066, 5-9-12)

(e) to facilitate the temporary on-street storage of materials, machinery, dumpsters, portable storage containers, and construction trailers granted a Street Occupancy Permit pursuant to Sec 10.055, MGO. (Cr. by ORD-16-00044, 4-27-16)

(2) The Traffic Engineer is authorized to establish Temporary Restricted Parking Areas at metered stalls or multi-space metered zones on streets in the City of Madison.

A "Temporary restricted parking area" is defined as an area on a street in the City of Madison designated for meter parking which is restricted by the Traffic Engineer for the use of vehicles meeting the purposes listed in sub. (1) and which has been so designated by placing a meter hood, meter bag or other official device to notify vehicle operators of the restriction.

(Am. by ORD-06-00178, 12-8-06)

(3) Application and Fees.

(a) Application for a temporary restricted parking area and hangtag parking permits shall be made to the Traffic Engineer, by the person or firm requesting the restricted parking area. The application shall be in writing and on a form designated by the Traffic Engineer. At a minimum, the application form shall require the applicant to demonstrate a need for a temporary restricted area or hangtag parking permit consistent with the purposes stated in sub. (1), and shall include any other information required by the Traffic Engineer. If meter or stall hoods are requested for a period of six (6) months or more the fees shall be prepaid. (Am. by ORD-09-00073, 5-08-09)

(b) Fees for Parking Meters Controlling a Single Space. Meter hoods and hangtag parking permits shall be issued for a full day or half-day. The fee for a full-day meter shall be eighteen dollars ($18) plus a two-dollar ($2) hood rental fee, and the fee for a half-day meter shall be ten dollars ($10) plus a two-dollar ($2) hood rental fee. The fee for streets with peak hour parking restrictions will be adjusted by the Traffic Engineer. The replacement fee for lost or stolen hoods shall be two dollars ($2) per hood. Election-day meter hoods under sub. (1)(d) shall be exempt from any fees. (Am. by ORD-09-00073, 5-08-09)

(c) Fees for Multi-Space Metered Zones. Zones consisting of parallel parking areas, for every twenty-two (22) lineal feet as measured at the curb, shall be equivalent to one (1) parking stall. Each parking stall measured in this manner shall have a fee of eighteen dollars ($18) for a full day and the fee for a half day shall be ten dollars ($10). Zones consisting of diagonal parking stalls shall have a fee of eighteen dollars ($18) for a full day and the fee for a half day shall be ten dollars ($10) per stall. Temporary restricted parking signs as required by the Parking Utility will have a fee of two dollars ($2) per sign. (Cr. by ORD-06-00178, 12-8-06; Am. by ORD-09-00073, 5-08-09)

(d) Fees For Covering /Uncovering Signs For Parking Spaces Reserved For Motor Vehicles Used By a Person With Physical Disability. As described in Sec. 12.142(1)(c), the fee shall be fifty-five dollars ($55) per occurrence or event. (Cr. by ORD-09-00073, 5-08-09)

(e) This ordinance shall become effective June 1, 2016. (Cr. by ORD-09-00073, 5-08-09)

(Am. by ORD-12-00066, 5-9-12; ORD-16-00044, 4-27-16)

(4) If the Traffic Engineer establishes a Temporary Restricted Parking Area he/she will issue the number of parking meter hoods to the applicant which corresponds to the number of parking stalls to be included in the restricted parking area. The Traffic Engineer may limit the number of hoods to be issued in any one area. No person may park a vehicle in a Temporary Restricted Parking Area unless an application for the temporary restricted area has been approved by the Traffic Engineer, and only vehicles associated with the applicant may park in the Temporary Restricted Parking Area. (Am. by ORD-09-00073, 5-08-09)

(5) Procedure for Meter Bags/Hoods. Hoods shall be clearly marked with the applicable parking restrictions, dates and times. The applicant shall place and remove the hoods and/or signs from the parking meter. The hood and/or signs shall be placed on the meter no later than the beginning of the last full cycle of the posted time limit of the meter in question, prior to the start of the restricted parking.

No parking meter may be restricted during any hour when parking is not permitted. Loading Zones between 7:00 A.M. and 11:00 A.M. are also ineligible for restricted parking during the Loading Zone hours. Each hoodand/or sign shall be removed at the end of its effective period. (Am. by ORD-06-00178, 12-8-06; ORD-09-00073, 5-08-09)

(6) Hoods and signs are valid only for the dates, times and locations indicated on the hood and signs at the time of issue. No person may alter or tamper with a parking meter hood or sign, or use a hood or sign with an altered location or expiration date, or place a hood or sign on a meter for which it was not issued. (Am. by ORD-06-00178, 12-8-06)

(7) Procedure For Hangtag Parking Permits.

(a) Permits may not be used at meters with a time limit of thirty (30) minutes or less, at meters which are Loading Zones between 7:00 a.m. and 11:00 a.m or at meters during times when parking is not allowed for any other reason. All stopping, standing and parking restrictions remain applicable to vehicles with permits.

(b) Permits shall be placed on the rearview mirror when the vehicle is parked.

(c) Permits are valid for only the date indicated on the permit. No person may alter a permit or use a permit with an altered expiration date.

(d) The City Traffic Engineer and Parking Manager or designee may withdraw the right to use the permit if traffic, parking or weather conditions warrant.

(Cr. by ORD-12-00066, 5-9-12)

(8) Use of a parking meter hood, sign or hangtag parking permit for other than the use specified in the application shall be grounds for revocation of the temporary restricted parking area permit or hangtag parking permit and, in addition, any person or firm who

violates any part of this ordinance shall be subject to a forfeiture of not more than two hundred dollars ($200) for each day or fraction thereof during which the violation occurs. (Am. by ORD-06-00178, 12-8-06; ORD-12-00066, 5-9-12)

(Cr. by Ord. 7650, 2-18-82; Am. by ORD-06-00061, 6-3-06)

12.1425 TEMPORARY "NO PARKING" ZONES - ON-STREET METERS.

(1) Purpose. The purpose of this ordinance is to establish procedure for the City Traffic Engineer and Parking Manager to establish Temporary No Parking Zones at on-street metered parking stalls, when the street must be cleared of vehicles for a parade or special event, or other purposes described herein. This ordinance establishes the procedure for "No Parking" meter hoods. When used in this Section, the title "Traffic Engineer" means the "City Traffic Engineer and Parking Manager."

(2) Applications. The Traffic Engineer may establish a temporary "no parking" zone on streets in the City of Madison where parking meters have been installed. Applications for establishing a no parking zone area shall be made on a form designated by the Traffic Engineer and shall include a description of the purpose for which the permit is sought, the number of hours and the number of metered stalls to be restricted.

(3) (a) "No Parking" Hoods may be issued for the following purposes:

1. To prohibit on-street parking to facilitate construction on property adjacent to the street right-of-way.
2. To prohibit parking for events granted a Street Use Permit pursuant to Sec. 10.056 of the Madison General Ordinances, or Parade Permits under Sec. 12.87, on street(s) or portions of street(s) within the perimeter of the Street Use Permit or on the parade route, whether or not such streets are closed to all traffic.
3. To prohibit parking for weddings and funerals.

(b) Fees per hood or area shall be as follows:

1. "No Parking" Hood Fees. Meter hoods shall be issued for a full day or half-day. The fee for a full-day meter shall be eighteen dollars ($18) plus a two-dollar ($2) hood rental fee, and the fee for a half-day meter shall be ten dollars ($10) plus a two dollar ($2) hood rental fee.
   a. Fees for Multi-Space Metered Zones. Zones consisting of parallel parking areas, for every twenty-two (22) lineal feet as measured at the curb, shall be equivalent to one (1) parking stall. Each parking stall measured in this manner shall have a fee of eighteen dollars ($18) for a full day and the fee for a half day shall be ten dollars ($10). Zones consisting of diagonal parking stalls shall have a fee of eighteen dollars ($18) for a full day and the fee for a half day shall be ten dollars ($10) per stall. Temporary restricted parking signs as required by the Parking Utility will have a fee of two dollar ($2) per sign.

   (Am. by ORD-12-00066, 5-9-12)
2. Street Use Permits or Parade Permits (Sec. 12.1425(4)(a)2.). $2.00 per hood or sign for meters on streets that are closed to traffic, and the regular price in sub. (3)(b)1. and (3)(b)1.a. above for meters or areas on streets that are not completely closed to traffic.
3. Lost and Stolen Hoods. $2.00 per hood or sign replacement cost.
4. Street or Utility Work in Right of Way. There shall be no charge for hoods or signs to prohibit parking to facilitate any street or utility work when all or a portion of such work is within the street right-of-way.
5. City of Madison Public Works Contracts. There shall be no charge for meter hoods or signs to prohibit parking for any work under a City of Madison Public Works contract.

6. Weddings and Funerals. There shall be no charge for meter hoods or signs issued for weddings and funerals under this section.

(Sec. 12.1425(3)(b) Am. by ORD-16-00044, 4-27-16)

(4) Placement of Meter Hoods. Hoods (meter bags), signs, or other suitable means of notification shall be used to post the "no parking" areas. The hood or signs shall be clearly marked "No Parking" and shall bear an expiration date. Upon granting the request, the Traffic Engineer shall issue to the applicant the number of hoods required to post each meter included in the restricted area. Placing and removing the hoods or signs shall be the responsibility of the applicant. The hood and/or signs shall be placed on the meter or metered area no later than the beginning of the last full cycle of the posted time limit of the meter in question, prior to the start of the temporary No Parking zone. All hoods and/or signs shall be removed immediately after the event has ended or upon the expiration date on the hood or signs, whichever is sooner. If the street has been closed, the hoods and/or signs shall be removed before the street is reopened. Hoods and signs may not be transferred to other dates or locations nor may the dates and location specified on the hoods be altered. (Am. by ORD-06-00178, 12-8-06)

(5) Any person who uses or permits the use of a parking meter hood and/or signs which is not authorized by the City Traffic Engineer and Parking Manager, or who shall fail to comply with the requirements of this ordinance shall be subject to a forfeiture of not more than two hundred dollars ($200), plus applicable court costs and fees. (Am. by ORD-06-00178, 12-8-06)

(6) No provision of this ordinance is intended to limit the authority of the Traffic Engineer under Sec. 12.03 of the Madison General Ordinances.

(Cr. by Sub. Ord. 7651, 3-4-82; Am. by ORD-06-00061, 6-3-06; Am. by ORD-06-00178, 12-8-06)

12.143 INSTALLATION OF PARKING METERS.

The Parking Manager shall install, regulate, control and maintain in good working condition parking meters on highways, parking lots and ramps in all parking meter zones established by ordinance. Parking meters controlling an individual space shall be installed adjacent to the curb, and lines or marks shall be placed upon or adjacent to the roadway, so as to designate individual vehicle parking spaces, not inconsistent with other provisions of this chapter. A multi-space meter shall be installed on the same block face as the area that it controls. Multi-space metered zones shall have lines or marks placed upon or adjacent to the roadway, so as to designate individual vehicle parking spaces. Lines or marks placed upon or adjacent to the roadway may be omitted if the multi-space meter provides a receipt to be displayed on the vehicle. (Am. by Ord. 4606, 6-19-74; Am. by ORD-06-00178, 12-8-06)

12.144 OPERATION OF PARKING METERS.

(1) Upon the deposit, by the operator of a vehicle, of the coin or coins or other form of payment required by this chapter, each parking meter that controls a single stall shall continuously indicate the length of time during which such vehicle may be allowed to remain parked in the parking space adjacent to such meter under the provisions of this chapter, and upon the expiration of the time limit applicable to such vehicle shall, by appropriate signal, indicate the expiration of the time limit.

(2) Upon the deposit, by the operator of a vehicle, of the payment required by this chapter, each multi-space meter shall have some means of indicating the amount of time during which such vehicle may be allowed to remain parked, whether by a receipt displaying the expiration time or an indication on the meter.

(3) There shall be attached to each parking meter that controls a single stall a sign indicating the length of time vehicles may be parked in the parking space adjacent to the meter under the provisions of this chapter, the days and times during which such time limit is applicable and the amount and method of payment required to be deposited in the meter.

(4) There shall be attached to each multi-space meter a sign or other display method indicating the length of time vehicles may be parked in the parking spaces controlled by that meter under the provisions of the chapter, the days and times during which such time limit is applicable, and the amount and method of payment required to be deposited in the multi-space meter.

(Am. by ORD-06-00061, 6-3-06; Am. by ORD-06-00178, 12-8-06)

12.145 PARKING AT PARKING METERS AND MULTI-SPACE METERS; METER RATES.

(1) Restrictions. In all parking meter zones established by Sections 12.1495, 12.150, 12.1505, 12.151, 12.1515, 12.1516, 12.1517 and 12.1518 or at any other on-street parking meter space or on-street multi-space metered zone established under the authority of the City Traffic Engineer and Parking Manager, no person shall park, stop or leave standing any vehicle, whether attended or unattended, unless the following provisions are strictly complied with:

(a) Parking at a Meter Controlling a Single Space. The operator of every vehicle, upon stopping, standing or parking the vehicle at a parking meter space adjacent to which a parking meter is located, shall deposit in such parking meter the proper payment as required by the directions on the meter and remove the vehicle therefrom prior to the expiration of the time limit indicated on the meter.

(b) No such vehicle shall be parked, stopped or left standing for a longer period than the applicable time limit specified in Sections 12.1495, 12.150,12.1505, 12.151, 12.1515, 12.1516, 12.1517, or 12.1518.

(c) The operator of such vehicle shall comply with all other provisions of this chapter relating to the parking, stopping or leaving a vehicle standing, except those provisions which by their very nature would have no application.

(d) No person shall stop, park or leave standing any vehicle at a parking space adjacent to a parking meter or multi-space metered zone for the purpose of conducting street vending directly from the vehicle, during the hours in which that meter is enforced. "Street vending" shall have the meaning established in Section 9.13. This prohibition shall apply to all on-street parking meter zones established by this Chapter, during the hours of enforcement established herein. (Cr. by ORD-06-00061, 6-3-06)

(e) Parking at a Multi-Space Meter. The operator of every vehicle, upon stopping, standing or parking the vehicle at spots controlled by multi-space parking meters, shall deposit the proper payment as required by the directions on the multi-space meter and shall remove the vehicle therefrom prior to the expiration of the time limit indicated on the multi-space meter or the parking meter receipt. Parking meter receipts, if required by the directions on the meter, must be placed on the front dashboard of the driver's side of the vehicle. Only one receipt may be displayed at any one time and the printed expiration time must be visible through the front windshield. Motorcycles, mopeds, and other vehicles not specified must display parking meter receipts, if required, in a visible manner. (Cr. by ORD-06-00178, 12-08-06; ORD-11-00164, 12-6-11)

(Am. by ORD-06-00061, 6-3-06; ORD-06-00130, 10-6-06; ORD-06-00178, 12-08-06)

(2) Exceptions.

(a) Hours of Enforcement. The provisions of subsections (1)(a), (b), (d), and (e) apply only during the following times and days:

1. 8:00 a.m. to 6:00 p.m. on all days except Sundays and holidays.

(b) The absence or complete functional failure of a parking meter adjacent to any parking space shall exempt operators of vehicles from the provisions of subsections (1)(a), but shall not exempt them from any other provision of this chapter.

(c) With the exception of two fifteen (15) minute metered parking spaces, the east side of South Carroll Street extending from West Doty Street to West Wilson Street shall be restricted to the parking only of Madison Police Department vehicles.

(3) Rates. The rate of payment for on-street parking meters shall be:

(a) Parking meter zones established by Sections 12.1495, 12.150, 12.1505, 12.1515, 12.1516, 12.1517 and 12.1518: one dollar and ten cents ($1.10) per hour for the ten-hour meters, and two dollars ($2) per hour for all other meters.

(b) Parking meter zones established by Section 12.151: one dollar and thirty cents ($1.30) per hour for all meters.

(c) The hourly rate for all on-street metered parking designated for motorcycles shall be one dollar ($1).

(d) The rate for any other on-street parking meter installed under the authority of the City Traffic Engineer and Parking Manager, but not included in the zones listed above shall be either two dollars ($2) per hour, one dollar and fifty cents ($1.50) per hour, one dollar and thirty cents ($1.30) per hour, one dollar and ten cents ($1.10) per hour, or seventy-five cents (75¢) per hour, as determined by the City Traffic Engineer and Parking Manager.

(e) On street multi-space meters paid by methods other than cash will have a minimum required payment equal to one dollar ($1) of metered time, as determined by the City Traffic Engineer and Parking Manager.

(f) This ordinance shall become effective June 1, 2016.

(Am. by ORD-06-00061, 6-3-06; ORD-06-00178, 12-8-06; ORD-09-00073, 5-8-09; ORD-12-00066, 5-9-12; ORD-16-00044, 4-27-16)

12.146 DEPOSIT OF EXCESS PAYMENT.

No person shall deposit or cause to be deposited in any parking meter or multi-space meter a coin or coins or other form of payment so as to prevent such meter multi-space meter from indicating the expiration of the time limit imposed by this chapter upon the parking of a vehicle in the parking space adjacent to such meter or a multi-space metered zone. (Am. by ORD-06-00061, 6-3-06; ORD-06-00178, 12-8-06)

12.147 MISUSE OF PARKING METERS AND MULTI-SPACE METERS.

(1) No person shall intentionally, by physical or mechanical force or by the use of any instrument or device, damage, deface, tamper with, open or impair the effective operation of a parking meter or multi-space meter installed pursuant to ordinance.

(2) No person shall place, insert or deposit or cause to be deposited in a parking meter or multi-space meter installed pursuant to ordinance, anything other than the form of payment specified on the meter, and when coins are permitted, shall not deposit any coins other than lawfully minted coins of the United States. (Am. by ORD-06-00061, 6-3-06)

(Am. by ORD-06-00178, 12-8-06)

12.148 FEES FROM PARKING METERS AND MULTI-SPACE METERS FOR REGULATION.

The fees required by ordinance in parking meters and multi-space meters are imposed as police regulation and inspection fees, and the revenues derived therefrom shall be used for the installation, operation, inspection and regulation of parking meters, multi-space meters, and parking space in parking meter zones created by ordinance. (Am. by ORD-06-00178, 12-8-06)

12.149 OTHER PARKING RESTRICTIONS NOT AFFECTED.

Except as otherwise expressly provided, no provisions of this chapter relating to parking meters shall be construed as amending or repealing other restrictions upon the parking of vehicles upon any highway.

12.1495 THIRTY MINUTE PARKING METER ZONES. (Am. by Ord. 7566, 11-19-81)

The following streets and parts of streets are declared to be thirty (30) minute parking zones, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of thirty (30) minutes, except in compliance with the provisions of Section 12.145. (Am. by Ord. 7567, 11-19-81)

(1) On the west side of Lake Street from Langdon Street to State Street. (Cr. by Ord. 8549, 3-18-85)

(Am. by ORD-06-00061, 6-3-06)

12.150 TWENTY-FIVE MINUTE PARKING METER ZONES.

The following streets and parts of streets are declared to be twenty-five (25) minute parking zones, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of twenty-five (25) minutes, except in compliance with the provisions of Section 12.145.

(1) On the north side of Washington Avenue from a point 140 feet east of Bedford Street to a point 100 feet east therefrom.

(Cr. by ORD-06-00130, 10-6-06)

12.1505 COMBINATION ONE HOUR, 30 MINUTE, 25 MINUTE AND 15 MINUTE PARKING METER ZONES.

The following streets and parts of streets are declared to be combination one hour, thirty (30) minute, twenty-five (25) minute, and fifteen (15) minute parking meter zones, consisting of not less than fifty-one percent (51%) one hour meters in any one block within said zone, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified in the adjacent parking meters or multi-space meters, nor in any case except in compliance with the provisions of Sec. 12.145. (Am. by Ord. 7566, 11-19-81; ORD-06-00061, 6-3-06; ORD-06-00178, 12-8-06)

(1) On the west side of Carroll Street from Doty Street to Wilson Street. (Am. by Ord. 5375, 2-18-76)

(2) On the west side of Carroll Street from Mifflin Street to Dayton Street and from Doty Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88)

(3) On the north side of Dayton Street from Carroll Street to a point 120 feet west of Hamilton Street and on the south side from State Street to Carroll Street, and from a point 150 feet east of Wisconsin Avenue to Hamilton Street. (Am. by Ord. 9483, Adopted 5-3-88)

(4) On both sides of Doty Street from Pinckney Street to Carroll Street, and on the south side from Carroll Street to Hamilton Street. (Am. Ord. 11,998, 12-30-97)

(5) On the west side of Fairchild Street from Main Street to Washington Avenue and from a point 200 feet north of Washington Avenue to State Street, and on the east side from Hamilton Street to State Street. (Am. by Ord. 9483, Adopted 5-3-88)

(6) (R. by Ord. 6764, 10-5-79)

(7) On both sides of Hamilton Street from Dayton Street to Mifflin Street and from Main Street to Doty Street.

(8) (R. by Ord. 12,058, 3-27-98)

(9) (R. by Ord. 12,056, 3-27-98)

(10) On the south side of Langdon Street from Park Street to a point 300 feet east therefrom.

(11) On the south side of Main Street from Fairchild Street to Carroll Street. (Am. by Ord. 12,065, 3-27-98)

(12) On both sides of Mifflin Street from Henry Street to Carroll Street and on the north side from Pinckney Street to Webster Street. (Am. by Ord. 6936, 3-20-80; ORD-06-00045, 4-22-06)

(13) (R. by Ord. 9483, Adopted 5-3-88)

(14) On both sides and at the median parking island of Martin Luther King, Jr. Boulevard from Main Street to Wilson Street. (Am. by Ord. 9483, Adopted 5-3-88)

(15) On the east side of Pinckney Street from Dayton Street to Mifflin Street and from Main Street to Doty Street. (Am. by Ord. 9483, Adopted 5-3-88)

(16) (R. by Ord. 6016, 10-28-77)

(17) On the north side of Washington Avenue from Carroll Street to Henry Street and on the south side from Fairchild Street to Carroll Street and on both sides from Pinckney Street to Webster Street. (Am. by Ord. 9483, Adopted 5-3-88)

(18) On the north side of Washington Avenue from Henry Street to Fairchild Street and from a point 105 feet east of Fairchild Street to Carroll Street and on the south side from Fairchild Street to a point 160 feet east therefrom. (Am. by Ord. 5810, 3-28-77)

(19) On both sides and at the median parking island of Washington Avenue from Pinckney Street to Webster Street.

(20) (R. by Ord. 5380, 2-18-76)

(21) On the west side of Webster Street from Hamilton Street to Main Street and on the east side from Mifflin Street to Washington Avenue. (Am. by Ord. 12,001, 12-30-97)

(22) On both sides of Wilson Street from Martin Luther King, Jr. Boulevard to Pinckney Street and on the south side from Blair Street to Blount Street. (Am. by Ord. 9087, 1-29-87)

(23) On both sides and at the median parking island of Wisconsin Avenue from Dayton Street to Mifflin Street.

(24) On both sides of Wisconsin Avenue from Johnson Street to Dayton Street.

(25) (R. by Ord. 9483, Adopted 5-3-88)

12.151 COMBINATION TWO HOUR, 30 MINUTE, 25 MINUTE AND 15 MINUTE PARKING METER ZONES.

The following streets and parts of streets are declared to be combination two hour, thirty (30) minute, twenty-five (25) minute, and fifteen (15) minute parking zones, consisting of not less than fifty-one percent (51%) two hour meters in any one block within said zone, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified in the adjacent parking meter or multi-space meters, nor in any case, except in compliance with the provisions of Section 12.145. (Am. by ORD-06-00061, 6-3-06; ORD-06-00178, 12-8-06)

(1) On both sides of Atwood Avenue from First Street to Rusk Street.

(2) (R. by Ord. 8525, 2-18-85)

(3) On the north side of Monroe Street from Regent Street to Spooner Street and from a point 150 feet west of Spooner Street to Van Buren Street and on the south side from Van Buren Street to a point 90 feet west of Regent Street. (Am. by Ord. 9592, Adopted 9-27-88)

(4) (R. by Ord. 6747, 9-14-79)

(5) On the west side of Second Street from Atwood Avenue to a point 70 feet north of Atwood Avenue, and on the east side from Winnebago Street, to the Chicago and North Western Railway right-of-way.

(6) On the north side of Winnebago Street from Sutherland Court to Second Street and from Atwood Avenue to First Street, and on the south side from Moulton Court to Russell Street and from Atwood Avenue to Sutherland Court. (Am. by Ord. 5009, 6-4-75)

(7) On the east side of Russell Street from a point 65 feet south of Winnebago Street to a point 105 feet south of Winnebago Street. (Cr. by Ord. 8958, 9-12-86)

12.1515 COMBINATION TWO HOUR, 30 MINUTE, 25 MINUTE, AND 15 MINUTE PARKING METER ZONES.

The following streets and parts of streets may include meters of any of the following combinations of time limits: two hour, thirty (30) minute, twenty-five (25) minute, or fifteen (15) minutes, consisting of not less than fifty-one percent (51%) two hour meters in any one block within said zone, and no person shall park, stop or leave standing any vehicle in any parking space within such

zones in excess of the applicable time limit specified in the adjacent parking meters or multi-space meters, nor in any case except in compliance with the provisions of Section 12.145. (Am. by Ord. 7568, 11-19-81; ORD-06-00061, 6-3-06; ORD-06-00178, 12-8-06)

(1) On both sides of Brooks Street from University Avenue to Dayton Street.

(2) On the west side of Broom Street from State Street to Gorham Street and on the east side from State Street to Johnson Street, and Dayton Street to Mifflin Street.

(3) On the west side of Butler Street from a point 220 feet north of King Street to Main Street, and on the west side of Butler Street from East Washington Avenue to Mifflin Street, and on the east side from Wilson Street to a point 165 feet south of Washington Avenue. (Am. by Ord. 9483, Adopted 5-3-88; ORD-06-00061, 6-3-06)

(4) Reserved for Future Use. (R. by ORD-06-00061, 6-3-06)

(5) On both sides of Doty Street from Fairchild Street to Henry Street, and on the north side from Pinckney Street to King Street. (Am. by Ord. 11,997, 12-30-97)

(6) On the east side of Frances Street from Dayton Street to Conklin Place and University Avenue to a point 360 feet north therefrom, and on the west side from Johnson Street to a point 130 feet north of University Avenue. (Am. by Ord. 7986, 3-25-83)

(7) On both sides of Gilman Street from Henry Street to University Avenue. (Am. by Ord. 6766, 10-5-79)

(8) On the north side of Gorham Street from State Street to a point 150 feet east of University Avenue and on the south side from Henry Street to Broom Street. (Am. by Ord. 9483, Adopted 5-3-88)

(9) On the west side of Hamilton Street from Doty Street to a point 140 feet north of Wilson Street. (Am. by Ord. 5383, 2-18-76)

(10) On the east side of Henry Street from Gilman Street to Gorham Street, and Dayton Street to Main Street, and on the west side from Gilman Street to State Street, and from Dayton Street to a point 140 feet north of Doty Street. (Am. by Ord. 9483, Adopted 5-3-88; Am. by Ord. 13,020, 2-26-02)

(11) (R. by Ord. 5384, 2-18-76)

(12) On the south side of Johnson Street from a point 316 feet east of Broom Street to Wisconsin Avenue.

(13) On both sides of Lake Street from Dayton Street to Johnson Street and on the east side from State Street to Langdon Street. (Am. by Ord. 5000, 6-4-75; Ord. 12,509, 12-20-99; ORD-06-00061, 6-3-06)

(14) On the north side of Langdon Street from Wisconsin Avenue to a point 50 feet east of Howard Place and on the south side from Lake Street to a point 300 feet east of Park Street. (Am. by Ord. 9483, Adopted 5-3-88; ORD-06-00061, 6-3-06)

(15) On the north side of Main Street from Fairchild Street to Henry Street, and from Webster Street to Franklin Street, on the south side from Henry Street to a point 150 feet west of Fairchild Street, Martin Luther King, Jr. Boulevard to Webster Street, and on both sides from Webster Street to Franklin Street. (Am. by Ord. 12,061, 3-27-98; ORD-06-00035, 4-22-06)

(16) On both sides of Mifflin Street from Webster Street to Butler Street and on the south side from Henry Street to Broom Street and on the north side of Mifflin Street from Wisconsin Avenue to Carroll Street. (Am. by Ord. 7801, 8-13-82; ORD-06-00045, 4-22-06)

(17) On the west side of Mills Street from Johnson Street to Dayton Street.

(18) On the east side of Murray Street from University Avenue to a point 350 feet north therefrom. (Am. by Ord. 5735, 2-1-77)

(19) On both sides of Orchard Street from University Avenue to Johnson Street. (Am. by Ord. 9483, Adopted 5-3-88)

(20) On both sides of Pinckney Street from Doty Street to Wilson Street and on the east side from East Washington Avenue to East Mifflin Street. (Am. by Ord. 6924, 3-20-80; Ord. 13,019, 2-26-02; ORD-06-00042, 4-22-06)

(21) On both sides of Washington Avenue from Butler Street to Franklin Street and on the north side from a point 45 feet west of Blair Street to a point 43 feet west therefrom. (Am. by Ord. 9937, 1-25-90)

(22) On the south side of Washington Avenue from Henry Street to Broom Street. (Am. by ORD-06-00061, 6-3-06)

(23) On the north side of Wilson Street from Hamilton Street to Carroll Street and from a point 198 feet east of Pinckney Street to Blair Street, and on the south side from Henry Street to Carroll Street, and from Butler Street to Franklin Street. (Am. by Ord. 9483, Adopted 5-3-88; ORD-06-00061, 6-3-06)

(24) On the west side of South Hancock Street from East Washington Avenue to East Main Street. (Cr. by Ord. 9184, 5-14-87)

(25) On both sides of Webster Street from King Street to Main Street. (Cr. by Ord. 12, 004, 12-30-97)

(26) On both sides of King Street from Pinckney Street to Webster Street and on the south side from Doty Street to Wilson Street. (Cr. by Ord. 12,057, 3-27-98)

12.1516 COMBINATION 10 HOUR, 2 HOUR, 30 MINUTE, 25 MINUTE, AND 15 MINUTE PARKING METER ZONES.

The following streets and parts of streets may include meters of any of the following combinations of time limits: ten (10) hour, two (2) hour, thirty (30) minute, and twenty-five (25) minute parking zones consisting of not less than fifty-one percent (51%) ten hour meters in any one block within said zone, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified in the adjacent parking meters or multi-space meters, nor in any case except in compliance with the provisions of Section 12.145:

(1) Railroad Street from Blair Street to Blount Street.

(Cr. by ORD-06-00061, 6-3-06; Am. by ORD-06-000178, 12-8-06)

12.1517 COMBINATION 2 HOUR AND 25 MINUTE PARKING METER ZONES.

The following streets and parts of streets are declared to be combination two (2) hour and twenty-five (25) minute parking zones, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified in the adjacent parking meters or multi-space meters, nor in any case except in compliance with the provisions of Section 12.145:

(1) On the west side of Butler Street from Main Street to East Washington Avenue.

(2) On the west side of Carroll Street from Main Street to Mifflin Street.

(3) On the west side of Frances Street from Dayton Street to a point 525 feet south therefrom.

(4) On the west side of Lake Street from Langdon Street to a point 350 feet north therefrom.

(5) On the north side of Langdon Street from Lake Street to a point 300 feet east of Park Street.

(6) On the south side of Main Street from Martin Luther King Jr. Boulevard to Pinckney Street.

(7) On the south side of Main Street from Butler Street to Hancock Street.

(8) On the north side of Mifflin Street from Carroll Street to Wisconsin Avenue.

(9) On the north side of West Washington Avenue from Broom Street to Henry Street.

(10) On the south side of Wilson Street from Butler Street to Pinckney Street.

(11) On both sides of Pinckney Street from Doty Street to Wilson Street and on the east side from East Washington Avenue to East Mifflin Street

(12) On the east side of Broom Street from Mifflin Street to Washington Avenue. (Cr. by ORD-07-00043, 4-5-07)

(Sec. 12.1517 Cr. by ORD-06-00061, 6-3-06; Am. by ORD-06-000178, 12-8-06)

12.1518 COMBINATION 30 MINUTE AND 25 MINUTE PARKING METER ZONES.

The following streets and parts of streets are declared to be combination thirty (30) and twenty-five (25) minute parking zones, and no person shall park, stop or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified in the adjacent parking meters or multi-space meters, nor in any case except in compliance with the provisions of Section 12.145:

(1) On the south side of Wilson Street from Carroll Street to Martin Luther King, Jr. Boulevard.

(Cr. by ORD-06-00061, 6-3-06; Am. by ORD-06-000178, 12-8-06)

12.152 PENALTIES FOR VIOLATING SECTIONS 12.144 THROUGH 12.1518.

(1) Any person violating any provision of Sections 12.144, 12.145, 12.146 or 12.1495 to 12.1518 inclusive, may be fined not less than five dollars ($5) nor more than sixty dollars ($60) for the first offense and not more than one hundred dollars ($100) for the second or subsequent conviction within a year.

(2) Any person violating any provision of Section 12.147 shall forfeit not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for the first offense and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the second or subsequent offense within a year.

(Sec. 12.152 Am. by Ord. 12,019, 2-16-98; ORD-06-00061, 6-3-06)

ARREST AND BAIL

12.153 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.154 BAIL IN VIOLATION CASES.

(1) Whenever a person is arrested for violating any provision of this chapter, the Chief of Police or clerk of the Municipal Court of the City of Madison is authorized to receive at her/his office, from the accused, a deposit in money not to exceed the amount of the maximum penalty which may be imposed if the accused is found guilty. Thereupon, the accused may be released from arrest until said court opens on the next succeeding day on which said court is in session or until such time as is fixed for the hearing of the case. The exact bail deposit amount required to be posted by an accused shall be determined in the following manner:

(a) Uniform Traffic Citations. Whenever an accused is issued a uniform traffic citation for any violation of this chapter the bail amount for that violation shall be as set forth in the Revised Uniform State Traffic Deposit Schedule as adopted by the Wisconsin Judicial Conference pursuant to Wis. Stat. § 345.26(2)(a), for the adopted state statute alleged to have been violated.

(b) City of Madison Parking Citations. Whenever an accused is issued a City of Madison Parking Citation for a non-moving violation of any provision of this chapter the bail amount for that violation shall be determined as follows:

For a violation of an ordinance adopted in strict conformity with Wis. Stats. §§ 346.51—346.55, the bail amount shall be as set forth in the Revised Uniform State Traffic Deposit Schedule as adopted by the Wisconsin Judicial Conference pursuant to Wis. Stat. § 345.26(2)(a), for the adopted state statute alleged to have been violated.

(Am. by ORD-06-00173, 12-8-06)

(2) If the person so arrested and released fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for the hearing of the case, the money deposited by the accused pursuant to subsection (1) shall be retained and used for the payment of the penalty which may be imposed, together with costs, after an ex parte

hearing upon the accused. The excess, if any, shall be returned to the person who made the deposit upon his/her application therefore. If the accused is acquitted, the entire amount of the deposit shall be refunded to the depositor upon application therefore. (Am. by ORD-14-00012, 1-14-14)

(3) This section shall not be construed so as to make the City of Madison or Dane County in any case liable for the whole or any part of the money deposited pursuant to this section.

(4) This section shall not be construed so as to prevent the forfeiture of the bond or cash deposit made with the Chief of Police as provided by Wis. Stat. § 66.0111.

(5) Late Payment Charge for Unpaid Parking Violations. In the event any notice of parking violation or nonmoving traffic violation ("parking ticket") is not paid within ten (10) days from the date of the violation, an administrative charge of ten dollars ($10) shall be added to the total cost of the ticket. If said parking ticket remains unpaid after twenty-one (21) days from the date of the violation, a second administrative charge of ten dollars ($10) shall be added. Failure to pay after required notice(s) have been sent pursuant to Wis. Stat. § 345.28 shall result in an additional administrative charge of ten dollars ($10) to further cover the cost of using the traffic violation and registration program established by the Wisconsin Department of Transportation ("Department") under Wis. Stat. § 345.28, when the City notifies the Department in the form and manner prescribed by the Department that the parking ticket remains unpaid. The above charges represent the reasonable and necessary administrative costs associated with the collection of unpaid parking tickets and participation in the Department's traffic violation and registration program. The provisions of this paragraph shall in no way limit the City from utilizing any other methods of collecting and enforcing unpaid parking tickets under Wis. Stat. § 345.28, or as otherwise authorized by law. (Cr. by Ord. 13,470, 12-10-03)

(Sec. 12.154 Am. by Ord. 11,810, Adopted 3-4-97)

12.155 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

TECHNICAL PROVISIONS

12.156 CONSTRUCTION OF THIS CHAPTER.

Whenever any court of competent jurisdiction shall be called upon to construe or pass upon the validity of this chapter or any part thereof the following rules of construction shall apply:

(1) All provisions shall be taken as being intended to conform to the Wisconsin Vehicle Code pursuant to the provisions of Chapter 349 thereof and other statutes delimiting the authority of the City of Madison to enact this chapter.

(2) If any provision shall be adjudged unconstitutional or invalid, such adjudication shall not be considered as affecting any other provisions, or the remainder of this chapter as a whole, if they would otherwise be constitutional and valid.

(3) The word "fine" as used in this chapter or in the Madison General Ordinances as a whole is synonymous with the word "forfeiture."

12.157 PRIOR ORDINANCES REPEALED.

All ordinances and parts of ordinances regulating traffic on, or the parking of vehicles on, the highways of the City of Madison, enacted prior to the effective date of this ordinance are hereby repealed, provided however that this repeal shall not affect or prevent the prosecution of, or imposition of any penalty upon any person for any act done prior to the effective date of this ordinance, in violation of any provision of any such prior ordinance.

12.158 TITLE. This ordinance may be known and cited as the Vehicle Code.

MOTOR DRIVEN CYCLES

12.159 - 12.165 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

SNOWMOBILES

12.166 SNOWMOBILES.

(1) Definition. "Snowmobile" means any engine driven vehicle of a type which utilizes sled type runners or skis or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

(2) Operation on Sidewalks and Terraces. In addition to specific Statutory regulations, no person shall operate a snowmobile upon any sidewalk or terrace, whether or not a paved sidewalk exists, in the City of Madison.

(3) Operation of Snowmobiles at Night. No person shall operate a snowmobile within three hundred (300) feet of any dwelling between the hours of 10:30 p.m. to 7:30 a.m., Central Standard Time.

(4) Responsibility of Parent or Guardian. No parent or guardian of any child under the age of sixteen (16) shall authorize or knowingly permit such child to violate any of the provisions of Sec. 12.166 or Wis. Stat. ch. 350.

(5) Penalties. Any person who violates any provision of this section shall forfeit not less than ten dollars ($10) nor more than two hundred dollars ($200).

(Sec. 12.166 R. & Recr. by Ord. 4898, 2-13-75)

PEDESTRIAN MALLS

12.167 STATE STREET PEDESTRIAN MALL.

(1) A Pedestrian Mall is hereby created in the following designated area:

(a) Seven Hundred (700) and Eight Hundred (800) blocks of State Street; and

(b) That portion of East Campus Mall lying between State Street and a line parallel to and one hundred forty (140) feet south of the southerly edge of State Street at the intersection therewith; and, (Am. by ORD-11-00014, 1-27-11)

(c) That portion of Fitch Court lying between State Street and a line parallel to and one hundred forty (140) feet south of the southerly edge of State Street at the intersection therewith.

(d) That portion of North Carroll Street lying between State Street and a line perpendicular to North Carroll Street and one hundred eleven (111) feet northwest of the northerly edge of State Street at the intersection therewith. (Cr. by Ord. 6071, 1-6-78; Am. by ORD-15-00116, 10-28-15)

(e) That portion of West Mifflin Street lying between State Street and a line perpendicular to West Mifflin Street and one hundred five (105) feet southwest of the southerly edge of State Street at the intersection therewith. (Cr. by Ord. 6071, 1-6-78)

(f) That portion of Hawthorne Court lying between State Street and a line that is parallel to and 75 feet South of the Southerly edge of State Street at the intersection therewith. (Cr. by Ord. 7093, 9-12-80)

(g) That portion of North Frances Street lying between State Street and a line parallel to and one hundred fifteen (115) feet south of the southerly edge of State Street at the intersection therewith. (Am. by Ord. 10,461, 6-26-92)

(h) That portion of North Frances Street lying between State Street and a line parallel to and one hundred fifty (150) feet north of the northerly edge of State Street at the intersection therewith. (Am. by Ord. 10,462, 6-26-92)

(2) (a) The aforesaid designated area shall be closed to all vehicular traffic except bicycles walked by the operator, authorized City and University maintenance vehicles and authorized emergency vehicles. (Am. by Ord. 6168, 3-9-78)

(b) No person shall ride a bicycle on the aforesaid designated area or park a bicycle anywhere thereon other than on a bike rack provided.

(c) Notwithstanding subdivisions (a) and (b) above, persons shall be permitted to ride bicycles within the following areas of the Pedestrian Mall:

1. The center twenty-six (26) feet of the area described in subsection (1)(a);
2. The areas described in subsections (1)(b) and (1)(c); and,
3. That portion of the area described in subsection (1)(a) consisting of the East Campus Mall and Fitch Court right-of-ways extended north to the area described in paragraph 1.

(Sec. 12.167(2)(c) Cr. by ORD-13-00160, Pub. 10-9-13, Eff. 9-1-14)

(d) (R. by ORD-11-00014, 1-27-11)

(e) (R. by ORD-11-00014, 1-27-11)

(3) Notwithstanding the provisions of the following sections of the Madison General Ordinances to the contrary:

12.137(79) (2-Hour Parking 8:00 A.M. - 6:00 P.M. on Lake Street)

12.1515(13) (2-Hour Metered Parking on Lake Street)

No person shall park, stop or leave standing any vehicles, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, upon any of the following highways or parts of highways:

(a) The west side of Lake Street from State Street to Langdon Street.

(4) Notwithstanding the provisions of Section 12.19(34) of the Madison General Ordinances to the contrary Lake Street between State Street and Langdon Street shall be a two-way street.

(5) Every operator of a vehicle shall stop as required by Section 12.50 of the Madison General Ordinances before entering State Street from the north approach on Lake Street and shall yield the right-of-way to other vehicles which have entered the intersection.

(6) Notwithstanding the provisions of Section 12.53 (80) to the contrary, State Street from the east line of Lake Street to the north line of Mifflin Street except Johnson Street and Gorham Street shall be declared a through street and subject to the provisions of Section 12.53.

(7) No operator of a motor vehicle shall make a left turn at any of the following intersections where signs are erected and maintained indicating such prohibition:

(a) At State Street when traveling north on Lake Street.

(b) At State Street when traveling south on Park Street.

(8) No operator of a motor vehicle shall make a right turn at any of the following intersections where signs are erected and maintained indicating such prohibition.

(a) At State Street when traveling north on Park Street.

(b) At State Street when traveling south Lake Street.

(9) Any person, firm or corporation violating any provision of the subsection designated herein shall be subject to a forfeiture as hereinafter provided.

(a) Subsection (2) - not less than twenty dollars ($20) nor more than one hundred dollars ($100).

(b) Subsection (3) - not less than twenty dollars ($20) nor more than one hundred dollars ($100). (Am. by Ord. 9323, 11-13-87)

(c) Subsection (5) - not less than ten dollars ($10) nor more than two hundred dollars ($200).

(d) Subsection (6) - not less than twenty dollars ($20) nor more than forty dollars ($40) for the first offense and not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the second or subsequent conviction within a year.

(e) Subsection (7) and (8) - not less than twenty dollars ($20) for the first offense nor more than twenty-five dollars ($25); nor more than fifty dollars ($50) for the second or subsequent conviction within a year.

(10) This ordinance shall be effective upon passage and publication.
(Sec. 12.167 Cr. by Ord. 4726, 9-23-74)

12.168 - 12.176 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

12.177 - 12.184 RESERVED FOR FUTURE USE. (R. by Ord. 11,810, Adopted 3-4-97)

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CHAPTER 13

PUBLIC WATER SUPPLY SYSTEM

(Title Am. by Ord. 6665, Adopted 6-26-79; Am. by Ord. 12,357, Adopted 3-16-99)

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13.01 WATER UTILITY BOARD.

(1) Election. The City of Madison hereby elects, pursuant to Wis. Stat. § 66.0805(6), to provide for the operation of the Madison Water Utility by a board of officers other than the commission provided for in Wis. Stat. § 66.0805(1)-(3). In establishing this Board, the City also relies on its authority under Wis. Stat. § 62.11(5). (Am. by ORD-07-00099, 8-23-07)

(2) Water Utility Board. There is hereby created a Water Utility Board of eight (8) members, whose duty shall be the management and operation of the Water Utility. There shall be seven (7) voting members and one (1) non-voting ex-officio member. At least one (1) and not more than two (2) of the voting members shall be members of the Common Council, who shall serve during their two-year terms. The members shall be appointed by the Mayor and confirmed by the Common Council, and members who are not members of the Common Council shall serve staggered terms of five (5) years, respectively provided that the Mayor may appoint one of the members whose term ends in 2010 to a three (3) year term in order to achieve staggered terms. In case of vacancy, the Common Council may at any regular or special meeting confirm a member for the unexpired term. The Director of Public Health Madison and Dane County under Sec. 7.02, MGO, or his or her designee shall serve as an ex-officio, non-voting member of the Board in order to provide advice and information to the Board on health issues related to the Water Utility. The

Director of Public Health Madison and Dane County shall not vote, may not make motions, and shall not be counted as a member in determining quorum or majorities. Upon passage of this ordinance, the existing commissioners of the Board of Water Commissioners shall immediately succeed to positions as members of the Water Utility Board and fill out their terms as if appointed to the remaining length of their terms. (Am. by Ord. 10,239, 4-12-91; ORD-06-00098, 8-2-06; ORD-07-00099, 8-23-07; ORD-10-00064; 6-23-10; ORD-15-00009, 1-28-15)

(3) Meeting, Organization and Duties of the Board. The Board on an annual basis shall choose from among their number a president, vice president and secretary. The Board may make rules for its own proceedings and for the government of the Utility. The Board shall keep books of account in the manner and form prescribed by the Public Service Commission which shall be open to the public. The Board shall have the management and supervision of the Water Utility and all matters connected therewith, subject to the general control and supervision of the Water Utility Board by the Mayor and Common Council. The Council shall exercise such supervision by enacting ordinances governing the Board's operation, and approving contracts for the Water Utility as it does for other departments. The Board shall have the general power and authority to make rules and regulations for the management of said Utility as it shall from time to time find necessary for the safe, economical and efficient management and protection of the Water Utility. The Board shall issue an annual report which shall be made available to the Common Council.
(Sec. 13.01 Am. by Ord. 6665, Adopted 6-26-79; Am. by ORD-07-00099, 8-23-07)

(4) Employees. Employees of the Water Utility shall be governed by the ordinances, rules and procedures established for other employees of the City of Madison, together with any rules established by the Water Utility Board. (Cr. by ORD-07-00099, 8-23-07)

13.02 APPOINTMENT OF GENERAL MANAGER; DUTIES.

(1) The Water Utility General Manager shall be appointed by the Mayor, in consultation with and subject to the approval of the Water Utility Board, and further subject to the approval of the Common Council. The position shall be filled according to Sec. 3.54(9)(f) of these ordinances. The General Manager shall hold her/his position pursuant to the terms of the employment contract provided for in such section. The Water Utility General Manager shall be the chief executive of the Water Utility and shall perform those duties generally described in this chapter and such other duties as may be delegated by the Board.

(Sec. 13.02 Am. by Ord. 12,357, Adopted 3-16-99; Am. by ORD-07-00099, 8-23-07; ORD-14-00173, 12-10-14)

13.03 DUTIES OF GENERAL MANAGER.

(1) General Duties. The General Manager shall have supervision of the Water Utility under the direction of the Water Utility Board and shall have supervision and control over the buildings, grounds, and all matters connected therewith, and shall enforce all ordinances, rules and regulations of the Common Council and of the Board; and see that the conditions of all contracts relating to said Utility are faithfully complied with, and that all charges for the use of water are duly made, collected, and paid into the City Treasury. The General Manager shall be the appointing authority under the provisions of the civil service ordinance for the purpose of making appointments of employees in the Water Utility. The General Manager shall be subject to the supervision of the Mayor and the Water Utility Board, as set forth in his/her employment contract.

(2) In Charge of New Construction and Installations. The General Manager shall supervise the installation of all new equipment, the construction of all new wells, reservoirs, treatment facilities, and pumping stations and have charge of all improvements to the Water Utility plant, including the installation, repair and reconstruction of all mains and

service connections. The General Manager shall have supervision of work of this nature and, shall purchase services, materials and supplies for such work pursuant to City ordinances, including Sec. 4.26, MGO.
(Am. by ORD-09-00147, 11-6-09)

(3) Maps and Records to be Kept. The General Manager shall direct the maintenance of maps and records of the water system.

(4) Other Records to be Kept. The General Manager shall keep a record of all accounts and claims for or against the Water Utility and all meters and the location thereof and shall perform such other duties as the Board or the Common Council may prescribe.

(Sec. 13.03 Am. by Ord. 12,357, Adopted 3-16-99; Am. by ORD-07-00099, 8-23-07)

13.04 OUTDOOR WATER USAGE RESTRICTIONS.

(1) The Water Utility General Manager may impose voluntary or mandatory outdoor water usage restrictions on all water users in the Utility's service area under the criteria set forth below in order to avoid undue stress upon the resources and reserve capacity of the Water Utility. The restrictions may apply to all properties or to alternate sides of the street as the Water Utility General Manager deems necessary. Alternate side restrictions would apply to odd numbered sides of the street on even numbered calendar days and even numbered sides of the street on odd numbered calendar days, respectively. Restrictions may be for all day or for specified times each day. Voluntary restrictions shall not apply to new lawns - either sodded or seeded. Notice of said restrictions shall be provided through major news media outlets in the City. (Am. by Ord. 9656, 12-30-88)

(2) (a) Criteria For Voluntary Restrictions.

1. To maintain pumpage below a preset daily total amount, or
2. To comply with any electrical utility request for voluntary cutback in peak load electrical usage.

(b) Criteria For Mandatory Restrictions.

1. To avoid sustained low pressure (less than 20 pounds per square inch (PSI) to any customer), or
2. To maintain reservoir levels above preset fire reserve limits, or
3. To compensate for loss of one or more major wells due to mechanical failure.

(3) Penalty. Any person who violates any mandatory restriction on water usage issued pursuant to this section or fails to comply with any of its requirements shall upon conviction thereof, be subject to a forfeiture of not less than twenty dollars ($20) nor more than one thousand dollars ($1,000). Each day such violation continues shall be considered a separate offense.

(Sec. 13.04 Cr. by Ord. 5569, 8-13-76; Am. by Ord. 12,357, Adopted 3-16-99; Ord. 13,500, 1-23-04)

13.05 CONTRACTS FOR WATER SERVICE. The ordinances, rules, and regulations passed by the Common Council shall be considered a part of the contract with every person, company or corporation supplied with water through the water system of the City; and every such person, company, or corporation by taking water shall be considered to express her/his or its assent to be bound thereby. (Am. by Ord. 12,357, Adopted 3-16-99)

13.06 ACCESS TO PREMISES AND MAINTENANCE OF WATER METER PITS.

(1) Access to Premises. The General Manager of the Water Utility and persons under the General Manager's direction shall have free access at all reasonable hours to any premises supplied with City water for the purpose of inspecting and examining the water service appliances. No person, firm, corporation or other entity shall prevent, delay or interfere with a City employee while he or she is engaged in the performance of duty pursuant to this section. (Am. by Ord. 12,357, Adopted 3-16-99)

(2) Maintenance of Water Meter Pits.

(a) Water meter pits are the responsibility of the owner or operator of the property and the owner or operator bears the responsibility for all required pit maintenance and repairs. Water meter pits shall be maintained in a clean, dry and safe condition and shall be free from leaks or standing water. Water meter pits shall be maintained in a manner that provides for adequate accessibility, security, safety and for protection against freezing and flooding for the meter. No plants, landscaping or other physical objects shall limit the accessibility of the water meter pit. The water meter pit lid shall be maintained in safe condition and shall be capable of supporting the weight of pedestrians and lawn care equipment. The owner or operator of the property shall provide for proper grading of the surface around the water meter pit so that water will not collect around or course over the water meter pit lid.

(b) It shall be the responsibility of the owner or operator of the property to remove any standing water from a water meter pit, at the request of a City employee who is engaged in the performance of duty pursuant to Sec. 13.06(1), MGO. Any owner or operator who fails to remove such standing water upon request shall be subject to the penalties contained in Sec. 13.23, MGO. The penalties in this subsection may be imposed in addition to any penalties that result from nonconformance with Sec. 13.06(2)(a), MGO, or any other applicable ordinance that does not conflict with this subsection.

(c) Any water meter pit built after the effective date of this ordinance shall meet the standards and specifications of the Water Utility in effect at the time of construction. It shall be the responsibility of the owner or operator of the property to ensure that a water meter pit meets such standards and specifications. The Water Utility shall make its standards and specifications available for public inspection at the office of the Water Utility during normal business hours.

(d) Repairs and modifications to existing water meter pits that are commenced after the effective date of this ordinance shall conform to the standards and specifications of the Water Utility in effect at the time of the repair or modification. The owner or operator of the property shall only use parts or materials approved by the Water Utility or contained in the Water Utility's standards and specifications. It shall be the responsibility of the owner or operator of the property to ensure that repairs and modifications meet such standards and specifications, or have such approval.

(e) Abatement of Water Pit Hazards. If the General Manager of the Water Utility, or his or her designee, determines that the design or condition of an existing water meter pit is a serious hazard to the health or safety of the Utility's employees or to the public, then the General Manager may order the owner or operator to repair or replace the water meter pit at the owner or operator's expense, pursuant to this subsection. An owner or operator may also comply with such an order by removing the water pit.

1. Summary Abatement of Water Pit Hazard.

a. Order of Abatement. If the General Manager of the Water Utility determines that a water meter pit constitutes a public nuisance and that there is imminent danger to the public health, safety, peace, comfort or welfare, he or she may, without notice or hearing, issue an order to the owner and/or operator reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he or she deems necessary to abate the nuisance. Notwithstanding any other provisions of

this subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

b. Abatement by the Utility. Whenever the owner or operator shall refuse or neglect to remove or abate the condition described in the order, the Director of the Water Utility may, in her or his discretion, enter upon the property and cause the nuisance to be removed or abated and the Water Utility shall recover the expenses incurred thereby from the owner or operator of the property. The expenses so incurred may be levied as a special charge against the property.

2. Nonsummary Abatement of Water Pit Hazard.

a. Order to Abate Nuisance. If the Director of the Water Utility determines that a water meter pit constitutes a public nuisance but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort or welfare, he or she shall issue an order reciting the existence of a public nuisance and requiring the owner and/or operator of the property to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the property, as well as the operator if different from the owner and applicable to the described nuisance, or, at the option of the Director of the Water Utility, the notice may be mailed to the last known address of the person to be served by registered mail with return receipt requested. If the owner or the operator cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 1 notice under Wis. Stat. ch. 985. The time limit specified in the order runs from the date of service or publication.

b. Abatement by the Utility. If the owner or operator fails or refuses to comply within the time period prescribed, the Director of Water Utility may enter upon the property and cause the nuisance to be removed or abated and the Water Utility shall recover the expenses incurred thereby from the owner or operator of the property. The expenses so incurred may be levied as a special charge against the property.

c. Remedy from Order. The order of the Director of the Water Utility shall not be appealable to the Water Utility Board. Any person affected by orders issued under this subsection shall timely apply to the circuit court for an order restraining the Water Utility and the Director of the Water Utility from entering on the premises and abating or removing the nuisance, or be forever barred. (Am. by ORD-07-00099, 8-03-07)

(Sec. 13.06(2)(e) Am. by ORD-08-00095, 8-23-08)

(f) Authority to Assess Costs. The cost of abatement or removal of a nuisance under this section shall be collected from the owner, operator or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost, if not paid, may be levied as a special charge against the property. (Am. by ORD-08-00095, 8-23-08)

(g) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Water Utility or

its officials in accordance with the laws of the state. The Water Utility or its officials may choose to proceed with an action under state law, upon authorization by the Water Utility Board. (Am. by ORD-07-00099, 8-03-07)

(h) (R. by ORD-08-00095, 8-23-08)

(Section 13.06(2) Am. by ORD-07-00098, 8-7-07)

13.07 SERVICE CONNECTIONS.

(1) Standards. Service connections and other attachments to any of the water mains shall be made in conformity to the rules and regulations of the Water Utility Board.

(2) Residential Connections Required.

(a) Purpose. This subsection is enacted pursuant to Wis. Stat. § 281.45, the City finding that requiring residential water service connections where available is necessary to assure the preservation of public health, and the comfort and safety of City residents.

(b) Definitions. For the purposes of this subsection, the following definitions apply:

1. Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.
2. Connection deadline is the date by which connection is required as set forth in sub. (d).
3. General Manager shall mean the Water Utility General Manager, or his or her designee.
4. Human habitation means the use of a building or other structure for human occupancy, including but not limited to cooking, eating, bathing and sleeping. This term does not include the use of a building or other structure for commercial, industrial or other similar uses, unless the building or structure is also used for actual occupancy by a human.
5. Lot means an individual lot or tax parcel, as the case may be.
6. Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of flood plain areas, in the stream bed or lake bed.
7. Unsafe has the meaning given to it by Sec. 13.21(3), MGO.

(c) Connection Requirement.

1. Any building used for human habitation and located on a lot either through which a water main runs, that is adjacent at any point to a public right-of-way or easement through which a water main runs, or that is in a block through which a water main extends, shall be connected with the water main pursuant to the standards set forth in sub. (1).
2. Except for properties annexed into or attached to the City of Madison, the residential connection requirement of paragraph 1. only applies if the water main is no greater than one-hundred and fifty (150) feet, at any point, from a wall of the building.

(d) Timing of Connection. Buildings subject to the connection requirement in sub. (c) shall be connected to the water main within ninety (90) days of either the expiration of a valid well operation permit issued under Sec. 13.21(5), MGO, unless the property owner renews the well operation permit during this period of time, or upon the conveyance of the property pursuant to Wis. Stat. ch. 706, whichever occurs first.

However, for properties annexed into or attached to the City of Madison that would be subject to the connection requirement in sub. (c) upon annexation or attachment, connection shall be made within one hundred eighty (180) days of the effective date of said annexation or attachment. Properties annexed into or

attached to the City that would not be subject to the connection requirement in sub. (c) upon annexation or attachment must connect within ninety (90) days of a water main extension that invokes the requirements of sub. (c)1.

(e) Delayed Connection. Upon application filed with the General Manager by the owner of a building subject to the connection requirement of this subsection, the General Manager may order a delayed connection of the building with the water main, beyond the Connection Deadline, upon making a determination that a specified delay will not be detrimental to the preservation of public health and the comfort and safety of City residents. If the General Manager orders a delayed connection under this subdivision, the delayed connection shall be authorized in writing and shall be for a specified period of time, and may be subject to certain conditions, including specifically that the owner has a valid well operation permit issued under Sec. 13.21(5), MGO. Upon the expiration of the specified period, or the occurrence of any of the conditions set forth in the order, the delay shall expire and the building shall be connected to the water main within ten (10) days or as otherwise agreed to by the owner and the General Manager.

(f) Notice to Connect. The General Manager shall provide written notice to the owner of the building required to connect to the water main under this subsection of the need to connect with the water main by the Connection Deadline, or no earlier than fifteen (15) days from the date of the notice, whichever is later. The notice to connect shall be mailed via first class mail to the property owner's last known address, and a copy shall also be served upon the owner or occupant at the building location or may be posted by attaching the notice to the entrance of any building or other structure on the lot. The notice to connect shall include documentation showing the location of the water main in relation to the lot. The failure to comply with the deadline set forth in the notice to connect, or as subsequently amended by the General Manager in writing, shall be deemed a failure to comply with this subsection and subjects the owner to the penalties set forth in Sec. 13.23.

(g) Appeal. The owner of the building required to connect to the water main under this subsection may, within fifteen (15) days of the mailing of the notice to connect by the General Manager, appeal the notice to connect. The only issues that may be appealed are the actual ownership of the building, whether a finding that the well is unsafe was erroneous, whether the building is used for human habitation, and whether the location of the water main requires connection under sub. (c). The appeal shall be to the Water Utility Board. All requests for appeal shall be filed with the City Clerk, with a copy sent to the General Manager, and must inform the Board of the reasons for the appeal. Within forty-five (45) days of the Clerk receiving the appeal, the Board shall hold a hearing at which the parties may offer testimony and documents. Within twenty (20) days of the hearing, the Board shall affirm, modify, or reverse the General Manager's determination that the building must connect to the water main. Appeal from the action of the Board shall be to Circuit Court within thirty (30) days of the determination of the Board.

(h) Failure to Connect.

1. If connection to the water main is not made prior to the deadline set by the General Manager under sub. (f) and an appeal is not proceeding under sub. (g), in addition to the penalties set forth in Sec. 13.23, the City may, no earlier than fifteen (15) days of the mailing of the notice by the General Manager, cause the service connection to be made, and the entire expense thereof, including restoration costs, shall be levied as a special charge against the property.

2. The owner may, within thirty (30) days after the completion of the work under par. 1., file a written notice with the City Clerk stating that he or she cannot pay the amount of the special charge in one sum and asking that it be levied in not to exceed five (5) equal annual installments.
3. Upon timely receipt of the notice under par. 2, the full amount of the special charge shall be collected by the City in five (5) equal payments, together with interest at the rate in effect at the time the special charge is levied. Interest shall be determined by the City Comptroller pursuant to Sec. 4.08(2), MGO, but in any event shall not exceed a rate of fifteen percent (15%) per year from the completion of the work. The unpaid balance shall be a lien against the property.

(i) Residential Connection Rebate. Upon the connection of a building to the water main as required under this sub. (c), the Water Utility General Manager is authorized to issue a rebate to the owner of the property of up to fifty percent (50%) of the cost to the owner of the connection of the building to the water main, up to a maximum rebate of two thousand dollars ($2000.00). In determining if a property is eligible for this rebate, the distance limitation set forth in sub. (c)2. does not apply. A rebate will be issued if the following conditions are met:

1. The connection to the water main is made prior to January 1, 2016.
2. The property owner had a valid well operation permit issued under Sec. 13.21, MGO, prior to the well abandonment.
3. The property owner provides the Water Utility General Manger with receipts and proof that the foregoing requirements have been met.
4. The Water Utility has not issued a citation or made a written referral to the City Attorney for non-compliance with the requirements of this subsection to the property owner, or his/her predecessor in interest.
5. The property is in the City of Madison as of January 1, 2013.
6. The property owner properly abandons the private well on the property within thirty (30) days of the connection, or secures a new well operation permit under Sec. 13.21(5) for an irrigation-only well.
7. The City or the Madison Water Utility has sufficient funding available to support the rebate.

(Sec. 13.07 Am. by ORD-07-00099, 8-03-07; ORD-11-00170, 12-21-11; ORD-13-00018, 2-12-13)

13.08 LAYING OF MAINS AND SERVICE PIPES WHEN STREETS ARE PAVED. Whenever the Common Council shall determine to pave or repave any street or portion thereof in which water mains or service pipes have not been laid it shall be the duty of the City Clerk forthwith to notify the General Manager in writing of such determination and the General Manager shall thereupon proceed to lay the necessary mains and service pipes before the improvement of said street. (Am. by Ord. 6665, Adopted 6-26-79)

13.09 EXPENSE OF LAYING SERVICE PIPES. The expense of laying service pipes from the main to the curb and of connecting such service pipes with the main shall be charged to and is made a lien upon the real estate to be served by such service pipes and all such service pipes shall be maintained and kept in repair under the supervision of the Water Utility Board at the expense of such property. Such service pipes shall be laid and connections made for the actual average cost thereof. No water shall be supplied until such expense has been paid. If said expense shall not be paid within thirty (30) days after the completion thereof, the same shall be levied and collected as a special tax upon the real estate so to be served. (Am. by ORD-07-00099, 8-03-07)

13.10 NO CLAIMS TO BE ALLOWED AGAINST CITY FOR INTERRUPTION OF WATER SUPPLY OR CONSEQUENTIAL DAMAGE. Except as may otherwise be specifically allowed by ordinance or resolution by the Common Council, no claims shall be allowed against the City on account of the interruption of the water supply caused by the breaking of pipes or machinery or by the stoppage for repairs or by stoppage or recession of flow or on account of fire or other emergency, nor shall any claims be allowed for any consequential or indirect damages, including but not limited to loss of profits, caused by the breaking of any pipe or machinery. (Am. by Ord. 13,715, 10-26-04)

13.11 OPENING OR ESTABLISHING CROSS-CONNECTIONS TO FIRE HYDRANTS.

(1) Opening of Fire Hydrants. Only such persons as shall be authorized by the Water Utility General Manager or the Chief of the Fire Department shall be permitted to open any fire hydrant for any purpose whatsoever and no one except such person shall be permitted to take the hydrant wrenches or suffer the same to be taken from any fire station except for Fire Department purposes.

(2) Cross Connection to Fire Hydrants. In addition to the requirements of Subsection (1) above, and Section 13.15 of the Madison General Ordinances, no person shall establish a cross-connection or attempt to establish any connection to a fire hydrant unless:

(a) the connection is made at a fire hydrant that has been equipped by the Water Utility with an approved reduced pressure principle backflow preventer; or

(b) cross-connection control device or device(s) recognized and approved under Wis. Admin. Code ch. SPS 384, inclusive of all future amendments, are utilized to make the connection and authorization has been granted by the Water Utility General Manager or designee, or Chief of the Fire Department or designee. The Water Utility may make approved devices available for private use at a fire hydrant that has not been permanently equipped by the Water Utility under paragraph (a) above (Cr. by Ord. 13,228, 1-25-03; Am by Ord. 13,357, 7-5-03; ORD-12-00035, 3-28-12)

(3) Penalty. Any person violating this section may be subject to a forfeiture of not less than two-hundred dollars ($200) and not more than two-thousand dollars ($2,000). Each time a fire hydrant is opened, and each time a cross-connection is established or attempted under this section shall constitute a separate offense; and each day any single violation continues shall be considered a separate offense. (Renumbered & Am. by Ord. 13,228, 1-25-03)

(Am. by Ord. 7849, 11-5-82)

(Sec. 13.11 Am. by Ord. 12,357, Adopted 3-16-99; Ord. 13,228, 1-25-03)

13.12 COLLECTION OF WATER UTILITY CHARGES. The Water Utility shall issue bills for the water and services the Utility provides. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty (20) days thereafter (the "due date") and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid. The Treasurer shall proceed to collect the bills with the penalty with all the authority in collecting the tax vested in the Treasurer for the collection of general City taxes according to the provisions of Wis. Stat. § 66.0809(1). (Am. by Ord. 12,357, Adopted 3-16-99; Am. by ORD-08-00088, 8-01-08; ORD-14-00150, 9-12-14))

13.13 GENERAL TAX FOR BENEFIT OF WATER UTILITY. The Water Utility General Manager shall annually, before the making of the budget, report in writing to the Mayor the amount which, in her/his judgment, shall be included in the general tax levied for the benefit of the Water Utility, and the Common Council shall include in the budget and in the general tax levied such sum for the

benefit of such utility as the Common Council shall determine to be reasonable. (Am. by Ord. 12,357, Adopted 3-16-99)

13.14 SURPLUS REVENUES. The income from the Water Utility shall first be used to meet operation, maintenance, depreciation, interest, and sinking fund requirements, additions and improvements and other necessary disbursements or indebtedness. Income in excess of these requirements may be used in any manner authorized by Wis. Stat. § 66.0811(2). (Am. by Ord. 12,357, Adopted 3-16-99)

13.15 CROSS-CONNECTION CONTROL.

(1) Definitions.

(a) "Back-pressure" means a pressure greater than the supply pressure which may cause backflow.

(b) "Backflow" means the unwanted reverse flow of liquids, solids, or gases.

(c) "Backsiphonage" means the creation of a backflow as a result of negative pressure.

(d) "Cross-connection" means a connection or potential connection between any part of a water supply system, and another environment containing any substance in a manner that, under any circumstances, would allow the substance to enter the water supply system by means of backsiphonage or back pressure.

(e) "Cross-connection control device" means any mechanical device that automatically prevents backflow from a contaminated source into a potable water supply system.

(f) "Person" means a natural person, sole proprietorship, partnership, limited liability company, corporation or association.

(g) "Potable water" means water which is:

1. Safe for drinking, personal or culinary use; and
2. Free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements specified in Wis. Admin. Code ch. NR 809.

(2) Prohibitions.

(a) No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection.

(b) No person shall remove or permit to be removed a cross-connection control device.

(c) No person shall establish an interconnection whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Madison may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Madison Water Utility and by the Wisconsin Department of Natural Resources in accordance with Wis. Admin. Code § NR 811.09.

(3) The Madison Water Utility shall have the power and authority to inspect all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Madison Water Utility and shall be in accordance with Wis. Admin. Code § NR 811.09.

(4) A representative of the Madison Water Utility shall have the power and authority at all reasonable times, for any proper purpose, to examine any property served by a connection to the public water system of the City of Madison for cross-connections. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stat. § 66.0119. A copy of any testing conducted on any backflow preventer shall be provided to the Madison Water Utility. Upon request by a representative of the Madison Water

Utility, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any additional pertinent information regarding the piping system or systems on such property if such information is known to such owner, lessee or occupant.

(5) Reinspections. Any person who shall fail or neglect to comply with any lawful order issued by the Water Utility General Manager or designee pursuant to the provisions of this chapter may be assessed thirty-five dollars ($35) per inspection for compliance reinspections in excess of one. A twenty-five dollar ($25) charge may be assessed when a representative of the Water Utility appears for a reinspection by appointment and fails to gain entry to conduct the reinspection.

(6) The Madison Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued only after reasonable notice and opportunity for a hearing pursuant to the provisions of Section 9.49 of the Madison General Ordinances, except as provided in Subsection (7). Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section. (Am. by Ord. 12,607, 3-22-00)

(7) If it is determined by the Madison Water Utility that a cross-connection or an emergency causes imminent danger to the public health, safety or welfare and requires immediate action, service may be immediately discontinued or ordered disconnected. The person aggrieved shall receive notice of the disconnection and shall have the right to appeal the action pursuant to the provisions of Section 9.49 of the Madison General Ordinances.

(8) Penalty. Any person violating any provision of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000). Each day of violation shall constitute a separate violation. (Am. by Ord. 13,500, 1-23-04)

(9) State Laws Adopted by Reference. The Wisconsin Administrative Plumbing Code Chapters SPS 382 to 387 and 390 and Chapter 145 of the Wisconsin Statutes, Plumbing and Fire Protection Systems and Swimming Pool Plan Review, are hereby adopted by reference and incorporated into this code to the extent and with the limitations provided by this ordinance. (Am. by ORD-12-00035, 3-28-12)

(10) This ordinance does not supersede the State Plumbing Code or Chapter 18 of the Madison General Ordinances entitled "Plumbing Code" but is supplementary to them.

(Sec. 13.15 Am. by Ord. 12,344, 3-12-99)

13.16 FIXING THE AREA IN WHICH WATER SERVICE IS TO BE EXTENDED BEYOND THE MUNICIPAL LIMITS.

(1) Reason for Limiting Extensions of Service. In order to:

(a) provide adequate fire protection for persons and property within the corporate limits of the City of Madison,

(b) protect the public health and safety of the City's residents without placing an undue financial burden on the City taxpayers or Water Utility ratepayers,

(c) effectively coordinate Water Utility operations with other municipal services and public works infrastructure, and

(d) conserve and protect the available water supply, the City hereby determines, pursuant to Wis. Stat. § 66.0813(3), that it is necessary and in the best interests of the City to specifically limit the areas the municipal Water Utility serves. (Am. by Ord. 6665, Adopted 6-26-79; Am. by Ord. 12,778, 3-13-01)

(2) Area to be Served. Pursuant to Sec. 66.0813(3), the City may provide water service to the following:

(a) all properties located within the corporate limits of the city of Madison;

(b) properties identified by intergovernmental agreement;

(c) properties permitted to connect to City services pursuant to the terms and conditions of a state-approved cooperative plan, effective upon state-approval or conclusion of any appeals upholding the validity of the cooperative plan, whichever is later; and,

(d) in unincorporated areas, limited to serving existing development with existing water services on properties located in the following specific territories:

1. Sanitary District Number Two, Town of Blooming Grove, Sanitary District Number Six, Town of Blooming Grove, all as constituted on June 9, 1955;
2. what is now known as the Oakridge Sanitary District, consisting of the original Oakridge Sanitary District, the first, second and third Additions to Oakridge Sanitary District and the Mayflower, Haen and Beltline Additions to Oakridge Sanitary District, all as now constituted in the Town of Madison;
3. in the southwest quarter of the southwest quarter of Section 31 in the Town of Burke, bounded on the northeast by the Union/Pacific Railroad right-of-way, on the south by Commercial Avenue, and on the west by Sherman Avenue;
4. Section 12 in the Town of Madison;
5. the Nine Springs Wastewater Treatment Plant;
6. the Dane County Exposition Center;
7. Lots 1 and 2 of Certified Survey Map Number 526;
8. Part of the southwest quarter of the northeast quarter Section 3, Town of Fitchburg lying west of the centerline of Fish Hatchery Road except north 24.75 feet and except for the part for the street;
9. Blooming Grove Sanitary District, Number 8.

(Am. by Ord. 11,550, 3-14-96; Ord. 12,778, 3-13-01; Am. by Ord. 12,864, 7-25-01; Ord. 13,182, 11-26-02)

(e) in unincorporated areas, properties specified above in subdivision (d) which request new or replacement water service to serve new development or redevelopment on such properties, provided that: the Common Council approves any necessary extension to the distribution system; the General Manager approves the plans for the extensions, if any; and the applicant must have any such extensions installed at its own expense. (Cr. by Ord. 12,778, 3-13-01; Am. by Ord. 12,864, 7-3-01)

(Sec. 13.16(2) Am. by ORD-12-00016, 2-15-12)

(3) Right of Further Limitation Reserved. The City reserves the right to further limit such area by subsequent action.

(4) Certified Copy. The City Clerk shall transmit a certified copy of this ordinance to the Public Service Commission of Wisconsin.

(5) Rules Governing Extended Service. Water and water service provided to areas described in Subsection (2) but outside the corporate limits of the City shall be subject to the rules and ordinances governing water customers inside the City, except that water may be provided to properties located outside the City limits only when such service can be provided consistent with Subsections (1) and (2), without adversely affecting the service inside the City, and only when such service is approved by the Water Utility General Manager. (Am. by Ord. 12,778, 3-13-01)

(6) Application for Extending Service. Each application for water and water services to be provided to areas other than those described in Subsection (2) shall be subject to the action of the Common Council and shall include documentation which has been reviewed and approved by the City Attorney, or shall include the applicant's agreement to annex to the City all properties to be provided water and water services. Where the Common Council approves an extension to the distribution system, the General Manager must approve the

plans for the extensions, and the applicant must have the extensions installed at its own expense. Upon installation, the water main distribution system and water service provided for under this subsection shall become the property of the City. (Am. by Ord. 6665, Adopted 6-26-79)

(Sec. 13.16 Am. by Ord. 12,357, Adopted 3-16-99)

13.17 ADOPTION BY REFERENCE. Wis. Stat. § 62.16, Street Grades; Service Pipes; and subsequent amendments, additions, and recodifications, are adopted by reference.
(Sec. 13.17 Cr. by Ord. 12,357, Adopted 3-16-99)

13.18 LEAD WATER SERVICE LINE REPLACEMENT.

(1) Intent and Purpose. The Common Council of the City of Madison finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within the Madison Water Utility system and to that end declares the purposes of this ordinance to be as follows:

(a) to ensure that the water quality at every tap of Madison Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act; and

(b) to reduce the lead in City drinking water to meet EPA standards and ideally to a lead contaminant level of zero in City drinking water for the health of City residents; and

(c) to eliminate the constriction of water flow caused by mineral rich ground water flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and

(d) to meet the WDNR requirements for local compliance with the federal Lead and Copper Rule.

(Am. by ORD-07-00140, 10-18-07)

(2) Rules of Construction and Definitions. This ordinance and all rules and orders promulgated under this ordinance shall be liberally construed so that the purposes enumerated in Subsection (1) may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this section:

"City" means City of Madison.

"Customer-side water service line" means the water conduit pipe running from the customer's meter to the curb stop which is the Water Utility shut-off valve usually located eight feet into the street right-of-way from a private property line.

"EPA" means the U.S. Environmental Protection Agency.

"Federal Safe Drinking Water Act" means 42 U.S.C.A. Sec. 300f-300j-26.

"General Manager" means the Water Utility General Manager.

"Lead and Copper Rule" means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR part 141.80-141.90, and Wis. Adm. Code chs. NR 809.541-NR 809.55.

"Licensed plumber" means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.

"Property" means any possessory interest, legal or equitable, in real property including an estate, trust, or lien, and any buildings, structures and improvements thereon.

"Water Utility" means the City of Madison public water utility system, also known as Madison Water Utility.

"WDNR" means the Wisconsin Department of Natural Resources.

(3) Authorization. This ordinance is enacted pursuant to Wis. Stats. §§ 62.11(5) and 281.12(5), and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.

(4) Lead Service Line Replacement. Owners, managers or persons otherwise exercising control over properties within the Madison Water Utility system with lead customer-side water service lines in use shall replace the lead customer-side water service lines according to the following schedules:

(a) All lead customer-side water service lines discovered prior to November 1, 2015 shall be replaced immediately.

(b) All lead customer-side water service lines discovered on or after November 1, 2015 shall have no longer than one-year from discovery to be replaced.

(Am. by ORD-07-00140, 10-18-07)

(5) Application and Scheduling.

Owners, managers or persons otherwise exercising control over properties shall obtain from and submit to the Water Utility, in accordance with its service rules, an Application for Water Service which states an intention to replace the lead customer-side water service line.

(6) Financing of Replacement.

(a) The Water Utility may, contingent on availability of funding, administer lead service replacement reimbursement program. Upon application to the Water Utility, owners, managers or persons otherwise exercising control over properties with lead customer-side water service lines who replaced such lines after November 1, 2016, in accordance with applicable Utility rules, guidelines and schedules, and who have complied with all of the provisions of this ordinance will be eligible for a reimbursement payment not to exceed fifty percent (50%) of the cost of replacement of any lead customer-side water service line in use, up to a maximum of $1,500 for each service line replaced. Application for reimbursement must include, as documentation of replacement and cost, a payment receipt from a licensed plumber for replacing the lead customer-side water service line at the subject property. Disputes regarding eligibility for reimbursement may be appealed to the Water Utility Board. (Cr. by Ord. 12,558, 4-7-00; Am. by ORD-07-00099, 8-03-07)

(b) An eligible property owner, as defined in Section 4.082(2), Madison General Ordinances, may apply to the City for financing of any portion of the cost of replacing a lead customer-side water service line that is not reimbursed under Subsection (6)(a). If approved, the amount financed shall be a special charge against the owner and treated as such in accordance with the provisions of Section 4.082 and 4.09, Madison General Ordinances. Applications for financing of costs for replacing lead customer-side water service lines must include documentation of the eligibility criteria contained in Section 4.082(2), Madison General Ordinances, and of the cost of replacing the water service lines.

(7) Prohibitions.

(a) It shall be unlawful for any person to fail to comply with the applicable lead customer-side water service line replacement requirements as set forth in Subsection (4).

(b) It shall be unlawful for any person to violate any other provision of this ordinance.

(8) Penalties.

(a) Any person who violates any provision of this ordinance may be subject to a forfeiture of no less than fifty dollars ($50) and no more than one thousand dollars ($1,000). (Am. by Ord. 13,500, 1-23-04)

(b) Each day a violation continues may be considered a separate offense.

(Sec. 13.18 Cr. by Ord. 12,544, 2-18-00; Am. by ORD-17-00013, 2-20-17)

13.19 **WATER MAIN ASSESSMENT PROCEDURE.** Where the cost of a water main extension has not been otherwise defrayed the parcels along the main extension shall be assessed as follows in accordance with Wis. Stat. § 66.0701:

(1) Definitions.

(a) Assessment Rate. The assessment rate shall be the rate per square foot of area or per lineal foot of assessable frontage to be assessed to a parcel of land along a water main extension. The assessment rate shall be the total estimated cost of the project divided by the total assessable area or frontage in that project. (Am. by Ord. 9924, 12-29-89)

(b) Revised Assessment Rate. The revised assessment rate shall be the total cost of the water main project divided by the total assessable area or frontage in that project. For the purposes of determining revised assessment, "cost(s)" means the total actual amounts of money chargeable to the project, including but not limited to those for all material, labor and administration as computed by the Water Utility General Manager and for the interest on bonds or notes issued in anticipation of the collection of the assessments as computed by the Finance Director. (Am. by Ord. 9924, 12-29-89; ORD-11-00037, 3-8-11)

(c) Assessable Frontage. The assessable frontage of a parcel shall be the length of a line thirty (30) feet behind and parallel to the street right-of-way line between the points where this line intersects the side lot lines. In the case of corner lots, the assessable frontage shall be determined on the short side of the lot and the frontage on the long side of the lot will not be assessable unless the long side frontage is in excess of one hundred fifty (150) feet. In cases where the long side of a corner lot exceeds one hundred fifty (150) feet, then a side yard credit of one hundred fifty (150) feet will be applied to the sum of the assessable frontages of the short side and the long side.

(2) When a water main extension is proposed, the Common Council shall adopt a Resolution directing the installation of the main and directing the Water Utility General Manager to report on the assessments for the main in accordance with Wis. Stat. § 66.0701, and indicating that the assessments are to be placed on the tax roll in five (5) equal annual installments with interest established by Sec. 4.08 of the Ordinances.

(3) A notice shall be published in the official newspaper stating that the Water Utility General Manager has made a report on the amount to be assessed to each of the benefiting parcels and that the Board of Public Works will hold public hearings on the assessment. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the city, town or village and a copy of such notice shall be mailed at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication.

(4) The Board of Public Works shall hold a public hearing on the assessments and shall prepare a report to the Common Council on the amount to be assessed to each of the benefiting parcels.

(5) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the assessments and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the city, town or village and a copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication.

(6) The Common Council shall hold a public hearing on the assessments and shall adopt a Resolution showing the amount to be assessed to each of the benefiting parcels. Such

Resolution shall be published as a Class 1 notice under Wis. Stat. ch. 985, and a copy of such Resolution shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence.

Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date.
(Am. by Ord. 8798, 2-27-86)

(7) After the project is completed and all costs have been charged to the project, the Board of Public Works shall establish a revised assessment rate as provided in Sec. 13.19(1). The Board of Public Works shall then introduce a Resolution to the Common Council adopting the revised assessments and shall proceed according to Wis. Stat. § 66.0703(10) or 66.0703(11), as may be appropriate.

(8) If the owner of any parcel affected by these assessments feels aggrieved thereby, (s)he may appeal the assessments as provided in Wis. Stat. § 66.0703(12).

(9) When the owner of a parcel of land wishes to connect to a water main, the cost of which has not been defrayed by establishing assessments or by other methods as provided for in the Rules and Regulations of the Water Utility, assessments shall be established against the parcel in accordance with the above at the revised assessment rate. The only exception to the above procedure is that the Resolution adopted in Sec. 13.19(6) shall state that the assessments are revised assessments. (Am. by Ord. 7685, 4-2-82)

(10) When water mains are installed abutting agricultural lands, lands outside the corporate limits of the City, or other lands which the Board of Public Works may decide are not benefited by the water main, the Board of Public Works may decide not to assess the parcel or to establish a partial assessment for an assessable area or frontage which is less than the total assessable area or frontage of the parcel. When any portion of the parcel which has not been assessed is subdivided, is annexed to the City, or otherwise becomes assessable, or when the owner thereof applies for water service, assessments shall be established against the parcel in accordance with Sec. 13.19(9). (Am. by Ord. 9924, 12-29-89)

(11) Any revised assessment which has been established by the above procedure which has not been paid by the first day of October following its adoption by the Common Council shall be placed on the tax roll to be collected in five (5) annual installments with interest in accordance with Sec. 4.08.

(12) The Common Council may, without any notice or hearing, levy and assess the whole or any part of the aforementioned municipal improvements as a special assessment on the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all owners of the property affected by such special assessment. (Cr. by Ord. 9924, 12-29-89)

(Sec. 13.19 Am. by Ord. 12,357, Adopted 3-16-99)

13.20 TAMPERING WITH WATER METERS PROHIBITED.

(1) No person shall modify, tamper with or in any manner interfere with, or make any connection to a water meter installed by the Madison Water Utility or to said meter's electrical and mechanical connections or apparatuses or water pipes leading to said meters without the written authorization of the Water Utility General Manager or unless authorized by law.

(2) Any person violating this section may be subject to a forfeiture of not less than one-hundred dollars ($100) nor more than one-thousand dollars ($1,000).
(Cr. by Ord. 7848, 11-5-82)

(Sec. 13.20 Am. by Ord. 12,357, Adopted 3-16-99)

13.205 TAMPERING WITH WATER UTILITY MAINS AND PROPERTY.

(1) No person shall modify, tamper with or in any manner interfere with, or make any connection to any Madison Water Utility pipe, service, or owned facility or any other appurtenance without the authorization of the Water Utility Manager or his or her agent unless authorized by law.

(2) No person shall turn any valve or corporation cock without the authorization of the Water Utility Manager or his or her agent unless authorized by law.

(3) Any person violating this section may be subject to a forfeiture of not less than two hundred dollars ($200) nor more than two thousand dollars ($2000) each day or portion thereof shall be considered a separate violation.

(Sec. 13.205 Cr. by ORD-08-00117, 10-24-08)

13.21 WELL OPERATION PERMITS AND WELL ABANDONMENT.

(1) Purpose. The purpose of this ordinance is to prevent the contamination of groundwater and to protect the public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, wells which may serve as conduits for contamination, or wells which may be illegally cross-connected to the public water supply are properly abandoned, and that existing private wells meet State requirements for construction and water quality. Improperly abandoned wells represent potential direct pathways for groundwater contamination to enter the municipal drinking water supply. This ordinance is enacted pursuant to an exercise of the City's police power and Wis. Admin. Code ch. NR 810.16. (Am. by ORD-09-00124, Pub. 8-20-09, Eff. 1-1-10)

(2) Applicability. This ordinance applies to all wells located in the City of Madison or on premises served by the Madison Water Utility.

(3) Definitions.

General Manager shall mean the General Manager of the Madison Water Utility, or his or her designee.

Noncomplying means a well or pump installation which does not comply with the provisions of Wis. Admin. Code ch. NR 812, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wis. Admin. Code chs. NR 809 or 140, or for which a Health Advisory has been issued by the Department of Natural Resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use. Wells for the express purpose of monitoring the quality of ground water and/or gases and/or soil characteristics are exempt from this Ordinance.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(4) Abandonment Required. All wells located in the City of Madison or on premises served by the Madison Water Utility shall be abandoned by the owner of the property if there is no valid well operation permit issued by the Madison Water Utility under sub. (5) for the well, or if so required under Wis. Admin. Code § NR 812.26(2). Abandonment under this subsection shall proceed according to the requirements of sub. (6). Upon receiving an abandonment notice from the Madison Water Utility, the owner has ninety (90) days to

either make an application for a well operation permit under sub. (5) or abandon the well under sub. (6), otherwise the Madison Water Utility may proceed with abatement under sub. (8). (Am. by Ord. 12,567, 5-3-00)

(5) Well Operation Permit.

(a) Permit Required. No person may operate or maintain a well without a valid well operation permit issued under this subsection.

(b) Permit Process.

1. Application and Permit Fee. Well operation permit applications and requests for permit renewals or modifications shall be made on forms provided by the Madison Water Utility. A well operation permit fee shall be set by the Water Utility General Manager, and will go into effect upon approval by the Water Utility Board. Payment of the permit fee shall accompany the application, renewal or modification request.

2. Issuance. If the requirements of this subsection are met, the Madison Water Utility may grant or modify a well operation permit to a private well owner to operate or maintain a well for a period not to exceed five (5) years. If the requirements of this subsection are not met, the Madison Water Utility may reject the permit application, permit renewal request, or permit modification request, providing the applicant with the reasons for the denial of the issuance, renewal, or modification of the well operation permit in writing.

3. Renewal. An owner may request renewal of a valid well operation permit by submitting information verifying that the requirements of this subsection are met, and that there is a continued need for the well. A request to renew a valid well operation permit must be made to the Madison Water Utility within the six (6) months prior to the expiration of the permit. Failure to timely request a renewal of a valid well operation permit will result in expiration of the permit, and the issuance of an abandonment notice by the Madison Water Utility.

4. Modification Upon Water Main Connection. Upon the connection of a property served by a permitted well to the water main, an owner may request a modification of a valid well operation permit to accommodate the continued use of the well by submitting information verifying that the requirements of this subsection are met. A request to modify a valid well operation permit must be made to the Madison Water Utility within ten (10) days of the connection to the water main. Failure to timely request a modification of a valid well operation permit will result in expiration of the permit, and the issuance of an abandonment notice by the Madison Water Utility.

5. Conditions. The following conditions must be met for issuance, renewal or modification of a well operation permit:

a. The well and pump installation have been certified by a licensed well driller or pump installer to meet, or are upgraded to meet, the requirements of Wis. Admin. Code ch. NR 812.

b. The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

c. There are no cross-connections between the well and pump installation and the Madison Water Utility.

6. Termination of Permit. A well operation permit issued or renewed under this subsection shall automatically terminate upon the permit holder's conveyance of the property pursuant to Wis. Stat. ch. 706, or upon connection of the property served by the well to the water main unless the permit is modified under para. 4.

(c) Testing and Inspection Requirements.

1. Conditional Inspection and Testing. As a condition of the issuance, renewal or modification of a well operation permit, the Madison Water Utility, or its agent, may conduct inspections or have water quality tests conducted to obtain or verify information necessary for consideration of a permit application or renewal, including up to two (2) bacterial examinations of water samples obtained from the well, one (1) nitrate test, and the inspection of the well by a licensed well driller or pump installer to confirm that the well and pump installation meet the requirements of Wis. Admin. Code ch. NR 812. If any additional tests or inspections are required, they shall be performed at the applicant's expense.

2. Annual Testing.

a. As a condition of all well operation permits issued, renewed or modified under this subsection, the permit holder must submit periodic water quality testing data conducted at the well owner's expense to the Madison Water Utility. This testing shall be done annually, on the anniversary date of the issuance, renewal or modification of the well operation permit, or as otherwise determined by the General Manager.

b. At a minimum, such annual water quality tests must include results for coliform bacteria and nitrate. Additional testing results may be requested by the Madison Water Utility.

c. If a water quality test under this paragraph reveals that the water quality does not meet the standards of Wis. Admin. Code ch. NR 809, the property owner shall be given ninety (90) days to bring the well into compliance. The failure to do so will result in the well operation permit being voided.

d. A property owner who fails to submit the annual testing data to the Madison Water Utility as required under this paragraph is subject to the penalties set forth in Sec. 13.23, MGO.

3. Inspection Upon Transfer of Property. Whenever real property with a well on the premises is conveyed pursuant to Wis. Stat. ch. 706, the seller shall contact the Madison Water Utility at least fourteen (14) days prior to the transfer of property. Upon proper notice, the Madison Water Utility may conduct an inspection to determine whether the well should be permitted or abandoned under this section.

4. Periodic Inspections. A representative of the Madison Water Utility shall have the power and authority at all reasonable times, for any proper purpose, to enter upon any property in the City of Madison and make inspection thereof. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stat. § 66.0119. Upon request by a representative of the Madison Water Utility, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the well on such property if such information is known to such owner, lessee or occupant.

(d) Appeal. If a person's application for a well operation permit, or renewal or modification of a well operation permit, is denied by the Madison Water Utility, or a permit is voided as provided for in sub. (c)2.c. for failure to comply with the

annual testing requirement, the person may appeal within fifteen (15) days of the mailing of the permit denial or voiding notice. Appeal shall be to the Water Utility Board. All requests for appeal shall be filed with the City Clerk and the General Manager, and must inform the Water Utility Board of the reasons for the appeal. Within forty-five (45) days, the Water Utility Board shall hold a hearing at which the parties may offer testimony and documents. Either at or within twenty (20) days of the hearing, the Water Utility Board shall affirm, modify, or reverse the determination that the well operation permit should be denied or voided. Appeal from the action of the Water Utility Board shall be to Circuit Court within thirty (30) days of the determination of the Board.

(e) Revocation of Permit. If, at any time after the issuance or modification of a well operation permit, the General Manager determines that a well is a serious hazard to the health or safety of the public, the General Manager may immediately revoke the well operation permit and proceed under sub. (8). The General Manager shall include the reasons for the revocation of the well operation permit in the abatement order issued under that subsection.

(Am. by Ord. 12,567, 5-3-00)

(6) Abandonment Procedures.

(a) All wells subject to this ordinance that are abandoned shall be abandoned by a licensed well driller or pump installer according to the procedures and methods of Wis. Admin. Code § NR 812. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall notify the Madison Water Utility at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by the Madison Water Utility.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Madison Water Utility and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

(d) The Madison Water Utility may require any person who has abandoned a well not in compliance with sub. (a) to return and take corrective action so that the well is abandoned by him or her in a complying manner. (Cr. by Ord. 12,567, 5-3-00)

(7) Well Abandonment Rebate. Upon the proper abandonment of a well pursuant to this section, the City Engineer, in consultation with the Water Utility General Manager and the Public Health Madison and Dane County Director, is authorized to issue a rebate to the owner of a property located in the City of Madison or that is served by the Madison Water Utility of up to fifty percent (50%) of the cost to the owner of the abandonment of the well, up to a maximum rebate of one thousand dollars ($1000.00). In determining the amount of the rebate, any contributions made by Dane County under Dane County Ordinance 46.42 or the Wisconsin Department of Natural Resources under the Well Compensation Program (Chapter NR 123) shall not be considered, provided that the rebate issued by the City under this subsection, when combined with any contribution made by Dane County and WDNR, shall not exceed the total cost to the owner of abandoning the well. No rebate shall be issued to the owner of a property against whom the City has either issued a citation or made a written referral to the City Attorney for non-compliance with the requirements of this section. Rebates issued under this subsection shall be funded out of the landfill remediation fee as set forth in Sec. 35.025, MGO. (Cr. by ORD-09-00124, Pub. 8-20-09, Eff. 1-1-10; Am. by ORD-15-00009, 1-28-15)

(8) Abatement. If the General Manager of the Water Utility determines that an existing well is a serious hazard to the health or safety of the public, then the General Manager may

order the owner or operator to abandon or repair the well at the owner or operator's expense, pursuant to this subsection. A well without a valid well operation permit issued under this section shall be deemed a public nuisance under this section.

(a) Summary Abatement.

1. Order of Abatement. If the General Manager determines that a well constitutes a public nuisance and that there is imminent danger to the public health, safety, peace, comfort or welfare, he or she may, without notice or hearing, issue an order to the owner and/or well operator reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as he or she deems necessary to abate the nuisance, including abandonment of the well. Notwithstanding any other provisions of this subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.
2. Abatement by the Utility. Whenever the owner or operator shall refuse or neglect to remove or abate the condition described in the order, the General Manager may, in his or her discretion, enter upon the property and cause the nuisance to be removed or abated, including abandonment of the well, and the Water Utility shall recover the expenses incurred thereby from the owner or operator of the property. The expenses so incurred shall be levied as a special charge against the property.

(b) Nonsummary Abatement.

1. Order of Abatement. If the General Manager determines that a well constitutes a public nuisance but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort or welfare, he or she shall issue an order reciting the existence of a public nuisance and requiring the owner and/or operator of the property to remove or abate the condition described in the order within the time period specified therein, including abandonment of the well. The order shall be served personally on the owner of the property, as well as the operator if different from the owner and applicable to the described nuisance, or, at the option of the General Manager, the notice may be mailed to the last known address of the person to be served by registered mail with return receipt requested. If the owner or the operator cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 1 notice under Wis. Stat. ch. 985. The time limit specified in the order runs from the date of service or publication.
2. Abatement by the Utility. If the owner or operator fails or refuses to comply within the time period prescribed, the General Manager may enter upon the property and cause the nuisance to be removed or abated, including abandonment of the well, and the Water Utility shall recover the expenses incurred thereby from the owner or operator of the property. The expenses so incurred shall be levied as a special charge against the property.

(c) Remedy from Order. The order of the General Manager shall not be appealable to the Water Utility Board. Any person affected by orders issued under this subsection shall timely apply to the circuit court for an order restraining the Water Utility and the General Manager from entering on the premises and abating or removing the nuisance, or be forever barred.

(d) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the Water Utility or

its officials in accordance with the laws of the state. The Water Utility or its officials may choose to proceed with an action under state law, upon authorization by the Water Utility Board.

(9) This law does not supersede the State Plumbing Code, Wis. Admin. Code § NR 811 or Chapter 18 of the Madison General Ordinances entitled "Plumbing Code" but is supplementary to them.

(Renum. by ORD-09-00124, Pub. 8-20-09, Eff. 1-1-10)
(Sec. 13.21 Cr. by Ord. 10,136, 11-14-90; Am. by Ord. 12,345, 3-12-99; Am. by Ord. 12,567, 5-3-00; Ord. 13,500, 1-23-04; ORD-11-00170, 12-21-11; ORD-13-00018, 2-12-13)

13.22 WELLHEAD PROTECTION.

(1) To prevent contamination of wells supplying municipal water systems, the Water Utility General Manager or his/her designee shall review all proposed uses on zoning lots in Zones A and B in Wellhead Protection Districts.

(2) Review will be based on the presence, use, or storage on the lot of hazardous chemicals, as defined by the Environmental Protection Agency. Consideration will be given to factors including but not limited to the following: whether the zoning lot is in Zone A or Zone B, effective storage or containment of particular hazardous chemicals, and the magnitude and/or frequency of use of the hazardous chemicals. Approval of the use may be contingent on specific conditions being met. A current list of hazardous chemicals, as defined by the Environmental Protection Agency, shall be maintained. (Cr. by Ord. 13,106, 7-23-02)

13.23 PENALTY. Any person violating any provision of this chapter for which a separate penalty has not been imposed shall be punished by a fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense

The word "fine" as used in this chapter shall be synonymous with the term "forfeiture".
(Am. by Ord. 12,357, Adopted 3-16-99; Renumbered to Sec. 13.23 by Ord. 13,106, 7-23-02; Am. by ORD-06-00135, 10-6-06)

CHAPTER 14

PUBLIC WATERS AND SHORELINES

Section

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14.01 RESERVED FOR FUTURE USE. (R. by Ord. 4922, 3-25-75)

14.02 FILLING OF LAKES AND RIVERS. No person shall cast or deposit or cause to be cast or deposited in Lake Monona, Lake Mendota or Lake Wingra, or the Yahara River, or any creek or stream, or connecting drainage ditch, or in any lagoon in any park, any earth, sand, stone, ashes, rubbish, filth, refuse or floating matter, or any other substance or thing that fills up or tends to fill up any portion of said waterways, nor place in said waters any obstruction to navigation without first obtaining the consent of the Common Council and/or the State of Wisconsin. Any person violating this section shall be subject to a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25) for each offense, and shall also be liable at the suit of the City for the cost of the removal from said lakes, or river, or creeks, or streams, or ditches or lagoons of material deposited therein.

14.03 FILLING OF LAKE ENDS OF STREETS WHEN DOCK LINE ESTABLISHED. Whenever a dock or harbor line shall be established across the end of any street, and across the lake end of any abutting land, the owner of such land shall be required before filling the lake end of such abutting lot to fill such street to the middle thereof, and to protect the margin of such filling so that the same shall be permanent. In case any such lot owner shall fill any such abutting lot, and shall not so fill such street, then the Common Council shall order such abutting portion of said street to be so filled, and the City may recover the cost thereof of such lot owner.

14.04 RELATING TO PIERS ALONG THE BANKS OF THE YAHARA RIVER.

(1) No person shall build any pier along the banks of the Yahara River between Lakes Mendota and Monona unless she or he shall first have secured permission for such construction from the Board of Park Commissioners. (Am. by ORD-14-00012, 1-14-14)

(2) Piers shall be constructed adjacent and parallel to the banks of the river, and no portion of any pier shall extend more than three (3) feet from the bank into the stream. Piers shall not exceed twelve (12) feet in length.

(3) Every person violating this section shall be subject to a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense, and shall also be liable at the suit of the City of Madison for the cost of removal from the river of the pier existing in violation of this section. (Am. by Ord. 13,760, Adopted 12-14-04)

14.05 PIERS FROM PARK PROPERTY ON LAKESHORES.

(1) No person shall construct, build, erect or maintain any pier, boat hoist or boat storage facility into the waters of Lakes Mendota, Monona or Wingra extending from the shoreline of any park or other public area owned or controlled by the City of Madison or extending from the shore of lands to which the City has been granted riparian rights by the State of Wisconsin or extending from the shore of lands or areas in said lakes granted by the State of Wisconsin to the City of Madison for park, pleasure or recreation purposes, unless specific authority for the construction of such pier has first been granted by the Park Commission of the City of Madison.

(2) Any such pier, boat hoist or boat storage facility erected or maintained in Lakes Monona, Mendota or Wingra, without prior authority by the Park Commission of the City of Madison, shall be subject to removal upon ten (10) days written notice given by the Park Commission either to the person who has erected such pier, boat hoist or boat storage facility or who operates, maintains or uses said structure or claims ownership thereof, or in case such owner or user cannot be found, by attaching such written notice to such pier, boat hoist or boat storage facility. In case of the failure to remove such structure, any such person shall be subject to a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense. Each day of violation shall constitute a separate offense. Any person violating this section shall also be liable at the suit of the City of Madison for the cost of removal of such pier or structure. (Am. by Ord. 6317, 7-7-78; Ord. 13,760, Adopted 12-14-04)

14.06 DOCK LINE ON LAKE MONONA ON THE SOUTH SHORE LAKE MONONA BAY.

(1) A dock line is hereby established on Lake Monona as follows: Beginning at a point on the extension in a northerly direction on the east line of Lot 6, Block 1, Oak Lawn Addition, 315 feet north of the southeast corner of said Lot 6; extending thence in a westerly direction and parallel with the north side of Lakeside Street, South Madison, to a point in said Lake Monona Bay on an extension in a northerly direction of the west line of Lot 1, Block 1, said Oak Lawn Addition 315 feet north of the southwest corner of said Lot 1, Block 1, Oak Lawn Addition to South Madison; extending thence in a westerly direction by a circular curve convex to the shore with a radius of 1,000 feet to a point 166 feet west of the west line of Lot 1, Block 1, Oak Lawn Addition to South Madison, and distant 325 feet north of the north line of Lakeside Street; thence in a westerly direction by a circular curve concave to the shore with a radius of 470 feet to a point 322 feet west of the west line of Lot 1, Block 1, Oak Lawn Addition to South Madison, and distant 325 feet north of the north line of Lakeside Street; thence in a westerly direction by a curve concave to the lakeshore with a radius of 1,000 feet to a point on the extension in a northerly direction of the east line of Lot 1, Block 7, of South Madison, distant 315 feet from the north line of Lakeside Street to a point on the line between Lots 3 and 4 extended of Block 7, South Madison; thence by a circular curve convex to the shore with a radius of 550 feet to a point in said Lake Monona Bay in the extension of the west line of Lot 6, Block 7, said South Madison Plat, 336 feet north of the southwest corner of said Lot 6, Block 7, South Madison Plat; extending thence in a westerly direction by a circular curve, concave to the shore, with a radius of 1,432.7 feet, to a point in said Monona Bay in the extension of the west line of Lot 10, said South Madison Plat, 325 feet north of the southwest corner of said Lot 10, Block 10, South Madison Plat; extending thence in a westerly direction by a circular curve, convex to the shore, of a radius of 274.4 feet to a point in said Lake Monona Bay on the extension of the west line of Lot 14, Block 10, South Madison Plat, 325 feet north of the southwest corner of said Lot 14, Block 10, South Madison Plat; extending thence in a westerly direction with a curve convex to the shore, with a radius of 380 feet, to a point of tangency with a line parallel to and distant 315 feet easterly, from the northeast line of South Park Street, formerly known as Oregon Street; thence in a northwesterly direction along said parallel line to a point of intersection with the south line of Greenbush Addition to the City of Madison.

(2) The establishment of said dock line as above stated shall in no way affect the riparian rights of the land adjacent thereto or any owner thereof.

(3) This act is passed for the purpose of improving navigation in said Lake Monona Bay, and also because it is desirable for sanitary reasons to fill and grade up the marsh near said shoreline and out to, or near, said dock line established in subsection (1) hereof. (See also Chapter 194, Laws of 1907.)

14.07 DOCK LINE ON LAKE MONONA BEGINNING AT EMERALD STREET.

(1) A dock line is hereby established on Lake Monona as follows: Beginning on the extension of Emerald Street at a point where the dock line in front of Blocks 14 and 19 in said city ends, it being 315 feet from the east line of South Park Street, extending thence in a southerly direction parallel to South Park Street past and across said Block 20 and the extension of Erin Street, thence across Block 25 by a curve convex to the shore with a radius of 438 feet to a point of tangency with the dock line established in the Town of Madison adjacent to Greenbush Addition to the City of Madison.

(2) This act is passed for the purpose of improving navigation in said Lake Monona Bay, and also because it is desirable for sanitary reasons to fill and grade up the marsh near said shoreline, and out to or near said dock line established in subsection (1) of this section.

(3) Such dock line is hereby established upon the condition that the owners of the abutting property shall lease to the City of Madison for street, boulevard and park purposes, under certain conditions as contained in a lease to the Madison Park and Pleasure Drive

Association signed by T. C. Richmond, D. R. Butler and others, all of the land lying between said dock line and a line 240 feet easterly of the east line of said Park Street and parallel thereto.

(4) Whereas the owners of said Blocks 20 and 25 have heretofore completed the filling out to said dock line, such filling is hereby fully ratified, confirmed and approved upon the conditions named in subsection (3) hereof.

14.08 DOCK LINE ON LAKE MONONA BEGINNING AT SOUTH LINE OF ERIN STREET.

(1) A dock line is hereby established on Lake Monona as follows: Beginning at a point on the south line of Erin Street extended, 315 feet east of the east line of South Park Street, thence north and parallel to said east line of South Park Street to a point 109 feet south of the south line of West Washington Avenue extended, thence by a curve to the right within a radius of 100 feet turning at an angle of 90 degrees to a point 9 feet south of the south line of said West Washington Avenue extended, and 415 feet east of the east line of Park Street.

(2) The reason for establishing such dock line is that the water covering the bed of said lake out to the dock line is and has been for many years so low and stagnant and in such foul condition as to endanger public health, which condition will be removed and at the same time the bed of said lake improved for fishing and navigation purposes by the filling out to said dock line.

(3) Such dock line is hereby established upon condition that the owners of the abutting property shall convey to the City of Madison by quitclaim deed, for street purposes only, the land in or opposite such blocks lying between a line 240 feet east of the east line of South Park Street and a line 306 feet east of said east line of said street, and shall further convey, either to the City of Madison or to the Madison Park and Pleasure Drive Association or its successors or assigns, in trust for the City of Madison, by quitclaim deed, for park purposes only, this strip of land lying between the said dock line and said line 306 feet east of the east line of South Park Street, such deed to contain a condition that in case any of the land so conveyed shall ever be used for any purposes other than those specified, or if any building or structure of any kind except the boathouses hereinafter mentioned shall ever be erected or maintained upon any of the property so conveyed, the same shall revert to the grantors; and the deed of said strip beyond the 306 foot line to contain a further provision reserving to the grantors, their heirs and assigns, their riparian rights and the right to construct and maintain upon the land thereby conveyed opposite each block one boathouse for the joint and exclusive use of all persons owning land in such block, who shall contribute their pro rata share of the expense of constructing and maintaining the same, such boathouse to be located at some appropriate and convenient point to be designated by the Board of Park Commissioners of the City of Madison and by said owners, and to be constructed of material suitable for the boathouse and according to a design to be approved by said Board of Park Commissioners, it being understood that said boathouse shall not require, either in material to be used or the design adopted, any unreasonable expenditure of money; and said deed to contain a further reservation to the grantors, their heirs and assigns, of the right of access to the lake across said strip, such right to be exercised, however, at such place and in such a way as not necessarily to injure or interfere with any planting or other improvements to said strip, either by the City or by said Park Board. Conveyances as aforesaid for the street and park purposes of the land in or opposite any of the aforesaid Blocks 14, 19 and 20, shall be deemed a compliance as to such block with the foregoing conditions and thereupon, as to such block, the dock line aforesaid shall become established.

(4) Whereas the owners of the land opposite said Blocks 14 and 19 have heretofore completed the filling out to said dock line, such filling is hereby ratified, confirmed and approved upon the conditions named in subsection (3) hereof.

(5) The owners of property in said Block 20 are hereby authorized to fill out to said dock line to the same depth and upon the same grade or slope as the filling in said Blocks 14 and 19, on the conditions contained in subsection (3) hereof.

(6) The public streets crossed by said dock line, namely Erin, Emerald and Drake, shall be considered as extended as public streets out to said dock line, and the rights of the City in the portion of said streets so extended shall be the same as in other parts of said street.

14.09 DOCK LINE ON LAKE MONONA BETWEEN CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY AND BASSETT STREET.

(1) A dock line is hereby established on the shore of Lake Monona as follows: Beginning at a point immediately below the center line of the main track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way, Prairie du Chien Division, distant 800 feet southeasterly from the northwest line of West Wilson Street extended, said 800 feet being measured along the center line of the above-mentioned track; thence by a curve to the left with a radius of 300 feet, the center of said curve being 500 feet southeasterly from the northwest line of West Wilson Street and in the center of the above-mentioned track, turning a total angle of 40 degrees and 45 minutes; thence by a curve to the right with a radius of 1,800 feet, turning a total angle of 23 degrees; thence by a curve to the right with a radius of 400 feet, turning a total angle of 67 degrees and 30 minutes, to a point distant 591 feet southeast from the southeast line of West Wilson Street measured on a line 6 feet northeast of the southwest line of Bassett Street in said City of Madison.

(2) The City of Madison is hereby authorized to fill out from the present shoreline to said dock line sufficient depth for the purpose of removing the unsanitary and offensive condition of the bed of the lake between the said shoreline and said dock line, and for the purpose of aiding navigation of the waters of said lake. The land formed by the filling, as herein authorized, shall belong to the State of Wisconsin, and is hereby forever set aside for public park purposes. The City of Madison is hereby authorized to improve and maintain said land for park purposes at its own expense.

(3) The City of Madison is hereby empowered to construct and regulate the use of wharfs, landing places, bathhouses, boathouses and other suitable structures along the margin of the dock line established by subsection (1) hereof. (See also Chapter 605, Laws of 1907.)

14.10 RESERVED FOR FUTURE USE. (R. by Ord. 6502, 2-8-79)

14.11 DOCK LINE ON LAKE MONONA BEGINNING AT THE SOUTHWEST LINE OF LIVINGSTON STREET. A dock line is hereby established on Lake Monona as follows: Beginning at a point on the northeast line of Blount Street extended 278.5 feet distant from the southeast line of Williamson Street; thence northeasterly on a straight line to a point on the southwest line of Livingston Street 170 feet distant from the center of Jenifer Street measured along the southwest line of Livingston Street. (Am. by Ord. 6502, 2-8-79)

14.12 DOCK LINE ON LAKE MONONA BEGINNING AT SOUTH PATERSON STREET. A dock line is hereby established on Lake Monona as follows: Beginning on a point on the northeast line of South Paterson Street, prolonged a distance of 134 feet southeast from the southeast line of Spaight Street; thence easterly on a one degree and 9 minute curve, radius of 5,000 feet curving to the left to the point of intersection with the southwest line of Brearly Street prolonged, at a point 350 feet southeast from the southeast line of Spaight Street, said curve passing through the following points, namely:

First: A point 210 feet southeast of the southeast line of Spaight Street on a line between Lots 3 and 4 of Block 152.

Second: A point 287 feet southeast of the southeast line of Spaight Street on a line between Lots 6 and 7 of the same block. Thence continuing on a straight line to a point of intersection with the northeast line of Brearly Street, distant 368 feet southeast from the southeast

line of Spaight Street, thence on a one degree 26 minute curve, radius 400 feet, curving to the left to a point of intersection with the southwest line of Ingersoll Street distant 490 feet southeast from the southeast line of Spaight Street and passing through the following points:

First: A point 420 feet southeast from the southeast line of Spaight Street on a prolongation of the line between Lots 3 and 4, Block 177.

Second: A point 460 feet southeast from the southeast line of Spaight Street on a line prolongated between Lots 6 and 7 of Block 177. Thence on a straight line to a point on the line between Lots 6 and 7, Block 179, distant 194 feet southeast from the southeast side of Rutledge Street; thence on a one degree 38 minute curve, radius 3,500 feet, curving toward the right and passing through the following points:

First: A point on the southwest line of Few Street distant 212 feet southeast from the southeast line of Rutledge Street.

Second: A point on the northeast line of Few Street distant 220 feet southeast from the southeast line of Rutledge Street.

Third: A point on the line between Lots 15 and 16, Block 205, distant 255 feet southeast from the southeast line of Rutledge Street.

Fourth: A point on the line between Lots 12 and 13, Block 205, distant 304 feet southeast from the southeast line of Rutledge Street.

Fifth: A point on the southwest line of Baldwin Street 360 feet southeast from the southeast line of Rutledge Street; thence on a one degree 23 minute curve, radius 2,400 feet, curving to the left and passing through the following points:

First: A point on the northeast line of Baldwin Street, distant 49 feet southeast from the southeast line of Morrison Street.

Second: A point on the line between Lots 3 and 4, Block 207, distant 90 feet southeast from the southeast line of Morrison Street.

Third: A point on the line between Lots 6 and 7, Block 207, distant 114 feet southeast from the southeast line of Morrison Street.

Fourth: A point on the southwest line of Dickinson Street, distant 120 feet southeast from the southeast line of Morrison Street.

Fifth: To a point on the northeast line of Dickinson Street, distant 120 feet southeast from the southeast side of Morrison Street.

14.13 DOCK LINE ON LAKE MONONA BEGINNING AT DICKINSON STREET. A dock line is hereby established on Lake Monona as follows: Beginning at a point on the northeast line of South Dickinson Street, distant 125 feet southeast of the southeast line of Morrison Street; thence northeasterly and parallel to the southeast line of Morrison Street to the intersection with the northeast line of Rogers Street extended; thence northeasterly to the point of intersection of the southeast line of Morrison Street extended, with the southwest line of the Yahara River as now located; thence northeasterly 80 feet along the southeast line of Morrison Street extended, to the northeast line of the Yahara River; thence northeasterly in a straight line to a point which is 467 feet northeast of the northeast line of Riverside Drive extended and 351.2 feet southeast of the southeast line of Rutledge Street in Riverside Park Plat; thence northeasterly to the southwest corner of Lot 1 of Block 4 of the replat of Blocks 7 and 8 of Lake Park Subdivision as platted.

14.14 DOCK LINE ON LAKE MONONA IN LAKE PARK SUBDIVISION.

(1) A dock line is hereby established on Lake Monona as follows: Beginning on the prolongation in a southerly direction of the present boundary line of the City of Madison and the Lake Park Company's plat of a part of the Town of Blooming Grove, at a point 1,694 feet south of the center line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tracks where the said boundary line crosses said track; thence easterly by a curve to the right with a radius of 1,320 feet to a point on a line at right angles to the south line of Lake Avenue in the Lake Park Plat distant 175 feet southerly from the point where said south line intersects the westerly boundary of Hudson Park.

(2) The reason for establishing such dock line is that the water covering the bed of said lake out to said dock line is and has been for many years so low and stagnant and in such foul condition as to endanger the public health, which condition will be removed, and at the same time the bed of said lake improved for fishing and navigation by the filling out to said dock line.

(3) The owners of property in said blocks are hereby authorized to fill out to said dock line, and the public streets crossed by said dock line shall be considered as extended as public streets out to said dock line, and the rights of the City in the portion of said streets extended shall be the same as in other public streets. (See also Chapter 534, Laws of 1907.)

14.15 DOCK LINE ON LAKE MENDOTA AT FRANCES STREET. A dock line is hereby established on Lake Mendota as follows: Beginning at a point on the west line of Frances Street distant 520 feet north from the north line of Langdon Street, thence a long a one degree 12 minute curve to the right, having a radius of 4,774 feet and a chord, a line from the point of beginning to a point on the west line of Lake Street distant 395 feet north of the north line of Langdon Street, to the point on the west line of Lake Street 395 feet north of the north line of Langdon Street; thence along a 3 degree curve to the right with a radius of 1,910 feet and a chord, a line running from the last point described to a point on the east line of Park Street distant 408 feet north of the north line of Langdon Street, to the point on the east line of Park Street distant 408 feet north of the north line of Langdon Street.

14.16 DOCK LINE ON LAKE MENDOTA BEGINNING AT FRANCES STREET. A dock line is hereby established on Lake Mendota as follows: Beginning on the west lie of Frances Street extended, at a point 520 feet from Langdon Street, measured along the said west line of Frances Street; thence on a straight line to the southwest line of North Henry Street to a point 532 feet from Langdon Street; thence on a straight line to the northeast line of Henry Street extended to a point 518 feet from Langdon Street; thence on a straight line to the southwest line of Wisconsin Avenue extended to a point 330 feet from Langdon Street.

14.17 DOCK LINE ON LAKE MENDOTA BEGINNING AT BREARLY STREET. A dock line is hereby established on Lake Mendota as follows: Beginning at a point on the northeast line of Brearly Street distant 309 feet northwest from the northwest line of Sherman Avenue; thence southwesterly on a straight line to a point on the northeast line of Paterson Street distant 560 feet from the northwest line of Gorham Street; thence southwest parallel with Gorham Street to the southwest line of Paterson Street; thence southwesterly on a straight line to a point on the southwest line of Livingston Street distant 412 feet from the northwest line of Gorham Street; thence southwesterly on a straight line to a point on the northeast line of Blount Street distant 260 feet from the northwest line of Gorham Street; thence southwesterly on a straight line to a point on the northeast line of Blair Street distant 200 feet from the northwest line of Gorham Street; thence southwesterly on a 3 degree 34 minute 54 second curve to the right, radius 1,600 feet to a point on the southwest line of Butler Street distant 550 feet from the northwest line of Gorham Street.

14.18 DOCK LINE ON LAKE MENDOTA BEGINNING AT BREARLY STREET. A dock line is hereby established on Lake Mendota as follows: Beginning at a point on the northeast line of North Brearly Street distant 309 feet northwest from the northwest line of Sherman Avenue; thence northeasterly on a 7 degree 10 minute curve, radius 800 feet, convex toward Sherman Avenue, to a point 225 feet from the northwest line of Sherman Avenue measured on a prolongation of the line between Lots 1 and 2 of Willow Park Subdivision; thence on a straight line to a point on the prolongation of the line between Lots 6 and 7, Willow Park Subdivision, and distant 185 feet from the northwest line of Sherman Avenue; thence on a curve convex toward Sherman Avenue, radius 2,421 feet, degree of curvature 2 degrees 22 minutes to a point on the prolongation of the line between Lots 13 and 14, Willow Park Subdivision, and distant 152 feet

from Sherman Avenue; thence on a straight line to a point on the prolongation of the line between Lots 25 and 26, Willow Park Subdivision, and distant 135 feet from Sherman Avenue.

14.19 DOCK LINE ON LAKE MENDOTA BEGINNING AT WILLOW PARK. A dock line is hereby established on Lake Mendota as follows: Commencing at a point on the continuation of the line between Lots 25 and 26, Willow Park, distant 135 feet northwesterly from the northwest line of Sherman Avenue, thence on a straight line to a point of intersection with the continuation of the line between Lots 26 and 27, Willow Park, distant 138 feet northwesterly from the northwest line of Sherman Avenue; thence on a straight line to a point in a continuation of the line between Lots 30 and 31, Willow Park, distant 160 feet northwesterly from the northwest line of Sherman Avenue; thence on a straight line to a point on the continuation of the line between Lots 40 and 41, Addition to Willow Park, distant 316 feet northwesterly from the northwest line of Sherman Avenue.

14.20 SHORELINE OF LAKE MONONA BETWEEN BASSETT STREET AND BLOUNT STREET. Since the public owns the riparian rights, the shoreline of that part of the north-west shore of Lake Monona, Dane County, between Bassett Street and Blount Street in the City of Madison, hereinafter described and more particularly shown by the map filed with the City Clerk, is established and determined as set forth in the following description subject to the approval of the Public Service Commission, namely:

Beginning at a point on the shore of Lake Monona at a point 480 feet southeast of the southeast line of Wilson Street and 290 feet southwest of the southwest line of Broom Street; thence northeast on a straight line to a point which is 450 feet northeast of the northeast line of Pinckney Street and 340 feet southeast of the southeast line of Wilson Street; thence on a curve to the right radius 3,300 feet to a point 430 feet southwest of the southwest line of Blount Street and 490 feet southeast of the southeast line of Wilson Street.

14.21 SHORELINE OF LAKE MENDOTA BETWEEN LAKE STREET AND PARK STREET. Since the state owns the riparian rights, the shoreline of that part of the southerly shore of Lake Mendota, Dane County, Wisconsin, between Lake Street and Park Street in the City of Madison hereinafter described and more particularly shown by the map filed in the office of the City Clerk is established and determined as set forth in the following description, subject to the approval of the Public Service Commission, namely:

Beginning on the shore of Lake Mendota at a point 380 feet north of the north line of Langdon Street and 305 feet east of the east line of Park Street; thence on a straight line to a point 103 feet west of the east line of Park Street and 447 feet north of the north line of Langdon Street extended westerly.

14.22 SHORELINE ON LAKE MONONA BETWEEN BASSETT STREET AND BLAIR STREET. Since the public owns the riparian rights, the shoreline of that part of the northwest shore of Lake Monona, Dane County, between Bassett Street and Blair Street in the City of Madison hereinafter described is established and determined as set forth in the following description and the map filed in the office of the City Clerk, subject to the approval of the Public Service Commission, namely:

Beginning at a point on the east property line of South Blair Street, said point is the point of intersection of the center line of South Blair Street between East Main Street and East Wilson Street extended southeasterly and the east line of South Blair Street thence on a curve to the right convex to the east to 550 feet radius a distance of 1,034 feet to a point on the Lake Monona dock line, this last mentioned point being the point of intersection of the center line of South Hancock Street extended southeasterly and the Lake Monona dock line; thence southwesterly along the Lake Monona dock line to a point on the dock line, said point being the point of intersection of the center line of South Broom Street extended southeasterly and the Lake Monona dock line; thence southwesterly on a 3 degree and 11 minute curve, radius 1,800.1 feet curving to the left a distance of 435 feet, thence on a curve to the right of 200 feet radius a distance of 262.4 feet to a

point on the center line of South Bassett Street extended southeasterly, said point being 658 feet from the center line of West Wilson Street measured along the center line of South Bassett Street and its extension southeasterly.

14.23 **1927 AND 1955 DOCK LINES ON LAKE MONONA.** A dock line on Lake Monona, Dane County, Wisconsin, is established as follows:

(1) Beginning at a point on the north line of Section 17, Town 7 North, Range 10 East, distant 960 feet west of the northeast corner of said Section 17; thence northerly on a one degree and 54 minute curve, radius of 3,015.7 feet curving to the left, a distance of 3,250 feet to a point on the southeasterly boundary line of Sunset View Park plat in the town of Blooming Grove, Dane County, Wisconsin, extended southwesterly, which point is distant 1,200 feet from the center line of State Trunk Highway No. 10, thence northwesterly on a straight line parallel with said center line of highway and distant 1,200 feet southwesterly therefrom a distance of 715 feet, thence northwesterly on a 3 degree and 11 minute curve, radius of 1,800.1 feet curving to the left, a distance of 1,760 feet, thence on a straight line northwesterly, a distance of 1,220 feet to a point on the center line of Elmside Boulevard in the City of Madison, Dane County, Wisconsin, extended south, said point being distant 635 feet south from the south line of Oakridge Avenue, in said City of Madison, said last described line passing through a point on the center line of Welch Avenue extended south and distant 900 feet south from the south line of Oakridge Avenue, thence southwesterly on a one degree and 54 minute curve, radius of 3,015.7 feet, curving to the left, a distance of 2,850 feet to a point on the center line of Walton Place, extended southeasterly, which point is distant 420 feet southeasterly from the southeast line of Yahara Place, thence southwesterly on a straight line, 1,155 feet to a point on the center line of Rogers Street extended southeasterly, said point being distant 1,050 feet southeast from the southeast line of Spaight Street, thence southwesterly on a 0 degree and 48 minute curve, radius of 7,162 feet, curving to the right, a distance of 2,000 feet to a point on the center line of South Few Street extended southeasterly, which point is distant 940 feet southeast from the southeast line of Spaight Street, thence on a straight line southwesterly, a distance of 665 feet to a point on the center line of South Ingersoll Street extended southeasterly, which point is distant 840 feet southeast from the southeast line of Spaight Street, thence on a 0 degree and 38 minute curve, radius of 9,046.7 feet, curving to the right, a distance of 1,370 feet to a point on the center line of South Paterson Street extended southeasterly, which point is distant 500 feet southeast from the southeast line of Spaight Street, thence on a straight line, southwesterly, a distance of 2,100 feet to a point on the center line of South Blair Street extended southeast, which point is distant 760 feet southeast from the southeast line of East Wilson Street, thence southwesterly on a one degree and 22 minute curve, radius of 4,192 feet, curving to the left, a distance of 1,620 feet to a point on the center line of South Pinckney Street extended southeasterly, which point is distant 540 feet southeast from the southeast line of East Wilson Street, thence southwesterly, on a straight line, 2,200 feet to a point on the center line of South Broom Street extended southeasterly, which point is distant 650 feet southeast from the southeast line of West Wilson Street, thence southwesterly on a 3 degree and 11 minute curve, radius 1,800.1 feet, curving to the left, a distance of 1,120 feet to a point which is distant 150 feet easterly from the center line between the main tracks of the Chicago and North Western Railway, measured at right angles thereto, thence southwesterly on a straight line, parallel to said center line between tracks and distant 150 feet easterly therefrom a distance of 1,900 feet, thence southeasterly on a 32 degree 20 minute curve, radius of 179.6 feet, curving to the left, a distance of 310 feet to a point on the center line of Lake Court, extended northerly, which point is distant 1,200 feet north from the north line of Lakeside Street, thence east, parallel to said north line of Lakeside Street and distant 1,200 feet northerly therefrom a distance of 1,160 feet to a point which is distant 1,200 feet north from the intersection of the north line of Lakeside Street with the center line of the main track of the Chicago,

Milwaukee, St. Paul and Pacific Railroad, measured at right angles to Lakeside Street, thence southeasterly on a 3 degree 49 minute curve, radius of 1,501.5 feet, curving to the right, a distance of 1,200 feet to a point which is distant 1,300 feet northeasterly from the above-mentioned intersection of the north line of Lakeside Street with the center line of the main track of the Chicago, Milwaukee, St. Paul and Pacific Railroad, measured at right angles to said center line of track, thence southeasterly on a straight line, a distance of 1,600 feet to a point on the north and south center line of Section 25, Town 7 North, Range 9 East, which point is distant 1,000 feet north from the southeast corner of Olin Park in the City of Madison, Dane County, Wisconsin.

Also beginning at a point on the west boundary line of Block 3 of Oak Lawn Addition to South Madison in the City of Madison, Dane County, Wisconsin, extending north, said point of beginning being 300 feet north of the north line of Lakeside Street in said addition, thence northeasterly on a 22 degree 10 minute curve, radius of 260 feet, curving to the left, a distance of 380 feet to a point which is distant 150 feet westerly from the center line between the main tracks of the Chicago and North Western Railway, measured at right angles thereto, thence northeasterly, parallel to said center line between tracks and distant 150 feet westerly therefrom a distance of 2,840 feet to a point opposite the beginning of curve in said center line, thence northeasterly on a one degree 42 minute curve, radius of 3,370.5 feet, curving to the right, and being parallel to said center line between tracks and distant 150 feet northwesterly therefrom, a distance of 640 feet to the center line of South Bassett Street in the City of Madison, Dane County, Wisconsin, extended southeasterly.

The City of Madison is authorized, subject to the approval of the Public Service Commission, to use a portion of the area of Lake Monona described as follows:

Beginning at the point of intersection of the center line of the Chicago and North Western Railway track and the center line of the Chicago, Milwaukee, St. Paul and Pacific Railroad track in Lake Monona, Town of Madison, Dane County, Wisconsin; thence southeasterly 223.3 feet along the center line of the Chicago, Milwaukee, St. Paul and Pacific Railroad track to the point of beginning of the area to be described; thence southeasterly 825.8 feet along the center line of the Chicago, Milwaukee, St. Paul and Pacific Railroad track; thence east 181.4 feet on a line parallel and 1,200 feet north of, measured at right angles to the north line of Lakeside Street; thence northwesterly 1,091.7 feet on a line parallel and 150 feet northeast of, measured at right angles to the center line of the Chicago, Milwaukee, St. Paul and Pacific Railroad track; thence southwesterly 221.7 feet on a straight line to point of beginning, excepting therefrom that portion being used by the Chicago, Milwaukee, St. Paul and Pacific Railroad; and to use said area for street and highway purposes only. The City of Madison is granted and given concurrent jurisdiction with this state of and over the above described area including the lake bed, and the City may bring any action to restrain, enjoin or abate any nuisance or purpresture within such limits.

(2) Said dock line on Lake Monona established by this section, is hereby declared to be so established only for the purpose authorizing said City of Madison to construct and maintain on, in or over said Lake Monona, but not beyond said established line, parks, playgrounds, bathing beaches, municipal boathouses, piers, wharfs, public buildings, highways, streets, pleasure drives and boulevards. Said dock line shall in no wise affect or supersede the dock lines on said Lake Monona already existing and established pursuant to law by the said City of Madison, insofar as riparian owners are concerned, and said dock line so established shall in no wise be construed as being for the benefit of riparian owners. Said City of Madison is hereby granted and given concurrent jurisdiction with the State of Wisconsin of and over said Lake Monona and its lake bed between the low water mark or the dock lines heretofore established by the City of Madison and the dock line established by this section, and said City may bring any action to restrain, enjoin or abate any nuisance or purpresture within such limits.

(3) Nothing in this section shall be construed to take or deprive any riparian owner of any property or riparian rights.
(See Chapter 485, Laws of 1927, as amended by Chapter 301, Laws of 1931; See also Chapter 544, Laws of 1955.)

14.24 GRANTING SUBMERGED LANDS IN LAKE MENDOTA BETWEEN BUTLER AND FRANKLIN STREETS FOR HARBOR PURPOSES.

(1) All right, title and interest of the State of Wisconsin in and to the lands submerged beneath the waters of Lake Mendota, adjacent to the shore of Lake Mendota and lying between Butler Street and Franklin Street in the City of Madison, and extending into Lake Mendota for a distance of not to exceed 1,000 feet, for the purpose of erecting thereon a pier and breakwater enclosing a harbor for navigation purposes, are hereby granted to the City of Madison. The pier and breakwater are not to exceed the dimensions hereinafter described, and may be erected at any desirable point within the area granted to the City of Madison.

(2) Construction work shall not begin until the City of Madison shall have acquired the fee title or the riparian rights of the shore in front of which the improvement or any part thereof is constructed. The pier and breakwater shall have such openings and bridges as may be prescribed by the Public Service Commission. Plans for the structures shall be approved by the Public Service Commission. The following are the dimensions of the pier and breakwater: A pier extending from the shore into Lake Mendota, not exceeding 1,000 feet in length and not exceeding 100 feet in width on the top, together with a pier approximately at right angles to the former, not exceeding 1,000 feet in length nor 100 feet in width on top, the whole to be so constructed as to form a harbor for boats.
(See Chapter 509, Laws of 1935, as amended by Chapter 414, Laws of 1949.)

14.25 GRANTING SUBMERGED LANDS IN LAKE MENDOTA EAST OF MARSTON AVENUE.

(1) All right, title and interest of the State of Wisconsin in and to the land submerged beneath the waters of Lake Mendota, adjacent to the shore of Lake Mendota and described as follows, to-wit:

Beginning at a point on the northwest property line of Sherman Avenue, said point being south 19 degrees 26 minutes west, 523 feet 3 1/2 inches of the east and west quarter section line of Section 12, Town 7 North, Range 9 East, in Dane County, Wisconsin; thence north 52 degrees 47 minutes west to a point of intersection with the shoreline of Lake Mendota, said point of intersection being the point of beginning of the area in Lake Mendota to be described; thence north 52 degrees, 47 minutes west, 1,000 feet; thence southwesterly on a straight line to a point of intersection with the northwesterly prolongation of the northeast property line of Marston Avenue having a bearing of north 51 degrees 20 minutes west, said point of intersection being 1,000 feet northwest of the shoreline of Lake Mendota measured along said northwesterly prolongation of the northeast property line of Marston Avenue; thence south 51 degrees 20 minutes east along said prolongation to the shoreline of Lake Mendota; thence northeasterly along the shoreline of Lake Mendota to the point of beginning, are hereby granted to the City of Madison for the purpose of erecting thereon a pier and breakwater enclosing a harbor for navigation purposes. The pier and breakwater are not to exceed the dimensions hereinafter described and may be erected at any desirable point within the area granted to the City of Madison.

(2) The pier and breakwater shall not exceed 1,800 feet in length nor 100 feet in width on the top, but in addition thereto piers for the accommodation of boats may be constructed contiguous to and at angles projecting from said breakwater, the whole to be so constructed as to form a harbor for boats. The pier and breakwater shall have such

openings and bridges as may be prescribed by the Public Service Commission. Plans for the structure shall be approved by the Public Service Commission prior to commencement of construction.
(Chapter 536, Laws of 1947.)

14.26 SHORELINE OF LAKE MENDOTA AT THE FOOT OF NORTH BUTLER STREET. Since the state owns the riparian rights, the shoreline of that part of the southerly shore of Lake Mendota, Dane County, Wisconsin, at the foot of North Butler Street in the City of Madison, hereinafter described and more particularly shown on the map filed with the City Clerk, is established and determined as set forth in the following description, subject to the approval of the Public Service Commission, namely:

Beginning at a point on the present shoreline of Lake Mendota which is distant 423.5 feet northwest from the northwest line of East Gorham Street and distant 201 feet northeast from the southwest line of North Butler Street, said point of beginning the westerly end of an existing concrete wall; running thence westerly in a direct line to a point on the present shoreline of said lake which is distant 99.2 feet southwest from the southwest line of North Butler Street, measured parallel to East Gilman Street and distant 273 feet northwest from the northwest line of East Gilman Street measured parallel to North Butler Street.

14.27 SHORELINE OF LAKE MONONA BETWEEN WELCH STREET AND THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEAST LINE OF BLOCK 2, SUNSET VIEW PARK PLAT. Since the state owns the riparian rights, the shoreline of that part of the northeasterly shore of Lake Monona between Welch Street and the southwesterly prolongation of the southeast line of Block 2, Sunset View Park Plat, in the City of Madison, hereinafter described, is established and determined as set forth in the following description and the map filed with the City Clerk, subject to the approval of the Public Service Commission, namely:

Beginning at the point of intersection of the shoreline of Lake Monona and the southerly prolongation of the center line of Welch Street in Madison, Wisconsin, said point of intersection being 116.8 feet south, measured along said center line from the northeasterly prolongation of the northerly line of Lakeland Avenue; thence southeasterly on a straight line 1,063 feet to a point, last mentioned point being 400 feet southwesterly from the center line point (both longitudinal and transverse) of the Atwood Avenue bridge over the Starkweather Creek, measured at right angles to the center line of Atwood Avenue lying easterly of the Starkweather Creek; thence southeasterly on a straight line 2,274.5 feet to the point of intersection of the shoreline of Lake Monona and the southwesterly prolongation of the southeast line of Block 2, Sunset View Park Plat in the Town of Blooming Grove, Dane County, Wisconsin.

14.28 SHORELINE OF LAKE MENDOTA WEST OF PARK STREET. Since the state owns the riparian rights, the shoreline of that part of the southerly shore of Lake Mendota, Dane County, Wisconsin, west of Park Street in the City of Madison, hereinafter described and more particularly shown on the map filed with the City Clerk, is established and determined as set forth in the following description, subject to the approval of the Public Service Commission, namely:

Commencing at a point on the existing shoreline 120 feet west from the west wall of the Hydraulics Laboratory Building, measured along the north line of the building extended westerly, and 25 feet north of the north line of the building extended westerly; thence in a northeasterly direction to a point on the west building line extended northerly, said point being 60 feet north of the north line of the building, measured along the west line of the building extended northerly; thence in an easterly direction to a point 145 feet east of the west line of said building and 60 feet north of the north line of the building measured along a line parallel to the west line of the building; thence in a southeasterly direction to a point on the present shoreline which is 233 feet east of the west line of the building and 52 feet north of the north line of the building, measured along a line parallel to the west line of the building.

14.29 SHORELINE OF LAKE MENDOTA AT PLAT OF WOODWARD'S GROVE AND NORTH PARK PLAT. The shoreline of that part of the south shore of Lake Mendota hereinafter described and more particularly shown by the map on file in the office of the City Clerk, is established and determined in the interests of the public and pursuant to Chapter 30, Wisconsin Statutes, as set forth in the following description, subject to the approval of the Public Service Commission of Wisconsin, namely:

That part of the shoreline along Lake Mendota which covers the shoreline on the south side of the east one-half of Lot 35, all of Lots 36 and 37, Plat of Woodward's Grove, and Lots 1 through 8 inclusive of North Park Plat, all located in the City of Madison, Dane County, Wisconsin, being more fully described as follows:

Commencing at an iron stake at the intersection of the meander line and west line of Lot 1 of said North Park Plat; thence south 83 degrees 53 minutes west 166.3 feet; thence south 13.0 feet to the present shoreline and the point of beginning of this description; thence south 83 degrees 53 minutes east along the present breakwater line 467.62 feet to a point which is 57.0 feet south of the meander line of said North Park Plat; thence south 86 degrees 5 minutes east along said proposed breakwater line 99.21 feet to a point 46.0 feet south of the meander line of said North Park Plat and the present shoreline.

14.30 REGULATION OF BOATS.

(1) Declaration of Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

(2) Definitions. As used in this ordinance, terms shall be given meanings as follows unless the context clearly otherwise requires.

(a) "Boat" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(b) "Motorboat" means any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a boat which has a valid marine document issued by the Bureau of Customs of the U.S. government or any federal agency successor thereto.

(c) "Sailboat" means any boat propelled by sail. A rowboat, canoe or motorboat equipped with sail shall be deemed a sailboat only while propelled exclusively by sail; during such times as it may be propelled by sail in combination with other means it shall be considered a rowboat, canoe or motorboat, depending on the other means of propulsion used.

(d) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage. (Am. by Ord. 7839, 10-4-82)

(e) "Water skis" means any apparatus used for the purpose of towing a person on the water by use of ropes or lines attached to a power driven boat. (Secs. 14.30(2)(e)(f)(g)(h)and (i) R. and (j) Renumbered to (e) by Ord. 7839, 10-4-82)

(3) Applicability. This ordinance shall apply to all waters within the limits of the City of Madison and to the waters of Lakes Mendota, Monona and Wingra, and to such tributary waters as are subject to the police powers of the City of Madison. No person shall use such waters or operate boats thereon except in compliance with the provisions, rules and regulations herein contained.

(4) State Boating and Water Safety Laws Adopted. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety as contained in Sections 30.50 through 30.71 of the Wisconsin Statutes are hereby adopted and by reference made a part of this ordinance, except for any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes. (Sec. 14.30(4) R. and (5) Renumbered to (4) by Ord. 7839, 10-4-82)

(5) Regulation of Mooring Areas and Placement of Mooring Buoys. Every anchorage in the waters covered by this ordinance shall be marked by a mooring buoy. No person shall

place any buoy or other waterway marker in the waters of Lakes Wingra, Mendota or Monona unless he/she complies with the provisions of this ordinance and the applicable provisions of the Wisconsin State Statutes and the Wisconsin Administrative Code. A "waterway marker" is any device designed to be placed in, on or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well being. A "buoy" is any device designed to float which is anchored in the water and which is used to convey a message. A "mooring buoy" must extend eighteen (18) inches above the waterline, be white in color with a blue band clearly visible above the waterline, and should be spherical or ovate in shape.

(a) No person shall place a mooring buoy within 200 feet of shore on Lakes Mendota, Monona, or Wingra without first obtaining a permit from the City. Permits shall be issued by the Superintendent of Parks. Applicants shall

1. Demonstrate compliance with the provisions of Sec. 30.772, Wis. Stats., and the Administrative Code sections promulgated thereunder as those sections may be amended from time to time;
2. Demonstrate compliance with the standards approved by the Parks Commission;
3. Deliver a completed application for a mooring buoy permit to the Superintendent of Parks.

(Am. by Ord. 12,177, 8-4-98)

(b) Permits to place mooring buoys in waters adjacent to property owned by the University of Wisconsin shall be issued by the University of Wisconsin.

(c) All buoys shall conform to the requirements of Wis. Admin. Code § NR 5.09, and shall bear a number issued along with the permit.

(d) Designated Mooring Areas. A "designated mooring area" is an area of the lake surface marked and used for the anchoring of boats. Mooring areas shall be marked with regulatory markers requiring slow, no-wake speed. No person shall designate a mooring area without the approval of the Common Council, expressed by ordinance. No person may moor a boat outside the legally defined Designated Mooring Area boundaries; such boats will be considered unpermitted regardless of whether they are moored within the informational boundary marker buoys. The following mooring areas are authorized, subject to approval by the Department of Natural Resources:

1. University of Wisconsin Mooring Area No. 1, Memorial Union, in Lake Mendota lying in the Southwest ¼ section of Section 14, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, consisting of the area enclosed by the following:

   Commencing at the South ¼ corner of Section 14, Town 7 North, Range 9 East; thence North 89°09'46" West along the South line of said Section 14, 862 feet to the center line of Lake Street as presently located; thence North 1°06'14" East along center line of said Lake Street, 703.5 feet to a point on the shore line of Lake Mendota; thence continuing North 1°06'14" East along the center line extended of said Lake Street for an additional 300 feet to Buoy No. 1041, the point of beginning of Mooring Area No. 1, thence continuing North 1°06'14" East along the center line extended of said Lake Street for an additional 400 feet to Buoy No. 1040, the Northeasterly corner of said mooring area; thence North 81°53'46" West, 1570 feet to Buoy No. 1033, the Northwesterly corner of said mooring area; thence South 1°06'14" West, 400 feet to Buoy No. 1034, the Southwesterly corner of said mooring area; thence South 81°53'46" East, 1570 feet to the point of beginning.

2. University of Wisconsin Mooring Area No. 2, Lakeshore Dormitories, in Lake Mendota lying in the Southwest ¼ section of Section 15, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the Northwesterly corner of the North wing of the building presently known as Goodnight Hall at 1975 Willow Drive, University of Wisconsin, Madison, Wisconsin; thence North 1°06'14" East, 119 feet to a point at the water's edge on the shore of Lake Mendota to the point of beginning of Mooring Area No. 2; thence continuing North 1°06'14" East, 75 feet to Buoy No. 1021, the Northwesterly corner of said mooring area; thence South 8°53'46" East, 830 feet to Buoy No. 1024, the Northeasterly corner of said mooring area; thence South 1°06'14" West, 320 feet to a point on the water's edge of Lake Mendota, the Southeasterly corner of said mooring area; thence Northwesterly following the water's edge on a meandering line to the point of beginning.

3. University of Wisconsin Mooring Area No. 4, Willows Drive, in Lake Mendota lying partly in the Southwest ¼ section of Section 15 and partly in the Northeast ¼ section of Section 16, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the point of intersection of the center line of Marsh Lane with the center line of Willow Drive as both presently located on the University of Wisconsin Campus, Madison, Wisconsin; thence North 72°26'14" East, 52 feet to a point at the water's edge on the shore of Lake Mendota, the point of beginning of Mooring Area No. 4; thence continuing North 72°26'14" East, an additional 864 feet to a point of intercept at the water's edge with the tip of Willow Point. Said mooring area to include all water lying within the bay area south of the preceding line and the Lake Mendota shoreline.

4. City of Madison Mooring Area No. 1, Marshall Park. A parcel of land or water located in the NE ¼-SE ¼ and SE ¼-SE ¼ of Section 12, T7N, R8E, and in the NW ¼-SW ¼ and SW ¼-SW ¼, Section 7, T7N, R9E, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the northerly most meander corner of lot 2 of Certified Survey Map No. 3631, Document No. 1696280 recorded in Volume 15 of Certified Surveys on pages 1, 2, and 3, Dane County Register of Deeds, thence N17°03'34"W, along a meander line along the shore of Lake Mendota, 345.34 feet to a point 34 feet more or less from the shore of Lake Mendota; thence continuing along said meander line, N24°46'09"W, 180.00 feet to a point 34 feet more or less from the shore of Lake Mendota; thence N71°02'00"E, 634.00 feet to a point 600 feet more or less into Lake Mendota; thence S29°37'00"E, 806.00 feet to a point 603 feet more or less into Lake Mendota; hence S52°03'00"W, 672.81 feet to a meander line along the shore of Lake Mendota, said point being 70 feet more or less from the shore; thence N38°25'17"W, along said meander line, 195.78 feet to a point 68 feet more or less from the shore of Lake Mendota, thence continuing along said meander line N32°52'36"W, 311.28 feet to the point of beginning.

Mooring Area includes all water area within the above described area. Mooring Area contains 13.0 acres more or less, including the Beach Area.
(Cr. by Ord. 9750, 4-13-89)

(Sec. 14.30(6) Renumbered to (5) and Am. by Ord. 7839, 10-4-82)
(Sec. 14.30(5) Am. by Ord. 12,131, 5-18-98)

(6) Speed Limitations.

(a) Generally: Races Excepted. No motorboat shall be operated at a rate of speed or in any other manner which shall recklessly endanger its occupants or imperil the safety of others nor shall any motorboat be operated between sunset and sunrise at a rate of speed in excess of fifteen (15) miles per hour provided, however, that this provision shall not prohibit the holding of supervised races over a course laid out and plainly marked and adequately patrolled and policed.

(b) Speed on Yahara River. No boat shall be propelled at a rate of speed greater than slow-no-wake speed in the Yahara River between Lakes Mendota and Monona, between Lake Monona and the City limits, in Murphy's Creek, or in the Henry Vilas Park lagoon. (Am. by Ord. 6877, 1-17-80)

(c) Prohibited Operation. No person may operate a motorboat within one hundred (100) feet of any dock, raft, pier or buoyed, restricted area on any lake at a speed in excess of slow-no-wake speed.

(d) Fixed Limits. No person shall operate a motorboat at a speed in excess of the limit posted by established regulatory markers.

(e) Emergency Boats. These speed regulations shall not apply to lifesaving boats or other boats when greater speed is required for emergency purposes.
(Sec. 14.30(9) Renumbered to (6) by Ord. 7839, 10-4-82)

(7) Restricted Areas. No person shall operate a boat within a water area which has been clearly marked by regulatory markers as a bathing or swimming area; nor shall any person operate a boat in excess of slow, no-wake speed in restricted use areas contrary to regulatory markers, placed pursuant to Wis. Stat. 30.74(2) and as authorized by this ordinance. This subsection does not apply in the case of an emergency, or to patrol or rescue craft.

(a) The following areas shall be marked as bathing or swimming areas:

1. Lake Mendota.

a. University of Wisconsin Swimming Area No. 1, Memorial Union Swimming Area, more particularly described as follows:

Swimming Area No. 1 in Lake Mendota lies in the Southwest ¼ section of Section 14, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the Northeasterly corner of the East wing of the Memorial Union Building at 800 Langdon Street, University of Wisconsin, Madison, Wisconsin; thence Westerly along the North face of the East wing of said building 10 feet; thence North 1°06'14" East, 130 feet to a point at the water's edge on the shore of Lake Mendota, the point of beginning of Swimming Area No. 1; thence continuing North 1°6'14" East for an additional 145 feet to Buoy No. 1035 the Northwesterly corner of said swimming area; thence South 81°53'46" East, 125 feet to Buoy No. 1037 the Northeasterly corner of said swimming area; thence South 1°06'14" West, 145 feet to a point at the water's edge, the Southeasterly corner of said swimming area; thence Westerly following the water's edge on a meandering line to the point of beginning.

b. University of Wisconsin Swimming Area No. 2, Kronshage Swimming Area, more particularly described as follows:

Swimming Area No. 2 in Lake Mendota lies in the Southwest ¼ section of Section 15, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the Northeasterly corner of the North wing of the building presently known as Kronshage Hall at 1650 Kronshage Drive, University of Wisconsin, Madison, Wisconsin; thence Westerly along the North face of the North wing of said building 45 feet; thence North 1°06'14" East, 140 feet to a point at the water's edge on the shore of Lake Mendota to the point of beginning of Swimming Area No. 2; thence continuing North 1°06'14" East an additional 215 feet to Buoy No. 1028, the Northeasterly corner of said swimming area; thence North 81°53'46" West, 200 feet to Buoy No. 1026, the Northwesterly corner of said swimming area; thence South 1°06'14" West, 243 feet to a point at the water's edge, the Southwesterly corner of said swimming area; thence Easterly following the water's edge on a meandering line to the point of beginning.

c. University of Wisconsin Swimming Area No. 3, Willows Swimming Area, more particularly described as follows:

Swimming Area No. 3 in Lake Mendota lies in the Southwest ¼ section of Section 15, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the Northwesterly corner of the North wing of the building presently known as Goodnight Hall at 1975 Willow Drive, University of Wisconsin, Madison, Wisconsin; thence North 37°53'46" West, 139 feet to a point on the shore of Lake Mendota, the point of beginning of Swimming Area No. 3; thence North 8°06'14" East, 125 feet to Buoy No. 1020, the Northeasterly corner of said swimming area; thence North 81°53'46" West, 190 feet to Buoy No. 1018, the Northwesterly corner of said swimming area; thence South 1°06'14" West, 125 feet to a point at the water's edge, the Southwesterly corner of said swimming area; thence Easterly following the water's edge on a meandering line to the point of beginning.

d. University of Wisconsin Swimming Area No. 4, Picnic Point Swimming Area, more particularly described as follows:

Swimming Area No. 4 in Lake Mendota lies in the Northwest ¼ section of Section 15, Town 7 North, Range 9 East, University of Wisconsin, Dane County, Wisconsin, consisting of the area enclosed by the following:

Commencing at the Northwesterly corner of the most Westerly 18 inch square concrete footing for the beach identification sign located in the neck area of Picnic Point, University of Wisconsin, Madison, Wisconsin; thence North 24°23'46" West, 32 feet to a point at the water's edge on the shore of Lake Mendota, the point of beginning Swimming Area No. 4; thence continuing North 24°23'46" West an additional 125 feet to Buoy No. 1003, the Northeasterly corner of said swimming area; thence South 65°36'14" West, 100 feet to Buoy No. 1001, the Northwesterly corner of said

swimming area; thence South 24°23'46" East, 125 feet to a point at the water's edge on the shore of Lake Mendota; thence Northwesterly following the water's edge on a meandering line to the point of beginning.

e. James Madison Park Swimming Area
f. Marshall Park Swimming Area
g. Spring Harbor Beach Swimming Area
h. Tenney Park Beach Swimming area
i. Warner Park Beach Swimming Area
j. Mendota Park Beach Swimming Area

2. Lake Monona.
   a. B.B. Clark Beach Swimming Area
   b. Brittingham Beach Swimming Area
   c. Esther Beach Swimming Area
   d. Olbrich Park Beach Swimming Area
   e. Hudson Beach Swimming Area
   f. Olin Park Beach Swimming Area
   g. Bernie's Beach Swimming Area
3. Lake Wingra.
   Vilas Park Beach Swimming Area

The City of Madison and Dane County swimming areas listed above are more particularly described in diagrams and aerial photographs on file with the Wisconsin Department of Natural Resources.

(b) The following areas, more particularly described in diagrams and aerial photographs on file with the Wisconsin Department of Natural Resources, shall be marked with regulatory markers requiring slow, no-wake speed:

1. Lake Mendota.
   a. University Shoreline. This slow, no-wake zone extends from the shoreline into Lake Mendota a distance of 300 feet and is located between the end of Park Street and the end of Wisconsin Avenue.
   b. Tenney Breakwater. This slow, no-wake zone includes the area bounded on the south by the base of the Tenney breakwater and a line extending from shore where the base of the breakwater meets along the breakwater and continuing along in a westerly direction to a point 785 feet from shore or 300 feet from the elbow of the breakwater, bounded on the westerly and northerly by a line forming an 800 foot radius from the Tenney lighthouse bounded on the northerly and easterly side by the shoreline. (Am. by Ord. 10,406, 3-31-92)
   c. Marshall Lagoon (Forest Harbor) and Vicinity. This slow, no-wake zone includes what is known as the Marshall Lagoon or Forest Harbor, and the area designated the Marshall Park Mooring Field in Section 14.30(5)(c)4. of these ordinances, as well as the area adjacent to the lagoon entrance and within 300 feet of the northwesterly boundary of the mooring area which extends 634 feet out into Lake Mendota from the lagoon entrance. (Am. by Ord. 9750, 4-13-89)
   d. Spring Harbor. This slow, no-wake zone includes what is known as Spring Harbor, as well as the area bounded by lines extending from each side of the mouth of the Harbor a distance of 200 feet from the shoreline.
   e. Warner Park Boat Launch/Warner Breakwater. This slow, no-wake zone includes the area bounded by the Warner breakwater on

the northwest and southwest, and by the shoreline on the northeast, and on the southeast by a line drawn from a starting point on shore that is 230 feet southeast of center of the breakwater where it meets the shore, extending 300 feet from shore, then from that point extending 75 feet to the northeast where it meets the southernmost tip of the breakwater. (Cr. by Ord. 10,043, 6-14-90)

f. Northern Lake Mendota Buoyed Channel. This slow, no-wake zone includes all the area bounded by approved channel markers in Northern Lake Mendota near Farwells Point. The size and configuration of this no-wake zone shall be established by the placement of Department of Natural Resources-approved buoys by the Dane County Sheriff's Lake Patrol or other enforcement agencies. (Cr. by Ord. 10,406, 3-31-92)

2. Lake Monona.

a. Brittingham Park. This slow, no-wake zone includes all of the area of Lake Monona bounded by the shoreline adjacent to North Shore Drive on the north and northwest, by John Nolen Drive on the east, and by the Milwaukee Road railroad bridge tracks on the south and southwest, as well as the area bounded on the east by the northernmost 300 feet of the Milwaukee Road railroad tracks, by 700 feet of Brittingham Park shoreline, extending west of the beach, by a line extending 300 feet into Lake Monona, and, from the end of that line, 700 feet across the lake to the Milwaukee Road railroad tracks.

b. Olbrich Park Boat Launch Area. This slow, no-wake area shall include all of the area at the mouth of Starkweather Creek downstream from the Atwood Avenue bridge as well as the area bounded by lines extending from the shore of Olbrich Park bounded to the west by a line extending 100 yards south from the shoreline from a point at the intersection of the western edge of the breakwater and the shoreline and to the east by a line extending 100 yards to the south from a point on the shoreline 100 yards east of the intersection of the western edge of the breakwater and the shoreline.

c. Olin Park Boat Launch Area. This slow, no-wake area shall include all of the mouth of Wingra Creek downstream from the bridge at Lake Street and the area bounded on the north by a line extending 100 yards northeast from the shoreline into the waters of Lake Monona from a point on the shoreline 50 feet northwest of the western edge of the mouth of Wingra Creek and on the south by a line extending 100 yards northeast into the waters of Lake Monona from a point on the shoreline where the eastern border of the buoyed swim area intersects the shoreline of Olin Park.

(Am. by Ord. 9481, 5-10-88)

3. a. Yahara River (Cherokee Park). This slow, no-wake zone includes all waters known as the Yahara River between the mouth of Token Creek to Highway 113.

b. Regulation of Boats on Cherokee Lakes. Water skiing and the use of water skis, as defined by Section 14.30(2)(e), shall be prohibited

at all times except Tuesday and Thursday from 1:00 p.m. to 8:30 p.m. or 30 minutes before sunset, whichever is earlier. (Am. by Ord. 10,661, 5-29-93)

(Cr. by Ord. 10,406, 3-31-92)

(Sec. 14.30(7) R. and Recreated by Ord. 7839, 10-4-82)

(8) Prohibited Operation.

Motorboat Racing. Motor boat racing is prohibited unless the race course is approved in advance by the Parks Commission. Applicants who request Parks Commission approval of motor boat racing events shall submit a detailed map showing the precise location of the proposed race course, dates for the proposed racing events, evidence of insurance coverage in the amount deemed appropriate by the Parks Commission, and other information which the Parks Commission may require. Such information shall be submitted by the applicant or by any alder at least sixty (60) days before the first proposed race day. The Parks Commission shall not approve more than five (5) days of motor boat racing in any one lake in any one season. No motor boat races shall be approved for Lake Wingra. The decision of the Parks Commission may be appealed to the Common Council by filing a written notice of appeal with the City Clerk within ten (10) days after the decision of the Parks Commission. The decision of the Parks Commission shall stand unless three-fourths (3/4) of the members of the Common Council vote to reverse it. (R. and Recreated by Ord. 7839, 10-4-82; Am. by ORD-09-00147, 11-6-09)

(9) Miscellaneous Regulations.

(a) No Swimming from Boat to Public Swimming Area. Swimming is not permissible from any boat to a public swimming area or public boat landing, nor is swimming permitted in the Yahara River or boat channels.

(b) No person shall operate the motor of any motorboat within the confines of the locks at Tenney Park except for the purpose of entering or leaving the lock. No provisions of this subsection shall be enforced against an alleged violator if an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(c) No person shall smoke or have on board any boat any exposed fire or flame during the process of locking through the Tenney Park locks. No provision of this subsection shall be enforced against an alleged violator if an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(d) Regulation of Motor Driven Boats on Lake Wingra and Part of Wingra Creek.

1. No person shall operate a motor driven boat on Saturdays, Sundays and holidays on Lake Wingra or on Wingra Creek between the Wingra locks and the John Nolen Drive bridge over Wingra Creek, except that any person possessing a physician's statement indicating that the person is not capable of rowing or paddling a boat or canoe may operate a battery-powered electric motor at a slow-no-wake speed not exceeding five (5) miles per hour.

2. On days when all motor driven boats are permitted, they must be operated at slow-no-wake speed not exceeding five (5) miles per hour.

3. However, agents and employees of the City of Madison may operate all types of motor driven boats at all times for lake control or park maintenance purposes.

4. The provision of paragraphs 1. and 2. above shall not apply to persons operating motor-driven boats used for officiating or for furnishing support or safety services for any sporting event authorized by the City. (Am. by Ord. 8672, 9-16-85)

(Sec. 14.30(12) Renumbered to (9) and Am. by Ord. 7839, 10-4-82)

(10) (R. by Ord. 7839, 10-4-82)

(11) (R. by Ord. 7839, 10-4-82)

14.31 HOUSEBOATS.

(1) No person, firm or corporation shall locate or place or occupy any boat that is used as a place of residence on the Yahara River between Lake Monona and Lake Mendota, or on Lakes Monona or Mendota, or below high water mark of said river and lakes; and any day or part of day that such boat is so placed, located or occupied shall constitute a separate offense under this section.

(2) Any person, firm or corporation violating the terms of this section shall be subject to a fine of not less than one dollar ($1) nor more than two hundred dollars ($200) for each violation thereof. (Am. by Ord. 13,760, Adopted 12-14-04)

14.32 LOCKS AT TENNEY PARK AND HENRY VILAS PARK. The maintenance, supervision and control of the lock areas at Tenney Park and Henry Vilas Park shall be under the jurisdiction of the Madison Board of Park Commissioners.

14.33 SKIN DIVING.

(1) No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within one hundred fifty (150) feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flag, not less than twelve (12) inches high and fifteen (15) inches long, displaying one diagonal white stripe three (3) inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of one hundred (100) yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside of a radius of fifty (50) feet from such flag. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation.

(2) Each diver engaged in underwater diving or swimming in waters other than marked swimming areas shall have an emergency self-inflatable life preserver.

(3) No spear gun shall be loaded or able to fire except when diver is in the water.
(Sec. 14.33 Am. by Ord. 5529, 7-13-76)

14.34 WATER SKIING.

(1) Prohibited at Certain Times; Exceptions. Except as provided in Subsection (3), no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if she or he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats pursuant to Section 14.30(8)(a) of the Madison General Ordinances actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. (Am. by ORD-14-00012, 1-14-14)

(2) Water skiing, aquaplaning or similar activity shall be prohibited from one-half hour (30 minutes) before sunset until one-half hour (30 minutes) after sunrise.

(3) Water Exhibition Regulations. Subsection (1) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefore, where adequate lighting is provided. No person shall conduct or participate in a water ski tournament, competition, exhibition or trial therefore unless approved by the Parks Commission. Applicants for Parks Commission approval shall supply the Parks Commission with information including the exact days and hours proposed, a map detailing the precise location of the area of the lake to be used, detailed plans for marking the proposed water exhibition restricted area with buoys and/or waterway markers, insurance coverage, and other information which the Parks Commission may require. During the hours when exclusive use of a water exhibition area for a water ski tournament, competition, exhibition or trial has been approved, the use of the waters designated and marked by other than law enforcement officers and participants in the approved activity, is prohibited. (Am. by Ord. 7769, 7-16-82)

(4) Careful and Prudent Operation. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(5) Restriction. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within one hundred (100) feet of any occupied, anchored boat or marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers.

(Sec. 14.34 Am. by Ord. 5529, 7-13-76)

14.35 BULKHEAD LINE FOR LAKE MENDOTA IN THE JAMES MARSHALL PARK AREA.

A bulkhead line is established as follows: Off the shore of Lake Mendota in the southwest quarter of the southwest quarter of Section 7, Town 7 north, Range 9 east, in the City of Madison, Dane County, Wisconsin, described as follows:

Beginning at the southwest corner of Section 7, Town 7 north, Range 9 east, thence south 0 degrees 24 minutes 10 seconds west, 302.3 feet; thence north 76 degrees 16 minutes east, 1245.7 feet; thence north 21 degrees 37 minutes west, 56 feet more or less to the center of a Madison Metropolitan Sewerage District Manhole; thence north 40 degrees 54 minutes west, 431 feet to the center of a manhole; thence south 76 degrees 28 minutes west, 164 feet to the center of a manhole; thence north 35 degrees 10 minutes west, 200 feet to a point on the center line of a sanitary sewer; thence north 54 degrees 50 minutes east, 8 feet to the point of beginning, on the ordinary high water line, of the following described bulkhead line.

The bulkhead line is described as commencing at the mentioned high water mark, thence north 5 degrees 10 minutes west, 14 feet; thence north 35 degrees 10 minutes west, 77.9 feet; thence north 17 degrees 41 minutes west, 50 feet; thence north 30 degrees 55 minutes west, 38.1 feet; thence north 43 degrees 49 minutes west, 55 feet; thence north 33 degrees 20 minutes west; 150 feet; thence north 39 degrees 31 minutes west, 65 feet; thence north 33 degrees 20 minutes west, 110 feet; thence north 24 degrees 44 minutes west, 90 feet; thence north 54 degrees 40 minutes west, 10 feet to the high water line and point of exit.

(Am. by Ord. 4390, 1-20-73)

14.36 BULKHEAD LINE FOR LAKE MENDOTA IN THE WARNER PARK AREA.

A bulkhead line is established as follows: Off the shore of Lake Mendota in the northwest quarter and the southwest quarter of Section 36, Town 8 north, Range 9 east, in the City of Madison, Dane County, Wisconsin, described as follows:

Commencing at the most southerly corner of Lot 22, Mendota Hills Subdivision, a recorded plat in the northwest quarter of Section 36, Town 8 north, Range 9 east, City of Madison, Dane County, Wisconsin; thence south 39 degrees 1 minute 0 seconds east, 100.85 feet along the southwest line of said plat; thence south 50 degrees 59 minutes 0 seconds west, 170 feet to the southwest right-of-way line of Woodward Drive as presently located; thence south 38

degrees 29 minutes 0 seconds east, 494.70 feet along the said southwest line of Woodward Drive to the southeast line of the property owned by Frank A. Ross as described in Vol. 604 of Deeds, page 38, and recorded in the Dane County Register of Deeds Office; thence south 39 degrees 8 minutes 0 seconds west, 157.60 feet along the last mentioned southeast property line; thence south 45 degrees 10 minutes 0 seconds west, 57 feet to the high water line of Lake Mendota and the point of beginning of the Bulkhead Line "A" to be described; thence south 45 degrees 58 minutes 45 seconds east, 50.01 feet; thence south 40 degrees 15 minutes 34 seconds east, 50.16 feet; thence south 47 degrees 36 minutes 13 seconds east, 62.07 feet; thence south 43 degrees 19 minutes 33 seconds east, 38.01 feet; thence south 64 degrees 37 minutes 56 seconds east, 53.14 feet; thence south 44 degrees 50 minutes 0 seconds east, 50 feet; thence south 32 degrees 22 minutes 30 seconds east, 44.04 feet; thence south 37 degrees 4 minutes 5 seconds east, 33.30 feet; thence south 47 degrees 13 minutes 9 seconds east, 84.07 feet; thence south 41 degrees 58 minutes 15 seconds east, 50.06 feet; thence south 47 degrees 41 minutes 45 seconds east, 40.05 feet; thence south 40 degrees 15 minutes 34 seconds east, 50.16 feet; thence south 36 degrees 18 minutes 9 seconds east, 50.56 feet; thence south 43 degrees 6 minutes 54 seconds east, 50.02 feet; thence south 35 degrees 44 minutes 35 seconds east, 50.64 feet; thence south 57 degrees 38 minutes 15 seconds east, 11.28 feet; thence south 89 degrees 50 minutes 0 seconds east, 12.73 feet; thence north 66 degrees 1 minute 16 seconds east, 11.24 feet; thence north 40 degrees 46 minutes 5 seconds east, 6.52 feet to the high water line of Lake Mendota and the end of Bulkhead Line "A" hereinafter referred to as point "A"; also

Commencing at Point "A" as described above; thence south 36 degrees 52 minutes 33 seconds east, 46.95 feet to the high water line of Lake Mendota and the point of beginning of Bulkhead Line "B"; thence south 11 degrees 48 minutes 34 seconds east, 35.78 feet; thence south 45 degrees 58 minutes 45 seconds east, 25 feet; thence south 56 degrees 8 minutes 36 seconds east; 25.50 feet; thence south 34 degrees 37 minutes 46 seconds east, 101.61 feet; thence south 17 degrees 3 minutes 50 seconds east, 37.59 feet; thence south 34 degrees 15 minutes 4 seconds east, 37.27 feet; thence south 36 degrees 24 minutes 25 seconds east, 50.64 feet; thence south 41 degrees 53 minutes 27 seconds east, 51.66 feet; thence south 20 degrees 11 minutes 30 seconds east, 12.09 feet; thence south 33 degrees 19 minutes 32 seconds east, 38.21 feet; thence south 44 degrees 0 minutes 57 seconds east, 52.20 feet; thence south 30 degrees 10 minutes 45 seconds east, 50.06 feet; thence south 26 degrees 10 minutes 15 seconds east, 50.01 feet; thence south 31 degrees 19 minutes 15 seconds east, 50.12 feet; thence south 26 degrees 10 minutes 15 seconds east, 50.01 feet; thence south 25 degrees 1 minute 34 seconds east, 25.02 feet; thence south 37 degrees 31 minutes 14 seconds east, 25.40 feet; thence south 35 degrees 17 minutes 11 seconds east, 50.49 feet; thence south 34 degrees 9 minutes 34 seconds east, 50.36 feet; thence south 26 degrees 10 minutes 15 seconds east, 150.03 feet; thence south 19 degrees 20 minutes 49 seconds east, 50.49 feet; thence south 2 degrees 44 minutes 34 seconds east, 50.16 feet; thence south 17 degrees 6 minutes 46 seconds east, 50.80 feet; thence south 35 degrees 40 minutes 28 seconds east, 10 feet to the high water line of Lake Mendota and the end of the Bulkhead Line "B" as described. Last mentioned point being south 82 degrees 13 minutes 44 Seconds east, 682.99 feet of the most westerly corner of Lot 18, Block 10, Seventh Addition to Brentwood Village, a recorded plat the southeast quarter of said Section 36.
(Cr. by Ord. 4651, 8-2-74)

14.37 BULKHEAD LINE FOR MONONA BAY IN THE BRITTINGHAM PARK AREA.
A bulkhead line is established as follows: Off the shore of Monona Bay in the south half of Section 23, Town 7 north, Range 9 east, in the City of Madison, Dane County, Wisconsin, described as follows:

Commencing at a City of Madison concrete monument with brass cap marking a Meander Corner for the east quarter corner of Section 23, Town 7 north, Range 9 east, City of Madison, Dane County, Wisconsin. Said Meander Corner having Wisconsin State Plane coordinates of north 390,178.09, east 2,164,555.21 and located north 00 degrees 30 minutes 09 seconds east, 521.8 feet from the true east quarter corner of said Section 23; thence south 36

degrees 51 minutes 25 seconds west, 2,272.56 feet to the high water line of Monona Bay (City of Madison elevation 0.00 U.S.G.S. elevation 845.60) and the point of beginning of the bulkhead line off the north shore of Monona Bay. Said point of beginning having Wisconsin State Plane Coordinates of north 388,359.7360, east 2,163,192.0865; thence north 84 degrees 59 minutes 37 seconds west, 61.72 feet; thence south 69 degrees 14 minutes 42 seconds west, 94.02 feet; thence south 55 degrees 06 minutes 39 seconds west, 216.99 feet; thence south 45 degrees 58 minutes 42 seconds west, 107.89 feet; thence south 77 degrees 01 minutes 20 seconds west, 191.86 feet; thence south 77 degrees 29 minutes 19 seconds west, 18.25 feet; thence north 83 degrees 04 minutes 59 seconds west, 97.28 feet; thence north 66 degrees 17 minutes 47 seconds west, 133.00 feet; thence north 53 degrees 41 minutes 55 seconds west, 89.12 feet; thence north 57 degrees 35 minutes 47 seconds west, 239.80 feet; thence north 60 degrees 27 minutes 53 seconds west, 120.00 feet; thence north 67 degrees 08 minutes 31 seconds west, 103.20 feet; thence north 74 degrees 15 minutes 05 seconds west, 91.62 feet; thence north 83 degrees 19 minutes 19 seconds west, 145.10 feet; thence south 88 degrees 56 minutes 31 seconds west, 182.52 feet; thence south 71 degrees 50 minutes 36 seconds west, 128.16 feet; thence south 72 degrees 32 minutes 00 seconds west, 81.20 feet; thence south 51 degrees 49 minutes 09 seconds west, 190.07 feet; thence south 26 degrees 17 minutes 09 seconds west, 166.61 feet; thence south 16 degrees 07 minutes 04 seconds west, 98.25 feet; thence south 61 degrees 28 minutes 48 seconds west, 54.51 feet; thence north 83 degrees 43 minutes 03 seconds west, 89.87 feet; thence north 84 degrees 49 minutes 12 seconds west, 91.66 feet; thence south 89 degrees 45 minutes 23 seconds west, 78.03 feet; thence south 69 degrees 31 minutes 13 seconds west, 71.33 feet; thence south 41 degrees 57 minutes 59 seconds west, 129.06 feet; thence south 30 degrees 48 minutes 05 seconds west, 120.56 feet; thence south 01 degrees 24 minutes 48 seconds west, 146.49 feet to the high water line of Monona Bay (City of Madison elevation 0.00 U.S.G.S. elevation 845.60) and the end of the bulkhead line as described. Last mentioned point having Wisconsin State Plane Coordinates north 387,664.9931, east 2,160,500.6933.
(Cr. by Ord. 5498, 6-3-76)

14.38 BULKHEAD LINE FOR NORTH SHORE OF LAKE MONONA AT SOUTH BLOUNT STREET.

A bulkhead line is established along the north shore of Lake Monona adjacent to blocks 126 and 127 and South Blount Street all in the Original Plat of the City of Madison, Dane County, Wisconsin located in the Southeast ¼ of Section 13, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin more fully described as follows:

Commencing at the most Northerly corner of Block 126 Original Plat of the City of Madison; thence South 44 degrees 29 minutes 15 seconds East, 257.07 feet along the Northeast line of said Block 126; thence South 22 degrees 36 minutes 55 seconds West, 66.71 feet to the ordinary high water mark of Lake Monona adjacent to said Block 126 (0.22 City of Madison datum; 845.82 U.S.G.S. datum) and the point of beginning of the Bulkhead line for the North shore of Lake Monona herein established; thence North 58 degrees 30 minutes 42 seconds East, 199.33 feet to the ordinary high water mark of Lake Monona adjacent to Block 127, said Original Plat of the City of Madison and the end of the Bulkhead line herein established.
(Cr. by Ord. 6631, 5-24-79)

14.39 WATERWAYS AND SHORELINE RESTRICTIONS FOR SPECIAL EVENTS.

(1) No person shall enter an area that is marked with "restricted area" waterway markers in the waters under the control of the City of Madison when a resolution has been passed by the Common Council prohibiting such entry, except as provided in Subsection 2. The resolution shall state the date, time, and location regarding when and where this restriction will be in effect. This restriction may remain in effect for a period not to exceed fourteen (14) days. This restriction will be posted at all public access points when in effect.

(2) Beginning at Midnight on August 22, 2002, until 6:00 a.m. August 25, 2002, Olin Beach, Olin Boat Launch and the Olin Park shoreline will be closed. Additionally, nine hundred

(900) feet of shoreline from Wingra Creek to Turville Woods and extending out one hundred fifty (150) feet from said shoreline will also be closed and marked as "restricted areas" in conjunction with the Madison Blues Festival.

(Cr. by Ord. 13,128, 8-24-02)

14.40 - 14.44 RESERVED FOR FUTURE USE.

14.45 PENALTY.

(1) Any person violating any provision of Section 14.30(5) shall forfeit not more than one hundred dollars ($100). Any person violating any other provision of Section 14.30 or any provisions of Sections 14.31-14.34 of this chapter for which a penalty is not provided by Section 14.45(2) or (3) shall forfeit not more than one hundred dollars ($100). (Am. by Ord. 12,130, 5-18-98; Ord. 13,760, Adopted 12-14-04)

(2) Any person violating Wis. Stats. §§ 30.67(1) or 30.68(1) or (2) shall be fined not more than $200. Any person violating Wis. Stat. § 30.68 shall be required to obtain a certificate of satisfactory completion of a safety course under Wis. Stat. § 30.74(1). Any person violating Wis. Stat. § 30.67(2) shall forfeit not more than $200.

(3) Any person violating Wis. Stat. § 30.71 or any rule promulgated under that section shall forfeit not more than $100 for the first offense and shall forfeit not more than $200 upon conviction of the same offense a second or subsequent time within one year.
(Am. by Ord. 7840, 10-4-82)

CHAPTER 15

ALDERMANIC DISTRICTS AND WARDS

Section

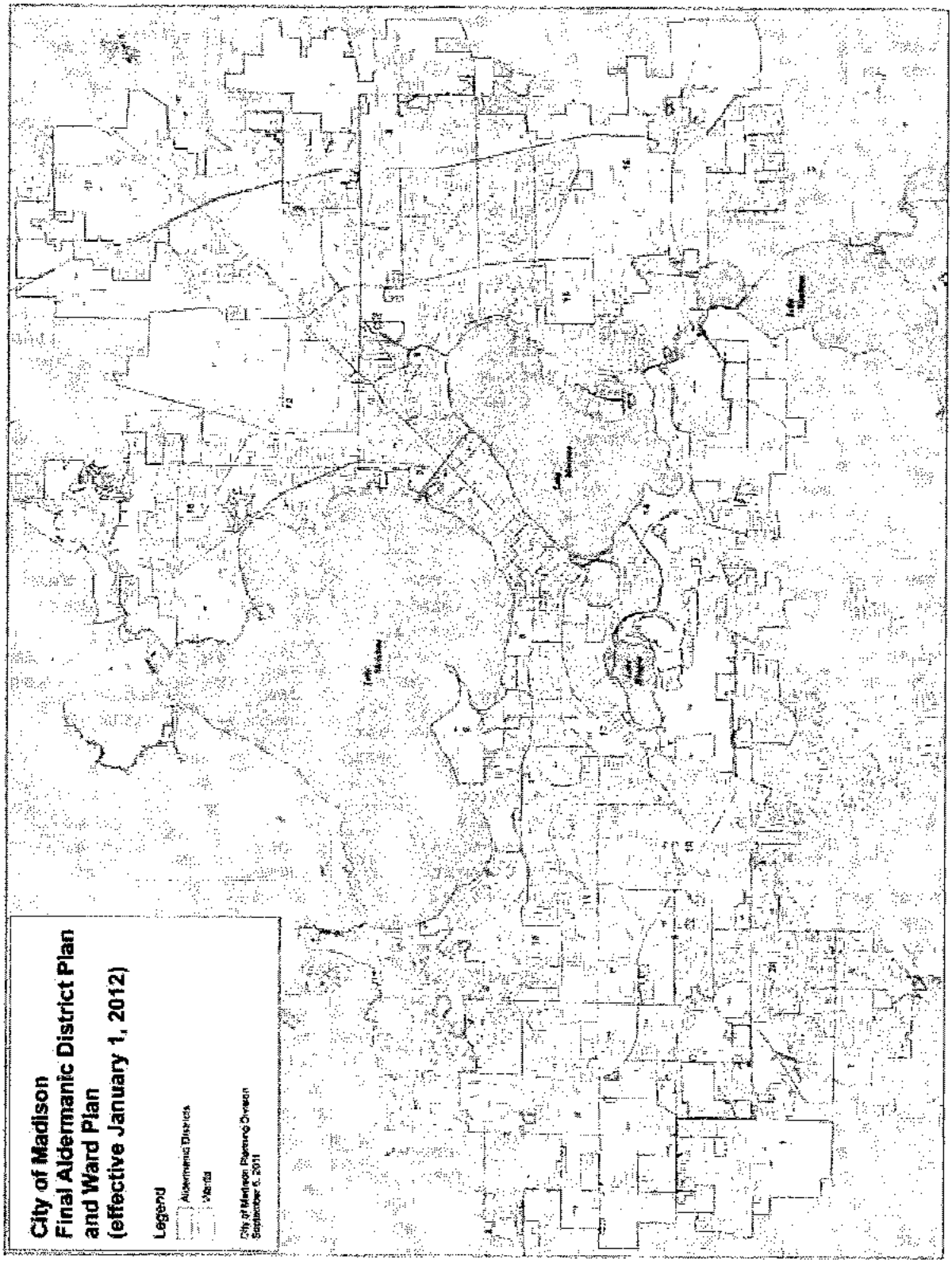
15.01 City Boundaries.
15.02 Wards and Ward Boundaries. (R. & Re-Cr. by Ord. 12,889, 9-21-01; Cr. by ORD-11-00100, 8-10-11)
15.03 Aldermanic Districts. (R. & Re-Cr. by Ord. 12,889, 9-21-01; Cr. by ORD-11-00101, 8-10-11)
15.04 Surface of Lakes Monona and Mendota Included Within Boundaries of the City. (Renumbered from Sec. 15.24 by Ord. 7485, 8-13-81)
15.05 Jurisdiction of City Extends Over Lakes Bordering on City. (Renumbered from Sec. 15.25 by Ord. 7485, 8-13-81)
15.06 Reserved for Future Use. (Rep. by ORD-13-00004, 1-15-13)
15.07 Reserved for Future Use. (Rep. by ORD-14-00012, 1-14-14)

15.01 CITY BOUNDARIES. On file in the City Clerk's Office. See map on page 15-4 herein. Annexation Ordinances:

15.01(359), 7185A, 1-15-81
15.01(360), 7408, 5-7-81
15.01(361), 7435, 6-11-81
15.01(362), 7531, 10-6-81
15.01(363), 7655, 2-25-82
15.01(365), 7856, 11-5; 11-11; 11-15-82
15.01(366), 7886, 12-17-82
15.01(367), 7960, 3-11-83
15.01(368), 8010, 5-5-83
15.01(369), 8094, 8-12-83
15.01(371), 8358, 6-19-84
15.01(370), 8366, 7-10-84
15.01(373), 8557, 4-4-85
15.01(372), 8562, 4-24-85
15.01(374), 8580, 5-15-85
15.01(375), 8740, 12-12-85
15.01(377), 8814, 3-14-86
15.01(378), 8858, 4-28-86
15.01(376), 8868, 5-19-86
15.01(379), 9069, 1-29-87
15.01(380), 9257, 8-28-87
15.01(381), 9246, 8-28; 9-4; 9-5-87
15.01(382), 9312, 11-13-87
15.01(383), 9330, 11-30 & 12-4-87
15.01(384), 9356, 12-21-87
15.01(385), 9355, 12-21-87
15.01(386), 9504, 6-7-884
15.01(387), 9518, 6-21-88
15.01(388), 9645, 12-30-88
15.01(389), 9728, 3-15-89
15.01(390), 9798, 6-15-89
15.01(391), 9869, 10-26-89
15.01(392), 10,036, 6-14 & 6-15-90
[15.01(393) Placed on File 11/13/90]
15.01(394), 10,135, 12-5-90
15.01(395), 10,200, 2-28-91
15.01(396), 10,201, 2-28-91
15.01(397), 10,210, 3-14 & 3-16-91
15.01(398), 10,211, 3-14 & 3-16-91
15.01(399), 10,212, 3-14 & 3-16-91
15.01(400), 10,217, 3-29-91
15.01(401), 10,218, 3-29-91
15.01(402), 10,222, 3-29-91
15.01(403), 10,221, 4-1-91
15.01(404), 10,346, 1-10-92
[15.01(405) Placed on File 5/5/92]
15.01(406), 10,979, 4-22-92
15.01(407), 10,454, 6-26-92
15.01(408), 10,459, 6-26-92
15.01(409), 10,460, 6-26-92
15.01(410), 10,475, 7-16-92
15.01(411), 10,503, 9-11-92
15.01(412), 10,587, 2-12-93 & 2-15-93
[15.01(413) POF 2-12-93]
15.01(414), 10,611, 3-31-93
15.01(415), 10,626, 4-16-93
15.01(416), 10,619, 4-16-93 & 4-21-93
15.01(417), 10,692, 7-14-93
15.01(418), 10,715, 8-27-93
15.01(419), 10,808, 1-14-94
15.01 Detachment, 10,842, 2-11-94, 3-14-94
15.01(420), 10,862, 3-14-94
15.01(421), 10,900, 5-13-94
15.01(422), 10,953, 7-30-94
15.01(423), 10,954, 7-30-94 & 8-23-94
15.01(424), 10,997, 10-10-94
15.01(425), 11,190, 3-3-95
15.01(426), 11,227, 4-13-95; 11,342, 9-12-95

15.01(427), 11,253, 5-15-95
15.01(428), 11,291, 7-11-95
15.01(429), 11,309, 8-4-95
15.01(430), 11,310, 8-4-95
15.01(431), 11,337, 8-25-95
15.01(432), 11,441, 12-14-95
15.01(433), 11,553, 3-29-96
15.01(434), 11,545, 3-14-96
15.01(435), 11,546, 3-14-96
15.01(436), 11,552, 3-29-96
15.01(437), 11,551, 3-29-96
15.01(438), 11,554, 3-29-96
15.01(439), 11,599, 6-3-96
15.01(440), 11,620, 6-13-96
15.01(441), 11,640, 7-29-96
15.01(442), 11,618, 6-13-96
15.01(443), 11,619, 6-13-96
[15.01(444), Placed on File 10/01/96]
15.01(445), 11,633, 7-12-96
15.01(446), 11,652, 8-20 & 8-26-96
15.01(447), 11,683, 10-14-96
15.01(448), 11,734, 1-3-97
15.01(449), 11,735, 1-3-97
15.01(450), 11,792, 3-4-97
15.01(451), 11,793, 3-4-97
15.01(452), 11,829, 4-14-97
15.01(453), 11,794, 3-4-97
15.01(454), 11,795, 3-4-97
15.01(455), 11,830, 4-14-97
15.01(456), 11,831, 4-14-97
15.01(457), 11,832, 4-14-97
15.01(458), 11,866, 6-2-97
15.01(459), 11,906, 7-29-97
15.01(460), 11,909, 7-29-97
15.01(461), 11,907, 7-29-97
15.01(462), 11,908, 7-29-97
15.01(463), 11,926, 8-30-97
15.01(464), 12,028, 2-16-98
15.01(465), 12,188, 8-31-98
15.01(466), 12,234, 10-19-98
15.01(467), 12,355, 3-30-99
15.01(468), 12,355, 3-30-99
15.01(469), 12,376, 5-17-99
15.01(470), 12,383, 6-3-99
15.01(471), 12,405, 6-30-99
15.01(472), 12,404, 6-30-99
15.01(473), 12,439, 7-23-99
15.01(474), 12,452, 8-20-99
15.01(475), 12,453, 8-20-99
15.01(476), 12,461, 9-3-99
15.01(477), 12,481, 10-7-99
15.01(478), 12,488, 11-4-99
15.01(479), 12,524, 1-21-00
[15.01(480), Placed on File, 3-7-00]
15.01(481), 12,556, 4-7-00
15.01(482), 12,555, 4-7-00
15.01(483), 12,554, 4-7-00
15.01(484)/(485), 12,636, 7-28-00
15.01(486), 12,704, 10-17-00
[15.01(487), Placed on File, 2-7-01]
15.01(488), 12,755, 2-7-01
15.01(489), 12,775, 3-13-01
15.01(490), 12,791, 4-9-01
15.01(491), 12,790, 4-9-01
15.01(492), 12,824, 5-18-01
15.01(493), 12,825, 5-18-01
15.01(494), 12,843, 7-9-01
15.01(495), 12,883, 8-24-01
15.01(496), 12,903, 10-24-01
15.01(497), 12,945, 12-24-01
15.01(498), 12,947, 12-24-01
15.01(499), 12,946, 12-24-01
15.01(500), 13,003, 2-8-02
15.01(501), 13,004, 2-8-02
15.01(502), 13,005, 2-8-02
15.01(503), 13,018, 2-26-02
15.01(504), 13,028, 3-13-02
15.01(505), 13,029, 3-13-02
15.01(506), 13,030, 3-13-02
15.01(507), 13,050, 5-7-02
15.01(508), 13,071, 5-29-02
15.01(509), 13,051, 5-7-02
15.01(510), 13,088, 6-25-02
15.01(511), 13,072, 5-29-02
15.01(512), 13,089, 6-25-02
15.01(513), 13,090, 6-25-02
15.01(514), 13,109, 7-23-02
15.01(515), For Future Use
15.01(516), 13,133, 8-28-02
15.01(517), 13,143, 9-24-02
15.01(518), 13,160, 10-8-02
15.01(519), 13,193, 12-3-02
15.01(520), 13,194, 12-3-02
15.01(521), 13,190, 11-26-02
15.01(522), 13,191, 11-26-02
15.01(523), 13,220, 12-20-02
15.01(524), 13,250, 2-11-03
15.01(525), 13,271, 3-11-03
15.01(526), 13,298, 4-5-03
15.01(527), 13,299, 4-15-03
15.01(528), 13,345, 6-21-03
15.01(529), 13,436, 10-24-03
15.01(530), 13,437, 10-24-03
15.01(531), 13,535, 2-24-04
15.01(532), 13,555, 4-6-04
15.01(533), 13,675, 8-6-04

15.01(534), 13,597, 4-21-04
15.01(535), 13,617, 5-21-04
15.01(536), 13,674, 8-6-04
15.01(537), 13,709, 10-12-04
15.01(538), 13,710, 10-12-04
15.01(539), 13,732, 11-9-04
15.01(540), 13,740, 1-5-05
15.01(541), Reserved For Future Use
15.01(542), ORD-05-00032, 2-24-05
15.01(543), ORD-05-00045, 3-16-05
15.01(544), ORD-05-00062, 4-6-05
15.01(545), ORD-05-00109, 6-8-05
15.01(546), ORD-05-00094, 5-24-05
15.01(547), ORD-05-00144, 8-19-05
15.01(548), ORD-05-00143, 8-19-05
15.01(549), ORD-06-00179, 12-5-06
15.01(550), ORD-05-00149, 9-23-05
15.01(551), ORD-05-00152, 10-12-05
15.01(552), ORD-05-00200, 1-3-06
15.01(553), ORD-06-00117, 8-22-06
15.01(554), ORD-06-00018, 3-10-06
15.01(555), ORD-06-00030, 4-7-06
15.01(556), ORD-06-00103, 7-18-06
15.01(557), ORD-06-00118, 8-22-06
15.01(558), ORD-06-00119, 8-22-06
15.01(559), ORD-06-00120, 8-22-06
15.01(560), ORD-07-00004, 1-18-07
15.01(561), ORD-07-00017, 2-22-07
15.01(562), ORD-07-00068, 6-26-07
15.01(563), ORD-07-00079, 7-11-07
15.01(564), ORD-07-00080, 7-11-07
15.01(565), ORD-07-00125, 10-5-07
15.01(566), ORD-08-00015, 2-13-08
15.01(567), ORD-08-00026, 3-15-08
15.01(568), ORD-08-00029, 3-15-08
15.01(569), ORD-08-00073, 7-04-08
15.01(570), ORD-09-00108, 7-24-09
15.01(571), ORD-09-00145, 10-22-09
15.01(572), ORD-09-00146, 10-22-09
15.01(573), ORD-10-00090, 9-15-10
15.01(574), ORD-10-00087, 9-15-10
15.01(575), ORD-10-00102, 10-27-10 (Eff. 11-1-15)
15.01(576), ORD-10-00115, 12-8-10
15.01(577) (Rep. by ORD-15-00126, 11-11-15)
15.01(579), ORD-11-00077, 5-31-11
15.01(580), ORD-11-00124, 9-12-11
15.01(581), ORD-11-00162, 12-6-11
15.01(582), ORD-11-00162, 12-6-11
15.01(583), ORD-12-00017, 2-15-12
15.01(584), ORD-12-00104, 8-15-12
15.01(585), ORD-12-00131, 10-24-12
15.01(586), ORD-13-00037, 3-27-13
15.01(586), ORD-13-00112, 6-26-13
15.01(587), ORD-13-00034, 3-27-13
15.01(588), ORD-13-00036, 3-27-13
15.01(589), ORD-13-00140, 8-14-13
15.01(590), ORD-13-00209, 12-10-13
15.01(591), ORD-14-00033, 2-18-14
15.01(591), ORD-14-00055, 3-26-14
15.01(592), ORD-14-00181, 12-10-14
15.01(593), ORD-15-00029, 3-25-15
15.01(594), ORD-15-00030, 3-25-15
15.01(595), ORD-15-00065, 12-28-15
15.01(596), ORD-15-00065, 12-28-15
15.01(597), ORD-15-00085, 8-12-15
15.01(597), ORD-15-00090, 9-11-15
15.01(598), ORD-16-00059, 6-18-16 (Eff. 6-1-21)
15.01(599), ORD-16-00060, 6-18-16
15.01(600), ORD-16-00070, 8-13-16
15.01(601), ORD-16-00098, 11-9-16
15.01(601), ORD-16-00102, 12-2-16
15.01(602), ORD-16-00061, 6-19-17


City of Madison
Final Aldermanic District Plan
and Ward Plan
(effective January 1, 2012)
Legend
Aldermanic Districts
Wards
City of Madison Planning Division
September 6, 2011

15.02 WARDS AND WARD BOUNDARIES.

For the purpose of local elections beginning January 1, 2012, wards and ward boundaries are established as follows and as shown on a map entitled "City of Madison Aldermanic Districts and Wards, June 29, 2011" on file in the Office of the City Clerk, and a polling place is designated as follows for each of the wards:

(1) Ward 1. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the South line of East Buckeye Road and a line parallel to and 125 feet East of, measured at right angles to the West line of the Northeast ¼ of Section 14, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Northerly along said parallel line to the centerline of East Buckeye Road; thence Westerly along the centerline of East Buckeye Road to the centerline of Interstate Highway 90; thence Southerly along the centerline of Interstate Highway 90 to the centerline of Femrite Drive, also the limits line of the City of Madison; thence Southerly, Westerly and Southerly along said limits line to the point of intersection of the West line of the East ½ of the Northwest ¼ of Section 26, Town 7 North, Range 10 East , Town of Blooming Grove, Dane County, Wisconsin, and the centerline of U.S. Highway 12 & 18; thence Westerly along the centerline of U.S. Highway 12 & 18 to a point in the limit lines of the City of Madison, said point being 895 feet more or less West of the East line of Section 28, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, measured along said centerline; thence Southerly, Easterly, Southerly, Westerly, and Southerly along said limits line to the Southwest corner of the Southeast ¼ of the Northeast ¼ of said Section 28; thence Easterly along the South line of the Northeast ¼ of said Section 28 and the South line of the Northwest ¼ of Section 27, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin to the Northwest corner of the Southeast ¼ of said Section 27; thence Southerly along the West line of the Southeast ¼ of said Section 27 and the West line of the Northeast ¼ of Section 34, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, to the centerline of Siggelkow Road; thence Easterly, Northerly, Easterly and Southerly along said limits line to the point of intersection with the centerline of Marsh Road and the centerline of Siggelkow Road; thence Easterly, Northerly, Easterly and Southerly along said limits line to the point of intersection with the Southerly prolongation of the West line of Outlot 4, Secret Places at Siggelkow Preserve Plat, City of Madison, Dane County, Wisconsin, and the centerline of Siggelkow Road; thence Easterly along said limits line to the point of intersection with the Southerly prolongation of the East line of Lot 114, said Secret Places at Siggelkow Preserve Plat and the centerline of Siggelkow Road; thence Northerly, Southerly and Easterly along said limits line to the East line of Section 36, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Northerly along the East line of said Section 36 and the East line of said Section 25, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, to the Northeast corner of said Section 25; thence S88°01'08"W, 2667.10 feet along the North line of said Section 25 to the North Quarter-Corner of said Section 25; thence S88°05'16"W, 1330.58 feet along the North line of said Section 25 to the Northwest corner of the Northeast ¼ of the Northwest ¼ of said Section 25 and the existing corporate limits of the City of Madison; thence Westerly, Northerly, Westerly and Northerly along said limits line to the Northeast corner of the Southwest ¼ of the Southwest ¼ of Section 24, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, also the centerline of Femrite Drive; thence Easterly along the centerline of Femrite Drive to the East line of the Southwest ¼ of said Section 24; thence Northerly along said East line to the Northeast corner of the Southwest ¼ of said Section 24; thence Westerly, Northerly, Westerly, Southerly and Westerly along said limits line to the Southeast corner of the Southwest ¼ of the Northeast ¼ of Section 23, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Northerly along the East line of the Southwest ¼ of the Northeast ¼ of said Section 23 to the Northeast corner of the

Southwest ¼ of the Northeast ¼ of said Section 23; thence Westerly, Northerly, Easterly, Northerly, Southwesterly and Northerly along said limits line to the Northeast corner of the Northwest ¼ of the Southeast ¼ of Section 14, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Westerly, Northerly, Easterly and Northerly along said limits line to the point of beginning, excepting therefrom portions of territories now in the Town of Blooming Grove. Polling place at Glendale Elementary School, 1201 Tompkins Drive. (Am. by ORD-13-00036, 3-27-13)

(2) Ward 2. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Northerly prolongation of the East line of Lot 24, Block 2, Ace View Plat, City of Madison, Dane County, Wisconsin, and the centerline of Pflaum Road; thence Easterly along the centerline of Pflaum Road to the centerline of South Stoughton Road (U.S. Highway 51); thence Northerly along the centerline of South Stoughton Road to the centerline of East Buckeye Road, thence Easterly along the centerline of East Buckeye road to the centerline of the right-of-way of the Union Pacific Railroad; thence Southeasterly and Easterly along the centerline of said right-of-way to the centerline of Interstate Highway 90; thence Southerly along the centerline of Interstate Highway 90 to the centerline of Femrite Drive and the limits line of the City of Madison; thence Southerly along said limits line to the point of intersection of the West line of the East ½ of the Northwest ¼ of Section 26, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, and the centerline of U.S. Highway 12 & 18; thence Westerly along the centerline of U.S. Highway 12 & 18 to a point in the limits line of the City of Madison, said point being 895 feet more or less West of the East line of Section 28, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, measured along said centerline; thence Northerly, Westerly, and Northerly along said limits line to the point of beginning, excepting therefrom a portion of territory now in the Town of Blooming Grove. Polling place at Glendale Elementary School, 1201 Tompkins Drive.

(3) Ward 3. Beginning at the point of intersection of the centerline of Vondron Road and the centerline of the right-of-way of the Union Pacific Railroad; thence Southeasterly and Easterly along the centerline of said right-of-way to the centerline of Interstate Highway 90; thence Northerly along the centerline of Interstate Highway 90 to the centerline of East Buckeye Road; thence Westerly along the centerline of East Buckeye Road to the centerline of Paso Roble Way; thence Southerly along the centerline of Paso Roble Way to the centerline of Camilla Road; thence Westerly and Northerly along the centerline of Camilla Road to the centerline of Ellen Avenue; thence Southwesterly, Southerly and Westerly along the centerline of Ellen Avenue to the centerline of Vondron Road; thence Southerly along the centerline of Vondron Road to the point of beginning. Polling place at City Church, 4909 East Buckeye Road.

(4) Ward 4. Beginning at the point of intersection of the centerline of East Buckeye Road and the centerline of the right-of-way of the Union Pacific Railroad; thence Southeasterly along the centerline of said right-of-way to the centerline of Vondron Road; thence Northerly along the centerline of Vondron road to the centerline of Ellen Avenue; thence Easterly, northerly and Northeasterly along the centerline of Ellen Avenue to the centerline of La Sierra Way; thence Southerly and Easterly along the centerline of La Sierra Way to the centerline of Paso Roble Way; thence Northerly along the centerline of Paso Roble Way to the centerline of East Buckeye Road; thence Westerly along the centerline of East Buckeye Road to the point of beginning. Polling place at City Church, 4909 East Buckeye Road.

(5) Ward 5. Beginning at the point of intersection of the centerline of Cottage Grove Road and the centerline of South Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of South Stoughton Road to the centerline of East Buckeye Road; thence Easterly along the centerline of East Buckeye Road to the centerline of Droster Road; thence Northerly along the centerline of Droster Road to the centerline of Starker Avenue;

thence Westerly along the centerline of Starker Avenue to the centerline of Acewood Boulevard; thence Northerly along the centerline of Acewood Boulevard to the centerline of Cottage Grove Road; thence Westerly along the centerline of Cottage Grove Road to the point of beginning. Polling place at Elvehjem Elementary School, 5106 Academy Drive.

(6) Ward 6. Beginning at the point of intersection of the centerline of Cottage Grove Road and the centerline of Acewood Boulevard; thence Southerly along the centerline of Acewood Boulevard to the centerline of Starker Avenue; thence Easterly along the centerline of Starker Avenue to the centerline of Droster Road; thence Southerly along the centerline of Droster Road to the centerline of East Buckeye Road; thence Easterly along the centerline of East Buckeye Road to the centerline of Interstate Highway 90; thence Northerly along the centerline of Interstate Highway 90 to the centerline of Cottage Grove Road; thence Westerly along the centerline of Cottage Grove Road to the point of beginning. Polling place at Elvehjem Elementary School, 5106 Academy Drive.

(7) Ward 7. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the South line of East Buckeye Road and a line parallel to and 125 feet East of, measured at right angles to the West line of the Northeast ¼ of Section 14, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Northerly along said parallel line to the centerline of East Buckeye Road; thence westerly along the centerline of East Buckeye Road to the centerline of Interstate Highway 90; thence Northerly along the centerline of Interstate Highway 90 to the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the Northeast corner of the Southwest ¼ of Section 12, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, and the limits line of the City of Madison; thence Southeasterly, Westerly, Northerly, Westerly and Southerly along said limits line to the point of intersection of the South line of East Buckeye Road and the Southerly prolongation of the East line of Richmond Hill Plat, City of Madison, Dane County, Wisconsin; thence Westerly, along the South line of East Buckeye Road to the point of beginning, excepting therefrom portions of territories now in the Town of Blooming Grove Polling place at City Church, 4909 East Buckeye Road.

(8) Ward 8. Beginning at the Northeast corner of the Southwest ¼ of Section 12, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, and the limits line of the City of Madison; thence Westerly along the centerline of Cottage Grove Road to the centerline of Sprecher Road; thence Northerly along the centerline of Sprecher Road to the Southeast corner of Section 35, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, and the limits line of the City of Madison, thence Westerly, Northerly and Easterly along said limits line to the Southwest corner of the Southeast ¼ of the Northeast ¼ of said Section 35; thence Northerly, Easterly and Northerly along said limits line to the Northwest corner of the Southwest ¼ of Section 25, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Easterly, Northerly and Easterly along said limits line to the Northeast corner of the Southwest ¼ of the Northwest ¼ of said Section 25, thence Southerly and Easterly along said limits line to the Northeast corner of the Southwest ¼ of said Section 25; thence Southerly, Easterly, Southerly, Westerly and Southerly along said limits line to the Southeast corner of the Northwest ¼ of the Northeast ¼ of Section 36, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Westerly, Southerly, Westerly, Southerly and Easterly along said limits line to the Northeast corner of Outlot 9, Meadowlands Plat, City of Madison, Dane County, Wisconsin; thence Southerly along the East line of Section 1, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, and the East line of Section 12, Town 7 North, Range 10 East, Dane County, Wisconsin (also the limits line of the City of Madison) to the centerline of Cottage Grove

Road; thence Westerly, Northerly, Westerly, Southerly and Westerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Blooming Grove. Polling place at Door Creek Church, 6602 Dominion Drive.

(9) Ward 9. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Northerly prolongation of the West line of Lot 1, Certified Survey Map Number 2080, Town of Blooming Grove, Dane County, Wisconsin, and the North line of Section 2, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Westerly along the North line of said Section 2 (also the centerline of County Highway T) to the centerline of Interstate Highway 90; thence Southerly along the centerline of Interstate Highway 90 to the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the centerline of Sprecher Road; thence Northerly along the centerline of Sprecher Road to the point of intersection with the Easterly prolongation of the North line of Lot 3, Certified Survey Map Number 4493, Town of Blooming Grove, Dane County, Wisconsin, and the limits line of the City of Madison; thence Westerly, Southerly, Westerly and Northerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Blooming Grove. Polling place at Oak Park Place, 718 Jupiter Drive. (Am. by ORD-16-00087, 10-12-16)

(10) Ward 10. Beginning at the point of intersection of the centerline of Interstate Highway 90 and the centerline of Milwaukee Street; thence Westerly along the centerline of Milwaukee Street to the centerline of Meadowlark Drive; thence Southerly along the centerline of Meadowlark Drive to the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the centerline of Interstate Highway 90; thence Northerly along the centerline of Interstate Highway 90 to the point of beginning. Polling place at Kennedy Elementary School, 221 Meadowlark Drive.

(11) Ward 11. Beginning at the point of intersection of the centerline of Interstate Highway 90 and the North line of Section 2, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Commercial Avenue); thence Westerly along the North line of said Section 2 and the North line of Section 3, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, to the centerline of North Thompson Drive; thence Southerly along the centerline of North Thompson Drive to the centerline of Swanton Road; thence Westerly and Southerly along the centerline of Swanton Road to the centerline of Milwaukee Street; thence Easterly along the centerline of Milwaukee Street to the centerline of Interstate Highway 90; thence Northerly along the centerline of Interstate Highway 90 to the point of beginning. Polling place at American Family Insurance, 302 North Walbridge Avenue.

(12) Ward 12. Beginning at the point of intersection of the centerline of South Stoughton Road (U.S. Highway 51) and the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the centerline of Meadowlark Drive; thence Northerly along the centerline of Meadowlark Drive to the centerline of Milwaukee Street; thence Westerly along the centerline of Milwaukee Street to the centerline of South Stoughton Road; thence Southeasterly along the centerline of South Stoughton Road to the point of beginning. Polling place at New Beginnings Alliance Church, 602 Acewood Boulevard.

(13) Ward 13. Beginning at a point in the limits line of the City of Madison and the City of Monona, said point being the point of intersection of the centerline of Monona Drive and the centerline of East Dean Avenue; thence Easterly and Northerly along the centerline of East Dean Avenue to the centerline of Allis Avenue; thence Easterly along the centerline of Allis Avenue and the Easterly prolongation of the centerline of Allis Avenue to the centerline of South Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of South Stoughton Road to the centerline of Pflaum Road; thence Westerly along the centerline of Pflaum Road to the centerline of Monona Drive, also the limits line

of the City of Madison and the City of Monona; thence Northerly along the centerline of Monona Drive and said limits line to the point of beginning. Polling place at La Follette High School, 702 Pflaum Road.

(14) Ward 14. Beginning at a point in the limits line of the City of Madison and the City of Monona, said point being the point of intersection of the centerline of Monona Drive and the centerline of Buckeye Road; thence Southeasterly and Easterly along the centerline of Buckeye Road to the centerline of South Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of South Stoughton Road to the point of intersection with the Easterly prolongation of the centerline of Allis Avenue; thence Westerly along said Easterly prolongation and the centerline of Allis Avenue to the centerline of East Dean Avenue; thence Southwesterly and Westerly along the centerline of East Dean Avenue to the centerline of Monona Drive, also the limits line of the City of Madison and the City of Monona; thence Northerly along the centerline of Monona Drive and said limits line to the point of beginning, excepting therefrom a portion of territory now in the Town of Blooming Grove. Polling place at La Follette High School, 702 Pflaum Road.

(15) Ward 15. Beginning at a point in the limits line of the City of Madison and the City of Monona, said point being the point of intersection of the centerline of Monona Drive and the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the centerline of South Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of South Stoughton Road to the centerline of Buckeye Road; thence Westerly and Northwesterly along the centerline of Buckeye Road to the centerline of Monona Drive, also the limits line of the City of Madison and the City of Monona; thence Northerly along the centerline of Monona Drive and said limits line to the point of beginning. Polling place at La Follette High School, 702 Pflaum Road.

(16) Ward 16. Beginning at a point in the limits line of the City of Madison and City of Monona, said point being the point of intersection of the centerline of Atwood Avenue and the centerline of Cottage Grove Road; thence Easterly along the centerline of Cottage Grove Road to the centerline of South Stoughton Road (U.S. Highway 51); thence Northerly along the centerline of South Stoughton Road and the centerline of North Stoughton Road (U.S. Highway 51) to the North line of Section 4, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, (also the centerline of Commercial Avenue); thence Westerly along the North line of said Section 4 and the North line of Section 5, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin to the point of intersection with the Northerly prolongation of the East line of Lot 527, Clyde A. Gallagher Park Subdivision, City of Madison, Dane County, Wisconsin (also the limits line of the City of Madison); thence Southerly and Westerly along said limits line to the point of intersection with the centerline of the East Branch of Starkweather Creek and the East line of the Sauthoff Subdivision, City of Madison, Dane County, Wisconsin; thence Southerly along the centerline of said East Branch and the centerline of Starkweather Creek to the shoreline of Lake Monona; thence Southeasterly along the shoreline of Lake Monona to the limits line of the City of Madison and the City of Monona; thence Easterly along said limits line to the centerline of Atwood Avenue; thence Southerly along the centerline of Atwood Avenue (also the limits line of the City of Madison and the City of Monona) to the point of beginning, excepting therefrom those portions of territories now in the Town of Blooming Grove. Polling place at Whitehorse Middle School, 218 Schenk Street.

(17) Ward 17. Beginning at the point of intersection of the centerline of North Thompson Drive and the North line of Section 3, Town 7 North, Range 10 East, Town of Blooming Drove, Dane County, Wisconsin (also the centerline of Commercial Avenue); thence Westerly along said North line and the North line of Section 4, Town 7 North, Range 10 East, Town of Blooming Grove to the centerline of North Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of North Stoughton Road to the centerline of Milwaukee Street; thence Easterly along the centerline of Milwaukee Street to the

centerline of Swanton Road; thence Northerly and Easterly along the centerline of Swanton Road to the centerline of North Thompson Drive; thence Northerly along the centerline of North Thompson Drive to the point of beginning, excepting therefrom those portions of territories now in the Town of Blooming Grove. Polling place at American Family Insurance, 302 North Walbridge Avenue.

(18) Ward 18. Beginning at the point of intersection of the centerline of Mesta Lane and the North line of Section 3, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin (also the center line of Commercial Avenue); thence Westerly along the North line of said Section 3 and the North line of Section 4, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin to the centerline of North Stoughton Road (U.S. Highway 51); thence Northerly along the centerline of North Stoughton Road to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northeasterly along the centerline of the Wisconsin & Southern Railroad to the centerline of Sycamore Avenue; thence Easterly along the centerline of Sycamore Avenue to the centerline of North Thompson Drive; thence Southerly along the centerline of North Thompson Drive to the centerline of Mesta Lane; thence Southerly along the centerline of Mesta Lane to the point of beginning. Polling place at HyVee, 3801 East Washington Avenue.

(19) Ward 19. Beginning at the point of intersection of the centerline of North Fair Oaks Avenue and the North line of Section 5, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, thence Easterly along the North line of said Section 5 and the North line of Section 4, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Commercial Avenue) to the centerline of North Stoughton Road (U.S. Highway 51); thence Northerly, Northeasterly, and Northerly along the centerline of North Stoughton Road to the centerline of Anderson Street; thence Westerly along the centerline of Anderson Street to the centerline of Wright Street; thence Southerly along the centerline of Wright Street and the centerline of North Fair Oaks Avenue to the point of beginning. Polling place at East Madison Community Center, 8 Straubel Court. (Am. by ORD-14-00089, 5-7-14)

(20) Ward 20. Beginning at the point of intersection of the centerline of East Washington Avenue and the North line of Section 5, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, thence Easterly along the North line of said Section 5 to the centerline of North Fair Oaks Avenue; thence Northerly along the centerline of North Fair Oaks Avenue to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the point of beginning. Polling place at East Madison Community Center, 8 Straubel Court. (Am. by ORD-14-00089, 5-7-14)

(21) Ward 21. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West right-of-way line of Interstate Highway 90 & 94 and a line that is parallel to and 40.0 feet North of, measured at right angles to the South line of Section 27, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence North 88°21'06" East along said parallel line to the centerline of Interstate Highway 90 & 94; thence Northwesterly along the centerline of Interstate Highway 90 & 94 to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of North Stoughton Road (U.S. Highway 51); thence Southeasterly along the centerline of North Stoughton Road to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northeasterly along the centerline of said right-of-way to the centerline of Sycamore Avenue; thence Easterly along the centerline of Sycamore Avenue to the centerline of North Thompson Drive; thence Northerly along the centerline of North Thompson Drive to the centerline of Lien Road; thence Easterly along the centerline of Lien Road to the West right-of-way line of Interstate Highway 90 & 94; thence Northwesterly along the West right-of-way line of

Interstate Highway 90 & 94 to the point of beginning, excepting therefrom portions of territories now in the Town of Burke. Polling place at HyVee, 3801 East Washington Avenue.

(22) Ward 22. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West right-of-way line of Interstate Highway 90 & 94 and the centerline of Lien Road; thence Westerly along the centerline of Lien Road to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southwesterly along the centerline of said right-of-way to the centerline of North Thompson Drive; thence Southerly along the centerline of North Thompson Drive to the centerline of Mesta Lane; thence Southerly along the centerline of Mesta Lane to the North line of Section 3, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Commercial Avenue); thence Easterly along the North line of said Section 3 to the centerline of Eagle Crest Drive and the limits line of the City of Madison; thence Northerly, Easterly, Southerly and Easterly along said limits line to the southeast corner of Outlot 3, Eagle Crest Subdivision, City of Madison, Dane County, Wisconsin; thence Northerly along the East line of said Eagle Crest Subdivision (also the west right-of-way line of Interstate Highway 90 and 94 and the limits of the City of Madison) to the North line of said Eagle Crest Subdivision; thence continuing northerly along the west right-of-way line of Interstate Highway 90 and 94 and the limits line of the City of Madison to the point of beginning, excepting therefrom those portions of territories now in the Town of Burke. Polling place at Streets East, 4602 Sycamore Avenue.

(23) Ward 23. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of Lien Road and the centerline of Interstate Highway 90 and 94; thence Northwesterly along the centerline of Interstate 90 and 94 to the centerline of East Washington Avenue (US Highway 151); thence Northeasterly along the centerline of East Washington Avenue to the limits line of the City of Madison; thence Southerly and Easterly along said limits line to the Northeast corner of Section 23, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Southerly along the East line of said Section 23 to the West right-of-way line of the Wisconsin & Southern Railroad; thence Southwesterly along said West right-of-way line to the North line of Nelson Road (said limits line); thence Westerly and Southerly along said limits line to the point of intersection of the North line of Burke Road and the East line of City View Drive (also said limits line); thence Easterly, Southerly and Northeasterly along said limits line to the point of intersection of the center line of Felland Road and the centerline of Burke Road; thence Southerly and Easterly along said limits line to the Northeast corner of the West ½ of the Southeast ¼ of Section 26, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Southerly along the East line of the West ½ of the Southeast ¼ of said Section 26 (also the West line of the Village of Autumn Lake Plat, City of Madison, Dane County, Wisconsin) to the centerline of Lien Road; thence Westerly, Northerly, Westerly, Southerly and Westerly along said limits line to the point of beginning. Also a parcel of land that is part of Lot 3, Certified Survey Map Number 1472, located in the Southeast ¼ of the Northwest ¼ of Section 35, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, more fully described as follows: Commencing at the North ¼ corner of said Section 35, thence South 0 degrees, 19 minutes, 36 seconds West along the North-South ¼ line of said Section 35 1911.71 feet to the point of beginning; thence continuing South 0 degrees, 19 minutes, 36 seconds West, along said line, 33.00 feet; thence South 89 degrees, 29 minutes, 07 seconds West, along the north line of Lot 2 of said CSM, 1308.91 feet to the west line of said Lot 3; thence North 0 degrees, 12 minutes, 13 seconds West, along said West line, 361.00 feet; thence North 89 degrees, 29 minutes, 07 seconds, 210.00 feet; thence South 35 degrees, 38 minutes, 52 seconds East, 344.35 feet; thence along the arc of a curve to the left whose radius is 700.00 feet and whose long chord bears South 51 degrees, 16 minutes, 59 seconds West, 74.96 feet;

thence North 89 degrees, 29 minutes, 07 seconds East, 955.61 feet to the point of beginning. Polling place at Fire Station #11, 4011 Morgan Way. (Am. by ORD-11-00149, 10-27-11)

(24) Ward 24. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West right-of-way line of Interstate Highway 90 & 94 and the North line of the Southwest ¼ of Section 22, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the North line of the Village Green Woods Plat, City of Madison, Dane County, Wisconsin); thence Easterly along the North line of the Southwest ¼ of said Section 22 to the centerline of Interstate Highway 90 & 94; thence Southeasterly along the centerline of Interstate Highway 90 & 94 to the centerline of East Washington Avenue (US Highway 151); thence Northeasterly along the centerline of East Washington Avenue to the limits line of the City of Madison; thence Northwesterly, Northeasterly and Northerly along said limits line to the Northeast corner of the Northwest ¼ of Section 14, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, thence Westerly along the North line of said Section 14 and the North line of Section 15, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the centerline of Hoepker Road) to the Northeast corner of the Northwest ¼ of said Section 15; thence Westerly and Southerly along said limits line to the Southwest corner of said Section 15; thence Southeasterly along said west right-of-way line of Interstate Highway 90 and 94 (and said limits line) to the point of beginning. Polling place at Oakwood Village East, 5565 Tancho Drive.

(25) Ward 25. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West right-of-way line of Interstate Highway 90 & 94 and the North line of the Southwest ¼ of Section 22, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the North line of the Village Green Woods Plat, City of Madison, Dane County, Wisconsin); thence Westerly along the North line of said Village Green Woods Plat and the Westerly prolongation of the North line of said Village Green Woods Plat (also the limits line of the City of Madison) to the centerline of Portage Road; thence Southwesterly and Southerly along the centerline of Portage Road to the centerline of Melody Lane; thence Easterly along the centerline of Melody Lane to the centerline of Independence Lane; thence Southerly and Southeasterly along the centerline of Independence Lane to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the centerline of Interstate Highway 90 & 94; thence Northwesterly along the centerline of Interstate Highway 90 & 94 to the point of intersection with the Easterly prolongation of the North line of said Village Green Woods Plat; thence Westerly along said Easterly prolongation to the point of beginning. Polling place at Sandburg Elementary School, 4114 Donald Drive. (Am. by ORD-12-00004, 1-10-12; ORD-16-00086, 10-12-16)

(26) Ward 26. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the East line of Portage Road and the North line of the Village Green Woods Plat, City of Madison, Dane County, Wisconsin; thence Westerly along the Westerly prolongation of the North line of said Village Green Woods Plat to the centerline of Portage Road; thence Southwesterly and Southerly along the centerline of Portage Road to the centerline of Melody Lane; thence Easterly along the centerline of Melody Lane to the centerline of Independence Lane; thence Southerly and Southeasterly along the centerline of Independence Lance to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of North Stoughton Road (U.S. Highway 51); thence Northerly along the centerline of North Stoughton Road to the point of intersection with the North line of the Southwest ¼ of the Northwest ¼ of Section 21, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Westerly along said North line to the Northwest corner of the Southwest ¼ of the Northwest ¼ of said Section 21 and the limits line of the City of Madison; thence Northerly along said limits line to the Northwest corner of Section 16,

Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Easterly, Northerly and Easterly along said limits line to the Northeast corner of the Southwest ¼ of Section 10, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Southerly along the East line of the Southwest ¼ of said Section 10 to the Southeast corner of the Southwest ¼ of said Section 10; thence Westerly, Northerly, Westerly and Southerly along said limits line to the Northwest corner of Outlot 2, Churchill Heights Plat, City of Madison, Dane County, Wisconsin; thence Easterly, Southerly and Easterly along the North line of said Churchill Heights Plat and the Easterly prolongation of the North line of said Churchill Heights Plat to the East line of Portage Road; thence Southerly along the East line of Portage Road to the point of beginning, excepting therefrom a portion of territory now in the Town of Burke. Polling place at Eastside Lutheran, 2310 Independence Lane. (Am. by ORD-12-00004, 1-10-12)

(27) Ward 27. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the North line of Section 30, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, and the centerline of the right-of-way of the Canadian Pacific Railroad; thence Southwesterly along the centerline of said right-of-way to the centerline of Packers Avenue; thence Southerly along the centerline of Packers Avenue to the centerline of International Lane; thence Easterly and Northeasterly along the centerline of International Lane to the centerline of Anderson Street; thence Southeasterly and Easterly along the centerline of Anderson Street to the centerline of North Stoughton Road (U.S. Highway 51); thence Northerly along the centerline of North Stoughton Road to the point of intersection with the North line of the Southwest ¼ of the Northwest ¼ of Section 21, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin; thence Westerly along said North line to the Northwest corner of the Southwest ¼ of the Northwest ¼ of said Section 21 and the limits line of the City of Madison; thence Westerly, Northerly, Westerly, Northerly, Southwesterly and Southerly along said limits line to the point of beginning, excepting therefrom a portion of territory now in the Town of Burke. Polling place at MATC Commercial Avenue Education Center, 2125 Commercial Avenue.

(28) Ward 28. Beginning at the point of intersection of the centerline of International Lane and the centerline of Packers Avenue; thence Southerly along the centerline of Packers Avenue to the centerline of Commercial Avenue; thence Easterly along the centerline of Commercial Avenue to the centerline of the West Branch of Starkweather Creek; thence Northerly along the centerline of the West Branch of Starkweather Creek to the centerline of Aberg Avenue; thence Southeasterly along the centerline of Aberg Avenue to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the centerline of Wright Street; thence Northerly along the centerline of Wright Street to the centerline of Anderson Street; thence Westerly and Northwesterly along the centerline of Anderson Street to the centerline of International Lane; thence Southwesterly and Westerly along the centerline of International Lane to the point of beginning. Polling place at MATC Commercial Avenue Education Center, 2125 Commercial Avenue.

(29) Ward 29. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of North Sherman Avenue and the centerline of Commercial Avenue; thence Easterly along the centerline of Commercial Avenue to the centerline of the West Branch of Starkweather Creek; thence Northerly along the centerline of the West Branch of Starkweather Creek to the centerline of Aberg Avenue; thence Southeasterly along the centerline of Aberg Avenue to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of the Yahara River; thence Northwesterly along the centerline of the Yahara River to the centerline of East Johnson Street; thence Northeasterly along the centerline of East Johnson Street to the centerline of Fordem Avenue; thence Northerly along the centerline of Fordem Avenue to the point of intersection with the Easterly

prolongation of the North line of the Southeast ¼ of Section 12, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Westerly along said Easterly prolongation to the Northeast corner of the Southeast ¼ of said Section 12 (also a point in the limits line of the City of Madison); thence Northerly, Westerly, Northerly, Easterly, and Northerly along said limits line to the point of beginning. Polling place at East High School, 2222 East Washington Avenue.

(30) Ward 30. Beginning at the point of intersection of the Northeast right-of-way line of the Wisconsin & Southern Railroad and the centerline of North Sherman Avenue; thence Northerly along the centerline of North Sherman Avenue to the centerline of Vahlon Street; thence Easterly along the centerline of Vahlen Street to the centerline of the right-of-way of the Canadian Pacific Railroad; thence Northeasterly along the centerline of said right-of-way to the centerline of Packers Avenue; thence Southerly along the centerline of Packers Avenue to the centerline of Commercial Avenue; thence Westerly along the centerline of Commercial Avenue to the Northeast right-of-way line of the Wisconsin & Southern Railroad; thence Northwesterly along said Northeast right-of-way line to the point of beginning. Polling place at Sherman Middle School, 1610 Ruskin Street.

(31) Ward 31. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Northeast line of the right-of-way of the Wisconsin & Southern Railroad and the centerline of North Sherman Avenue; thence Northerly along the centerline of North Sherman Avenue to the centerline of Northport Drive (Wisconsin Highway 113); thence Northwesterly along the centerline of Northport Drive to the centerline of Troy Drive; thence Westerly along the centerline of Troy Drive to the centerline of Forster Drive; thence Southerly and Westerly along the centerline of Forster Drive to the centerline of Woodward Drive; thence Southeasterly along the centerline of Woodward Drive to the limits line of the City of Madison and the Village of Maple Bluff; thence Easterly and Southeasterly along said limits line to the point of beginning. Polling place at St. Paul Lutheran Church, 2126 North Sherman Avenue.

(32) Ward 32. Beginning at the point of intersection of the centerline of North Sherman Avenue and the centerline of Vahlen Street; thence Easterly along the centerline of Vahlen Street to the centerline of the right-of-way of the Canadian Pacific Railroad; thence Northeasterly along the centerline of said right-of-way to the centerline of Packers Avenue; thence Northerly along the centerline of Packers Avenue to the centerline of Northport Drive; thence Northwesterly along the centerline of Northport Drive to the centerline of North Sherman Avenue; thence Southerly along the centerline of North Sherman Avenue to the point of beginning. Polling place at Packers Townhomes, 1927 Northport Drive.

(33) Ward 33. Beginning at the point of intersection of the Westerly prolongation of the South line of Whitetail Ridge Subdivision, City of Madison, Dane County, Wisconsin, and the West line of Section 19, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the centerline of North Sherman Avenue); thence Southerly along the centerline of North Sherman Avenue to the centerline of Northport Drive; thence Southeasterly along the centerline of Northport Drive to the centerline of Packers Avenue; thence Southerly along the centerline of Packers Avenue to the centerline of the right-of-way of the Canadian Pacific Railroad; thence Northeasterly along the centerline of said right-of-way to the North line of Section 30, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the limits line of the City of Madison); thence Westerly and Northerly along said limits line to the point of intersection with the Westerly prolongation of the South line of said Whitetail Ridge Subdivision; thence Westerly along said Westerly prolongation to the point of beginning. Polling place at Warner Park Community Recreation Center, 1625 Northport Drive.

(34) Ward 34. Beginning at the point of intersection of the North line of the Southeast ¼ of Section 25, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin

(also the North line of the First Addition to Lake View Heights Plat, City of Madison, Dane County, Wisconsin) and the centerline of North Sherman Avenue; thence Southerly along the centerline of North Sherman Avenue to the centerline of Northport Drive; thence Northwesterly along the centerline of Northport Drive to the point of intersection with the Southerly prolongation of the East line of the Graedel Plat, City of Madison, Dane County, Wisconsin (also the West line of the former Lake View Sanatorium Property); thence Northerly along said Southerly prolongation and the East line of the Graedel Plat and the Northerly prolongation of the East line of the Graedel Plat to the point of intersection with the North line of the Southwest ¼ of said Section 25 (also the South line of the Second Addition to Wheeler Heights Plat, City of Madison, Dane County, Wisconsin); thence Easterly along the North line of the Southwest ¼ of said Section 25 to the point of beginning. Polling place at Warner Park Community Recreation Center, 1625 Northport Drive.

(35) Ward 35. Beginning at the point of intersection of the centerline of Northport Drive (Wisconsin Highway 113) and the centerline of Knutson Drive; thence Westerly along the centerline of Knutson Drive to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southeasterly along the centerline of said right-of-way to the centerline of Forster Drive; thence Easterly, Northeasterly and Northerly along the centerline of Forster Drive to the centerline of Troy Drive; thence Easterly along the centerline of Troy Drive to the centerline of Northport Drive; thence Northwesterly along the centerline of Northport Drive to the point of intersection with the Southerly prolongation of the East line of the Graedel Plat, City of Madison, Dane County, Wisconsin (also the West line of the former Lake View Sanatorium Property); thence Northerly along said Southerly prolongation and the East line of the Graedel Plat and the Northerly prolongation of the East line of said Graedel Plat to the centerline of Havey Road; thence Westerly along the centerline of Havey Road to the centerline of Kennedy Road; thence Southerly along the centerline of Kennedy Road to the centerline of Northport Drive; thence Northwesterly along the centerline of Northport Drive to the point of beginning. Polling place at Mendota Elementary School, 4002 School Road.

(36) Ward 36. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of Northport Drive (Wisconsin Highway 113) and the South line of Section 23, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin; thence Westerly, Southerly, Westerly, Southerly, and Westerly along said limits line to the shoreline of Lake Mendota; thence Southerly and Easterly along the shoreline of Lake Mendota to the limits line of the City of Madison and the Village of Maple Bluff; thence Easterly along said limits line to the centerline of Woodward Drive; thence Northwesterly along the centerline of Woodward Drive to the centerline of Forster Drive; thence Easterly along the centerline of Forster Drive to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northwesterly along the centerline of said right-of-way to the centerline of Knutson Drive; thence Easterly along the centerline of Knutson Drive to the centerline of Northport Drive; thence Northwesterly along the centerline of Northport Drive to the point of beginning. Polling Place at Mendota Elementary School, 4002 School Road.

(37) Ward 37. Beginning at the point of intersection of the centerline of Kennedy Road and the centerline of Northport Drive (Wisconsin Highway 113); thence Northerly along the centerline of Kennedy Road to the centerline of Havey Road; thence Easterly along the centerline of Havey Road and the South line of the Second Addition to Wheeler Heights Plat, City of Madison, Dane County, Wisconsin, and the Easterly prolongation of the South line of the Second Addition to Wheeler Heights Plat to the centerline of Esch Lane; thence Northerly along the centerline of Esch Lane to the centerline of Delaware Boulevard; thence Westerly and Northerly along the centerline of Delaware Boulevard to the centerline of Wheeler Road; thence Westerly along the centerline of Wheeler Road and the Westerly prolongation of the centerline of Wheeler Road to the centerline of

Northport Drive; thence Southeasterly along the centerline of Northport Drive to the point of beginning. Polling place at Lindbergh Elementary School, 4500 Kennedy Road.

(38) Ward 38. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of Wheeler Road and the West line of Section 19, Town 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (also the centerline of North Sherman Avenue); thence Southerly along the centerline of North Sherman Avenue to the point of intersection with the North line of the Southwest ¼ of said Section 19; thence Easterly along said North line (also the North line of the Whitetail Ridge Plat, City of Madison, Dane County, Wisconsin) to the centerline of Packers Avenue; thence Southerly along the centerline of Packers Avenue to the South line of said Whitetail Ridge Plat; thence Westerly along the South line of said Whitetail Ridge Plat and the Westerly prolongation of the South line of said Whitetail Ridge Plat to the centerline of North Sherman Avenue; thence Northerly along rthe centerline of North Sherman Avenue to the point of intersection with the North line of the Southeast ¼ of Section 25, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin; thence westerly along the North line of the Southeast ¼ of said Section 25(also the North line of the First Addition to Lake View Heights Plat, City of Madison, Dane County, Wisconsin) to the centerline of Easch Lane; thence Northerly and Northeasterly along the centerline of Easch Lane to the centerline of Delaware Boulevard; thence Westerly and Northerly along the centerline of Delaware Boulevard to the centerline of Wheeler Road; Wheeler Road; thence Westerly along the centerline of Wheeler Road and the Westerly prolongation of the centerline of Wheeler Road to the centerline of Northport Drive (Wisconsin Highway 113); thence Northwesterly along the centerline of Northport Drive to the point of intersection with the South line of Section 23, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin, and the limits line of the City of Madison; thence Easterly, Northerly, Westerly, Northerly, Northeasterly and Easterly along said limits line to the Northeast corner of the Southwest ¼ of Section 13, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin; thence Southerly, Easterly and Southerly along said limits line to the Southeast corner of said Section 13; thence Westerly, Southerly, Easterly and Southerly along said limits line to the centerline of Wheeler Road; thence Westerly along the centerline of Wheeler Road and said limits line to the point of beginning. Polling place at Black Hawk Middle School, 1402 Wyoming Way.

(39) Ward 39. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the North line of Section 5, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Commercial Avenue), and the Northerly prolongation of the East line of Rethke Avenue; thence Westerly along the North line of said Section 5 to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of South Fifth Street; thence Southeasterly along the centerline of South Fifth Street to the centerline of Winnebago Street; thence Southwesterly along the centerline of Winnebago Street to the centerline of La Follette Avenue; thence Easterly along the centerline of La Follette Avenue to the centerline of Division Street; thence Northerly along the centerline of Division Street to the centerline of the right-of-way of the Union Pacific Railroad; thence Easterly and Southeasterly along the centerline of said right-of-way to the centerline of Starkweather Creek; thence Northerly and Northeasterly along the centerline of Starkweather Creek to the East line of the Sauthoff Subdivision, City of Madison, Dane County, Wisconsin (also the limits line of the City of Madison); thence Northerly, Southwesterly, and Northerly along said limits line to the point of beginning. Polling place at Hawthorne Branch Library, 2707 East Washington Avenue.

(40) Ward 40. Beginning at the point of intersection of the centerline of the right-of-way of the Union Pacific Railroad and the centerline of Division Street; thence Southerly along the centerline of Division Street to the centerline of Oakridge Avenue; thence Easterly along the centerline of Oakridge Avenue to the centerline of Schurz Avenue; thence Southerly

along the centerline of Schurz Avenue to the shoreline of Lake Monona; thence Easterly along the shoreline of Lake Monona to the centerline of Starkweather Creek; thence Northerly along the centerline of Starkweather Creek to the centerline of the right-of-way of the Union Pacific Railroad; thence Northwesterly and Westerly along the centerline of said right-of-way to the point of beginning. Polling place at Olbrich Gardens, 3330 Atwood Avenue.

(41) Ward 41. Beginning at the point of intersection of the centerline of East Washington Avenue and the centerline of South Fifth Street; thence Southeasterly along the centerline of South Fifth Street to the centerline of Winnebago Street; thence Southwesterly along the centerline of Winnebago Street to the centerline of La Follette Avenue; thence Easterly along the centerline of La Follette Avenue to the centerline of Division Street; thence Southerly along the centerline of Division Street to the centerline of Oakridge Avenue; thence Easterly along the centerline of Oakridge Avenue to the centerline of Schurz Avenue; thence Southerly along the centerline of Schurz Avenue to the shoreline of Lake Monona; thence Southwesterly along the shoreline of Lake Monona to the centerline of South Dickinson Street; thence Northwesterly along the centerline of South Dickinson Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the point of beginning. Polling place at O'Keefe Middle School, 510 South Thornton Avenue.

(42) Ward 42. Beginning at the point of intersection of the centerline of East Washington Avenue and the centerline of South Dickinson Street; thence Southeasterly along the centerline of South Dickinson Street to the shoreline of Lake Monona; thence Southwesterly along the shoreline of Lake Monona to the centerline of South Blair Street; thence Northwesterly along the centerline of South Blair Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the point of beginning. Polling place at Wil-Mar Neighborhood Center, 953 Jenifer Street.

(43) Ward 43. Beginning at the point of intersection of East Washington Avenue and South Blair Street; thence Southeasterly along the centerline of South Blair Street to the centerline of East Wilson Street; thence Southwesterly along the centerline of East Wilson Street to the centerline of South Butler Street; thence Northwesterly along the centerline of South Butler Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the point of beginning. Polling place at Madison Central Police District Community Room, 211 South Carroll Street. (Am. by ORD-17-00008, 1-26-17)

(44) Ward 44. Beginning at a point in the limits line of the City of Madison, said point being the Northeast corner of the Southeast ¼ of Section 12, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Westerly along the North line of the Southeast ¼ of said Section 12 (also the limits line of the City of Madison) to the shoreline of Lake Mendota; thence Southwesterly along the shoreline of Lake Mendota to the centerline of the Yahara River; thence Southeasterly along the centerline of the Yahara River to the centerline of Sherman Avenue; thence Southwesterly along the centerline of Sherman Avenue to the centerline of North Few Street; thence Southeasterly along the centerline of North Few Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the centerline of the Yahara River; thence Northwesterly along the centerline of the Yahara River to the centerline of East Johnson Street; thence Northeasterly along the centerline of East Johnson Street to the centerline of Fordem Avenue; thence Northerly along the centerline of Fordem Avenue to the point of intersection with the Easterly prolongation of the North line of the Southeast ¼ of said Section 12; thence Westerly along said Easterly prolongation to the point of beginning. Polling place at John Wall Family Pavilion in Tenney Park, 402 N. Thornton Avenue. (Am. by ORD-12-00123, 10-10-12)

(45) Ward 45. Beginning at the point of intersection of the shoreline of Lake Mendota and the Northwesterly prolongation of the centerline of North Blair Street; thence Southeasterly along said Northwesterly prolongation and the centerline of North Blair Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the centerline of North Few Street; thence Northwesterly along the centerline of North Few Street to the centerline of Sherman Avenue; thence Northeasterly along the centerline of Sherman Avenue to the centerline of the Yahara River; thence Northwesterly along the centerline of the Yahara River to the shoreline of Lake Mendota; thence Southwesterly along the shoreline of Lake Mendota to the point of beginning. Polling place at Lapham Elementary School, 1045 East Dayton Street.

(46) Ward 46. Beginning at the point of intersection of the shoreline of Lake Mendota and the Northwesterly prolongation of the centerline of North Blair Street; thence Southeasterly along said Northwesterly prolongation and the centerline of North Blair Street to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of North Webster Street; thence Northwesterly along the centerline of North Webster Street to the centerline of East Dayton Street; thence Southwesterly along the centerline of East Dayton Street to the centerline of Wisconsin Avenue; thence Northwesterly along the centerline of Wisconsin Avenue and the Northwesterly prolongation of the centerline of Wisconsin Avenue to the shoreline of Lake Mendota; thence Northeasterly along the shoreline of Lake Mendota to the point of beginning. Polling place at Gates of Heaven, 302 East Gorham Street.

(47) Ward 47. Beginning at the point of intersection of the shoreline of Lake Mendota and the Northwesterly prolongation of the centerline of Wisconsin Avenue; thence Southeasterly along said Northwesterly prolongation and the centerline of Wisconsin Avenue to the centerline of West Gorham Street; thence Southwesterly along the centerline of West Gorham Street to the centerline of North Henry Street; thence Northwesterly along the centerline of North Henry Street to the centerline of Langdon Street; thence Southwesterly along the centerline of Langdon Street to the centerline of West Lawn Place; thence Northwesterly along the centerline of West Lawn Place and the Northwesterly prolongation of the centerline of West Lawn Place to the shoreline of Lake Mendota; thence Northeasterly along the shoreline of Lake Mendota to the point of beginning. Polling place at Lowell Hall, 601 Langdon Street.

(48) Ward 48. Beginning at the point of intersection of the shoreline of Lake Mendota and the Northwesterly prolongation of the centerline of West Lawn Place; thence Southeasterly along said Northwesterly prolongation and the centerline of West Lawn Place to the centerline of Langdon Street; thence Northeasterly along the centerline of Langdon Street to the centerline of North Henry Street; thence Southeasterly along the centerline of North Henry Street to the centerline of West Gilman Street; thence Southwesterly along the centerline of West Gilman Street to the centerline of State Street; thence Westerly along the centerline of State Street to the centerline of North Frances Street; thence Northerly along the centerline of North Frances Street to the shoreline of Lake Mendota; thence Northeasterly along the shoreline of Lake Mendota to the point of beginning. Polling place at Lowell Hall, 601 Langdon Street.

(49) Ward 49. Beginning at the point of intersection of the centerline of North Henry Street and the centerline of West Gilman Street; thence Southwesterly along the centerline of West Gilman Street to the centerline of State Street; thence Westerly along the centerline of State Street to the centerline of North Lake Street; thence Southerly along the centerline of North Lake Street to the centerline of West Johnson Street; thence Easterly and Northeasterly along the centerline of West Johnson Street to the centerline of North Henry Street, thence Northwesterly along the centerline of North Henry Street to the point of beginning. Polling place at Hub Madison, 437 North Frances Street. (Am. by ORD-12-00122, 10-10-12; ORD-16-00006, 1-13-16)

(50) Ward 50. Beginning at the point of intersection of the centerline of West Johnson Street and the centerline of North Broom Street; thence Southeasterly along the centerline of North Broom Street to the centerline of West Washington Avenue; thence Southwesterly along the centerline of West Washington Avenue to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northwesterly along the centerline of said right-of-way to the centerline of East Campus Mall; thence Northerly along the centerline of East Campus Mall to the centerline of West Dayton Street; thence Easterly along the centerline of West Dayton Street to the centerline of North Frances Street; thence Northerly along the centerline of North Frances Street to the centerline of West Johnson Street; thence Easterly and Northeasterly along the centerline of West Johnson Street to the point of beginning. Polling place at Doyle Administration Building, 545 West Dayton Street.

(51) Ward 51. Beginning at the point of intersection of the centerline of West Johnson Street and the centerline of North Broom Street; thence Southeasterly along the centerline of North Broom Street to the centerline of West Washington Avenue; thence Northeasterly along the centerline of West Washington Avenue to the centerline of South Carroll Street; thence Southeasterly along the centerline of South Carroll Street to the centerline of West Main Street; thence Northeasterly along the centerline of West Main Street and the centerline of East Main Street to the centerline of South Pinckney Street; thence Northwesterly along the centerline of South Pinckney Street to the centerline of East Washington Avenue; thence Northeasterly along the centerline of East Washington Avenue to the centerline of North Webster Street; thence Northwesterly along the centerline of North Webster Street to the centerline of East Dayton Street; thence Southwesterly along the centerline of East Dayton Street to the centerline of Wisconsin Avenue; thence Northwesterly along the centerline of Wisconsin Avenue to the centerline of West Gorham Street; thence Southwesterly along the centerline of West Gorham Street to the centerline of North Henry Street; thence Southeasterly along the centerline of North Henry Street to the centerline of West Johnson Street; thence Southwesterly along the centerline of West Johnson Street to the point of beginning. Polling place at Madison Public Library, 201 West Mifflin Street. (Am. by ORD-12-00012, 1-24-12; ORD-13-00165, 10-9-13)

(52) Ward 52. Beginning at the point of intersection of the shoreline of Lake Monona and the centerline of South Blair Street; thence Northwesterly along the centerline of South Blair Street to the centerline of East Wilson Street; thence Southwesterly along the centerline of East Wilson Street to the centerline of South Butler Street; thence Northwesterly along the centerline of South Butler Street to the centerline of East Washington Avenue; thence Southwesterly along the centerline of East Washington Avenue to the centerline of South Pinckney Street; thence Southeasterly along the centerline of South Pinckney Street to the centerline of East Main Street; thence Southwesterly along the centerline of East Main Street and the centerline of West Main Street to the centerline of South Carroll Street; thence Northwesterly along the centerline of South Carroll Street to the centerline of West Washington Avenue; thence Southwesterly along the centerline of West Washington Avenue to the centerline of South Henry Street; thence Southeasterly along the centerline of South Henry Street to the centerline of South Hamilton Street; thence Southerly along the centerline of South Hamilton Street and the Southerly prolongation of the centerline of South Hamilton Street to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southwesterly along the centerline of said right-of-way of the Wisconsin & Southern Railroad to the centerline of South Broom Street; thence Southeasterly along the centerline of South Broom Street and the Southeasterly prolongation of the centerline of South Broom Street to the shoreline of Lake Monona; thence Northeasterly along the shoreline of Lake Monona to the point of beginning. Polling place at Madison Central Police District Community Room, 211 South Carroll Street. (Am. by ORD-17-00008, 1-26-17)

(53) Ward 53. Beginning at the point of intersection of the shoreline of Lake Monona and the Southeasterly prolongation of the centerline of South Broom Street; thence Northwesterly along said Southeasterly prolongation and the centerline of South Broom Street to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northeasterly along the centerline of said right-of-way of the Wisconsin & Southern Railroad to the point of intersection with the Southerly prolongation of the centerline of South Hamilton Street; thence Northerly along said Southerly prolongation and the centerline of South Hamilton Street to the centerline of South Henry Street; thence Northwesterly along the centerline of South Henry Street to the centerline of West Washington Avenue; thence Southwesterly along the centerline of West Washington Avenue to the centerline of Proudfit Street; thence Southeasterly and Northeasterly along the centerline of Proudfit Street and the centerline of North Shore Drive to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southeasterly along the centerline of said right-of-way to the shoreline of Lake Monona; thence Northeasterly along the shoreline of Lake Monona to the point of beginning. Polling place at Capitol Lakes Retirement, 333 West Main Street.

(54) Ward 54. Beginning at the point of intersection of the centerline of North Park Street and the centerline of Regent Street; thence Easterly along the centerline of Regent Street to the centerline of West Washington Avenue; thence Northeasterly along the centerline of West Washington Avenue to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Northwesterly along the centerline of said right-of-way to the centerline of East Campus Mall; thence Northerly along the centerline of East Campus Mall to the centerline of West Dayton Street; thence Westerly along the centerline of West Dayton Street to the centerline of North Park Street; thence Southerly along the centerline of North Park Street to the point of beginning. Polling place at Ogg Hall, 835 West Dayton Street, except for all elections held between June 1 and August 31 of any year, the polling place will be at the Doyle Administration Building, 545 West Dayton Street. (Am. by ORD-12-00057, 5-9-12; ORD-14-00009, 1-14-14)

(55) Ward 55. Beginning at the point of intersection of the centerline of North Park Street and the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the centerline of North Randall Avenue; thence Southerly along the centerline of North Randall Avenue to the centerline of Regent Street; thence Easterly along the centerline of Regent Street to the centerline of North Park Street; thence Northerly along the centerline of North Park Street to the point of beginning. Polling place at Porchlight, Inc., 306 North Brooks Street.

(56) Ward 56. Beginning at the point of intersection of the centerline of North Park Street and the centerline of West Dayton Street; thence Easterly along the centerline of West Dayton Street to the centerline of North Frances Street; thence Northerly along the centerline of North Frances Street to the centerline of West Johnson Street; thence Westerly along the centerline of West Johnson Street to the centerline of North Lake Street; thence Northerly along the centerline of North Lake Street to the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the centerline of North Park Street; thence Southerly along the centerline of North Park Street to the point of beginning. Polling place at Gordon Commons, 717 West Johnson Street, except for all elections held between June 1 and August 31 of any year, the polling place will be at the UW Memorial Library, 728 State Street. (Am. by ORD-12-00057, 5-9-12)

(57) Ward 57. Beginning at the point of intersection of the shoreline of Lake Mendota and the centerline of North Park Street; thence Southerly along the centerline of North Park Street to the centerline of University Avenue; thence Easterly along the centerline of University Avenue to the centerline of North Lake Street; thence Northerly along the centerline of North Lake Street to the centerline of State Street; thence Easterly along the centerline of State Street to the centerline of North Frances Street; thence Northerly along

the centerline of North Frances Street to the shoreline of Lake Mendota; thence Westerly along the shoreline of Lake Mendota to the point of beginning. Polling place at Memorial Library, 728 State Street.

(58) Ward 58. Beginning at the point of intersection of the shoreline of Lake Mendota and the Northerly prolongation of the centerline of Babcock Drive; thence Southerly and Southeasterly along said Northerly prolongation and the centerline of Babcock Drive to the centerline of University Avenue; thence Easterly along the centerline of University Avenue to the centerline of North Park Street; thence Northerly along the centerline of North Park Street to the shoreline of Lake Mendota; thence Westerly along the shoreline of Lake Mendota to the point of beginning. Polling place at the Red Gym, 716 Langdon Street. (Am. by ORD-15-00106, 10-15-15)

(59) Ward 59. Beginning at the point of intersection of the shoreline of Lake Mendota and the centerline of Willow Creek; thence Southerly along the centerline of Willow Creek to the centerline of Observatory Drive; thence Easterly along the centerline of Observatory Drive to the centerline of Babcock Drive; thence Northerly along the centerline of Babcock Drive and the Northerly prolongation of the centerline of Babcock Drive to the shoreline of Lake Mendota; thence Westerly along the shoreline of Lake Mendota to the point of beginning. Polling place at Holt Commons, 1640 Kronshage Drive, except for all elections held between June 1 and August 31 of any year, the polling place will be at the UW Memorial Union, 800 Langdon Street. (Am. by ORD-12-00057, 5-9-12)

(60) Ward 60. Beginning at the point of intersection of the shoreline of Lake Mendota and the centerline of Willow Creek; thence Southerly along the centerline of Willow Creek to the centerline of Observatory Drive; thence Easterly along the centerline of Observatory Drive to the center line of Babcock Drive; thence Southerly and Southeasterly along the centerline of Babcock Drive to the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Westerly along the centerline of said right-of-way to the centerline of Highland Avenue; thence Northerly along the centerline of Highland Avenue to the North right-of-way line of the Wisconsin & Southern Railroad (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Northerly along the limits line of the City of Madison and the Village of Shorewood Hills to the shoreline of Lake Mendota; thence Easterly, Southwesterly, Southerly, and Southeasterly along the shoreline of Lake Mendota to the point of beginning. Polling place at Eagle Heights Community Center, 611 Eagle Heights.

(61) Ward 61. Beginning at the point of intersection of the centerline of Regent Street and the centerline of North Randall Avenue; thence Northerly along the centerline of North Randall Avenue to the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Westerly along the centerline of said right-of-way to the centerline of Walnut Street; thence Southerly along the centerline of Walnut Street to the centerline of University Avenue; thence Easterly along the centerline of University Avenue to the centerline of North Allen street; thence Southerly along the centerline of North Allen Street to the centerline of Regent Street; thence Easterly along the centerline of Regent Street to the point of beginning. Polling place at First Congregational United Church, 1609 University Avenue.

(62) Ward 62. Beginning at a point of intersection of the centerline of Regent Street and the centerline of the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and Calumet Railroad); thence Southwesterly along the centerline of said right-of-way to the point of intersection with the Southerly prolongation of the West line of the Plat of Hillington, City of Madison, Dane County, Wisconsin; thence Northerly along said Southerly prolongation and the West line of said Plat of Hillington and the West line of the Plat of West Lawn Heights, City of Madison, Dane County, Wisconsin, and the Northerly prolongation of the West line of said Plat of

West Lawn Heights to the centerline of Regent Street; thence Easterly along the centerline of Regent Street to the point of beginning. Polling place at Blessed Sacrament Catholic Church, 2131 Rowley Avenue.

(63) Ward 63. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of University Avenue and the centerline of North Franklin Avenue; then Southerly along the centerline of North Franklin Avenue and the centerline of South Franklin Avenue to the centerline of Speedway Road; thence Northeasterly along the centerline of Speedway Road to the centerline of Regent Street; thence Westerly along the centerline of Regent Street to the centerline of North Allen Street; thence Northerly along the centerline of North Allen Street to the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the centerline of Walnut Street; thence Northerly along the centerline of Walnut Street to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Westerly along the centerline of said right-of-way to the centerline of Highland Avenue; thence Northerly along the centerline of Highland Avenue to the North right-of-way line of the Wisconsin & Southern Railroad (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Westerly, Southerly and Westerly along the limits line of the City of Madison and the Village of Shorewood Hills to the point of beginning. Polling place at West High School, 30 Ash Street.

(64) Ward 64. Beginning at a point in the limits line of the City of Madison and the Village of Shorewood Hills, said point being the point of intersection of the centerline of University Avenue and the centerline of North Franklin Avenue; then Southerly along the centerline of North Franklin Avenue and South Franklin Avenue to the centerline of Speedway Road; thence Southwesterly along the centerline of Speedway Road to the centerline of Glenway Street; thence Northerly along the centerline of Glenway Street to the centerline of Hillcrest Drive; thence Westerly along the centerline of Hillcrest Drive to the centerline of Bagley Parkway; thence Northwesterly along the centerline of Bagley Parkway to the centerline of Bagley Court; thence Northerly along the centerline of Bagley Court and the Northerly prolongation of the centerline of Bagley Court and the centerline of South Blackhawk Avenue and the centerline of North Blackhawk Avenue to the centerline of Bluff Street; thence Easterly along the centerline of Bluff Street to the centerline of Eugenia Avenue; thence Northerly along the centerline of Eugenia Avenue to the centerline of Harvey Street; thence Easterly along the centerline of Harvey Street to the centerline of Hill Street; thence Northerly along the centerline of Hill Street to the centerline of University Avenue (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Easterly along the limits line of the City of Madison and the Village of Shorewood Hills to the point of beginning. Polling place at Hoyt School, 3802 Regent Street.

(65) Ward 65. Beginning at the point of intersection of the centerline of the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and Calumet Railroad) and the centerline of Odana Road; thence Easterly along the centerline of Odana Road to the centerline of Monroe Street; thence Northeasterly along the centerline of Monroe Street to the centerline of Arbor Drive; thence Southeasterly and Northeasterly along the centerline of Arbor Drive to the centerline of Knickerbocker Street; thence Southeasterly along the centerline of Knickerbocker Street to the shoreline at Lake Wingra; thence Easterly along the shoreline of Lake Wingra to the point of intersection with the Southeasterly prolongation of the centerline of Edgewood Avenue; thence Northwesterly along said Southeasterly prolongation and the centerline of Edgewood Avenue to the centerline of Monroe Street; thence Northeasterly along the centerline of Monroe Street to the centerline of the right-of way of the State of Wisconsin for the Southwest Bike Path; thence Southwesterly along the centerline of said right-of-way to the point of intersection with the Southerly prolongation of the West line of the Plat Hillington, City of Madison, Dane County, Wisconsin; thence Northerly along said

Southerly prolongation and the West line of said Plat of Hillington and the West line of the Plat of West Lawn Heights, City of Madison, Dane County, Wisconsin, and the Northerly prolongation of the West line of said Plat of West Lawn Heights to the centerline of Regent Street; thence Westerly along the centerline of Regent Street to the centerline of Speedway Road; thence Southwesterly along the centerline of Speedway Road to the centerline of Glenway Street; thence Southerly along the centerline of Glenway Street to the centerline line of the right-of-way of the State of Wisconsin for the Southwest Bike Path; thence Southwesterly along the centerline of said right-of-way to the point of beginning. Polling place at Wingra School, 718 Gilmore Street. (Am. by ORD-15-00107, 10-15-15; ORD-17-00008, 1-26-17)

(66) Ward 66. Beginning at the point of intersection of the centerline of Wingra Creek and the Southwesterly prolongation of the centerline of Haywood Drive; thence Northeasterly along said Southwesterly prolongation to the centerline of South Mills Street; thence Northerly along the centerline of South Mills Street to the centerline of Vilas Park Drive; thence Northwesterly along the centerline of Vilas Park Drive to the centerline of South Orchard Street; thence Northerly along the centerline of South Orchard Street to the centerline of Erin Street; thence Westerly along the centerline of Erin Street and the Westerly prolongation of the centerline of Erin Street to the centerline of South Randall Avenue; thence Northerly along the centerline of South Randall Avenue to the centerline of Vilas Avenue; thence Easterly along the centerline of Vilas Avenue to the centerline of South Mills Street; thence Northerly along the centerline of South Mills Street to the centerline of Regent Street; thence Westerly along the centerline of Regent Street to the centerline of Monroe Street; thence Southwesterly along the centerline of Monroe Street to the centerline of Edgewood Avenue; thence Southeasterly along the centerline of Edgewood Avenue and the Southeasterly prolongation of the centerline of Edgewood Avenue to the shoreline of Lake Wingra; thence Easterly and Southeasterly along the shoreline of Lake Wingra and the centerline of Wingra Creek to the point of beginning. Polling place at St. James Catholic School, 1204 St. James Court.

(67) Ward 67. Beginning at the point of intersection of the centerline of South Mills Street and the centerline of Regent Street; thence Easterly, Southeasterly and Northeasterly along the centerline of Regent Street, the centerline of Proudfit Street and the centerline of North Shore Drive to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southeasterly along the centerline of said right-of-way to the shoreline of Lake Monona; thence Southeasterly, Westerly and Southerly along the shoreline of Lake Monona and the shoreline of Monona Bay to the point of intersection with the Easterly prolongation of the centerline of Erin Street; thence Westerly along said Easterly prolongation to the centerline of West Shore Drive; thence Northerly along the centerline of West Shore Drive to the centerline of West Washington Avenue; thence Southwesterly along the centerline of West Washington Avenue to the centerline of Vilas Avenue; thence Westerly along the centerline of Vilas Avenue to the centerline of South Mills Street; thence Northerly along the centerline of South Mills Street to the point of beginning. Polling place at Brittingham Apartments, 755 Braxton Place.

(68) Ward 68. Beginning at the point of intersection of the centerline of South Mills Street and the centerline of Haywood Drive; thence Northeasterly along the centerline of Haywood Drive and the Northeasterly prolongation of the centerline of Haywood Drive to the shoreline of Monona Bay; thence Northerly along the shoreline of Monona Bay to the point of intersection with the Easterly prolongation of the centerline of Erin Street; thence Westerly along said Easterly prolongation to the centerline of West Shore Drive; thence Northerly along the centerline of West Shore Drive to the centerline of West Washington Avenue; thence Southwesterly along the centerline of West Washington Avenue to the centerline of Vilas Avenue; thence Westerly along the centerline of Vilas Avenue to the centerline of South Randall Avenue; thence Southerly along the centerline of South Randall Avenue to the point of intersection with the Westerly prolongation of the

centerline of Erin Street; thence Easterly along said Westerly prolongation and the centerline of Erin Street to the centerline of South Orchard Street; thence Southerly along the centerline of South Orchard Street to the centerline of Vilas Park Drive; thence Southeasterly along the centerline of Vilas Park Drive to the centerline of South Mills Street; thence Southerly along the centerline of South Mills Street to the point of beginning. Polling place at Trinity United Methodist Church, 1123 Vilas Avenue.

(69) Ward 69. Beginning at the point of intersection of the Southwesterly prolongation of the centerline of Haywood Drive and the centerline of Wingra Creek; thence Southerly, Easterly and Northeasterly along the centerline of Wingra Creek to the shoreline of Lake Monona; thence Northwesterly, Westerly and Northwesterly along the shoreline of Lake Monona and Monona Bay to the point of intersection of the Northeasterly prolongation of the centerline of Haywood Drive; thence Southwesterly along said Northeasterly prolongation and the centerline of Haywood Drive and the Southwesterly prolongation of the centerline of Haywood Drive to the point of beginning. Polling Place at Bjarne Romnes Apartments, 540 West Olin Avenue.

(70) Ward 70. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of Rimrock Road and the centerline of the West Beltline Highway (U.S. Highway 12 & 18); thence Easterly along the centerline of the West Beltline Highway to a point in the limits line of the City of Madison, said point being 165 feet East of the East line of the West ½ of the Northwest ¼ of Section 30, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Easterly, Northerly, Easterly, and Northeasterly along the limits line of the City of Madison to the centerline of the Yahara River; thence Northerly along the centerline of the Yahara River to the shoreline of Lake Monona; thence Westerly along the shoreline of Lake Monona to the centerline of Wingra Creek; thence Southwesterly along the centerline of Wingra Creek to the centerline of Olin Avenue; thence Southeasterly along the centerline of Olin Avenue to the West line of the Southeast ¼ of Section 25, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin (also the limits line of the City of Madison); thence Southerly and Westerly along said limits line to the centerline of Rimrock Road; thence Southwesterly along the centerline of Rimrock Road and said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Madison. Polling place at Bridge-Lake Point-Waunona Community Center, 1917 Lake Point Drive.

(71) Ward 71. Beginning at a point in the limits line of the City of Madison, said point being on the centerline of the West Beltline Highway (U.S. Highway 12 & 18) and 165 feet East of the East line of the West ½ of the Northwest ¼ of Section 30, Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin; thence Westerly along the centerline of the West Beltline Highway to the centerline of Rimrock Road (also the limits line of the City of Madison); thence Southerly, Easterly, Northerly, Westerly, Southerly, Westerly, and Northerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Madison. Polling place at Badger Rock Middle School, 501 East Badger Road. (Am. by ORD-12-00119, 10-10-12)

(72) Ward 72. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Southerly prolongation of the West line of Lot 6, Block 2, Oak Ridge Plat, Town of Madison, Dane County, Wisconsin, and the centerline of Ridgewood Way; thence Easterly along the centerline of Ridgewood Way to the centerline of South Park Street; thence Southerly along the centerline of South Park Street to the centerline of Buick Street; thence Easterly along the centerline of Buick Street and the Easterly prolongation of the centerline of Buick Street to the West right-of-way line of the Union Pacific Railroad and the limits line of the City of Madison; thence Northerly, Easterly and Southerly along said limits line to the point of intersection of the centerline of Nygard Street and the centerline of Sunny Meade Lane; thence Westerly, Southerly and Easterly along said limits line to the point of intersection of the centerline of Nygard

Street and the centerline of Rusk Avenue; thence Northerly along the centerline of Rusk Avenue (also the east line of Section 35, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin) to the Northeast corner of said Section 35; thence Westerly along the North line of said Section 35 (also the centerline of Bram Street) to the centerline of Quann-Olin Parkway; thence Northeasterly along the centerline of Quann-Olin Parkway to the centerline of West Olin Avenue; thence Northwesterly along the centerline of Olin Avenue to the centerline of Wingra Creek; thence Southwesterly and Westerly along the centerline of Wingra Creek to the centerline of Fish Hatchery Road; thence Southwesterly and Southerly along the centerline of Fish Hatchery Road to the Westerly prolongation of the North line of Lot 1, Block 2, Sunnyslope Plat, Town of Madison, Dane County, Wisconsin and the limits line of the City of Madison; thence Easterly and Southerly along said limits line to the point of beginning. Polling place at Catholic Multicultural Center, 1862 Beld Street. (Am. by ORD-13-00210, 12-10-13; ORD-15-00108, 10-15-15; ORD-16-00064, 7-13-16)

(73) Ward 73. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Southerly prolongation of the West line of Lot 6, Block 2, Oakridge Plat, Town of Madison, Dane County, Wisconsin and the centerline of Ridgewood Way; thence Westerly along the centerline of Ridgewood Way to an extension of the East line of Lot 11, said Oakridge Plat; thence South 25 feet to the Northeast corner of Lot 11, Oakridge Plat; thence continuing South along the East lot line of Lot 11 to the Southeast corner; thence Westerly along the North line of the Second Addition to Burr Oaks plat to the Southerly row of the Union Pacific Railroad; thence Southerly along said railroad right-of-way to the centerline of Fish Hatchery Road; thence Southerly along the center line of said Fish Hatchery Road, to the centerline of Greenway Cross; thence Easterly along the centerline of Greenway Cross aka the North line of Section 3, T6N, R9E; thence S89°39'10"E, along the North line of said Section 3 to a point that is N89°39'10"W, 914.10 feet from the Northeast corner of said Section 3, measured along the North line of the Northeast ¼ of said Section 3; thence S00°20'50"W, 168.17 feet; thence S74°10'20"E, 240.25 feet to a point that is 233.00 feet South of, measured at right angles to, the North line of the Northeast ¼ of said Section 3; thence S89°39'10"E, 682.57 feet, to the East line of the Northeast ¼ of said Section 3; thence S01°58'50"E, along the East line of the Northeast ¼ of said Section 3 to a point that is 316.96 feet North of the East ¼ corner of said Section 3, measured along the East line of said Section 3; thence N71°33'54"E, 553.00 feet; thence N61°00'40"E, 589.18 feet; thence S89°00'00"E, 932.00 feet; thence S02°14'23"W, 770.00 feet to the South line of the Northwest ¼ of Section 2, T6N, R9E; thence N89°30'33"E, 726.00 feet along the South line of the Northwest ¼ of said Section 2 to the center line of Syene Road, said center line also being the East line of the Northwest ¼ of said Section 2; thence N02°17'22" East along the said center line of Syene Road to a point that is S02°17'22"W, 1,735.12 feet South of the North ¼ corner of said Section 2, measured along the said West line of the Northeast ¼ of said Section 2; thence S89°42'38"E, 394.60 feet; thence N80°47'16"E, 344.43 feet; thence N32°01'17"E, 923.45 feet; thence N05°10'49"E, 138.50 feet; thence N89°07'09"W, 1,014.20 feet, more or less, to a point that is 183.00 feet East of the West line of the Northeast ¼ of said Section 2; thence N02°17'22"W, 200.00 feet, along a line that is parallel to and 183.00 feet East of the West line of the Northeast ¼ of said Section 2; thence N89°07'09"W, 113.00 feet to a point that is 70.00 feet East of the Centerline of Syene Road, to the North Line of the Northeast ¼ of said Section 2; thence N88°32'06W, 23.07 feet; thence N11°27'49E, 67.03 feet; thence S88°33'10E, along the South line of Steward Street extended, 12.88 feet; thence Northerly and Northeasterly along a line that is parallel to and 70 feet east of the centerline of Syene Road to the North line of the Northeast ¼ of Section 2; thence Westerly 73.00 feet along the North line of the Northeast ¼ of said Section 2, to the existing center line of Syene Road; thence continuing Westerly 670.00 feet along the North line of said Section 2 to the Southeast corner of the Beltline Projects Plat, a recorded plat

in Section 35, T7N, R9E; thence North along the East line of said Beltline Projects Plat and said East line extended North, 1320 feet, more or less, to the North line of the Southeast ¼ of the Southwest ¼ of said Section 35; thence East along said North line, 640 feet, more or less, to the East line of the Southwest ¼ of said Section 35; thence Southerly along said East line of the Southwest ¼ of said Section 35, 700 feet, more or less, to a point on said East line which is 622.80 feet North of the South line of said Section 35, measured along said East line of the Southwest ¼ of said Section 35; thence East 650.00 feet on a line that is parallel to and 622.80 feet North of said South line of said Section 35; thence South on a line parallel to and 650.00 feet East of the East line of said Southwest ¼, 620 feet, more or less, to the South line of said Section 35; thence Easterly along said South line, 500 feet, more or less, to the Westerly right-of-way line of the said Chicago and Northwestern Transportation Company; thence Northerly along said Westerly right-of-way line, 620 feet, more or less, to the center line of U.S. Highway 14; thence Northwesterly along said highway center line, 680 feet, more or less; thence Northwesterly on a straight line to the point of intersection of the centerline of the West Beltline Highway (USH 12 & 18) and the East line of the Southwest ¼ of Section 35, T7N, R9E, said point being 850.00 feet South of the North line of said Southwest ¼ measured along the said East line of the said Southwest ¼ of Section 35; thence N70°38'12"E, along the centerline of said West Beltline Highway (USH 12 & 18), 1573.3 feet; thence S00°10'10"W, 447 feet, more or less; thence S30°10'10"W, 40.0 feet; thence S00°10'10"W, 85.0 feet; thence S50°01'00"W, 42.62 feet; thence S00°10'10"W, 30.0 feet; thence N70°01'10"E, 226.42 feet; thence N00°10'12"W, 3.38 feet (recorded as N00°10'12"E, 3.26); thence N70°01'10"E, 146.32 feet; thence N59°28'25"E, 82.01 feet; thence N17°57'33"W, 806.6 feet to the North line of the Southeast ¼ of Section 35, also being the centerline of East Badger Road; thence N90°00'00"W, along said North line of the Southeast ¼, 1017 feet, more or less to the point of intersection with the Southerly prolongation of the East line of lands conveyed by Document No. 3928527; thence N00°45"E, along said Southerly prolongation and East line of lands conveyed by Document No. 3928527, 290.5 feet, more or less, to the Northeast corner thereof; thence Westerly along the North line of said lands, 178.7 feet more or less, to the Northwest corner thereof, also being the Northeast corner of lands conveyed by Document No. 3133493; thence continuing Westerly along the North line of lands conveyed by Document No. 3133493, 95 feet, more or less, to the Northwest corner thereof and the Southeast corner of lands conveyed by Document No. 3160144; thence Northerly along the East line of said lands, 306.2 feet to the Southeast corner of old town parcel number 0709-351-9100-5 being part of lands conveyed by Volume 15994, Page 2 as Document No. 2265627; thence continuing Northerly along the East line of said lands, 587.5 feet to the centerline of Buick Street; thence Westerly along said centerline to the centerline of South Park Street; thence Northerly along the centerline of South Park Street to the centerline of Ridgewood Way extended; thence Westerly along the centerline of Ridgewood Way to the point of beginning. Polling Place at Village on Park, 2300 South Park Street.

Except:

(10) Part of the North ½ of the Southwest ¼ of Section 35, Town 7 North, Range 9E, Town of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at a point in the North line of the Southwest ¼ of said Section 35 which is 1,800.07 feet East of the West ¼ corner of said Section 35; thence S00°06'38"W, 299.00 feet to the Southwest corner of Lot 2, certified Survey Map No. 106; thence Southerly along the East line of lands conveyed by Document No. 3104994, 270.2 feet; thence Westerly along said East line, 35.8 feet; thence Southerly, along said East line, 109 feet, more or less to a point on the North line of Lot 4, Certified Survey Map 8914; thence N89°13'48"W, along said North line, 442.94 feet to the Northwest corner of said Lot 4, also being a point on the East line of Lot 3, said Certified Survey Map 8914; thence N00°57'06"W, along the east line of said Lot 3, 33.00 feet; thence N89°33'11"W, along the North line of said Lot 3,

also being the South line of Assessor's Plat No. 5 Town of Madison, 660.00 feet; thence continuing Westerly along the South line of Assessor's Plat No. 5 Town of Madison, 165 feet more or less to a point on the East line of Lot 2, Haase Gardens; thence N00°14'30"E, along the East line of said Lot 2, 196.07 feet to the Northeast corner thereof, also being the Southeast corner of First Addition to Haase Gardens; thence continuing N00°14'30"E, along the East line of First Addition to Haase Gardens, 200.00 feet to the Northeast corner thereof; thence N88°42'30" West on the North line of said First Addition to Haase Gardens, 200.04 feet to the East line of the Rauch Petersen Apartment Plat; thence North on the said East line and the Northerly prolongation of said East line to the South line of the Northwest ¼ of said Section 35; thence East along the said South line of said Northwest ¼ to the point of beginning.

NOTE: Refer to 53W0286 Badger-Ann-Park Street Attachment Revised Island Exception No. 10-01/29/2007etp

(Cr. by ORD-13-00140, 8-14-13)

(74) Ward 74. Beginning at the point of intersection of the centerline of the Union Pacific Railroad and the centerline of Post Road; thence Easterly along the centerline of Post Road to the point of intersection with the Southerly prolongation of the East line of Lot 91, Bowman Heights Plat, City of Madison, Dane County, Wisconsin; thence Northerly along said Southerly prolongation and the East line of said Bowman Heights Plat to the Northeast corner of Lot 83, said Bowman Heights Plat; thence Westerly along the North line of said Bowman Heights Plat to the East line of Lot 48, said Bowman Heights Plat; thence Northerly along the East line of said Bowman Heights Plat to the Northeast corner of Lot 12, said Bowman Heights Plat (also the South line of Section 34, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin); thence Easterly along the South line of said Section 34 to a point in the limits line of the City of Madison, said point being 162 feet more or less West of the centerline of Bryant Street, measured along the South line of said Section 34; thence Northerly along said limits line to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Westerly along the centerline of the West Beltline Highway to the centerline of the right-of-way of the Union Pacific Railroad; thence Southwesterly along the centerline of said right-of-way to the point of beginning. Polling place at Leopold Elementary School, 2602 Post Road.

(75) Ward 75. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the North line of Carver Street and the West line of Section 35, Town 8 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Easterly on the Easterly prolongation of the North line of Carver Street to the centerline of Fish Hatchery Road; thence Northeasterly along the centerline of Fish Hatchery Road to the centerline of Wingra Creek; thence Northerly and Northwesterly along the centerline of Wingra Creek to the shoreline of Lake Wingra; thence Westerly along the shoreline of Lake Wingra to the centerline of Knickerbocker Street; thence Northwesterly along the centerline of Knickerbocker Street to the centerline of Arbor Drive; thence Southwesterly and Northwesterly along the centerline of Arbor Drive to the centerline of Monroe Street; thence Southwesterly along the centerline of Monroe Street to the point of intersection with the Northwesterly prolongation of the Northeast line of Lot 5, Block 31, Plat C of Blocks 30-33, Nakoma, City of Madison, Dane County, Wisconsin; thence Southeasterly along said Northwesterly prolongation and the Northeast line of said Lot 5 to the Southeast corner of said Lot 5; thence Southwesterly along the East line of Lots 5, 4, 3A, 3 and 2, said Block 31, Plat C of Blocks 30-33, Nakoma to the Southeast corner of said Lot 2; thence Westerly along the South line of said Lot 2 and the Westerly prolongation of the South line of said Lot 2 to the centerline of Nakoma Road; thence Southerly and Southwesterly along the centerline of Nakoma Road to the centerline of Manitou Way; thence Southwesterly along the centerline of Manitou Way to the point of intersection with the North line of Section 33, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence North 89 degrees, 23 minutes, 17 seconds East 1485 feet more

or less along the North line of said Section 33 (also the North line of the Nakoma Golf Club property) to the Northeast corner of the Northwest ¼ of said Section 33; thence South 00 degrees, 14 minutes, 48 seconds East 677.22 feet; thence South 16 degrees, 59 minutes, 45 seconds East 694.00 feet; thence South 00 degrees, 14 minutes, 48 seconds East 1339.03 feet; thence North 89 degrees, 48 minutes, 02 seconds West 200.01 feet to the Southeast corner of the Northwest ¼ of said Section 33; thence North 89 degrees, 58 minutes, 32 seconds West, 1360 feet more or less to the centerline of McCaffrey Drive; thence Westerly along the centerline of McCaffrey Drive to the centerline of Seminole Highway; thence Southerly along the centerline of Seminole Highway to the point of intersection with the Westerly prolongation of the North line of Lot 17, Westwood Plat, City of Madison, Dane County, Wisconsin; thence Easterly along said Westerly prolongation and the North line of said Lot 17 to the Northeast corner of said Lot 17; thence Southerly along the East line of said Westwood plat and the Southerly prolongation of the East line of said Westwood Plat to the North line of the West Beltline Highway (US Highway 12 & 14); thence Westerly along said North line to the centerline of Seminole Highway; thence Southerly along the centerline of Seminole Highway to the North line of Section 5, Town 6 North, Range 9 East, Town of Fitchburg, Dane County, Wisconsin and the limits line of the City of Madison; thence Easterly, Northerly, Easterly, Southerly and Westerly along said limits line to the Northwest corner of the Northeast ¼ of Section 4, Town 6 North, Range 9 East, Town of Fitchburg, Dane County, Wisconsin; thence Southerly along the West line of the Northeast ¼ of said Section 4 (also the West line of the Arbor Hills Plat, City of Madison, Dane County, Wisconsin) to the South right-of-way line of the Union Pacific Railroad; thence Southeasterly and Northeasterly along said South right-of-way line to the centerline of Post Road; thence Easterly along the centerline of Post Road to the point of intersection with the Southerly prolongation of the East line of Lot 91, Bowman Heights Plat, City of Madison, Dane County, Wisconsin; thence Northerly along said Southerly prolongation and the East line of said Bowman Heights Plat to the Northeast corner of Lot 83, said Bowman Heights Plat; thence Westerly along the North line of said Bowman Heights Plat to the East line of Lot 48, said Bowman Heights Plat; thence Northerly along the East line of said Bowman Heights Plat to the Northeast corner of Lot 12, said Bowman Heights Plat (also the South line of Section 34, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin); thence Easterly along the South line of said Section 34 to a point in the limits line of the City of Madison, said point being 162 feet more or less West of the centerline of Bryant Street, measured along the South line of said Section 34; thence Northerly and Easterly along said limits line to the point of intersection with the centerline of the West Beltline Highway (US Highway 12 & 14) and the centerline of Fish Hatchery Road; thence Northeasterly and Northerly along the centerline of Fish Hatchery Road to the South line of the Northeast ¼ of the Northeast ¼ of said Section 34 and the limits line of the City of Madison; thence Westerly, Northerly and Easterly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Madison. Polling place at Leopold Elementary at 2602 Post Road. (Am. by ORD-12-00120, 10-10-12; ORD-13-00017, 2-12-13; ORD-13-00210, 12-10-13)

(76) Ward 76. Beginning at a point in the limits line of the City of Madison and the City of Fitchburg, said point being the point of intersection of the South line of Section 32, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin, and the centerline of Seminole Highway; thence Northeasterly along the centerline of Seminole Highway to the centerline of the West Beltline Highway (U.S. Highway 12 &14); thence Westerly and Northwesterly along the centerline of the West Beltline Highway to the centerline of Verona Road (U.S. Highway 18 & 151); thence Southwesterly along the centerline of Verona Road to the limits line of the City of Madison and the City of Fitchburg; thence

Southerly, Easterly, Northerly, Easterly and Northeasterly along said limits line to the point of beginning. Polling Place at Revival Ridge Apartments, 2313 Allied Drive. (Am. by ORD-13-00166, 10-9-13; ORD-15-00027, 3-11-15)

(77) Ward 77. Beginning at a point in the limits line of the City of Madison and the City of Fitchburg, said point being the Northerly prolongation of the East line of Lot 127, Third Addition to Meadowood, City of Madison, Dane County, Wisconsin, and the centerline of Raymond Road (also the South line of Section 31, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin); thence Westerly along the centerline of Raymond Road to the centerline of Gilbert Road; thence Northerly along the centerline of Gilbert Road to the centerline of Russett Road; thence Westerly along the centerline of Russett Road to the centerline of South Whitney Way; thence Northerly along the centerline of South Whitney Way to the centerline of Crabapple Lane; thence Westerly along the centerline of Crabapple Lane to the West line of Section 31, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Northerly along the West line of said Section 31 to the centerline of Hammersley Road; thence Easterly along the centerline of Hammersley Road to the centerline of South Whitney Way; thence Northerly, Northeasterly and Northerly along the centerline of South Whitney Way to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Southeasterly along the centerline of the West Beltline Highway to the centerline of Verona Road (U.S. Highway 18 & 151); thence Southwesterly along the centerline of Verona Road to the limits line of the City of Madison and the City of Fitchburg; thence Northerly and Westerly along said limits line to the point of beginning. Polling place at Toki Middle School, 5606 Russett Road.

(78) Ward 78. Beginning at the point of intersection of the centerline of Monroe Street and Northwesterly prolongation of the Northeast line of Lot 5, Block 31, Plat C of Blocks 30-33, Nakoma, City of Madison, Dane County, Wisconsin, thence Southeasterly along said Northwesterly prolongation and the Northeast line of said Lot 5 to the Southeast corner of said Lot 5; thence Southwesterly along the East line of Lots 5, 4, 3A, 3 and 2, said Block 31, Plat C of Blocks 30-33, Nakoma to the Southeast corner of said Lot 2; thence Westerly along the South line of said Lot 2 and the Westerly prolongation of the South line of said Lot 2 to the centerline of Nakoma Road; thence Southerly and Southwesterly along the centerline of Nakoma Road to the centerline of Manitou Way; thence Southwesterly along the centerline of Manitou Way to the point of intersection with the North line of Section 33, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence North 89 degrees, 23 minutes, 17 seconds East 1485 feet more or less along the North line of said Section 33 (also the North line of the Nakoma Golf Club property) to the Northeast corner of the Northwest ¼ of said Section 33; thence South 00 degrees, 14 minutes, 48 seconds East 677.22 feet; thence South 16 degrees, 59 minutes, 45 seconds East 694.00 feet; thence South 00 degrees, 14 minutes, 48 seconds East 1339.03 feet; thence North 89 degrees, 48 minutes, 02 seconds West 200.01 feet to the Southeast corner of the Northwest ¼ of said Section 33; thence North 89 degrees, 58 minutes, 32 seconds West, 1360 feet more or less to the centerline of McCaffrey Drive; thence Westerly along the centerline of McCaffrey Drive to the centerline of Seminole Highway; thence Southerly along the centerline of Seminole Highway to the point of intersection with the Westerly prolongation of the North line of Lot 17, Westwood Plat, City of Madison, Dane County, Wisconsin; thence Easterly along said Westerly prolongation and the North line of said Lot 17 to the Northeast corner of said Lot 17; thence Southerly on the East line of said Westwood Plat and the Southerly prolongation of the East line of said Westwood Plat to the North line of the West Beltline Highway (US Highway 12 & 14); thence Westerly along said North line to the centerline of Seminole Highway; thence Southerly along the centerline of Seminole Highway to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Westerly and Northwesterly along the West Beltline Highway to the centerline of the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and

Calumet Railroad); thence Northeasterly along the centerline of said right-of-way to the centerline of Odana Road; thence Easterly along the centerline of Odana Road to the centerline of Monroe Street and the point of beginning. Polling place at Thoreau Elementary School, 3870 Nakoma Road.

(79) Ward 79. Beginning at the point of intersection of the centerline of South Midvale Boulevard and the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the centerline of South Whitney Way; thence Southerly along the centerline of South Whitney Way to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Southeasterly along the centerline of the West Beltline Highway to the centerline of the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and Calumet Railroad); thence Northerly and Northeasterly along the centerline of said right-of-way to the centerline of South Midvale Boulevard; thence Northerly along the centerline of South Midvale Boulevard to the point of beginning. Polling place at Sequoya Branch Library, 4340 Tokay Boulevard. (Am. by ORD-12-00121, 10-10-12)

(80) Ward 80. Beginning at the point of intersection of the centerline of Odana Road and the centerline of South Midvale Boulevard; thence Southerly along the centerline of South Midvale Boulevard to the centerline of the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and Calumet Railroad); thence Northeasterly along the centerline of said right-of-way to the centerline of Odana Road; thence Westerly along the centerline of Odana Road to the point of beginning. Polling place at Midvale Elementary School, 502 Caromar Drive.

(81) Ward 81. Beginning at the point of intersection of the centerline of Glenway Street and the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the centerline of South Midvale Boulevard; thence Southerly along the centerline of South Midvale Boulevard to the centerline of Odana Road; thence Easterly along the centerline of Odana Road to the right-of-way of the State of Wisconsin for the Southwest Bike Path (formerly the right-of-way of the Wisconsin and Calumet Railroad); thence Northeasterly along the centerline of said right-of-way to the centerline of Glenway Street; thence Northerly along the centerline of Glenway Street to the point of beginning. Polling place at Midvale Elementary School, 502 Caromar Drive.

(82) Ward 82. Beginning at the point of intersection of the centerline of Mineral Point Road and the centerline of Glenway Street thence Northerly along the centerline of Glenway Street to the centerline of Hillcrest Drive; thence Westerly along the centerline of Hillcrest Drive to the centerline of Bagley Parkway; thence Northwesterly along the centerline of Bagley Parkway to the centerline of Bagley Court; thence Northerly along the centerline of Bagley Court and the Northerly prolongation of the centerline of Bagley Court and the centerline of South Blackhawk Avenue and the centerline of North Blackhawk Avenue to the centerline of Bluff Street; thence Easterly along the centerline of Bluff Street to the centerline of Eugenia Avenue; thence Northerly along the centerline of Eugenia Avenue to the centerline of Harvey Street; thence Easterly along the centerline of Harvey Street to the centerline of Hill Street; thence Northerly along the centerline of Hill Street to the centerline of University Avenue (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Westerly along the limits line of the City of Madison and Village of Shorewood Hills to the point of intersection with the Northerly prolongation of the centerline of North Midvale Boulevard; thence Southerly along said Northerly prolongation and the centerline of North Midvale Boulevard and the centerline of South Midvale Boulevard to the centerline of Mineral Point Road; thence Easterly along the centerline of Mineral Point Road to the point of beginning. Polling place at Hoyt School, 3802 Regent Street.

(83) Ward 83. Beginning at the point of intersection of the centerline of Mineral Point Road and the centerline of South Midvale Boulevard; thence Northerly along the centerline of South Midvale Boulevard to the centerline of Regent Street; thence Westerly along the

centerline of Regent Street to the centerline of South Whitney Way; thence Southerly along the centerline of South Whitney Way to the centerline of Mineral Point Road; thence Easterly along the centerline of Mineral Point Road to the point of beginning. Polling place at Covenant Presbyterian Church, 326 South Segoe Road.

(84) Ward 84. Beginning at a point in the limits line of the City of Madison and the Village of Shorewood Hills, said point being the point of intersection of the North line of Section 20, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin, and the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southwesterly along the centerline of said right-of-way to the centerline of North Whitney Way; thence Southerly along the centerline of North Whitney Way to the centerline of Regent Street; thence Easterly along the centerline of Regent Street to the centerline of North Midvale Boulevard; thence Northerly along the centerline of North Midvale Boulevard and the Northerly prolongation of the centerline of North Midvale Boulevard to the North line of said Section 20 (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Westerly along the limits line of the City of Madison and the Village of Shorewood Hills to the point of beginning. Polling place at Hill Farms State Office Building, 4802 Sheboygan Avenue.

(85) Ward 85. Beginning at the point of intersection of the centerline of North Whitney Way and the centerline of Old Middleton Road; thence Westerly along the centerline of Old Middleton Road to the centerline of Old Sauk Road; thence Westerly along the centerline of Old Sauk Road to the point of intersection with the Northerly prolongation of the West line of the Crestwood Plat, City of Madison, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the West line of said Crestwood Plat to the North line of the Second Addition to Faircrest Plat, City of Madison, Dane County, Wisconsin; thence Westerly along the North line of said Second Addition to Faircrest Plat and the North line of the Third Addition to Faircrest Plat, City of Madison, Dane County, Wisconsin, to a point on the Northwest line of Lot 101 of said Third Addition to Faircrest Plat, said point being 98.03 feet West of the Northeast corner of said Lot 101; thence Southwesterly along the Northwest lines of Lots 101 through 107, inclusive, said Third Addition to Faircrest Plat and the Southwesterly prolongation of the Northwest line of Lot 107 of said Third Addition to Faircrest Plat to the centerline of Inner Drive; thence Southeasterly and Southerly along the centerline of Inner Drive to the centerline of Mineral Point Road; thence Easterly along the centerline of Mineral Point Road to the centerline of South Whitney Way; thence Northerly along the centerline of South Whitney Way and North Whitney Way to the point of beginning. Polling place at Stephens Elementary School, 120 South Rosa Road.

(86) Ward 86. Beginning at a point in the limits line of the City of Madison and the City of Middleton, said point being the point of intersection of the Northeast right-of-way line of the Wisconsin & Southern Railroad and the Southeast line of Lot 36, Stonefield Meadows Plat, City of Middleton, Dane County, Wisconsin; thence Southwesterly along the Southwesterly prolongation of the Southeast line of Lot 36, said Stonefield Meadows Plat to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southeasterly and Easterly along the centerline of said right-of-way to the point of intersection with the North line of Section 20, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin (also the limits line of the City of Madison and the Village of Shorewood Hills); thence Westerly, Northerly, Easterly, and Northerly along the limits line of the City of Madison and the Village of Shorewood Hills to the shoreline of Lake Mendota; thence Northwesterly along the shoreline of Lake Mendota to the South line of the Plat of Oak Beach, City of Middleton, Dane County, Wisconsin (also the limits line of the City of Madison and the City of Middleton); thence Westerly, Southerly, Northwesterly and Southerly along the limits line of the City of Madison to the point of beginning. Polling place at Spring Harbor Middle School, 1110 Spring Harbor Drive.

(87) Ward 87. Beginning at a point in the limits line of the City of Madison and the City of Middleton, said point being the point of intersection of the Northeast right-of-way of the Wisconsin & Southern Railroad and the Southeast line of Lot 36, Stonefield Meadows Plat, City of Middleton, Dane County, Wisconsin; thence Southwesterly along the Southwesterly prolongation of the Southeast line of Lot 36, said Stonefield Meadows Plat to the centerline of the right-of-way of the Wisconsin & Southern Railroad; thence Southeasterly and Easterly along the centerline of said right-of-way to the centerline of North Whitney Way; thence Southerly along the centerline of North Whitney Way to the centerline of Old Middleton Road; thence Westerly along the centerline of Old Middleton Road to the centerline of Old Sauk Road; thence Westerly along the centerline of Old Sauk Road to the point of intersection with the Northerly prolongation of the West line of the Crestwood Plat, City of Madison, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the West line of said Crestwood Plat to the North line of the Second Addition to Faircrest Plat, City of Madison, Dane County, Wisconsin; thence Westerly along the North line of said Second Addition to Faircrest Plat and the North line of the Third Addition to Faircrest Plat, City of Madison, Dane County, Wisconsin, to a point on the Northwest line of Lot 101 of said Third Addition to Faircrest Plat, said point being 98.03 feet West of the Northeast corner of said Lot 101; thence Southwesterly along the Northwest lines of Lots 101 through 107, inclusive, said Third Addition to Faircrest Plat and the Southwesterly prolongation of the Northwest line of Lot 107 of said Third Addition to Faircrest Plat to the centerline of Inner Drive; thence Westerly and Northerly along the centerline of Inner Drive to the centerline of Everglade Drive; thence Northerly along the centerline of Everglade Drive to the centerline of Old Sauk Road; thence Northwesterly and Westerly along the centerline of Old Sauk Road to the centerline of North Gammon Road; thence Northerly along the centerline of North Gammon Road to the North line of the Southwest ¼ of Section 13, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin and the limits line of the City of Madison and City of Middleton; thence Easterly, Northerly and Easterly along the limits line of the City of Madison and City of Middleton to the point of beginning. Polling place at John Muir Elementary School, 6602 Inner Drive. (Am. by ORD-17-00032, 3-17-17)

(88) Ward 88. Beginning at a point in the limits line of the City of Madison and the City of Middleton, said point being the point of intersection of the North line of the Southwest ¼ of Section 13, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, and the centerline of North Gammon Road; thence Southerly along the centerline of North Gammon Road to the centerline of Old Sauk Road; thence Southwesterly and Westerly along the centerline of Old Sauk Road to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Northerly along the centerline of the West Beltline Highway to the limits line of the City of Madison and the City of Middleton; thence Easterly, Northeasterly and Easterly along the limits line of the City of Madison and City of Middleton to the point of beginning. Polling place at Alicia Ashman Branch Library, 733 North High Point Road.

(89) Ward 89. Beginning at the point of intersection of the centerline of South Whitney Way and the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the centerline of Island Drive; thence Northerly, Westerly and Northerly along the centerline of Island Drive and the centerline of Inner Drive to the centerline of Everglade Drive; thence Northerly along the centerline of Everglade Drive to the centerline of Old Sauk Road; thence Northwesterly and Westerly along the centerline of Old Sauk Road to the centerline of North Gammon Road; thence Southerly along the centerline of North Gammon Road and the centerline of South Gammon Road to the centerline of the West Beltline Highway (U.S. Highway 12 & 18); thence Easterly and Southeasterly along the centerline of the West Beltline Highway to the centerline of South Whitney Way; thence Northerly along the centerline of South Whitney Way to the point of beginning. Polling place at Oakwood Village West, 6205 Mineral Point Road.

(90) Ward 90. Beginning at the point of intersection of the centerline of the West Beltline Highway (U.S. Highway 12 & 14) and the centerline of South Gammon Road; thence Southerly along the centerline of South Gammon Road to the centerline of Schroeder Road; thence Easterly along the centerline of Schroeder Road to the centerline of South Whitney Way; thence Northerly along the centerline of South Whitney Way to the centerline of the West Beltline Highway; thence Northwesterly and Westerly along the centerline of the West Beltline Highway to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton. Polling place at Madison Ice Arena, 725 Forward Drive.

(91) Ward 91. Beginning at the point of intersection of the centerline of Hammersley Road and the centerline of South Whitney Way; thence Northerly, Northeasterly and Northerly along the centerline line of South Whitney Way to the centerline of Schroeder Road; thence Westerly along the centerline of Schroeder Road to the point of intersection with the Northerly prolongation of the East line of Lot 2, Certified Survey Map Number 862, City of Madison, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the East line of said Lot 2 and the Southerly prolongation of the East line of said Lot 2 to the centerline of McKenna Boulevard; thence Southeasterly along the centerline of McKenna Boulevard to the centerline of Hammersley Road; thence Northeasterly and Easterly along the centerline of Hammersley Road to the point of beginning, excepting therefrom those portions of territories now in the Town of Madison and the Town of Middleton. Polling place at Falk Elementary School, 6323 Woodington Way.

(92) Ward 92. Beginning at the point of intersection of the centerline of McKenna Boulevard and the centerline of Raymond Road; thence Easterly along the centerline of Raymond Road to the West line of Section 31, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Northerly along the West line of said Section 31 to the centerline of Hammersley Road; thence Westerly along the centerline of Hammersley Road to the centerline of McKenna Boulevard; thence Southeasterly and Southerly along the centerline of McKenna Boulevard to the point of beginning. Polling place at Meadowridge Library, 5726 Raymond Road. (Am. by ORD-14-00007, 1-14-14; ORD-15-00121, 10-28-15)

(93) Ward 93. Beginning at the point of intersection of the centerline of Raymond Road and the West line of Section 31, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin; thence Northerly along the West line of said Section 31 (also the West line of the First Addition to Meadowood, City of Madison, Dane County, Wisconsin) to the centerline of Crabapple Lane; thence Easterly along the centerline of Crabapple Lane to the centerline of South Whitney Way; thence Southwesterly along the centerline of South Whitney Way to the centerline of Russett Road; thence Easterly along the centerline of Russett Road to the centerline of Gilbert Road; thence Southerly along the centerline of Gilbert Road to the centerline of Raymond Road; thence Westerly along the centerline of Raymond Road to the point of beginning. Polling place at Good Shepherd Lutheran Church, 5701 Raymond Road.

(94) Ward 94. Beginning at a point in the limits line of the City of Madison and the City of Fitchburg, said point being the point of intersection of the South line of the Meadowood Drive Addition to Meadowood, City of Madison, Dane County and the centerline of Tanager Trail; thence Northerly and Northwesterly along the centerline of Tanager Trail to the centerline of Riva Road; thence Northerly along the centerline of Riva Road to the centerline of Raymond Road; thence Easterly along the centerline of Raymond Road to a point in the limits line of the City of Madison and the City of Fitchburg, said point being the point of intersection of the centerline of Raymond Road and the Northerly prolongation of the East line of Lot 127, Third Addition to Meadowood, City of

Madison, Dane County, Wisconsin; thence Southerly and Westerly along the limits line of the City of Madison and City of Fitchburg to the point of beginning. Polling place at Good Shepherd Lutheran Church, 5701 Raymond Road.

(95) Ward 95. Beginning at a point in the limits line of the City of Madison and the City of Fitchburg, said point being the point of intersection of the centerline of Williamsburg Way and the East line of Section 1, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin; thence Westerly along the centerline of Williamsburg Way and the centerline of Putnam Road to the centerline of McKenna Boulevard; thence Southwesterly along the centerline of McKenna Boulevard to the centerline of Lancaster Lane; thence Westerly along the centerline of Lancaster Lane to the centerline of Muirfield Road; thence Northerly along the centerline of Muirfield Road to the centerline of Lindfield Road; thence Easterly along the centerline of Lindfield Road to the centerline of Whitlock Road; thence Northerly and Easterly along the centerline of Whitlock Road and the centerline of Pilgrim Road to the centerline of McKenna Boulevard; thence Northerly along the centerline of McKenna Boulevard to the centerline of Raymond Road; thence Easterly along the centerline of Raymond Road to the centerline of Riva Road; thence Southerly and Southwesterly along the centerline of Riva Road to the centerline of Tanager Trail; thence Southeasterly and Southerly along the centerline of Tanager Trail to the South line of the Meadowood Drive Addition to Meadowood, City of Madison, Dane County, Wisconsin, also the limits line of the City of Madison and City of Fitchburg; thence Westerly and Southerly along said limits line to the point of beginning. Polling place at Meadowridge Library, 5726 Raymond Road. (Am. by ORD-15-00121, 10-28-15)

(96) Ward 96. Beginning at a point in the limits line of the City of Madison and the City of Fitchburg, said point being the point of intersection of the East line of Section 1, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin, and the centerline of McKee Road; thence Westerly along the centerline of McKee Road to the centerline of Maple Grove Drive; thence Northerly along the centerline of Maple Grove Drive to the centerline of Putnam Road; thence Easterly along the centerline of Putnam Road and the centerline of Williamsburg Way to the East line of said Section 1, also the limits line of the City of Madison and City of Fitchburg; thence Southerly along said limits line to the point of beginning. Polling place at Heritage Congregational Church, 3102 Prairie Road.

(97) Ward 97. Beginning at a point in the limits line of the City of Madison, said point being the Northeast corner of the Northwest ¼ of the Southwest ¼ of Section 12, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin (also the centerline of Maple Grove Drive); thence Northerly along the centerline of Maple Grove Drive to the centerline of McKee Road; thence Easterly along the centerline of McKee Road to the East line of said Section 12 (also the limits line of the City of Madison and the City of Fitchburg); thence Southerly along the East line of said Section 12 to the South line of the Northeast ¼ of said Section 12; thence Westerly along the South line of the Northeast ¼ of said Section 12 to the East line of the Northwest ¼ of the Southeast ¼ of said Section 12; thence Southerly along the East line of the Northwest ¼ of the Southeast ¼ of said Section 12 (also the East line of the Daniel Addition to Sandstone Ridge Plat, City of Madison, Dane County, Wisconsin) to the South line of the Northwest ¼ of the Southeast ¼ of said Section 12; thence Westerly 572.44 feet along the South line of the Northwest ¼ of the Southeast ¼ of said Section 12 (also the South line of said Daniel Addition to Standstone Ridge Plat) to a point in the limits line of the City of Madison; thence Southerly, Westerly and Northerly along said limits line to the point of beginning. Polling place at St. Mary's Care Center, 3401 Maple Grove Drive.

(98) Ward 98. Beginning at a point in the limits line of the City of Madison, said point being the Northeast corner of the Northwest ¼ of the Southwest ¼ of Section 12, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin (also the centerline of Maple Grove Drive); thence Northerly along the centerline of Maple Grove Drive to the centerline of McKee Road; thence Westerly along the centerline of McKee Road and the

North line of Section 11, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin to a point, said point being 295.18 feet East of the Northwest corner of said Section 11, measured along the North line of said Section 11; thence South 00°13'03" West 295.18 feet parallel to the West line of said Section 11; thence North 89°08'17" West 295.18 feet parallel to the North line of said Section 11 to the West line of said Section 11; thence South 00°13'03" West 2,340.14 feet along the West line of said Section 11 to the South line of the Northwest ¼ of said Section 11; thence South 89°16'25" East along the South line of the Northwest ¼ of said Section 11 to a point, said point being 749.10 feet West of the Southeast corner of the Northwest ¼ of said Section 11; thence South 00°23'59" West 2,648.76 feet to the South line of said Section 11; thence continuing South 00°23'59" West 13.50 feet to the South line of Cross Country Road and the limits line of the City of Madison; thence Easterly, Northwesterly, Westerly, Northerly and Easterly along said limits line to the point of beginning. Polling place at Chavez Elementary School, 3502 Maple Grove Drive.

(99) Ward 99. Beginning at the point of intersection of the centerline of McKee Road and the centerline of Maple Grove Drive; thence Northerly along the centerline of Maple Grove Drive to the centerline of Putnam Road; thence Westerly along the centerline of Putnam Road to the centerline of McKenna Boulevard; thence Southwesterly along the centerline of McKenna Boulevard to the centerline of Lancaster Lane; thence Westerly along the centerline of Lancaster Lane to the centerline of Muirfield Road; thence Southerly along the centerline of Muirfield Road to the centerline of McKee Road; thence Easterly along the centerline of McKee Road to the point of beginning. Polling place at Heritage Congregational Church, 3102 Prairie Road. (Am. by ORD-16-00029, 3-9-16)

(100) Ward 100. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Northerly prolongation of the West line of Lot 1, Certified Survey Map 9644, City of Madison, Dane County, Wisconsin, and the North line of Section 2, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin; thence Easterly along the North line of said Section 2 to the centerline of Raymond Road; thence Southwesterly along the centerline of Raymond Road to the centerline of Muirfield Road; thence Southerly along the centerline of Muirfield Road to the centerline of McKee Road; thence Westerly along the centerline of McKee Road to the West line of the East ½ of the Southeast ¼ of Section 3, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin; thence Northerly along said West line to the North line of Raymond Road and the limits line of the City of Madison; thence Northeasterly and Northerly along said limits line to the point of beginning. Polling place at McKee Clinic, 3102 Meriter Way.

(101) Ward 101. Beginning at a point of intersection of the centerline of McKenna Boulevard and the centerline of Raymond Road; thence Westerly and Southwesterly along the centerline of Raymond Road to the centerline of Muirfield Road; thence Southerly and Southeasterly along the centerline of Muirfield Road to the centerline of Lindfield Road; thence Easterly along the centerline of Lindfield Road to the centerline of Whitlock Road; thence Northerly and Easterly along the centerline of Whitlock road and the centerline of Pilgrim Road to the centerline of McKenna Boulevard; thence Northerly along the centerline of McKenna Boulevard to the point of beginning. Polling place at Elver Park Shelter, 1250 McKenna Boulevard. (Am. by ORD-16-00030, 3-9-16)

(102) Ward 102. Beginning at the point of intersection of the centerline of Raymond Road and the centerline of McKenna Boulevard; thence Northerly along the centerline of McKenna Boulevard to the centerline of New Washburn Way; thence Westerly along the centerline of New Washburn Way to the centerline of South High Point Road; thence Southerly along the centerline of South High Point Road to the North line of Section 2, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin (also the centerline of Mid-Town Road); thence Easterly along the North line of said Section 2 and the North line of Section 1, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin

(also the centerline of Raymond Road) to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton. Polling place at Elver Park Shelter, 1250 McKenna Boulevard. (Am. by ORD-16-00030, 3-9-16)

(103) Ward 103. Beginning at the point of intersection of the centerline of South Gammon Road and the centerline of Schroeder Road; thence Easterly along the centerline of Schroeder Road to the point of intersection with the Northerly prolongation of the East line of Lot 2, Certified Survey Map Number 862, City of Madison, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the East line of said Lot 2 and the Southerly prolongation of the East line of said Lot 2 to the centerline of McKenna Boulevard; thence Northwesterly and Northerly along the centerline of McKenna Boulevard and the centerline of South Gammon Road to the point of beginning. Polling place at Madison Police West District, 1710 McKenna Boulevard. (Am. by ORD-14-00008, 1-14-14; ORD-16-00031, 3-9-16)

(104) Ward 104. Beginning at the point of intersection of the centerline of the West Beltline Highway (U.S. Highway 12 & 14) and the centerline of South High Point Road; thence Southerly along the centerline of South High Point to the centerline of New Washburn Way; thence Southeasterly along the centerline of New Washburn Way to the centerline of McKenna Boulevard; thence Northerly along the centerline of McKenna Boulevard and the centerline of South Gammon Road to the centerline of the West Beltline Highway; thence Westerly along the centerline of the West Beltline Highway to the point of beginning. Polling place at Madison Ice Arena, 725 Forward Drive.

(105) Ward 105. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West line of South Pleasant View Road (County Highway M) and the South line of McKee Road; thence Westerly along the South line of McKee Road to the centerline of South Pleasant View Road; thence Northerly along the centerline of South Pleasant View Road to the Westerly prolongation of the South line of Lot 1, Block 3, West View Hills Plat, City of Madison, Dane County, Wisconsin; thence Easterly along said Westerly prolongation and the South line of said West View Hills Plat to the East line of said West View Hills Plat; thence Northerly along said East line to a point in the limits line of the City of Madison, said point being 400 feet more or less South of the North line of Section 34, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, measured along the East line of said West View Hills Plat; thence Easterly along said limits line to the centerline of South High Point Road; thence Southerly along the centerline of South High Point Road to the centerline of Mid-Town Road; thence Westerly along the centerline of Mid-Town Road to the East line of Jeffy Trail and the limits line of the City of Madison; thence Southerly, Westerly, Southerly and Easterly along said limits line to the Northeast corner of Lot 42, First Addition to Hawk's Creek, City of Madison, Dane County, Wisconsin; thence Southerly and Westerly along said limits line to the Southeast corner of Outlot 5, Stone Crest Estates Plat, City of Madison, Dane County, Wisconsin; thence Westerly and Southerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton and the Town of Verona. Polling place at Coventry Village, 7707 Brookline Drive.

(106) Ward 106. Beginning at a point in the limits line of the City of Madison, said point being the South line of McKee Road and the centerline of South Pleasant View Road; thence Northerly along the centerline of South Pleasant View Road to the centerline of Valley View Road; thence Westerly along the centerline of Valley View Road to the West line of Sugar Maple Lane and the limits line of the City of Madison; thence Southerly and Westerly along said limits line to the Northwest corner of Outlot 1, Hawk's Woods Plat, City of Madison, Dane County, Wisconsin; thence Southerly and Easterly along said limits line to the Northwest corner of the Northeast ¼ of the Northwest ¼ of Section 4, Town 6 North, Range 8 East, Town of Verona, Dane County, Wisconsin; thence Southerly, Easterly, Southerly, Easterly and Southerly along said limits line to the

Southwest corner of the Southeast ¼ of the Southeast ¼ of said Section 4 and the centerline of McKee Road (County Highway PD); thence Southerly on the Southerly prolongation of the West line of the Southeast ¼ of the Southeast ¼ of said Section 4 to the South line of McKee Road; thence Easterly along the South line of McKee Road (said limits line) to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton and Town of Verona. Polling place at Blackhawk Church, 9620 Brader Way.

(107) Ward 107. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the Southerly prolongation of the West line of Lot 1, Certified Survey Map Number 8812, City of Madison, Dane County, Wisconsin, and the centerline of Valley View Road; thence Easterly along the centerline of Valley View Road to the centerline of South Pleasant View Road; thence Southerly along the centerline of South Pleasant View Road to the point of intersection with the Westerly prolongation of the South line of Lot 1, Block 3, West View Hills Plat, City of Madison, Dane County, Wisconsin; thence Easterly along said Westerly prolongation and the South line of said West View Hills Plat to the East line of said West View Hills Plat; thence Northerly along said East line to a point in the limits line of the City of Madison, said point being 400 feet more or less South of the North line of Section 34, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, measured along the East line of said West View Hills Plat; thence Easterly along said limits line to the centerline of South High Point Road; thence Northerly along the centerline of South High Point Road to the centerline of the West Beltline Highway (U.S. Highway 12 &14); thence Northwesterly along the centerline of the West Beltline Highway to the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the West line of the East ½ of the Northeast ¼ of Section 29, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin; and the limits line of the City of Madison; thence Southerly, Easterly and Southerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton. Polling place at Coventry Village, 7707 North Brookline Drive.

(108) Ward 108. Beginning at the point of intersection of the centerline of Mineral Point Road and the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Southeasterly and Easterly along the centerline of the West Beltline Highway to the centerline of South Gammon Road; thence Northerly along the centerline of South Gammon Road and the centerline of North Gammon Road to the centerline of Old Sauk Road; thence Southwesterly and Westerly along the centerline of Old Sauk Road to the centerline of North Westfield Road; thence Southerly along the centerline of North Westfield Road and the centerline of South Westfield Road to the centerline of Tree Lane; thence Westerly along the centerline of Tree Lane to the centerline of High Point Road; thence Southerly along the centerline of High Point Road to the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the point of beginning. Polling place at Lussier Community Education Center, 55 South Gammon Road.

(109) Ward 109. Beginning at the point of intersection of the centerline of Old Sauk Road and the centerline of North Westfield Road; thence Southerly along the centerline of North Westfield Road and the centerline of South Westfield Road to the centerline of Tree Lane; thence Westerly along the centerline of Tree Lane to the centerline of High Point Road; thence Southerly along the centerline of High Point Road to the centerline of Mineral Point Road; thence Westerly along the centerline of Mineral Point Road to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Northerly along the centerline of the West Beltline Highway to the centerline of Old Sauk Road; thence Easterly along the centerline of Old Sauk Road to the point of beginning. Polling place at High Point Church, 7702 Old Sauk Road.

(110) Ward 110. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the centerline of Blackhawk Road and the centerline of North Pleasant View Road; thence Southerly along the centerline of North Pleasant View Road to the centerline of Mineral Point Road; thence Easterly along the centerline of Mineral Point Road to the centerline of the West Beltline Highway (U.S. Highway 12 & 14); thence Northerly along the centerline of the West Beltline Highway to the Westerly prolongation of the North line of the Old Sauk Trails Park Fourth Addition, City of Madison, Dane County, Wisconsin, and the limits line of the City of Madison; thence Westerly along said limits line to the Northwest corner of Outlot 7, Old Sauk Trails Park, Sixth Addition, City of Madison, Dane County, Wisconsin; thence Southerly, Westerly and Southerly along said limits line to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton. Polling place at Attic Angel Association, 640 Junction Road. (Am. by ORD-12-00040, 4-19-12)

(111) Ward 111. Beginning at a point in the limits line of the City of Madison, said point being the Southwest corner of Section 21, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, also the centerline of Mineral Point Road (County Highway S); thence Easterly along the centerline of Mineral Point Road to the centerline of North Pleasant View Road; thence Northerly along the centerline of North Pleasant View Road to the centerline of Blackhawk Road; thence Westerly along the centerline of Blackhawk Road to the point of intersection with the Northerly prolongation of the West line of Lot 366, Seventh Addition to Blackhawk Subdivision, City of Madison, Dane County, Wisconsin; thence South 00 degrees, 08 minutes, 05 seconds East 660.03 feet; thence South 89 degrees, 26 minutes, 41 seconds West 330.00 feet to the Northwest corner of Lot 419, said Seventh Addition to Blackhawk Subdivision and the limits line of the City of Madison; thence Westerly, Southerly and Easterly along said limits line to the Northwest corner of the Northeast ¼ of said Section 21; thence Southerly along the West line of the Northeast ¼ of said Section 21 (also the West line of the Sauk Heights Plat, City of Madison, Dane County, Wisconsin) to the North line of the Southwest ¼ of said Section 21; thence Westerly along said North line to the Northwest corner of the Southwest ¼ of said Section 21; thence Southerly along the West line of said Section 21 to the point of beginning, excepting therefrom those portions of territories now in the Town of Middleton. Polling place at The Jefferson, 9401 Old Sauk Road.

(112) Ward 112. Part of the SE ¼ of the SW ¼, part of the SW ¼ of the SW ¼ of Section 18, part of the NE ¼ of the NW ¼, part of the NW ¼ of the NW ¼, part of the SW ¼ of the NW ¼ and part of the SE ¼ of the NW ¼ of Section 19 all in T8N, R10E, Town of Burke, Dane County, Wisconsin more particularly described as follows: beginning at the N ¼ corner of said Section 19; thence along the East line of the said SW ¼ of Section 18 N00°55'38"E, 355.26 feet to the Southerly line of lands by the City of Madison in Document No. 4449205; thence along said Southerly line S57°51'14"W, 431.95 feet; thence continuing along said Southerly line S61°26'36"W, 682.66 feet; thence continuing along said Southerly line S89°35'44"W, 459.24 feet; thence continuing along said Southerly line N00°24'16"W, 33.00 feet; thence continuing along said Southerly line N88°59'56"W, 209.33 feet; thence continuing along said Southerly line N78°11'48"W, 236.52 feet; thence continuing along said Southerly line N04°09'41"E, 343.33 feet; thence continuing along said Southerly line N85°42'49"W, 301.88 feet to the West line of the said SW ¼ of Section 18; thence along said West line S02°04'41"W, 151.42 feet to the Northwest Corner of said Section 19; thence along the West line of the said NW ¼ of Section 19 S02°02'33"W (recorded as S02°02'25"W), 286.89 feet to the Corporate Boundary of the City of Madison; thence along said Corporate Boundary S88°59'52"E, 699.99 feet (recorded as S89°23'08"E, 700.00 feet); thence continuing along said Corporate Boundary S02°02'33"W (recorded as S01°40'49"W), 740.43 feet; thence continuing along said Corporate Boundary S01°30'32"W (recorded as S01°07'06"W), 392.71 feet to the Southerly right of way line of Wheeler Road; thence along said Southerly right of way line S88°48'14"E, 1434.38 feet to

the East line of the said NW ¼ of Section 19; thence along said East line N02°16'57"E, 1368.00 feet to the said N ¼ corner of Section 19 and the point of beginning. The above described parcel contains 2,060,091 square feet or 47.293 acres. Polling place at Blackhawk Middle School, 1402 Wyoming Way.

(113) Ward 113. Part of the NE ¼ of the NW ¼ of Section 36, T7N, R9E, Town of Madison, Dane County, Wisconsin, described as follows:
Commencing at the North quarter corner of said Section 36: thence S00°23'29"W along the east line of the NW ¼ of said Section 36, 1161.71 feet to the intersection the south line of Lot 1, Certified Survey Map No. 9780, also being the north line of property conveyed to Marjorie C. Harker in Volume 633 of Deeds, page 82, Dane County Register of Deeds; thence N89°05'27"W along said south line of Certified Survey Map No. 9780, 329.20 feet to the intersection with the west line of the East ½ of the East ½ of the NW ¼ of said Section 36 and the point of beginning: thence S00°23'51"W along said west line, 160.91 feet to the intersection with the south line of the said NE ¼ of the NW ¼ of said Section 36, also being the north line of W.H. Jacobs and E.S. Barker's Subdivision; thence N89°05'27"W along said south line of the NE ¼ of the NW ¼ of said Section 36, 544.65 feet to the intersection with the original centerline of Rimrock Road as shown in Right-Of-Way Plat-Project F04-2(30); thence N14°32'20"E along said original centerline, 165.56 feet to the intersection with the westerly extension of the north line of lands described in Document No. 4022861; thence S89°05'27"E, 504.20 feet along the said westerly extension and the north line of lands described in Document No. 4022861, the said south line of Lot 1, Certified Survey Map No. 9780 and also the said north line of property conveyed to Marjorie C. Harker in Volume 633 of Deeds, page 82, Dane County Register of Deeds to the point of beginning. Polling place at Bridge Lake Point Community Center, 1914 Lake Point Drive.

(Sec. 15.02 Cr. by ORD-11-00100, 8-10-11; Am. by ORD-11-00116, 9-12-11)

(114) Ward 114. Lot 1, Certified Survey Map No. 682 in Volume 3 of Certified Surveys, page 209 as Document No. 1306851 and as located in the SW ¼ of the SW ¼ of Section 35, T7N, R8E in the Town of Middleton, Dane County, Wisconsin. Polling place at Madison Police West District, 1710 McKenna Boulevard.

(Sec. 15.02(114) Cr. by ORD-11-00124, 9-12-11; Am. by ORD-14-00008, 1-14-14; ORD-16-00031, 3-9-16)

(115) Ward 115. Commencing at the South Quarter Corner of Section 34, T07N, R08E; thence N88°54'09"E, 118 feet, more or less, along the South line of the said SE ¼ of Section 34 to the point of beginning of this description; thence Easterly along said South line, 983 feet, more or less, to the Southerly prolongation of the Westerly line of Lot 1, CSM 2086; thence S01°01'28"W, 33.07 feet along said prolongation; thence S88°52'22"W, 129.58 feet, to the Northerly extension of the Easterly line of Lot 1, Certified Survey Map number 952; thence S00°05'25"E, 27.00 feet, along said extension, to the Southerly right-of-way of Mid Town Road, as presently located, and the Northeast corner of Lot 1 of Certified Survey Map number 952; thence S88°54'35"W, along the said Southerly right-of-way and the North lines of Lots 1-3, said Certified Survey Map number 952, 396.44 feet; thence N01°21'40"E, along the said Southerly right-of-way, 27 feet, more or less, to a line 33 feet south of, as measured by right angles to, the South line of the SE ¼ of Section 34; thence Westerly, along said Southerly right-of-way, which is 33 feet south of the said South line of the SE ¼ , 457.5 feet, more or less; thence N01°05'51"W, 33.00 feet, to the South line of Section 34, T7N, R8E and the point of beginning. Polling place at Madison Fire Station 7, 1810 McKenna Boulevard.

(Sec. 15.02(115) Cr. by ORD-11-00162, 12-6-11; Am. by ORD-14-00008, 1-14-14; ORD-16-00031, 3-9-16)

(116) Ward 116. Beginning at the Northwest corner of said Section 2, thence Easterly along the South line of Section 34 and Section 35, T07N R08E, 2673 feet, more or less, to the South quarter corner of said Section 35; thence N88°37'31"E, 1003.45 feet, along the South line

of the SE ¼ of said Section 35, to the northerly extension of the West line of Certified Survey Map 9644; thence South 00°06'12" East, 33.01 feet, along said northerly extension, to the northwest corner of Lot 1, CSM 9644 and the Southerly right-of-way of Mid Town Road, as presently located; thence Westerly, along said Southerly right-of-way, which is 33 feet south of, as measured by right angles to, the South line of said Section 35, 1205 feet, more or less, to the Easterly right-of-way of Marty Road; thence Southerly, along said Easterly right-of-way, 33 feet, more or less; thence N88°08'40"W, 66.00 feet, to a point of curve of Lot 1, Certified Survey Map 4332, which is N01°51'20"E, 198.84 feet from the Southeast corner thereof; thence along the arc of a 25.00 foot radius curve whose long chord bears thence N44°48'35"W, 36.37 feet, to a point of tangency; thence N88°31'30"E, along said Southerly right-of-way and north line of said Lot 1, 136.00 feet, to the Northwest corner of said Lot 1; thence N01°51'20"E, along the westerly line of said CSM and said Southerly right-of-way, 7 feet, more or less, to a line which is 33 feet south of, as measured by right angles to, the South line of said Section 35, thence Westerly, along said Southerly right-of-way, which is 33 feet south of the South lines of Sections 34 & 35, 2243 feet, more or less, to the West line of Section 02, T06N R08E; thence N00°07'37"E, 33.01 feet, along the West line of said Section 02, to the Northwest corner of said Section 2 and the point of beginning. Polling place at Madison Fire Station 7, 1810 McKenna Boulevard.

(Sec. 15.02(116) Cr. by ORD-11-00163, 12-6-11; Am. by ORD-14-00008, 1-14-14; ORD-16-00031, 3-9-16)

(117) Ward 117. Beginning at the southwesterly corner of Lot 2, Certified Survey Map No. 5480; thence N88°46'15"E, 128.00 feet; thence N01°08'08"E, 250.34 feet; thence S88°46'15"W, 100.00 feet; thence S01°08'08"W, 50.40 feet; thence S88°46'15"W, 28.09 feet; thence S01°06'30"W, 199.94 feet to the point of beginning. Polling place at Madison Ice Arena, 725 Forward Drive.

(Sec. 15.02(117) Cr. by ORD-12-00017, 2-15-12)

(118) Ward 118. Part of the Northwest ¼ of the Northeast ¼ of Section 19, T8N, R10E, including Outlot 2, CSM Map No. 12603 all in the Town of Burke, Dane County, Wisconsin more fully described as follows:

Commencing at the center of said Section 19; thence N01°53'16"E, along the West line of the Northeast ¼ of said Section 19, 1,272.48 feet to its intersection with the South line of Wheeler Road and a point on the City of Madison Corporate Boundary that is 1,368.00 feet South of the North ¼ corner of said Section 19; thence continue N01°53'16E, along the West line of the Northeast ¼ of said Section 19 and the East line of said corporate boundary, 47.80 feet to the point of beginning: thence East, along the South line of the Northwest ¼ of the Northeast ¼ of said Section 19,100.48 feet to the centerline of Packers Avenue (C.T.H. "CV"); thence Northeasterly along the centerline of Packers Avenue (C.T.H. "CV") on the arc of a 572.96 foot radius curve to the right whose long chord bears N46°01'40"E, 194.12 feet; thence N55°38'50"E, along said centerline 294.08 feet; thence N57°32'29"E, along said centerline 211.95 feet; thence N59°44'09"E along said centerline, 149.29 feet; thence N31°30'15"W, along the Northeasterly line of CSM 12603, the Southwesterly line of CSM 5429 and the Southwesterly line of the First

Addition to James F. Taff Subdivision, 331.46 feet to the centerline of Larry Lane; thence along the centerline of Larry Lane on the arc of a 200.00 foot radius curve to the right whose long chord bears S59°46'49"W, 8.97 feet; thence S61°04'53"W along the centerline of Larry Lane, 680.13 feet to a point on the West line of the Northeast ¼ of said Section 19, the West line of CSM 12603 and the East line of the City of Madison Corporate Boundary that is 881.05 feet South of the North ¼ of said Section 19; thence S01°53'16"W, along the West line of the Northeast ¼ of said Section 19, the West line of CSM 12603 and

the East line of City of Madison Corporate Boundary 439.15 feet to the point of beginning. This parcel contains 292,030 square feet or 6.70 acres. Polling Place at Black Hawk Middle School, 1402 Wyoming Way.

(Sec. 15.02(118) Cr. by ORD-12-00104, 8-15-12)

(119) Ward 119. The East ½ of the NW ¼; the North ten (10) rods of the NE ¼ of the SW ¼; the North fifty (50) rods of the NW ¼ of the SW ¼; all in Section 34, T7N, R8E, in the Town of Middleton, County of Dane, State of Wisconsin, including those lands conveyed to Dane County for highway purposes recorded in Volume 314 of Misc., Page 435 as Document No. 951350, and further including those lands conveyed in Quit Claim Deed Recorded in Volume 21497 of Records, Page 13, as Document No. 2431082, also including those lands conveyed to the City of Madison recorded as Document No. 4628436, described as follows:

Commencing at the Northwest corner of Section 34, T7N, R8E; thence N89°11'46"E, 1319.90 feet, along the north line of the NW ¼ of said Section 34, to the west line of the East ½ of the NW ¼ of said Section 34; thence S01°17'08"W, 47.01 feet, along said west line to the south line of Valley View Road and the point of beginning; thence continue S01°17'08"W, 2593.78 feet, along said west line to the south line of the NW ¼ of said Section 34; thence S89°12'18"W, 1313.34 feet, along said south line to the Southwest corner of the NW ¼ of said Section 34; thence S01°19'31"W, 823.56 feet, along the west line of the SW ¼ of said Section 34; thence N89°12'18"E, 1312.46 feet, to the east line of the West ½ of the SW ¼ of said Section 34; thence N01°23'12"E, 658.48 feet, along said east line, to the south line of the North ten (10) rods of the Northeast ¼ of the SW ¼ of said Section 34; thence N89°12'18"E, 1253.12 feet, along said south line to the west line of County Trunk Highway M; thence N01°26'53"E, 165.13 feet, along said west line to the south line of the NW ¼ of said Section 34; thence N01°04'34"E, 628.20 feet, along said west line; thence N88°55'31"W, 15.00 feet, along said west line; thence N01°04'29"E, 333.78 feet, along said west line; thence S88°55'31"E, 21.40 feet, along said west line; thence N01°04'29"E, 686.04 feet, along said west line; thence N08°26'06"W, 91.27 feet, along said west line; thence along said west line being the arc of a curve bearing to the right, 215.40 feet, having a chord bearing and distance of N00°53'52"W, 215.35 feet, and a radius of 3043.00 feet; thence N01°07'48"E, 480.15 feet, along said west line; thence along said west line being the arc of a curve bearing to the left, 128.49 feet, having a chord bearing and distance of N11°10'52"W, 127.50 feet, and a radius of 299.00 feet; thence N35°14'57"W, 49.96 feet, along said west line to the south line of Valley View Road; thence S89°11'46"W, 204.90 feet, along said south line; thence along said south line being the arc of a curve bearing to the right, 134.85 feet, having a chord bearing and distance of S85°35'38"W, 134.48 feet, and a radius of 523.00 feet; thence N87°01'10"W, 90.13 feet, along said south line; thence S88°41'26"W, 109.32 feet, along said south line; thence N85°55'33"W, 123.06 feet, along said south line; thence S89°11'46"W, 306.70 feet, along said south line; thence S86°40'36"W, 75.89 feet, along said south line; thence S69°19'30"W, 16.77 feet, along said south line; thence S86°40'36"W, 112.50 feet, along said south line to the point of beginning; and

A tract of land being part of Parcel No. 1, Transportation Project Plat No: 5992-08-21-4.01, recorded in Volume 59-072B of Plats, Page 333 as Document No.4598414, and located in the NE ¼ of the NW ¼ of Section 34, T7N, R8E, Town of Middleton, Dane County, Wisconsin:

Commencing at the brass capped concrete monument at the northwest corner of said Section 34; thence N89°11'46"E a distance of 1319.90 feet along the north line of said Section 34 to the northeast corner of said NE ¼ of the NW ¼; thence S1°17'08"W along the west line of said NE ¼ of the NW ¼ a distance of 33.02 feet to a point on the existing south right-of-way of Valley View Road and the point of beginning; thence N89°11'46"E a distance of 203.48 feet along said existing south right-of-way; thence N89°11'46"E a distance of 306.70 feet along said existing south right-of-way; thence N89°11'46"E a

distance of 433.54 feet along said existing south right-of-way; thence S0°48'14"E a distance of 7.00 feet along said existing south right-of-way; thence N89°11'46"E a distance of 22.53 feet along said existing south right-of-way; thence N89°11'46"E a distance of 204.90 feet along said existing south right-of-way to a point on the existing west right-of-way of C.T.H. M; thence S35°14'59"E a distance of 132.84 feet along said existing west right-of-way; thence S1°04'29"W a distance of 843.21 feet along said existing west right-of-way; thence N8°26'06"W a distance of 91.27 feet; thence along an arc 215.39 feet to the right, having a radius of 3043.00 feet, the chord of which is N0°53'52"W for a distance of 215.35 feet; thence N 1°07'48"E a distance of 480.15 feet; thence along an arc 128.49 feet to the left, having a radius of 299.00 feet, the chord of which is N11°10'52"W for a distance of 127.50 feet to a point on the existing west right-of-way of C.T.H. M; thence N35°14'59"W a distance of 49.97 feet along said existing west right-of-way to a point on the existing south right-of-way of Valley View Road; thence S89°11'46"W a distance of 204.90 feet along said existing south right-of-way; thence along an arc 134.85 feet to the right, having a radius of 523.00 feet, the chord of which is S85°35'38"W for a distance of 134.48 feet; thence N87°01'10"W a distance of 90.13 feet; thence S88°41'26"W a distance of 109.32 feet; thence N85°55'33"W a distance of 123.06 feet to a point on the existing south right-of-way of Valley View Road; thence S89°11'46"W a distance of 306.70 feet along said existing south right-of-way; thence S86°40'36"W a distance of 75.89 feet; thence S69°19'30"W a distance of 16.77 feet; thence S86°40'36"W a distance of 112.51 feet to the west line of said NE ¼ of the NW ¼; thence N1°17'08"E a distance of 13.99 feet to the point of beginning. Polling place at Elver Park Shelter, 1250 McKenna Boulevard.

(Sec. 15.02(119) Cr. by ORD-12-00131, 10-24-12; Am. by ORD-16-00030, 3-9-16)

(120) Ward 120. Part of the NW¼ of the NE¼ of Section 27, T07N R08E, Town of Middleton, Dane County, Wisconsin, more fully described as follows:

Commencing at the north quarter corner of said Section 27; thence N88°48'13"E, along the north line of the said NE ¼, 978.86 feet; thence S00°24'52"W, 494.44 feet to the Point of Beginning; thence N87°59'51"E, 196.47 feet; thence N00°59'09"E, 186.00 feet; thence N89°21'15"E, 99.88 feet along the Northerly line of lands described in Vol. 674 of Deeds, page 25, to the westerly right-of-way of County Trunk Highway M; thence Southerly, 21 feet along the said westerly right-of-way of County Trunk Highway M; thence Easterly, 5 feet along the said westerly right-of-way of County Trunk Highway M; thence Southerly, 832.05 feet, more or less, along the said westerly right-of-way of County Trunk Highway M, to the Southerly line of lands described in Vol. 5807, Page 82, Dane County Registry; thence S89°16'20" W, 15 feet along said Southerly line and Westerly right-of-way of County Trunk Highway M; thence S89°16'20"W, 289.70 feet along said Southerly line, to the Westerly line of said lands; thence Northerly, 668.6 feet, along the Westerly lines of lands described in Vol. 5807, Pg. 82, Vol. 588, Pg. 230, Vol. 612, Pg. 196, Vol. D833, Pg. 584, and Vol. 11697, Pg. 97, Dane County Registry (note boundary adjustments per quit claim deed recorded July 15, 1988 in Vol. 11697, Pages 97 & 98, Doc. No. 2093112, and refer to Plat of Survey by Ziehr from Calkins, presently not on file with Dane County), to the Point of Beginning. Polling Place at Attic Angels, 640 Junction Road.

(Sec. 15.02(120) Cr. by ORD-13-00037, 3-27-13)

(121) Ward 121. Part of the SW ¼ of the NW ¼ of Section 2, and part of the SE ¼ of the NE ¼ of Section 3, all in T6N, R8E, Town of Verona, Dane County, Wisconsin, described as follows:

Commencing at the Quarter Corner between said Sections 2 and 3, thence N00°31'33"E, along the Section line between said Sections 2 and 3, 64.66 feet, to a point on a line that is parallel to and 53 feet Northwest of, as measured by right angles to, the centerline of Raymond Road and the Point of Beginning; thence S59°22'50"W, on said parallel line, 123.33 feet, to the South line of the NE ¼ of said Section 3, (also being the North line of CSM 5016); thence N88°59'57"W, along said South line, 414.44 feet, to the Southeast corner of OL 9, Second Addition to Hawk's Creek; thence N00°31'33"E, along the

Easterly boundary of said Second Addition, 210.00 feet; thence N80°48'04"W, along said Easterly boundary, 350.41 feet; thence N00°31'33"E, along said Easterly boundary, 170.00 feet; thence S89°00'16"E, along said Easterly boundary, 95.00 feet; thence S66°24'26"E, along said Easterly boundary, 273.25 feet; thence S81°37'46"E, along said Easterly boundary, 358.34 feet; thence N00°31'33"E, along said Easterly boundary, 11.00 feet; thence S89°00'17"E, along said Easterly boundary, 2.00 feet; thence N00°34'03"E, along said Easterly boundary, 400.00 feet, to the Southerly line of First Addition to Hawk's Creek; thence S86°00'51"E, along said Southerly line, 163.00 feet, to the Southeast corner of Lot 31, said First Addition also being the Section line between said Sections 2 and 3; thence N00°31'33"E, along the Easterly line of said Lot 31 and said Section line, 3.15 feet, to the Southwest corner of Lot 2, Hickory Ridge; thence S89°28'35"E, along the South line of said Lot 2, 247.57 feet, to the Southeast corner of said Lot 2, also being a corner on the West line of Lot 1, Hickory Ridge; thence S00°32'44"W, along the West line of said Lot 1 and its southerly extension, 470.64 feet, to a point on a line that is parallel to and 53 feet Northwest of, as measured by right angles to, the centerline of Raymond Road; thence S59°22'50"W, on said parallel line, 289.07 feet, to the point of beginning. Polling place at Elver Park Shelter, 1250 McKenna Boulevard.

(Sec. 15.02(121) Cr. by ORD-13-00034, 3-27-13; Am. by ORD-16-00030, 3-9-16)

(122) Ward 122. Lots 3 and 4 of Dane County Certified Survey Map Number 6407, Recorded as Document Number 2263459, Dane County Register of Deeds, Located in Part of the Northwest Quarter of the NW ¼ of Section 21, Township 7N, Range 8E, Town of Middleton, Dane County, Wisconsin, More particularly described as follows: Commencing at the Northwest Corner of Section 21, Town 7N, Range 8E, Dane County, Wisconsin; thence S89°58'36"E, along the North Line of the NW ¼ of said Section 21, a distance of 878,84 feet; thence S01°47'23"W, a distance of 33.02 feet to a point on the South right-of-way line of Old Sauk Road, also being the Northwest corner of Lot 3, Dane County Certified Survey Map 6407 and the point of beginning of the lands hereinafter described; thence continuing, along the West line of said Lot 3, S01°47'23"W, a distance of 1489.98 feet to the Southwest corner of said Lot 3, said point also being located on the North line of Lot 4 of said Certified Survey Map; thence N88°58'35"W along the North line of Lot 4 a distance of 445.00 feet; thence N01°47'23"E along the Easterly line of said Lot 4 a distance of 371.00 feet to the North Line of said Lot 4; thence N89°58'35"W along the North line of said Lot 4 a distance of 431.61 feet to the West Line of the NW ¼ of said Section 21, said line also being the West line of said Lot 4; thence S01°40'44"W along said West Line a distance of 825.82 feet to the South line of said Lot 4; thence N89°42'34"E along said South line a distance of 1320.26 feet to the East line of said Lot 4; thence, corner of said Lot 3; thence, along the east line of said Lots 3 and 4, N01°47'23"E, a distance of 1937.61 feet to the Northeast corner of said Lot 3, being on the South right-of-way line of Old Sauk Road; thence, along the South line of Old Sauk Road and the North line of said Lot 3, N89°58'36"W, a distance of 445.00 feet to the point of beginning. The above-described tract of land contains 1,418,220 square feet or 32.558 acres of land. Polling place at The Jefferson, 9401 Old Sauk Road.

(Sec. 15.02(122) Cr. by ORD-13-00112, 6-26-13; Am. by ORD-15-00029, 3-25-15)

(123) Ward 123. Commencing at the Southeast corner of said Section 15; thence S88°49'16"W along the south line of said Section 15, 1328.08 feet to the centerline of Vondron Road and the west line of said SE ¼ of the NE ¼; thence N00°14'49"W along said west line, 400.05 feet (recorded as 400 feet); thence N88°49'16"E, 40.00 feet, more or less, to the point of beginning and to the existing corporate boundary of the City of Madison; thence N00°14'49"W along said existing corporate boundary of the City of Madison, 28.3 feet, more or less, to the northerly line of lands described in Document No. 4773226, Dane County Registry; thence N89°14'02"E along a northerly line of lands described in said Document No. 4773226, 274.08 feet; thence N00°14'49"W along a westerly line of lands described in said Document No. 4773226, 393.01 feet (recorded as 390.74 and 393.5 feet);

thence N88°42'28"E along a northerly line of lands described in said Document No. 4773226, 387.76 feet (recorded as 386.56 and 386.9 feet); thence S01°18'20"E along an easterly line of lands described in said Document No. 4773226, 420.01 feet (recorded as 420.05 and 422.0 feet) to the south line of land described in said Document No. 4773226; thence S88°49'16"W along said southerly line of land described in said Document No. 4773226, 669.61 feet to the point of beginning. Polling place at Glendale Elementary School, 1201 Thompson Drive.

(Sec. 15.02(123) Cr. by ORD-13-00209, 12-10-13; Am. by ORD-14-00006, 1-14-14)

(124) Ward 124. Beginning at the W ¼ corner of said Section 21; thence N01°17'16"E, 682.95 feet along the west line of said SW ¼ of the NW ¼ to the intersection with the south line of Lot 4, Certified Survey Map No. 6407, recorded in Volume 31 of Certified Survey Maps, on Pages 120-122, as Document No. 2263459; thence N89°19'18"E, 1320.17 feet along the south line of said Lot 4 to the intersection with the east line of said SW ¼ of the NW ¼; thence S01°24'07"W, 683.00 feet along the east line of said SW ¼ of the NW ¼ to the intersection with the East-West Quarter line of said Section 21; thence S89°19'18"W, 1318.81 feet along said East-West Quarter line to the point of beginning. Polling place at The Jefferson, 9401 Old Sauk Road.

(Sec. 15.02(124) Cr. by ORD-14-00033, 2-18-14)

(125) Ward 125. Being Lot 1, Certified Survey Map No. 1964, recorded in Volume 8 of Certified Survey Maps, pages 96-98 as Document No. 1464093 and a parcel of land located in the NE ¼ of the NW ¼ of Section 4, T6N, R8E, in the City of Madison, Dane County, Wisconsin, to-wit: Commencing at the North quarter corner of said Section 4; thence S89°16'00"W, 9.25 feet along the north line of said NW ¼; thence S00°44'57"W, 33.01 feet to the Northeast corner of said Lot 1,Certified Survey Map No. 1964 to the point of beginning, also being a point on the Westerly right-of-way line of Woods Road, said point being S89°16'00"W, 9.25 feet from the North - South ¼ line of Section 4, T6N, R8E, as measured along the Southerly right-of-way of Mid Town Road; thence S00°44'57"W (S00°44'35"W per Certified Survey Map No. 1964 and S00°14'47"W per City of Madison NAD27 control) along said Westerly right-of-way line of Woods Road and East line of Lot 1, Certified Survey Map No. 1964, 467.00 feet to the Southeast corner of said Lot 1, Certified Survey Map No. 1964; thence S89°15'49"W, along the South line of said Lot 1, 467.00 feet to the Southwest corner thereof; thence N00°44'35"E, along the West line of said Lot 1, 460.00 feet, to a point 7.00 feet South of, measured at right angles to, the existing South right-of-way line of Mid Town Road as presently located (November 2013); thence S89°15'49"W, parallel with and 40.00 feet South of, measured at right angles to, the North line of the NW ¼ of Section 4, T6N, R8E, 791.19 feet to a point on the East line of lands described in certain quit claim deed recorded as Document No. 4002902; thence N00°46'25"E, along the East line of said lands, 7.06 feet; thence N89°16'00"E, along the south right of way line of Mid Town Road, 1258.23 feet to the point of beginning. Polling place at Blackhawk Church, 9620 Brader Way.

(Sec. 15.02(125) Cr. by ORD-14-00055, 3-26-14)

(126) Ward 126. Beginning at the West ¼ corner of said Section 22, said point also being the East ¼ corner of said Section 21; thence S89°47'35"W along the East-West ¼ line of said Section 21, 141.22 feet, (previously recorded as S89°23'07"W, 141.28 feet) to a point in the East right-of-way line of Portage Road, said point also lying on the Corporate Boundary of the City of Madison, 40 feet east of the centerline of Portage Road, said point also being a point of non-tangential curvature; thence 578.22 feet along said Corporate Boundary of the City of Madison, 40 feet east of the centerline of Portage Road and the arc of a curve to the left, through a central angle of 37°13'27" (previously recorded as 37°12'56"), a radius of 890.00 feet, and a chord bearing N19°46'29"E, 568.10 feet (previously recorded as N19°21'54"E, 567.98 feet); thence N01°10'01"E along said Corporate Boundary of the City of Madison, 40 feet east of the centerline of Portage Road, 9.81 feet to the Southwest corner of Lot 2, Certified Survey Map Number 12909, as

recorded in Volume 82 of Certified Survey Maps, on Pages 85-86, as Document Number 4658523, Dane County Registry; thence S88°49'36"E along the South line of said Lot 2, 1049.02 feet to the Southeast corner of said Lot 2 and the westerly right of way line of Interstate Highway I-90 and I-94 (previously recorded as S89°13'E & S88°49'30"E, 1048.95 feet); thence S26°18'35"E along said westerly right of way line of Interstate Highway I-90 and I-94, 85.18 feet (previously recorded as S26°33'E, 81.45 feet); thence S23°29'15"E along said westerly right of way line of Interstate Highway I-90 and I-94, 455.07 feet (previously recorded as S23°57'E) to a northeasterly corner of Village Green Woods as recorded in Volume 49 of Plats, on Pages 18-20, also lying on the East-West ¼ line of said Section 22; thence S88°45'12"W along the northerly line of said Village Green Woods and the said East-West ¼ line of Section 22, 1319.42 feet (previously recorded as S88°21'W, 1319.85 feet and 1319.28 feet) to the point of beginning. Polling place at Eastside Lutheran Church, 2310 Independence Lane.

(Sec. 15.02(126) Cr. by ORD-14-00181, 12-10-14)

(127) Ward 127. Lots 1 and 2, Certified Survey Map No. 6411, recorded in Volume 31 of Certified Survey Maps on pages 130-132 as Document Number 2263876, Dane County Registry, located in the NW ¼ of the SW ¼ of Section 28 and in the NE ¼ and the SE ¼ of the SE ¼ of Section 29, T7N, R8E, Town of Middleton, Dane County, Wisconsin to-wit:

Commencing at the Southeast corner of said Section 29; thence S89°35'53"W, 411.96 feet along the South line of said SE ¼ to the Southeast corner of said Lot 2, Certified Survey Map No. 6411 also being the point of beginning; thence continuing S89°35'53"W, 906.59 feet along said South line; thence N00°46'06"E, 2652.93 feet along the West line and the southerly extension of said Lot 1, Certified Survey Map No. 6411 to the Southwest corner of Birchwood Point; thence N89°47'46"E, 1326.43 feet along the South line of Birchwood Point and the north line of said Lot 1, Certified Survey Map No.6411 to the East ¼ corner of said Section 29; thence N89°56'47"E, 486.13 feet along the South line of Lot 10, Silicon Prairie Business Park and the said north line of Lot 1, Certified Survey Map No. 6411 to the Northwest corner of Lot 1, 1000 Oaks; thence S00°55'38"W, 492.53 feet along the west line of said Lot 1, 1000 Oaks and the east line of said Lot 1, Certified Survey Map No. 6411; thence S89°51'24"W, 849.65 feet along a southerly line of said Lot 1, Certified Survey Map No. 6411; thence S00°54'59"W, 732.18 feet along the easterly side of said Lot 1 to a point of curve; thence continuing Southerly along the said easterly side of Lot 1, Certified Survey Map No. 6411 and a curve to the left which has a radius of 340.00 feet and a chord which bears S17°26'11"W, 196.79 feet; thence S00°36'52"W, 1237.15 feet along the East line and the southerly extension of said Lot 2, Certified Survey Map No. 6411 to the point of beginning. Polling place at Coventry Village, 7707 Brookline Drive.

(Sec. 15.02(127) Cr. by ORD-15-00030, 3-25-15)

(128) Ward 128. Part of the NE ¼ of the NE ¼ of Section 2, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, the area also including parts of the right-of-ways of Commercial Avenue/County Trunk Highway "T" and N. Sprecher Road right-of-ways, as well as, Lot 1, Dane County Certified Survey Map No. 2080, recorded in Volume 8 of Certified Surveys, pages 270-271 as Document No. 1476484 and Lots 1 and 2, Dane County Certified Survey Map No. 4493, recorded in Volume 19 of Certified Surveys, pages 224-226 as Document No. 1853460, more particularly described as follows: Beginning at the NE Corner of said Section 2, thence S00°21'07"E, 477.5 feet, more or less along the East line of said Section 2, also being the centerline of Sprecher Road, to the point of intersection with the Easterly extension of the most Northerly line of Lot 3, said C.S.M. 4493, as recorded in Volume 19 of Certified Surveys on Pages 224-226; thence S89°46'00"W, along said most Northerly line and Easterly extension thereof, 547 feet, more or less, to the East line of said Lot 1, C.S.M. 4493; thence S00°42'00"E, along said East line, 185.24 feet to the Southeast corner of said Lot 1; thence S88°59'47"W, along the South line of said Lot 1, 338.24 feet to the Southwest corner thereof, also being the Southeast corner of said

Lot 1, C.S.M. 2080, as recorded in Volume 8 of Certified Surveys on Pages 270-271; thence continue S88°59'47"W, along the South line of Lot 1, C.S.M. 2080, 430.64 feet to the West line of the East ½ of the NE ¼ of said Section 2; thence North on said West line, 655 feet, more or less, to the North line of said Section 2; thence easterly, along the North line of said Section 2, 1,314 feet, more or less, to the point of beginning. Polling Place at Oak Park Place, 718 Jupiter Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15; Am. by ORD-16-00087, 10-12-16)

(129) Ward 129. Part of the NE ¼ and also part of the N ½ of the NW ¼ of Section 1, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, also including parts of the right-of-ways of Interstate 94, County Trunk Highway "T", Seminary Springs Road and Gaston Road, more particularly described as follows:

Beginning at a point on the East line of the said NE ¼ of Section 1, that is Northerly, 777.01 feet, as measured along said East line, from the East ¼ Corner of said Section 1, also being the Northeast Corner of Outlot 9, The Meadowlands; thence S87°51'21"W, 1320.50 feet along the north lines of said Outlot 9 and also Outlot 15 of Second Addition to the Meadowlands; thence N00°34'06"W, 977.25 feet along the east line of said Outlot 15 and its northerly extension to the North right-of-way line of Interstate Highway 94, also being a point on a curve; thence Westerly along said North right-of-way line on a curve concave to the North, having a radius of 11,319.19 feet and a long chord which bears S81°25'58"W, 1060.32 feet; thence along said right-of-way line S80°44'45"W, 496.34 feet; thence Westerly along said right-of-way line on a curve concave to the North, having a radius of 11,359.19 feet and a long chord which bears S88°30'53"W, 752.24 feet; thence Northerly 170 feet, more or less, parallel with the North-South Quarter line to a point which is 1,000.10 feet Southerly, on the same line, from the North line of said Section 1; thence Westerly, parallel with said North line, 717.50 feet; thence Northerly, parallel with the West line of the NW ¼ of said Section 1, 1,009 feet, more or less, to the North line of the NW ¼ of said Section 1; thence easterly, along said North line, 1692 feet, more or less, to the North ¼ Corner of said Section 1; thence Easterly, along the North line of said NE ¼ of Section 1, 2635 feet, more or less, to the NE Corner of said Section 1; thence southerly, along the East line of the said NE ¼, 1980.75 feet, more or less, to the point of beginning. Polling Place at Door Creek Church, 6602 Dominion Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15)

(130) Ward 130. Part of the N ½ of the SE ¼ of Section 2, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, including part of the Milwaukee Street right-of-way, Driscoll Drive right-of-way per Document No. 4585706 and also Lot 2, Dane County Certified Survey Map No 814, recorded in Volume 4 of Certified Surveys, pages 27 - 28 as Document No. 1325022, more particularly described as follows: Commencing at the East ¼ Corner of said Section 2; thence S87°19'46"W, along the East-West ¼ line, 466.80 feet, to the point of beginning; thence S00°27'33"E, 33.02 feet, to a point on the southerly right-of-way line of Milwaukee St, also being the northeasterly corner of Parcel A of an unrecorded plat produced by George Weir, the Dane Co. Surveyor, dated April 1973, also being the northeast corner of lands described in Document No. 3834683; thence S87°19'46"W, along said southerly right-of-way line, and its westerly extension thereof, being a line 33 feet south of and parallel with the North line of the said SE ¼ of Section 2, 853 feet more or less, to a point on the east line of the Northwest ¼ of the Southeast ¼ of said Section 2; thence S00°05'45"W, along the said east line, and the easterly line of said Lot 2, Certified Survey Map Number 814, 207 feet, more or less, to the southeast corner of said Lot 2; thence S87°19'46"W, along the south line of said Lot 2, 200.00 feet to the Southwest corner thereof; thence N00°05'45"E, 240.04 feet, to a point on the north line of the said SE ¼ of Section 2; thence N87°19'46"E, along said north line, 1052 feet, more or less, to the point of beginning. Polling Place at Oak Park Place, 718 Jupiter Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15; Am. by ORD-16-00087, 10-12-16)

(131) Ward 131. Part of the NE¼ of the NE¼ of Section 11, being part of S. Sprecher Road right-of-way acquired in Document No. 3143977, and also part of the West ½ of the NW¼ of Section 12, including part of S. Sprecher Road right-of-way, part of Lot 2, Dane County Certified Survey Map No. 582, recorded on Volume 3 of Certified Surveys, pages 89-91 as Document No. 1296483, all being in Town 7 North, Range 10 East, Town of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the East ¼ corner of Section 11, Township 7 North, Range 10 East; thence N87°36'14"E, along an Easterly extension of the East-West ¼-line of Section 11 to the southerly extension of the East right-of-way line of that part of Sprecher Road lying north of said East-West ¼-line, said right-of-way line being parallel to and 33 feet easterly of, measured at right angles to, the East line of Section 11; thence Northerly along said extension and parallel line, 118 feet, more or less, to said East right-of-way line and the point of beginning of this description; thence continuing northerly along said East right-of-way line and parallel line, 2,330 feet, more or less, to a point which is 208.80 feet South of, measured at right angles from, the North line of said Section 11; thence Westerly parallel with the North line of said Section 11, 33 feet, more or less, to a point on the East line of the Northeast ¼ of Section 11; thence N00°52'52"W, along said East line, 198.80 feet; thence S87°21'03"W, parallel with and 10.00 feet South of, measured at right angles to, the North line of the Northeast ¼ of said Section 11, 10.00 feet; thence N00°52'52"W, parallel with and 10.00 feet West of, measured at right angles to, the East line of the NE ¼ of said Section 11, 10.00 feet to the North line of said Northeast ¼; thence N87°21'03" E, along the North line of said NE ¼, 10.00 feet, to the NE Corner of said Section 11; thence N89°02'23"E, along the South line of the SW ¼ of said Section 1, 43.00 feet; thence S00°55'20"E, parallel with and 43.00 feet East of, measured at right angles to, the West line of the NW ¼ of Section 12, 723.59 feet; thence N89°54'45"E, along the North line of said Lot 2, Certified Survey Map Number 582, 167 feet more or less, to a point 90.00 feet West of perpendicular measure to the East line of said Lot 2; thence S00°53'15"E, parallel to the East line of said Lot 2, 100.00 feet to a point on the South line of said Lot 2; thence S89°54'45"W, along the South line of said Lot 2, 167 feet more or less to a point which is 43.00 feet East of, measured at right angles to, the West line of the NW ¼ of Section 12; thence S00°55'20"E, parallel with and 43.00 feet East of, measured at right angles to, the West line of the NW ¼ of Section 12, 696.84 feet to a point of curve; thence Southeasterly 153.95 feet along the arc of a 600.00 feet radius curve to the left whose long chord bears S30°03'43"E, 153.53 feet; thence S37°24'45"E, 628.44 feet to a point of curve; thence Southerly 453.56 feet along the arc of a 800.00 feet radius curve to the right whose long chord bears S21°10'14"E, 447.51 feet, to the North right-of-way line of County Trunk Highway BB, also referred to as Cottage Grove Road, as presently located (1998); thence S88°25'17"W, 323.81 feet along said North right-of-way line; thence S01°34'43"E, 20.00 feet along said right-of-way line; thence S88°25'17"W along said right-of-way line, 223.30 feet; thence N46°10'18"W, 93.98 feet to the Easterly right-of-way line of Sprecher Road and the point of beginning;

Together with the following described property located to the east along the right of way of Cottage Grove Road: Lands described in Warranty Deed recorded in Vol. 8245 of Records, Page 27 as Document No. 1940147, Dane County Registry, except for that part within the right-of-way of Cottage Grove Road (County Trunk Highway BB), located in the SW ¼ of the NW ¼ of Section 12, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the West ¼ corner of Section 12, T7N R10E; thence N88°25'19"E along the East-West ¼-line of Section 12 and center line of Cottage Grove Road (County Trunk Highway BB), 740 feet, more or less, to the west line of lands described in said Document No. 1940147; thence N01°02'05"W, 60 feet along said west line to the north right-of-way of Cottage Grove Road and the point of beginning of this description; thence continuing N01°02'05"W, 10.00 feet along said east line and an existing (2005) jog in said north right-of-way, to the

southeast corner of Outlot 26, First Addition to Reston Heights; thence along the exterior boundary of First Addition to Reston Heights for the next four courses: (1) N01°02'05"W, 276.52 feet; (2) N88°11'00"E, 230.60 feet; (3) N00°51'32"W, 622.48 feet; and (4) N88°08'49"E, 350.12 feet to the southeast corner of Lot 214, First Addition to Reston Heights and the east line of the SW ¼ of the NW ¼ of Section 12, being also the west line of Door Creek Subdivision; thence S00°54'15"E along said line, and along the west line of Lot 1, Certified Survey Map No. 8851, 907.3 feet to the north right-of-way of Cottage Grove Road; thence S88°25'19"W, 580.56 feet along said north right-of-way, being 60 feet northerly of, as measured parallel to, the East-West ¼-line of Section 12, to the point of beginning. Polling Place at Door Creek Church, 6602 Dominion Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15)

(132) Ward 132. Part of the NE ¼ of the SE ¼ of Section 11, being part of the S. Sprecher Road right-of-way and also part of the NW ¼ of the SW ¼ of Section 12, all in T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the West ¼ Corner of said Section 12; thence Southerly, 423 feet along the west line of the said NW¼ of the SW¼ of Section 12 to the northwest corner of lands described in Document No. 3414983 Dane County Registry and the point of beginning; thence N88°05'20"E, 193.65 ft along said north line, to the northeast corner thereof; thence S00°40'26"E, 250 ft along the east line of said lands and the east line of lands described in Document No. 2308586, Vol. 17364 Pg. 46, Dane County Registry, to the southeast corner of said lands in Document No. 2308586; thence S88°17'52"W, 194.5 ft along the south line of last mentioned lands to the East right-of-way line of South Sprecher Road, also being the said west line of the NW¼ of the SW¼ of Section 12; thence continuing S88°17'52"W, 73.01 ft to the West right-of-way line of South Sprecher Road; thence N00°26'34"W, along said West right-of-way line, 129.5 ft, more or less, to the Northeast corner of Lot 76, Rambling Acres (a recorded plat in Section 11, T7N, R10E), thence N89°21'47"E along a Northerly line of said Rambling Acres and its Easterly extension thereof, 73 feet, more or less, to the East right-of-way line of South Sprecher Road also being the said west line of the NW ¼ of the SW ¼ of Section 12; thence N00°26'34"W (N00°28'37"E per 2005 WL Holdings Annexation map, City Engineering Project No. 53W0136) along said Easterly right-of-way line also being the said west line of the NW ¼ of the SW ¼ of Section 12, 120 feet, more or less, to the north line of said lands described in Document No. 3414983 and the point of beginning. Polling Place at Oak Park Place, 718 Jupiter Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15; Am. by ORD-16-00087, 10-12-16)

(133) Ward 133. Part of the SE ¼ of the NE ¼ and also part of the NE ¼ of the SE ¼, including Lot 2, Certified Survey Map No. 353, recorded in Volume 2 of Certified Surveys, page 116 as Document No. 1268304 and part of the right-of-way of Cottage Grove Road, all within Section 11, T7N R10E, Town of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the East quarter-corner of Section 11, T7N R10E; thence Westerly along the East-West ¼ line of said Section 11, 33.02 feet; thence Southerly along the centerline of Sprecher Road, 45.02 feet; thence Westerly, 153.58 feet, more or less, to the east line of lands described in warranty deed Document No. 3722487, and the point of beginning of this description; thence S02°21'43"E, 15 feet, more or less, along said east line to the northwest corner of Lot 8, Maywick Estates; thence S00°02'54"W, 140.13 feet along the west line of said Lot 8 to the southwest corner of said Lot 8; thence S87°23'24"W, 276.10 feet along the north lines of Lots 7, 6 and 5, Maywick Estates, to the Northwest corner of said Lot 5 and an Easterly line of Lot 2, Certified Survey Map No. 353; thence S02°20'14"E along said Easterly line, 58.75 feet to the Southeast corner of said Lot 2, CSM 353; thence S87°36'14"W along the South line of said Lot 2, 226.90 feet to the Southwest corner of said Lot 2; thence N02°23'46"W along the West line of said Lot 2, 200.00 feet to the Southerly right-of-way line of County Trunk Highway BB; thence Easterly along said South right-of-way line, 30 feet, more or less, to

the point of intersection with the extension of the West line of a parcel of land described in Volume 787 of Deeds, Page 207, and Volume 83 of Records, Page 53, Dane County Registry; thence N01°01'48"W, along said extension, 352.79 feet to the Northwest corner of said parcel; thence N87°36'14"E, 300.09 feet; thence S01°01'48"E, 337.79 feet to a point on the South right-of-way line of said County Trunk Highway BB, which is 45.00 feet South of, measured at right angles to, the East-West ¼-line of Section 11; thence Easterly on said right-of-way line, parallel with said East-West ¼-line, 180 feet, more or less, to the point of beginning. Polling Place at Oak Park Place, 718 Jupiter Drive.. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15; Am. by ORD-16-00087, 10-12-16)

(134) Ward 134. Part of Lot 1, Certified Survey Map No. 6371, recorded in Volume 31 of Certified Surveys, pages 39-40 as Document No. 2254639, said part located in the SE¼ of the SW¼ of Section 12, T7N R10E, Town of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the South ¼ corner of Section 12; thence S88°42'38"W along the south line of the SW ¼, 841.50 feet to the southeast corner of said Certified Survey Map No. 6371; thence S88°42'38"W, 154.73 feet along the south line of said Certified Survey Map No. 6371; thence N88°25'28"W, 83.11 feet along said south line to the point of beginning; thence N88°25'28"W along said south line, 247.10 feet to the southwest corner of said Certified Survey Map No. 6371; thence N00°34'27"W, 1302.61 feet along the westerly line of said Certified Survey Map No. 6371; thence N88°33'52"E, 829.63 feet along said westerly line; thence continuing N88°33'52"E, 253.44 feet; thence S31°37'04"W, 1569.42 feet to the point of beginning;

AND

Part of the SE ¼ of the SE ¼ of Section 11 (including part of Sprecher Road right-of-way), and also part of the SW ¼ of the SW ¼ of Section 12, (being part of Sprecher Road right-of-way), and also part of the SE ¼ of the SW ¼ of Section 12, and also part of the NW ¼, SW ¼ and SE ¼ of the NE ¼ of Section 12 (including part of Cottage Grove Road/C.T.H. "BB" right-of-way and Lots 1 and 2, Dane County Certified Survey Map No. 4845), and also all of the SE ¼ of Section 12, and also part of the NE ¼, NW ¼, SW ¼, SE ¼ of the NE ¼ and part the NE ¼, NW ¼, SW ¼, SE ¼ of the NW ¼ and part of the NE ¼ and NW ¼ of the SW ¼ and part of the NW ¼ of the SE ¼, all of Section 13, (all portions within Section 13 including part of the right-of-ways of E. Buckeye Road/County Trunk Highway "AB", Fankhauser Road and Underdahl Road; as well as, Lots 1 and 2, Dane County Certified Survey Map No. 4907; Lot 1, Dane County Certified Survey Map No. 5166; Lot 1, Dane County Certified Survey Map No. 3487; Lot 1, Dane County Certified Survey Map No. 8577 and Lots 1 and 2, Dane County Certified Survey Map Number 12779), and also part of the NE ¼ of the SE ¼ of Section 14 (including part of Underdahl Road right-of-way), and also part of the SE ¼ of the NW ¼ of Section 14 and also part of the NE ¼, NW ¼, SW ¼ and SE ¼ of the NE ¼ of Section 14 (including part of the right-of-ways of E. Buckeye Road/C.T.H. "AB", Sprecher Road and part of Underdahl Road), all in T7N R10E, Township of Blooming Grove, Dane County, Wisconsin, more particularly described as follows: Beginning at the intersection of the former Northerly Railroad right-of-way line of the Chicago & Northwestern Railway Company, now owned by the Wisconsin Department of Transportation (WDOT) and the West line of the NE ¼ of the SE ¼ of said Section 14; thence North along said West line, 1,040 feet, more or less, to the North line of the South ½ of said Section 14; thence West along said North line, 1320 feet, more or less, to the center of said Section 14; thence S87°32'35"W along the south line of the NW ¼ of said Section 14, 352.25 feet to a point located N87°32'55"E, 165.71 feet, as measured along said south line, from the easterly right-of-way line of Interstate Highway 90; thence N00°48'15"W, 1103.04 feet; thence N88°01'52"E, 479.89 feet; thence N00°58'41"W, 621.84 feet to the southerly right-of-way line of Buckeye Road (C.T.H. "AB"); thence Northeasterly along said southerly right-of-way line 1,200 feet, more or less, to the East line of the NW ¼ of the NE ¼ of said Section 14; thence N00°48'34"W, 865.11 feet along the last mentioned East line

to the Southeast corner of the SW ¼ of the SE ¼ of Section 11, T7N, R10E, also being the SW corner of Rambling Acres (a recorded plat in Section 11, T7N, R10E); thence Easterly, along the South line of Rambling Acres, 554.32, feet; thence Northerly, along said South line of Rambling Acres, 100.00, feet; thence Easterly, along said South line of Rambling Acres, 406.33, feet, to the Westerly right-of-way line of Sprecher Road; thence northeasterly and northerly, along the said Westerly right-of-way of Sprecher Road, as platted in Rambling Acres, to the westerly extension of the North line of the SW ¼ of the SW ¼ of said Section 12; thence easterly, along said westerly extension, 73 feet, more or less, to the existing Easterly right-of-way line of Sprecher Road; thence Southerly, along said existing Easterly right-of-way, 132 feet, more or less, to the NW corner of Dane County Certified Survey Map No. (CSM) 1807; thence Easterly, along the said Easterly right-of-way as defined and dedicated on said CSM 1807, 47 feet, to the NW corner of Lot 1, said CSM 1807; thence Southerly, along the said Easterly right-of-way as defined and dedicated on said CSM 1807, 325.46 feet, to the SW corner of Lot 2, said CSM 1807; thence Northwesterly, along the said Easterly right-of-way as defined and dedicated on said CSM 1807, 47.19 feet, to the SW corner of said CSM 1807; thence Southerly, along the existing Easterly right-of-way of Sprecher Road, 263 feet, more or less, to the northerly line of CSM 8525; thence Northwesterly, along the said Easterly right-of-way as defined and dedicated on said CSM 8525, 19.32 feet, to the Northerly corner of Lot 1, said CSM 8525; thence Southwesterly, along the said Easterly right-of-way as defined and dedicated on said CSM 8525, being an arc of a curve to the right, having a radius of 613.70 feet, and a long chord of 66.41 feet; thence Southwesterly, along the said Easterly right-of-way as defined and dedicated on said CSM 8525, 618.16 feet, to the most Westerly corner of Lot 4, said CSM 8525; thence Westerly, along the said Easterly right-of-way as defined and dedicated on said CSM 8525, 7.99 feet, to the most Westerly corner of said CSM 8525; thence Southwesterly, along the existing Easterly right-of-way, 127 feet, more or less, to the northerly line of CSM 11282; thence Southeasterly, along the said Easterly right-of-way as defined and dedicated on said CSM 11282, 7 feet, more or less, to the Northerly corner of Lot 1, said CSM 11282; thence Southwesterly, along the said Easterly right-of-way as defined and dedicated on said CSM 11282, 110.00 feet; thence continuing Southwesterly, along the Easterly right-of-way as defined and dedicated on the plat of Weather Oak Hills, 698.25 feet, to the corner radius between Sprecher Road and E Buckeye Road; thence Southeasterly, along the said corner radius as defined and dedicated on said Weather Oak Hills, being an arc of a curve to the left and having a radius of 15.0 feet, to a point of tangency on the Northerly right-of-way of E Buckeye Road; thence Southeasterly, along said Northerly right-of-way as defined and dedicated on said Weather Oak Hills, 146.41 feet, to the Southerly line of Weather Oak Hills; thence Northeasterly, along said Southerly line of Weather Oak Hills, 36.94, feet; thence Southeasterly, along said South line of said Weather Oak Hills, 133.17, feet; thence Northeasterly, along said South line of said Weather Oak Hills, 136.20 feet; thence Southeasterly, along said South line of said Weather Oak Hills, 259.63, feet, to the Westerly right-of-way of Karmichael Court; thence Southerly, along said Westerly right-of-way of Karmichael Court, 198.39, feet; thence Northeasterly, to the point of curve in the south line of Lot 18, Weather Oak Hills, also being a point on the Northerly right-of-way of E Buckeye Road; thence Easterly, along said Northerly right-of-way and the southerly line of said Lot 18, 103.42 feet, to the Westerly line of CSM 11086; thence Southerly, along the said Westerly line of CSM 11086, 7 feet, to the SW corner thereof; thence S88°21'45"E, 268.27 feet along the southerly line of said CSM 11086; thence southeasterly along said southerly line, on the arc of a curve concave to the south, having a radius of 1465.70 feet, an arc length of 1157.34 feet, the long chord of which bears S65°44'30"E, 1127.51 feet; thence S46°52'45"W, 33.00 feet along the southerly line of said CSM 11086; thence S43°07'15" E, 95.88 feet along the southerly line of said CSM 11086 to the southeasterly corner thereof; thence N07°37'02"E, 1650.55 feet along the easterly line of said CSM 11086; thence N88°42'38"E, 84.25 feet along the

easterly line of said CSM 11086 to the south line of CSM 6371; thence N89°42'38"E along said southerly line, 154.84 feet; thence N31°37'04"E, 1575.10 feet along the easterly line of CSM 6371 to an angle point in said line; thence N00°40'12"W (previously recorded as N00°40'24"W), 1322.45 feet along said easterly line to the center of Section 12, T7N R10E; thence N00°53'34"W along the East line of the NW¼ of said Section 12, 27.31 feet, (recorded as 26.21 feet) to the southerly right-of-way line of C.T.H. BB/Cottage Grove Road; thence N00°53'34"W along said east line, 123.36 feet to the southeast corner of Door Creek Subdivision (a replat of CSM 9067), thence N00°53'29"W, along the East line of Door Creek Subdivision, 8 feet more or less to a point on the Northerly right-of-way line of Cottage Grove Road (C.T.H. BB) and the easterly right-of-way line of Harrington Drive; thence Easterly along the present North right-of-way of Cottage Grove Road (C.T.H. BB) on the arc of a 5,655.00 feet radius curve to the left whose long chord bears N76°20'47"E, 429.66 feet to the Southwest corner of CSM 4845; thence N04°29'00"E, along the West line of said CSM 4845, 161.59 feet (previously recorded as 161.05 feet); thence N85°31'00"W, along said West line, 47.00 feet; thence N04°29'00"E, along said West line, 501.50 feet; thence S89°28'00"W (previously recorded as S89°29'00"W) along said West line, 50.00 feet; thence N00°31'00"W, along said West line, 1714.55 feet to a point which is N88°26'03"E, 395.60 feet from the N ¼ Corner of Section 12, T7N R10E, as measured along the North line of the NE ¼ of said Section 12; thence N88°25'58"E, along the North line of the NE ¼, 881.98 feet to the Easterly North-South sixteenth line; thence S00°30'21"E along the East line of Certified Survey Map No. 4845, 2174.03 feet to the centerline of County Highway "BB", (Cottage Grove Road) as presently located (1996); thence Northeasterly, along said centerline, 1,496 feet, more or less, to the East line of the NE ¼ of Section 12, T7N R10E; thence Southerly, along the East lines of Sections 12 and 13, to the former Northerly Railroad right-of-way line of the Chicago & Northwestern Railway Company (now owned by the WDOT); thence Southwesterly, along the said former Northerly Railroad right-of-way line, to the point of beginning. Polling Place at Door Creek Church, 6602 Dominion Drive. (Cr. by ORD-15-00065, 6-16-15, Eff. 12-28-15)

(135) Ward 135. Part of Lot 1, Certified Survey Map Number 2225, as recorded in Volume 9 of Certified Survey Maps, on Pages 16-18, as Document Number 1494556, Dane County Registry, and located in the NE ¼ and the SE ¼ of the SE ¼ of Section 24, all in T8N, R9E, Town of Westport, Dane County, Wisconsin more particularly described as follows: Commencing at the Southeast corner of said Section 24; thence N02°02'25"E along the East line of said Section 24, 809.01 feet to the Easterly extension of the Northerly right-of-way line of Golf Parkway as recorded in Certified Survey Map 13029, Dane County Registry also being the point of beginning; thence along said Northerly right-of-way, N88°03'24"W, 33.00 feet to the Westerly right-of-way line of North Sherman Avenue; thence along said Westerly right-of-way line, N02°02'25"E, 218.41 feet; thence continuing along said Westerly right-of-way line, N02°04'50"E, 105.65 feet; thence N75°21'44"W, 239.42 feet; thence N14°38'16"E, 56.76 feet to the intersection with the Southeasterly extension of the Northeasterly line of Lot 1 Certified Survey Map 2225, Dane County Registry; thence N43°03'24"W, 239.42 feet along said Northeasterly line of Lot 1 to a bend point on the Northeasterly line of Lot 1, Certified Survey Map 2225, Dane County Registry; thence N02°44'24"W along the Northeasterly line of said Lot 1, 69.34 feet; thence N50°25'23"E, 68.71 feet; thence N18°56'32"E, 196.71 feet; thence N45°03'50"E, 290.57 feet; thence N05°38'36"E, 246.09 feet; thence S 87°55'10"E, 108.09 feet to the East line of Section 24, said line also being the corporate boundary of the Town of Westport; thence along said East line of said Section 24, S02°04'50"W, 1143.18 feet to the Northwest corner of Section 19, T8N, R10E, Town of Burke, Dane County, Wisconsin; thence continuing along the East line of said Section 24, S02°02'25"W, 218.35 feet to the point of beginning. Polling place at Blackhawk Middle School, 1402 Wyoming Way. (Cr. by ORD-15-00090, 9-11-15)

(136) Ward 136. Being a part of the SE ¼ of the SE ¼ of Section 34, Township 08N, Range 10E, Town of Burke, Dane County, Wisconsin, more fully described as follows:

Commencing at the southeast corner of Lot 1, Certified Survey Map Number 11073, as recorded in Volume 66 of Certified Survey Maps, on pages 265-268, as Document Number 3916860, Dane County Registry; thence S89°57'W along the south line of said CSM, 143.55 feet to the point of beginning; thence S00°02'12"W, 150.00 feet; thence S89°57'W, 178.1 feet, more or less, to the centerline of Eagle Crest Drive; thence N00°02'40"W to the westerly extension of the south line of the aforementioned Certified Survey Map Number 11073; thence N89°57'E along said south line, 178.31 feet, more or less, to the point of beginning. Said area contains 26,730 square feet or 0.6136 acres. (Bearings are based upon the west line of the SE ¼ of the SE ¼ of said Section 34 assumed to bear N00°06'E per Andrew Dahlen Map 3332.) Polling place at Streets East, 4602 Sycamore Avenue. (Cr. by ORD-16-00004, 1-13-16)

(137) Ward 137. Part of the SE ¼ of the NE ¼ and also part of the NE ¼ of the SE ¼, all in Section 32, Township 7N, Range 8E, in the Town of Middleton, Dane County, Wisconsin, described as follows: Beginning at the East Quarter Corner of said Section 32, said point also being the Northwest corner of Hawks Landing Golf Club, the Plat of which subdivision is recorded in Volume 57-150B on Pages 605-614 in the Register of Deeds Office of Dane County, Wisconsin; thence S1°56'32"W along the East line of the Southeast Quarter of said Section 32 and the West line of said Hawks Landing Golf Club, a distance of 1325.10 feet to the South line of the Northeast Quarter of the Southeast Quarter of said Section 32; thence S89°41'22"W along the South line of the Northeast Quarter of the Southeast Quarter of said Section 32, a distance of 1313.37 feet to the Southwest Corner thereof; thence N1°54'11"E along the West line of the Northeast Quarter of the Southeast Quarter of said Section 32, a distance of 397.64 feet to the Westerly extension of the Southerly line of Lot 1 of C.S.M. No. 4519, recorded in Volume 19 of Certified Survey Maps on Pages 273 & 274 in said Register's Office; thence S87°56'12"E along the Southerly line of said Lot 1, a distance of 348.86 feet to the Southeast corner thereof; thence N2°06'29"E along the East line of said Lot 1, a distance of 350.21 feet to the Northeast corner thereof, said point also lying in the South line of Lot 4 of C.S.M. No. 8514, recorded in Volume 46 of Certified Survey Maps on Pages 256 - 258 in said Register's Office; thence S87°56'21"E along the South line of said Lot 4, a distance of 150.80 feet to the Southeast corner thereof; thence N2°04'16"E along the East line of Lots 1 through 4 of said C.S.M, 8514, a distance of 600.84 feet to the Northeast corner of Lot 1 of said C.S.M. No. 8514; thence S89°53'12"W along the North line of said Lot 1 of said C.S.M. No. 8514, a distance of 503.01 feet to the Northwest corner thereof; thence N1°57'20"E along the West line of the Southeast Quarter of the Northeast Quarter of said Section 32, a distance of 1320.48 feet to the Northwest corner thereof; thence N89°38'46"E along the North line of the Southeast Quarter of the Northeast Quarter of said Section 32, a distance of 1316.12 feet to the Northeast corner thereof, said point also being the Northwest corner of Hawks Woods, the Plat of which subdivision is recorded in Volume 57-195A of Plats on Pages 825 & 826 in said Register's Office; thence S2°02'00"W along the East line of the Southeast Quarter of the Northeast Quarter of said Section 32 and the West line of said Hawks Woods, a distance of 1326.08 feet to the point of beginning. Polling place at Blackhawk Church, 9620 Brader Way. (Cr. by ORD-16-00060, 6-17-16)

(138) Ward 138. Beginning at the N ¼ corner of said Section 20; thence N89°40'26"E along said North line of the NE ¼ 1253.02 feet to the boundary of said lands that were attached to the City of Madison (recorded in Warranty Deed, Document No. 3267312 in the Office of the Dane County Register of Deeds as N89°16'50"E, 1253.02 feet); thence S1°27'12"W along said boundary, 592.78 feet (recorded in said Document as S01°03'36"W, 592.78 feet); thence S89°40'26"W, 1254.68 feet to the West line of said NE ¼ (recorded as S89°16'50"W,

1253.02 feet); thence N1°36'49"E along said West line, 592.83 feet to the point of beginning (recorded as N01°03'36"E, 592.78 feet). Polling place at The Jefferson, 9401 Old Sauk Road. (Cr. by ORD-16-00070, 8-13-16)

(139) Ward 139. Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39'W, 349.97 feet to the centerline of East Badger Road and the South line of the NW ¼ of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. Polling place at Resilience Research Center, 501 E. Badger Road. (Cr. by ORD-16-00102, 12-2-16)

(140) Ward 140. Lot 1, Dane County Certified Survey Map No. 10681, recorded in Volume 63 of Certified Survey Maps on pages 224-225 as Document Number 3657230 and other lands located in part of the NE¼, NW¼, SW¼ and the SE¼ of the SE¼ of Section 28, Township 7N, Range 8E in the Town of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the Southeast corner of said Section 28; thence N01°20'36"W, 33.01 feet along the East line of said SE¼ to the North right-of-way line of Valley View Road, also being the point of beginning; thence S89°56'35"W, 1278.77 feet along said North line to the Southeast corner of Lot 4, Certified Survey Map No. 1338, recorded in Volume 5 of Certified Survey Map on pages 295-296 as Document Number 1383787; thence N00°48'16"E, 626.54 feet along the East line of and to the Northeast corner of said Lot 4; thence S89°57'16"W, 1303.56 feet along the North line of Lots 1 through 4, Certified Survey Map No. 1338 to the East right-of-way line of South Point Road; thence N00°47'47"E, 1683.56 feet along said East right-of-way line and a line feet 16.50 feet East of the West line of said SE¼; thence N89°51'04"E, 318.46 feet along the North line of said Lot 1, Certified Survey Map No. 10681; thence N00°49'10"E, 299.66 feet along a Westerly side of said Lot 1, Certified Survey Map No. 10681 to the North line of said SE¼; thence N89°57'06"E, 2288.59 feet along said North line to the East Quarter corner of said Section 28; thence S01°20'36"W, 2610.68 feet along the East line of said SE¼ to the point of beginning. Polling place at Blackhawk Church, 9620 Brader Way. (Cr. by ORD-17-00061, 6-19-17)

15.03 ALDERMANIC DISTRICTS.

For the purpose of local elections beginning January 1, 2012, Aldermanic Districts are established as follows by combining contiguous whole wards and as shown on a map entitled "City of Madison Aldermanic Districts and Wards, June 29, 2011" on file in the Office of the City Clerk:

(1) First Aldermanic District. Wards 101, 102, 103, 104, 105, 106, 114, 115, 116, 119, 121, 125, and 137. (Am. by ORD-11-00124, 9-12-11; ORD-11-00162 & ORD-11-00163, 12-6-11; ORD-12-00131, 10-24-12; ORD-13-00034, 3-27-13; ORD-14-00055, 3-26-14; ORD-16-00105, 12-2-16)

(2) Second Aldermanic District. Wards 44, 45, 46, 47, and 48.

(3) Third Aldermanic District. Wards 8, 9, 10, 11, 12, 128, 129, 130 and 131. (Am. by ORD-15-00065, 6-16-15, Eff. 12-28-15)

(4) Fourth Aldermanic District. Wards 49, 50, 51, 52, and 53.

(5) Fifth Aldermanic District. Wards 60, 61, 62, 63, and 64.

(6) Sixth Aldermanic District. Wards 39, 40, 41, 42, and 43.

(7) Seventh Aldermanic District. Wards 97, 98, 99, and 100.

(8) Eighth Aldermanic District. Wards 54, 55, 56, 57, 58, and 59.

(9) Ninth Aldermanic District. Wards 107, 108, 109, 110, 111, 122, 124, 127, 138, and 140. (Am. by ORD-13-00112, 6-26-13; ORD-14-00033, 2-18-14; ORD-15-00051, 5-13-15; ORD-16-00070, 8-13-16; ORD-17-00061, 6-19-17)

(10) Tenth Aldermanic District. Wards 76, 77, 78, and 79.

(11) Eleventh Aldermanic District. Wards 80, 81, 82, 83, 84, and 85.

(12) Twelfth Aldermanic District. Wards 27, 28, 29, 30, 31, 32, and 33.

(13) Thirteenth Aldermanic District. Wards 65, 66, 67, 68, and 69.

(14) Fourteenth Aldermanic District. Wards 70, 71, 72, 73, 74, 75, 113, and 139. (Am. by ORD-16-00102, 12-2-16)

(15) Fifteenth Aldermanic District. Wards 13, 14, 15, 16, 17, 18, 19, and 20.

(16) Sixteenth Aldermanic District. Wards 1, 2, 3, 4, 5, 6, 7, 123, 132, 133, and 134. (Am. by ORD-13-00209, 12-10-13; ORD-15-00065, 6-16-15, Eff. 12-28-15)

(17) Seventeenth Aldermanic District. Wards 21, 22, 23, 24, 25, 26, 126, and 136. (Am. by ORD-14-00181, 12-10-14; ORD-16-00004, 1-13-16)

(18) Eighteenth Aldermanic District. Wards 34, 35, 36, 37, 38, 112, 118, and 135. (Am. by ORD-12-00104, 8-15-12; ORD-15-00090, 9-11-15)

(19) Nineteenth Aldermanic District. Wards 86, 87, 88, 89, 90, and 117. (Am. by ORD-12-00017, 2-15-12)

(20) Twentieth Aldermanic District. Wards 91, 92, 93, 94, 95, and 96.

(Sec. 15.03 Cr. by ORD-11-00101, 8-10-11; Am. by ORD-11-00117, 9-12-11)

15.04 SURFACE OF LAKES MONONA AND MENDOTA INCLUDED WITHIN BOUNDARIES OF THE CITY. All of Section 6 except the east ½ of the southeast ¼; all of Section 7 except the east ½ of the northeast fractional ¼, in Town 7 North, Range 10 East; Lots 3 and 4 in the southeast ¼ of Section 12; also the southeast ¼ of the southeast ¼ of Section 12; all of Sections 13 and 14, 23 and 24; all of the south fractional ½ of Section 15; the east fractional ½ of Section 22, the east fractional ½ of the southwest ¼ of Section 22, and that part of the northwest ¼ of Section 22 that lies north of the Milwaukee and Prairie du Chien Railroad; so much of the north part of the west ½ of the northwest ¼ of Section 26 as is covered by the recorded plat of "Greenbush Addition to the Village of Madison," and the northeast fractional ¼ of Section 27, Town 7 North, 9 East of the fourth principal meridian, in the State of Wisconsin, together with the entire surface of Lakes Mendota and Monona to the shores at high water mark around the same, shall be included in and constitute the limits of the City of Madison. (Section 2, Chapter 1, of Chapter 36 of the Laws of 1882. See also Chapter 75, Laws of 1856; Chapter 500, Section 26, Laws of 1868; and Chapter 322, Laws of 1880.) (Renumbered from Sec. 15.24 by Ord. 7485, 8-13-81)

15.05 JURISDICTION OF CITY EXTENDS OVER LAKES BORDERING ON CITY. The twenty-sixth subdivision of Section 3 of Chapter 4 of Chapter 500 of Local Laws of 1868 is amended to read as follows: The Common Council shall have jurisdiction over the entire lakes bordering on the City and may enact and enforce such ordinances or bylaws for the preservation of fish in the waters thereof or outlets between the same, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time, and may also by ordinance or resolution prevent any deterioration of the said waters, or any nuisances being cast therein by which the health of the inhabitants of the City or the purity of the water shall be impaired, as they shall deem expedient. (Chapter 103, Private and Local Laws 1870). (Renumbered from Sec. 15.25 by Ord. 7485, 8-13-81)

15.06 RESERVED FOR FUTURE USE. (Rep. by ORD-13-00004, 1-15-13)

15.07 RESERVED FOR FUTURE USE. (Rep. by ORD-14-00012, 1-14-14)

CHAPTER 16

GENERAL PLANNING

Section

16.01 City Plan Commission.
16.02 Central Urban Service Area Expansion. (Cr. by ORD-17-00060, 6-19-17)
16.03 Reserved For Future Use. (R. by Ord. 8117, 10-3-83)
16.04 Reserved For Future Use. (Rep. & Recr. by ORD-07-00048, 4-12-07)
16.05-16.22 Reserved For Future Use.
16.23 Land Subdivision Regulations.
16.24 Condominium Instrument Review. (Cr. by ORD-08-00036, 4-4-08)
16.25 Official Map. (Renum. by ORD-08-00036, 4-4-08)
16.26 Setback Lines Established. (Renum. by ORD-08-00036, 4-4-08)

16.01 CITY PLAN COMMISSION.

(1) Created. There is hereby created a City Plan Commission, with the powers, duties and qualifications as set forth in this chapter and in Wis. Stat. § 62.23.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). (R. & Re-Cr. by Charter Ord. 58, 6-11-87)

(2) Composition. The City Plan Commission shall consist of nine (9) voting members. The Mayor or his/her designee shall serve as a member of the commission. The other members shall be three (3) members of the Common Council and five (5) citizens. The Mayor, at the annual organizational meeting each year, shall indicate to the Common Council whether he/she will serve as chairperson of the Plan Commission or inform the Common Council of the name of his/her designee. The Mayor may elect to assume membership on the commission at any time. In the event the Mayor names a designee, the commission shall elect one (1) of its members to be chairperson. Two (2) of the members of the Plan Commission shall also be members of the Long-Range Transportation Planning Committee.

This is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, except as said effective date is extended herein, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). The effective date of this ordinance shall be the day after the second regular Common Council meeting of May 1997 provided that all appointments to the Transit and Parking Commission, the Pedestrian/Bicycle/Motor Vehicle Commission and the Long Range Transportation Planning Committee have been made by the Mayor and approved by the Common Council, but in no case shall the effective date be later than the day after the first regular meeting of the Common Council of June 1997.

(Am. by Charter Ord. 70, Adopted 2-18-97; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; CHA-13-00001, Pub. 1-15-13, Eff. 3-16-13)

(3) Appointment and Terms of Alderperson Members. The Mayor shall appoint three (3) members of the Common Council to be members of such commission; and, at its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) vote of its members confirm any such mayoral appointments of three of its number as members of the City Plan Commission for terms to coincide with their terms on the Common Council.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). (R. & Re-Cr. by Charter Ord. 58, 6-11-87; Am. by Charter Ord. 76, Adopted 2-18-03 Am. by CHA-12-00001, Adopted 10-16-12)

(4) (a) Appointment and Terms of Citizen Members. The Mayor shall appoint five (5) citizens to be members of such commission; said members to continue serving on

the presently staggered three-year terms. In the month of April of each year in which the terms of office of such citizen members respectively expire, the Mayor shall appoint a citizen member to such commission for a term of three (3) years from the first day of May next ensuing. Whenever a vacancy shall occur in the term of any citizen member, the Mayor shall appoint a citizen as a member to fill such unexpired term.

(b) Alternate Members. In addition to the members above-mentioned, the Mayor may appoint upon an annual basis two (2) citizens to be alternate members of such commission and shall designate which alternate is the first alternate and which alternate is the second alternate. The first alternate shall act with full power when any other member of the commission is absent or refuses to act because of a conflict of interest. The second alternate shall so act only when the first alternate refuses or is absent or when more than one (1) member of the commission so refuses or is absent. In addition, alternates may participate in Plan Commission discussion and serve on subcommittees or as the Plan Commission representative on other City committees at any time.

(c) Non-Voting Member. In addition to the members above-mentioned, the mayor may appoint upon an annual basis, one (1) citizen to be a non-voting member. The non-voting member shall be the Superintendent of the Madison Metropolitan School District or his/her designee. The non-voting member shall not be entitled to attend any closed meetings of the Plan Commission.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5).

(Am. by Charter Ord. 64, 5-15-91; Am. by CHA-06-00004, 5-20-06; CHA-09-00001, 3-19-09)

(5) Qualifications, Term and Compensation of Citizen Members. All citizen members shall be persons of recognized experience and qualifications. Such members of the commission shall hold office until their respective successors are elected and qualified. No member of any such commission shall receive any compensation for her or his services as such member.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). (R. & Re-Cr. by Charter Ord. 58, 6-11-87; ORD-14-00012, 1-14-14)

(6) Duties. The Common Council shall refer any question concerning the location and architectural design of any public building, the location of any statue or other memorial, the location, extension, widening, enlargement, ornamentation and parking of any street, parkway, boulevard, park, playground or other memorial or public grounds within the City to such commission for its consideration and report before final action is taken thereon by the Council. All plats or replats of any lands within the limits of the City or any lands outside of and within three (3) miles of the limits of the City shall be submitted to said commission for its recommendation to the Council before the same are approved by the Council.

(7) Miscellaneous Duties. The Common Council may refer to said commission the construction or carrying out of any public work not expressly within the province of other boards or commissions of the City, and may delegate to said commission all powers which the Council deems necessary to complete such work in all details.

(8) To Prepare Maps. The commission may make or cause to be made a map or maps of the City or any portion thereof, showing locations proposed by it for any new public building, statue, memorial grounds, street, parkway, boulevard, park, playgrounds or any other public grounds and the grade thereof, and the street building and veranda lines thereof, and for any new square or park, or any changes by it deemed advisable in the present

location of any public building, statue, memorial grounds, street, parkway, boulevards, playgrounds, square or park, and may employ expert advice in the making of such map or maps.

(9) May Acquire Land. The City, acting through its commission or otherwise, may acquire by gift, purchase or condemnation any lands within or without its corporate limits for establishing, laying out, widening, enlarging, extending and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings and reservations in and about and along and leading to any or all of the same and after the establishment, layout and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements and their environs, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare. Note: For extraterritorial jurisdiction, see Wis. Stat. § 62.22(1).

(10) Slum Clearance, Etc. The City Plan Commission is hereby designated an agent of the City to perform duties and functions relating to such slum clearance and urban redevelopment projects as are approved by the Common Council, under provisions of the Blighted Area Law (Wis. Stat. § 66.1331) and the Housing Act of 1949 (Public Law 171, 81st Congress), and any amendments, additions or changes thereto. The City Plan Commission shall prepare and submit all proposed contracts between the City of Madison and the federal government for consideration and approval by the Common Council, and when so approved, and their execution in behalf of the City is authorized by the Common Council, the proper City officers shall execute such contracts in the name of and in behalf of the City. When such contracts are in force the City Plan Commission, with the appropriate officers of the City authorized hereunder, shall administer and carry out such contracts pursuant to the terms thereof and this ordinance.

(a) The City Plan Commission shall prepare all requisitions and supporting documents seeking payments from the appropriate federal agency as provided for in any contract between the City of Madison and the federal government made pursuant to state and federal redevelopment laws and authority granted herein. The City Treasurer is hereby designated as the officer authorized on behalf of the City to file all requisitions or vouchers for payment on account of advances, loans, capital grants, other financial assistance under the terms of such contracts, or in connection with local funds that may be provided. When filing such requisitions or vouchers or other instruments the City Treasurer shall cause to be executed on behalf of the City such documents or instruments as may be required by the contracting federal agency in connection with the purpose of this ordinance in order to secure payments representing such financial assistance to the City from the federal government, or from local funds. Checks evidencing payment by the federal government to the City of Madison on account of advances, temporary loans, capital grants and other financial assistance or checks evidencing payment by the City of Madison to provide local funds pursuant to this ordinance shall be payable and transmitted to the City of Madison and be credited by the appropriate officers of the City of Madison through a special segregated account or accounts in accordance with the terms of the contract or contracts between the City of Madison and the federal government. The Finance Director shall keep a record of all requisitions or vouchers filed with the appropriate federal agency relating to slum clearance and urban redevelopment projects, and she or he shall maintain appropriate accounting records with respect to all transactions relating to financial assistance for projects undertaken pursuant to federal and state laws. (Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(b) The City Plan Commission shall undertake and carry out the surveying and planning work provided for under the contract or contracts for financial assistance

under federal law, including but not limited to the preparation of redevelopment plans as well as any and all administrative, executive or managerial functions necessary to the undertaking of the project or projects involved in said contract or contracts for financial assistance. The City Plan Commission may employ necessary personnel to undertake or carry out slum clearance and urban redevelopment projects contemplated by the City's contract or contracts for financial assistance from the federal government. It shall conduct all preliminary negotiations for contractual services and submit contracts for such services to the Common Council for its consideration, approval and authorization of execution in the name of the City of Madison by the appropriate City officer or officers, and after execution shall administer the same in behalf of the City. The City Plan Commission shall submit to the federal agency such documents as may be required by contract or contracts with the federal government.

(c) The City Plan Commission shall before preparing a specific redevelopment plan for a project area adopt a resolution determining the boundaries of the proposed project area. Such determination shall, in accordance with subsection (5)(b)1. of the Blighted Area Law, Wis. Stat. § 66.1331, be submitted to the Common Council for its approval. Upon approval by the Common Council of the boundaries of a project area, the City Plan Commission shall prepare and adopt a redevelopment plan meeting the standards prescribed by subsection (5)(b)2. of the Blighted Area Law, Wis. Stat. § 66.1331. The City Plan Commission shall submit such redevelopment plan to the Common Council, which shall hold a public hearing thereon before approving such plan. After approval of a redevelopment plan by the Common Council the City Plan Commission shall, in accordance with subsection (5)(d) of the aforementioned Blighted Area Law, certify said plan to the Common Council with the recommendation that the City of Madison through its appropriate officers proceed to acquire the real property in the project area. The City Plan Commission is hereby authorized to proceed with land acquisition under the aforementioned Blighted Area Law in carrying out the provisions of this ordinance whenever it shall appear appropriate to it and the Common Council approves such acquisition.

(d) The City Plan Commission shall advise and assist the City of Madison in the preparation of the terms of any sale or lease of land in a project area and shall hold the public hearing on the terms of any proposed sale or lease when required by Subsection (6)(b) of the aforementioned Blighted Area Law. The City Plan Commission shall prepare relocation plans in accordance with Subsection (7) of the aforementioned Blighted Area Law, and in accordance with applicable federal laws.

(11) (R. by Ord. 6566, 3-16-79)

16.02 CENTRAL URBAN SERVICE AREA EXPANSION.

(1) The purpose of this ordinance is to outline a procedure for the City Planning Division to petition the Capital Area Regional Planning Commission (CARPC) for an expansion of the Central Urban Service Area (CUSA):

(a) Prior to submitting any application to CARPC to expand the CUSA, the City Planning Division shall prepare the application and submit it to City Engineering, Traffic Engineering, Water Utility, Metro Transit, Parks Division, Madison Police Department, and the Madison Fire Department for input regarding the City's ability to provide services to the proposed expansion area.

(b) After receiving input from each of the above agencies, the City Planning Division shall submit to the Plan Commission the proposed application, the input provided by the city agencies listed above, and a resolution authorizing the Planning Division to submit the application to CARPC.

(c) Giving due consideration to the input received from the city agencies, the cost of providing services to the proposed expansion area, and the recommendations of the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plans, the Plan Commission shall advise the Common Council whether the City is able to provide municipal services to the proposed CUSA expansion area and whether expanding the proposed area is consistent with the above plans.

(d) Upon receiving a recommendation from the Plan Commission, the Common Council shall consider whether expanding the proposed CUSA area is consistent with the health, welfare, and best interests of the City and act on the proposed authorizing resolution. The Planning Division shall submit the application to expand the CUSA if a majority of the members of the Common Council vote in favor of the proposed authorizing resolution.

(Cr. by ORD-17-00060, 6-19-17)

16.03 RESERVED FOR FUTURE USE. (R. by Ord. 8117, 10-3-83)

16.04 RESERVED FOR FUTURE USE. (R. & Recr. as Sec. 3.12 by ORD-07-00048, 4-12-07)

16.05-16.22 RESERVED FOR FUTURE USE.

16.23 LAND SUBDIVISION REGULATIONS.

(1) Introduction and Purpose. The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Madison in order to promote the public health, safety and general welfare of the community. They are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors; to prevent the development of noise sensitive land uses (such as homes, schools and recreational areas) adjacent to highway corridors and to ensure that any such development that does occur is planned to mitigate the adverse effects of noise; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, storm drainage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger parcels into smaller parcels of land. These regulations are formulated to facilitate enforcement of development standards as outlined in the Building Code (Chapter 29), Zoning Code (Chapter 28), master plan and official map of Madison.

The standards contained are based on the requirements for development of the best possible urban environment outlined by the American Society of Civil Engineers, American Public Health Association, National Recreation Association, American Association of State Highway Officials, Institute of Transportation Engineers, Federal Emergency Management Administration, American Society of Planning Officials Reports, Wisconsin Administrative Code, TRANS 405, The Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Par. 772, and review by the Madison Area Surveyors Council.

In general, residential subdivisions will be encouraged to provide generous distances between building sites and existing industries and between building sites and high capacity streets, highways, and expressways and freeways to act as buffers against noise and noxious fumes. Residential subdivisions will also be discouraged from locating too close to existing or proposed airport approach zones.

(Sec. 16.23(1) Am. by Ord. 10,560, Adopted 12-15-92)

(2) Definitions. For the purpose of these regulations certain words used therein are defined as follows:

A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Certified Survey Map. A drawing meeting all the requirements of Sec. 236.34 Wis. Stats. which is a map or plan of record of a land division.

Cluster Development. A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.

Commercial Area. Any area designated for commercial uses under Chapter 28 of the Madison General Ordinances.

Comprehensive Development Plan. A total site plan of an area of land eighty (80) acres or more in size all under the control of a developer(s) at the time of submission for review. Said plan shall specify and clearly illustrate the location, relationship and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.

Condominium Instrument. The plat and plans of a condominium together with any attached exhibits or schedules, and any amendment, addendum, or other document that affects some change in a recorded condominium plat. (Cr. by ORD-08-00036, 4-4-08)

Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar actions, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Equivalent A-Weighted Sound Level (Lsq). The equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above ground surface. "Leq(h)" means the hourly valve of Leq.

Existing Noise Level. The highest hourly noise level caused by existing conditions in a particular area.

Expressway/Freeway. The meaning found in Wis. Stat. § 84.295.

Extraterritorial Plat Approval Jurisdiction. That area outside the City limits in which the City of Madison Common Council has by resolution chosen to approve plats in accordance with Wis. Stat. § 236.10(5). A copy of said resolution is on file in the office of the City Clerk.

Final Plat. The map or plan of record of a subdivision, and any accompanying material, as described in subsection (7).

Future Noise Level. The highest hourly traffic noise level based on estimated traffic volumes within a 20-year period after the completion of construction of the new highway facility.

Greenway. An open area of land included under the definition of "Parkways" (Sec. 16.24), the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes including, in addition to their principal use for storm drainage, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development and other related uses.

Habitable Room. Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Intercardinal Streets. Streets having or approximating a southeast to northwest or southwest to northeast orientation.

Land Division. The division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four (4) or less parcels or building sites of forty (40) acres or less in area.

Manufacturing. Any area designated for manufacturing uses under Chapter 28 of the Madison General Ordinances.

Master Plan. The comprehensive plan for guiding and shaping the growth and development of the Madison community, including all of its component parts as set forth in the various maps, plats, charts and descriptive and explanatory matter, prepared by the Madison City Department of Planning and Community and Economic Development and adopted and certified to the Common Council by the City Plan Commission.

Noise Barrier. Any device which reduces the transmission of highway traffic noise from a highway to an adjacent receptor, including but not limited to, earth berms, walls made from timber, metal, concrete, or any combination.

Noise Level. The sound level obtained through use of A-weighting characteristics. The unit of measure is the decibel (dB), commonly referred to as dBA when A-weighting is used.

Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Common Council pursuant to Wis. Stat. § 62.23(6).

Other. All other pertinent terms shall be as defined in the Zoning Code of the City of Madison and in Wis. Stat. ch. 236.

Outdoor Living Area. Spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, residential play areas; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Parcel. Contiguous lands under the control of a subdivider(s), not separated by streets, highways or railroad rights-of-way.

Person. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Planned Multi-Use Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a reciprocal land use agreement or plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking. (Am. by Ord. 12,213, 10-19-98; ORD-12-00134, 1-2-13)

Planned Development District. Zoning Districts provided for in the City of Madison Zoning Code which allow diversification and variation in the physical development of land in return for an improved environment.

Preliminary Plat. A map showing the salient features of a proposed subdivision or land division as described in subsection (7), submitted to the secretary of the Plan Commission for purposes of preliminary consideration prior to all final plats and, when required, prior to all land divisions.

Residential Area. Any area designated for any residential use under Chapter 28 of the Madison General Ordinances.

Solar Collector. A device, structure or a part of a device or structure, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Direct radiant energy received from the sun.

Sound. An oscillation in pressure, partial displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1,4-197, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Specific Implementation Plan. One element of the documents required for review by the City when rezoning land to the Planned Development Districts as provided for in the City of Madison Zoning Code.

Street. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. Arterial Streets And Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between activity areas.
    a. Principal Arterials. Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
    b. Primary Arterials. Those streets serving long trips between important cities and the major, intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.
    c. Standard Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.
2. Collector Streets. Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed

from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also subclassified into two subclasses, namely connectors and distributors.

a. Connector Streets. Those streets which perform a semiarterial function as well as serving as distribution and land access streets.

b. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

3. Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

4. Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street. (Renumbered by ORD-06-00054, 5-4-06)

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility facilities and appurtenances attached thereto.

Subdivider. Person or persons requesting review or action on a subdivision or land division.

Subdivision. The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where:

1. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area; or

2. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area by successive divisions within a period of five (5) years.

The term "subdivision" shall include resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided, regardless of change in ownership.

(Sec. 16.23(2) Am. by Ord. 10,560, Adopted 12-15-92)

(3) General Requirements.

(a) Subdivisions.

1. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision as defined herein without complying with the provisions of Wis. Stat. ch. 236, and the requirements of this ordinance. This ordinance shall apply to Condominiums created under Wis. Stat. ch. 703, the Condominium Ownership Act, where an actual subdivision results. (Am. by Ord. 7459, 7-6-81)

2. The proposed subdivision shall conform to:

a. The provisions of Wis. Stat. ch. 236.

b. All applicable ordinances of the appropriate jurisdictions in effect when the preliminary plat is submitted, or if no preliminary plat is submitted, when the final plat is submitted, unless the applicant and the City agree that the applicable ordinances are those in effect at the time the plat is approved. (Am. by ORD-11-00074, 5-31-11)

c. The master plan and official map or any portion thereof.

i. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said master plan or official map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.

ii. Where a proposed school site or other public ground shown on the master plan or official map of the City of Madison is located in whole or in part within the proposed subdivision, such proposed public ground or park may be dedicated to the public, or reserved for a period of five (5) years from the date of approval of the final plat for acquisition by the City of Madison, Dane County, the township in which it is located, or any other appropriate agency having the authority to purchase said property.

iii. Park and open space land and development improvements shall be provided as required in Section 16.23(5)(f)1. (Am. by Ord. 10,374, Adopted 2-4-92)

iv. Upon approval of a preliminary plat, lands proposed for public use referred to under (i) through (iii) above shall not be changed either in land form or content without the written approval of the City Engineer for lands involved in (i) and (ii) and without the written approval of the Superintendent of Parks for lands involved in (iii).

Continued harvesting of agricultural crops other than woodland products is permitted provided, however, that such cropping has occurred within the last five (5) years on the land under consideration.

v. No dedication under i., ii. and iii. above can be required in a total amount of more than thirty-three percent (33%) of the area to be platted, except that this limitation shall not apply to greenways, detention basis, or other stormwater management facilities required to serve the proposed development, or to existing easements for road purposes. (Am. by Ord. 10,797, 12-17-93)

d. The rules of the State Board of Health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such service have not been made. Where soil survey information is available, such data shall also be considered in determining any areas not suitable for on-site soil absorption sewage disposal system due to inorganic soil, soil subject to flooding, ground water contamination or silting, soils with a high or fluctuating water table, proximity to bedrock, or excessive slopes.

e. The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment on the streets if the subdivision or any lot contained therein abuts on a state trunk highway or street connecting thereto.

f. The requirements of City departments as determined during review of the subdivision.

(Sec. 16.23(3)(a)2. R. & Recr. by Ord. 5088, 7-29-75)

3. No land shall be subdivided which is held by the City Plan Commission to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to safety or welfare of future residents or landowners in the proposed subdivision or of the community.

The City Plan Commission in applying the provisions of this section shall in writing recite the particular facts upon which it bases its

conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

4. In the case of land divisions and subdivisions plats, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located, provided that in mixed-use and commercial and employment districts lotting shall be to widths and areas deemed by the Plan Commission to be appropriate for the prescribed use. For land divisions and subdivision plats of landmark sites and properties in Historic Districts, no land shall be divided or combined without the approval of the Landmarks Commission under Sec. 41.18(4). (Am. by ORD-11-00123, 9-12-11; ORD-12-00134, 1-2-13; ORD-15-00116, 10-28-15)

5. In the case of land divisions and platted subdivisions, agreements, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development and the City Attorney prior to final approval of the development. (Cr. by Ord. 13,179, 11-5-02)

6. The City of Madison subscribes to the policy that urbanizing land should desirably be located in a compact manner within an existing city or village where arrangements for public transportation will minimize the impact of commuting automobile traffic on City residents and where the full range of urban services and facilities will be available. Within a recognized urban service area, those subdivisions that could provide adequate public facilities and public services would be favored. Subdivisions shall conform to the following policies:

   a. To preserve and enhance the existing cities and villages and encourage compact balanced growth shared by and in association with all the region's cities and villages. Planned new towns may also be appropriate in the future.

   b. To encourage the development of balanced compact communities in Dane County with appropriate commercial, public services, industrial, employment, residential and open space land uses meeting the needs of present and future residents of those communities.

   c. To direct new growth to those areas capable of providing a full range of urban services and facilities.

   d. To prevent scattered and noncontiguous development without discouraging new and desirable development.

   e. To insure that new development will not be detrimental to the physical, social and economic well-being of residents of the City or the County.

   f. To insure that new development will be organized and timed so as to permit urban services and facilities to be provided as economically and efficiently as possible.

   g. To discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities.

   h. To preserve high quality agricultural lands for that purpose when located in an area designated for preservation.

i. To prohibit development in areas or forms where substantial problems will result from excessive automobile traffic volume.

j. To favor land use intensities and patterns that are supportive of alternative modes of transportation.

(Sec. 16.23(3)(a)5.R. & Recr. by Ord. 4939, 4-11-75)

7. A preliminary plat or final plat of any subdivision shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to support and service the area of the proposed subdivision, except as provided hereinafter in Subdivision (c) for certain land divisions and subdivisions located within the extraterritorial plat approval jurisdiction. In considering the questions of adequacy of public facilities and public services as set forth above, the Plan Commission and Common Council shall consider but not be limited to: (1) The nature, extent and size of the proposed subdivision and its impact in terms of the estimated increase in population expected to result; (2) The present or projected state of development likely to result when said subdivision is developed with projected densities as anticipated by adopted area Master Plans and currently approved subdivisions in the immediate vicinity of the proposed subdivision; and (3) The avoidance of expenditures of public funds necessitated by the proposed subdivision which are not in adopted capital or operating budgets. For subdivisions in the City of Madison, the applicant shall furnish data requested by the City Engineer, Water Utility Manager, Traffic Engineer and Director of Planning and Community and Economic Development who will coordinate statements of adequacy for transportation, storm sewer, sanitary sewer, water service, fire and police protection, parks, open space, and recreation and school facilities for the Plan Commission and the Common Council. For subdivisions in the extraterritorial area, the applicant shall include with the application for subdivision approval, a statement evaluating and demonstrating compliance with the provisions of this section to be reviewed by City departments and forwarded with appropriate comments to the Plan Commission and Common Council. Public facilities and public services may be determined adequate for a proposed subdivision when the following conditions are found to exist: (Am. by Ord. 10,981, 9-14-94)

a. The proposed subdivision shall be deemed adequately accessible via roads and public transportation facilities if any of the following conditions are present:

i. Existing roads are adequate to accommodate the traffic that would be generated by the subject subdivision in addition to existing traffic and are publicly maintained all weather roads; or

ii. Such additional roads or road improvements necessary in combination with existing roads to accommodate the additional traffic that would be generated by the subject subdivision are budgeted in the current adopted budget for construction with public or private financing; or

iii. Public bus or other form of mass transportation sufficient to serve the proposed subdivision in combination with (i) or (ii) or both is available or programmed within the area of the subdivision under consideration.

iv. In its determination of the adequacy of transportation to accommodate traffic, the Plan Commission and Common Council shall consider the recommendation of the Depart-

ment of Transportation or the Dane County Regional Transportation Study, the applicable levels of traffic service, peak hour use and average use, and any other information presented.

b. The proposed subdivision shall be determined to have adequate storm sewer when the City Engineer certifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to assure the installation of storm sewers meeting the standards of the Madison Board of Public Works or, in the event of other units of government, standards that are comparable to those established by the Madison Board of Public Works for a storm sewer and drainage facilities.

c. The proposed subdivision shall be determined to have adequate sanitary sewerage facilities if located within an area in which main line interceptor sewer service is presently available, under construction, or designated by the Common Council or other local unit of government for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. In its determination of the adequacy of sewerage service, the Plan Commission and Common Council shall consider the recommendation of the City Engineer, the capacity of trunk lines and sewerage treatment facilities and any other information presented.

d. The proposed subdivision shall be deemed to have adequate water service if the following conditions are met:

i. It is located within the urban service area prescribed by the Common Council or other appropriate local units of government, and

ii. It is contiguous to an arterial transmission water main of adequate capacity for the increased supply necessary or if the water distribution system that is needed is under construction or scheduled by the appropriate governing unit for installation within the current budget year and funds, either private or public, are available for such program.

In its determination of the adequacy of water service, the Plan Commission and Common Council shall consider the recommendation of the Madison Water Utility, the capacity of distribution lines, water sources, water storage facilities and any other information presented. (Am. by Ord. 10,981, 9-14-94)

e. The proposed subdivision shall be deemed to have adequate fire protection and police service when it can be demonstrated that police or fire services are so situated that adequate and timely service can be provided so as not to involve danger or injury to health, safety or general welfare to the future residents of the proposed subdivision. In its determination of the adequacy of police and fire services, the Plan Commission and the Common Council shall consider the recommendations of the Madison Police and Fire Departments or other local departments providing such services in the area of the proposed subdivision including the grading of the Fire Department serving the area based on the American Insurance Association standards.

f. The proposed subdivision shall be deemed to have adequate parks, open space and recreation when it can be demonstrated that the future residents of the proposed subdivision will have such park, open space and recreation services and facilities available to them as are established by the standards in the most recently adopted plan for Park and Open Spaces by the City of Madison or Dane County.

g. The proposed subdivision shall be deemed to have adequate school facilities when the school district in which such proposed subdivision will be located upon its development, provides information that adequate classroom space is either available within the normal walk-in service area or that adequate transportation as normally provided by the school district can be provided to elementary through high schools that have sufficient classroom space to provide for the anticipated school age children in the proposed subdivision.

Where the Plan Commission and Common Council determine that one or more public facilities or public services are not adequate for the full development proposed, but that a portion of the area could be served adequately, or careful phasing of the development could result in all public facilities or public services being adequate, conditional approval may include only such portions, may specify phasing of the development, or may require a development or annexation agreement to insure future provision of required public facilities and services.

(Sec. 16.23(3)(a)6. Am. by Ord. 10,258, Adopted 5-21-91)

(b) Land Divisions. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined herein without filing for approval by the secretary of the City Plan Commission and recording a certified survey map meeting all of the applicable requirements of Sec. 16.23 of the Madison General Ordinances and Wis. Stat. § 236.34, and Wis. Admin. Code ch. Trans 405. Successive land divisions from a lot or parcel may be approved provided all divisions within any five (5) year period create a total of four (4) or less parcels or building sites. A preliminary plat must be filed prior to the certified survey map unless waived by the secretary of the Plan Commission. This ordinance shall apply to Condominiums created under Wis Stats. ch. 703, the Condominium Ownership Act, where an actual land division results.

(c) Land Divisions or Subdivisions in Extraterritorial Plat Approval Jurisdiction. The Plan Commission may recommend or approve the subdividing of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission shall not consider any subdivision or land division which did not have prior approval by the approving authorities for both the Town(s) and Dane County. The Plan Commission may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.

The Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following criteria:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question.

   Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.

2. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

(Sec. 16.23(3)(c) Am. by ORD-11-00074, 5-31-11)

(d) Highway Noise Land Use Provisions.

1. General Provisions.

   a. No owner of any unplatted lands which is adjacent to any existing state or federal expressway or freeway and for which a preliminary plat approval was not granted prior to November 6, 1990, shall be granted final plat approval or shall commence or cause to be commenced construction of any structure, unless approved by the Director of the Department of Planning and Community and Economic Development or her/his designee.

   b. Prior to approval of any preliminary plat, final plat or commencement of construction of any structure, every application for approval shall be submitted in writing to the Department of Planning and Community and Economic Development by the owner of the land on which the structure is proposed to be constructed and shall contain the following information:

      i. Identification of the land on which the construction is proposed;

      ii. The section under which approval is requested;

      iii. Information and data supporting the claim that the appropriate requirements shall be met including specific enumerations that the Wisconsin Department of Transportation's Administrative Code TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Part 772, provisions shall be met and any other information which the Department of Planning and Community and Economic Development may require.

      iv. Approval certificate from the Department of Transportation certifying that hourly traffic sound levels Leq(h) as hereinafter indicated, are within permissible levels or that appropriate sound attenuation measures are incorporated into the design and construction of any structures to satisfy the highway noise provisions within this ordinance.

c. In addition to the requirements contained in subparagraph b. above, the application shall also contain the following information as well as any other information requested by the Director of Transportation bearing on the approval:

i. The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with guidelines presented in "Sound Procedures for Measuring Highway Noise: Final Report", August 1981, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA, or modeled according to a methodology consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);

ii. The projected future Leq(h) at the site resulting from future traffic increases; and

iii. Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.

2. Construction Restrictions for Habitable and Institutional Structures.

a. No new single family residential structure shall be approved for construction if any exterior hourly traffic sound level Leq(h) anywhere within a proposed outdoor living area is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter.

b. No new multi-family dwelling, dormitory, mobile home park, transient lodging, church, library, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved for construction if any exterior hourly traffic sound level, Leq(h), anywhere within a proposed outdoor living area on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or modification or anytime thereafter. (Am. by ORD-13-00087, 5-29-13)

c. Construction otherwise prohibited shall be allowed if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level, Leq(h), equal to or in excess of 67 dBA and provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level, Leq(h), in a habitable room to 52 dBA upon completion of the structure or modification, or anytime thereafter.

d. Prior to issuance of any building permit for any structure regulated pursuant to Subparagraph c. above, the owner of the structure shall submit to the Transportation Department, plans and specifications identifying the sound attenuation measures to be incorporated into the design and construction of the structure to meet the interior Leq(h) criteria.

e. The Department of Transportation may conduct such inspections and measurements as are necessary to ensure the proper implementation of the sound attenuation measures proposed pursuant to Subparagraph d. above and to ascertain compliance with this provision.

3. Recreational Area Restrictions.

a. No land shall be designated or approved for construction or used as a public or private exterior recreational area, including, but not limited to, children's playgrounds, outdoor theaters and amphitheaters, picnic grounds, tennis courts and swimming pools, if any exterior hourly traffic sound level, Leq(h), anywhere on the site of the proposed recreational areas is projected to be equal to or in excess of 67 dBA upon completion of the construction or designation of the site or anytime thereafter, except for the following:

i. This section shall not apply to the designation or approval of any green belt or open space in any area in which the noise level exceeds the level specified in Subparagraph a. above regardless of whether such green belt or open space is open to public use, provided that no recreational improvement or facility is constructed thereon.

ii. Designation or approval of exterior recreational area otherwise prohibited under Subparagraph a. above shall be allowed if the noise level specified in that subparagraph can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings, at the perimeter of or elsewhere on the site.

b. No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the hourly traffic sound level, Leq(h), anywhere on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter, unless there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum hourly traffic induced sound level, Leq(h), to 52 dBA.

(e) Remedies. Failure to comply with the requirements of this section shall invalidate purported transfers of titles at the option of the purchaser in accordance with provisions of Wis. Stat. § 236.31(3). Building permits shall also be refused for construction on sites created in violation of these requirements.

(f) Exceptions. The provisions of this ordinance insofar as it may apply to divisions of less than five (5) parcels, shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages or easements.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the Zoning Code, or other applicable laws or ordinances.
4. Leases or transfers of lands within an approved Planned Commercial Site.
5. Qualifying land divisions set forth in Cooperative Plans. (Cr. by ORD-11-00074, 5-31-11)
6. Where Certified Survey Maps are prepared for exempted land divisions as enumerated in paragraphs 1-4 above, the Secretary of the Plan Commission or her/his designee, upon review, shall have the authority to sign an appropriate notation thereon that the Certified Survey Map is exempted from Plan Commission review pursuant to the applicable provision. (Cr. by Ord. 10,588, 2-12-93; Renum. by ORD-11-00074, 5-31-11)

(g) Appeals to Circuit Court. Any person aggrieved by an objection to a plat or land division, condition of plat or land division approval or failure to approve a plat or land division may appeal from such action on a plat by the Common Council or from such action on a land division by the Plan Commission acting under Sec. 16.23(3)(c) of the Madison General Ordinances, as provided in Wis. Stat. §§ 62.23(7)(e)10 to 15, and authorized by Wis. Stat. § 236.13(5), within thirty (30) days of notification of such final action by letter from the Secretary of the Plan Commission. (Am. by Ord. 10,981, 9-14-94)

(Sec. 16.23(3) Am. by Ord. 10,560, Adopted 12-15-92)

(4) Summarized Procedure For Dividing Land Within The City Limits Or Its Extraterritorial Area. In planning and developing a subdivision or land division within the City of Madison or its extraterritorial area, the subdivider or the subdivider's agent shall in every case follow one of the following procedures: (Am. by ORD-14-00012, 1-14-14)

(a) For ownerships of eighty (80) acres or more:

1. Pre-application conference, preliminary plat (entire parcel) and final plat (all or part of preliminary plat); or
2. Pre-application conference, comprehensive development plan (CDP) on entire ownership, preliminary plat (first final plat area) and final plat (all or part of preliminary plat).

(b) For ownerships of less than eighty (80) acres with five (5) lots or more to be platted in five (5) years or less:

Pre-application conference, preliminary plat (entire parcel), final plat.

(c) For ownerships of less than eighty (80) acres with less than five (5) lots to be platted in five (5) years or less:

Pre-application conference, preliminary plat (entire parcel), certified survey map.

(5) Detailed Procedure For Dividing Land Within The City Limits.

(a) Pre-application Procedure. Previous to the filing of an application for approval of a preliminary plat, comprehensive development plan or certified survey map, the subdivider may consult the Plan Commission and its staff for advice and assistance. This step does not require formal application, or filing of a plat, but is intended to inform the subdivider of the objectives of these regulations and of the master plan and official map, to otherwise assist the subdivider in planning his/her development; and in so doing to informally reach mutual conclusions regarding the general program and objectives of the development. (Am. by ORD-14-00012, 1-14-14)

(b) Preliminary plat approval shall precede final plat approval unless the Director of the Department of Planning and Community and Economic Development has approved submission of the preliminary plat and final plat at the same time. If the preliminary plat will be submitted and approved prior to submission and approval of the final plat, the applicant shall comply with the procedures in (c) and (d) below. If the preliminary plat and final plat will be submitted together for joint approval, the applicant shall follow the procedure in (e) below. (Cr. by ORD-05-00142, 8-19-05)

(c) Preliminary Plat Procedure.

1. Before submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat and supplementary material and shall file with the secretary of the Plan Commission a written application on forms furnished by the Plan Commission for approval of said plat, accompanied by eighteen (18) blueline prints or other acceptable reproductions thereof at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The applicant shall include a Report of Title satisfying the Office of Real Estate Services of the Department of

Planning and Community and Economic Development requirements. If the area submitted for development is adjacent to an expressway or freeway as defined in Wis. Admin. Code ch. Trans 405, the subdivider shall supply to the Department of Planning and Community and Economic Development and the Transportation Department, a noise site study report satisfying Wis. Admin. Code ch. Trans 405 and Sec. 16.23(3)(d), Madison General Ordinances.

The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of eighty (80) acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire ownership, s/he may elect to submit a comprehensive development plan for her/his lands as provided for hereinafter. (Am. by Ord. 10,560, Adopted 12-15-92; ORD-05-00142, 8-19-05; Am. by ORD-08-00025, 3-15-08)

2. The preliminary plat shall be reviewed by the Department of Planning and Community and Economic Development for conformity with all ordinances, administrative rules and regulations, including title of ownership, encumbrances, easements, rights-of-way, leases, delinquent real estate taxes, special assessments, the necessary certificates, all other appropriate items, and plans which affect subdivisions; and it shall transmit a copy of the preliminary plat to appropriate City agencies, as determined by the Director of Planning and Community and Economic Development, for review and comment concerning matters within their jurisdiction. The Department of Planning and Community and Economic Development shall submit the comments to the Plan Commission. (Am. by Ord. 10,981, 9-14-94)

3. The Plan Commission shall submit the preliminary plat together with the recommendations of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of filing of the plat for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing or by resolution any conditions of approval or reasons for rejection. One copy of the preliminary plat shall be returned to the subdivider and one to the surveyor with the date and action endorsed thereon. Failure of the Common Council to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat. (Am. by Ord. 10,981, 9-14-94)

4. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission.

5. Whenever it is proposed to replat a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions, the Plan Commission shall hold a public hearing on the proposed preliminary plat of the replat before taking action. When a preliminary plat of a replat is filed with the secretary of the Plan Commission, the secretary shall schedule a public hearing before the Plan Commission. The secretary shall mail notices of the proposed replat and of the scheduled hearing thereon at

least ten (10) days prior to the time of such hearing to the owners of all properties situated within the limits of the exterior boundaries of the proposed replat, and to the owners of all properties within a radius of two hundred (200) feet of the exterior boundaries of the proposed replat.

(d) Final Plat Procedure.

1. Sixteen (16) reproductions of the final plat (plus a sufficient number to be submitted to state agencies as required under the provisions of Wis. Stat. § 236.12. if the subdivider follows that procedure), an interim report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, along with a written application for approval on forms provided by the Plan Commission shall be submitted to the Secretary of the Plan Commission within thirty-six (36) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. If approval of the preliminary plat must be obtained from another approving authority subsequent to the preliminary plat approval by the Plan Commission, the final plat shall be submitted within thirty-six (36) months of such approval. The Plan Commission may, however, extend the time limit in either case. (Am. by Ord. 9748, Adopted 4-4-89; ORD-00142, 8-19-05; Am. by ORD-08-00025, 3-15-08)
2. A professional engineer, planner, or another person charged with the responsibility to review plats shall provide the Plan Commission with a recommendation on approval of the final plat based on a determination whether the final plat conforms substantially to the approved preliminary plat. Such determination and recommendation shall be part of the record and need not be submitted in writing.
3. The Secretary of the Plan Commission shall forthwith forward the ten (10) copies of the plat to the Plan Commission and shall within two (2) days of the submission forward such copies of the plat to the Director of Local and Regional Planning (if the subdivider follows that procedure) as may be required by Wis. Stat. § 236.12. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat, the requirements set forth in this ordinance, and with any other ordinances, administrative rules and regulations, and plans which may affect it; and shall recommend approval, conditional approval or rejection of the plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. In the event that the final plat constitutes only a portion of the approved preliminary plat, the interim Report of Title need only include those lands included in the final plat. The City Clerk shall forward the interim Report of Title and one copy of the final plat to the Office of Real Estate Services of the Department of Planning and Community and Economic Development. (Am. by Ord. 9748, Adopted 4-4-89; ORD-00142, 8-19-05; Am. by ORD-08-00025, 3-15-08)
4. The Plan Commission shall transmit the plat, together with the recommendations of the commission to the Mayor and Common Council, within sixty (60) days of its submission to the City Clerk, for necessary action. The Council shall approve or reject the final plat within sixty (60) days of its submission to the City Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing. If the Common Council fails to act within sixty (60) days and the time has not been extended by agreement and if no

unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the City Clerk. (Am. by Ord. 10,534, 11-13-92)

5. After the final plat has been approved by the Common Council and petitions and a contract and bond insuring the installation of improvements filed in accordance with Subsection (9) hereof, the subdivider shall submit the final plat, an interim Report of Title, satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, to the City Clerk, along with a check in the amount of twelve dollars ($12) to cover the cost of having six (6) copies of the recorded plat made by the Dane County Surveyor for City files. The interim Report of Title need only include those lands included in the final plat. If the final plat complies with the conditions of approval and is submitted within the required time of the date of approval by the Common Council pursuant to Wis. Stat. § 236.25(2)(b). If the plat is not recorded in accordance with the time requirements of said statute, reapproval by the Common Council may be required before the final plat is recorded and an additional interim Report of Title may be required at the time the final plat is resubmitted for approvals. (Am. by Ord. 10,804, 12-24-93; Am. by ORD-08-00025, 3-15-08)

(Sec. 16.23(5)(d) Am. by ORD-11-00074, 5-31-11)

(e) Combined Preliminary Plat and Final Plat Procedure. The procedures and required documentary submissions shall be the same as set forth in (c) and (d) above with the exception of the following.

1. All materials required for the preliminary plat and the Final Plat shall be submitted at the same time, at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired.
2. The Plan Commission shall submit both the preliminary plat and the final plat together with the recommendation of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of the filing of both plats for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and the final plat and shall state in writing any conditions of approval or reasons for rejection. Failure of the Common Council to act within the ninety (90) days, or extension thereof, constitutes an approval of any plat for which no action was taken.

(Cr. by ORD-05-00142, 8-19-05)

(f) Comprehensive Development Plan Procedure.

1. When the subdivider has eighty (80) acres or more of land under her/his control, s/he may elect to file a comprehensive development plan in lieu of a preliminary plat for the entire lands under her/his control. The lands may be in a single parcel, or separated only by roads, streets, highways or railroad rights-of-way.
2. The applicant for a comprehensive development plan (CDP) shall file twelve (12) blueline prints and twelve (12) copies of all exhibits as required hereinafter with the secretary of the Plan Commission.
3. The CDP and exhibits shall be reviewed by the Department of Planning and Community and Economic Development, other City agencies as determined by the Director of Planning and Community and Economic Development, and Board of Education for conformity with the provisions of the ordinances and for the possible effect of the proposed division on

any plans as set forth in the master plan, official map or neighborhood unit development studies, and comment concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the secretary of the Plan Commission not later than forty-five (45) days from the date the map is received by the reviewing departments. The Department of Planning and Community and Economic Development may also refer the CDP and exhibits to the Capitol Area Regional Planning Commission staff for review and comment when the CDP is located outside the City limits. (Am. by Ord. 10,981, 9-14-94; ORD-09-00147, 11-6-09)

4. The Plan Commission shall within sixty (60) days of the filing of the CDP and exhibits recommend approval, conditional approval or rejection. One copy of the plans shall be returned to the applicant with notification in writing of any conditions of approval or the reasons for rejection.

5. After action by the Plan Commission, the CDP and exhibits shall be referred to the Common Council for action. The Common Council shall within ninety (90) days of the filing of the CDP and exhibits approve, approve conditionally or reject it. The approved CDP and exhibits shall be filed for record with the Dane County Register of Deeds by the applicant after action by the Common Council.

6. Any major changes to the recorded CDP and exhibits shall be approved by the Common Council after recommendation by the Plan Commission, and shall be recorded. The determination of what constitutes a major change shall be made by the secretary of the Plan Commission. Her/his decision may be appealed to the Plan Commission as provided for preliminary plats and land divisions in Subsection (3)(e) of this ordinance. (Am. by ORD-14-00012, 1-14-14)

(g) Land Division (Certified Survey) Procedure.

1. Within the corporate limits of the City of Madison, or within the extraterritorial plat approval jurisdiction thereof a certified survey map approved by the Secretary of the City Plan Commission or her/his designee (and Common Council when dedication of land is involved) and meeting all of the requirements of Wis. Stat. ch. 236.34, may be utilized in lieu of a final plat after being filed by the subdivider for record with the Dane County Register of Deeds, for creating a land division. Unless waived by the Secretary of the Plan Commission or her/his designee, an acceptable preliminary plat shall be filed by the subdivider prior to or with the certified survey map. In making a determination as to whether the preliminary plat requirement may be waived, the Secretary of the Plan Commission or her/his designee shall consider the recommendations of other reviewing departments and may require sketches and/or other information to be supplied by the subdivider to be circulated to City departments for determination of whether the objectives of the subdivision regulations can be achieved without the preliminary plat. The preliminary plat must be submitted on all lands under the control of the applicant and (or) lands in which the applicant has an ownership interest. The land will be determined by quarter-quarter section lines. The preliminary plat shall be circulated to City departments as required in Subsection (5)(b) of this ordinance. When the preliminary plat is waived, the certified survey map shall show the entire ownership with a survey for the parcel or parcels being separated and a scaled drawing from recorded information for the parcel remaining. The subdivider shall comply with the requirements of Subsection (6) for property outside the City limits and Subsec-

tion (9) for property within the City limits when a certified survey map is used. All unpaid and delinquent real estate taxes shall be paid prior to recording the certified survey map. For property within the City limits, all unpaid special assessments shall be paid unless determined otherwise by the Board of Public Works. (Am. by Ord. 10,258, Adopted 5-21-91; Ord. 13,755, 1-5-05)

2. The applicant for a land division shall file sixteen (16) copies of a certified survey map and written application for approval with the Secretary of the Plan Commission on forms provided by her/him. The application shall include a report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements and verification that all real estate taxes and special assessments have been paid. The Office of Real Estate Services shall review the map, necessary public records and report of title for ownership, mortgages, liens, judgments, and other encumbrances, easements, rights-of-way, leases, verification of all real estate taxes and special assessment payments, due diligence regarding matters of environmental hazard and all other appropriate items and shall provide recommendations on the certificate page or pages and the necessary signatures. The Office of Real Estate Services of the Department of Planning and Community and Economic Development shall consult with the City Attorney on matters of title as may be required. (Am. by Ord. 10,874, 3-31-94; Am. by ORD-08-00025, 3-15-08)

3. The map shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the comprehensive plan, the official map or neighborhood unit development studies. The comments shall be submitted to the secretary of the Plan Commission. (Am. by Ord. 10,981, 9-14-94)

4. The Secretary of the Plan Commission or her/his designee shall within forty-five (45) days of the filing of the complete application approve, approve conditionally or refer it to the Plan Commission for its consideration. Failure of the Secretary or her/his designee to act upon the proposed land division application within forty-five (45) days shall be deemed a rejection subject to review before the Plan Commission under subsection (3)(c). The Plan Commission shall act on the land division within ninety (90) days of the filing of the complete application, unless the time is extended by agreement with the applicant. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. After the land division has been approved by the Plan Commission or the Secretary or her/his designee, the necessary resolutions approving the survey and accepting the dedications contained therein shall be presented to the responsible governmental bodies for approval.

   Once all reviewing agencies have determined that the conditions of approval of the land division have been met and the survey has been executed by the land owner(s), surveyor and all parties having an interest in the property, the subdivider shall present the final survey to the Office of Real Estate Services along with an interim title report from the title company that prepared the report of title included with the application and proof of payment for all due real estate taxes and special assessments. Once the Office of Real Estate Services has reviewed the interim title

report and determined that all taxes and assessments due have been paid as required in this ordinance and the final survey is determined to be acceptable, the applicant shall receive the signatures of the Secretary of the Plan Commission or her/his designee. If there are any dedications to the City, the City Clerk or her/ his designee shall sign the survey. Once all the City's signatures have been affixed, the certified survey shall be surrendered to the applicant or her/his designee for recording with Dane County. (Sec. 16.23(5)(e)4. Am. by Ord. 10,258, Adopted 5-21-91; Am. by ORD-08-00025, 3-15-08)

5. When the Secretary of the Plan Commission determines that a proposed land division does not meet the standards for approval, the land division is located within the City's extraterritorial plat approval area, or an applicant appeals a condition of approval or an applicant appeals the requirement for a preliminary plat, it shall be referred to the Plan Commission for further consideration. An application for a proposed land division in the City's extraterritorial plat approval area shall only be scheduled after the Secretary receives a copy of both the Town(s)' and County's actions on the proposed land division. The Secretary shall schedule it for consideration after mailing notice of the scheduled meeting with the reasons for the referral at least ten (10) days prior to the meeting to the owners of all properties situated within the limits of the proposed land division application. When an appeal or a proposed land division application is rejected, the Plan Commission shall furnish the reasons therefor to the applicant in writing. (Am. by Ord. 10,445, 6-1-92 & 6-8-92)

(Sec. 16.23(5)(g) Am. by ORD-08-00094, 8-23-08)

(h) Fee and Dedication Schedule. So that each proposal shall pay its fair share of costs for public facilities and services and for review under this section, the following schedule of fees and/or dedications shall be applied to each subdivision and land division within the City. Review fees for subdivisions and land divisions shall also apply to land within the extraterritorial plat approval jurisdiction of the City.

1. Park and Open Space Dedication and Fees. There shall be a dedication of land and/or a payment of the Park-Land Impact Fee for each single-family, two-family, and multiple family dwelling unit. The Park and Plan Commissions shall recommend and the Common Council shall determine the land dedication and impact fee payment as well as the location of any land dedication and the acceptance of impact fees in lieu of dedication in accordance with the procedures in Sec. 16.23(8)(f) and Sec. 20.08(2). (Am. by Ord. 10,374, Adopted 2-4-92; ORD-06-00091, 8-2-06; ORD-12-00134, 1-2-13; ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)
2. Water Service. The Madison Water Utility, in accordance with its Rules and Regulations approved by the Common Council on file with the Public Service Commission, shall annually establish a uniform schedule for the fees, or charges, for installation of a water service that is based on the size appropriate for each proposed dwelling and subject to filing the prescribed application, payment of fees and charges that have been established and currently in effect.
3. Any preliminary or final plat submitted for Plan Commission and Common Council review hereunder shall be accompanied by a fee of two hundred fifty dollars ($250), plus fifty dollars ($50) per lot or outlot contained therein to contribute to the costs of such review. (Am. by Ord. 13,216, 12-20-02; ORD-12-00008, 1-24-12)
4. Any certified survey map or land division submitted for approval by the secretary of the Plan Commission hereunder shall be accompanied by a fee

of two hundred fifty dollars ($250) plus two hundred dollars ($200) per lot or outlot contained therein to contribute to the costs of such review. (Am. by Ord. 13,216, 12-20-02; ORD-12-00008, 1-24-12)

(Sec. 16.23(5)(f) Am. by Ord. 8222, 3-16-84)

(6) Detailed Procedure For Dividing Land Within The Extraterritorial Plat Approval Jurisdiction Of The City. In all cases the time period within which action is required shall not commence until the Town Board, Dane County and the City of Madison have received all maps, drawings and related data necessary for plat approval including a complete application, title report, and fees. (Am. by Ord. 10,258, Adopted 5-21-91; ORD-09-00147, 11-6-09)

(a) Preapplication Procedure. As specified in Subsection (5)(a) hereof.

(b) Preliminary Plat Procedure.

1. As specified in Subsection (5)(c)1, 2, 3, 4 and 5 hereof. (Am. by ORD-11-00074, 5-31-11)
2. Upon approval of the preliminary plat and after copies of the approved street plans and profiles signed by the Town Chair and the subdivider have been filed with and approved by the City Engineer, the subdivider may proceed with the installation of such improvements and under such regulations as the Town Board and the Metropolitan Sewerage Commission may require. Whenever connection with the water system of the City of Madison is desired, permission for such connection shall be obtained from the Common Council. (Am. by ORD-14-00012, 1-14-14)

(c) Final Plat Procedure.

1. Twelve (12) reproductions of the final plat (plus a sufficient number to be submitted to state agencies as required under the provisions of Wis. Stat. § 236.12, if the subdivider follows this procedure), along with a written application for approval on forms provided by the Plan Commission shall be submitted to the City Clerk within thirty-six (36) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. However, if approval must be obtained from another approving authority subsequent to the preliminary plat approval by the Plan Commission, the final plat shall be submitted within thirty-six (36) months of such approval. The Plan Commission may, however, extend the time limit in either case. Where more than one approval is required, the letter of application shall indicate to which approving authority the plat is being first submitted in order to facilitate compliance with Wis. Stat. § 236.12(5). All of the requirements relating to improvements specified by the Town Board, the Metropolitan Sewerage Commission or the City of Madison in matters over which they have jurisdiction shall be met before filing of the final plat. (Am. by Ord. 6436, 12-6-78; ORD-11-00074, 5-31-11)
2. State and City review of final plat as specified in Subsection (5)(c)2. hereof.
3. Council action on final plat as specified in Subsection (5)(c)3. hereof.
4. Certification and recording of final plat as specified in Subsection (5)(c)4. hereof.

(d) Comprehensive Development Plan Procedure. As specified in Subsection (5)(d) hereof. Action by the Common Council assumes that all multiple-family development plans will be reviewed by the Plan Commission or Common Council of the City of Madison, or by the governing body having jurisdiction over the municipality, town or county in which the development is located at the time of development.

(e) Land Division (Certified Survey) Procedure. As specified in Subsection (5)(e) hereof, and in addition thereto, the Secretary of the Plan Commission may request approval of the certified survey map by the Town Board prior to approving it. (Am. by Ord. 10,588, 2-12-93)

(f) Fee Schedule. So that each proposal shall pay its fair share of costs for review under this section, the fee schedule for preliminary and final plats and for certified survey map land divisions in Subsection (5)(f) shall apply to extraterritorial land division and subdivision. (Cr. by Ord. 8212, 12-30-83)

(Sec. 16.23(6) Am. by ORD-05-00142, 8-19-05)

(7) Plats, CDPs And Land Divisions (Certified Surveys) Data. (Title Am. by Ord. 10,258, Adopted 5-21-91)

(a) Preliminary Plat. The preliminary plat shall be by a registered land surveyor prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly on its face:

1. Date, scale and north point.
2. The title under which the proposed subdivision is to be recorded.
3. The name and address of the owner, subdivider, surveyor, engineer and professional land planner involved in the plat preparation shall appear on the plat.
4. Location of the proposed subdivision by government lot, quarter section, township, range and county and a location map showing the relationship between the plat and its surrounding area.
5. A scaled drawing from recorded information on the exterior boundaries of the proposed subdivision and a scaled reference to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby. The exact length and bearings shall be required and the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and total acreage encompassed. (Am. by Ord. 10,258, Adopted 5-21-91)
6. Location and names of adjacent subdivisions, parks and cemeteries.
7. Location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements and railroad and utility rights-of-way.
8. Type, width and elevation of any adjacent existing street pavements together with any legally established center line elevations for streets located outside the City limits.
9. Location, size and invert elevation of any existing sanitary or storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on and adjacent to the preliminary plat and proposed to be used in the development. If sewers and water mains are not on or adjacent to the preliminary plat the direction and distance to and size of the nearest ones, showing invert elevations of sewers shall be indicated.
10. Location of existing property lines, buildings, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks, all existing improvements with their dimensions, and other similar significant features within the plat or immediately adjacent thereto. (Am. by Ord. 10,258, Adopted 5-21-91)
11. Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to City datum.
12. Contours at vertical intervals of not more than two (2) feet where average slope is less than five percent (5%) or five (5) feet where slope is five percent

(5%) or greater. Elevations shall be marked on such contours based on City of Madison datum where City datum is available within one-half (½) mile.

13. When requested by the Plan Commission location and results of tests made to ascertain subsurface soil, rock and water conditions including depth not available for immediate service, the provisions of Wis. Admin. Code ch. SPS 385 shall be complied with and the appropriate data submitted with the preliminary plat. (Am. by ORD-12-00035, 3-28-12)

14. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements. If the subdivider chooses, she or he may label the streets with a letter of the alphabet for preliminary plat consideration. (Am. by ORD-14-00012, 1-14-14)

15. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.

16. Approximate dimensions of all lots together with proposed lot and block numbers.

17. Radii of curves at all street intersections. Approximate radii of all other curves.

18. When requested by the Plan Commission, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

19. Plans and profiles for streets, walkways, greenways and public easements, showing existing ground surface and proposed grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested may be required to be submitted to the Department of Planning and Community and Economic Development at the time of preliminary plat submission when unusual topographic or other unusual conditions exist. Otherwise the plans and profiles shall be submitted with the final plat. All elevations shall be based on City of Madison datum where said datum is within one-half (½) mile of the plat. The type and form of the plan and profile sheets shall meet the approval of the City Engineering Division. (Am. by Ord. 6616, Adopted 4-24-79)

20. When and to the extent requested by the City Engineer because of drainage, ground or tree cover or ground water concerns, a lot grading plan for the preliminary plat showing proposed contours at vertical intervals of not more than two (2) feet. Elevation shall be marked on such contours based on City of Madison datum. (Cr. by Ord. 4929, 3-28-75)

21. All lots on which secondary dwelling units may be constructed shall be identified. (Cr. by ORD-05-00139, 8-19-05)

(b) Final Plat. The final plat of the subdivision shall comply with the requirements of Wis. Stat. ch. 236, which is hereby adopted by reference. Where the plat is located within or adjacent to a section or quarter section the corners of which have been relocated and monumented by the City of Madison, the plat shall be tied directly to one of such corners. The exact length and bearing of such tie shall be determined by field measurement and the material and Wisconsin State Plane coordinates of the monument marking the relocated section or quarter section corner to which the plat is tied shall be indicated on the plat. On replats of plats recorded after 1950, the Plan Commission may upon request waive this requirement if in its judgment it appears unnecessary or would cause extraordinary

hardship or expense. The note on the plat shall also define which section or quarter section line is used for referencing the bearing. The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission.

The plat shall also be accompanied by plans and profiles in accordance with paragraph (7)(a)19. of this ordinance if they have not been previously submitted. The plat shall include on its face a tabulation of the lot area to the nearest square foot for each lot included in the final plat and all lots on which secondary dwelling units may be constructed shall be identified.
(Sec. 16.23(7)(b) Am. by Ord. 6229, 5-3-78; ORD-05-00139, 8-19-05)

(c) Comprehensive Development Plan.

1. The CDP and exhibits shall consist of the following minimum items:
   a. A plan, drawn to a scale of one inch to two hundred feet (1" = 200') which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show items 1 through 7, 9 through 13, and item 15 of subsection (7)(a) preliminary plat data, and all proposed collector and arterial streets.
   b. If the proposed development qualifies for a waiver on design standards, as provided for hereinafter, details showing the proposed deviation from the standards and the reasons therefor.
   c. The projected population broken down into single family and multi-family units.
   d. The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.
   e. The development schedule clearly indicating the timing of proposed development, utility scheduling, etc.
   f. A preliminary plat, meeting the requirements of this ordinance, except the time limit for approval by the Plan Commission, on that portion of the CDP which will be included in the first final plan.
2. The Design Standards—Subsection (8) of this ordinance—which apply to subdivisions and land divisions shall also apply to CDPs. However, if the CDP consists of a cluster development or other innovative designs which negate the necessity for meeting these standards, the Common Council may waive these standards upon recommendation of the Plan Commission and Board of Public Works. Where the land division or subdivision is part of an approved planned development district for which an approved specific implementation plan containing the revised standards has been recorded with the Dane County Register of Deeds, the waiver shall be deemed to have already been granted.

(d) Land Divisions (Certified Surveys).

1. The land division shall comply with the provisions of this ordinance relating to general requirements, design standards, the preliminary plat data requirements of subsection (7)(a), and required improvements for subdivisions under this ordinance. For lands subject to a condominium plat, a lot or lots may be created from a lot in said plat provided that no part of a lot or lots to be created shall be part of a condominium and shall be capable of being served by City water and sewer. Service from a private water or sewer system shall not be permitted. The lot or lots created may share cross access, parking, and stormwater management facilities if such sharing was required by any zoning approval for the property and if adequate easements and/or agreements are provided, subject to the approval of the City Engineer, City Traffic Engineer, and Planning

Director. The beginning point of survey shall meet the requirements of Wis. Stat. § 236.34(1)(d). (Am. by Ord. 10,258, 5-21-91; ORD-12-00014, 1-24-12)

2. The survey shall be performed and the map prepared by a registered land surveyor, and the map shall comply with the requirements of Wis. Stat. § 236.34, which is hereby adopted by reference. In addition, the map shall show all existing buildings, structures, watercourses, drainage ditches and other features pertinent to proper division. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

3. The certificate of approval by the secretary of the Plan Commission shall be typed, lettered or otherwise reproduced legibly on the face of the map with nonfading ink.

4. (R. by ORD-08-00094, 8-23-08)

5. Restrictions For Public Benefit. Any restriction placed on the face of the map, whether covenant, easement, or any other restriction, which is required by the provisions of this ordinance and which names a public body or public utility as grantee, promissee or beneficiary, is hereby deemed accepted and vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement. (Cr. by ORD-08-00094, 8-23-08)

(8) Design Standards.

(a) Streets and Alleys.

1. General. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, master plan or component neighborhood unit development plan. In areas for which such plans have not been completed the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The use of narrower, performance-based streets in new subdivisions and in the reconstruction of local streets may accomplish some or all of the following objectives: improved neighborhood livability from a more pedestrian-friendly environment; more compact development patterns that use less land, increase in land available for residential and commercial activities; more extensive streetscape vegetation and preservation of existing streetscape vegetation; reduction in the cost of street construction and maintenance, as well as development costs; reduction in traffic speed and non-local traffic; and reduction in stormwater runoff. Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a sidewalk, connecting path or multi-use path shall be provided to connect to another public right of way unless topography or other unique physical features make this connection impossible. The subdivision shall be such as to provide each lot by means of a public street satisfactory access to any existing public street.

The subdivision shall further maximize the use of street orientations which provide solar access to lots and contemplated buildings. (Am. by Ord. 8128, 10-17-83; ORD-06-00054, 5-4-06; Am. by ORD-07-00042, 4-5-07)

2. Arrangement.

a. Arterial streets and highways shall be properly integrated with the existing and proposed system of arterial streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned and platted streets with which they are to connect.

b. Collector streets shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers, to concentrations of population and to major streets into which they feed.

c. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.

d. Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands. Temporary turnarounds adjacent to the boundary of the subdivision being subdivided may be required at street ends.

e. Street patterns and lot lines generally determine building orientation. To facilitate solar access, streets shall be oriented in an east-west direction to the maximum extent possible or to within 20 degrees of such orientation. This requirement shall not apply to preliminary plats approved prior to the effective date of this ordinance, provided the final plat of the preliminary plat is submitted within six (6) months, or to final plats submitted within six (6) months of preliminary plat approval or to portions of the subdivision where the applicant demonstrates that:

i. There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements.

ii. Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable.

iii. The shape and size of the property being subdivided make such orientation unreasonable.

iv. Adopted storm water management plans or policies indicate a different street orientation.

v. Existing or approved future development contiguous to the subject property precludes adequate solar access to the portion in question.

vi. Existing street patterns contiguous to the subject property make such orientation unreasonable.

vii. Specific adverse environmental impacts would occur on the site if such orientation were achieved.

viii. Desirable street circulation patterns require some streets to be in a more north-south direction.

ix. The final platting of only a portion of an approved preliminary plat precludes changes in remaining portions of the preliminary plat which are necessary to provide adequate solar access to the portion in question.

(Cr. by Ord. 8128, 10-17-83)

3. Treatment Of Railroad Rights-Of-Way And Limited Access Arterial Streets. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access arterial street, the subdivision shall provide the following treatment:

a. In residential districts a buffer strip at least thirty (30) feet in depth in addition to the normal lot depth required shall be provided adjacent to a railroad right-of-way or a state or U.S. highway. The subdivider shall install in the buffer strip, noise abatement facilities per the Wisconsin Administrative Code, Department of Transportation, Chapter Trans 405, "Siting Noise Barriers". For the above lots, the strip shall be a part of the lots and shall have the following restriction lettered on the face of the plat:

> "This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner."

For all other lots adjacent to a state or U.S. highway or railroad right-of-way such buffer strip shall be a part of the platted lots and shall have the following restriction lettered on the face of the plat:

> "This strip reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is the responsibility of the lot owner."

(Sec. 16.23(8)(a)3.a. Am. by Ord. 10,258, Adopted 5-21-91)

b. In commercial and industrial districts, provision shall be made on each side of the railroad right-of-way or limited access arterial street for streets approximately parallel to and at a distance from such right-of-way or highway suitable for the appropriate use of the land between such streets and right-of-way, but not less than one hundred fifty (150) feet distant from said right-of-way. The Secretary of the Plan Commission or her/his designee shall evaluate and determine the need for these provisions. (Am. by Ord. 10,258, Adopted 5-21-91)

c. Streets parallel to a railroad right-of-way or arterial street or highway shall, when intersecting an arterial street, highway or a collector street, be located at a minimum distance of two hundred fifty (250) feet from said right-of-way, arterial street or highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

d. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

4. Protection Of Arterial Streets And Highways. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and the separation of through and local traffic shall be provided by:
   a. Reversed frontage with screen planing contained in a nonaccess reservation along the rear property line.
   b. Marginal access street.
5. Alleys. Alleys shall be required in mixed-use and commercial and employment districts for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved; and alleys shall not have their points of connection on a major thoroughfare. (Am. by ORD-12-00134, 1-2-13)
6. Reserve Strips. There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the City under conditions approved by the Plan Commission.
7. Intersections.
   a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The point of curve of the center line of a curved street intersecting another street shall be not less than fifteen (15) feet, on the property side, of the property line of the street being intersected.
   b. The number of streets converging at one intersection shall be not more than two.
   c. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.
   d. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet except that at all intersections along collector and arterial streets the radius shall be increased to twenty-five (25) feet. The Plan Commission may require a larger radius where desirable.
   e. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides thereof within three hundred (300) feet of each other, measured along the center line of the arterial or collector street, their location shall be adjusted so that the alignment across the arterial or collector street is continuous and a jog is avoided.
   f. Local street intersections, wherever practicable, shall be spaced no closer than two hundred fifty (250) feet between center lines.
   g. Cul-de-sac streets designed to have one end permanently closed shall not exceed six hundred (600) feet in length. (Am. by ORD-07-00042, 4-5-07)
8. Widths Of Streets And Pavements, Parkways And Drainageways.
   a. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by the Comprehensive Plan, master plan, functional classification map, official map or neighborhood development study; or if no width is specified therein the minimum widths shall be as follows:
      i. Principal and primary arterial streets shall have a minimum ROW width of one hundred twenty (120) feet.

ii. Standard arterial and connector collector streets shall have a minimum ROW width of eighty (80) feet.

iii. Distributor collector streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width (from curb face to curb face) of thirty-two (32) feet, subject to approval by the Common Council.

iv. Local streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width of thirty-two (32) feet except in the following situations:

A. A minimum ROW width of fifty-four (54) feet and a minimum pavement width (from curb face to curb face) of twenty-six (26) feet shall be permitted when the net density of abutting property is less than three (3) dwelling units per acre.

B. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted when the net density of the abutting property is less than 5.44 dwelling units per acre.

C. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted if:

1) The net density of abutting property is between 5.44 and 8.71 dwelling units per acre;

2) Front loaded garages have driveways at least twenty (20) feet in length;

3) At least seventy-five percent (75%) of dwelling units in the subdivision have two (2) car garages; and

4) A minimum of two (2) parking spaces are provided in front of the two (2) car garages that have access to a street.

5) Where alleys exist, at least seventy-five percent (75%) of the houses must have garages accommodating at least two (2) cars, as well as at least three (3) off-street parking spaces, and a minimum garage setback of ten (10) feet or a parking space adjacent to the garage.

D. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet may be permitted if:

1) The net density of abutting property is between 8.72 and 12.44 dwelling units per acre.

2) The requirements of Subsubsubparagraph C. are met; and

3) The Common Council approves such minimum widths after consideration of factors, including but not limited to:

a) Area street connectivity among relevant local, collector, and arterial streets.

b) The number of off-street parking spaces provided per dwelling unit.

c) Parking regulations applicable to the street.

d) The proximity and number or percentage of streets in a subdivision proposed to have a minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be sufficient to support potential overflow on-street parking in the areas of higher density development.

e) The recommendations of the Traffic Engineer, City Engineer, and the Director of the Department of Planning and Community and Economic Development.

v. For all of the above, when there exist special on-street parking generators, such as parks, schools, churches, commercial businesses, sports and entertainment venues, or large multi-family dwellings, the minimum ROW width shall be sixty-six (66) feet and the minimum pavement width shall be thirty-six (36) feet.

vi. For all the above, when the street is designated as or anticipated to be a bicycle route that may have marked bicycle lanes, the minimum widths shall be as follows:

A. If no parking is on either side of the street, the minimum ROW width shall be sixty-two (62) feet and the minimum pavement width shall be thirty-four (34) feet.

B. If parking is permitted on only one side of the street, the minimum ROW width shall be sixty-eight (68) feet and the minimum pavement width shall be forty-two (42) feet.

C. If parking is permitted on both sides of the street, the minimum ROW width shall be seventy-four (74) feet and the minimum pavement width shall be forty-eight (48) feet.

vii. Alleys shall have a minimum ROW width of twenty-six (26) feet.

viii. At the time of application, the applicant shall provide a plan that overlays the plat or certified survey map and that demonstrates that the requirements for building streets of a particular width are met.

(Am. by ORD-06-00054, 5-4-06)

b. All cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred twenty (120) feet and a minimum outside curb diameter of ninety-two (92) feet in commercial and industrial areas and a minimum right-of-way diameter of one hundred (100) feet and minimum outside curb diameter of seventy-two (72) feet in residential areas. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.

c. If parkways or drainageways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be deemed necessary to preserve such features. Generally parkways and drainageways shall have a minimum width of two hundred (200) feet, but they shall not in any case be less than one hundred (100) feet in width.

d. Cul-de-sac streets may be approved with a fifty (50) foot street right-of-way where the land division or subdivision is part of an approved cluster development incorporating an interior pedestrian walkway system on private common open space areas to the rear or side of the lots and where controls similar to those for a planned development district are approved by the City. (Cr. by Ord. 4280, 8-22-73)

9. Grades. Unless necessitated by exceptional topography, and subject to the approval of the Plan Commission, the maximum street grades shall not exceed the following:

a. Arterial streets and highways: six percent (6%).

b. Collector streets: eight percent (8%).

c. Local streets and alleys: ten percent (10%).

d. Pedestrian ways: ten percent (10%) unless steps of acceptable design are provided.

The grade of any street or sidewalk shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%). Streets which are designed to exceed the proposed maximum grade due to topography shall limit this grade to 600 feet or less of street centerline and shall not occur at or near intersections.

All changes in street grades shall provide sight distances as conditions require as determined by the City Engineer and Traffic Engineer.

Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
(Sec. 16.23(8)(a)9. Am. by Ord. 5465, 4-23-76)

10. Radii of Curvature. When a continuous street center line deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced. Local streets shall have a minimum centerline radius of 150 feet.

Collector and Arterial streets shall have a minimum centerline radius dependent on the anticipated speed limit for the street both of which as determined by the City Traffic Engineer. The minimum centerline radius for low speed urban streets without a median shall be as follows:

Speed Limit	Centerline Radius Two-Lane Roadway*	Centerline Radius Four-Lane Roadway*
25 mph	300 feet	450 feet
30 mph	475 feet	625 feet
35 mph	700 feet	850 feet

*A larger centerline radius curve than listed in the above table for a given speed may be required by the City Traffic Engineer if special traffic conditions are likely to occur on a collector or arterial street.

Collector and Arterial streets with an anticipated speed limit over 35 miles per hour or which are designed with a median or which have more than four (4) traffic lanes shall have a centerline radius as established by the design criteria for high speed urban streets as provided in the latest addition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials (AASHTO). The design speed shall generally be five (5) miles per hour over the anticipated speed limit to provide a reasonable margin of safety.

Where the above centerline radius is not considered feasible because of existing features or other factors, the Plan Commission may, after considering the recommendations of the City Engineer and the City Traffic Engineer, permit the use of a shorter centerline radius.

A tangent at least one hundred fifty (150) feet in length shall be provided between reverse curves on arterial and collector streets, and one hundred (100) feet in length between reverse curves on local streets. However, on those local streets where there is a cul-de-sac or loop street pattern and low density development assuring a low volume of traffic and adequate vision clearance, an objective of retaining existing desirable trees that would otherwise be damaged and the resultant pattern of development would be consistent with that of adjoining lands, the Plan Commission may alter the requirements listed above for local streets.

(Sec. 16.23(8)(a)10. Am. by Ord. 10,716, 8-27-93)

11. Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

12. Street Names. New street names shall conform to the approved street name policy.

13. Cluster Development. The standards applicable to street right-of-way, roadway width and provision for sidewalks may be waived by consent of the Plan Commission and Board of Public Works for special situations, such as cluster developments, where other well planned interior street and pedestrian systems are provided. Where the land division or subdivision is part of an approved planned development district for which an approved specific implementation plan containing the revised standards has been recorded with the Dane County Register of Deeds, the waiver shall be deemed to have already been granted.

(b) Easements.

1. Lines To Be Underground In Newly Platted Areas.

a. All new electric distribution lines (excluding lines of twelve thousand (12,000) volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna

television cables and services, installed within a newly platted area, mobile home park, cluster development or planned development district, shall be underground unless the Plan Commission shall specifically find after study that:

i. The placing of such facilities underground would not be compatible with the planned development; or

ii. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

iii. The lots to be served by said facilities can be served directly from existing overhead facilities.

(Am. by ORD-12-00134, 1-2-13)

b. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, padmounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located aboveground.

c. The subdivider or her/his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial site plan.

d. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subparagraphs (a)1, 2 and 3 above.

e. Easement Conditions.

i. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, communication lines and heat mains. Such easements as required by the utility company or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and heat mains, pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

ii. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded

to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

iii. Where the electric and/or communications facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his/her agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities. (Am. by ORD-14-00012, 1-14-14)

2. Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the City Engineering Department and City Parks Department.

3. Street Lighting. In areas where underground electric facilities are installed, poles for street lights shall be ornamental in nature. In a newly platted area the subdivider shall provide for the location of all street lights and street light systems within the area being developed, upon consultation with the electric utility serving the subdivision and as approved by the Traffic Engineer in accordance with the provisions of Section 12.03(4)(c) of the Madison General Ordinances and consistent with the standards of the utility serving the area. Ornamental street lighting will be installed by the serving electric utility or the City of Madison and the City of Madison will assess the benefiting property owners for ornamental and street lights in areas served by underground distribution systems where the underground service cable has been requested and paid for by the developer or property owners.

(c) Blocks.

1. The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, pedestrian safety, control and safety of street traffic, and the limitations and opportunities of topography. While there is not a minimum block length requirement included in the subdivision ordinance, in the TR-C3 Zoning

District, block lengths shall not, as a general rule, exceed 500 feet in length between street lines unless required by exceptional topography or other limiting factors when approved by the Plan Commission. (Am. by Ord. 11,505, 1-26-96; ORD-13-00087, 5-29-13)

2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

3. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential, in the opinion of the Plan Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

(d) Lots.

1. The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The lots shall be oriented to maximize solar access to buildings. Solar access is generally the greatest when the buildings' longest axis is east to west and southerly building exposures are maximized. Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction. (Am. by Ord. 11,505, 1-26-96)

2. Every lot shall front or abut on a public street, subject to the following exceptions:

   a. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division provided said lot is in an approved Planned Multi-Use Site or a Planned Development District for which an approved specific implementation plan has been recorded and which is limited by a reciprocal land use agreement or plan of plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal ingress and egress system for buildings, loading and parking sites.

   b. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division if it meets the requirements in Sec. 28.135(2)(b), MGO. (Am. by Ord. 12,213, 10-19-98; ORD-12-00134, 1-2-13)

(Am. by ORD-13-00174, 10-23-13)

3. Lot dimensions shall conform to the requirements of the Zoning Code and except for lots in an approved Planned Multi-Use Site or Planned Development District shall have a minimum average depth of one hundred (100) feet and lots in the TR-C3 and TRP Districts shall have a minimum average depth of eighty (80) feet. Where not served by a public sewer, lot dimensions and areas shall in addition conform to the requirements of the State Board of Health. The lot width shall normally be measured at the rear line of the required front yard except that for deep residential lots and for triangular or gore shaped lots where the setback line is noted on the plat and is greater than the required yard, the lot width shall be measured at the indicated setback line. (Am. by Ord. 5745, 2-14-77; Ord. 13,334, 6-7-03; Ord 13,557, 4-21-04; ORD-13-00087, 5-29-13)

4. Side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, except where more flexible lot line orientation is necessary to secure solar access to the

lot, such as in the case of intercardinal streets where the side lot lines are located as close as possible to the north-south axis. (Am. by Ord. 8128, 10-17-83)

5. Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
6. In case a parcel is subdivided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
7. Excessive depth in relation to width shall be avoided and a proportion of two to one (2 to 1) shall be normally considered as a desirable ratio.
8. Lot lines shall follow municipal boundary lines rather than cross them.
9. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
10. Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
11. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(e) Building Setback Lines. Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as may be requested by the Plan Commission.

(f) Public Sites and Open Spaces. The following provisions are established to preserve and provide properly located public sites and open spaces as the community develops, and to insure that such public sites and open spaces are provided and developed to serve the need for parks generated by the additional persons brought into the areas by such development, in accordance with standards adopted in Madison's Park and Open Space Plan. These provisions are intended to apply to all lands proposed to be developed for residential purposes, including single-family, two-family, and multi-family sites, land divisions, planned developments, and residential building complexes, either through subdivisions, certified survey maps, rezonings, conditional use approvals or other zoning or land use approvals. (Am. by Ord. 11,585, 5-21-96; ORD-06-00091, 8-2-06; ORD-12-00134, 1-2-13; ORD-13-00134, 8-14-13)

1. In the design of the plat due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, storm water management or treatment facilities, and other public purposes. In the location of such sites consideration shall be given to the preservation of scenic and historical landmarks and sites; watercourses, streams, lakes, ponds, marshes and their accompanying watersheds; and significant woodland, prairie and wetland plant and animal communities. Consideration shall also be given to solar access where the location of open space lands provide greater achievement of solar access objectives and requirements of the entire subdivision. (Am. by Ord. 8128, 10-17-83; ORD-08-00050, 5-24-08)
2. Outside the corporate limits but within the extraterritorial plat limits, where it is recommended by the Park Superintendent or Board of Park Commissioners and the Plan Commission and determined by the Common Council that a portion of the plat or planned development is required for such public sites or open spaces, the developer may be required to dedicate such area to the municipality having jurisdiction, or otherwise provide for

said public land as agreed to by the City, the affected township and the Dane County Agriculture, Zoning, Planning and Water Resources Committee. Where such dedication or other provision is not required, the developer may be required to reserve such area for a period not to exceed five (5) years after which the City, County or to.

3. Within the corporate limits of the City, where feasible and compatible with the comprehensive plan for development of the community, the developer shall provide and dedicate to the public adequate land to provide for the park and recreation needs of the plat and land division. (Am. by Ord. 6840, 12-13-79)

4. Using the definitions set forth in Sec. 20.08(2)(c)2., MGO, the required land dedication to meet the community's park and open space needs shall be as follows:

Type of Development	Square Feet/Unit or Bedroom
Single-Family/Duplex	1,081
Multi-Family	734
Large Multi-Family	1,424
Age Restricted Multi-Family	573
Group Living Quarters	410

Where a definite commitment has been made by the developer and City on the number of dwelling units to be provided on a multi-family lot or bedrooms to be provided in group living quarters, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the lot will support, exclusive of open space and other public lands. (Am. by Ord. 10,374, Adopted 2-4-92; Ord. 13,157, 10-8-02; ORD-12-00134, 1-2-13)

5. The Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners shall determine that any land to be dedicated as a requirement of this section shall be reasonably adaptable to meet desirable on-site facilities as outlined in Madison's Park and Open Space Plan, and shall so recommend to the Common Council. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree and other plant cover, access, and location.

6. In the event that dedication would result in sites too small to be usable, or if the Comprehensive Plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, a payment of a fee in lieu of land dedication shall be required. This fee in lieu of land dedication is the Park-Land Impact Fee as set forth in Sec. 20.08(2)(c)4., and shall be determined under that Section. (Am. by Ord. 10,374, Adopted 2-4-92; Ord. 13,157, 10-8-02; ORD-06-00091, 8-2-06; ORD-08-00050, 5-24-08)

7. Payment of Park-Land Impact Fee. Payment of the Park-Land Impact Fee shall be made in one of the following ways:

   a. In a lump sum prior to the recording of a final plat or certified survey map.

   b. When the developer proposes to add sixty (60) or more multi-family dwelling units, the developer may pay fifty percent (50%) of the total amount of Park-Land Impact Fees prior to said recording and either file with the City Clerk an agreement and performance

bond or a letter of credit in a form approved by the City Attorney to guarantee payment of the unpaid balance of the Park-Land Impact Fee, with interest, to the City within two (2) years of the date of said recording. The interest rate shall be determined by the Finance Director at the beginning of each year using the cost of the prior year general obligation borrowing plus one percent (1%) for administration rounded up to the next highest one-half percent (0.5%). Interest shall be computed from the date of recording and each yearly anniversary thereafter, and shall be prorated based upon when payment is received.

c. When the Park-Land Impact Fee exceeds fifty thousand dollars ($50,000), the developer may pay such fees in installments prior to the execution of the subdivision improvement contract for each phase, with each such installment payment for the full amount of the respective phase at the adjusted Park-Land Impact Fee rate then in effect for the year each such phase installment payment is paid. If the development proposal for later phases changes, the Park-Land Impact Fee due for a phase will be adjusted up or down to account for the actual development that is approved.

d. The developer may pay such fees at the time of the issuance of individual building permits at the Park-Land Impact Fee rate then in effect for the year when the building permit is issued.

(Sec. 16.23(8)(f)7. Am. by Ord. 10,374, Adopted 2-4-92; Ord. 13,157, 10-8-02; ORD-06-00091, 8-2-06; ORD-11-00037, 3-8-11)

8. Where privately-owned open space for park and recreational purposes which will not be closed to the public is provided in a proposed plat or land division and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, or the payment of fees in lieu thereof, provided the Common Council finds that the following standards are met:

a. That yards, court areas, setbacks, land required for storm water management and other open areas required to be maintained by the Zoning and Building Regulations shall not be included in the computation of such private open space; and

b. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and

c. That the use of the private open space is restricted for park and recreational purposes not closed to the public by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Common Council; and

d. That the Common Council after recommendation from the Park and Plan Commissions determines that the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

e. That facilities proposed for the open space are in substantial accordance with the provisions of the Comprehensive Plan, and are approved by the Common Council.

(Am. by Ord. 6840, 12-13-79; ORD-06-00091, 8-2-06; ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(g) The installation of street trees shall take into account solar access objectives in the selection of tree species and planting location so as to minimize future shading of the most southerly side of contemplated building locations. (Cr. by Ord. 8128, 10-17-83)

(Am by ORD-06-00054, 5-4-06)

(9) Required Improvements for Subdivisions.

(a) Statement of Intent. It is the intent of the City of Madison to encourage high quality development at a minimum cost to the public. The City will encourage the use of innovative techniques in development such as clustering and planned development, which at the same time provide economic benefits to the general public through the use of private streets and common spaces. These required improvements represent the minimum standards. The subdivider and the City may negotiate to provide and maintain improvements above and beyond the minimum standards.

(b) Bond For Monuments. Before final approval of any subdivision within the corporate limits of the City of Madison, the subdivider shall install monuments placed in accordance with the requirements of Wis. Stat. ch. 236. The City Engineer may waive the placement of monuments for a reasonable time on the condition that the subdivider executes a surety bond to insure the placing of such monuments within the time required. On behalf of the City of Madison, the City Clerk is authorized to accept such surety bonds and contracts in the amount approved by the City Engineer.

(c) Contract for Public Improvements for Subdivisions.

1. Form of Contract. As a condition of approval of the subdivision, the subdivider shall be required to enter into a contract to provide certain public and private improvements.

2. Surety. The subdivider shall file with said contract, subject to the approval of the City Attorney, security in the form of a bond, an irrevocable letter of credit or a certified check, in an amount that is not more than one hundred twenty percent (120%) of the estimated total cost of the public improvements prepared by the City Engineer as security to guarantee that the improvements will be completed by the subdivider or her/his contractors as provided by the contract for subdivision improvements. If the improvements will be installed in phases, the amount of the security shall be limited to the phase being constructed.
(Am. by ORD-11-00074, 5-31-11)

3. Construction Phases and Time of Completion. All subdivision improvements shall be completed within eighteen (18) months from the date of recording of the subdivision, unless otherwise approved by the City Engineer or the Board of Public Works and the Common Council after submission by the subdivider of the necessary written amendment to extend the security. However, the subdivider and the City may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold unless the City's approval is obtained; the subdivider minimizes grading and other

disturbance of land included in future construction phases in order to prevent erosion, the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision. (Am. by ORD-11-00074, 5-31-11)

4. Guarantee of Work. Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the City Engineer. Upon acceptance by the City Engineer, submittal of the lien waivers, affidavits regarding payment and compliance with the prevailing wage rate from all contractors, and detailed and itemized breakdown of the work to be accepted, each major component of the work shall be submitted to the Board of Public Works and Common Council for acceptance. Upon substantial completion, as defined below, the City Engineer is authorized to accept a reduction in the security to an amount equal to the estimate of the City Engineer of the cost of work remaining to be completed, plus ten percent (10%) of the total cost of the public improvements to insure performance of any one-year guarantee against defects in workmanship and materials of the work component accepted. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Engineer is authorized to accept the reduction in the amount of security sufficient to cover the work remaining to be completed plus ten percent (10%) of the total cost of the public improvements to insure performance of a one-year guarantee period against defects in workmanship and materials. Prior to authorizing said reduction, the City Engineer may require the subdivider to submit a lien waiver from her or his contractors. Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated, or, if the required public improvements do not include a road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The City Engineer may require additional deposits or subsequent contracts and security for components of the work that are not constructed at the time of substantial completion.

5. Contractor Qualifications. The contractor(s) employed by the subdivider to construct the public improvements shall be prequalified by the Board of Public Works for the appropriate category of work. The contractor(s) shall maintain insurance as required by the City of Madison Standard Specifications for Public Works Construction.

The contractor(s) shall comply with Wis. Stat. § 66.0903 which provides for the payment of the prevailing wage rates to the contractor's employees. (Am. by ORD-14-00012, 1-14-14)

6. Construction by the City. In those cases where the Common Council determines that it is in the interest of the City to install all or part of the improvements and special assess the cost of the work, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document.

7. Exceptions for Governmental Units. Governmental units sponsoring a subdivision shall enter into a Contract for Public Improvements for Subdivisions but may file, in lieu of the required surety, a letter from the officers authorized to act in its behalf, agreeing to comply with the provisions of the contract, and a copy of the contractor's performance bond.

(Sec. 16.23(9)(c) Am. by ORD-14-00157, 10-15-14)

(d) Public Improvements and Procedures. The subdivider shall comply with the following procedures, standards, and specifications unless amended by the Plan Commission, Board of Public Works, or Common Council.

1. Erosion Control. Prior to recording the final plat or undertaking any land disturbances, the subdivider shall obtain a Land Disturbing Activity and Runoff Control Permit specified in Chapter 37, Madison General Ordinances. Prior to the acceptance of the public improvements required of the subdivider, s/he shall submit a post construction erosion control plan to the City Engineer for approval.

2. Inter-/Intra-Block Surface, Drainage and Foundation Design. Prior to the issuance of building permits, the Developer shall submit for review and approval, a Master Storm Water Drainage Plan to the City Engineering Division as part of the Post Erosion Control Plan. The plan shall indicate, but not be limited to, elevations of all lot corners to the nearest 0.25 foot, elevation of streets, existing topography of the block, proposed intra-block drainage, and an indication of the direction of drainage through the use of arrows on all lot lines which are not common with public street right-of-way.

Proposed slopes along lot lines, and thus between known points of elevation, shall always be greater than or equal to .0075 ft/ft. No building permits shall be issued prior to City Engineering's approval of this plan.

The following notes shall be included on the final plat/certified survey map:

a. All lots within said plat/certified survey shall be subject to public easements for drainage purposes which shall be a minimum of six feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the plat/certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat/certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water. In the event of a City of Madison Plan Commission and/or Common Council approved redivision of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision. (Am. by Ord. 13,639, 6-23-04; ORD-08-00094, 8-23-08)

b. The intra-block drainage easement shall be graded with the construction of each principal structure in accordance with the

approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

The following note shall accompany the Master Storm Water Drainage Plan:

a. For purposes of said plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be .0075ft/ft or steeper. Grade breaks between lot corners requiring drainage arrows shall be shown by spot elevations or through the use of drainage arrows.

Two (2) weeks prior to the recording of the final plat the subdivider shall submit to the City Engineer a Surface Water Drainage Plan for all blocks within the plat. The water drainage plan may be submitted as part of the Erosion Control Plan. The Surface Water Drainage Plan shall indicate, but not be limited to, the following: elevation of streets, existing topography of the block, proposed inter-block drainage, and indication of the direction of drainage.

Upon approval of the Surface Water Drainage Plan the subdivider shall cause to be set upon the final plat arrows indicating the direction of drainage for each property line not fronting on a street, and the following note:

"Arrows indicate the direction of surface drainage swale at individual property lines and said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer."

Two (2) weeks prior to the recording of the final plat the subdivider shall submit a report by a professional engineer regarding the location of the ground water table and subsurface soil and rock conditions as determined pursuant to Section 16.23(7)(a)13. of these ordinances. Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation the subdivider shall place the following note on the plat:

"Subsoil information indicates that the basement of structures on Lot(s) are to be at elevation or higher or that a structural plan of the structure's foundation shall be submitted to the Director of the Building Inspection Division for approval with the application for a building permit as required information."

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table as determined in the Engineer's report.

(Sec. 16.23(9)(d)2. Am. by Ord. 11,787, 3-4-97; ORD-08-00109, 10-7-08)

3. Public Water Distribution System. The subdivider shall provide the public water distribution system and services necessary to serve her/his subdivision, all in accordance with the plans prepared by the Water Utility Manager (lots created to accommodate two-family detached dwelling units, "two-family twin lots" shall be served with two water services). The subdivider shall dedicate any lands required for the installation of wells or reservoirs by the City's Water Utility and easements required for the installation of the public water distribution system. All costs associated with the installation of the public water distribution system, including those of the Water Utility, shall be borne by the subdivider except that the Water Utility shall provide pipe and appurtenances whose diameter is greater than ten (10) inches provided that the subdivider reimburse the

Water Utility for an equal quantity of ten-inch pipe and appurtenances. Water mains outside of, or on the perimeter of the subdivision may be installed in accordance with an assessment reimbursement contract as provided in the Water Utility Service Rules as filed with the Wisconsin Public Service Commission. The public water distribution system shall be installed in accordance with the Standard Specifications for Public Works Construction, the rules and regulations of the Water Utility and the requirements of the Wisconsin Department of Natural Resources and the Madison Fire Department. (Am. by Ord. 11,782, 2-17-97; ORD-12-00134, 1-2-13)

4. Public Sewerage System. The subdivider shall install public sanitary sewers, interceptors, pumping stations and force mains, and building sewers within the public right of way (laterals) to serve all lots in the subdivision, extending the sanitary sewer mains to the perimeter of the subdivision at her/his sole expense, all in accordance with the plans prepared by the City Engineer (lots created to accommodate two-family detached dwelling units, "two-family twin lots" shall be served with two water services). The subdivider shall dedicate any easements required for the installation of public sanitary sewers, force mains or interceptors and shall dedicate any lands required for the pumping stations. The subdivider shall pay all sanitary interceptor area or connection charges levied by the Madison Metropolitan Sewerage District, the City, or other municipality whose charges are approved or certified by the City prior to the commencement of the installation. The installation will comply with the Standard Specifications for Public Works Construction and the requirements of the Wisconsin Department of Natural Resources. (Am. by Ord. 11,782, 2-17-97; ORD-12-00134, 1-2-13)

5. Public Drainage System. The subdivider shall construct a public drainage system consisting of storm sewer mains and manholes, storm inlets and leads, greenways, storm water detention/retention basins, culverts and appurtenances in accordance with the plans prepared by or approved by the City Engineer to serve the subdivision. In those cases where the City Engineer determines that a significant portion of the area generating storm water drainage is beyond the perimeter of the subdivision, or in those cases where the cost of storm sewer mains is significant, the subdivider may request that the City install the storm sewer mains and manholes and special assess the cost of the improvements. The schedule installation shall be contingent on available funding. The subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public drainage improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document. The subdivider shall pay outstanding special assessments or connection charges for downstream drainage improvements attributed to her/his subdivision.

   Greenways included in the subdivision shall be improved by the subdivider as follows:

   a. The preliminary plat shall indicate the greenway boundaries, natural drainageways, intermittent streams, springs, ponds, creeks, streams and lakes. The City Engineer may require additional surveys including topographical maps or cross-sections to locate the drainageway.

   b. Where the City Engineer determines that an existing drainageway has acceptable hydraulic capacities, the existing natural growth shall be preserved and any damaged areas shall be restored.

c. Where the City Engineer determines that the alignment of the drainageway does not have acceptable hydraulic capacities, the subdivider shall grade the greenway or drainageway with a ten (10) foot wide ditch bottom and four to one (4 to 1) side slopes, and revegetate all disturbed areas.

d. The subdivider shall provide and install culverts and endwalls in accordance with plans prepared by the City Engineer under all streets crossing the greenway or drainageways.

e. In order to assure proper drainage, the ground elevation of any property line abutting a greenway shall be not lower than four (4) feet above the elevation of the greenway flowline as established by the City Engineer. The City Engineer may establish a higher elevation for the property line based on the elevation of the regional flood or the design storm, as applicable. All door and window elevations shall be higher than the above described property line. The lot shall be graded or filled to drain to the property line abutting the greenway or to the street abutting the plat. The developer shall record a deed restriction with these requirements, satisfactory to the City Attorney and the City Engineer, for all lots abutting greenways or public drainageways.

6. Public Streets and Walkways.

a. The subdivider shall submit profile plans of all streets and easements to the City Engineer prior to the recording of the final plat. The plans shall accurately fix the proposed lots, the existing grades and topographical features.

b. In accordance with the plans prepared by the City Engineer, the subdivider shall grade the full width of all street right of ways within the subdivision and all easements, including vision triangles required in Section 27.05(2)(bb) of the Madison General Ordinances (Minimum Housing and Property Maintenance Code). The grading shall be to subgrade elevation. Unless specified, grading shall be done in accordance with the Standard Specifications for Public Works Construction. Special provisions may be required by the City or mutually agreed upon with the developer to preserve existing trees or other natural features. (Am. by ORD-12-00134, 1-2-13)

c. After the installation of water distribution, sanitary sewerage and public drainage facilities, the subdivider at her/his sole expense, shall install public streets and walkways within the subdivision in accordance with the plans prepared by the City Engineer. No building permit shall be issued until the streets have been installed unless the subdivider shall provide and maintain temporary streets twenty-eight (28) feet in width paved with six (6) inches of compacted crushed stone and obtain the approval of the City Engineer and the Fire Marshal.

d. The City may install or reimburse the subdivider an amount not to exceed the statutory prescribed limit, the cost of the pavement, curb and gutter, and public walkway improvements that benefit and abut lands owned by the City. However, this shall not apply to inter-block walkways.

e. Public walkways or sidewalks shall be installed within all public right of ways and public walkway easements unless the Plan Commission, after considering the recommendations of the Plan-

ning Division Director, the City Engineer and the Traffic Engineer, determine that the public walkways are not required. In making this determination, consideration shall be given to anticipated pedestrian volumes, pedestrian access to schools or bus routes, continuity of the sidewalk or bicycle route systems, land use density, cul-de-sac or loop street patterns, and the pattern of development of adjacent lands. The installation and location of public walkways may be modified to protect and preserve significant trees.

f. The subdivider shall install and maintain barricades conforming to the Standard Specifications for Public Works Construction at all street ends which are not constructed as a cul-de-sac prior to acceptance of the work and through the guarantee period specified in the contract for Public Improvements for Subdivisions.

g. The subdivider shall install public walkway or sidewalk within the right of way of existing streets on the perimeter of the subdivision. The subdivider, and her/his heirs and assigns, shall also waive notice and hearing for the special assessment of the cost of the improvement of existing streets on the perimeter of the subdivision in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 4.09, Madison General Ordinances. The Developer may be required to install interim improvements on existing roads on the perimeter of the plat required by poor sight distance, or to widen or strengthen the existing pavement for the needs of the development.

h. The following note shall be included on the final plat/certified survey map: Streets in this plat with a minimum ROW width of less than sixty (60) feet and a minimum pavement width of thirty-two (32) feet are subject to inspection by the Madison Fire Department and Traffic Engineering three (3) years and five (5) years after their completion and may be subject to parking restrictions as a result of said inspections. (Cr. by ORD-06-00054, 5-4-06)

7. Street Trees. In order to provide trees within the public right of way, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 10.10(11), Madison General Ordinances, in a recordable document. The trees shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the subdivider may elect to install the trees and other landscaping at her/his sole expense in accordance with plans prepared or approved by the Parks Superintendent as a component of the public improvements of the subdivision.

8. Street Lighting. In order to provide street lighting and underground distribution cable within the public right of way, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and Sec. 10.39, Madison General Ordinances, in a recordable document. The street lights shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the City may require the developer to install the street lights and underground distribution cable at her/his expense cost in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision.

9. Intersection Area Improvements. The subdivider shall pay the cost of intersection area improvements such as additional or modified traffic lanes, turn lanes or bays, traffic signals, street lighting, conduit, flashers, signs, markings, loop detectors, bike lanes, bus lanes, pullouts and shelters or other improvements within existing streets beyond the perimeter of the development necessitated by or for the benefit of the development in accordance with the plans prepared or approved by the City Engineer and City Traffic Engineer. In addition, the City may require the subdivider to construct some or all of the aforementioned improvements at the subdivider's sole expense in accordance with the plans prepared or approved by the City Engineer or City Traffic Engineer.

10. Traffic Signals. In order to provide traffic signals and underground distribution cable within the public right of way, the subdivider shall pay to the City that portion of the cost of traffic signals determined by the City Traffic Engineer to be necessitated by the subdivision prior to the recording of the final plat. The subdivider, or her/his heirs and assigns, shall waive notice and hearing to the assessment for traffic signals in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 4.09, Madison General Ordinances, in a recordable document. The subdivider shall install the conduit, handholes and other appurtenances for the traffic signals, underground cable, and traffic monitoring equipment at her/his sole expense in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision. The City shall install all traffic signals. The need for and schedule for installation of said signals shall be determined by the City.

11. Buffer or Planting Strips. The subdivider shall landscape all buffer or planting strips in accordance with the plans and specifications prepared or approved by the Planning Division.

(e) Reimbursement to the City for Costs Sustained. The subdivider of subdivisions within the City of Madison shall reimburse the City for its actual cost of design, inspection, testing, construction, traffic signing and marking, and associated legal and real estate expenses for the required public improvements for the subdivision. The City's expenses shall be determined as follows:

1. The cost of City employees' time engaged in the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the respective Division/Department to represent the City's cost for statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.25.
2. The cost of City equipment employed.
3. The cost of mileage reimbursed to City employees which is attributed to the subdivision.
4. The actual costs of City materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed 20% of the cost of the materials.
5. All consultant fees associated with the subdivision at the invoiced amount, in compliance with Section 66.0628(3), Wisconsin Statutes. (Am. by ORD-08-00050, 5-24-08
6. All plan review charges or other service expenses attributed to the subdivision that are imposed upon the City by other regulatory entities or service providers at the invoiced amount.

The subdivider shall advance to the City Treasurer an amount equal to an estimate of the City's expenses, as prepared by the participating City

Divisions/Departments at the time the subdivider files a contract for subdivision improvements. At the conclusion of the project, the respective agencies shall bill the actual cost to the subdivider. In the event that the actual cost is calculated to be less than the advanced amount, the difference shall be refunded to the developer. In the event the advance is less than the actual amount, the subdivider shall be billed the difference and payment shall be a condition precedent to acceptance of any major components of construction.

7. The costs of City employees' time engaged in inspecting streets for a determination of the impact of streets with a minimum ROW width less than sixty (60) feet and a minimum pavement width less than thirty-two (32) feet. (Cr. by ORD-06-00054, 5-4-06)

(Sec. 16.23(9) R. & Re-Cr. by Ord. 10,374, Adopted 2-4-92; Am. by ORD-06-00091, 8-2-06)

(10) Variances. When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this ordinance because the subdivision is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured.

(11) Severability Provision. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

(12) (a) Any person, partnership, corporation or legal entity of any sort who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for each violation plus the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to said forfeiture, the fees for any certified survey map or land division or any preliminary or final plat shall be doubled. Where preliminary and final plat approvals have not been obtained for any land subdivision by the City, no offer or contract to convey may be made unless the offer or contract states on its face that said offer or contract is contingent upon approval of the final plat and shall be void if such plat is not approved.

(b) In addition to any other remedy contained within this chapter, the Common Council may authorize, by resolution, institution of injunctive or other appropriate action or proceedings to enjoin a violation of any provisions of these Land Subdivision Regulations.

(Am. by Ord. 10,534, 11-13-92)

16.24 CONDOMINIUM INSTRUMENT REVIEW.

(1) No person shall record any condominium instrument without submitting it for review to the Department of Planning and Community and Economic Development.

(2) The submittal shall include a copy of the final condominium instrument, a completed application form, and a fee of two hundred dollars ($200).

(3) Any condominium plat that is submitted shall be reviewed as follows:

(a) The name of the condominium and the county in which it is located must appear on each sheet of the plat. The condominium name must be unique in the county in which it is located. Each sheet of a plat shall be consecutively numbered and show the relation of that sheet to the total number of sheets.

(b) Plans shall show the location of each building located or to be located on the property. If there are units in a building, the plans shall show the perimeters,

approximate dimensions, approximate square footage, and location of each unit in the building. Common elements, including limited common elements, shall be shown graphically to the extent feasible.

(c) Each unit shall be designated on the condominium plat by the unit number. Unit numbers may not contain more than eight (8) numerals and must be unique throughout the condominium.

(d) All survey maps and floor plans shall be legibly prepared with a binding margin of one and one-half (1½) inches on the left side and a one (1) inch margin on all other sides on a durable white medium that is fourteen (14) inches long by twenty-two (22) inches wide with a permanent non-fading black image. All maps and plans shall be drawn to a convenient scale.

(e) Outlines of the land, buildings, and common elements of new property that may be added to the condominium shall be shown on the plat.

(f) A certificate of a licensed land surveyor authorized to practice that profession in this state shall certify that the plat is a correct representation of the condominium described and that the location of each unit and the common elements can be determined from the plat.

(4) The Director of the Department of Planning and Community and Economic Development shall complete the review of condominium instruments within ten (10) working days of submission of the instrument(s), a complete application, and fee. Reasons for rejection shall be forwarded to the applicant in writing. Resubmittal may require an additional fee if the Director of the Department of Planning and Community and Economic Development determines that a full review of the new submission is necessary. Approval of the condominium instruments shall be certified in writing by the Director of the Department of Planning and Community and Economic Development. If the Director of the Department of Planning and Community and Economic Development fails to act on the condominium instrument(s) within ten (10) working days, the instrument(s) shall be deemed approved and approval certified as above.

(Sec. 16.24 Cr. by ORD-08-00036, 4-4-08)

16.25 OFFICIAL MAP.

(1) Intent. It is the intent of the Common Council to establish an official map for the purpose of conserving and promoting the public health, safety, convenience, economy, orderliness and general welfare of the community; to further the orderly layout in the use of land; to stabilize the location of real property boundary lines; to insure proper legal description and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

(2) Authority. This ordinance is enacted under the authority granted by Sec. 62.23(6), Wis. Stats.

(3) Definitions.

"Airport" shall mean an Airport as defined by Section 114.002(7), Wisconsin Statutes. (Cr. by Ord. 9169, 5-6-87)

"Airport Affected Area" shall mean an area within three miles of the boundaries of the Dane County Regional Airport. (Cr. by Ord. 9169, 5-6-87)

"Parkway" for the purpose of this section shall include any right-of-way for vehicular or pedestrian traffic, or both, with full or partial control of access and usually located within a park or a ribbon of parklike development. Said parkway may include land area which is required for storm water drainage purposes where the drainage improvement is to include parklike treatment and where pedestrian or vehicular travel may be permitted.

"Waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas regardless of whether the areas are natural or artificial. (Cr. by Ord. 9169, 5-6-87)

(4) Description of Area Subject to Ordinance. The official map area is hereby established for the City of Madison and all those parts of adjacent townships as defined by the current City of Madison corporate boundary legal description on file with the City Engineer, the extraterritorial jurisdiction limits as provided by Wis. Stat. § 236.10 (1) (b) 2, and any and all agreements with adjacent towns that are approved by town(s), village(s), city(ies) and the state.

The official map, together with all information shown thereon, shall be as much a part of this ordinance as if fully set forth and described herein. The official map shall show the location and width of all airports, airport affected areas, platted and existing streets, highways, waterways, parkways, parks and playgrounds as heretofore laid out, adopted and established by law and shall also show the exterior lines, widening or extending of any existing, proposed or planned streets, highways, waterways, parkways, parks and playgrounds. The official map is deemed to be final and conclusive with respect to the location and width of streets, highways, waterways and parkways and the location and extent of parks and playgrounds shown thereon.
(Am. by Ord. 9249, 8-28-87; ORD-14-00097, 5-14-14)

(5) Extraterritorial Areas. As set forth in Sec. 62.23(6)(d), Wis. Stats. the airport, the airport affected area, street, highway, railroad right-of-way, public transit facility or waterway and parkway systems shown on the official map may be shown as extending beyond the boundaries of the City of Madison in extraterritorial areas. (Am. by Ord. 9169, 5-6-87)

(6) Amendments.

(a) The Common Council whenever and as often as it deems necessary for the public interest, may amend the official map of the City so as to establish the exterior lines of the airports, airport affected areas, planned new streets, highways, waterways and parkways, railroad rights-of-way, public transit facilities, parks or playgrounds; or to widen, narrow, extend or close existing streets, highways, waterways and parkways, railroad rights-of-way, public transit facilities, parks or playgrounds. When adopted, amendments become a part of the official map and are conclusive with respect to location and width of the streets, highways, waterways and parkways and the location and extent of parks, railroad rights-of-way, public transit facilities and playgrounds shown thereon.

(b) The Common Council shall refer any proposed amendment to the official map to the City Plan Commission for review and report thereon prior to adoption. The City Plan Commission must report its recommendation to the Common Council within sixty (60) days. In the event the City Plan Commission does not make its report within sixty (60) days of such reference, it forfeits the right to further suspend action.

(c) A public hearing before the Common Council of parties in interest and residents shall be required before any amendments to the official map as defined by Wis. Stat. § 62.23(6), are effective. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City newspaper. (Am. by ORD-17-00030, 3-8-17)

(d) Notice of the time, place and purpose of such public hearing shall also be sent to the owners of record who are owners of property situated within three hundred (300) feet of the nearest exterior line of Official Map Amendment, and whose post office address is known or can be ascertained with reasonable diligence. This notice requirement shall not apply to the amendment to the official map regarding the airport or airport affected areas. If the properties affected are outside the City

limits, notice shall also be sent to the clerk of the township involved. All said notices shall be sent at least ten (10) days prior to the date of such public hearing.

(e) The locating, widening or closing or the approval of the locating, widening or closing of streets, highways, waterways and parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the City under provision of law other than this section, and changes or additions made by a subdivision plat, approved by the City under Chapter 236 shall be deemed to amend the official map and do not require the public hearing specified in Subdivision (c) if the changes or additions do not affect any land outside the plat area.

(Sec. 16.24(6) Am. by Ord. 9169, 5-6-87)

(7) Building Permits.

(a) No permit may be issued for any building in the bed of any street, highway, railroad right-of-way, public transit facility, waterway or parkway shown or laid out on the map except as provided in this section.

(b) Any person desiring to construct a building in the bed of a street, highway, railroad right-of-way, public transit facility, waterway or parkway so shown as extended may apply to the Director of the Building Inspection Division of the City of Madison for a building permit. Unless an application is made and the building permit granted or not denied within thirty (30) days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility, waterway or parkway. (Am. by ORD-08-00109, 10-7-08)

(c) The applicant for such a permit shall submit with her/his application, an accurate plot plan certified by a qualified surveyor showing the location of the proposed building with reference to any street, highway, railroad right-of-way, public transit facility, waterway, parkway or park or playground shown on the official map. (Am. by ORD-14-00012, 1-14-14)

(d) No permit for the erection of any building may be issued unless the street, highway or parkway giving access to such proposed building has been duly placed on the official map. For purposes of this section a street, highway or parkway shall be considered duly placed on the official map at the time that the governing body accepts such street, highway or parkway.

(Sec. 16.24(7) Am. by Ord. 9169, 5-6-87)

(8) Municipal Improvements. No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway until such street, highway or parkway is duly placed on the official street-highway map. For purposes of this section, a street, highway or parkway shall be considered duly placed on the official map at the time that the governing body accepts such street, highway or parkway.

(9) Appeals.

(a) The Zoning Board of Appeals of the City of Madison may review any administrative decision of the city building inspector denying a permit for the erection of a building under this ordinance and may grant, conditionally grant or refuse a permit by the vote of a majority of its members in the manner provided for under Sec. 62.23(6)(d) through (g), Wis. Stats.

(b) Before taking any action authorized in this subsection, the Board of Appeals shall follow the procedure set forth in Sec. 62.23(6)(f), Wis. Stats.

(Sec. 16.24(9) Am. by Ord. 7134, 10-30-80)

(10) Certified Copy Of Map.

(a) A certified copy of the official map shall be kept in the office of the City Engineer and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the official map described in the ordinance and shall show the date of adoption of this ordinance and shall be signed by the Mayor and countersigned by the City

Clerk. Thereafter every amendment of a proposed street, proposed highway, proposed waterway/parkway, proposed railroad right-of-way, proposed public transit facility, proposed park or proposed playground on the official map shall be indicated by the appropriate convention on the aforesaid certified copy of the official map and a certificate placed thereon or attached thereto bearing the number or date of adoption of the amendment. The certificate shall be signed by the Mayor and countersigned by the City Clerk. For purposes of this section, plats, certified survey maps and property transaction complying with applicable laws or ordinances do not require certification when being placed on the official map.

(b) A certified copy of the official map and amendments thereto affecting the Towns of Blooming Grove, Madison, Fitchburg, Burke, Dunn, Middleton, Westport and Verona shall be sent to the Town Clerks of the appropriate towns and the Dane County Zoning Administrator.

(Sec. 16.24(10) Am. by Ord. 9169, 5-6-87)

(11) Filing With Register of Deeds. Upon adoption of the official map, the City Clerk shall immediately file with the Dane County Register of Deeds a certificate showing that the City has established such official map. (Am. by Ord. 7134, 10-30-80)

(12) Effect Of Placement Upon The Official Map. The placing of any street, highway, waterway/parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the official map does not constitute the opening or establishment of any street, waterway/parkway, railroad right-of-way, public transit facility, park or playground or the taking or acceptance of any land for these purposes. (Am. by Ord. 9169, 5-6-87)

(13) Enforcement. It shall be the duty of the City Director of the Building Inspection Division to enforce the provisions of this ordinance. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(14) Penalties. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not more than two hundred dollars ($200) and not less than fifty dollars ($50), and cost of prosecution for each violation.

(15) Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(16) Effective Date. This ordinance shall be effective after adoption by the Common Council and publication or posting as provided by law.

(Former Sec. 16.24 Renum. by ORD-08-00036, 4-4-08)

16.26 SETBACK LINES ESTABLISHED.

(1) Establishment.

(a) A setback line on the southeast side of Washington Avenue from the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way to Vilas Avenue shall be 87 feet southeast from the northwest line of said avenue as shown on plans attached thereto.

(b) The setback line on the south side of Wilson Street from Hancock Street to Blair Street, shall be as hereinafter described: Beginning at a point on the northeast line of Hancock Street, said point being 14 feet southeast from the southeast line of Wilson Street measured along the northeast line of Hancock Street; thence northeast along a line parallel to and 14 feet southeast, measured at right angles to Wilson Street to a point 33 feet northeast of the northeast line of Franklin Street projected southeasterly, thence on a straight line to a point of intersection with the most northwesterly corner of Block 126, Original Plat, City of Madison, said corner being the point of intersection of the northeast line of Blair Street and the south line of Williamson Street.

(c) The setback line on the north side of Williamson Street between Blair Street and Blount Street shall be as hereinafter described: Block 125, Original Plat, City of

Madison. Beginning at a point on the southwest line of Lot 1, Block 125, Original Plat, City of Madison, said point being 54 feet north of the north line of Williamson Street, measured at right angles thereto; thence easterly on a line parallel and 54 feet north of, measured at right angles to, the north line of Williamson Street to a point on the southwest line to a point on the southwest line of Lot 12 in said Block 125; said point on the southwest line of Lot 12 being 34 feet northwest of, measured at right angles from, the northwest line of Williamson Street; thence northeasterly on a line parallel and 34 feet northwest of, measured at right angles to, the northwest line of Williamson Street to the southwest line of Blount Street.

(d) The setback line of the south side of Jenifer Street in Block 127, Original Plat, City of Madison, shall be as hereinafter described: Beginning at a point on the northeast line of Blount Street, said point being 10 feet southeast of the southeast line of Williamson Street measured along the northeast line of Blount Street; thence on a straight line to the most westerly corner of Lot 3, in said Block 127.

(e) The setback line on the south side of East Mifflin Street in Block 170, between North Brearly Street and North Ingersoll Street, shall be 63 feet from the center line of said East Mifflin Street measured at right angles thereto.

(f) The setback line on the east side of Packers Avenue between Commercial Avenue and the center line of Aberg Avenue projected easterly shall be 77 feet from the center line of said Packers Avenue measured at right angles thereto.

(g) Building line for the Illinois Central Highway route between Hammersley Road and Raymond Road shall be as follows: A part of the west half of the southwest quarter of Section 32, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at a point on the south line of the northwest quarter of the southwest quarter of Section 32, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, said point being 123.2 feet westerly of the point of intersection of the south line of the northwest quarter of the southwest quarter of said Section 32 and the west right-of-way line of the Illinois Central Railroad measured along the south line of the northwest quarter of the southwest quarter of said Section 32; thence north 4 degrees east on a line to the point of intersection with the north line of the southwest quarter of said Section 32; thence westerly along said north line to a point of intersection with the northerly prolongation of the east line of Lot 3, Knox Addition to Summit Ridge Plat, City of Madison, Dane County, Wisconsin; thence southerly along said northerly prolongation to the northeast corner of Lot 3, said Knox Addition to Summit Ridge Plat; thence southwesterly on a straight line to the northwest corner of Lot 29, Block 3, Summit Ridge Plat, City of Madison, Dane County, Wisconsin; thence southwesterly and southerly along the west line of Lots 29 through 52 inclusive, and Lots 1 and 2, all in Block 3, said Summit Ridge Plat to the southwest corner of Lot 2, Block 3, said Summit Ridge Plat; thence easterly along the south line of Lot 2, Block 3, said Summit Ridge Plat to the southeast corner of said Lot 2; thence easterly on a straight line to the southwest corner of Lot 1, Block 1, said Summit Ridge Plat; thence northerly and northeasterly along the east line of Summit Avenue to the south line of the northwest quarter of the southwest quarter of said Section 32; thence easterly along the south line of the northwest quarter of the southwest quarter of said Section 32 to the point of beginning.

(h) Building line of Lake Monona Roadway lying between the shoreline of Lake Monona and the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific

Railroad shall be as follows: A part of the west half of Section 25, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the northeast corner of Lot 3, Bellvue Park Plat, City of Madison, Dane County, Wisconsin, also being the point of intersection of the shoreline of Lake Monona and the east line of Lot 3, said Bellevue Park Plat; thence southerly on the east line of Lot 3, said Bellvue Park Plat to a point, said point being 100 feet northeast of, measured at right angles to the northeast right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southeasterly on a line parallel to and 100 feet northeast of, measured at right angles to, the northeast right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to the north line of East Lakeside Street; thence westerly along the north line of East Lakeside Street to a point of intersection with the northeast right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence northwesterly along said northeast right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to the shoreline of Lake Monona; thence southeasterly and easterly along the shoreline of Lake Monona to the point of beginning.

(i) Building line of Fitzpatrick Road (future Gilbert Road) lying between Old Middleton Road and University Avenue (U.S. Highway 12 and 14) shall be as follows: Part of the southeast quarter of Section 18, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin and a part of the northeast quarter of Section 19, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at a point of intersection at the center line of U. S. Highway 12 and 14 and the northwest right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southwesterly along said northwest right-of-way line 1,008.6 feet to the east line of Fitzpatrick Road and the point of beginning of this description; thence northeasterly along the northwest right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to a point being 30.0 feet east of, measured at right angles to, the east line of Fitzpatrick Road; thence north 11 degrees 50 minutes west on a line to the point of intersection with the east line of Fitzpatrick Road; thence southerly and southeasterly along the east line of Fitzpatrick Road to the point of beginning, and also the following described property:

Commencing at the point of intersection of the center line of U. S. Highways 12 and 14 and the northwest right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southwesterly along said northwest right-of-way line 1,068.6 feet to the west line of Fitzpatrick Road; thence north 11 degrees 50 minutes west 237.9 feet along the west line of Fitzpatrick Road; thence north 0 degrees 03 minutes east 213.6 feet along the west line of Fitzpatrick Road; thence north 89 degrees 57 minutes east 32.3 feet; thence north 57 degrees 39 minutes west 75 feet to a point and the point of beginning of this description; thence north 32 degrees 26 minutes west 100 feet; thence northwesterly on a curve to the left whose radius is 100 feet to the southwest line of U. S. Highway 12 and 14; thence southeasterly 175 feet along the southwest line of U. S. Highway 12 and 14 to the west line of Fitzpatrick Road; thence south 32 degrees 23 minutes west 140.1 feet along the west line of Fitzpatrick Road; thence south 0 degrees 03 minutes west 264.7 feet along the west line of Fitzpatrick Road; thence south 11 degrees 50 minutes east 237.9 feet along the west line of Fitzpatrick Road to the northwest right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southwesterly along said northwest right-of-way line to a point, said point being 30 feet west of, measured at right angles to, the west line of Fitzpatrick Road; thence north 11 degrees 50 minutes west 237.9 feet

on a line parallel to and 30 feet west of, measured at right angles to, the west line of Fitzpatrick Road; thence northwesterly on a straight line to the point of beginning.

(j) The setback line on the south side of Mineral Point Road from the west line of Glenway to the center line of Gilbert Road shall be as herein-after described: Beginning at a point on the west line of Outlot 1, Assessor's Plat No. 2, Town of Madison, said point being 40 feet south from the center line of the existing 66 foot right-of-way of Mineral Point Road; thence westerly on a line that is parallel to and 40 feet south of and measured at right angles to the said existing center line of Mineral Point Road to the east line of Lot 1, Block 19, Fourth Addition to Westmorland; thence westerly on a straight line to the northwest corner of Lot 9 of said Block 19; thence westerly on a line parallel to and 90 feet south of the existing north right-of-way line of said Mineral Point Road to the center line of South Owen Drive; thence westerly on a straight line to the northeast corner of Lot 574, Sixth Addition to Sunset Village; thence along the existing south right-of-way line as platted in the said Sixth Addition to Sunset Village and the westerly prolongation of said south right-of-way line to the northeast corner of Lot 1, Woodside Gardens Addition; thence westerly on the south right-of-way line of Mineral Point Road to the northwest corner of Lot 2 of said Woodside Gardens Addition; thence westerly on a straight line to a point on the west line of South Midvale Boulevard, said point being 40 feet south of and measured at right angles to the center line of the existing 66 foot right-of-way of Mineral Point Road; thence southwesterly on a straight line to its point of intersection with the northerly prolongation of the center line of Togstad Glen as platted in the First Addition to Midvale Heights, said point of intersection being 57 feet south of the center line of the existing 66 foot right-of-way of Mineral Point Road; thence westerly on a line that is parallel to and 57 feet south of the center line of the existing 66 foot right-of-way of Mineral Point Road to its point of intersection with the southerly prolongation of the east line of Robin Parkway; thence on a straight line to a point on the east line of Orchard Drive, said point being 40 feet south of the center line of Mineral Point road as platted in Town of Madison Assessor's Plat No. 3 of Oak Park Heights; thence westerly on a line that is parallel to and 40 feet south of, measured at right angles to the center line of said Mineral Point Road to the east line of Segoe Road; thence westerly on a straight line to a point on the west line of Segoe Road, said point being 45 feet south of the center line of said Mineral Point Road as platted in the Town of Madison Assessor's Plat No. 3 of Oak Park Heights; thence westerly on a line that is parallel to and 45 feet south of measured at right angles to the said center line of Mineral Point Road as platted in said Assessor's Plat to a point 80 feet west of the west line of Mineau Parkway, said point being on the existing south right-of-way line; thence westerly and following along the existing south right-of-way line to a point 188 feet east of the east line of Lot 1 of Lyn Maar Plat; thence southwesterly on a straight line to the northeast corner of said Lot 1 of Lyn Maar Plat, said point being on the existing south right-of-way line of said Mineral Point Road and 60 feet south of the north line of Section 30, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin, said north line being the proposed center line of Mineral Point Road; thence west on a line that is parallel to and 60 feet south of, measured at right angles to, the north line of said Section 30 to the center line of Gilbert Road.

The setback line on the north side of Mineral Point Road from the west line of Glenway to the center line of Gilbert Road shall be as hereinafter described:

Beginning at a point on the east line of Lot 5 of Morland Terrace, said point being 63 feet north of the center line of the existing 66 foot right-of-way of Mineral Point Road; thence southwesterly on a straight line to a point, last mentioned point being 50 feet north of, measured at right angles to, the said center line of Mineral Point Road and 65 feet west of, measured at right angles to, the west line of Glenway; thence westerly on a line that is parallel to and 50 feet north of, measured at right angles to, the existing center line of said Mineral Point to the east line of Westmorland Boulevard; thence westerly on a straight line to the southeast corner of Lot 14, Sunset Village, said point being in the existing north right-of-way line of Mineral Point Road; thence westerly and following along the existing north right-of-way line of said Mineral Point Road to its point of intersection with the center line of Owen Drive; thence westerly on a straight line to a point in the east line of Lot 357 of the Plat of Sunset Village, Third Addition, said point being 50 feet north of the center line of Mineral Point Road as platted in said Third Addition to Sunset Village; thence westerly on a line that is parallel to and 50 feet north of, measured at right angles, to the said center line of Mineral Point Road to the west line of South Midvale Boulevard; thence southwesterly on a straight line to its point of intersection with the northerly prolongation of the center line of Togstad Glen as platted in the First Addition to Midvale Heights, said point of intersection being 33 feet north of the center line of the existing 66 foot right-of-way of said Mineral Point Road, said point also being on the existing north right-of-way line of Mineral Point Road; thence westerly and following along the existing north right-of-way line of said Mineral Point Road to the east line of Robin Parkway; thence northwesterly on a straight line to the southeast corner of Lot 1, Robin Park, said point being on the existing north right-of-way line of Mineral Point Road and 50 feet north of the south line of Section 20, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence westerly on a line that is parallel to and 50 feet north of the south line of said Section 20 to the west line of Orchard Drive; thence northwesterly on a straight line to a point on the east line of Segoe Road, said point being 65 feet north of the south line of said Section 20; thence westerly on a straight line to a point on the west line of Segoe Road, said point being 75 feet north of the south line of Section 20; thence westerly on a line parallel to and 75 feet north of, measured at right angles to, the south line of said Section 20 to a point 310 feet east of the west line of Section 20, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence southwesterly on a straight line to the most westerly corner of Lot 11, University Hill Farms Plat, said point being on the existing north right-of-way line of Mineral Point Road and also 60 feet north of, measured at right angles, the north line of Section 30, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence westerly on a line that is parallel to and 60 feet north of, measured at right angles to, the north line of Section 30 to the center line of Gilbert Road extended northerly.

(k) The setback line of St. Dunstan Drive from University Avenue to Old Middleton Road shall be as hereinafter described:

Easterly side of St. Dunstan Drive. Beginning at the most westerly corner of Lot 19, Assessor's Plat No. 1, a Recorded Plat in Section 12, Town 7 North, Range 8 East, City of Madison, Wisconsin; thence northerly in a straight line to a point in the northeast line of Lot 17 of said Assessor's Plat No. 1, said point being 35 feet southeasterly from the north lot corner of said Lot 17.

Westerly side of St. Dunstan Drive. Beginning at a point on the southwesterly line of Lot 16, said Assessor's Plat, said point being 30 feet northwest of the

southeast corner of said Lot 16; thence northerly on a straight line to a point in the northeasterly lot line of said Lot 16, said point being 35 feet northwesterly from the most easterly corner of said Lot 16.

(l) The setback line on the north side of College Court from the easterly line of Monroe Street to the west line of North Murray Street shall be as hereinafter described:

Commencing in the southeasterly right-of-way line of Monroe Street at a point which lies 255 feet north of and measured at right angles to the center line of Regent Street (for the purposes of this ordinance the center line of Regent Street shall be taken as the center of the existing pavement); thence east on a line parallel to and 255 feet north of said center line to the west line of North Mills Street, continuing thence east to the east line of North Mills Street at a point 66 feet north of the south line of College Court measured from the northwest corner of Lot 8, Block 6, Central Homes Addition; continuing thence east on a line parallel to and 66 feet north of the south line of College Court to the east line of Lot 13, Block 4, said Central Homes Addition, continuing thence easterly on a straight line to the west line of North Park Street at a point 50 feet north of the south line of College Court, continuing thence easterly to the east line of North Park Street at a point 221 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of the east line of North Park Street, continuing thence easterly on a straight line to the east line of Lot 13, Harloff's Subdivision, at a point 194 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of said east line, continuing thence easterly to the west line of North Murray Street a point 149 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of said west line.

(m) The setback line on the south side of College Court from the easterly line of Monroe Street to the west line of North Murray Street shall be as hereinafter described:

Commencing in the southeasterly right-of-way line of Monroe Street at a point which lies 169 feet north of and measured at right angles to the center line of Regent Street (for the purposes of this ordinance the center line of Regent Street shall be taken as the center of the existing pavement); thence east on a line which is parallel to and 189 feet north of said center line to the west line of North Mills Street, continuing thence east to the northwest lot corner of Lot 8, Block 6, Central Homes Addition, said point also being on the south line of College Court, thence east along the south line of College Court to the northwest corner of Lot 5, Block 5, said Central Homes Addition, continuing thence easterly on a straight line to the west line of North Park Street at a point 16 feet south of the south line of College Court continuing thence easterly to the east line of North Park Street at a point 165 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of the east line of North Park Street, continuing thence easterly on a straight line to the east line of Lot 13, Harloff's Subdivision, at a point 138 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of said east line continuing thence easterly to the west line of North Murray Street at a point 93 feet north of the center line of Regent Street where it is intersected by the southerly prolongation of said west line.

(n) The setback line on the south side of Old Sauk Road from a point 1,316 feet west of the east line of Section 24, Town 7 North, Range 8 East, Dane County, Wisconsin, easterly to Old Middleton Road and on the southerly side of Old Middleton Road from Old Sauk Road easterly to Whitney Way shall be as hereinafter described:

Beginning at a point 1,316 feet west of the east line of Section 24, Town 7 North, Range 8 East, Dane County, Wisconsin, at a point 50 feet south of and

measured at right angles to the north line of said Section 24; thence easterly 500 feet on a line that is parallel to and 50 feet south of, measured at right angles to, the north line of said Section 24; thence easterly on a straight line to a point in the east line of said Section 24, said point being 33 feet south of, measured at right angles to, the north line of said Section 24; thence continuing easterly 800 feet on a line that is parallel to and 33 feet south of, measured at right angles to, the north line of Section 19, Town 7 North, Range 9 East, Dane County, Wisconsin, to a point of curve; thence on a curve to the right convex to the northeast, having a radius of 860 feet and a long chord of 605 feet more or less to a point in the northeasterly lot line of Lot 8, Block 7, Glen Oak Hills, said point being 40 feet southeasterly from the northmost point of said Lot 8 and on the southerly right-of-way line of Old Middleton Road (formerly known as University Avenue); thence southeasterly and easterly along the said southerly right-of-way line to the northwest corner of Lot 3, Block 6, Glen Oak Hills; thence easterly on a straight line to a point 14 feet south of the most easterly corner of Lot 1, said Block 6, Glen Oak Hills; thence continuing easterly on a line that is parallel to and 47 feet south of, measured at right angles to, the existing center line of the Old Middleton Road to the west line of Whitney Way, and the end of the setback line to be established.

(o) The setback line on the north side of Old Sauk Road from the east line of Kimball Addition to the Highlands to Old Middleton Road and along the northerly side of Old Middleton Road from Old Sauk Road easterly to the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way shall be as hereinafter described:

Beginning at the southeast corner of Lot 5, Kimball's Addition to the Highlands; thence easterly on a straight line to a point in the west line of Section 18, Town 7 North, Range 9 East, said point being 67 feet north of, measured at right angles to, the south line of said Section 18, thence continuing easterly 800 feet on a line that is parallel to and 67 feet north of, measured at right angles to, the south line of said Section 18 to a point of curve; thence on a curve to the right convex to the northeast having a radius of 960 feet and a long chord of 665 feet more or less to a point, last mentioned point being 100 feet northeast of, measured at right angles to, the south line of Old Middleton Road (formerly known as University Avenue); as platted in the Glen Oak Hills plat and 40 feet southeast of, measured at right angles to, the northeasterly prolongation of the northeast line of Lot 8, Block 7, Glen Oak Hills, said point in the northwesterly lot line being 40 feet southeasterly from the northernmost point of said Lot 8; thence continuing southeasterly and easterly on a line that is parallel to and 100 feet northeasterly of, measured at right angles to, the south line of Old Middleton Road (formerly known as University Avenue) to its point of intersection with the northerly prolongation of the west line of Lot 3, Block 6, said Glen Oak Hills; thence easterly on a straight line to a point that is 86 feet north of the most easterly corner of Lot 1, said Block 6, measured at right angles to the north line of said Block 6; thence continuing easterly on a line that is parallel to and 53 feet north of, measured at right angles to, the existing center line of Old Middleton Road to the southwesterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, and the end of the setback line to be described.

(p) The setback line for the northeasterly side of Northport Drive from the City limits at the west line of the northeast quarter of the northwest quarter, Section 26, Town 8 North, Range 9 East, Westport, now in the City of Madison, Dane County, Wisconsin, southeasterly to Knutson Drive, shall be as hereinafter described:

Beginning at a point on the west line of the northeast quarter of the northwest quarter of Section 26, Town 8 North, Range 9 East, City of Madison, Dane County, Wisconsin, said point being 106 feet northeast of, measured at right angles to, the reference line of Northport Drive (S.T.H. 113) as established under

Division Job No. 1742, W.H.C. Project FAGS 219.0(3); thence southeasterly on a line that is parallel to and 106 feet northeast of, measured at right angles to, the said reference line to its point of intersection with the northeasterly prolongation of the center line of Knutson Drive as presently located; last mentioned point being the end of the setback line to be described.

(q) The setback line on the north side of East Broadway from Dutch Mill Road easterly to a point 800 feet east of Dutch Mill Road shall be as hereinafter described:

Commencing on the east line of Outlot 54, Assessor's Plat No. 2, Town of Blooming Grove, at a point 50 feet north of, measured at right angles to, the north right-of-way line of new U.S. Highway 12 and 18, Project F-04-2(31); thence west on a line 50 feet north of and parallel to said north right-of-way line to the west line of Lot 9, Assessor's Plat No. 3, Town of Blooming Grove, the above lands being part of the southwest quarter of Section 22, Town 7 North, Range 10 East, formerly Town of Blooming Grove, now City of Madison, Dane County, Wisconsin.

(r) The setback line on the south side of Milwaukee Street from the east line of the First Addition to Eastmorland to the west right-of-way line of South Stoughton Road (U. S. Highway 51) shall be as herein described:

Beginning at the northeast corner of Lot 101, First Addition to Eastmorland a recorded plat in the southwest quarter of Section 4, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. Thence east on a straight line to the point of intersection with a line that is parallel to and 150 feet west of the west line of the east half of the northeast quarter of the said southwest quarter. Said point of intersection being 40 feet south of, measured at right angles to, the north line of the said southwest quarter. Thence east on a line that is parallel to and 40 feet south of, measured at right angles to, the north line of the said southwest quarter to the westerly right-of-way line of South Stoughton Road (U. S. Highway 51) and the end of the setback line to be described.

The setback line on the north side of Milwaukee Street between the west line of Section 4, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin and the west right-of-way line of North Stoughton Road (U. S. Highway 51).

Beginning at a point on the west line of Section 4, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. Said point being 47 feet north of the south line of the northwest quarter of said Section 4; thence east on a straight line to its point of intersection with the northerly prolongation of the west line of Lot 129, First Addition to Eastmorland, a recorded plat in the southwest quarter of said Section 4; said point of intersection being 33 feet north of, measured at right angles to, the south line of the said northwest quarter. Thence east on a line that is parallel to and 33 feet north of, measured at right angles to the south line of the said northwest quarter to its point of intersection with the center line of the drainage ditch. Said center line being the east line of the property conveyed to Shell Oil Company as described in Volume 769 of Deeds, page 520 and recorded in the Dane County Register of Deeds Office. Thence east on a straight line to the point of intersection with a line that is parallel to and 150 feet west of the west line of the east half of the southeast quarter of the said northwest quarter, said point of intersection being 40 feet north of, measured at right angles to, the south line of the said northwest quarter. Thence east on a line that is parallel to and 40 feet north of, measured at right angles to, the south line of the said northwest quarter to the west right-of-way line of North Stoughton Road (U. S. Highway 51) and the end of the setback line to be described.

(s) The setback line of North Park Street between Regent Street and a point 100 feet north of the north line of University Avenue shall be as hereinafter described:

1. Westerly side of North Park Street. Beginning at a point on the south line of Central Homes Addition to the City of Madison, said point being 54 feet west of the east line of said Central Homes Addition; thence northerly on a straight line that is parallel to and 54 feet west of the east line of said Central Homes Addition, to the north line of said Central Homes Addition; thence continuing northerly on a straight line to A point on the south line of Block 16, University Addition to Madison, said point being 54 feet west of the east line of said Block 16; thence continuing northerly on a straight line that is parallel to and 54 feet west of the east line of said Block 16 to the north line of Lot 6, said Block 16; thence continuing northerly on a straight line to the southeast corner of Lot 5, Block 2, said University Addition; thence continuing northerly along the east line of said Lot 5 and the west line of North Park Street to the south line of University Avenue.

2. Easterly side of North Park Street. Beginning on the east line of North Park Street at the north line of Regent Street, thence continuing northerly along the east line of Block 15, University Addition to Madison, said point being located 165 feet north of the south line of said Block 15, thence continuing northerly on a straight line to a point on the south line of Lot 1, Block 3, said University Addition to Madison, said point being 54 feet east of the west line of said Lot 1, thence northerly on a straight line that is parallel to and 54 feet east of the west line of said Block 3 to the north line of said Block 3 and the south line of University Avenue, thence northerly on a straight line to a point on the south line of Lot 11, Block 4, said University Addition to Madison, said point being 24 feet east of the southwest corner of said Lot 11, thence northerly on a straight line to a point on the west line of said Lot 11, said point being 100 feet north of the southwest corner of said Lot 11.

(t) The setback line on the southerly side of West Gorham Street at the westerly side of North Broom Street shall be as hereinafter described: Part of Lots 8 and 9, Block 40, Original Plat of the City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at a point in the southerly right-of-way line of West Gorham Street; said point being south 45 degrees 00 minutes west 132 feet from the most northerly corner of Lot 9, said Block 40; thence north 50 degrees 30 minutes east 51 feet to a point of curve; thence southeasterly on a curve to the right convex to the north having a radius of 90 feet and a chord which bears south 87 degrees 15 minutes east 121.03 feet to a point of tangency on the southwesterly right-of-way line of North Broom Street at a point south 45 degrees 00 minutes east 94.48 feet from the said most northerly corner of said Lot 9, which point is the end of the setback line.

(u) The setback line on the southerly side of West Wilson Street at the easterly side of South Broom Street shall be as hereinafter described: A part of Lots 1 and 2, Block 48, Original Plat of Madison, a recorded plat in the City of Madison, Dane County, Wisconsin.

Beginning at a point on the southerly right-of-way line of West Wilson Street; said point being north 45 degrees 00 minutes east 103 feet from the most westerly corner of said Lot 1; thence southerly on a curve to the left which has a radius of 87 feet and a long chord which bears south 1 degree 09 minutes west 120.56 feet; thence south 42 degrees 43 minutes east 150.12 feet; thence south 45 degrees 00 minutes east 30 feet; thence south 45 degrees 00 minutes west 10 feet to

the northeast line of South Broom Street at a point south 45 degrees 00 minutes east 264 feet from the said most westerly corner, which point is the end of the setback line.

(v) The setback line of the northerly side of Wingra Drive east of Beld Street shall be as hereinafter described:

Commencing at the south quarter corner of Section 26, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence north 88 degrees 59 minutes 02 seconds west 54.32 feet to the west right-of-way line of new South Park Street; thence north 0 degrees 03 minutes 11 seconds east 551.60 feet along said west line of South Park Street to the southeasterly right-of-way line of the Chicago and North Western Railway; thence north 51 degrees 45 minutes 13 seconds east 294.04 feet along said southeasterly line of the Chicago and North Western Railway to a point of curve; thence northeasterly on a curve to the left which has a radius of 2,916 feet and a long chord bearing north 50 minutes 06 seconds east 168.30 feet along said southeasterly line of the Chicago and North Western Railway to the west right-of-way line of Beld Street; thence north 5 degrees 15 minutes 26 seconds east 417.83 feet along said west line of Beld Street to the future north right-of-way line of Wingra Drive and the point of beginning; thence north 84 degrees 41 minutes 46 seconds east 375.45 feet along said future north line of Wingra Drive to a point on the southeasterly right-of-way line of the Chicago and North Western Railway and the end of the setback line.

(w) The setback line on the easterly side of South Bassett Street at the northerly side of West Wilson Street shall be as hereinafter described: A part of Lot 13, Block 46, Original Madison Plat, a recorded plat in the City of Madison, Dane County, Wisconsin.

Beginning at a point in the easterly right-of-way line of South Bassett Street, said point being north 45 degrees 00 minutes west 84 feet from the most southerly corner of said Lot 18; thence on a curve to the left which has a radius of 90 feet and a long chord which bears south 83 degrees 10 minutes east 106.82 feet to the most easterly corner of said Lot 18 and the end of the setback line.

(x) The setback line on the westerly side of South Broom Street at the southerly side of West Wilson Street shall be as hereinafter described: A 90 foot radius of the northerly corner of Lot 9, Block 47, Original Plat of Madison, a recorded plat in the City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at a point in the westerly right-of-way line of South Broom Street; the said point being south 45 degrees 00 minutes east 68 feet from the most northerly corner of said Lot 9; thence westerly on a curve to the left which has a radius of 90 feet and a long chord which bears north 89 degrees 09 minutes west 94.76 feet to the most westerly corner of said Lot 9 and the end of the setback line.

(y) The setback line on the south side of Odana Road from Whitney Way westerly 200 feet shall be as hereinafter described:

Commencing at the northeast corner of the southeast quarter of the southwest quarter of Section 30, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence south 34 feet along the east line of the said southwest quarter; thence north 89 degrees 56 minutes west 259.96 feet to the point of beginning of the setback line to be described. Thence south 87 degrees 39 minutes east 176.48 feet to a point of curve; thence on a curve to the right convex to the northeast having a radius of 25 feet and a long chord that bears south 44 degrees 13 minutes east 34.39 feet to a point that is 60 feet west of, measured at right angles to, the east line of the said southwest quarter, and the end of the setback line to be described.

(z) The setback line on the west side of Whitney Way from Odana Road to Medical Circle shall be as hereinafter described:

Commencing at the northeast corner of the southeast quarter of the southwest quarter of Section 30, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence south 426.09 feet along the east line of the said southwest quarter to the northeast corner of the Medical Heights Plat, a recorded plat in the said southwest quarter. Thence south 89 degrees 47 minutes west, 75.09 feet along the north line of the said plat to a point of curve; and the point of beginning of the setback line to be described; thence on a curve to the left convex to the southeast having a radius of 15 feet and a long chord that bears north 44 degrees 36 minutes east 21.28 feet to a point that is 60 feet west of, measured at right angles to, the said east line. Thence north 350.54 feet along a line that is parallel to and 60 feet west of, measured at right angles to, the said east line to a point of curve; thence on a curve to the left convex to the northeast having a radius of 25 feet and a long chord that bears north 45 degrees 21 minutes west 35.1 feet to the end of the setback line to be described.

(aa) The setback line for the north side of Femrite Drive from the east right-of-way line of U. S. Highway 51 (South Stoughton Road) to the west line of Hadow Street shall be as hereinafter described:

Beginning at a point on the east right-of-way line of U. S. Highway 51 (South Stoughton Road), said point being 350 feet west of the 165 feet north of the southwest corner of the northwest quarter of the southwest quarter of Section 22, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. Last mentioned point also being the northwest corner of Outlot 41 of Assessor's Plat No. 2, Township of Blooming Grove, a recorded plat in said Section 22; thence south 50 degrees east 225 feet to a point that is 180 feet west of and 16 feet north of the said southwest corner; thence north 81 degrees east 100 feet to a point that is 85 feet west of and 32 feet north of the said southwest corner to a point of curve. Thence on a curve to the right convex to the north, having a radius of 2,200 feet and a long chord that bears north 88 degrees east 400 feet to a point that is 320 feet east of and 40 feet north of the said southwest corner; thence south 89 degrees east 275 feet to a point in the west line of Hadow Street. Last mentioned point being 592.1 feet east of and 33 feet north of the said southwest corner. Last mentioned point also being the end of the setback line on the north side of Femrite Drive.

The setback line for the south side of Femrite Drive from the east right-of-way line of U. S. Highway 51 (South Stoughton Road) to Dutch Mill Road shall be as hereinafter described:

Beginning at a point on the easterly right-of-way line of U. S. Highway 51 (South Stoughton Road), said point being 270 feet west of and 285 feet south of the southwest corner of the northwest quarter of the southwest quarter of Section 22, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. Last mentioned point also being the northwest corner of Outlot 41, Assessor's Plat No. 2, Township of Blooming Grove, a recorded plat in said Section 22; thence north 28 degrees east 225 feet to a point that is 163 feet west of and 83 feet south of the said southwest corner; thence north 79 degrees east 100 feet to a point. Last mentioned point being 65 feet west of and 66 feet south of the said southwest corner; thence on a curve to the right convex to the north having a radius of 2,000 feet and a long chord that bears north 86 degrees east 380 feet to a point that is 320 feet east of and 40 feet south of the said southwest corner; thence south 89 degrees east 75 feet to a point that is 390 feet east of and 42 feet south of the said southwest corner; thence south 35 degrees east 70 feet, plus or minus to a point in the northwest line of Femrite Drive. Last mentioned point being 540 feet northeast of the west line of said Section 22, measured along the northwest line of Femrite

Drive. Thence northeasterly to a point in the southeast line of Femrite Drive, last mentioned point being 47 feet south of the south line of the northwest quarter of the southwest quarter of said Section 22 and 500 feet west of the east line of Outlot 42 of said Assessor's plat. Thence east 1,155 feet along a line that is parallel to and 47 feet south of the south line of the northwest quarter of the said southwest quarter to a point that is 125 feet east of the west line of Outlot 51 of said Assessor's plat. Last mentioned point being in the west line of the property as described in Volume 341 of Miscellaneous, page 593 and recorded in the Dane County Register of Deeds Office.

Thence southeasterly to a point in the northwest line of Dutch Mill Road. Last mentioned point being 200 feet northeast of the most southerly corner of said Outlot 51 measured along the northwest line of Dutch Mill Road. Last mentioned point being the end of the setback line on the south side of Femrite Drive.

(bb) The setback line on the west side of the Nakoma Road-South Midvale Boulevard intersection, south of Hammersley Road shall be as hereinafter described:

Commencing at the northwest corner of Outlot A, Third Addition to Crawford Heights, a recorded plat in the west half of the northeast quarter and part of the northwest quarter of the southeast quarter of Section 32, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin; thence south 89 degrees 19 minutes east, 206.8 feet along the north line of said Outlot A to a point of curve and the point of beginning of the setback line to be described; thence on a curve to the right convex to the northeast, having a radius of 2,510 feet and a long chord that bears south 39 degrees 59 minutes 43 seconds east, 37.92 feet to a point of compound curve; thence on a curve to the right convex to the southeast, having a radius of 136 feet and a long chord that bears south 19 degrees 24 minutes 57 seconds west, 47.65 feet to a point of reverse curve; thence on a curve to the left convex to the northwest having a radius of 164 feet and a long chord that bears south 22 degrees 57 minutes 46 seconds west, 37.37 feet; thence north 71 degrees 27 minutes 15 seconds west, 10 feet; thence south 18 degrees 32 minutes 45 seconds west, 50 feet; thence south 71 degrees 27 minutes 16 seconds east, 10 feet to a point of curve; thence on a curve to the left convex to the northwest, having a radius of 164 feet and a long chord that bears south 14 degrees 07 minutes 43 seconds west, 37.37 feet to a point of reverse curve; thence on a curve to the right convex to the southeast having a radius of 136 feet and a long chord that bears south 17 degrees 40 minutes 32 seconds west 47.65 feet to a point of compound curve; thence on a curve to the right to the southeast, having a radius of 686 feet and a long chord that bears south 36 degrees 00 minutes 27 seconds west, 196.69 feet to a point in the southeast line of Outlot B of said Third Addition to Crawford Heights Plat. Last mentioned point also being in the northwest line of Nakoma Road, as presently located, and the end of the setback line described.

(2) Requirements. No buildings shall be erected to extend beyond the setback lines as established in subsection (1) hereof, nor shall any building which existed before the establishment of setback lines as set forth in subsection (1) of this section be altered, enlarged or rebuilt so as to result in said building extending beyond the setback lines established in subsection (1) of this section; nor shall any building which existed prior to the establishment of the setback lines as aforesaid and which at that time extended beyond said setback line be repaired, rebuilt, altered or improved if the cost thereof exceeds fifty percent (50%) of the assessed value of said building before such alterations or repairs are begun.

(Former Sec. 16.25 Renum. by ORD-08-00036, 4-4-08)

CHAPTER 17

RADIO, TELEVISION AND ELECTRONIC CODE

Section

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17.13 Removal of Unused Antenna Systems. (Cr. by ORD-16-00058, 6-17-16)
17.14 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)

17.01 TITLE. This chapter shall be known as the Radio, Television and Electronics Code of the City of Madison.

17.02 PURPOSE AND SCOPE OF THIS CODE.

(1) The purpose of this code is to provide minimum regulations to insure safety to persons and property, safe and stable design, well executed methods and uses of materials in the construction of electronic equipment or apparatus which includes, but is not limited to, antennas, communication towers and dishes.

(2) The sections contained in this code shall be binding upon every building owner and every person in charge of or responsible for the construction or alteration of any antenna system, communication tower or dish system.

17.03 SUPERVISION BY BUILDING INSPECTION DIVISION OF THE DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT.

(1) The Building Inspection Division of the Department of Planning and Community and Economic Development shall have the general supervision over this ordinance and shall be responsible for the enforcement of its provisions.

(2) The Electrical Inspectors shall perform the necessary inspections of aerial and ground antenna systems, in or on any commercial, industrial, private, or public premises.

(3) The Electrical Inspectors shall have the right to inspect, condemn, and order removal of any equipment that may entail a distinct hazard to life or property as set forth in this code. The Electrical Inspectors shall order repairs or alterations to equipment found contrary to this code by notice to the owner or person in charge of or responsible for the equipment repairs or alterations to correct the same within the period specified by the Electrical Inspector.

(Am. by ORD-08-00109, 10-7-08)

17.04 DEFINITIONS.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, microwaves, digital signals, analog signals, radio frequencies (excluding radar signals), television signals, wireless communication signals or other communication signals. (Am. by ORD-16-00058, 6-17-16)

Antenna Mast. That portion of the outside antenna system for radio or television receiving apparatus or equipment to which the antenna elements are attached.

Antenna Mast Support. The support or extension required to elevate the antenna mast to a height deemed necessary for adequate operation.

Antenna System. The combination of any antenna, mast and tower or mast support as defined above, excluding standard television antennas and direct broadcast systems (dishes) under forty-two (42) inches in diameter located at single-family detached dwellings, two-family (two-unit) dwellings, two-family (twin) dwellings, three family (three-unit) dwellings, or single-family attached dwellings as defined in Sec. 28.211, MGO. (Am. by ORD-16-00058, 6-17-16)

Antenna System, Height of. The overall vertical height of the antenna system above the ground, or if any such system be located on a building, then, above that part of the level of such building upon which the system is mounted.

Approved. As to material, workmanship, and types of construction; means approval by the Building Inspection Division of the Department of Planning and Community and Economic Development.

Equipment, Receiving. Antenna systems and electric wiring used to convey electric energy between one (1) or more portions of the receivers and the antenna system. (Am. by ORD-16-00058, 6-17-16)

Installation. The locating of antenna systems in relation to buildings, public thoroughfares, power and communication lines. (Am. by ORD-16-00058, 6-17-16)

Noncorrosive. A material not subject to gradual wearing away, weakening, or rusting due to the inclemencies of weather.
(Am. by ORD-08-00109, 10-7-08)

17.05 ANTENNA INSTALLERS TO BE INSURED.

Antenna installers shall give evidence that s/he or they and the City of Madison are fully protected from any and all claims under Worker's Compensation Acts, personal and other claims for personal injury, including death, and all public liability damages which may arise from installations. Such insurance shall be written by a company authorized to do business in the State of Wisconsin and have a face value for public liability and property damage of five hundred thousand dollars ($500,000). Certificates of Insurance shall be filed with the Building Inspection Division of the Department of Planning and Community and Economic Development. No permit shall be lawfully issued unless such policies are in full force and effect. (Am. by ORD-08-00109, 10-7-08)

17.06 APPLICATION FOR PERMITS.

Applications for building permits shall be made at the office of the Director of the Building Inspection Division in writing on a form to be furnished for that purpose. Such application shall describe the land upon which the proposed work is to be done, and shall readily identify and definitely locate the proposed equipment, systems or work, and shall show the use or occupancy and such other pertinent information as may be required by the Director of the Building Inspection Division. (Am. by ORD-08-00109, 10-7-08)

17.07 PERMITS, PLANS, SPECIFICATIONS, AND DATA.

(1) Permits.

(a) It shall be unlawful for a person, firm or corporation to construct, alter, install, replace, modify or repair any communications tower, dish system or antenna system, such as are subject to the provisions of this code, without first obtaining a building permit from the Director of the Building Inspection Division and paying the required fee therefor.

(b) A permit may be issued to any person to install an antenna system on her/his own private residence if the Director of the Building Inspection Division is satisfied that such person is competent to do the work in accordance with this chapter.

(c) There shall be no permanent installation of public address systems, or permanent installations of television, radio and radio signaling systems using microphones, tubes, amplifiers and speakers, or any electronic equipment in commercial, industrial, private or public buildings or premises without first obtaining a permit and depositing the required fee. Upon completion of the work for which a permit has been taken out, the permittee shall promptly notify the Mechanical Inspection Supervisor who shall cause inspection of the work, and if it complies with the provisions of the Wisconsin State Electrical Code and the ordinances of the City of Madison, s/he shall issue a statement to that effect and that the work may be connected up and used commercially or by private individuals. The installer shall be notified by the Electrical Inspector if the work does not pass inspection. Any permit issued to an applicant shall be void if unused thirty (30) days after issuance.

(2) Plans, Specifications, and Data.

(a) Application for building permits shall be filed with the Building Inspection Division showing plans and specs when an installation occurs on a multi-family residential or commercial building. Plans and specs shall be signed and sealed by a registered architect or engineer. A plot plan showing location of the system or equipment shall also accompany the plans. When all the provisions of this or related ordinances shall have been complied with and when the applicant has paid the required fee, the permit may be granted.

(Am. by ORD-08-00109, 10-7-08)

17.08 PERMIT FEES.

(1) Every owner or agent shall make application for building and electrical permits and pay to the Treasurer of the City of Madison a fee as hereinafter set out before being entitled to a permit.

(2) Antennas and Antenna Systems. (Structural - Based on the Cost of Construction)

Five dollars ($5) per $1,000 of cost ..... $20.00 minimum

..... For Mobile Service Support Structures: $3,000 maximum

(Am. by ORD-13-00189, 11-26-13)

(3) Radio or Radio Signaling System.

Public or commercial buildings: Five dollars ($5) per $1,000 .. $20.00 minimum

(4) Sound Cars or Trucks.

(a) Temporary permit fee - one (1) day $20.00

17.09 INSPECTIONS.

Upon the completion of the construction or installation of any antenna system, it shall be the duty of the permittee to inform the office of the Mechanical Inspector, who shall inspect the installation within forty-eight (48) hours of the time such request is made.

17.10 SPECIAL OR ADDITIONAL INSPECTIONS.

For special inspections other than those listed in this chapter or for reinspection or additional inspections, the fee shall be twenty dollars ($20) per inspection.

17.11 VIOLATIONS AND PENALTIES.

Any person, or anyone acting in behalf of said person, violating any of the provisions of this ordinance, or any rules or regulations lawfully established and promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not less than ten dollar ($10) nor more than one thousand dollars ($1000). Each day of the violation shall constitute a separate offense. (Am. by ORD-16-00058, 6-17-16)

17.12 REGULATIONS AND CONSTRUCTION REQUIREMENTS.

(1) General Requirements.

(a) The Wisconsin State Electrical Code is hereby adopted and approved as a part of this ordinance as a minimum standard for any item not specifically covered herein.

(b) All antenna systems shall fully comply with any pertinent regulations of the Federal Communications Commission or the Civil Aeronautics Authority and all regulations and ordinances of the City of Madison.

(2) Specific Construction Requirements.

(a) Minimum Standards of Construction. It shall be unlawful for any contractor, dealer, individual, firm, or corporation to offer for sale in the City of Madison any electrical equipment, apparatus, or materials which are not tested and listed by the Underwriters Laboratories or other acceptable testing agency.

(b) Antenna Systems.

1. Antenna systems shall be constructed of noncorrosive material.
2. Roof mounted systems must have their own base or platform, securely fastened to one or more rafters using lag screws or bolts, and of sufficient size to distribute the weight of the structure plus an ice load at least one-half inch (½") in radial thickness. The ice load shall be computed upon the wires, cables, messengers and exposed surfaces.
3. The tower or mast shall be braced or guyed and anchored to resist a horizontal wind pressure of not less than thirty (30) pounds for every square foot of exposed surface.
4. Antenna masts shall not be guyed or supported by any chimney, roof ventilator, vent pipe, or fire escape.
5. All antenna systems, except for mobile service facilities and support structures and radio broadcast service facilities, shall be so installed that no part of the system will be nearer to a street, sidewalk or other public area, electric power or communication line than the height of the tower. Wires, cables, or guy wires shall not extend over any street or other public area. Where the height of the antenna is over thirty (30) feet, a detailed sketch thereof, showing the location of the antenna with respect to property lines, existing electric or communication lines, shall accompany the application for a permit, and such sketch shall show compliance with all the requirements of this ordinance. The maximum height shall be seventy-five feet (75') in residential districts without obtaining a variance from the Zoning Board of Appeals. (Am. by ORD-13-00189, 11-26-13)
6. Towers shall require noncorrosive guy wires with a tensile strength of at least six hundred (600) pounds per square inch. Guys shall be attached in accordance with manufacturer's specifications or within the concepts of accepted engineering practices. Guy wires supporting pipe masts must be located at a vertical distance of not more than ten (10) feet or at any joint.
7. Poles used for electric power or for communication lines shall not be used for supporting or for guying any antenna system. Where antenna installations are so located that damage will be caused to adjacent power or communication lines by the falling of the antenna system, a separate safety wire shall be attached to the top of the tower and secured in a direction away from the power or communication lines.
8. Anchor points shall be three-eights inch (⅜") diameter lag screws, eye bolts, or closed hooks capable of withstanding a strain of at least six hundred (600) pounds.
9. Where the height of any antenna system is thirty (30) feet or more and where three (3) levels of guying are required, no more than two (2) levels of

guying shall be secured to the same anchor point. Guy wires shall be six-eighteenths (6/18) or larger. For heights less than thirty (30) feet, six-twentieths (6/20) guys or larger may be used.

10. All guy wires, miscellaneous hardware, brackets, turnbuckles and thimble slips shall be of a noncorrosive material or similarly treated for weather protection.

(c) Radio or Television Transmission Lines. Television or radio transmission lines shall be of a type tested and listed by Underwriters Laboratories, Inc., and installed in accordance with the National Electrical Code.

(d) Height Limit Not to Apply. Height limit as described in Paragraph (2)(b)5. above shall not apply to commercial or educational systems where the construction of the tower is approved by the Federal Communications Commission, or to mobile service support structures and radio broadcast service facilities, as defined in Sec. 28.211. (Am. by ORD-13-00189, 11-26-13)

17.13 REMOVAL OF UNUSED ANTENNA SYSTEMS.

(1) The building owner or any person in charge of or responsible for any antenna system, including communication towers or dish systems, shall remove any such system from the exterior or roof of a building if the antenna system is no longer used for the purpose for which it was installed. This requirement shall not apply to antenna systems located at single-family detached dwellings, two-family (two unit) dwellings, two-family (twin) dwellings, three-family (three-unit) dwellings, or single-family attached dwellings as defined in Sec. 28.211, MGO.

(2) Failure to remove unused antenna systems shall result in penalties under Sec. 17.11.

(Cr. by ORD-16-00058, 6-17-16)

17.14 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

(Cr. by ORD-10-00058, 6-11-10; ORD-11-00037, 3-8-11; Renum. by ORD-16-00058, 6-17-16)

CHAPTER 18

PLUMBING CODE

Section

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18.50 Penalty.

18.01 ADMINISTRATION AND ENFORCEMENT.

(1) The design and installation of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal in buildings and exterior from property line to building shall comply with the requirements of this code.

(2) To enforce the provisions of this code, there is hereby authorized and established the position of Plumbing Inspector. The Plumbing Inspector shall, under the direction of the Director of the Building Inspection Division, be responsible for the inspection of plumbing, water supply and drainage installations in conformity with the requirements of this code. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(3) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(4) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Secs. 18.01(3) & (4) Cr. by ORD-10-00058, 6-11-10)

18.02 PURPOSE AND INTENT.

(1) It is the purpose and intent of this code to establish minimum plumbing standards in terms of performance objectives, implemented by specific requirements, which will provide reasonable safeguards for sanitation to protect the public health against hazards of inadequate, defective or unsanitary plumbing installations.

(2) The provisions of this Code shall be binding alike upon the owner of a building or premises, every person in charge of or responsible for or who causes the installation, repair, alteration or improvement of any plumbing devices, fixtures, or equipment.

(Sec. 18.02 Am. by Ord. 11,783, 2-17-97)

18.03 RESERVED FOR FUTURE USE. (R. by Ord. 11,783, 2-17-97)

18.04 CONFLICT OF REGULATIONS. No part of this code shall be interpreted to prevent the enforcement of other ordinances or local regulations which prescribe standards equal to or better than are provided herein.

18.05 SEPARABILITY. It is hereby declared to be the intention of the Common Council of the City of Madison that the provisions of this ordinance are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid to a particular property, building or structure, such judgment shall not affect the application of the provision to any other property, building or structure not specifically included in said judgment.

18.06 STATE LAWS ADOPTED BY REFERENCE. The Wis. Admin. Code chs. SPS 325, SPS 382, and Wis. Stat. ch. 145, and subsequent amendments, additions and recodifications thereto are hereby adopted by reference and incorporated into this code to the extent and with the limitations provided by this ordinance. Wis. Admin. Code ch. SPS 325 shall apply to all new one- and two-family residential buildings as well as additions and alterations to all existing one- and two-family residential buildings, to accessory buildings, and to new portions of moved buildings. (Am. by Ord. 9302, 10-29-87; ORD-12-00035, 3-28-12)

18.07 PLUMBER'S LICENSE REQUIRED.

(1) It shall be unlawful for any person, firm or corporation to perform any plumbing in the City of Madison without holding a qualified license with the State of Wisconsin, except that repairs and stoppages as defined do not require license status.

(2) No person, firm or corporation shall allow the use of his, her or its name directly or indirectly for the purpose of making application to perform plumbing in the City of Madison. (Am. by ORD-14-00012, 1-14-14)

(3) A permit application submitted by the applicant will not be approved unless such individual is qualified as required by the Wisconsin Administrative Plumbing Code, except that an application may be approved for plumbing work to be done by the owner in a single-family residence which he or she himself occupies. (Am. by ORD-14-00012, 1-14-14)

Note: See Wis. Stat. ch. 145.

18.08 PLUMBING PLAN APPROVAL AND REVIEW.

(1) Plan Examination Required. Plans and specifications for plumbing to be installed within the City of Madison either inside of or outside of all buildings, structures, parks, areas or complexes in the following classifications shall be submitted to the Building Inspection Division of the Department of Planning and Development and written approval received before commencing work. However, the Building Inspection Division may issue a permit to commence work provided plan review is not completed within ten (10) days. The issuance of a permit shall not be construed as plan approval or approval for non-code

complying designs or installations. All non-code complying portions of the plumbing system installed prior to complete plan review under this permit shall be removed or replaced.

(a) New installations, additions and alterations to drain systems, vent systems, water service systems, and water distribution systems involving 16 or more plumbing fixtures to be installed in public buildings. (Am. by ORD-12-00149, 12-5-12)

(b) Grease interceptors to be installed for public buildings.

(c) Garage catch basins and oil interceptors to be installed for public buildings.

(d) Automatic car wash facilities.

(e) Sanitary dump stations.

(f) Turf sprinkler systems connected to a potable water system.

(g) Private water mains. (Am. by ORD-12-00035, 3-28-12)

(2) Plan Submission.

(a) Stamping and Signing Plans. All plans and specifications shall be sealed or stamped in accordance with Ch. A-E 1, Wis. Adm. Code by a registered architect, engineer or registered plumbing designer. A master plumber may design and submit for approval plumbing plans and specifications for a plumbing system which he or she is to install. Each sheet of plans and specifications the master plumber submits shall be signed, dated and include his or her Wisconsin master plumber license number. Where more than one sheet is bound together into one volume, only the title sheet or index sheet need be signed and dated by the master plumber responsible for their preparation, provided the signed sheet clearly identifies all of the other sheets comprising the bound volume. (Am. by ORD-14-00012, 1-14-14)

(b) Submission Data. All plans, preliminary or complete, shall be submitted in triplicate. Work shall not commence until written approval for the preliminary or complete plans is received from the Building Inspection Division of the Department of Planning and Development. The plans submitted shall be prints that are clear, legible and permanent. All pertinent data shall be a part of or shall accompany all plans submitted for review. Plans will be examined in the order of receipt. (Am. by Ord. 8081, 7-29-83)

(c) Additions and Alterations. This section shall apply to all additions and alterations exceeding three (3) plumbing fixtures as well as to all new buildings and shall also apply to all cases where there is a change of the type of occupancy or use of a building which requires changes to or intended use of the plumbing so as to comply with this chapter for that occupancy or use.

(d) Agent Municipalities. As an agent municipality the Building Inspection Division of the Department of Planning and Development shall examine plans, specifications and calculations and grant approvals as listed in Section 18.08(1)(a), (b), (c), (d), (e), (f), and (g) and Section 18.08(2)(c). All other plans and specifications as listed in Wis. Admin. Code § SPS 382.20 and SPS Table 382.20-2 Note C shall be submitted to the Department of Safety and Professional Services for examination. (Am. by Ord. 12,322, 2-2-99; ORD-12-00035, 3-28-12)

(3) Plan Examination Fees.

(a) Applicability.

1. Fees. Plan examination fees for preliminary or complete plans shall accompany the plans and specifications when submitted. If the Building Inspection Division determines upon review of the plans that inadequate fees were provided, the necessary additional fee shall be provided prior to the Building Inspection Division's approval. Written approval shall not be granted until all applicable fees have been paid. This fee schedule applies to

plan review and inspections done on buildings within the City and outside of the City of Madison within Dane County. (Am. by Ord. 11,796, 2-18-97)

2. Fee Adjustment. Examination fees may be adjusted biennially commencing on January 1, 1976 in direct proportion with the salary increases granted staff review personnel.

(b) Examination Fees. The plan examination fee shall be determined using the fee schedule found in SPS 302.64, Table 302.64-1. (Am. by ORD-12-00149, 12-5-12)

(4) Revisions. After written approval is granted, plans and specifications of plumbing systems shall not be changed without written consent of the Building Inspection Division of the Department of Planning and Development and the architect, engineer, designer or master plumber responsible for the design. Installations must be made to conform to approved plans. (Am. by Ord. 8081, 7-29-83)

(5) Limitations. In granting approval of plans, specifications, products, devices, or materials, the Building Inspection Division of the Department of Planning and Development does not hold itself liable for any defects in construction, nor for any damages that may result from the specific installation. (Am. by Ord. 8081, 7-29-83)

(6) Plan Availability. The architect, professional engineer, registered designer, owner or plumbing contractor shall keep at the construction site one set of plans bearing the stamp of approval of the Building Inspection Division of the Department of Planning and Development. (Am. by Ord. 8081, 7-29-83)

(Sec. 18.08 Am. by ORD-08-00109, 10-7-08)

18.09 APPLICATION FOR PERMIT TO INSTALL PLUMBING.

(1) Any person desiring to do plumbing shall file a permit application with the City of Madison before starting any work, except as provided in Section 18.09(2). The permit application shall be made on forms furnished by the Building Inspection Division of the Department of Planning and Development. All permit applications shall be properly filled out and shall be signed by a person qualified as a licensed plumber registered with the State of Wisconsin Department of Safety and Professional Services. A permit application is not required when minor repairs are made to part of an existing plumbing system. When deemed necessary by the Building Inspection Division of the Department of Planning and Development, the applicant shall furnish drawings illustrating the installation. (Am. by Ord. 11,811, 3-4-97; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(2) The applicant shall file the permit application with the correct inspection fee as soon as possible after work has started, but no later than three (3) working days from the commencement of work. (Am. by Ord. 8280, 3-5-84)

(3) The person responsible for the work shall sign the permit application and give name and address of business, plumber's license number and telephone number in the spaces provided on the application form.

(4) The license holder responsible for the work shall complete any supplemental permit mailed to him or her and return it to the Director of the Building Inspection Division prior to commencing work. Failure to return the supplemental permit prior to commencing work shall be deemed to be working without a permit. (Am. by Ord. 10,255, Adopted 5-7-91; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

18.10 PLUMBING PERMIT FEES.

(1) Permit Fees, Effective - New Buildings. (To be paid with building permit fees and any other mechanical fees which apply.)

(a) Group I.

The use group shall include new and additions to residential buildings in which families or households live or in which sleeping accommodations are provided for individuals with or without dining facilities excluding hotels, motels, and institutional buildings

..... $.075 per sq. ft.
of new building
or addition.
Minimum Fee $20.00

(b) Group II.

The use group shall include new and additions to general offices, professional offices, barber shops, beauty parlors, bowling alleys, dry cleaning establishments, clinics, natatoriums, shelters, hotels, motels, taverns, restaurants, cafeterias, retail establishments where manufactured products are bought and sold, repair garages, service stations, churches, assembly halls, theaters, exhibition buildings, educational institutions, hospitals, nursing homes, places of detention, gymnasiums, arenas, laboratories, lodge halls, funeral homes, libraries, skating rinks, dance halls, and armories

..... $.10 per sq. ft.
of new building
or addition.
Minimum Fee $20.00

(c) Group III.

The use group shall include new and additions to warehouses, freight terminals, storage buildings, vehicle storage garages, refrigeration storage, factories, machine shops, electric substations, sewage treatment plants, heating plants, steam and electric generating plants, transformer vaults, and other buildings not classified in Groups I, II, III and IV, except one story but not limited to accessory buildings such as tool sheds, storage buildings having a floor area of less than eighty (80) square feet are exempt

..... $.05 per sq. ft.
Minimum Fee $20.00

NOTE: When an application is submitted for a property where only the shell of the property is to be completed, the fee will be calculated at 50% of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group.

(Sec. 18.10(1) Am. by Ord. 11,796, Adopted 2-18-97; Ord. 12,566, 5-3-00; Ord. 13,743, 12-15-04; ORD-12-00008, 1-24-12)

(2) Permit Fees - Existing Buildings.

A permit fee of six dollars ($6) per fixture shall be submitted with the application for fixtures to be installed as replacements or alterations, with a minimum fee of fifteen dollars $15.00, effective January 1, 2012. (Am. by Ord. 9935, 1-11-90; ORD-12-00008, 1-24-12)

In no case shall the fee exceed those as calculated for new buildings as listed in Sec. 18.10(1)(a), (b), (c), (d) and (e).

The following are subject to permit fees:

(a) All new fixtures and appliances as indicated on the application form furnished the applicant including water heaters and softeners.

(b) All plugged or capped openings left for future installation of fixtures.

(c) When any change is made in the water, soil, waste or vent piping which necessitates the resetting of any plumbing fixture or appliance, each fixture so affected.

(d) Repaired or replaced fixtures, building sewer, building drain, soil, waste or vent pipes within an existing building.

(e) When plumbing fixtures or appliances not listed in the original permit application are added, each fixture or appliance so added will be subject to a fee of ten dollars ($10), with a minimum fee of $20.00. (Am. by Ord. 10,255, Adopted 5-7-91)

(f) A single fixture is herewith defined to be any plumbing fixture or appliance that may include a two-bowl laundry tray, two-bowl kitchen sink, multi-bowl soda fountain, bar or similar fixtures constructed as a combined fixture.

(g) Private water mains or services at $15.00 per 100 feet or fraction thereof. (Am. by Ord. 9935, 1-11-90)

(3) An additional double fee shall be paid for any plumbing work performed without having notified the Building Inspection Division of the Department of Planning and Development prior to doing the work.(Am. by Ord. 9935, 1-11-90; ORD-08-00109, 10-7-08)

(4) The inspection fee for building sewers (sanitary) and building sewers (storm) shall be fifteen dollars ($15) for each one hundred (100) lineal feet or fraction thereof. If conditions are such that the plumber cannot leave the trench open for inspection or that extensive work is being done requiring inspection outside of normal working hours, the Building Inspection Division of the Department of Planning and Development may assign an inspector to inspect the installation and the contractor shall pay the City Treasurer for such inspection service at the rate of twenty-five dollars ($25) per hour. (Am. by Ord. 9935, 1-11-90; ORD-08-00109, 10-7-08)

(5) (R. by Ord. 11,946, 10-14-97)

18.11 ALL PLUMBING WORK TO BE INSPECTED.

(1) Within the boundaries of the City of Madison, all plumbing work within a building and exterior plumbing installations on private property shall be inspected and shall conform to this code, except work done on buildings and property owned by Federal, State and County governmental agencies. All inspections shall be made within two working days after a notice is given to the Building Inspection Division. (Am. by Ord. 10.255, Adopted 5-7-91; ORD-08-00109, 10-7-08)

(2) The plumber or the plumber's agent shall notify the Building Inspection Division of the Department of Planning and Development when work done is ready for inspection and shall specify, when possible, the street address and permit application number under which the work is being done. Unless otherwise authorized by the Plumbing Inspector, all plumbing work such as water supply piping, building sewers or drains shall be left uncovered until inspected and the work is approved. The plumber in charge shall make such arrangements as will enable the Plumbing Inspector to reach all parts of the building, and shall provide the equipment and labor for making such tests under the supervision of the Plumbing Inspector. The plumber shall notify the Building Inspection Division of the Department of Planning and Development when all plumbing work is completed and the Plumbing Inspector will make a final inspection as required. See Wisconsin Administrative Plumbing Code § SPS 382.21, Test and Inspection. A plumbing contractor who calls for an inspection and the work is not completed may be assessed twenty-five dollars ($25) per inspection. Pursuant to Section 29.09, Madison General Ordinances, it is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a Certificate of Occupancy has been issued. (Am. by Ord. 11,783, 2-17-97; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(3) The Plumbing Inspectors provided for in this ordinance shall have permission at any reasonable time and for proper purpose to enter upon any public or private premises to inspect such work performed or existing as provided by this code.

Notes:

1. All public sewers on public property shall be under the supervision of the City Engineer and no opening into or connection with a sewer service shall be made except under his/her direction and supervision.

2. No person, firm or corporation shall open any street, alley or other public place for the purpose of connecting to a public sewer without obtaining a permit from the City Engineer.
3. Excavation in streets is prohibited without a permit and approval by the City Engineer.
4. The City Engineer shall maintain records locating sewer mains and connections thereto.

(Am. by ORD-14-00012, 1-14-14)

18.20 DEFINITIONS. For the purpose of this code, the following terms shall have the meanings indicated herein or as defined in Wis. Admin. Code ch. SPS 382. No attempt is made herein to define ordinary words which are used in accordance with their established dictionary meanings except where it is necessary to define their meanings as used in this code to avoid misunderstanding. (Am. by ORD-12-00035, 3-28-12)

Note: For definitions of "plumbing," "master plumber," "journeyman," "restricted plumber licensee," "apprentice" and "registered learner" refer to Wis. Stat. ch. 145.01.

(Am. by Ord. 9302, 10-29-87)

Approved means approved by the Building Inspection Division of the Department of Planning and Development of the City of Madison and by the Wisconsin Department of Safety and Professional Services, in conformity with the respective laws and regulations governing. (Am. by Ord. 11,811, 3-14-97; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

Place of employment means every place, whether indoors, outdoors or underground, and the premises appurtenant thereto, whether either temporarily or permanently an industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

Private sewer means that part of the sewerage system including structures, conduits, pipe lines, septic tank and effluent absorption area located on the same property as the building served. It does not preclude that portion that may be connected to the public sewer system.

Sanitary plumbing is understood in this chapter to denote plumbing so designed and installed that it can be kept clean if free from defects in construction, and which conforms in every respect to the provisions of this code and does not create a health hazard.

18.30 SEWER AND WATER SERVICE.

(1) Turning On Water Service. No person shall cause the water supply to be turned on to serve a use on a lot unless all plumbing work has been approved and service has been authorized by the Madison Water Utility.

(a) Minimum Size of Storm and Water Drains. The storm building sewer shall be of adequate size to drain the area or connection tributary. No such drain shall be less than four (4) inches inside diameter.

1. Contaminated storm water shall not be discharged into lakes or streams. See Sec. 7.47, Madison General Ordinances.
2. The following table shall be used to determine size of building storm sewer drains.

TABLE: SIZE OF BUILDING STORM SEWER DRAINS

Surface Area in Square Feet			
Size of Pipe in Inches	A Grade ⅛" Per Foot	B Grade ¼" Per Foot	C Grade ½" Per Foot
4	1,160	1,640	2,320

Surface Area in Square Feet			
Size of Pipe in Inches	A Grade ⅛" Per Foot	B Grade ¼" Per Foot	C Grade ½" Per Foot
5	2,180	3,080	4,430
6	3,630	5,150	7,270
8	8,110	11,500	16,300
10	15,100	21,400	30,200
12	25,000	35,400	54,000
15	46,200	65,400	96,000
18	76,100	108,000	150,000

(b) Protection of Traffic. Every licensed master plumber must enclose any opening which the plumber may make with sufficient barriers, and must maintain sufficient lamps and must light the same at night, and must take all other necessary precautions to guard the public against all accidents from the beginning to the end of the work, and must lay drains on condition that he or she is to be liable for all damages that may result by reason of his or her neglect or the neglect of his agents in creating a hazard. (Am. by ORD-14-00012, 1-14-14)

(c) (R. by ORD-12-00149, 12-5-12)

(2) Catch Basins and Separators. No person shall discharge sewage into the sewer main unless an interceptor or separator has been installed to remove oil, grease, sand and other substances harmful or hazardous to the building drainage system, public sewer or sewage treatment plant or process.

The size, type and location of each interceptor and of each separator shall be approved by the Building Inspection Division of the Department of Planning and Development, and no wastes other than those requiring treatment or separation shall be discharged into any interceptor or separator.

No person shall deposit or permit to be deposited in any sewer or drain, or in any sewer or drain connecting with such public sewer or drain, any garbage, gas, tar, grease, rags or any other substance likely to cause any obstruction, nuisance or explosion therein, or to do any act which may cause injury thereto. Any person who shall violate any provision of this section shall, in addition to the penalty hereinafter provided, be liable at the suit of the City for the cost of removing such obstruction and of repairing any injury resulting therefrom. Nothing contained in this section, however, shall prohibit the installation and operation of a garbage disposal or any similar device used for grinding and pulverizing kitchen garbage and refuse and the disposal of the remnants thereof in the City sanitary sewerage system, provided such installation is approved by the Building Inspection Division of the Department of Planning and Development.
(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(a) Grease Interceptors. All grease interceptors shall be approved by the Building Inspection Division of the Department of Planning and Development as to type and capacity. The Building Inspection Division of the Department of Planning and Development will accept rating and testing procedures set in the standards of the Plumbing Drainage Institute. An exterior grease interceptor shall be provided for all new, altered or remodeled plumbing systems for occupancies, other than dwelling units, which discharge grease, fats, oils or similar waste products unless otherwise approved by the Director of the Building Inspection Division or his/her designee. If there is insufficient space to install an exterior interceptor, an interior interceptor may be installed upon approval by the Building Inspection Division Director or his/her designee. (Am. by Ord. 9302, 10-29-87; ORD-08-00109, 10-7-08)

(b) Interceptors in Laundries. Commercial laundries shall have interceptors equipped with a wire basket, removable for cleaning, to prevent string, rags, buttons and other solid materials from entering the drainage system.

(c) Catch Basins in Garages and Service Stations. In garages and service stations where automobiles are serviced and washed, the catch basin shall have a minimum capacity of sixty-four (64) cubic feet. The depth shall be not less than three (3) feet below the invert. The outlet opening shall provide a water seal of not less than twelve (12) inches.

(d) Monitoring Facilities Required. Monitoring facilities constructed in accordance with Sec. 35.02(6)(c)4. of the Madison General Ordinances shall be installed in all sanitary sewer mains or building sewers serving factories, dairies, foundries, garages, service stations, cleaning and dyeing plants, plating and metal finishing plants and industries, food processing plants, hotels, bakeries, hospitals and restaurants but only restaurants which can be expected to discharge more than 5,000 gallons per day into the public sewerage system. The monitoring facilities shall be for the purpose of taking or collecting sewage or waste samples to determine the character of the sewage contributed to the public sewerage system. The City Engineer shall determine the amount and nature of the discharge into the public sewerage system and its impact on the total load of the public sewerage system and then may determine that a facility connected to the public sewerage system need not construct a monitoring facility as set forth above. (Am. by Ord. 7731, 5-28-82)

Note: See Section 7.47 for permit requirements and requirements for installation of manholes and sampling facilities as part of a storm sewer connection.

18.36 PRIVIES AND WATERLESS TOILETS.

(1) No privy, chemical or dry closet system or any waterless closet shall be installed or maintained within the boundaries of the City of Madison, except during periods of construction where no toilet facilities are available. Any temporary privy or other waterless toilet shall be removed as soon as connection can be made to the public sewer. Any such temporary system shall be ratproof, flyproof and so located as not to be affected by storm water. It shall be located so as to minimize any nuisance to adjoining property.

(2) No septic or other sewerage tank shall be constructed on property to which the public sewer system is accessible. Where such facilities are not available, a domestic system may be installed subject to approval by the City Board of Health and the Engineering Division.

18.40 GARAGES, AUTOMOBILE LAUNDRIES AND SERVICE STATIONS TO BE CONNECTED TO SANITARY SEWER. All floor drains in garages, automobile laundries and service stations shall be connected to the sanitary sewer not later than September 1, 1971. All floor drains in garages, automobile laundries and service stations whose normal operations result in the discharge of oily waste shall be intercepted by a catch basin before entering the sanitary sewer. The Director of the Building Inspection Division is to be responsible for the enforcement of this ordinance. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

18.45 WATER HEATERS. All freestanding water heaters shall be installed on a structurally sound noncombustible platform or an approved floor system. (Cr. by Ord. 9302, 10-29-87)

18.46 SIGNS ON VEHICLES. Every plumbing contractor vehicle in use for the sale of plumbing services in the City of Madison shall display a sign of 225 square inches. The company name letters shall be at least two inches high. Failure to comply will subject the company to penalties under Madison General Ordinances Section 18.50. All legible existing vehicle signs will be allowed to remain as of the effective date of this ordinance. (Cr. by Ord. 10,255, Adopted 5-7-91)

18.50 **PENALTY.** Any person who shall violate any of the provisions of this chapter or who shall neglect or refuse to comply with a lawful order of the Plumbing Inspector issued pursuant to the provisions of this chapter, or any person who shall do any plumbing work in the City of Madison without being licensed under the provisions of Chapter 145 of the revised Wisconsin Statutes, shall be fined not less than ten dollars ($10) nor more than one thousand dollars ($1000) pursuant to Wis. Stat. § 145.12(4), for each and every violation thereof. Each day of violation shall constitute a separate offense. Madison General Ordinances violations shall bear the following penalties for violations in a twelve-month period: First offense, fifty dollars ($50) to three hundred dollars ($300); second offense, three hundred dollars ($300) to six hundred dollars ($600); third offense, six hundred dollars ($600) to one thousand dollars ($1000). The offenses covered under this section are: Performing plumbing work without a license, performing plumbing work without a permit, failure to call for a plumbing inspection and failure to have a proper sign on a vehicle. All offenses involving plumbing without a license shall be brought to the attention of the Wisconsin Department of Safety and Professional Services. (Am. by Ord. 10,255, Adopted 5-7-91; Ord. 13,760, 12-14-04; ORD-13-00101, 6-12-13)

CHAPTER 19

ELECTRICAL CODE

Section

19.01 Title.
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19.18 - 19.19 Reserved for Future Use.
19.20 Penalty. (Cr. by Ord. 5389, 2-18-76)

19.01 TITLE. This chapter shall be known as the Electrical Code of the City of Madison, Wisconsin.

19.02 PURPOSE. The purpose of this Code is the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, and for other purposes.

19.03 STATE ELECTRICAL CODES. This code does hereby incorporate, adopt and enforce, by reference, Wis. Admin. Code ch. SPS 316 (Wisconsin State Electrical Code Volume 2), ch. SPS 324 (Uniform Dwelling Code—Electrical Standards) and all subsequent amendments, additions and recodifications thereto. Chapter SPS 324 shall apply to all new one- and two-family residential buildings as well as alterations and additions to all existing one- and two-family residential buildings, to accessory buildings, and to new portions of moved buildings. (Am. by Ord. 12,052, 3-13-98; ORD-12-00035, 3-28-12)

19.04 INTENT.

(1) The intent of this Code is to provide the minimum regulations for the installation of electrical systems and to provide safe and stable design, good workmanlike methods and for the uses of materials and equipment.

(2) To provide for licensing of qualified persons, the issuing of permits, interpretation of codes, inspection of installations, enforcement of this Code, and to provide for penalties for violation thereof.

(3) The sections contained in this Code shall be binding alike upon the owner of a building or premises, every person in charge of or responsible for or who causes the construction, repair, alteration or improvement of any electrical system devices, fixtures, or equipment, and upon every person licensed under the provisions of this Code.

(4) This Code is not intended as a design specification nor an instruction manual for untrained persons.

19.05 SCOPE.

(1) The provisions of this Code shall apply to all electrical work and installations in the City of Madison.

(2) This Code provides for the administration and enforcement, permits, and fees, licenses, approval of materials, minimum installation standards, interpretations, and the correction of defective or obsolete installations.

19.06 RULES AND DEFINITIONS.

(1) In the construction of this ordinance, the rules contained in this section shall be observed and applied except when the context clearly indicates otherwise.

(a) Words used in the present tense shall include the future.

(b) Words used in the singular form shall include the plural number, and the plural the singular.

(c) The word "shall" is mandatory and not discretionary.

(d) The word "may" is permissive.

(e) The phrase "used for" shall include but not be limited to the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(f) The word "he" shall mean person and not necessarily the male gender.

(2) All definitions as set forth in Chapter 1 of the National Electrical Code and Wis. Admin. Code ch. SPS 316, Electrical Code, Volume 2 shall apply. (Am. by Ord. 12,052, 3-13-98; ORD-12-00035, 3-28-12)

19.07 RESERVED FOR FUTURE USE. (Licensing Board of Examiners and Appeals R. by Ord. 11,960, Adopted 11-4-97)

19.08 ELECTRICAL INSPECTION.

(1) Administration.

(a) To enforce the provisions of this chapter there is hereby created the Electrical Inspection subsection of the Mechanical Inspection section of the Building Inspection Division of the Department of Planning and Community and Economic Development and shall consist of an adequate number of Electrical Inspectors required to make the necessary inspections and investigations within a reasonable time.

(b) The Electrical Inspectors, under an Inspection Supervisor and the Director of the Building Inspection Division, shall be responsible for the inspection of all electrical wiring as prescribed by the City ordinances.
(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(c) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(d) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Secs. 19.08(1)(c) & (d) Cr. by ORD-10-00058, 6-11-10)

(2) Electrical Inspector.

(a) The Electrical Inspectors shall be Wisconsin Department of Safety and Professional Services Certified Commercial Electrical persons who are familiar with layout and inspection of electrical wiring and equipment and who shall have had at least two (2) years of practical experience as wireman, or trainee inspector or a combination of both. They shall be well versed in approved methods of electrical construction for safety to life and property, and the laws and ordinances pertaining thereto. (Am. by Ord. 12,322, Adopted 2-2-99; ORD-12-00035, 3-28-12)

(b) The Electrical Inspectors shall make inspections of all electrical wiring and equipment, shall have the right to enter any building during reasonable hours in the discharge of their duties, and shall have the authority to cause the disconnection of any wiring or equipment where such wiring or equipment in their judgment is dangerous to life or property, or may interfere with the work of the Fire Department.

(c) When any electrical wiring or equipment is found by the Electrical Inspectors to be dangerous to persons or property because it is defective, defectively installed, or not installed according to applicable codes, the person, firm, or corporation responsible for the electrical wiring or equipment shall be notified in writing and shall make any changes, alterations, or repairs required, in the judgment of the Electrical Inspector, to place such wiring or equipment in safe condition, and if such work is not completed within the period specified by the Electrical Inspector in said notice, the Electrical Inspector shall have the authority to order the disconnection of electrical service, and said wiring or equipment shall not be reenergized until written permission is obtained from the Electrical Inspector or his/her supervisors. (Am. by ORD-14-00012, 1-14-14)

(d) The Plan Review and Building Inspection Division Supervisor may hold membership and represent the City of Madison in the International Association of Electrical Inspectors and the National Fire Protection Association with the consent of the Director of the Building Inspection Division, and may serve on any electrical committee or administrative office of these associations to which she or he may be appointed or elected. (Am. by Ord. 10,255, Adopted 5-7-91; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

(e) Inspectors shall not engage in the business of the sale, installation, or maintenance of electrical wiring, or equipment, either directly or indirectly, and they shall have no financial interest in any business firm, corporation, copartnership or concern licensed by or engaged in such business in the City of Madison, Wisconsin, at any time while holding such office as herein provided for.

19.09 LICENSE REQUIRED.

(1) No person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with the State of Wisconsin. No person may engage in the business of installing, repairing, or maintaining electrical wiring unless the person is licensed or registered as an electrical contractor by the State of Wisconsin.

(2) No person may install, repair, or maintain electrical wiring unless the person is licensed as an electrician by the State of Wisconsin or unless the person is registered as a beginning electrician by the State of Wisconsin

(3) No person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person's work.

(4) Subsections (1) to (3) do not apply to any of the following:

(a) A residential property owner who installs, repairs, or maintains electrical wiring on premises that the property owner owns and occupies as a single-family residence, provided that the Division may issue a permit to the residential property owner only if the person desiring such permit shows that the person is competent

to do such work in conformity with all rules and regulations governing installation of electrical wiring in residences, and such person pays the same fee as required of electrical contractors under Section 19.14 of this chapter.

(b) A person engaged in maintaining or repairing electrical wiring within a facility or on premises owned or leased by the person or by an entity for which the person is an agent.

(c) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

(d) A person engaged in installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.

(e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premise for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

(f) A person engaged in installing, repairing, or maintaining electrical wiring of transmission facilities, as defined in Wis. Stat. § 196.01 (12).

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance.

(Sec. 19.09 Rep. & Rec. by ORD-14-00031, Pub. 2-18-14, Eff. 4-1-14)

19.10 PERMIT REQUIRED.

(1) It shall be unlawful for a person to enter upon the erection, construction, alteration or change of any electrical installation, work or wiring, except minor repair work as defined in Subsection (2) of this section, until a permit has been obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development by a person properly licensed for the category of work to be performed as set forth in Section 19.09 of this Code. The application for permit shall describe the proposed installation or work and give the location of the premises where same is to be placed. No permit shall be issued unless satisfactory proof is furnished to the Building Inspection Division of the Department of Planning and Community and Economic Development that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by ordinance and by law. The fees for such permit shall be paid in full at the time of submitting the permit application. An amended permit shall be used to correct any permit fees due for work that was performed and was not listed on the original permit. All applications for permits shall be signed by the license holder. (Am. by Ord. 8311, 5-11-84)

(2) Minor repair work shall be construed to mean the replacement of broken or defective sockets, snap, push or toggle switches, convenience outlets, lighting fixtures and portable electric appliances.

(3) The Building Inspection Division of the Department of Planning and Community and Economic Development shall furnish the license holder with application forms to be submitted upon application for the permit and payment of fees. (Am. by Ord. 8081, 7-29-83)

(4) Any public or private institution employing a person carrying a Class A or Class AA license may elect to take out an annual permit in lieu of regular permits required by this Code for the purpose of repair or alteration of equipment in or on building structures or premises owned or occupied by said institution or plant. Said annual permit shall be issued upon payment of an annual fee in the sum of seventy-five dollars ($75). Increases in electrical load shall be considered as new installations and separate additional permits

shall be obtained for such alterations, additions or new installations that would increase the electrical load and the permit fee for the work shall be paid as set forth in Section 19.14. (Am. by Ord. 5387, 2-18-76)

(5) Any public or private institution or industrial plant electing to employ an electrical contractor in lieu of full-time maintenance personnel to perform repairs and maintenance of electrical equipment in or about buildings or structures owned or occupied by said institution or plant shall be allowed the same election for annual permits as provided in above paragraph provided that the name of the contractor providing such service is on file with the Building Inspection Division of the Department of Planning and Community and Economic Development. In the event of the termination of the employment of said contractor, the Building Inspection Division of the Department of Planning and Community and Economic Development shall be notified of the name of the new contractor or properly licensed employee prior to any additional work being performed under the annual permit. The Building Inspection Division of the Department of Planning and Community and Economic Development must also be notified when continuous contract method is terminated. (Am. by Ord. 8081, 7-29-83)

(6) Work performed under annual permits shall be inspected at regular intervals not exceeding six (6) months. It shall be the responsibility of the person, firm, or corporation to provide the inspector with a list of all new installations, alterations, or repairs which may have affected the electrical system.

(7) Exception: In the event of an emergency occurring at night or days when the Building Inspection Division of the Department of Planning and Community and Economic Development office is closed, when the immediate initiation of work is necessary for the protection of fire, health or property, such necessary work may be done without previously obtaining a permit number provided required number is obtained on the morning of the first business day following the start of such work and application and fees follow within ten (10) days. (Am. by Ord. 8081, 7-29-83)

(8) The license holder responsible for the work shall complete any supplemental permit mailed to him/her and return it to the Director of the Building Inspection Division prior to commencing work. Failure to return the supplemental permit prior to commencing work shall be deemed to be working without a permit. (Am. by Ord. 10,255, Adopted 5-7-91; ORD-14-00012, 1-14-14)

(Am. by ORD-08-00109, 10-7-08)

19.11 PENALTY FOR FAILURE TO TAKE OUT PERMITS.

(1) In addition to the penalty hereinafter provided for violations of this chapter, a double permit fee will be charged for failure to notify the Building Inspection Division of the Department of Planning and Community and Economic Development and obtain a permit number before work is started, except in cases of emergency, and such penalty, together with the permit fees, shall be paid to the City Treasurer before any further permits may be issued to the person doing such work. (Am. by Ord. 10,255, Adopted 5-7-91; ORD-08-00109, 10-7-08)

(2) The payment of such doubled fees shall not relieve any person from fully complying with all of the regulations of this chapter, nor from any other penalties prescribed in this Code.

19.12 INSPECTIONS.

(1) It shall be unlawful to connect up the electrical wiring and equipment of any building to any electrical supply lines or to turn on the current, unless a certificate of service inspection has been issued by an Electrical Inspector, and it shall be the duty of the electrical utility supplying electrical service to any building to secure a copy of the certificate of service inspection from the Electrical Inspector before supplying service to such building. (Am. by Ord. 12,349, 3-30-99)

(2) Upon the completion of the construction and installation of the electrical wiring and equipment of any building, it shall be the duty of the firm, person, or corporation doing same to notify the Building Inspection Division of the Department of Planning and Community and Economic Development, who shall dispatch an Inspector to inspect the installation within two working days after the notice is given; and if the installation is found to be in compliance with the provisions of this chapter, s/he shall issue a certificate of service inspection authorizing connection to the electrical service and the turning on of the electrical service and the turning on of the current. All wires which are to be concealed shall be inspected before the concealment, and no other craft shall cover up or conceal such wires until the installation has been inspected and approved and officially tagged to this effect by the Electrical Inspector. (Am. by Ord. 10,255, Adopted 5-7-91; ORD-08-00109, 10-7-08)

(3) Notifications for inspections may be made at the Building Inspection Division of the Department of Planning and Community and Economic Development office at any time during the working day. An electrical contractor who calls for an inspection and the work is not completed may be assessed twenty-five dollars ($25) per inspection. Pursuant to Section 29.09, Madison General Ordinances, it is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a Certificate of Occupancy has been issued. (Am. by Ord. 11,783, 2-17-97; ORD-08-00109, 10-7-08)

(4) A copy of the final certificate of service inspection shall be kept on file by the office of the Electrical Inspector. (Am. and Renum. by Ord. 12,349, 3-30-99)

(5) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees for inspection services rendered. If the fees are not paid within the specified time, the Department shall fail to renew the contractor's license. (Cr. by Ord. 11,783, 2-17-97; Renum. by Ord. 12,349, 3-30-99)

19.13 RESERVED FOR FUTURE USE. (R. by Ord. 11,783, 2-17-97)

19.14 FEES.

(1) Permit Fees.

The following fees shall apply and are to be paid with building permit fees.

(a) New Buildings.

1. Group I.

The use group shall include new and additions to residential buildings in which families or households live or in which sleeping accommodations are provided for individuals with or without dining facilities excluding hotels, motels, and institutional buildings ..... $.075 per sq. ft. of new building or addition.
Minimum Fee $20.00

2. Group II.

The use group shall include new and additions to general offices, professional offices, barber shops, beauty parlors, bowling centers, dry cleaning establishments, clinics, natatoriums, shelters, hotels, motels, taverns, restaurants, cafeterias, retail establishments, where manufactured products are bought and sold, repair garages, service stations, churches, assembly halls, theaters, exhibition buildings, educational institutions, hospitals, nursing homes, places of detention, gymnasiums, arenas, laboratories, lodge halls, funeral homes, libraries, skating rinks, dance halls, and armories ..... $.10 per sq. ft. of new building or addition.
Minimum Fee $20.00

3. Group III.

The use group shall include new and additions to warehouses, freight terminals, storage buildings, vehicle storage garages, refrigeration storage, factories, machine shops, electric substations, sewage treatment plants, heating plants, steam and electric generating plants, transformer vaults, and other buildings not classified in Groups I, II, III and IV, except one story but not limited to accessory buildings such as tool sheds, storage buildings having a floor area of less than eighty (80) square feet are exempt ..... $.04 per sq. ft. of new building or addition.

Minimum Fee $20.00

NOTE: When an application is submitted for a property where only the shell of the property has been completed, the feel will be calculated at 50% of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group.

(Sec. 19.14(1)(a) Am. by Ord. 11,796, Adopted 2-18-97; Ord. 12,566, 5-3-00; Ord. 13,743, 12-15-04; ORD-12-00008, 1-24-12)

(b) Existing Buildings.

1. Group V.

Miscellaneous remodeling, alterations, etc. - Fees will be based on the number of openings within the ranges listed in Table 1.

TABLE 1

$2.00 per opening for the first 20 openings, plus
$1.50 per opening for additional 21-40 openings, plus
$1.00 per opening for additional 41-99 openings, plus
$.50 per opening for all openings over 100.
Minimum fee $15.00
Special Events Temporary Wiring Fee $30.00
Service Charge $30.00

In no case shall the fee exceed those as calculated for new buildings as listed in Sec. 19.14(1)(a)1., 2., and 3.

Openings include switches, convenience outlets, fixtures, and fixed appliance connections.

(Am. by Ord. 11,796, Adopted 2-18-97; ORD-12-00008, 1-24-12)

(c) The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation.

(d) For temporary wiring installed for the period of the construction of buildings, half the regular fee shall be paid.

(e) The feeder serving the lower section of a split bus panel on a residence shall be exempt from the fees in this section.

(f) No fees shall be charged for existing circuits reconnected on rewire or additions unless such circuit is altered or extended.

(g) (R. by Ord. 11,946, 10-14-97)

(2) License Fees.

(a) The fee for a new applicant for Class A license shall be one hundred twenty-five dollars ($125). Renewal fee for each succeeding year shall be sixty dollars ($60) on an active basis or twenty-five dollars ($25) on an inactive basis.

(b) The fee for a new applicant for Class AA license shall be seventy-five dollars ($75). Renewal fee for each succeeding year shall be sixty dollars ($60) on an active basis or twenty-five dollars ($25) on an inactive basis. (Am. by Ord. 11,392, Adopted 11-7-95)

(c) The fee for a new applicant for Class B license shall be seventy-five dollars ($75). Renewal fee for each succeeding year shall be sixty dollars ($60) on an active basis or twenty-five dollars ($25) on an inactive basis.

(Am. by Ord. 9366, 12-21-87)

19.15 REGULATION OF SALE OF ELECTRICAL APPLIANCES. It shall be unlawful for any contractor, dealer, individual, firm or corporation to offer for sale in the City of Madison any electrical appliance, apparatus, or materials which do not bear the seal, stamp, or identification of a testing firm or laboratory recognized by the City of Madison, which tests to published standards.

19.16 UNDERGROUND UTILITY ENTRANCE FACILITIES.

(1) Purpose. The Common Council of the City of Madison does hereby declare it to be the public policy of the City of Madison to favor underground electrical and communications facilities. The exercise of police power to implement this public policy is based on the public benefit received including (but not limited to) the following reasons:

(a) Clearing scenic views;

(b) Improving civic appearance;

(c) Removing safety hazards which are a danger to pedestrians and motorists;

(d) Overcoming the threat of temporary loss of service due to high winds and ice conditions;

(e) Eliminating damage to overhead equipment by wildlife;

(f) Eliminating damage to wildlife by overhead equipment;

(g) Eliminating trimming of street trees required to prevent damage to overhead wires.

This ordinance is adopted to facilitate the orderly replacement and/or transfer from overhead facilities consistent with desirable aesthetic goals and sound economic practices. The Common Council of the City of Madison finds the utilities and other entities furnishing major utility services and other services transmitted by wire or coaxial cable have previously adopted policies of converting from overhead service to underground service.

(2) Definitions. In this section the following definitions shall apply:

(a) The term "underground entrance facilities" shall mean the conductors, cable, conduit and/or equipment necessary to transmit electrical or communications energy from the aerial or underground distribution system of the supplier to the main disconnect, junction or protector panel in or on the customer's premises and shall include all electric, communications, signal and CATV facilities.

(b) The term "electrical services" as used in this section shall mean the conductors and equipment for delivering energy from the electrical supply system to the wiring system of the premises served.

(c) The term "permanent electrical service" as used in this section shall mean electrical services which are anticipated to remain in place or actually remain in place for more than a 90-day period of time, provided however that the term "permanent electrical service" shall not include overhead services of a temporary nature which are installed to provide electrical service during construction, remodeling, renovation, repair or demolition of bridges, structures, equipment or similar activities, or during emergencies or for tests or experiments relating to the public safety.

(Sec. 19.16(2) Am. by Ord. 8187, 12-15-83)

(3) Areas of Application.

(a) Central City Area. The requirements of Subsection (4) shall apply in that part of the City of Madison lying between Lake Monona and Lake Mendota bounded by the Yahara River on the northeast, and the line comprising the intersecting centerlines of Drake Street, Garfield Street, Monroe Street, Breese Terrace, University Avenue and Babcock Drive on the southwest. The reason for such application is because it is recognized that within this area the present overhead electric distribution system and telephone system are old by comparison with most of the rest of the distribution systems. Such systems are inadequate in capacity to supply new buildings which will ultimately replace old existing buildings and, because it is further recognized that the buildings in this area are the oldest in the City and are being replaced by new buildings on a gradual basis.

(b) Major Street Area. The provisions of this section shall also apply to buildings situated on property fronting on the following major streets, excepting those properties receiving utility or communication services from rear or side streets:

1. John Nolen Drive - Blair Street to Beltline;
2. Gammon Road - Mineral Point Road to Old Sauk Road;
3. Milwaukee Street - Walter Street to Stoughton Road;
4. Milwaukee Street - Stoughton Road to I-90;
5. Old Sauk Road - Old Middleton Road to Gammon Road;
6. University Avenue - Bassett Street to westerly city limits;
7. South Gammon Road - Seybold Road to Park Ridge Drive;
8. Fish Hatchery Road - Wingra Drive to Greenway Cross;
9. Mineral Point Road - Racine Road to West Beltline Highway;
10. Raymond Road - McKenna Boulevard to westerly city limits.

(Sec. 19.16(3)(b) Am. by Ord. 8187, 12-15-83)

(c) Underground Utility Districts. The requirements of Subsection (4) shall apply to properties located in Underground Utility Districts, as determined under Subsection (6).

(4) General.

(a) Any new building, sign, signal or structure requiring a separate permanent electrical service constructed in the areas described in Subsection (3) above after the effective date of this section shall be constructed with underground entrance facilities. (Am. by Ord. 8187, 12-15-83)

(b) Every existing building, sign, signal or structure requiring permanent electrical service in the area described in Subsection (3) above, which is being remodeled, and where the cost of such remodeling is estimated to exceed or actually exceeds fifty percent (50%) of the Assessor's full market value of said building, shall be constructed with underground entrance facilities. Except for properties located in an Underground Utility District, where the utilities' verified estimated costs to the customer of installing underground entrance facilities exceeds five percent (5%) of the total remodeling cost, the underground entrance facilities requirement of this subdivision (b) will be waived upon request to and the furnishing of written proof of qualification to the Building Inspection Division of the Department of Planning and Community and Economic Development. Said estimated customer costs must be verified with written estimates from the utilities which have been furnished to the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8187, 12-15-83; ORD-08-00109, 10-7-08)

(c) Every existing building, sign, signal or structure in the area described in Subsection (3) above requiring permanent electric service, which has received or is eligible to receive a subdivision (b) waiver or in which electrical remodeling includes replacement of the entrance equipment, shall be constructed or reconstructed with

entrance equipment sufficient to enable said building, sign, signal or structure to be connected with underground entrance facilities without further modification. (Cr. by Ord. 8187, 12-15-83)

(d) Installation of underground entrance facilities for all other services transmitted by wires, coaxial cable, or any other conductors shall be made at the same time as any required electrical service modifications made pursuant to this Section. (Cr. by Ord. 8187, 12-15-83)

(5) Throughout the City of Madison, when the total estimated electrical demand exceeds fifty (50) kw in any new building or any building which is being remodeled, and when the cost of remodeling is estimated, or exceeds fifty percent (50%) of the Assessor's full market value of said building, the owner shall provide vault space or space for pad-mounted transformers in accordance with applicable provisions of the Wisconsin Electrical Code and all applicable service rules of the electric utility providing service for such building.

(6) Underground Utility Districts.

(a) Declaration of Policy. Pursuant to the adopted Policy for Funding the Undergrounding of Overhead Utility Lines (RES-11-00256), or said policy as it is amended from time-to-time, the City may pursue the undergrounding of utility services in designated districts in combination with other capital improvement projects. While some properties in a district may already be served underground or have the facilities needed to accept underground service, some buildings in a district that are being served overhead will not be ready for underground service without a modification of the entrance facilities or internal wiring of the building. The purpose of this Subsection is to establish a mechanism that will give property owners sufficient time to ensure that their property can accept underground service, and provide these property owners with a portion of the funding for the necessary service modifications. The establishment of Underground Utility Districts under this Subsection represents an exercise of the police power of the City of Madison.

(b) Establishment of Underground Utility District.

1. To establish an Underground Utility District, the Common Council shall adopt a resolution declaring the boundaries of the District and its intention to place overhead utility services underground in the District. This resolution shall describe the undergrounding project, the limits of the proposed District, a list of all the properties affected by the undergrounding project, and the estimated number of affected properties that are served overhead and are not ready to receive underground service.

2. Before adopting this resolution, a notice shall be published in the official newspaper stating that the Board of Public Works will hold a public hearing on the creation of the Underground Utility District. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, and mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence, along with a summary of the requirements of property owners in Underground Utility Districts under this Subsection. The hearing shall commence not less than ten (10) days and not more than forty (40) days after such publication and mailing.

3. The Board of Public Works shall hold a public hearing on the resolution and at the conclusion of the public hearing shall make a recommendation to the Common Council to take an action on the resolution.

4. Upon adoption of the resolution by the Common Council, the Underground Utility District shall be deemed established. A copy of the resolution adopted by the Common Council shall be mailed to every interested

person whose post office box is known or can be ascertained with reasonable diligence, along with a summary of the requirements of property owners in Underground Utility Districts under this Subsection.

(c) Requirement to Modify Service. Every property owner in an Underground Utility District must modify the property's electrical services to accept underground service within twenty-four (24) months of the establishment of the District, unless the property owner is granted a modification deadline extension by the City Engineer under Subdivision (d), in which case the property owner has until the deadline established by the City Engineer to modify the property's electrical service. Any person who fails to modify the property's electrical service to accept underground service within this time period shall be subject to a forfeiture of not less than twenty-five ($25) dollars and no more than one-hundred dollars ($100). Each day a violation continues shall be considered a separate offense.

(d) Modification Deadline Extension. A property owner may apply to the City Engineer for an extension of the time in which to modify electrical service as required under Subdivision (c). This application must be made within the twenty-four (24) month period and no extension will be granted if the application is made after this period. The City Engineer may grant an extension of time for compliance with the requirements of this Subsection if either of the following conditions are met:

1. The property owner meets the criteria for eligibility for loans for payment of special assessments or special charges as set forth in Subdivisions 4.082(2)(a)-(c) and (e), MGO.

2. The cost of service modification is greater than three (3) times the maximum amount that the City will reimburse the property owner under Subdivision (e).

(e) Reimbursement for Undergrounding Service Modifications.

1. Reimbursement. The City will reimburse an eligible property owner for fifty percent (50%) of all costs incurred by the property owner to modify the entrance facilities or internal wiring of the building to comply with the requirements of this Subsection, up to one-thousand dollars ($1,000) adjusted annually on January 1 in accordance with the Construction Cost Index as published by the Engineering New Record or a similar index if the Engineering New Record index does not exist. The City Engineer shall maintain the annual maximum reimbursement amount.

2. Eligibility. All properties in the Underground Utility District that, upon creation of the District, are served by overhead electrical service and are not ready to accept underground service without a modification of the entrance facilities or internal wiring of the building are eligible for reimbursement of the service modification costs under Paragraph 1, provided the modifications are made and completed, and an approved inspection is made, within twenty-four (24) months of the creation of the District, unless the City Engineer grants an extension under Subdivision (d), in which case the property owner has until the end of the extension period to make and complete the service modifications to be eligible for reimbursement under Paragraph 1.

3. Application Requirements. An application for reimbursement under Paragraph 1 must include, as documentation of replacement and cost, a payment receipt from a licensed electrician for modifying the entrance facilities or internal wiring of the building to comply with the require-

ments of this Subsection, as well as documentation of an approved inspection by a City Electrical Inspector. Disputes regarding eligibility for a reimbursement may be appealed to the Board of Public Works.

(Sec. 19.16 Cr. by Ord. 5405, 3-5-76; Am. by ORD-11-00081, Pub. 6-16-11, Eff. 11-1-11)

19.17 SIGNS ON VEHICLES.

Every electrical contractor vehicle in use for the sale of electrical services in the City of Madison shall display a sign of 225 square inches. The company name letters shall be at least two inches high. Failure to comply will subject the company to penalties in Madison General Ordinances Section 19.20. All legible existing vehicle signs will be allowed to remain as of the effective date of this ordinance. (Am. by Ord. 11,392, Adopted 11-7-95)

19.18 - 19.19 RESERVED FOR FUTURE USE.

19.20 PENALTY.

Any person who shall violate any of the provisions of this chapter or fail to comply with any of its requirements or who shall neglect or refuse to comply with a lawful order of the Director of the Building Inspection Division or her/his designee, issued pursuant to the provisions of this chapter, shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one thousand dollars ($1,000) for each and every violation thereof. Each day or portion thereof such violation continues shall be considered a separate offense. (Am. by Ord. 11,392, Adopted 11-7-95; Ord. 13,725, 11-9-04; Ord. 13,760, Adopted 12-14-04; ORD-05-00019, 2-15-05; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12; ORD-13-00101, 6-12-13)

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MADISON GENERAL ORDINANCES

VOLUME III

CHAPTERS 20-31

CITY OF MADISON

COUNTY OF DANE

STATE OF WISCONSIN

EDITOR-MICHAEL P. MAY

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CHAPTER 20

IMPACT FEE ORDINANCE

(Chapter 20 "Oil Burning Equipment and Storage of Fuel Oils" R. by Ord. 11,022, 10-31-94; Chapter 20 "Impact Fee Ordinance" Cr. by Ord. 12,840, 7-9-01; Ord. 13,151, Adopted 9-17-02)

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20.01 SHORT TITLE.

This ordinance shall be known and cited as the Impact Fee Ordinance.

20.02 PURPOSE AND INTENT.

The purpose of this ordinance is to impose impact fees in order to pay for capital costs to construct, expand or improve public facilities which are necessary to accommodate new development or any improvements made to existing development in the City as a whole or in designated development impact fee zones. The imposition of impact fees is intended to ensure that public facilities are adequate to meet the development needs of the City and that new development pays a proportionate share of new, expanded or improved facilities required by such development.

20.03 AUTHORITY.

This Ordinance is authorized under § 66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the power of the City to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other lawful methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.

20.04 DEFINITIONS.

In addition to the definitions provided for in Wis. Stat. § 66.0617(1) and Sec. 28.211, MGO, as applied in this Ordinance, the following words and terms shall be used: (Am. by ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(1) BOARD OF PUBLIC WORKS shall mean the City of Madison Board of Public Works.

(2) BUILDING PERMIT shall mean any permit required for new construction and additions of residential dwelling units or of any commercial business establishments, parking lots or other nonresidential uses, pursuant to Chapters 10, 28 and 29 of the Madison General Ordinances. The term "building permit," as used herein, shall not be deemed to include

permits required for remodeling, rehabilitation, or other improvements to an existing structure, or rebuilding a damaged or destroyed structure, provided no increase in floor area or number of dwelling units results therefrom. (Am. by ORD-15-00033, 4-8-15)

(3) CITY shall mean the City of Madison, Wisconsin.

(4) COMMON COUNCIL shall mean the City of Madison Common Council.

(5) COMPREHENSIVE PLAN shall mean the adopted City of Madison Comprehensive Plan or Master Plan, including any subsequent changes or amendments thereto.

(6) COST shall mean the capital cost to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Costs" do not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

(7) DEVELOPER shall mean a person or other entity that constructs or creates development.

(8) DEVELOPMENT or REDEVELOPMENT shall mean the construction or modification of improvements to improved or unimproved real property that creates additional residential dwelling units or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the City. (Am. by ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(9) DEVELOPMENT IMPACT FEE ZONES shall mean geographically defined areas of the City that have been designated by the Common Council as areas in which development has created or may create the need for capital improvements be funded in whole or in part by impact fees. The areas may be referenced in the Comprehensive Plan or Master Plan, and shall be shown on a Development Impact Fee Zones Map.

(10) DEVELOPMENT IMPACT FEE ZONES MAP shall mean a map of development impact fee zones in which impact fees are imposed. This map shall be approved by the Common Council, and incorporated by reference herein as if fully set forth. This map shall be filed in the office of the City Clerk, the Department of Planning and Community and Economic Development and the City Engineer.

(11) FLOOR AREA shall mean the total floor area of buildings allowed on a given lot, based upon approved land division or subdivision and applicable zoning regulations. (Am. by ORD-15-00033, 4-8-15)

(12) IMPACT FEE shall mean a fee scheduled in this ordinance to be collected at the time a building permit is issued and calculated based upon the costs of facilities in proportion to development creating the need for such facilities. (Am. by ORD-13-00033, 3-27-13)

(13) MIXED USE DEVELOPMENT shall mean use of land involving both residential and nonresidential development.

(14) NET DEVELOPED AREA shall mean the total area of a parcel, Subdivision Plat or certified survey map that remains privately owned after public lands, such as street rights-of-way, parks, greenways and detention basins, have been dedicated at the time of Development or Redevelopment. (Cr. by Ord. 13,472, 12-11-03)

(15) NONRESIDENTIAL DEVELOPMENT shall mean any use of land for primarily industrial or commercial purposes, or which does not fall within the definition of residential development.

(16) PARK COMMISSION shall mean the City of Madison Board of Park Commissioners.

(17) PLAT. See Subdivision Plat.

(18) PUBLIC FACILITIES or PUBLIC FACILITIES PROJECT shall mean any or all of the following capital improvements:

(a) Parks, playgrounds and land for athletic fields; (Am. by ORD-06-00091, 8-2-06)

(b) Highways and other transportation facilities and traffic control devices, including such ancillary facilities as sidewalks, street lighting, curbs, gutters, intersection improvements, traffic signalization, signage, street trees and landscaping;
(c) Sanitary sewers and sewage collection facilities;
(d) Water pumping, storage, distribution and supply facilities;
(e) Storm sewers, drains, and drainage retention facilities
(f) Police and law enforcement facilities;
(g) Fire protection and emergency medical facilities;
(h) Libraries;
(i) Solid waste and recycling facilities;
(j) Other necessary governmental services which require public facilities in the City as a whole or in designated development impact fee zones. The costs of such public facilities shall include acquisition of land, construction, improvements, capital equipment, and installing of same and all other work auxiliary thereto, including administrative, engineering, architectural, and legal work performed in connection with a public facilities project.

(Am. by ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(19) RESIDENTIAL DEVELOPMENT shall mean use of land for the creation of new residential dwelling units for the primary purpose of housing accommodations.

(20) SITE shall mean a parcel, lot, or contiguous group of lots in a single ownership or under single control, considered a unit for purposes of development.

(21) SUBDIVISION PLAT shall mean a preliminary or final plat of a subdivision showing the salient features of a proposed subdivision and which is submitted to an approving authority for purposes of preliminary or final plat consideration. As sometimes used herein, it shall also include an approved land division or certified survey map.

(22) (Rep. by ORD-17-00059, 6-19-17).

20.05 APPLICABILITY OF IMPACT FEE.

This Ordinance shall be uniformly applicable to development which occurs, after the effective date of this Ordinance or any amendment thereto, within the City as a whole or within a designated development impact fee zone. Pursuant to Wis. Stats. § 66.0617(5), this Ordinance may impose different impact fees on different types of land development, and may impose impact fees on development in a particular zone or subarea that differ from impact fees imposed on similar development in other zones or subareas within the City.

20.06 IMPOSITION OF IMPACT FEE.

(1) Impact fees scheduled in § 20.08 of this ordinance are hereby imposed on all developments and land divisions within the City of Madison or any development impact fee zone thereof.

(2) For all unplatted lands, no final plat or certified survey map shall be certified as approved for recording unless the impact fees set forth in Sec. 20.08 are calculated and noticed on the face of the instrument to be recorded for collection pursuant to this ordinance. A notation shall be placed upon the face of the plat, map or other document to be recorded advising of the impact fees imposed on all buildable lots. (Am. by ORD-06-00091, 8-2-06)

(3) For all developments and land divisions, no rezoning permit, conditional use permit or building permit shall be issued for a development unless the impact fees set forth in § 20.08 are calculated and noticed for collection pursuant to this ordinance. (Am. by ORD-06-00091, 8-2-06)

20.07 ESTABLISHMENT OF DEVELOPMENT IMPACT FEE ZONES.

(1) Development Impact Fee Zones are established as shown on the Development Impact Fee Zones Map. Such development impact fee zones will be established consistent with any facility service areas and public facility needs assessment for each public facility.

(2) Additional development impact fee zones or combinations of development impact fee zones may be designated by the Common Council consistent with the procedure set forth in this Ordinance and with Wis. Stat. § 66.0617.

20.08 SCHEDULE AND CALCULATION OF IMPACT FEES.

(1) (Rep. by ORD-17-00059, 6-19-17)

(2) Park Impact Fees.

(a) Policy. In response to new and future development and population generating demands for new City parks and park infrastructure, the Common Council hereby establishes Park Impact Fees city-wide as the mechanism to equitably require all developments to pay for the costs that are necessary to accommodate the development. The Park Impact Fees shall include both a Park-Land Impact Fee and a Park-Infrastructure Impact Fee.

The Park-Land Impact Fee shall be the complementary mechanism to equitably require all developments to dedicate land for necessary parks and open spaces under Sec. 16.23(8)(f), MGO, pay the Park-Land Impact Fee in lieu of dedication for public acquisition of parkland, or a combination of both.

The Park-Infrastructure Impact Fee, formerly known as the Park Development Impact Fee, shall be the mechanism to equitably require all developments to pay for necessary infrastructure in City parks to accommodate the development.

(b) Needs Assessment. For the purposes of the Park Impact Fees imposed under this subsection, a Park Needs Assessment has been prepared on a city-wide basis and is available for inspection at the Parks Division. The Needs Assessment provides the rationale and basis for the impact fees created under this Subsection.

(c) Calculation of the Impact Fees.

1. General. The Park Impact Fees shall be imposed on individual properties based upon the type and number of dwelling units or lodging rooms to be generated by the property at the time of development, as set forth in this subdivision.

2. Park Impact Fee Categories. Park Impact Fees shall be based upon the five following categories of development:

a. Single-Family or Duplex. Includes all types of single-family dwelling units, including single-family detached dwellings, single-family attached dwellings and two-family dwelling units.

b. Multi-Family. Includes all three-family and multi-family dwelling units with three (3) or fewer bedrooms, as well as accessory dwelling units.

c. Large Multi-Family. Multi-family dwelling units with four (4) or more bedrooms.

d. Age Restricted Multi-Family. Multi-family dwelling units that are limited to occupancy by persons fifty-five (55) years of age or older by appropriate recorded restriction for a period of not less than thirty (30) years.

e. Group Living Quarters. A building, or portion thereof, that contains an assembly of five (5) or more bedrooms for monthly or longer-term occupation, and that includes shared bathroom and/or kitchen facilities. This category includes, but is not limited to, lodging houses, fraternity or sorority houses, housing cooperatives, and some cohousing communities.

3. Determining Basis for Calculating Impact Fee. Prior to the recording of any certified survey map or any final plat, or the issuance of building permits following approval of rezoning or conditional use permits, the City shall calculate the number of residential dwelling units to be

developed on each lot and, if necessary, the number of bedrooms per multi-family unit or within the group living quarters being proposed. These estimations shall be based on the proposed certified survey map or final subdivision plat, the zoning on each of the lots, and any further limitations on development imposed by notes on the face of the certified survey map or final plat. Where fees have been paid for future dwelling units on a lot or lots on a certified survey map or final plat, or credits given based on existing dwelling units, such payments and credits shall be noted on the face of the instrument.

4. Park-Land Impact Fee Determination.

a. Determining the Land Dedication Requirements. The required land dedication and authorized credits to meet the community's park and open space needs shall be as provided in Sec. 16.23(8)(f), MGO. Under that subdivision, the land dedication requirements are as follows:

Type of Development	Square Feet/Unit or Lodging Room
Single-Family/Duplex	1,081
Multi-Family	734
Large Multi-Family	1,424
Age Restricted Multi-Family	573
Group Living Quarters	410

b. Fee in Lieu of Land Dedication. In the event that land dedication would result in sites too small to be usable, or if the Comprehensive Plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, a payment of the Park-Land Impact Fee in lieu of land dedication shall be required for each parcel proposed for development.

c. Park-Land Impact Fee. The Park-Land Impact Fee shall be the product of the above-noted land dedication requirement, less any land dedications or credits, and the city-wide average assessed value of land per square foot, as of January 1 of each year.

5. Park-Infrastructure Impact Fee Determination.

a. General. This impact fee is based upon the estimated cost to provide park facilities for new residents at a comparable level to park facilities which have traditionally been provided for existing residents, as detailed in the Needs Assessment.

b. Park-Infrastructure Impact Fee. The Park-Infrastructure Impact Fee shall be as follows:

Type of Development	Fee/Unit or Lodging Room
Single-Family/Duplex	$1,520
Multi-Family	$1,032
Large Multi-Family	$2,003
Age Restricted Multi-Family	$806
Group Living Quarters	$577

The impact fee is charged in Year 2016 dollars and shall be indexed for inflation on January 1 of every year using 2016 as the base year with the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

c. Park-Infrastructure Impact Fee Benefit Districts. There are hereby created five benefit districts for administration of the Park-Infrastructure Impact Fee, as follows:

i. City-Wide District. This District consists of all land within the City.

ii. North District. This District consists of all land north of East Washington Avenue/USH 151 and east of Wisconsin Avenue.

iii. East District. This District consists of all land south of East Washington Avenue and east of Martin Luther King, Jr. Boulevard.

iv. Central District. This District consists of all land west of Wisconsin Avenue and Martin Luther King, Jr. Boulevard, west of Lake Monona, the Yahara River and Lake Waubesa, and east of Midvale Boulevard and Verona Road/USH 18 and 151.

v. West District. This District consists of all land west of Midvale Boulevard and Verona Road/USH 18 and 151.

d. Apportioning the Park-Infrastructure Impact Fee. Twenty percent (20%) of the Park-Infrastructure Impact Fee for a development shall go towards the City-Wide District. The remaining eighty percent (80%) of the fee shall go toward the benefit district in which the development lies.

6. Phasing of Implementation. The Common Council finds that the impact fees set forth in this subsection should be phased in over a three-year period. In determining the Park Impact Fees due for a development, the Park Impact Fees will be determined as set forth in this subdivision. Once determined, the following phasing factors will be applied to determine the amount actually imposed on the development, based on the calendar year in which the impact fee is due:

Year	Phasing Factor
2017	80%
2018	90%
2019+	100%

(d) Low-Cost Housing.

1. Definitions. For the purposes of this subdivision, "low-cost housing" means development that creates rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7).

2. Determination. The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

3. Low-Cost Housing Park Impact Fee Exemption. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees established under this Subsection. This exemption only applies to those dwelling units or

bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.

4. Limitation. No amount of impact fees for which an exemption is provided for under this subdivision may be shifted to any other development in the project or in the City.

(Rep. & Rec. by ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(3) Upper Badger Mill Creek Stormwater Improvement Impact Fee.

(a) In response to new and future Development and Redevelopment demands in the Upper Badger Mill Creek Watershed and the new public stormwater management facilities that must be constructed to allow such Developments and Redevelopments to proceed, the Common Council hereby establishes the Upper Badger Mill Creek Stormwater Improvement Impact Fee Zone as a mechanism to equitably charge all new Developments and Redevelopments their proportional share of the cost for such necessary off-site public stormwater facilities in the watershed.

For purposes of the stormwater improvement Impact Fee imposed under this section, the said Zone shall be all land that currently drains or is altered to drain to the Upper Badger Mill Creek Watershed North of County Highway PD, and as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge within the Upper Badger Mill Creek Watershed. These lands are located within the City of Madison, Town of Middleton, and Town of Verona as follows:

Parts of Section 25; Southwest ¼, Section 26; Southeast ¼, Section 26; Southwest ¼, Section 27; Southeast ¼, Section 27; Northeast ¼, Section 33; Southeast ¼, Section 33; Section 34 and 35; Northeast ¼, Section 36; and Southwest ¼, Section 36, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison.

Parts of Section 2 and 3; Northeast ¼, Section 4; Southwest ¼, Section 4; and Southeast ¼, Section 4, all within Town 6 North, Range 8 East, located in the Town of Verona and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee Zone Map. (Cr. by Ord. 13,472, 12-11-03)

(b) Calculation of the Impact Fee. The amount of the stormwater improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developed Area of the land being Developed or Redeveloped within the above-described Zone. The subject Impact Fee is based upon the estimated Cost to provide Public (stormwater management) Facilities to allow Development or Redevelopment of land in accord with the Upper Badger Mill Creek Stormwater Management Plan, as identified in the Needs Assessment for this Impact Fee. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

The Upper Badger Mill Creek Stormwater Improvement Impact Fee shall be $51.3569 per 1000 square feet of Net Developed Area. The said Impact Fee rate is established in October, 2003 dollars and shall be indexed for inflation by month thereafter with October, 2003 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(4) Door Creek North, Phase II Improvements Impact Fee.

(a) Door Creek North, Phase II Improvements Impact Fee Zone. In response to new and future development in the Door Creek Watershed generating the need for improvements to the storm water drainage and public sanitary sewer systems, the Common Council hereby designates the Door Creek North, Phase II Improvements Impact Fee Zone as a part of a two-prong approach of special assessment district and Impact Fee Zone as the mechanism to equitably treat all new developments in regard to paying for necessary off-site storm water drainage and public sanitary sewer infrastructure improvements.

For the purpose of the Impact Fee imposed under this section, the Zone shall be all land that currently drains or is made to drain to the Door Creek Watershed west of Sprecher Road, and as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or is altered to discharge within the Door Creek Watershed. These lands are located within the City of Madison and the Town of Blooming Grove:

Parts of Section 1, Section 2 and Northwest ¼ Section 11 of Township 07 North, Range 10 East, located in the City of Madison and the Town of Blooming Grove.

The said Zone shall also be shown on the Development Impact Fee Zone Map.

(b) Calculation of the Impact Fee. The amount of the Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developed Area of the lot being Developed within the above-described Zone. The subject Impact Fee is based upon the estimated Cost to provide Public Facilities (storm water management and sanitary sewer) to allow Development of land in accord with the Sprecher Road Neighborhood Development Plan, as detailed in the Needs Assessment for this Impact Fee. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed based on the proposed certified survey map, final Subdivision Plat, or applicable public records.

The Door Creek North, Phase II Improvements Impact Fees shall be as follows:

Section 1: $200.64
Section 2: $104.45
Section 3: $53.91
Section 4: $104.82
Section 5: $100.67
Section 6: $53.91

All Impact Fees in this Subdivision (b) are per 1000 square feet of Net Developed Area and the sections are as defined in the Needs Assessment for this Impact Fee. The said Impact Fee is established in January, 2004 dollars and shall be indexed for inflation by month thereafter with January, 2004 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by Ord. 13,542, 3-17-04)

(5) Valley View Road Sewer and Drainage Improvement Impact Fee.

(a) In response to new and future Development demands in the Valley View Road area of the Upper Badger Mill Creek watershed, additional new public stormwater management facilities and public sanitary sewer facilities must be constructed to allow such Developments to proceed. The Common Council hereby establishes the Valley View Road Sewer and Drainage Improvement Impact Fee District as a

mechanism to equitably charge all new Developments their proportional share of the cost for necessary additional public stormwater and sanitary facilities in the watershed.

For purposes of the Sewer and Drainage Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Valley View Road drainage area, and as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or is altered to discharge within the Valley View area of the Upper Badger Mill Creek Watershed. These lands are located within the City of Madison and Town of Middleton as follows:

Parts of the South ½ Section 27; Section 34; and the Northeast ¼ Section 33 all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sewer and Drainage Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being Developed within the above-described District. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

In the undeveloped areas, the Valley View Road Sewer and Drainage Improvement Impact Fee shall be $134.9837 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $57.2140 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2005 dollars and shall be increased or decreased annually each January 1 thereafter, with June 2005 as the base, by the product of (i) the percentage increase or decrease in the Construction Cost Index annual average, as published by the Engineering News Record or equivalent successor index, for the immediately prior year and the year next preceding and (ii) the fee applicable for the prior calendar year.

(6) (Rep. by ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(7) Felland Road Sanitary Sewer Improvement Impact Fee.

(a) In response to new and future Development demands in the Felland Road Neighborhood area of the Starkweather Creek watershed, additional new public sanitary sewer facilities must be constructed to allow such Developments to proceed. The Common Council hereby establishes the Felland Road Neighborhood Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary facilities in the watershed.

For purposes of the Sanitary Sewer Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Felland Road Neighborhood drainage area, and as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge within the Felland Road Neighborhood Watershed. These lands are located within the City of Madison and Town of Burke as follows:

Parts of the South ½ of the South ½ of Section 14; the Southwest ¼ of the Southwest ¼ of Section 13; Parts of Sections 23, 24, 25,26; Parts of the Southeast ¼ of Section 27; the Northeast ¼ Section 34; Parts of Section 35; Parts of the Northwest ¼ of Section 36, all within Town 8 North, Range 10 East in the Town of Burke and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sanitary Sewer Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

In the undeveloped areas, the Felland Road Neighborhood Sanitary Sewer Improvement Impact Fee shall be per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $56.2268 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2008 dollars and shall be indexed for inflation annually (January 1st) thereafter with January 2008 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by ORD-07-00192, 12-20-07)

(8) Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee.

(a) In response to new and future Development demands in the Elderberry Neighborhood area of the Pheasant Branch watershed, additional new public sanitary sewer facilities must be constructed to allow such Developments to proceed. The Common Council hereby establishes the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer facilities in the watershed.

For purposes of the Sanitary Sewer Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Elderberry Neighborhood drainage area, and as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge within the Elderberry Neighborhood area watershed. These lands are located within the City of Madison and Town of Middleton as follows:

Parts of the South ½ of Section 21 and parts of the Southwest ¼ of Section 22, all within Town 7 North, Range 8 East, in the Town of Middleton and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sanitary Sewer Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following

approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

In the undeveloped areas, the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee shall be $112.69 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $112.69 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2009 dollars and shall be indexed for inflation annually (January 1st) thereafter with January 2009 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by ORD-08-00126, 11-22-08)

(9) Northeast Neighborhood Sanitary Sewer Improvement Impact Fee.

(a) In response to new and future Development demands in the Northeast Neighborhood area located primarily north of Interstate 94 and east of Interstate 39-90-94, additional new public sanitary sewer facilities must be constructed to allow such Developments to proceed. The Common Council hereby establishes the Northeast Neighborhood Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer facilities in the watershed.

For purposes of the Sanitary Sewer Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Northeast Neighborhood drainage area, and as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge within the Northeast Neighborhood area watershed. These lands are located within the City of Madison and Towns of Burke and Blooming Grove as follows:

Part of all quarters of Section 35 and West ½ of Section 36, Town 8 North, Range 10 East in the Town of Burke and City of Madison; and, parts of the North ½ Section 2 and Northwest ¼ of Section 1, Town 7 North, Range 10 East in the Town of Blooming Grove and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sanitary Sewer Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

In the undeveloped areas, the Northeast Neighborhood Sanitary Sewer Improvement Impact Fee shall be $134.58 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $134.58 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2009 dollars and shall be indexed for inflation annually (January 1st) thereafter with February, 2009 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by ORD-09-00035, 3-14-09)

(10) Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee.

(a) In response to new and future Development demands in the Lower Badger Mill Creek watershed, in the area generally west of County Trunk Highway M and east of Pioneer Road (extended north and south), and north of County Trunk Highway PD and south of Blackhawk Road, on the far west side of Madison, additional new public sanitary sewer and stormwater management facilities must be constructed to allow such Developments to proceed. Specifically, to adequately serve this new and future Development, the City must extend and construct a new sanitary sewer interceptor, sanitary force main and lift station, greenways, storm water basins, and roadway culverts. Therefore, the Common Council hereby establishes the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer and stormwater management facilities in the watershed. Because of the differing needs for sanitary sewer and stormwater management facilities in the District, the Common Council hereby establishes two impact fee zones within the District, the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone and the Lower Badger Mill Creek Stormwater Impact Fee Zone. The combined boundaries of the two Impact Fee Zones make up the boundary of the Impact Fee District. The Impact Fee Zones are established as follows:

1. Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone. For purposes of the Sanitary Sewer Impact Fee portion of the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee imposed under this section, the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone shall be all existing undeveloped land that currently drains or is altered to drain to the Lower Badger Mill Creek sanitary sewer drainage area, and as more specifically described and identified as follows:

   Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge sanitary sewer outflow within the Lower Badger Mill Creek Watershed. These lands are located within the City of Madison, Town of Middleton, and Town of Verona as follows:

   Parts of the SE ¼ of Section 17, all of the East ½ of Section 20, parts of the West ½ and SE ¼ of Section 21, parts of the West ½ of Section 27, parts of all quarters of Section 28, all of the East ½ of Sections 29 and 32, and parts of all quarters of Section 33, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison. Also parts of the North ½ of Section 4 within Town 6 North, Range 8 East, located in the Town of Verona and the City of Madison.

2. Lower Badger Mill Creek Stormwater Impact Fee Zone. For purposes of the Stormwater Impact Fee portion of the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee imposed under this section, the Lower Badger Mill Creek Stormwater Impact Fee Zone shall be all existing undeveloped land that currently drains or is altered to drain to the Lower Badger Mill Creek stormwater drainage area, and as more specifically described and identified as follows:

   Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge stormwater within the Lower Badger Mill Creek Watershed. These lands are located within the City of Madison, Town of Middleton, and Town of Verona as follows:

   Parts of the SW ¼ of Section 16, parts of the SE ¼ of Section 17, all of the East ½ of Section 20, parts of the West ½ and SE ¼ of Section 21, parts of the West ½ of Section 27, parts of all quarters of Section 28, all of the

East ½ of Sections 29 and 32, and parts of all quarters of Section 33, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison. Also parts of the NE ¼ of Section 4 within Town 6 North, Range 8 East, located in the Town of Verona and the City of Madison.

Both of said Zones, and said District, shall be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sewer and Drainage Improvement Impact Fee to be imposed on individual properties under this Section shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District and Zones, as well as the number of dwelling units developed within the Sanitary Sewer Impact Fee Zone. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records, and, if in the Sanitary Sewer Impact Fee Zone, the amount of dwelling units, as defined in Sec. 28.211 of the Madison General Ordinances, to be developed. The Impact Fee shall consist of the following: (Am. by ORD-12-00134, 1-2-13)

1. In the undeveloped areas of the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone, the Sanitary Sewer component of the Impact Fee shall be $56.52 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $56.52 per 1000 square feet.

2. For the first one thousand (1,000) dwelling units within the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone that benefit from the new lift station and force main improvement prior to MMSD interceptor relief to the area, the Lift Station component of the Impact Fee shall be $595.05 per dwelling unit.

3. In the undeveloped areas of the Lower Badger Mill Creek Stormwater Impact Fee Zone, the Stormwater component of the Impact Fee shall be $121.42 per 1000 square feet of Net Developed Area.

The said Impact Fee, special assessment, and connection fee rates are established in 2009 dollars and shall be indexed for inflation annually (January 1st) thereafter with October, 2009 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by ORD-09-00156, 12-5-09)

(11) Jeffy Trail Sanitary Sewer Improvement Impact Fee.

(a) In response to new and future Development demands in the Upper Badger Mill Creek watershed, in the area generally consisting of the 2nd Addition to Hawks Creek located to the northwest of Raymond Road, south of Flagstone Drive, east of Tail Water Drive, and along Jeffy Trail and Trevor Way extended, on the south west side of Madison, additional new public sanitary sewer facilities must be constructed to allow such Developments to proceed. Specifically, to adequately serve this new and future Development, the City must extend and construct a new sanitary sewer interceptor. Therefore, the Common Council hereby establishes the

Jeffy Trail Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer facilities in the drainage area.

For purposes of the Sanitary Sewer Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Jeffy Trail Sanitary Sewer Improvement drainage area, and as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered or pumped to discharge within the Jeffy Trail sanitary sewer improvement service area. These lands are located within the City of Madison and the Town of Verona as follows:

Parts of the Southeast ¼ of the Northeast ¼ of Section 3, and part of the Southwest ¼ of the Northwest ¼ of Section 2, all within Town 6 North, Range 8 East, in the Town of Verona and the City of Madison.

The said District shall also be shown on the Development Impact Fee District Map.

(b) Calculation of the Impact Fee. The amount of the Sanitary Sewer Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records.

In the undeveloped areas, the Jeffy Trail Sanitary Sewer Improvement Impact Fee shall be $303.95 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, or areas that will initially be served by a private lift station upon development, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of $303.95 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2013 dollars and shall be indexed for inflation annually (January 1st) thereafter with March, 2013 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

(Cr. by ORD-13-00033, 3-27-13)

20.09 ADMINISTRATION OF IMPACT FEE.

(1) Collection of Impact Fee.

All impact fees imposed under this chapter shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, at the time of issuance of any building permit under Chapter 29 of the Madison General Ordinances. Unpaid impact fees shall be special charges to the property owner at the time of permit issuance; and, if not so paid, shall become a lien as provided in Wis. Stat. § 66.0627(4), as of the date of such delinquency and shall be automatically extended upon the current or next tax roll as a delinquent tax against that real property parcel without further notice or hearing, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to each such special charge. Alternatively, developers or land owners may, at their own option, elect to either pay any or all of the imposed impact fees at the time of recording, or pay any or all of the imposed impact fees or special charges at any other time prior to the issuance of the building permit. (Am. by ORD-08-00050, 5-24-08)

(Am. by ORD-06-00091, 8-2-06; ORD-13-00033, 3-27-13)

(2) Transfer of Funds to Finance Director. Upon receipt of impact fees imposed under this Ordinance, the Finance Director shall be responsible for placement of such fees into separate accounts as hereinafter specified. (Am. by ORD-11-00037, 3-8-11)

(3) Establishment and Maintenance of Accounts. The Finance Director shall establish a separate interest-bearing account for fees collected for each development impact fee zone and impact fee benefit district. Interest or income earned by each account shall be credited to that account and shall be used solely for the purposes specified for such account. The Finance Director shall maintain records for each such account, as required by statute or otherwise hereinafter specified. The Park-Infrastructure Impact Fees shall be placed into separate accounts for the five benefit districts as set forth in Sec. 20.08(2)(c)5.d., to be used exclusively within each benefit district area for park and recreation development and facility improvements. The map of the benefit districts is in the Park Impact Fees Needs Assessment document. (Am. by ORD-11-00037, 3-8-11; ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

(4) Maintenance of Records. The Finance Director shall maintain and keep adequate financial records far each such account, which shall show the source and disbursement of all revenues, which shall account for all moneys received, and which shall ensure that the disbursement of moneys from each account shall be used solely and exclusively for the provision of projects specified for the particular development impact fee zone or expenditure area. (Am. by ORD-11-00037, 3-8-11)

(5) Annual Review and Modification. The City may periodically review the development potential of each development impact fee zone and the capital improvements plans and make such modifications as are deemed necessary as a result of (a) development occurring in the prior year, (b) public facilities actually constructed, (c) changing facility needs, (d) inflation, (e) revised cost estimates for public facilities, (f) changes in the availability of other funding sources applicable to public facility projects, and (g) such other factors as may be relevant. With the exception of annual increases to account for inflation, any impact fee modifications resulting from changes in development potential or capital improvements programs will require a public hearing as described in Section 20.15.

20.10 BONDING OF EXCESS FACILITY PROJECTS.

Impact fees paid pursuant to this Ordinance shall be restricted to use solely and exclusively for direct financing of public facilities, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of public facilities as specified herein.

20.11 REFUNDS.

(1) The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if (a) the City has failed to provide a public facility serving such property within the applicable statutory period from the date of payment of the impact fee, as prescribed in Wis. Stat. § 66.0617(9), or (b) the building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or (c) the project for which a building permit has been issued has been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or (d) as otherwise authorized in this Ordinance. (Am. by ORD-08-00050, 5-24-08)

(2) A written claim for refund must be filed with the Finance Director or his or her designee within one year of the event giving rise to the claim. Failure to do so as provided herein shall be considered a waiver of the right to claim a refund under this chapter. (Am. by ORD-11-00037, 3-8-11)

(3) Within ten (10) business days of the filing date of a claim for refund, the Finance Director shall forward a copy of the claim for refund to the appropriate Commission, department or utility manager. Within thirty (30) days of receipt, the appropriate Commission, department or utility manager shall submit a written report and recommendation to the Finance Director. The Finance Director shall review this report and make a written

recommendation to the Board of Public Works. Within fifty (50) days of the date of the Finance Director's written recommendation, the Board of Public Works shall adopt a written decision denying, approving, or approving in part the claim for refund. (Am. by ORD-11-00037, 3-8-11)

(4) If the claimant wishes to appeal the decision of the Board of Public Works, the claimant may commence an action in the Dane County Circuit Court seeking review of the Board's decision within 30 days after the date on which the Council adopted the decision with respect to the claim for refund.

20.12 APPEALS.

(1) Notice of Appeal. Any developer upon whom an impact fee has been imposed may contest the amount, collection or use of the impact fee by filing a Notice of Appeal to the Board of Public Works. The Notice of Appeal shall be filed with the Executive Secretary of the Board of Public Works within thirty (30) days of the date of the determination therein appealed. The Notice of Appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested; and shall include all supporting documentation upon which the developer relies in making the appeal.

(2) Appeal Bond. If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the impact fee due, as calculated by the Finance Director or the Finance Director's designee, and all other requirements have been satisfied, the building permit may be issued or the final plat may be approved. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed. (Am. by ORD-11-00037, 3-8-11)

(3) Review by the Board of Public Works.

(a) Within ten (10) business days of the date of filing of the Notice of Appeal, the Executive Secretary of the Board of Public Works shall forward a copy of the Notice of Appeal to the appropriate Commission, department or utility manager and to the Finance Director. Within thirty (30) business days of receipt, the appropriate Commission, department or utility manager shall submit a written report and recommendation to the Finance Director. The Finance Director shall review this report and make a written recommendation to the Board of Public Works.

(b) Within fifty (50) days of the date of the Finance Director's written recommendation, the Board of Public Works shall adopt a written decision denying, approving, or approving in part the appeal.

(Am. by ORD-11-00037, 3-8-11)

(4) Review by Circuit Court. If the developer wishes to appeal the decision of the Board of Public Works, the developer may commence an action by certiorari in the Dane County Circuit Court seeking review of the Board's decision within thirty (30) days after the date on which the Board adopted the decision with respect to the developer's appeal.

20.13 EFFECT OF IMPACT FEE ON ZONING AND SUBDIVISION REGULATIONS.

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

20.14 IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT.

Except as required by Wis. Stat. § 66.0617(6)(d), the impact fees imposed under this chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits.

20.15 AMENDMENTS.

(1) Public Hearing. Before enacting an ordinance that amends this Chapter 20, the Common Council shall hold a public hearing on the proposed ordinance or amendment.

(2) Notice. Pursuant to Wis. Stat. § 66.0617(3), notice of the public hearing referred to in the preceding subsection shall be published as a class 1 notice under Wis. Stat. ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public needs assessment may be obtained.

(3) Public Facilities Needs Assessment. Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a needs assessment shall be prepared and made available for public inspection and copying as required by Wis. Stat. § 66.0617(4). (Am. ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

20.16 CREDITS.

(1) The City and a developer/property owner may mutually agree to allow the property owner to construct a public facility for which an impact fee has been imposed. In this event, the property owner must enter into an agreement with the City prior to issuance of any building permit or final plat approval. In any such agreement, the City shall reasonably provide for credits for other applicable past or future monetary or non-monetary contributions or prior and future special assessments or installments by the developer to the construction of the said public facility, as follows:

(a) Prior special assessments or installments Present value of amounts contributed within the last five (5) years for any land dedications, physical improvements, or financial contributions made for the construction of the public facility;

(b) Present land dedications and physical improvements made far the construction of the public facility;

(c) Future special assessments or installments for any number of years and land dedications or physical improvements required by agreement to be made for the construction of the public facility for a period not to exceed five (5) years.

(2) In no event shall credit provided under subparagraph (1) be greater than the otherwise applicable impact fee.

(3) No credits shall be given for the construction of local on-site facilities required by zoning, subdivision, or other City requirements or which are not included in the capital improvements program.

(4) All impact fees shall be proportionately reduced or credited to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

(5) The City and a developer may mutually agree to allow credit against the Park-Infrastructure Impact Fee for developer improvements to public parkland, based on the typical costs anticipated for such improvements by the City in its Park Impact Fees Needs Assessment, as adjusted annually by the formula set forth in Section 20.08(2)(c)5.b. above. Where the developer proposes to improve a public park before the City would normally develop and maintain it, the developer shall agree to maintain the park for 3 years after completion. The developer may also receive credit against the Park-Infrastructure Impact Fee for developer improvements to private parkland that qualifies for dedication credit under Sec. 16.23(8)(f)8. The credit shall be based on the costs anticipated for the typical standard for public improvements by the City. The developer may choose to install additional improvements to the private park, beyond the typical city standard, at the developer's expense without receiving credit. (Cr. by ORD-06-00091, 8-2-06; Am. ORD-16-00091, Pub. 11-9-16, Eff. 1-1-17)

20.17 PENALTY.

In addition to any other remedy which the City may have for any violation of any portion of this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Sec. 16.23(12). Each violation, and each day a violation continues or occurs, shall constitute a separate offense. This section, shall not preclude the City from maintaining any appropriate action to prevent or abate a violation of this chapter.

CHAPTER 21

NONMETALLIC MINING RECLAMATION ORDINANCE

(Chapter 21, "Storage of Flammable Liquids Within the Corporate Limits of the City of Madison" R. by Ord. 11,022, 10-31-94; Chapter 21, "Nonmetallic Mining Reclamation Ordinance, Cr. by Ord. 12851, Adopted 7-3-01)

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21.01 TITLE. Nonmetallic mining reclamation ordinance for the City of Madison.

21.02 PURPOSE. The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the City of

Madison, in compliance with Chapter NR 135, Wisconsin Administrative Code and Wis. Stat. ch. 295, subch. I.

21.03 STATUTORY AUTHORITY. This chapter is adopted under authority of Wis. Stat. § 295.14(1), Section NR 135.32, Wisconsin Administrative Code, and Wis. Stat. § 62.11(3).

21.04 RESTRICTIONS ADOPTED UNDER OTHER AUTHORITY. The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Wis. Stat. § 295.12(1)(a), and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

21.05 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by Wis. Stat. ch. 295, subch. I and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

21.06 SEVERABILITY. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

21.07 APPLICABILITY. The requirements of this chapter apply to all nonmetallic mining sites as follows:

(1) This chapter applies to all operators of nonmetallic mining sites within the City of Madison as provided in Sections NR 135.02(1) and (2), Wisconsin Administrative Code, except where exempted in Section NR 135.02(3), Wisconsin Administrative Code. (Am. by ORD-07-00136, 10-18-07)

21.08 ADMINISTRATION. The provisions of this chapter shall be administered by The Division of engineering, under the general direction of the City Engineer.

21.09 DEFINITIONS. Definitions for the purposes of this chapter are those contained in Section NR 135.03, Wisconsin Administrative Code, as well as the following:

(1) City Engineer means the City Engineer and his/her designee.

21.10 STANDARDS. All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained in Subchapter II of Chapter NR 135, Wisconsin Administrative Code.

21.11 PERMIT REQUIRED. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit pursuant to Sec. 21.11, unless specifically exempted in Section NR 135.02(1), 135.02(3) or 135.03(16)(b), Wisconsin Administrative Code. The operator of all nonmetallic mining sites shall apply for a reclamation permit from the City Engineer. All reclamation permit applications under this section shall be accompanied by the information required by Section NR 135.18(1) and Section NR 135.18(2), Wisconsin Administrative Code. The application shall be accompanied by a plan review fee as specified in Sec. 21.30. (Am. by ORD-07-00136, 10-18-07)

21.12 RECLAMATION PLAN. All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the requirements of Section NR 135.19, Wisconsin Administrative Code. (Am. by ORD-07-00136, 10-18-07)

21.13 EXISTING PLANS AND APPROVALS. To avoid duplication of effort, the reclamation plan required by Sec. 21.12 may, by reference, incorporate existing plans or materials that meet the requirements of this chapter. (Am. by ORD-07-00136, 10-18-07)

21.14 APPROVAL OF RECLAMATION PLAN. The City of Madison shall approve, conditionally approve, or deny in writing the reclamation plan submitted under this section as part of permit issuance pursuant to Sec. 21.17. Conditional approvals of reclamation plans shall be made according to Sec. 21.19, and denials of reclamation plans made according to Sec. 21.20. The operator shall keep a copy of the reclamation plan required by this section, once approved by the City Engineer, at the mine site or, if not practicable, at the operator's nearest office or place of business. (Am. by ORD-07-00136, 10-18-07)

21.15 FINANCIAL ASSURANCE. All operators of nonmetallic mining sites in the City of Madison shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of Section NR 135.40, Wisconsin Administrative Code. No proof of financial assurance is required for nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality. (Am. by ORD-07-00136, 10-18-07)

21.16 PUBLIC NOTICE AND RIGHT TO HEARING. The City Engineer shall provide public notice and the opportunity for a public informational hearing as set forth in Sections NR 135.20(1) and (2), Wisconsin Administrative Code for any nonmetallic mining site for which a complete reclamation permit application that satisfies Sec. 21.11(2) is received, except that no public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to Sec. 21.17(2). (Am. by ORD-07-00136, 10-18-07)

21.17 ISSUANCE OF NONMETALLIC MINING RECLAMATION PERMIT.

(1) Permit Issuance. Applications that satisfy the requirements in Sec. 21.11(2) shall be issued a reclamation permit or otherwise acted on as provided in Section NR 135.21(2), Wisconsin Administrative Code. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with Sec. 21.12 and provision by the applicant of financial assurance that conforms with Sec. 21.15, payable to the City of Madison, prior to beginning mining.

(2) Automatic Permit for Local Transportation-Related Mines. The City Engineer shall issue an automatic permit under this subsection for any borrow site operated to provide material for a locally-administered transportation project that meets the criteria in Section NR 135.23(1)(a), Wisconsin Administrative Code. This automatic permit shall be issued according to the provisions of Sections NR 135.23(1)(b) through (j), Wisconsin Administrative Code.

(Am. by ORD-07-00136, 10-18-07)

21.18 EXPEDITED REVIEW. Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in Sec. 21.31. The expedited review shall be carried out according to the provisions of Wis. Admin. Code § NR 135.23(1). Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to Sec. 21.16. (Am. by ORD-07-00136, 10-18-07)

21.19 PERMIT CONDITIONS. Permits issued under this section may include conditions as provided in Wis. Admin. Code § NR 135.21(2). One required condition shall be that new mines shall obtain

financial assurance prior to beginning mining pursuant to Wis. Admin. Code § NR 135.40. (Am. by ORD-07-00136, 10-18-07)

21.20 PERMIT DENIAL. An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Wis. Admin. Code § NR 135.22 exist.

21.21 ALTERNATIVE REQUIREMENTS. An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in Subchapter II of Wis. Admin. Code ch. NR 135. Such a request may be made only on the basis of the criteria set forth in Wis. Admin. Code § NR 135.26(1).

(1) Procedures. The operator of a nonmetallic mining site requesting an alternate requirement shall demonstrate, in written form, that all the criteria in Wis. Admin. Code § NR 135.26(1) are met. After public notice and hearing, the City Engineer shall determine whether the requested alternative meets the requirements of this chapter.

(2) Transmittal of Decision on Request for Alternate Requirements. The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

(3) Notice to Wisconsin Department of Natural Resources. The City of Madison shall provide notice to the Wisconsin Department of Natural Resources as provided in Wis. Admin. Code § NR 135.26(3)(a).

21.22 PERMIT DURATION. A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to Sec. 21.25, or as limited under Wis. Admin. Code § NR 135.27 where the mine operator is not the landowner.

21.23 PERMIT TRANSFER. A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the conditions in Wis. Admin. Code § NR 135.28.

21.24 PERMIT MODIFICATION. A nonmetallic mining permit may be modified as follows:

(1) Request of the City of Madison. If the City Engineer finds that, because of changing conditions, the nonmetallic mining site no longer is in compliance with this chapter or the applicable reclamation ordinance, it shall issue an order modifying the permit in accordance with Wis. Admin. Code § NR 135.24.

(2) Request of the Operator. If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the City Engineer. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

(3) Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if required under the circumstances set out in Wis. Admin. Code § NR 135.27. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(Am. by ORD-07-00136, 10-18-07)

21.25 PERMIT SUSPENSION OR REVOCATION. The City Engineer may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if he/she finds any of the grounds listed in Wis. Admin. Code § NR 135.25(1). If the City Engineer finds grounds for suspending or revoking a nonmetallic mining reclamation permit, he/she may issue a special order suspending or revoking such permit as set forth in Sec. 21.40. The consequences of an reclamation permit suspension or revocation order shall be as set forth in Wis. Admin. Code § NR 135.25(2) and (3).

21.26 REVIEW. Any permitting decision or action made by the City Engineer under this chapter may be reviewed as set forth in Wis. Admin. Code § NR 135.30.

21.27 ANNUAL OPERATOR REPORTING. Operators of nonmetallic mining sites shall submit annual reports that satisfy the requirements of Wis. Admin. Code § NR 135.36 to the City Engineer. These reports shall be for reclamation during a calendar year, and submitted in writing within sixty (60) days of the end of each calendar year. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under Sec. 21.35.

21.28 INSPECTION IN LIEU OF REPORT. The City Engineer may, at his/her discretion, obtain the information required to be submitted by the operator of a nonmetallic mining site in Wis. Admin. Code § NR 135.36 by written documentation of an inspection by the City Engineer during a calendar year, as set forth in Wis. Admin. Code § NR 135.36(4). (Am. by ORD-07-00136, 10-18-07)

21.29 RETENTION OF ANNUAL REPORTS. Annual reports submitted under this section or inspection records that replace them shall be retained by the City Engineer for at least ten (10) years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Wis. Admin. Code § NR 135.

21.30 PLAN REVIEW FEES. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Sec. 21.11(2) shall submit a non-refundable plan review fee as set forth in Table 3 of Wis. Admin. Code § NR 135.39(5). No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for any local transportation-related mine issued an automatic permit under Sec. 21.17(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to Sec. 21.24. (Am. by ORD-07-00136, 10-18-07; ORD-10-00039, 5-1-10)

21.31 EXPEDITED PLAN REVIEW FEE. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under Sec. 21.11(2) may obtain expedited reclamation plan review by paying a fee of five hundred dollars ($500). Such fee shall be in addition to that required in Sec. 21.30.

21.32 RELATION TO ANNUAL FEE. Any reclamation plan review fee or expedited reclamation plan review fee shall be added to and collected as part of the first annual fee collected under Sec. 21.33.

21.33 ANNUAL FEES. Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the City of Madison. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources and a share for the City of Madison. Fees shall be calculated based on the number of unreclaimed acres of each site according to Wis. Admin. Code § NR 135.39(1)(a). The annual fee under this section shall be as set forth in Table 2 of Wis. Admin. Code § NR 135.39(4), plus an additional eighty-five dollars ($85). Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under Sec. 21.35. Fees shall be paid no later than January 31 for the previous year. Fees paid under this section shall include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Wis. Admin. Code § NR 135.39(3) and shall be forwarded to the Wisconsin Department of Natural Resources by March 31. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be $15. This ordinance shall be effective February 1, 2011. (Am. by ORD-07-00136, 10-18-07; ORD-10-00039, 5-1-10; ORD-11-00018, 2-11-11)

21.34 REGULATORY REPORTING AND DOCUMENTATION. The City Engineer shall send an annual report to the Wisconsin Department of Natural Resources including the information required by Wis. Admin. Code § NR 135.37 by March 31 for the previous year. The City Engineer shall, to the best of its ability, maintain the information set forth in Wis. Admin. Code § NR 135.47(3), and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the City of Madison's reclamation program pursuant to Wis. Admin. Code § NR 135.47. (Am. by ORD-07-00136, 10-18-07)

21.35 COMPLETED RECLAMATION—REPORTING AND CERTIFICATION. The operator of a nonmetallic mining site shall certify to the City Engineer completion of reclamation for a portion or all of the nonmetallic mining site as specified in the reclamation plan prepared and approved pursuant to this chapter and Wis. Admin. Code § NR 135. In addition, the operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Wis. Admin. Code § NR 135. The City Engineer shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted within sixty (60) days of receipt of the certification, and make a determination in writing in accordance with Wis. Admin. Code § NR 135.40(7)(c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan, the City Engineer shall issue the mine operator a written certificate of completion.

21.36 EFFECT OF COMPLETED RECLAMATION. If reclamation is certified by the City Engineer as complete for part or all of a nonmetallic mining site, then:

(1) No fee shall be assessed under Sec. 21.33 for the area so certified.

(2) The financial assurance required by Sec. 21.15 shall be released.

21.37 EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION. If no written response as required by Sec. 21.35 for an area of the mine site reported as reclaimed or interim reclaimed is given within sixty (60) days of receiving such request, any annual fee paid to the City of Madison shall be refunded.

21.38 PERMIT TERMINATION. When all final reclamation required by a reclamation plan is certified as complete pursuant to Sec. 21.35, the City Engineer shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

21.39 RIGHT OF ENTRY AND INSPECTION. For the purpose of ascertaining compliance with the provisions of Subchapter I of Wis. Stat. ch. 295, Wis. Admin. Code ch. NR 135, or this chapter, any authorized officer, agent, employee or representative of the City of Madison may inspect any nonmetallic mining site subject to this chapter as provided in Wis. Stat. § 295.17(1) and Wis. Admin. Code § NR 135.42.

21.40 ENFORCEMENT ORDERS. The City Engineer may issue orders as set forth in Wis. Admin. Code § NR 135.43(1)(a), (b), or (c). An order issued under this section may be reviewed as provided in Wis. Admin. Code § NR 135.43(2).

21.41 PENALTY. As specified in Wis. Stat. § 295.19(3)(a), any person who violates Sec. 21.10, may forfeit not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000) for each violation. Any person who violates any other provision of this Chapter may forfeit not less than ten dollars ($10) nor more than five thousand dollars ($5,000) for each violation. For any violation, each day of continued violation is a separate offense. While an order is suspended, stayed or enjoined, a penalty does not accrue.

CHAPTER 22

CONSUMER PROTECTION AND WEIGHTS AND MEASURES

Section

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22.17 Reserved for Future Use.
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22.20 Weights and Measures. (Am. by Ord. 9364, 12-21-87)
22.21 Prohibited Acts; Penalty; Injunction.

22.01 FEDERAL STANDARDS, STATE STATUTES AND RULES ADOPTED BY REFERENCE. The subsequent federal standards, Wisconsin Statutes and Section thereof, and Wisconsin Rules are adopted by reference and shall be enforced under this ordinance with violations of same subject to penalties set forth in Section 22.21 of this ordinance: (Am. by Ord. 9191, 5-14-87)

(1) Wis. Stat. ch. 98, "Weights and Measures."
(2) Chapter ATCP 90, Wisconsin Administrative Code, "Fair Packaging and Labeling."
(3) Chapter ATCP 91, Wisconsin Administrative Code, "Methods of Sale of Commodities."
(4) Chapter ATCP 92, Wisconsin Administrative Code, "Weighing and Measuring Devices."
(5) NIST Handbook 44, U.S. Department of Commerce, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices."
(6) NIST Handbook 133, U.S. Department of Commerce, "Checking the Net Contents of Packaged Goods."
(7) Sections of Wis. Stat. ch. 97, pertaining to product labeling, as follows: 97.03 "Standards; Misbranding," 97.07 "Interpretation," 97.09 "Rules," and 97.12 "Enforcement."
(8) Sections of Chapter 100, Wisconsin Statutes, pertaining to advertising as follows: 100.18 "Fraudulent Advertising," 100.183 "Fraud, Advertising Foods."
(9) Wis. Stat. § 100.51(5). (Am. by ORD-14-00108, 6-16-14)

(Am. by Ord. 11,428, 12-4-95)

(10) Sections of NIST Handbook 130, U.S. Department of Commerce, Uniform Laws and Regulations, pertaining to "Examination Procedure for Price Verification. (Cr. by ORD-05-00148)

22.02 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

"Department" means the Department of Planning and Community and Economic Development.

"Incorrect" as applied to weights and measures and commodities includes any failure to comply with the requirements of this Chapter or rules issued thereunder.

"Motor vehicle" has the meaning given in Sec. 340.01, Wis. Stats. (Cr. by Ord. 10075, 8-2-90)

"Pump" means a device used to dispense motor fuel for sale at retail. (Cr. by Ord. 10075, 8-2-90)

"Sell", "sale" and "sold" include barter or exchange, and any offering or exposing for sale or possession with intent to sell.

"Sealer" and "Deputy Sealer" means a Sealer of weights and measures and a Deputy Sealer of weights and measures of the City of Madison.

"Weight" means net weight when used in reference to a commodity.

"Weights and Measures" means weights and measures of every kind, instruments and devices for weighing and measuring, electronic scanners used to record the price of a commodity or thing, and any appliances and accessories used with any or all such instruments and devices, except meters for the measurement of electricity, gas (natural or manufactured) or water when the same are operated in a public utility system, and scales under the control of the grain and warehouse commission. (Am. by Ord. 13,718, 10-26-04)

22.03 FIELD STANDARDS AND EQUIPMENT: SPECIFICATIONS AND TOLERANCES.

(1) There shall be supplied by the City such "field standards" and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified by the State Department of Agriculture upon their initial receipt and at least once each 2 years thereafter.

(2) The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Bureau of Standards shall apply in this City except as modified by rules issued by the State Department of Trade and Consumer Protection.

22.04 CITY SEALERS AND WEIGHTS AND MEASURES INSPECTORS. The City Sealer and Weights & Measures Inspectors shall be appointed by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development subject to confirmation by the Common Council. The Department shall keep a complete record of its work and annually shall file a report thereof with the State Department of Trade and Consumer Protection. (Am. by ORD-08-00109, 10-7-08)

22.05 ENFORCEMENT AUTHORITY.

(1) There is conferred upon the Sealer and Weights & Measures Inspectors of weights and measures, police power. Such Sealer and Weights & Measures Inspectors shall be provided with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers and they may make arrests, with or without formal warrant, of any persons violating any statute or ordinance relating to weights and measures.

(2) The Sealer or Weights & Measures Inspectors may enter and go into or upon any structure or premises, and may stop any person or vehicle for the purpose of enforcing this chapter. They shall inspect and test any weights or commodities which are sold or used commercially as often as necessary to secure compliance with this chapter. The Sealer or Weights & Measures Inspectors shall approve for use and may seal or mark with appropriate devices such weights and measures as found upon inspection and test to be correct, and shall reject and mark or tag as rejected such weights and measures found to be incorrect, but which in their best judgment are susceptible of satisfactory repair. Weights and measures that have been rejected or condemned may be confiscated and may be destroyed by the Sealer if not corrected as required by the Sealer, or if used or disposed of contrary to this ordinance.

(3) The Sealer or Weights & Measures Inspector shall have the power to issue stop orders, stop-sale orders, and disposal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-sale orders and disposal orders

with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of their enforcement of the provisions of this ordinance they deem it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-sale order, or disposal order issued under the authority of this section.

(4) The Sealer or his/her designee shall investigate complaints made to him/her concerning violations of the provisions of this chapter, and shall, upon his/her own initiative, conduct such investigations as he/she deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this chapter, and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

(5) In accordance with the provisions of Section 9.16, Madison General Ordinances, the Sealer or his/her designee shall inspect the physical inventory of merchandise to be sold to insure same to be in agreement with that inventory as submitted in the affidavit of application. Upon completion of such inspection the Sealer or his/her designee shall submit a written report of his/her findings to the City Clerk.

(6) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(7) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Secs. 22.05(6) & (7) Cr. by ORD-10-00058, 6-11-10)

22.06 RESPONSIBILITIES OF EQUIPMENT OWNERS OR USERS. The owner, operator or user of any commercial weights and measures equipment, devices or associated equipment is responsible for the accuracy and maintenance of same.

(1) It shall be the duty of every owner, operator or user to notify the City Sealer in writing of the acquisition of any commercial weighing or measuring device, whether new, rebuilt or used. Said notification shall be by application for use and payment of the appropriate fee and shall be prior to use of said device. (Am. by Ord. 9364, 12-21-87)

(2) Commercial weights and measures devices regulated by this ordinance shall bear security seals appropriately affixed to any adjustment mechanisms designed to be sealed. The security seals shall bear the mark or imprint of the Sealer or Deputy Sealer, or other weights and measures official, or service persons authorized by the Sealer. Said security seal may only be removed to facilitate repairs of devices. Any service person who removes a security seal shall replace it and reseal the device with his/her own imprint. The Sealer or Deputy Sealer shall be notified of said repairs and removal of the seal within 72 hours of removal, or of the introduction of a new, rebuilt or used device per Subsection (1) above so that said device may be reinspected.

(3) Transient merchants purchasing or selling commodities or services by weight or measure either from bulk or in packaged form shall notify the Sealer and receive the approval of the Sealer before purchasing or selling activities may be commenced. At the Sealer's discretion

the transient merchant may be approved for a calendar year and the subsequent notification requirement may be waived. Sellers of farm produce and seafood vendors operating from other than a continuous, permanent location shall also meet these requirements.

(4) Every owner or operator shall secure the gas pump(s) electronic and payment processing area(s) under their control or ownership by installing a lock(s) that is unique to the pump(s) under their control. This ordinance shall be effective January 1, 2017. (Cr. by ORD-16-00099, Pub. 11-9-16, Eff. 1-1-17)

22.07 METHOD OF SALE OF COMMODITIES.

(1) Commodities in liquid form shall be sold by liquid measure and commodities not in liquid form shall be sold by weight, provided that liquid commodities may be sold by weight and commodities not in liquid form may be sold by count or measure if such methods are in general use and give accurate information as to the quantity of commodity sold.

(2) Berries and small fruits may be sold by measure only if in containers having capacities of one-half dry pint, one dry pint, or one dry quart.

(3) It shall be unlawful to advertise, offer for sale, or sell within the City any fireplace or stove wood that is not in accordance with Wisconsin ATCP 91 (91.03)(3)(h) which references NIST Handbook 130, ch. IV.B, section 2.4. (Am. by ORD-15-00019, 3-4-15)

(4) This section shall not apply to commodities sold in compliance with a state or federal law which prescribes another method of sale or to commodities for immediate consumption on the premises where sold.

22.08 DECLARATION OF QUANTITY.

(1) No commodity which is marked, tagged or labeled, or for which a sign is displayed, with a selling price, shall be sold unless the weight, measure or count of the commodity is conspicuously declared on the commodity or its tag, label or sign, but a declaration of count is not required if the selling price is for a single unit, or a set or combination of commodities customarily sold to and understood by consumers as a single unit, or if the commodity is packaged prior to sale and the package contains 6 units or less which can be easily counted without opening the package.

(2) No commodity shall be wrapped or its container made, formed or filled so as to mislead the purchaser; nor shall the qualifying term "when packaged," or the terms "jumbo" or "giant" or "full", or words of similar import that tend to mislead the purchaser as to the amount of the commodity, be used in connection with a declaration of quantity.

(3) In addition to the declarations required by this section, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

22.09 VARIATIONS FROM DECLARED QUANTITY. The magnitude of permitted variations from declared quantity shall be determined by rules set forth by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the facts in the individual case.

22.10 ADVERTISING COMMODITIES FOR SALE. Whenever a commodity in bulk or packaged form is advertised in any manner and the price of the commodity is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the quantity; of contents offered in the case of packaged commodity; or of the price per unit and the unit it is based upon in the case of a bulk commodity.

(1) When the commodity is in packaged form, the quantity, as it appears on the package, shall likewise appear in the advertisement, provided that where the law or regulation requires a

dual declaration that sets forth the quantity in terms of a smaller unit of weight or measure, both declarations that are required to appear on the package must also appear in the advertisement.

(2) Whenever any commodity is advertised as described above, the appropriate Method of Sale, as set forth in Section 22.07 of this ordinance, and in state statutes and rules adopted by reference, shall also be applied in the advertisement.

(3) There shall not be included as part of the declaration required under this section such qualifying terms as "when packaged", "minimum", "not less than", or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", and the like) that tends to exaggerate the amount of commodity in the package.

22.11 MISREPRESENTATION OF PRICE. Whenever any commodity or service is sold or is offered, exposed, or advertised for sale, by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner which may mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

22.12 RESERVED FOR FUTURE USE.

22.13 RESERVED FOR FUTURE USE.

22.14 BULK DELIVERIES SOLD TO AND DELIVERED BY VEHICLE TO THE ULTIMATE CONSUMER.

(1) All coal, coke and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke or charcoal to an individual purchaser shall be accompanied by duplicate tickets on which, in ink or other indelible substance, there is clearly stated 1) the name and address of the vendor, 2) the name and address of the purchaser, and 3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered on demand to the Sealer or Deputy Sealer who, if he/she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. If the purchaser carries away his/her purchase, the vendor shall be required only to give to the purchaser, at the time of sale, a delivery ticket stating the number of pounds of fuel delivered to him/her. (Am. by ORD-14-00012, 1-14-14)

(2) Fireplace Wood and Stovewood. As heretofore set forth in Section 22.07(3) of this chapter, fireplace wood or stovewood shall be sold only in accordance with Wisconsin ATCP 91 (91.03)(3)(h). Further, a delivery ticket or invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace wood or stovewood is sold. The delivery ticket or sales invoice shall clearly and legibly state in ink or other indelible substance the following information: 1) name and address of seller, 2) name and address of purchaser, 3) date of delivery, 4) quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, 5) the price of the amount delivered, 6) the identity of the wood in the most descriptive terms commercially practicable, including any quantity representation made in connection with the sale. (Am. by ORD-15-00019, 3-4-15)

(3) Heating Oil and Motor Fuels. All heating oils and motor fuels shall be sold by liquid measure. In the case of each delivery of liquid fuel not in package form, and in an amount greater than 10 gallons, there shall be rendered to the purchaser, either at the time of delivery or within a period mutually agreed upon in writing or otherwise between the

vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated: 1) the name and address of the vendor, 2) the name and address of the purchaser, 3) the identity of the type of fuel comprising the delivery, 4) the unit price (the price per gallon) of the fuel delivered, and 5) the liquid volume of the delivery, together with the print meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions. (Am. by ORD-15-00019, 3-4-15)

22.15 MOTOR FUEL, HEATING OILS, AND SOLVENTS SALES ON PREMISES OF SELLER.

(1) Every wholesaler, retailer, and every other person selling or distributing motor fuel, heating oil or solvents in the City of Madison shall keep posted in a conspicuous place at her/his place of business, and on every pump from which delivery is made, a placard, sign or the like clearly stating the identity of each product dispensed, including the grade, blend or mixture of the product, the net selling price, and the amount of all taxes per gallon. No such placard shall be required on a computer pump whereon the aforementioned information is legibly shown on the face. All motor fuel pumps shall be marked conspicuously to indicate the blend or mixture so contained.

(2) Motor Vehicles Used by Persons with Disabilities; Service.

(a) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:

1. The motor vehicle displays special registration plates issued under Sec. 341.14(1), (1a), (1m), (1g) or (1r)(a) or a special identification card issued under Sec. 343.51, Wis. Stats., or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a person with a physical disability.
2. The driver of the motor vehicle asks for the same prices as charged for motor fuel dispensed from a self-service pump.
3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps.

(b) An employee of a motor fuel dealer who dispenses motor fuel under Subdivision (a) need not provide any other services that are not provided to a customer who uses a self-service pump.

(c) A motor fuel dealer shall keep posted in a conspicuous place at her/his place of business, a placard or sign, clearly visible to customers from within their vehicle, informing them of the provisions of this ordinance and of Sec. 100.51(5), Wis. Stats. Each such placard or sign shall contain the international symbol of accessibility. (Am. by ORD-14-00108, 6-16-14)

(Am. by Ord. 10075, 8-2-90)

22.16 RESERVED FOR FUTURE USE. (R. by Ord. 10,514, 9-24-92 & 10-1-92)

22.17 RESERVED FOR FUTURE USE.

22.18 PRESUMPTIVE EVIDENCE. For the purpose of this ordinance, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle, in which or from which it is shown that buying or selling is commonly carried on, shall in the absence of evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

22.19 ISSUANCE OF CITATIONS FOR VIOLATIONS OF THIS CHAPTER AND SCHEDULE OF CASH DEPOSITS. Pursuant to the authority of Sec. 66.0119, Wis. Stats., the City of Madison hereby elects to use the citation method of enforcement and authorizes the use of a citation that comports with Sec. 1.08(2) of the Madison General Ordinances.

22.20 WEIGHTS AND MEASURES.

(1) Fees. No person, firm or corporation shall operate weights and measures, weighing or measuring devices and systems and accessories relating thereto, which are used commercially within the City of Madison in determining the weight, measure or count of commodities or things sold or purchased or offered or exposed for sale on the basis of weight, measure or count unless licensed pursuant to the provisions of this ordinance. A license shall be valid for one year and shall expire on December 31. No license fee shall be refunded once a license or permit has been granted. A late filing fee of 15% of the license fee or a minimum of three dollars ($3), whichever is greater, shall be required paid prior to the granting of the license for each of the following: (Am. by ORD-15-00019, 3-4-15)

(a) Each renewal application received by the City Clerk after December 31;

(b) Each application for which deficiencies in the application process are corrected after December 31.

(Secs. 22.20(1)(a) and (b) Am. by Ord. 11,428, 12-4-95)

(2) Application. Application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the Department of Planning and Community and Economic Development. The application shall state the specific descriptions and identifications of each weighing and measuring device to be licensed, the location of the devices, the applicant's full name and post office address and whether the person is an individual, firm or corporation and, if a partnership, the names of partners together with their addresses, and the signatures of the applicants. No device shall be added to any premises and put into use during the license year unless application is made for such device and the fee paid.

(3) Issuance of License and Fees. The Department of Planning and Community and Economic Development by its City Sealer or Weights and Measures Inspectors shall annually issue a license to the applicant based on the total number of weighing and measuring devices operated by the applicant if the requirements of this chapter have been complied with and upon payment to the City (Treasurer) the fee required according to the following schedule:

FEE SCHEDULE WEIGHTS AND MEASURES	
ADVP Counterweight	$ 3.00
Baby Scales	$ 22.00
Beam Scales (Table Top)	$ 27.00
Beam Scales (Floor)	$ 42.00
Computing Scales	$ 27.00
Counter or Bench Scales (up to 30 lbs. capacity)	$ 27.00
Counter or Bench Scales (over 30 lbs. capacity)	$ 42.00
Customer Operated Aluminum Recycling Machines	$ 47.00
Dormant Scales	$ 67.00
Electronic Scanners (three or fewer)	$60.00, plus $16.00/scanner
Electronic Scanners (more than three)	$125.00, plus $16.00/scanner
Equal Arm Balances	$ 22.00

FEE SCHEDULE WEIGHTS AND MEASURES	
Farmers Market Scale	$ 20.00
Floor Scales	$ 67.00
Fuel Bulk Meter	$ 100.00
Gas Pumps	$ 38.00
Grain & Metric Scales	$ 50.00
Hanging Scales (up to 30 lbs. capacity)	$ 27.00
Hanging Scales (over 30 lbs. capacity)	$ 37.00
High Precision Scales/Balances	$ 50.00
High Speed Gas Pump	$ 60.00
Measuregraphs	$ 15.00
Personal Scales	$ 37.00
Platform Scales	$ 47.00
Prepack Scales	$ 27.00
Prescription Scales & Weights & Glassware	$ 50.00
Special Fees	$50.00/hr
Spring Scales	$ 27.00
Stationary Meters	$100.00
Taxi Meters	$ 33.00
Timing Devices (Car Washes & Clothes Dryers)	$ 12.00
Vehicle Scales	$ 62.00
Vehicle Tank Meters	$100.00
Weigh Buggies	$ 37.00
Yard Measures	$ 7.00
Miscellaneous Devices	$ 15.00

(Am. by Ord. 12,252, 11-17-98; Ord. 13,718, 10-26-04; ORD-10-00120, 12-23-10; ORD-14-00177, 12-10-14)

(4) Special Fees. Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for consultation or the inspection or testing of a noncategorized weighing or measuring device, the actual expenses may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.

(5) Display of License. The persons licensed under the provisions of this ordinance shall immediately post their license upon some conspicuous part of the premises on which the business is conducted and said license shall remain posted for the period the license is in force.

(6) Suspension of License. Notwithstanding the other provisions of this ordinance, whenever the City Sealer finds that business on any licensed premises is conducted or managed in such a manner that there are serious or repeated violations of this ordinance, or violation of any ordinances or regulations of the City of Madison, the laws of the State of Wisconsin, or regulations of the National Bureau of Standards relating to weights and measures, he/she may without warning, notice or hearing, issue a written notice to the license holder, operator or employee in charge of the licensed premises citing such condition and specifying the corrective action to be taken. If deemed necessary, such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued. Any person to whom such an order is issued shall comply immediately but may appeal such order to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals by following the procedures established in

Section 29.18 of these ordinances. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-09-00019, 3-14-09)

(7) Revocation of Licenses. For serious or repeated violations of any of the requirements of this ordinance, or for interference with the City Sealer in the performance of his/her duties, the City Sealer may permanently revoke the license. Prior to such action, the City Sealer shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice unless a request for a hearing under Section 29.18, Madison General Ordinances, is filed with the Director of the Building Inspection Division by the license holder within such five (5) day period. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-08-00109, 10-7-08)

(8) Transfer of Licenses. No license may be transferred unless otherwise provided for by the ordinances of the City. No license shall be issued to or used by any person acting as agent for or in the employ of another.

(9) Hearings. The hearings provided for in this section shall be conducted by the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals in accordance with the provisions of Section 29.18, Madison General Ordinances. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-09-00019, 3-14-09)

(Sec. 22.20 Am. by Ord. 9364, 12-21-87)

22.21 PROHIBITED ACTS; PENALTY; INJUNCTION.

(1) A person who does any of the following acts shall forfeit not less than one hundred dollars ($100) nor more than one thousand dollars ($1000):

(a) Hinders, obstructs or impersonates the Sealer or Deputy Sealer.

(b) Uses or has in possession for use in buying or selling any commodity or service, or sells any incorrect weight or measure.

(c) Represents in any manner a false quantity or price in connection with the purchase or sale, or any advertising thereof, of any commodity, thing or service. (Am. by ORD-15-00019, 3-4-15)

(d) Uses or disposes of any rejected weight or measure or commodity, or removes therefrom any official tag, seal, stamp or mark, without written authority from the Sealer or Inspector.

(e) Uses any weighing or measuring device in determining the quantity of any commodity or service to be sold or purchased without having said device approved and sealed by the Sealer and the proper certificate and license obtained in accordance with this ordinance, including operating without a license. (Am. by Ord. 9364, 12-21-87)

(f) Deals in or installs new or used weighing or measuring equipment or represents such equipment to be properly repaired following official rejection, if said equipment is inaccurate on inspection.

(g) Violates Section 22.15 of this ordinance. (Cr. by Ord. 10075, 8-2-90)

(Am. by Ord. 13,760, Adopted 12-14-04)

(2) Any person who violates any provision of this chapter not specifically enumerated in subsection (1) or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than $50.00 nor more than $500.00 for each offense. Each day such violation continues shall be considered a separate offense. (Cr. by Ord. 9364, 12-21-87)

(3) In addition to commencing an action for the violations of the provisions of this chapter, the City Attorney, on behalf of the City of Madison, is authorized to seek a temporary or permanent injunction restraining any person from violating any provision of this chapter. (Renumbered by Ord. 9364, 12-21-87)

(Chapter 22 Repealed and Re-Created by Ord. 8560, 4-4-85)

CHAPTER 23

OFFENSES AGAINST PUBLIC POLICY

Section

23.01 Prohibition on Obstructing Entryways to Reproductive Health Care Facilities. (Cr. by ORD-14-00046, 3-26-14; Am. by ORD-14-00138, 8-13-14)
23.02 Advertisements on Public or Private Property Prohibited.
23.03 Election Practices Prohibited.
23.04 Distribution of Commercial Handbills and Advertising Matter Prohibited.
23.05 Smoking Prohibited in Certain Areas. (Cr. by Ord. 5140, 9-5-75; Am. by Ord. 12,571, 5-3-00)
23.06 Damage to Property. (R./ReCr. by Ord. 11,377, 10-23-95)
23.065 Scratchiti. (Cr. by ORD-06-00032, 4-7-06)
23.07 Unlawful Trespass.
23.08 Hours of Operation for Payday Loan Businesses. (Cr. by Ord. 13,498, 1-23-04)
23.09 Representing That Profit From Sale of Merchandise Inures to Charitable Organizations Prohibited.
23.10 Report of Removal of Personal Property to be Made to Chief of Police.
23.11 Minors Under Seventeen Not to be Allowed on Streets After Certain Hours.
23.12 Transient Hotels & Motels Regulated. (Cr. by ORD-08-00028, 3-15-08)
23.13 Automobiles Not to be Rented to Minors.
23.14 Automobiles Not to be Rented to any Person Without a Driver's License.
23.15 Ticket Scalping Prohibited. (Cr. by Ord. 6199, 3-24-78)
23.16 Regulating and Controlling Uniforms of Private Police, Security Guards, Couriers and Other Similarly Uniformed Persons. (Cr. by Ord. 7548, 10-29-81)
23.17 Billiard Halls Closing Hours.
23.18 Cruelty to Animals.
23.185 Harassment of Police Animals Prohibited. (Cr. by Ord. 10,513, 9-24-92)
23.19 Destruction of Birds Prohibited.
23.195 Harassment of Zoo Animals. (Cr. by ORD-11-00168, 12-6-11)
23.20 Regulations Concerning Marijuana and Cannabis. (Cr. by Ord. 5833, 4-18-77)
23.201 Possession of Drug Paraphernalia. (Cr. by Ord. 10,594, 2-26-93)
23.21 Pruning or Removing Trees in Public Highways or Public Places.
23.22 Planting of These Trees in Public Highway.
23.23 Depositing Materials Near Trees.
23.24 Breaking, Damaging or Injuring Trees, Shrubs. (Am. by Ord. 10,848, 2-28-94; ORD-10-00071, 7-27-10)
23.25 Attaching Electric Wires, Etc., to Trees.
23.26 Tall Barberry and Purple Barberry Prohibited.
23.27 Cotton Bearing Poplar Trees Restricted. (Am. by Ord. 4667, 8-5-74)
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23.315 Animals Prohibited During Street Use Permit Event. (Cr. by ORD-10-00079, 8-12-10)
23.32 Regulation of Dogs and Cats Running at Large. (Am. by Ord. 11,549, 3-14-96)
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23.34 Madison Established as Nuclear Free Zone. (Cr. by Ord. 8169, 12-2-83)
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23.36 Glass-Free Zone. (Cr. by Ord. 13,438, 10-24-03)
23.37 Interfering With Breastfeeding Prohibited. (Cr. by ORD-07-00012, 2-2-07)
23.375 Prohibition Against Professional Strikebreakers.

23.38 Purchase or Possession of Cigareets, Nicotine Products or Tobacco Products by Persons Under 18 Prohibited. (Am. by Ord. 10,586, 1-29-93; 8-13-93; Ord. 15-00043, 4-29-15)
23.385 Restrictions on Sale or Gift of Cigarettes, Nicotine Products or Tobacco Products. (Cr. by Ord. 10,708, 8-13-93)
23.39 Vaccination of Dogs and Cats Required.
23.40 Elm Trees Infected with Dutch Elm Disease or Oak Trees Infected with Oak Wilt Disease or Ash Trees Infested with Emerald Ash Borer a Nuisance. (Am. by Ord. 13,540, 6-23-04; ORD-09-00115, 8-11-09)
23.41 Use of DDT Spray Prohibited.
23.42 Unlawful Removal of Parking Tickets.
23.43 Unlawful Sheltering of Minors.
23.44 Consumer to be Offered Selection of Containers.
23.45 Truancy and Habitual Truancy. (Cr. by Ord. 10,181, 1-17-91; Am. by Ord. 12,525, 1-21-00)
23.46 Unauthorized Presence on School Property Prohibited.
23.47 Violation-Based Spaying and Neutering of Dogs. (Cr. by ORD-14-00183, 12-10-14)
23.48 Public Utilities to Provide Notice of Proposed Service Disconnections. (Cr. by Ord. 4971, 5-16-75)
23.49 Possession of Exotic or Wild Animals. (Cr. by Ord. 13,328, 5-28-03)
23.495 Exhibition of Certain Animals. (Cr. by Ord. 13,328, 5-28-03)
23.50 Sale of Certain Turtles Prohibited.
23.51 Playing Golf on School Property Prohibited. (Cr. by Ord. 4665, 8-5-74)
23.52 Reserved For Future Use.
23.53 Telephone Number to be on Unattended Vending Machines. (Cr. by Ord. 6040, 11-16-77)
23.54 Retail Theft, Theft of Services. (Cr. by Ord. 10,980, 9-14-94; Am. by ORD-12-00036, 3-28-12)
23.55 Party to a Retail Theft. (Cr. by ORD-11-107, 8-10-11)
23.56 Private Parking Enforcement Regulated. (Cr. by Ord. 11,088, 12-6-94)
23.561 Unlawful Towing From Private Property. (Cr. by ORD-12-00093, 7-10-12)
23.565 Vehicle Immobilization Application Fee Administrative Appeal. (Cr. by Ord. 12,042, 3-2-98)
23.57 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)
23.58 Theft. (Cr. by ORD-11-00108, 8-10-11)
23.59 Unlawful Trespass While Carrying a Weapon. (Cr. by ORD-11-00147, 10-27-11)
23.60 Penalties for Violation of this Chapter.

23.01 PROHIBITION ON OBSTRUCTING ENTRYWAYS TO REPRODUCTIVE HEALTH CARE FACILITIES.

(1) Purpose and Findings. The Common Council recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment without interference is important to the residents of the City, and that the exercise of a person's right to speak for or against such counseling and treatment, including the right to protest or counsel against certain medical procedures, must be balanced against another person's right to obtain medical counseling or treatment in an unobstructed manner. The City has had instances of persons hindering access to health care, especially at reproductive health care facilities. Therefore, the Common Council finds that this ordinance is necessary to further the City's significant governmental interests in protecting persons' rights to come and go from a reproductive health care facility. (Am. by ORD-17-00030, 3-8-17)

(2) Restrictions. It shall be unlawful for any person to do any of the following:

(a) Physically and intentionally obstruct, detain, hinder, impede, or block another person's entry to or exit from a reproductive health care facility. This applies to any location of ingress and egress to a reproductive health care facility including driveways. Where a reproductive health care facility is located in a multi-use or multi-office building and does not have a separate entrance, this ordinance applies to all entrances to the building.

(b) Intentionally injure, threaten to injure, or by force or threat of force intimidate a person who:

1. Is seeking to obtain or obtaining services at a reproductive health care facility; or

2. Is or has been providing services at a reproductive health care facility.

(3) This section shall not prohibit any person from engaging in lawful speech or picketing which does not obstruct, detain, hinder, impede or block another person's access to a reproductive health care facility or interfere with the delivery of services within a reproductive health care facility.

(4) Definitions. In this section:

"Reproductive health care facility" means a place, other than within or upon the grounds of a hospital, where abortions are offered or performed.

(5) Penalty. Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than one thousand dollars ($1000).

(Sec. 23.01 Cr. by ORD-14-00046, 3-26-14; Am. by ORD-14-00138, 8-13-14)

23.02 ADVERTISEMENTS ON PUBLIC OR PRIVATE PROPERTY PROHIBITED.

(1) No person, firm, corporation or organization shall place or cause to be placed in any manner any commercial, political or promotional advertising material upon any public property or public telephone booth in any street, alley or public grounds, or upon the exterior of any private property situated and fixed in or adjacent to any street, alley or public ground, unless proper sign permits, permission from the lawful owner or occupant of the premises where such material is to be displayed provided such signs are not otherwise prohibited by ordinance, or Council approval therefore is obtained. This prohibition shall include but not be limited to the placement in any manner of any advertising material upon trees. The placement prohibition shall not apply to placement of posters on kiosks, bulletin boards or other designated locations designed for said activity which are located upon public or private property. (Am. by Ord. 5572, 8-25-76 and Ord. 5573, 9-3-76)

(2) No person, firm, corporation or organization shall place any commercial advertising material upon any private property except in compliance with the following:

(a) Any plastic bag used in distribution shall be a minimum of 1mm in thickness and shall have a minimum of twenty (20) holes, each at least one-fourth (¼) inch in diameter;

(b) No toxic material or material injurious to health shall be distributed;

(c) All unclaimed material shall be collected by the distributor or her/his agent by 6:00 p.m. on the day following the day of distribution;

(d) No distribution of such material shall be made to any private dwelling if the owner or occupant thereof gives notice in any reasonable manner that s/he does not wish to receive such material;

(e) Every distribution of commercial advertising material shall include the name, address, and telephone number of person, firm, corporation or organization responsible for such distribution.

(3) This section shall not apply to the posting of notices required by law nor to materials distributed through the mail.

(4) The provisions of this ordinance shall be severable and if any part of the ordinance shall be held in contravention of the Constitution and laws of the State of Wisconsin and the United States by a court of competent jurisdiction, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful portion, if any, not been included herein. (Cr. by Ord. 5512, 6-19-76)

(5) Any person who violates any provision of this section, or fails to comply with any of its requirements shall upon conviction thereof, be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200). (Am. by Ord. 5557, 8-13-76; Ord. 13,760, Adopted 12-14-04)

23.03 ELECTION PRACTICES PROHIBITED.

(1) Electioneering Prohibited. It shall be unlawful during voting hours on any public property on the day of any election within a radius of one hundred (100) feet of any entrance to any building containing any polling place within the City of Madison, for any person to engage in any electioneering or to distribute, place or cause to be distributed any written or printed matter, or to maintain, present or display any visible or audible announcement or advertisement in any form whatsoever, which is intended or tends to influence, directly or indirectly, the vote for or against any candidate or referendum question. This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. (Am. by Ord. 10,920, 5-27-94)

(2) Reserved for Future Use. (R. by Ord. 10,920, 5-27-94)

(3) Loud Speakers Prohibited. It shall be unlawful during voting hours on the day of any election for any person to use or operate or cause to be used or operated any device, apparatus or instrument for the amplification of the human voice or any sound or noise, which amplification is directed to the general public and which is intended or tends to influence, directly or indirectly, the vote for or against any candidate or referendum question.

(4) Any person convicted of violating this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200).

23.04 DISTRIBUTION OF COMMERCIAL HANDBILLS AND ADVERTISING MATTER PROHIBITED.

(1) It shall be unlawful for any person, firm or corporation to distribute or to cause or permit to be distributed in any public street or park thereof in the City of Madison any commercial handbills, samples, or advertising matter of any kind.

(2) It shall be unlawful for any person, firm, or corporation, except the owner, to place or cause to be placed in or upon any automobile standing on the streets, alleys, or public places in the City of Madison for advertising purposes any commercial handbill, dodger, card, pamphlet, sticker, tag, or paper of any kind.

23.05 SMOKING PROHIBITED IN CERTAIN AREAS.

(1) Definitions.

"Bed and breakfast establishment" has the meaning set forth in Wis. Stat. § 254.61(3). This definition shall become effective July 1, 2005. (Cr. by Ord. 13,604, 5-11-04)

"Childcare facility" means any state licensed or county certified child care facility including, but not limited to licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and Head Start programs.

"Chewing tobacco" means plug and twist tobacco; fine cut and other chewing tobaccos; snuff, snuff flour, Cavendish, plug and twist tobacco; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing. (Cr. by ORD-06-00033, 4-7-06)

"Cigarette" means any roll of tobacco wrapped in paper or any substance other than chewing tobacco or tobacco products. (Cr. by ORD-06-00033, 4-7-06)

"City buildings" means all City-owned and operated buildings and those portions of buildings leased and operated by the City. (Cr. by Ord. 12,832, 6-6-01)

"Common areas of buildings" means all areas not part of a tenant's leased premises, including but not limited to lobbies, community rooms, hallways, laundry rooms, stairwells, elevators, enclosed parking facilities, pool areas, and restrooms contiguous thereto. This definition shall become effective July 1, 2005. (Cr. by Ord. 13,604, 5-11-04)

"Common areas of malls" means those areas within a mall customarily accessible to patrons. (Cr. by Ord. 12,571, 5-3-00)

"Educational Facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board. (Cr. by Ord. 11,091, 12-22-94)

"Electronic delivery device" means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. (Cr. by ORD-15-00007, 1-14-15)

"Employee" means any person who is employed by any employer for direct or indirect monetary wages or profit, including those full time, part-time, temporary or contracted for from a third party; employee also means any person who serves as a volunteer for a business or nonprofit entity.

"Employer" means any person, partnership, limited liability company, corporation, or other entity, including a public or non-profit entity who employs the services of one (1) or more individual persons.

"Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from floor to ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, 'other landscaping' or similar structures. (Cr. by Ord. 12,571, 5-3-00)

"Entrance" means a doorway, access area for vehicles and adjacent area which gives direct access to a building or City parking ramps from a contiguous street, plaza, sidewalk or parking lot. (Cr. by Ord. 12,832, 6-6-01; ORD-10-00122, 12-23-10)

"Food" means a raw, cooked, or processed edible substance or ingredient used or intended for use or for sale in whole or in part for human consumption. It does not include ice, beverage or chewing gum. (Cr. by ORD-06-00033, 4-7-06)

"Health Care Facility" has the meaning set forth in Wis. Stat. § 155.01(6). (Cr. by Ord. 12,571, 5-3-00)

"Hotel and motel" has the meaning set forth in Wis. Stat. § 254.61(3).

"Mall" means an enclosed, indoor area containing common areas and discrete businesses primarily devoted to the retail sale of goods and services. (Cr. by Ord. 12,571, 5-3-00)

"Medical Services" has the meaning set forth in Wis. Stat. § 647.01(6). (Cr. by Ord. 12,571, 5-3-00)

"NonSmoking" means smoking is prohibited. (Cr. by Ord. 12,571, 5-3-00)

"Outdoor air intake" means an opening or inlet through a wall louver or vent by which outside air is brought into an air-conditioning system or into a boiler room, also, known as a fresh-air intake. (Cr. by ORD-13-00139, 8-14-13)

"Person in Charge" means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person's status as owner or lessee. (Cr. by Ord. 12,571, 5-3-00)

"Place of employment" means an enclosed area controlled by the employer, which employees normally frequent during the course of employment, including, but not limited

to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a 'place of employment' within the meaning of this ordinance unless used as a childcare facility.

"Private Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation. The affairs and management of the private club are conducted by a board of directors, executive committee or similar body chosen by the members at an annual meeting. The private club has established bylaws and/or a constitution to govern the club's activities. The private club has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C.A. section 501. This definition shall become effective July 1, 2005. (Cr. by Ord. 13,604, 5-11-04)

"Private residence" means premises owned, rented or leased for temporary or permanent habitation. (Cr. by Ord. 12,571, 5-3-00)

"Public place" means any enclosed area to which the public is invited or in which the public is permitted. A private residence is not a public place. (Cr. by Ord. 12,571, 5-3-00)

"Restaurant" means an establishment defined in Wis. Stat. § 254.61(5), whose sale of alcohol beverages accounts for fifty percent (50%) or less of the establishment's gross receipts of the most recent alcohol licensing year, but does not mean churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which prepare and serve or sell meals to members and guests only. This includes restaurants within a mall and adjacent seating. This definition is effective January 2, 2003. (Am. by Ord. 11,558, 3-29-96, 4-4-96; Ord. 13,195, 12-10-02)

"Retail electronic delivery device store" means a retail establishment that does not have a "Class B" or "Class A" intoxicating liquor license or a Class "B" or Class "A" fermented malt beverages license and that generates seventy-five percent (75%) or more of its gross annual income from the retail sale of electronic delivery devices and accessories. (Cr. by ORD-15-00007, 1-14-15)

"Retail tobacco store" means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories. (Am. by ORD-10-00067, 7-13-10)

"Room" means a space within a building completely enclosed with walls, partitions, floor and ceiling, except for openings for light, ventilation, ingress and egress.

"School Board" means the school board in charge of the public schools, grades K-12, of a school district. (Cr. by Ord. 11,091, 12-22-94)

"Smokefree" means absence from the ambient air of the smoke by-product from the burning, inhaling, exhaling, or carrying of a lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner in any form.

"Smoking" means to smoke or carry a lighted pipe, cigar, cigarette or tobacco-related products in any form. Smoking also includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device. (Am. by ORD-15-00007, 1-14-15)

"Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and indoor ice rinks, and bowling centers. This definition shall become effective on July 1, 2005. (Cr. by Ord. 13,604, 5-11-04)

"Tavern" means any establishment with a full service bar in which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises and whose sale of alcohol beverages accounts for more than fifty percent (50%) of the establishment's

gross receipts of the most recent licensing year as specified in Chapter 38 of these ordinances. This definition is effective January 2, 2003. (Am. by Ord. 11,558, 3-29-96, 4-4-96; Ord. 13,195, 12-10-02)

"Tobacco bar" means a tavern, which generates fifteen percent (15%) or more of its total annual gross income from the on-site sale of cigars and tobacco for pipes, not including any sales from vending machines. (Cr by ORD-06-00033, 4-7-06; Am. by ORD-10-00067, 7-13-10)

"Tobacco Product" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such a manner, as to be suitable for smoking in a pipe or otherwise smoking; but "tobacco product" does not include cigarettes or chewing tobacco. (Cr. by Ord. 12,571, 5-3-00; Am. by ORD-06-00033, 4-7-06)

"Use Tobacco Products" means to consume by means other than smoking including, but not limited to, the chewing, spitting, swallowing, snorting, inhaling or ingesting of any tobacco product. (Cr. by Ord. 10,679, 6-11-93)

(Sec. 23.05(1) Am. by Ord. 10,531, 12-30-92; Ord. 12,571, 5-3-00; Ord. 12,938, 12-11-01 Am. by ORD-10-00067, 7-13-10)

(2) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. It is recognized that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers when they are involuntarily in the presence of smoking.
2. Numerous scientific studies have found that tobacco smoke is a major contributor to indoor air pollution.
3. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing sidestream or secondhand smoke is a significant health hazard to nonsmokers; particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.
4. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm.
5. Reliable scientific studies assessed by the California Environmental Protection Agency have found that sidestream and secondhand tobacco smoke is a leading cause of premature death and disability among non-smokers.
6. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers.
7. Electronic delivery devices are currently unregulated and have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens. (Cr. by ORD-15-00007, 1-14-15)

(b) This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Madison, especially

recognizing the rights of nonsmokers who constitute a majority of the population; educating persons affected by this ordinance; and assisting owners, operators; and managers in maintaining compliance. (Am. by ORD-17-00030, 3-8-17)

(Sec. 23.05(2) Am. by Ord. 12,571, 5-3-00)

(3) Prohibition of Smoking in Public Places. Except as otherwise provided, it shall be unlawful for any person to smoke or use tobacco products in public places, including but not limited to the following:

(a) Elevators and stairwells of City parking ramps. (Am. by Ord. 11,327, 8-11-95; ORD-10-00122, 12-23-10)

(b) Public forms of transportation, including but not limited to motor buses, taxicabs, or other public passenger vehicles. (Am. by Ord. 10,983, 9-14-94)

(c) Theatres, libraries, museums, auditoriums, and convention halls, which are used by or open to the public. (Am. by Ord. 13,604, 5-11-04)

(d) Any childcare facility. Incorporated herein by reference are the following Wisconsin statutory and administrative code sections and any amendments or renumbering thereof: Wis. Stat. Secs. 101.123(1)(ad) and (2)(bm); Wis. Admin. Code Secs. SPS 345.02(4), 345.06(8)(g), 346.03(13), 346.06(2)(h), and 346.08(2)(c). (Am. by Ord. 11,091, 12-22-94; ORD-12-00035, 3-28-12)

(e) Retail stores.

(f) Health care facilities. (Am. by Ord. 6208, 3-29-78; Ord. 12,571, 5-3-00)

(g) Waiting rooms, hallways, rooms of health care laboratories.

(h) Waiting rooms, hallways, rooms in offices of any physician, dentist, psychologist, chiropractor, optometrist or optician, or other medical services provider.

(i) Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political or social purposes. (Am. by Ord. 5694, 12-28-76; Ord. 12,571, 5-3-00)

(j) Polling places. (Am. by Ord. 12,571, 5-3-00)

(k) Service lobbies, waiting areas, and the common areas open to the public of financial institutions, business and professional offices, and multi-unit commercial facilities. (Cr. by Ord. 5694, 12-28-76)

(l) Self-service laundry facilities. (Cr. by Ord. 5694, 12-28-76)

(m) Enclosed, indoor areas of restaurants. (Am. by Ord. 11,558, 3-29-96, 4-4-96; Ord. 12,571, 5-3-00; Ord. 13,195, 12-10-02; Ord. 13,604, 5-11-04)

(n) Common areas of malls. (Cr. by Ord. 10,199, 2-14-91; Am. by Ord. 12,571, 5-3-00)

(o) Public bus and transfer point shelters. (Cr. by Ord. 10,615, 3-31-93; Am. by Ord. 12,571, 5-3-00)

(p) Common areas of buildings which contain three or more rental units. Written Rental Agreements shall include reference to this subdivision. Subsection (9)(b) shall not apply to this subdivision. (Cr. by Ord. 10,237, 4-12-91; Am. by Ord. 12,923, 11-23-01; Ord. 13,604, 5-11-04)

(q) City buildings. (Am. by Ords. 10,633 & 10,634, 4-16-93; Ord. 10,656, 5-29-93; Ord. 10,895, 5-2-94; Ord. 12,571, 5-3-00; Ord. 12,794, 4-9-01; Ord. 12,832, 6-6-01)

(r) City-owned or leased motor vehicles. (Cr. by Ord. 10,247, 4-26-91; Am. by Ord. 12,571, 5-3-00)

(s) Sports arenas. (Cr. by Ord. 13,195, 12-10-02; R. by Ord. 13,604, 5-11-04)

(t) Taverns. (Cr. by Ord. 13,604, 5-11-04)

(u) All areas in bed and breakfast establishments, hotels and motels. (Cr. by Ord. 13,604, 5-11-04; Am. by ORD-10-00067, 7-13-10)

(Sec. 23.05(3) Am. by Ord. 10,679, 6-11-93; Am. by Ord. 12,571, 5-3-00; Am. by Ord. 12,938, 12-11-01)

(4) Prohibition of Smoking in Outdoor Areas. It shall be unlawful for any person to smoke or use tobacco products in the following outdoor areas.

(a) Outside the City-County Building:

1. Between the public sidewalk and the Martin Luther King, Jr. Boulevard side of the building including but not limited to the entrance steps, the planters, and all cement areas adjacent to the building;
2. Between the public sidewalk and the West Wilson Street side of the building, including but not limited to the entrance steps, the planters, and all cement areas adjacent to the building.

(Cr. by Ord. 11,023, 10-31-94; Am. by Ord. 12,794, 4-9-01)

(b) Within twenty-five (25) feet of any entrance, outdoor air intake or operable window of the Madison Downtown Public Library, known as the Central Library. (Cr. by Ord. 12,167, 7-20-98; Am. by ORD-13-00139, 8-14-13)

(c) In addition to Subdivisions (a) and (b), outside at least one entrance to all City buildings.

1. Within forty-five (45) days of adoption of this subdivision, all current employees of each City building shall designate, by majority vote, which entrance(s) shall be smokefree.
2. No more than one entrance may be designated as a smoking area.
3. This subsection shall be effective sixty (60) days after publication.

(Cr. by Ord. 12,832, 6-6-01)

(d) City parks and beaches as posted and so designated by the Park Commission. (Cr. by Ord. 12,784, 3-28-01; Renumbered by Ord. 12,832, 6-6-01)

(e) Within ten (10) feet of all entrances to City parking ramps. (Cr. by ORD-10-00122, 12-23-10)

(f) On Henry Vilas Zoo property, including all of the buildings. (Cr. by ORD-11-00168, 12-6-11)

(Former Sec. 23.05(3)(s) Am. and Renum. to Sec. 23.05(4) by Ord. 12,571, 5-3-00)

(5) Prohibition of Smoking in Educational Facilities. It shall be unlawful for any person to smoke or otherwise use any tobacco products:

(a) In all educational facilities and in or upon all other premises owned, rented by or under the control of a school board.

(b) In or upon all premises of the Madison Area Technical College, including all buildings owned or operated by the district for the primary purpose of vocational, technical or adult education. This includes outdoor areas between the public sidewalks and buildings.

(Am. by Ord. 11,091, 12-22-94; Am. and Renum. by Ord. 12,571, 5-3-00; Am. by Ord. 12,938, 12-11-01; Ord. 13,510, 2-10-04)

(6) Prohibition of Smoking in Places of Employment.

(a) It shall be unlawful for any person to smoke or otherwise use any tobacco products in all places of employment.

(b) Every building which is a place of employment shall have at least one entrance which is smokefree. For buildings with fewer than four (4) entrances, no more than one entrance may be designated as a smoking entrance. For buildings with four (4) or more entrances, no more than 25% of all entrances may be designated as a smoking entrance.

(c) Each employer, operator, manager, lessee or other person having control of the place of employment shall make reasonable efforts to ensure a smokefree workplace for all employees and frequenters.

(d) Within ninety (90) days of the effective date of this ordinance, each employer having a place of employment located within the City of Madison shall adopt, implement and communicate written notice of the provisions of this ordinance to each employee.

(e) Reserved for Future Use. (R. by ORD-10-00067, 7-13-10)

(f) Reserved for Future Use. (R. by ORD-10-00067, 7-13-10)

(New Sec. 23.05(6) Cr. by Ord. 12,938, 12-11-01)

(7) Exceptions. The following areas shall not be subject to the smoking restrictions of this section:

(a) Retail tobacco stores in existence on June 3, 2009 and in which only the smoking of cigars and pipes is allowed.

(b) Tobacco bar, subject to the following:

1. The Tobacco bar was in existence on June 3, 2009;
2. Smoking of tobacco products is permitted;
3. Smoking of cigarettes and service of food are not permitted;
4. Fifteen percent (15%) or more of the tobacco bar's total gross income from the previous fiscal year was from the on-site sale of tobacco products, not including any sales from vending machines;
5. To qualify for this exemption the owner must file written proof subscribed and sworn to by a Certified Public Accountant certifying the tobacco bar's total gross income and the percentage of tobacco product sales from the tobacco bar. The City Clerk or City Attorney may request further information, including an audit of the tobacco bar's records, if there is reason to believe the financial data may not be accurate;
6. This exemption is only in effect from the date of initial application until June 30, and then from July 1 to June 30, of each year. An application for this exemption must be made annually by April 15th of the application year. To qualify for an annual exemption the tobacco bar must provide written proof subscribed to and sworn by a Certified Public Accountant certifying that fifteen percent (15%) or more of the tobacco bar's total gross income from the preceding year was from the on-site sale of tobacco products, not including any sales from vending machines;
7. Tobacco bars shall display signs, in accordance with the standards in this section, that state that cigars and pipes may be smoked in the tobacco bar, that cigarettes may not be smoked in the tobacco bar, and warning of the dangers of secondhand smoke, in language and form as approved by the Director of Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

(c) Retail electronic delivery device stores subject to the following:

1. The store may provide electronic delivery devices and accessories for the purposes of sampling;
2. The store must have an entrance opening directly to the outside;
3. Smoking of tobacco products is prohibited; and
4. Service of food is not permitted.

(Sec. 23.05(7)(c) Cr. by ORD-15-00007, 1-14-15)

(Am. by ORD-06-00033, 4-7-06; Rep. 28.05(7)(a) & Renum. (b)-(f) to (a)-(e) by ORD-09-00147, 11-6-09; Rep. Sec. 28.05(7)(b), (c), 9d) and Renum. (e) to (b) by ORD-10-00067, 7-13-10)

(Sec. 23.05(7) Am. by Ord. 12,571, 5-3-00; Renum. from 23.05(6) & Am. by Ord. 12,938, 12-11-01; Am. by Ord. 13,195, 12-10-02; Ord. 13,604, 5-11-04; ORD-10-00067, 7-13-10)

(8) Signage.

(a) Signs prohibiting shall be posted conspicuously at every building, structure, or public place entrance by the proprietor, employer or other person in charge of each building, structure or public place specified in Subsections (3), (4), (5) and (6). Signs in outdoor areas designated as nonsmoking shall be placed so that the public has reasonable notice of the prohibition. Signs shall include the international "No

Smoking" symbol consisting of a pictorial burning cigarette enclosed in a red circle with a red bar across the cigarette. (Am. by Ord. 12,938, 12-11-01; ORD-11-00065, 5-13-11)

(b) It shall be unlawful for any person to remove, deface, or destroy any sign required by this Section, or to smoke in any place where any such sign is posted. (Renumbered by Ord. 12,796, 4-9-01; Renumbered by ORD-11-00065, 5-13-11) (Am. and Renumbered by Ord. 12,571, 5-3-00; Am. and Renumbered by Ord. 12,938, 12-11-01)

(9) Enforcement.

(a) The Director of Public Health Madison and Dane County or designee and the Chief of Police or designee, shall have the power, whenever they may deem it necessary, to enter upon the premises named in this section to ascertain whether the premises are in compliance with this ordinance. A compliance time of not less than one week shall be granted. Enforcement may be by citation, as permitted by Sec. 1.08, MGO, or through issuance of a summons and complaint. (Renum. and Am. by Ord. 10,163, 12-28-90; Renumbered and Am. by Ord. 12,571, 5-3-00)

(b) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by:

1. Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking, or
2. Refusing service to anyone smoking in a prohibited area.

(Cr. by Ord. 12,796, 4-9-01)

(c) Any person who desires to register a complaint under this section may contact Public Health Madison and Dane County or the Police Department.

(d) Ashtrays, cigarette vending machines and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(Am. and Renum. by Ord. 12,571, 5-3-00; Am. and Renum. by Ord. 12,938, 12-11-01; Am. by ORD-15-00009, 1-28-15)

(10) Retaliation Prohibited. No person shall discharge, refuse to hire, refuse to serve or in any other manner retaliate against any employee, applicant for employment, customer, service user, business patron or any other person because that person exercises any rights afforded by this section. (Cr. by Ord. 12,938, 12-11-01)

(11) Violations and Penalties.

(a) General. Any person who violates any of the provisions of this section may be subject to a forfeiture of no more than one hundred and twenty-five dollars ($125) for the first offense and no more than five hundred dollars ($500) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

(Sec. 23.05(8) Renumbered to (9) and Am. by Ord. 12,571, 5-3-00; Ord. 12,795, 4-9-01; Renumbered to (11) by Ord. 12,938, 12-11-01; Ord. 13.604, 5-11-04)]

(12) Clean Indoor Air.

(a) Intent and Construction. The City of Madison finds that it is in the interests of the health, safety and welfare of the community to adopt by reference Wis. Stat. § 101.123, and subsequent amendments, additions and recodifications. It is the intent of the Common Council that where there may be conflict between Wis. Stat. § 101.123 and Sec. 23.05, MGO, that the most restrictive section shall apply. This ordinance shall not be construed to mean that progressive discipline of City employees for violations of laws, rules, and regulations is only authorized where explicitly provided by ordinance.

(b) Penalty. The penalties provided by Wis. Stat. § 101.123 shall be in addition to the penalties provided for violation of Sec. 23.05 when a person has violated both

laws. In addition to the penalties provided by Sec. 23.05 and Wis. Stat. § 101.123, any City employee who violates any provision of Sec. 23.05 or Wis. Stat. § 101.123, may also be subject to progressive discipline by his or her employer.

(Sec. 23.05(9) Renumbered to (10) by Ord. 10,163, 12-28-90; Renumbered to (12) and Am. by Ord. 12,938, 12-11-01)

(13) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein. (Cr. by Ord. 11,558, 3-29-96, 4-4-96; Renumbered to (13) by Ord. 12,938, 12-11-01)

(14) Notwithstanding any other provision of the Madison General Ordinances, the City Attorney is authorized to institute and prosecute actions seeking to enjoin repeated violations of this section.

(Cr. by ORD-10-00067, 7-13-10)

23.06 DAMAGE TO PROPERTY.

(1) Definitions. In this section:

(a) "Intentionally" shall mean that the actor either has a purpose to do the thing or cause the result specified, or is aware that her or his conduct is practically certain to cause that result. In addition, the actor must have knowledge of those facts which are necessary to make their conduct unlawful and which are set forth after the word "intentionally".

(b) "Graffiti" shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scrawled, painted, drawn or otherwise placed on any surface of a building, wall, fence, sidewalk, curb or other structure on public or private property which have the effect of defacing the property, but shall not include scratchiti as defined in Section 23.065. (Am. by ORD-06-00032, 4-7-06)

(2) It shall be unlawful for any person to intentionally cause damage to any physical property of another without the person's consent.

(3) If more than one item of property is damaged under a single intent and design, the damage to all of the property may be prosecuted as a single offense.

(4) In any case of unlawful damage involving more than one act of unlawful damage, but prosecuted as a single offense, it is sufficient to allege generally that unlawful damage to property was committed between certain dates. At the trial, evidence may be given of any such unlawful damage that was committed on or between the dates alleged.

(5) It shall be unlawful for any person to intentionally place graffiti on any surface located on public or private property.

(6) This section does not prohibit any person from using water soluble chalk to mark words or figures, otherwise lawful, upon city pavement and sidewalks.

(7) Any person who shall violate this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). (Am. by Ord. 13,760, Adopted 12-14-04)

(Sec. 23.06 R./ReCr. by Ord. 11,377, 10-23-95)

23.065 SCRATCHITI.

(1) Definitions. In this section:

(a) "Intentionally" shall mean that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain

to cause that result. In addition, the actor must have knowledge of those facts that are necessary to make their conduct unlawful and which are set forth after the word "intentionally."

(b) "Scratchiti" shall mean any writings, printings, marks, signs, symbols, figures, designs, inscriptions, or other drawings that are etched, carved, scratched, or engraved on any surface of a building, wall, fence, sidewalk, curb, window or other structure on public or private property that has the effect of defacing the property, but shall not include "graffiti" as defined in Section 23.06.

(c) "Etching acid" shall mean any liquid, cream, paste or similar chemical substance that can be used to etch, draw, carve, sketch, engrave or otherwise alter, change or impair the physical integrity of glass, metal or other hard surface.

(2) It shall be unlawful for any person to intentionally place scratchiti or etching acid on or into any surface located on public or private property without the consent of the owner of the property.

(3) Any person who shall violate Subsection (2) shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than two thousand dollars ($2,000).

(Cr. by ORD-06-00032, 4-7-06)

23.07 UNLAWFUL TRESPASS.

(1) It shall be unlawful for any person to intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

(2) It shall be unlawful for any person to enter or remain on any property of another or to enter or remain in any building of another after having been notified by the owner or occupant not to enter or remain on such premises.

(3) It shall be unlawful for any person to enter or remain in a health care facility or to enter or remain on property on which a health care facility is located after having been notified by the owner or occupant not to enter or remain on such premises. In this section a "health care facility" means a hospital, clinic or office that is used by a licensed physician. Where an office used by a health care facility is located in a multi-office building, the common areas of the entire building shall also be deemed a health care facility.

(4) It shall be unlawful for any person to permit any animal belonging to that person, or under that person's control, to trespass upon the property belonging to another person without the permission of the lawful owner or occupant.

(5) No person shall possess or consume any amount of an alcoholic beverage, whether in an open or closed container, on the property of another without the permission of a person lawfully upon the premises. (Cr. by Ord. 10,924, 6-17-94)

(6) (a) No person shall sleep, lie down or take temporary habitation on the property of another without the permission of a person lawfully upon the premises.

(b) No person shall possess or use items commonly associated with sleeping or habitation, including but not exclusively, beds, mattresses, sleeping bags, bedrolls, blankets, pillows, sheets, quilts and comforters on the property of another without the permission of a person lawfully upon the premises. (Cr. by Ord. 10,924, 6-17-94)

(7) (a) It shall be unlawful for any person, other than a licensee or authorized newspaper reporters or those connected with or employed upon the railroad, to walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to interfere with the lawful use of a public road or highway by any person, or to prevent any person from driving across any railroad from one part of the person's land to another part thereof, or from walking directly across the tracks or right-of-way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect

to any accident or wreck, or in conducting or transacting any other business for or with said railroad; or with the entry of any employee during or on account of labor disputes by employees.

(b) No person shall be cited for nor convicted of a violation of Subsection (7)(a) unless Notices have been conspicuously posted in the immediate area in which such person is trespassing or has trespassed and said notices substantially contain the provisions of Subsection (7)(a) and the penalties for violating that subsection.

(Cr. by Ord. 12,325, 2-26-99)

(8) It shall be unlawful for any person, other than those actually engaged in maintenance or other work activities, to enter, be upon or cross the full right-of-way width of North Paterson Street from the end of the improved street to the waters edge of Lake Mendota from sunset to sunrise. (Cr. by Ord. 13,236, 2-25-03)

(9) It shall be unlawful for any unauthorized person to enter or remain on Henry Vilas Zoo property when the property is not open to the public. (Cr. by ORD-11-00168, 12-6-11)

(10) It shall be unlawful for any person to enter or remain in any area of the Henry Vilas Zoo which is not designated for visitors, unless specific permission has been granted by the Henry Vilas Zoo Director. (Cr. by ORD-11-00168, 12-6-11)

(11) It shall be unlawful for any person to enter or attempt to enter any part of any automobile, aircraft, watercraft, snowmobile or other vehicle, including trailers and camping trailers, without the consent of the owner, operator or person having legal authority over the vehicle. (Cr. by ORD-15-00129, 11-25-15)

(12) This section does not prohibit any person from participating in lawful conduct in labor disputes under Wis. Stat. § 103.53. (Renum. by ORD-15-00129, 11-25-15)

(13) Any person violating any of the provisions of Subsections (1), (2) or (11) of this section shall be subject to a forfeiture of up to five hundred dollars ($500); any person violating any provision of Subsection (3), (9) or (10) of this section shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000); any person violating any provision of Subsection (4) or (8) of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200); and any person violating any of the provisions of Subsections (5) or (6) or (7) of this section shall be subject to a forfeiture of not more than three hundred dollars ($300). (Am. by Ord. 11,621, 6-13-96; Am. and Renumbered by Ord. 13,236, 2-25-03; Ord. 13,760, 12-14-04; ORD-10-00063, 6-23-10; (Renum. & Am. by ORD-15-00129, 11-25-15)

(Sec. 23.07 Am. by Ord. 10,326, 11-14-91; ORD-11-00168, 12-6-11)

23.08 HOURS OF OPERATION FOR PAYDAY LOAN BUSINESSES.

(1) Intent and Purpose. It is the purpose of this ordinance to regulate the hours of operation of all payday loan businesses. The majority of existing payday loan businesses, as defined in Section 28.03(2), are located near residential areas, where business hours may impact the residents of the area. Payday loan businesses, like other financial businesses, do not provide services that must be available at hours other than normal business hours. This ordinance is deemed for the benefit of the health, safety and welfare of the public. (Am. by Ord. 13,619, 5-11-04)

(2) Hours of Operation. No payday loan business may be open between the hours of 9:00 p.m. and 6:00 a.m.

(Cr. by Ord. 13,498, 1-23-04)

23.09 REPRESENTING THAT PROFIT FROM SALE OF MERCHANDISE INURES TO CHARITABLE ORGANIZATIONS PROHIBITED. No person, firm or corporation shall hereafter sell upon the public streets of the City of Madison or go from place to place in and about said City soliciting orders or otherwise attempting to sell merchandise from house to house or place to place who shall represent in connection with said sales that any portion of the profit of said sale or any portion of the money received for the sale of any article so sold, will be donated to any charitable institution.

23.10 REPORT OF REMOVAL OF PERSONAL PROPERTY TO BE MADE TO CHIEF OF POLICE.

(1) Every person who shall remove household effects or business equipment of another between any two points within the City limits shall except as hereinafter provided, file with the Chief of Police the name of the owner of the effects or equipment so removed and the house number and street, or depot from which and to which such removal was made, and the date of such removal. Such reports shall be filed with the Chief of Police within forty-eight (48) hours after such removal, on blanks furnished by the City Clerk. The provisions of this section shall not extend to or include the removal of household effects or business equipment in trunks, satchels or valises.

(2) All such reports shall be kept on file in the office of the Chief of Police, who shall transcribe the records of all such removals and record the same alphabetically in a book for that purpose. Such records shall contain the name of the person, firm, or corporation so removed and the address from which and to which removed, together with the date of such removal.

23.11 MINORS UNDER SEVENTEEN NOT TO BE ALLOWED ON STREETS AFTER CERTAIN HOURS.

(1) Definitions.

"Curfew Hours" means the following times:

(a) From eleven o'clock (11:00) p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until four o'clock (4:00) a.m. of the following day, and

(b) From twelve o'clock (12:00) a.m. until five o'clock (5:00) a.m. on any Friday or Saturday.

"Custodian" means a person at least eighteen (18) years of age who has been authorized by a parent or guardian to have the care and custody of the juvenile.

"Juvenile" means any person who is at least twelve (12) years of age but less than seventeen (17) years of age. (Am. by Ord. 13,760, Adopted 12-14-04)

"Organized Dance" means any school, church or non-profit sponsored dance, which has qualified for an exception under Madison General Ordinance Section 9.03(2).

(2) It shall be unlawful for any juvenile to be upon the streets or alleys or public places within the City of Madison during curfew hours.

(3) The following are exceptions to subsection (2):

(a) The juvenile was accompanied by his or her parent, legal guardian, or custodian, or

(b) The juvenile was attending an organized dance, or

(c) The juvenile was exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech or the right to assembly.

(d) The juvenile was returning directly to his or her residence from his or her place of employment. (Cr. by ORD-09-00081, 5-21-09)

(e) The juvenile was attending an organized school activity. (Cr. by ORD-09-00081, 5-21-09)

(f) The juvenile was attending an official faith-based group or community-based group event. (Cr. by ORD-09-00081, 5-21-09)

(4) It shall be unlawful for any parent, legal guardian or custodian to knowingly cause or permit a juvenile to be in violation of this ordinance.

(5) Enforcement. Prior to issuing a citation for a violation of Subsection (2) a police officer shall ask the juvenile's age and reason for being in the public place. A police officer shall not issue a citation under Subsection (2) unless the officer reasonably believes that an offense has occurred and that none of the exceptions found in Subsection (3) apply.

(6) Penalties.

(a) Any person who violates subsection (2) of this ordinance is subject to a forfeiture of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00).

(b) Any person who violates subsection (4) of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00).

(Sec. 23.11 Am. by Ord. 10,352, 1-10-92; Ord. 13,269, 3-11-03; R & Recr. by Ord. 13,677, 8-6-04)

23.12 TRANSIENT HOTELS & MOTELS REGULATED.

(1) Transient Hotels.

(a) Hourly Rentals Prohibited. No Hotel, Motel or Tourist Rooming House may rent a room designed for dwelling, lodging or sleeping purposes for hourly or other short-time rates or in any way advertise that any such room is available at hourly or other short-time rates. A room designed for dwelling, lodging or sleeping purposes shall not be rented more than once between 6:00 a.m. and 5:59 p.m. on any given day and no more than once between 6:00 p.m. and 5:59 a.m. of the following morning. For purposes of this section, renting hourly or other short-time rates shall be defined as the granting of the use or possession of a room for lodging or sleeping purposes for an amount less than the minimum daily rental rate.

(b) Exception to Hourly Rental Prohibition. A hotel, motel or tourist rooming house may rent rooms designed for dwelling, lodging or sleeping purposes more than once between 6:00 a.m. and 5:59 p.m. on any given day and more than once between 6:00 p.m. and 5:59 a.m. of the following morning when such rental is for a specified legitimate and legal business purpose in which the persons occupying the room intend to be present within the City for a short period of time including but not limited to: traveling sports teams, performing artists, airlines, trucking/ shipping companies and business meetings. Any hotel, motel or tourist rooming house renting rooms more than once during the specified hours in this subsection must maintain a registration record which indicates the nature of the room use, the name of the party or parties renting the room, and the time of check-in and check-out. Any room rented under this exception more than once during the specified hours must be thoroughly cleaned before being re-rented.

(2) Registration Required.

(a) Every person who owns or operates a hotel, motel or tourist rooming house in the city shall keep and maintain a registration record for all guests renting a room or rooms at the hotel, motel or tourist rooming house. The registration record must indicate the room number rented, how many people will be in the room, the number of nights the guest is staying or has stayed, the guest's name, and the guest's signature and the type of identification offered to validate the reservation. The registration record shall indicate the date and time a guest checks in and the date and time the room is surrendered. No guest shall be allowed to register without first presenting valid identification that is verified by the hotel, motel or tourist rooming house to match the person registering.

Valid identification may include: driver's license, non-driver's state issued identification card, government identification, military identification, passport or any form

of identification that contains the guest's name. The type of identification presented by the guest shall be noted in the register and shall include the document's identification number and the state or country of issuance.

(b) Every hotel, motel or tourist rooming house that does not offer its guests valet parking must record on the registration record the make, model, license plate number and State of issue for any motor vehicle brought to the hotel, motel or tourist rooming house by the guest registrant.

(c) No person shall write or cause to be written, or knowingly permit to be written on any registration record in any hotel, motel or tourist rooming house, any other or different name or designation than the true name of the guest registering therein, or the name by which such guest is generally known, unless registering under the guest's true name would compromise the guest's safety and/or peace and tranquility, i.e. a guest who has been placed at the hotel, motel or tourist rooming house through a victim/witness program, as a sequestered juror, or the guest is a well-known performing artist or athlete who regularly registers under an assumed name or a corporate name. The burden will be on the hotel, motel or tourist rooming house to show that the guest's safety and/or peace and tranquility would have been compromised had the guest registered under their true name.

(d) Erasures or alterations to the registration record required by this subsection shall not be permitted or made for any purpose, and it shall be unlawful to erase a name or names or address or addresses or to permit such an erasure.

(e) Every peace officer shall have access to and the right to inspect at any time any registration record kept by any hotel, motel or tourist rooming house.

(3) Any Hotel, Motel or Tourist Rooming House that violates Subsec. (1) of this ordinance more than three (3) times in any one month, or more than six (6) times in any year shall constitute a public nuisance.

(4) No Hotel, Motel or Tourist Rooming House may operate as a bawdyhouse, disorderly house, drug house, gambling place or criminal gang house, as those terms are defined in Chapter 823, Wis. Stats.

(5) The Office of the City Attorney is hereby authorized to commence and maintain an action to recover damages or to abate a public nuisance under Wis. Stat. ch. 823, against any Hotel, Motel or Tourist Rooming House that violates Subsection (2) or Subsection (3) of this Ordinance or that otherwise constitutes a public nuisance pursuant to Wis. Stat. ch. 823.

(6) Hotel, Motel or Tourist Rooming House Operator May Refuse Accommodations.

(a) Any person who owns or operates a hotel, motel or tourist rooming house may refuse or deny the use of a room, accommodations, facilities or other privileges of the hotel to any of the following:

1. An individual who is unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel, motel or tourist rooming house.
2. An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;
3. An individual who the hotel owner or operator reasonable believes is seeking to use a room, accommodations, facilities or other privileges of the hotel for an unlawful purpose;
4. An individual who the hotel owner or operator reasonable believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to explosives or the unlawful use of firearms;
5. An individual whose use of the room, accommodations, facilities or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.

6. An individual who does not provide the registration information as required in Subdivision (2)(a).

(7) Exception to 23.12(6). Any tourist or other person occupying a dwelling unit in a hotel, motel or tourist rooming house for more than sixty (60) days while traveling away from their permanent place of residence, or any transient person without a permanent place of residence may not be excluded, forcibly evicted or constructively evicted from a dwelling unit other than by an eviction procedure specified under ch. 799, Wis. Stats.

(8) Penalty. Any person who violates any of the provisions of this section may be subject to a forfeiture of not less than $100 and nor more than $1000. Each day of violation shall constitute a separate offense.

(Sec. 23.12 Cr. by ORD-08-00028, 3-15-08)

23.13 AUTOMOBILES NOT TO BE RENTED TO MINORS.

(1) It shall be unlawful for any person, firm, or corporation in the City of Madison to rent, hire, or lease an automobile to any person or persons under the age of eighteen (18) years unless such person or persons shall file with the lessor the written consent of the parents or legal guardians of such lessee or lessees or the dean of men and women of the University of Wisconsin to such renting, for the day on which such automobile is so rented, hired or leased.

(2) Such written consent shall be kept on record in the office of such lessor for a period of six (6) months after the date of such renting, hiring or leasing and shall be open to inspection at all reasonable times by any person.

(3) It shall be unlawful for any person under the age of eighteen (18) years to misrepresent his or her age for the purpose of renting, hiring, or leasing an automobile or for any person not the parent or legal guardian, or a dean of men or women at the University of Wisconsin to write or sign the written consent provided for in Subsection (1) of this section.

23.14 AUTOMOBILES NOT TO BE RENTED TO ANY PERSON WITHOUT A DRIVER'S LICENSE. No person, firm, or corporation shall rent hire, or lease an automobile to any person or persons unless such person or persons shall have a driver's license as required by the Statutes of the State of Wisconsin, and such lessor shall ascertain and place on any written consent required by Subsection (1) of Section 23.13 hereof a notation showing the driver's license number of the person for whom such consent is furnished.

23.15 TICKET SCALPING PROHIBITED.

(1) No person shall buy or sell or offer to sell any ticket to any event for which tickets are required for entrance for more than the price printed on such ticket. (Am. by Ord. 7916, 1-13-83)

(2) Any person violating the provisions of Subsection (1) shall be subject to a forfeiture of not more than one hundred dollars ($100).

(Sec. 23.15 Cr. by Ord. 6199, 3-24-78)

23.16 REGULATING AND CONTROLLING UNIFORMS OF PRIVATE POLICE, SECURITY GUARDS, COURIERS AND OTHER SIMILARLY UNIFORMED PERSONS.

(1) Purpose. The purpose of this ordinance is to regulate and control the uniforms and paraphernalia worn by private police and other quasi-police personnel under private employment so as to reduce or eliminate the possibility that the public would reasonably construe these private employees to be commissioned law enforcement officers and to therefore rely on that notion. Such purpose is deemed to be for the benefit of the health, safety, and welfare of the residents of the City of Madison. (Am. by ORD-17-00030, 3-8-17)

(2) In this section, "law enforcement officer" means any person employed by the federal or state government or by a city, village, town or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce. These agencies include, but are not limited to the following:

Cottage Grove Police Department
Dane County Sheriff
DeForest Police Department
Fitchburg Police Department
McFarland Police Department
Middleton Police Department
Monona Police Department
Sun Prairie Police Department
University of Wisconsin-Madison Police
Verona Police Department
Wisconsin Capitol Police
Wisconsin Department of Natural Resources Conservation Wardens
Wisconsin State Patrol

(3) No person, firm, or corporation which routinely conducts its business within the City of Madison shall wear or cause its employees or agents to wear a uniform, insignia, badge, pants, shirt, jacket and any other combination of clothing articles and paraphernalia which by their color, style, design and other characteristics would lead a reasonably prudent person to conclude that such person so garbed is a commissioned law enforcement officer. It is the intent of this proviso to prohibit garb and paraphernalia which in its totality would create the impression in a reasonably prudent person that the one so clothed is a commissioned law enforcement officer.

(4) Exceptions. This ordinance is not applicable to any official governmental body or subdivision thereof or to such body's employees or agents so long as such employees or agents are so attired in the regular course of such employment. Further, this ordinance is not applicable to theatrical productions.

(5) Penalty. Any person, firm, or corporation which violates any provision of this ordinance shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than two hundred dollars ($200) for each violation.

(6) Effective Date. This ordinance shall be in full force and effect six months after adoption and publication.

(Sec. 23.16 Cr. by Ord. 7548, 10-29-81; Am. by ORD-16-00028, 3-9-16)

23.17 BILLIARD HALL CLOSING HOURS. All persons who run a billiard hall, whether licensed or not, shall close such places of business or use and keep them closed from 1:00 a.m. to 5:00 a.m. of each day.

23.18 CRUELTY TO ANIMALS. It shall be unlawful for any person to neglect, unnecessarily injure or otherwise treat any animal in a cruel manner.

(1) It shall be unlawful for any person to commit any of the following acts against any animal:

(a) Causing unnecessary pain, suffering, injury, disfigurement or death;

(b) Failing to provide adequate food, water, shelter or veterinary care;

(c) Failing to provide dogs that are chained or tethered outside unsupervised with at least ten (10) feet of rope or tether;

(d) Leaving a dog outside unsupervised for more than fifteen (15) minutes without access to adequate shelter; or

(e) Permanently separating a puppy under seven (7) weeks of age from his or her mother, unless said separation is authorized by a veterinarian who has conducted a physical assessment of the puppy and determined that the separation is in the puppy's best interest.

(Am. by ORD-14-00182, 12-10-14)

(2) Any violation of this ordinance or of Chapter 951 of the Wisconsin Statutes may result in prosecution and an abatement action, including an abatement order by a humane officer, an animal control officer or a law enforcement officer.

(3) Hearing. Any person named in an abatement order, initiated under Subsection (2), may appeal such order to the Board of Health for Madison and Dane County Subcommittee by filing a notice of appeal with the Director of Public Health Madison and Dane County within ten (10) days of the date of service of the abatement order. The notice of appeal must state the grounds for the appeal. The Health Commission Subcommittee shall schedule a hearing to be held within ten (10) days of receipt of the appeal, unless the requester agrees to a later date. The Subcommittee shall make reasonable efforts to notify the appellant, the officer initiating the order and any other interested party of the hearing and the opportunity to present evidence and testimony. The hearing shall be informal in nature. After this hearing, the Subcommittee will determine whether to affirm, conditionally affirm or reject the abatement order. Within ten (10) days after the hearing, the Subcommittee shall issue its decision in writing and serve a copy of the decision by first class mail upon the appellant and any other party requesting a copy. (Am. by ORD-05-00033, 2-24-05; ORD-15-00009, 1-28-15)

(4) Appeal. Any person adversely affected by a decision under Subsection (3), may seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision was issued

(Am. by Ord. 12,565, 5-6-00)

(5) Any person violating this section shall be subject to a forfeiture up to two thousand dollars ($2000). Each and every day of violation may be considered a separate offense. (Cr. by ORD-14-00182, 12-10-14)

23.185 HARASSMENT OF POLICE ANIMALS PROHIBITED.

(1) It is unlawful for any person to frighten, intimidate, threaten, abuse, harass, strike, shove, kick or otherwise subject to physical contact unauthorized by its handler an animal used by a law enforcement agency to perform any duties or functions.

(2) As used in this section, law enforcement agency means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes and ordinance violations while acting within the scope of their authority.

(3) Violators shall be subject to a forfeiture of not less than $50 nor more than $300.

(Sec. 23.185 Cr. by Ord. 10,513, 9-24-92)

23.19 DESTRUCTION OF BIRDS PROHIBITED. No person shall injure or attempt to injure or destroy, within the limits of the City of Madison, any wild bird.

23.195 HARASSMENT OF ZOO ANIMALS.

(1) It shall be unlawful for any person to frighten, intimidate, abuse, harass, strike, disturb or tease any animal located within Henry Vilas Zoo property.

(2) It shall be unlawful for any unauthorized person to throw or place any object inside any animal exhibit space located within Henry Vilas Zoo property.

(3) It shall be unlawful for any person to attempt to feed any animal located within Henry Vilas Zoo property unless authorized by the Henry Vilas Zoo Director.

(4) Violators shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than one thousand dollars ($1000).

(Sec. 23.195 Cr. by ORD-11-00168, 12-6-11)

23.20 REGULATIONS CONCERNING MARIJUANA AND CANNABIS.

(1) Purpose. The people of Madison specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the residents of this community and to preserve the respect of such residents for law, its process, and its administration. (Am. by ORD-17-00030, 3-8-17)

(2) Definitions. In this section:

Cannabis. The resin extracted from any part of the plant Cannabis Sativa L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

Casually possess. The possession of not more than twenty-eight (28) grams of cannabis, or one hundred and twelve (112) grams of marijuana.

Marijuana. All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Practitioner.

1. A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.
2. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

Public place. A place which is in public ownership or a place to which the public has access; distinguished from a private place.

(3) A person may casually possess marijuana or cannabis in a private place. Such casual possession is not a crime and is not subject to forfeiture.

(4) No person shall casually possess marijuana or cannabis in a public place unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of her, his, or its professional practice.

(5) A violation of Subsection (4) of this ordinance shall be subject to a forfeiture of up to one hundred dollars ($100). (Am. by Ord. 9244, 8-14-87)

(6) A violation of this ordinance is not a crime and shall not subject a person found in violation thereof to loss of civil rights or to other disabilities imposed upon a person convicted of a crime. No entry or other record may be made which indicates that a person alleged or found to have violated this ordinance has been arrested for, charged with, prosecuted for, or convicted of a crime.

(7) Separability Clause. If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Section 23.20 Cr. by Ord. 5833, 4-18-77)

23.201 POSSESSION OF DRUG PARAPHERNALIA.

(1) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process,

prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Chapter 961, Wis. Stats. Any person who violates this section is subject to a forfeiture of not more than $500.

(2) Wis. Stat. §§ 961.571 and 961.572, are hereby adopted by reference including amendments thereto as may be adopted from time to time.

(Sec. 23.201 Am. by Ord. 11,959, 10-31-97)

23.21 PRUNING OR REMOVING TREES IN PUBLIC HIGHWAYS OR PUBLIC PLACES.

(1) No person, corporation, or association shall plant, cut, prune, or remove any living tree or shrub in a public highway in the City of Madison, or cut, disturb or interfere in any way with the roots of any tree, to the extent of causing serious injury to such tree, in such public highway, or spray any such trees or shrubs with any chemical or insecticides without written permit of the Board of Park Commissioners.

(2) Nothing herein shall be construed as preventing the City Engineer or Superintendent of Streets, Sewers, and Sanitation (Superintendent of Sanitation) from trimming trees so as to prevent interference with street illumination, provided that before trimming the trees said City Engineer or Superintendent of Streets, Sewers, and Sanitation (Superintendent of Sanitation) shall obtain the suggestion of the City Forester, and if the trimming suggested by him/her shall be sufficient to accomplish the purpose the tree shall be trimmed accordingly. (Am. by ORD-14-00012, 1-14-14)

23.22 PLANTING OF THESE TREES IN PUBLIC HIGHWAY. No shade or ornamental tree or shrub shall be planted in any of the public streets of the City of Madison until such tree and the place where it is to be planted shall first have been approved by the Board of Park Commissioners, and a permit granted by said Board therefore.

23.23 DEPOSITING MATERIALS NEAR TREES. No person shall place or maintain upon the ground, in a public highway of the City of Madison, stone, cement, lumber, or other substance or material which may impede the free passage of water and air to any tree or shrub in such highway without leaving an open space of ground outside the trunk of said tree or the base of said shrub, of an area not less than sixteen (16) square feet. Before depositing any material in any highway of the City of Madison near to trees therein, the person so depositing said materials shall place such guards around the trees as shall effectively prevent injury to them.

23.24 BREAKING, DAMAGING OR INJURING TREES, SHRUBS. (Title Am. by ORD-10-00071, 7-27-10)

(1) No person shall break or injure any tree planted in any highway in the City of Madison, nor shall she or he pour salt water on any such public highway in such places as to injure any tree or shrub planted or growing therein. (Am. by ORD-14-00012, 1-14-14)

(2) No person shall occupy any flower bed or area of plantings nor shall any person injure, destroy or damage in any way any tree, shrub, flower or planting in any public park or public place within the city of Madison. For purposes of this subsection, public place means a place which is in public ownership or a place to which the public has access, distinguished from a private place. (Am. by Ord. 11,938, 9-26-97)

(3) No person, during the course of performing or causing to be performed public or private work on or immediately adjacent to property that the City of Madison has an ownership interest in, including, without limitation, highways and highway right-of-ways, public walkways and bike paths, parks, and greenways, shall intentionally or negligently cause damage to any tree planted on said City of Madison property such that the tree must be removed. In performing or causing to be performed such work, persons are expected to exercise ordinary care to prevent unnecessary damage to the tree and root structure so that the tree remains viable after the work is performed. It shall not be a violation of this

provision if the City Engineer or City Forester, or their designees, authorize the damage to the tree prior to the damage, or within a reasonable time thereafter. Each tree damaged shall be a separate violation, and any person violating this provision shall be subject to the following forfeitures: if the tree damaged has a diameter of three (3) inches or less (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of two hundred and fifty dollars ($250) plus thirty dollars ($30) per diameter inch; if the tree damaged has a diameter of more than three (3) inches (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of one hundred and fifty-five dollars ($155) per diameter inch. However, no person shall be subject to a forfeiture under this subsection if that person has already reimbursed the City for the damage to the tree through the provisions of a public works contract. (Cr. by ORD-10-00071, 7-27-10)

23.25 ATTACHING ELECTRIC WIRES, ETC., TO TREES. No person, corporation, or association, shall attach any electric insulator, or any device for holding of electric wire, to any tree growing or planted upon any public highway of the City of Madison. Every person, corporation, or association having any wire or wires charged with electricity running through a public highway shall securely fasten such wire or wires to a post or other structure so that they shall not come in contact with any tree therein and every such person, corporation, or association shall, when and if the Board of Park Commissioners shall determine it to be necessary in order to prune or cut down any tree growing on a public highway of the City of Madison, temporarily remove any such wire or wires or cut off the electricity within twenty-four (24) hours after service upon the owner of said wire or wires or his/her or its agents, of a written notice signed by the president of the Board of Park Commissioners to remove said wire or wires or cut off said electricity. (Am. by ORD-14-00012, 1-14-14)

23.26 TALL BARBERRY AND PURPLE BARBERRY PROHIBITED. No person shall hereafter sell or plant, within the City of Madison, the "berberis bulgaris", commonly known as the tall barberry or the "berberis purpurea", commonly known as the purple barberry.

23.27 COTTON BEARING POPLAR TREES RESTRICTED. No person shall sell or plant any female cotton bearing tree of the poplar family commonly called the Eastern Cottonwood, Populus deltoides, and the White Poplar, Populus alba, within the boundaries of the City of Madison. (R. & Recr. by Ord. 4667, 8-5-74)

23.28 SEED BEARING BOX ELDER TREES RESTRICTED. No person shall sell or plant any seed bearing box elder tree, Acer negundo, within the boundaries of the City of Madison. (R. & Recr. by Ord. 4666, 8-5-74)

23.29 NOXIOUS WEEDS.

(1) Purpose. This ordinance is intended to restrict specific plant species which are deleterious to human health, can cause significant environmental damage such as stream bank erosion, or can cause significant damage to foundations or other infrastructure. All identified noxious weeds except those which are deleterious to human health are also invasive to Wisconsin. The City recognizes that there are many plants which are invasive to Wisconsin and has only identified those as prohibited under the City's ordinance that have the greatest identified negative impacts.

The City of Madison encourages homeowners to include plants native to Wisconsin within their landscaping because these plants provide a hardy, drought resistant, low maintenance yard while benefiting the environment. Native plants, once established, save time and money by eliminating or significantly reducing the need for fertilizers, herbicides, water, and lawn maintenance equipment. Native plants are also beneficial because they help reduce air pollution because they do not require mowing; they

attract a variety of birds, butterflies and other pollinators; and their use promotes biodiversity and stewardship of our natural heritage. Many non-native plants can also fill this role and be good selections but those identified as invasive should be avoided. For a list of plants which have been identified as invasives in Wisconsin see Wis. Admin. Code ch. NR 40.

(2) Definitions. For the purposes of this Section, the following definitions apply:

(a) Destroy. The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, or by any other means approved by city staff, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

(b) Prohibited Noxious Weeds. The following plants are prohibited noxious weeds:

1. Rhus toxicodendron and Toxicodendron radicans (sometimes called Radicans toxicodendron) and Rhus radicans (common name Poison Ivy).
2. Urtica dioica (common name Stinging Nettle).
3. Euphorbia esula L. (common name Leafy Spurge).
4. Heraclelum mantegazzianum Sommier & Levier (common name Giant Hogweed).
5. Pastinaca sativa L. (common name Wild Parsnip).
6. Cirsium arvense (L.) Scop. (common name Canada Thistle).
7. Carduus acanthoides L. (common name Plumeless Thistle, Spiny Plumeless Thistle).
8. Carduus nutans (common name Musk Thistle).
9. Cirsium palustre (common name European Marsh Thistle).
10. Dipsacus fullonum L. (common name Common Teasel).
11. Dipsacus laciniatus (common name Cutleaf Teasel, Cut-leaf Teasel).
12. Non-native Lythrum salicaria and its hybrids (common name Purple Loosestrife).
13. Polygonum cuspidatum; synonym Fallopia japonica (common name Japanese Knotweed and alternatively called Japanese bamboo, Mexican bamboo, Japanese fleece flower, crimson beauty, Reynoutria, Hancock's curse).
14. Phragmites australis (common names common reed grass, ditch reed, giant reed).

(3) Every person shall destroy prohibited noxious weeds on lands which he/she shall own, occupy or control and failure to comply with this paragraph shall subject such person to a forfeiture in accordance with the provisions of Section 23.60. (Am. by ORD-14-00012, 1-14-14)

(4) Weed Commissioners; Appointment, Oath, Term; Exception. The Mayor shall appoint two (2) or more Weed Commissioners on or before May 15 in each year; such Weed Commissioners shall take the official oath (which oath shall be filed in the office of the City Clerk) and shall hold their office for one (1) year and until their successors have qualified. The Mayor may appoint the Weed Commissioners directly, or may delegate the authority for such appointment to the Superintendent of Streets, which delegation may be withdrawn by the Mayor at any time. Weed Commissioners are not subject to Common Council confirmation. (Am. by ORD-11-00145, 10-27-11)

(5) Duties; Powers; Collections of Tax.

The Weed Commissioner or Superintendent of Streets shall carefully investigate concerning the existence of noxious weeds in his/her district; and if any person therein neglects to destroy any weeds as required by this section, he/she shall, without giving written notice, destroy or cause all such weeds to be destroyed, in the manner deemed to be the most economical method and present to the Treasurer his/her account therefore verified by his/her oath and approved by the appointing officer. Such account shall specify by separate

items the amount chargeable to each piece of land described the same, and shall, after being paid by the Treasurer, be filed with the City, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which such weeds were destroyed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to Wis. Stat. § 74.11, except in case of lands which are exempt from taxation in the usual way. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the City to the State Treasurer with the request that he or she add the amount designated therein to the sum due from the company owning, occupying or controlling the lands specified and that he or she collect the same therefrom as prescribed in Wis. Stat. ch. 76, and return the amount collected to the City. The Weed Commissioner shall have those powers and duties set forth in Wis. Stat. § 66.0517, except that prior to entering any lands containing buildings or structures to cut or destroy noxious weeds, reasonable notice shall be provided to the property owner. (Am. by ORD-14-00012, 1-14-14)

(Sec. 23.29 Am. by ORD-17-00004, 1-12-17)

23.30 MAINTENANCE OF BARBED WIRE FENCES. It shall be unlawful for any owner or occupant of land in the city of Madison to build or maintain any fence constructed wholly or in part of barbed wire along any public street adjacent to any sidewalk.

23.31 ANIMALS NOT TO BE PERMITTED TO RUN AT LARGE.

(1) Notwithstanding Sec. 23.32, it shall be unlawful for the owner or keeper of any nonhuman, warm-blooded, vertebrate or reptile to permit the same to run at large at any time within the limits of the City of Madison. (Am. by Ord. 5394, 3-1-76)

(2) No person, firm or corporation shall keep, harbor, or have in their possession, custody, or control any pig, hog, boar, or swine within the limits of the City of Madison provided, however, that the prohibition contained in this section shall not apply to operators of slaughterhouses or packing plants, and areas zoned "Agricultural."

23.315 ANIMALS PROHIBITED DURING STREET USE PERMIT EVENT.

(1) When a street use permit has been issued under Sec. 10.056, MGO, and there are ten (10) or more food vendors participating in the event as defined in Sec. 10.056(5)(h), it shall be unlawful for the owner or keeper of any animal to allow an animal to be in any area within the perimeter of the event as described on the street use permit.

(2) Exceptions. This section does not apply to the following animals:

(a) Service animals as defined by Wis. Stats. § 106.52(1)(fm).

(b) Animals that are participating in a parade that is authorized by Sec. 12.87, MGO.

(c) Animals that are owned by exhibitors authorized by the event sponsor, provided that the animal is leashed according to the requirements found in Sec. 23.32(1), MGO, or confined at all times while in the perimeter of the event and are kept a distance of at least fifty (50) feet from all food vendors.

(d) Animals in service to law enforcement.

(Cr. by ORD-10-00079, 8-12-10)

23.32 REGULATION OF DOGS AND CATS RUNNING AT LARGE.

(1) It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the City of Madison. Any animal found at large shall be conclusively presumed to be so with the permission of its owner or keeper. A dog or cat shall be deemed to be at large when it is off the premises of its owner or keeper, unless under the control of a person and restrained by means of a chain, rope or cord of sufficient strength and of a length not

to exceed six (6) feet to control the action of such dog or cat, except as provided in Subsection (2). This ordinance is not intended to prohibit the keeping of dogs or cats within enclosed areas which will reasonably control the conduct of said dog or cat.

(2) Dog Parks.

(a) Dog Park Locations. Subject to the conditions set forth in Subsection (b), dogs are permitted to run unleashed in the posted areas of the following locations:

1. Brittingham Park, at Broom Street.
2. Demetral Field.
3. Lucia Crest Park, between 5:00 a.m. and 7:30 a.m. only.
4. The McCormick Avenue Greenway (located west of McCormick Ave., north of Commercial Ave., east of Starkweather Creek, and south of Aberg Ave.).
5. Odana School Park.
6. Quann Park.
7. Sycamore Park.
8. Walnut Grove Park.
9. Warner Park, in the area south of the lagoon.

(b) Conditions of Dog Park Use. All users of the designated dog parks set forth in Subsection (a) must comply with the following conditions:

1. The owner or keeper of the dog must be present;
2. The dog must be under the voice control of the owner or keeper at all times;
3. The dog must wear a rabies vaccination tag as required by Sec. 23.39(3), MGO, owner identification as required by Sec. 23.33(7)(a), a license tag as required by Sec. 23.33(7)(c), and a permit tag as required by paragraph 5. below;
4. Feces must be properly removed and disposed of in compliance with Section 7.322, Madison General Ordinances; and,
5. The owner of the dog must have secured a permit for use of dog exercise areas in city and county parks. The revenue from the permit fee shall be put in a segregated fund to be used in the establishment and maintenance of dog exercise areas. The permit fee shall be established by the Park Commission subject to approval by the Common Council.

(Sec. 23.32(2) Rep. & Rec. by ORD-13-00198, 11-26-13)

(3) Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100); any person violating any provision of this section for the second time in a twelve-month period may be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200); any person violating any provision of this section for the third time in a twelve-month period may be subject to a forfeiture of not less than one hundred dollars ($100) nor more than three hundred dollars ($300); any person violating any provision of this section for the fourth and subsequent time in a twelve-month period may be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five hundred dollars ($500).

(4) These amendments to Section 23.32, Madison General Ordinances, shall be effective May 15, 1996.

(Sec. 23.32 Am. by Ord. 11,549, 3-14-96)

23.33 ANIMAL CONTROL OFFICER TO BE APPOINTED TO SEIZE AND IMPOUND ANIMALS.

(1) The Director of Public Health Madison and Dane County shall appoint humane officers whose duties it shall be to seize any and all animals found running at large in the City of Madison.

(2) It shall be the duty of a humane officer to ascertain, if possible, the owners of all animals seized by the officers and to notify such owners of the fact that their animals have been seized and where they may be found, and that the owners may retrieve their animals upon payment of an animal impoundment fee of thirty-five dollars ($35) to the City of Madison and any and all fees for the board of the animals during the time they are impounded. (Am. by Ord. 10,935, 7-5-94; Ord. 12,707, 11-9-00)

(3) A humane officer shall order the impoundment of any animal reasonably believed to be infected with rabies, or to have been in contact with a rabid animal or to have bitten or otherwise injured a person in such a way as to break the skin and allow the possible contact of an open wound with the animal's saliva. If the animal is running at large, the animal shall be immediately seized and restrained by a humane officer.

(a) An officer who orders the animal impounded shall deliver the animal or shall order the animal delivered to a veterinary clinic in the County of Dane as soon as possible but no later than twenty-four (24) hours after the original order is issued. Alternatively, the officer may order the animal to be impounded on the premises of the owner upon the determination that the animal is currently immunized against rabies vaccination or other evidence.

(b) If an animal is ordered to be impounded, the custodian of the veterinary clinic or the owner, in cases of home impoundment, shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days. The impoundment shall be at the animal owner's expense. In this paragraph, "supervision of a veterinarian" includes examination of the animal on the first day of impoundment, on the fourth, fifth, or sixth day of impoundment and on the last day of impoundment. The ten-day period may be extended pursuant to Sec. 95.21(5)(c) of the Wisconsin Statutes or by order of a veterinarian. Reports at the end of such observation shall be made without delay to Public Health Madison and Dane County by telephone.

(c) In cases of home impoundment, "strict isolation" shall be defined by the Director of Public Health Madison and Dane County with additional special conditions as necessary in order to protect the public safety and welfare.

(d) Any person who refuses or fails to deliver the animal in question shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each day such violation continues shall be considered as a separate offense.

(4) A humane officer shall, upon seizing any animal, turn the animal over to a facility approved by the Department, who shall hold the animal until claimed by the owner or until directed to euthanize the animal by the humane officer.

(5) After any animal has been kept for seven (7) days and the animal's owner cannot be ascertained by the exercise of reasonable diligence, the animal is deemed to be unclaimed and may be disposed of in accordance with Wis. Stat. § 173.23(1m).

(6) (a) The owners of all dogs over five (5) months of age are hereby required to place a collar on their dogs. The name and address of the owner of the dog must be plainly stamped on the collar. Any person who removes a dog collar containing name of owner or license number, from a dog, shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than fifty dollars ($50).

(b) It is unlawful to keep any dog over five (5) months of age without having obtained a license for the dog pursuant to Sec. 9.50 of the Madison General Ordinances.

(c) The owner or keeper of a dog shall securely attach the tag issued pursuant to Sec. 9.50(4)(b) of the Madison General Ordinances to a collar and a collar with the tag attached shall be kept on the dog for which the license is issued at all times.

(7) Nothing contained in this section shall be construed as in any way changing or modifying the provisions of any other section of these ordinances relating to the keeping of dogs.

(Sec. 23.33 Am. by Ord. 9643, Adopted 12-6-88; Am. by ORD-08-00008, 1-24-08; ORD-15-00009, 1-28-15)

23.34 MADISON ESTABLISHED AS NUCLEAR FREE ZONE.

(1) Findings. The Common Council of the City of Madison hereby finds and declares that:

(a) Nuclear weapons production, in the United States and in other countries, is draining the world's resources and presenting humanity with an ever-increasing threat of nuclear war.

(b) Nuclear weapons development within the City of Madison is in direct conflict with the values of its residents, and the maintenance of their security, health and safety. (Am. by ORD-17-00030, 3-8-17)

(c) Madison voters have expressed their strong support for an end to the arms race, voting in 1979 for a transfer of money from the military budget to social programs and in 1982 for a nuclear weapons freeze.

(d) An emphatic expression of feeling by local residents and their governments can help initiate steps by the United States and other countries with nuclear weapon power away from the brink of nuclear war. (Am. by ORD-17-00030, 3-8-17)

(e) The storage or transportation of high-level radioactive nuclear wastes within or through the City of Madison could pose serious health, safety and environmental risks to the city's residents.

(2) Policy. It shall be the policy of the City of Madison that:

(a) Madison shall be established as a Nuclear Free Zone.

(b) No nuclear weapons, delivery systems for such weapons, or components expressly intended to contribute to the operation, guidance or delivery of a nuclear weapon shall be produced within the city.

(c) No waste from the production of nuclear weapons, their components, or commercial nuclear power shall be stored within the city.

(d) The City shall request the United States Department of Transportation and the Wisconsin Division of Emergency Government to provide the Mayor with advance notification of any high-level radioactive waste shipment through the city limits. Upon such notification, the City shall act to prevent transportation of high-level radioactive waste through the city by seeking an exemption from preemption by Department of Transportation regulations or using other legal means at its disposal.

(3) This ordinance expresses the policy of the City of Madison. It is not intended to make violations subject to a forfeiture and nothing in this ordinance shall be construed to prohibit or regulate any activity not specifically described in Subsection (2).

(4) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin, or of the United States, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provision, if any, not been included herein.

(Sec. 23.34 Cr. by Ord. 8169, 12-2-83)

23.35 PERMITTING ANIMAL TO CAUSE INJURY.

(1) An animal who is off the property of its owner or custodian may not attack, bite or otherwise injure:

(a) Any other animal or

(b) Any person who is engaged in a lawful activity.

(2) Any person who owns or is the custodian of an animal that violates Section (1) shall be deemed to have permitted said violation and shall upon conviction be subject to a forfeiture of not more than five hundred dollars ($500).

(Cr. by Ord. 9642, Adopted 12-6-88; R. & Recr. by ORD-07-00027, 3-15-07)

23.36 GLASS-FREE ZONE.

There is hereby established a Glass-Free Zone within the City of Madison consisting of all land within the portion of the City described in Section 23.36(1)(c). No person shall possess any glass container on City-owned property within the Glass-Free Zone.

This section shall only be operative on the days and during the times established by resolution.

(1) Definitions. For purposes of this chapter, the following words or terms have the meaning set forth below:

(a) "City-owned Property" means real property owned by the City of Madison, including but not limited to, rights-of-way, streets, sidewalks, alleys, parks, parking lots and buildings.

(b) "Glass Container" means a container of any configuration, with a capacity when empty of more than one-half (0.5) ounce, that is made of glass, crystal, ceramic, or any other material likely to shatter when dropped onto or struck by harder material.

(c) "Glass-Free Zone" means the portion of the City specifically described in the authorizing resolution.

(2) Operative Date And Times.

(a) This section shall only be operative on the days and during the times established by resolution. The resolution shall specifically state the date(s), time(s), and geographic boundaries of the Glass-Free Zone.

(b) The City Clerk shall cause notice of adoption of the resolution to be made by publication in the same manner as notice is given of the adoption of an ordinance. The notice shall include a diagram setting forth the boundaries of the Glass-Free Zone.

(3) Penalty. Enforcement of this chapter shall be done in the least intrusive manner practical under the circumstances. A law enforcement officer may confiscate any glass container possessed in violation of this ordinance. Any person violating this ordinance shall be subject to a forfeiture of not less than $50 (fifty dollars) nor more than $200 (two hundred dollars).

23.37 INTERFERING WITH BREASTFEEDING PROHIBITED

Notwithstanding any other provision of law, a mother or her surrogate may breastfeed her child and may express breastmilk in any location, public or private, except the private home or residence of another, where the mother or her surrogate and the child are otherwise authorized to be present. Any person who intentionally interferes with a mother's or her surrogate's attempts to breastfeed her child or to express breastmilk, except the owner or resident of a private home or residence, shall be subject to a forfeiture of not less than $25.00 nor more than $250.00 for each such violation.

(Cr. by ORD-07-00012, 2-2-07)

23.375 PROHIBITION AGAINST PROFESSIONAL STRIKEBREAKERS. Prohibition Against the Employment, Recruitment and Furnishing of Professional Strikebreakers to Replace Employees Involved in a Labor Dispute and to Prescribe the Penalties Therefore.

(1) No person, partnership, agency, firm or corporation, or officer, employee or agent thereof, shall recruit, procure, supply or refer any person for employment who customarily and repeatedly offers himself for employment in place of any employee involved in a labor dispute in which such person, partnership, agency, firm or corporation is not directly involved.

(2) No person, partnership, firm or corporation involved in a labor dispute shall directly or indirectly:
   (a) Employ in the place of an employee involved in such dispute, any person who customarily and repeatedly offers himself for employment in the place of employees involved in a labor dispute, or
   (b) Contract or arrange with any other person, partnership, agency, firm or corporation to recruit, procure, supply, or refer persons for employment who customarily and repeatedly offer themselves for employment in place of employees involved in such labor dispute.

(3) No such person who customarily and repeatedly offers himself for employment in place of employees involved in a labor dispute shall take or offer to take the place in employment of any employee involved in a labor dispute.

(4) Nothing in this ordinance, other than the employment of persons who customarily and repeatedly offer themselves for employment in place of any employees involved in a labor dispute, shall be construed so as to prevent or prohibit a person, partnership, firm or corporation involved in a labor dispute from conducting its business operations and from safeguarding property and persons during the course of such labor dispute.

(5) Any person, partnership, agency, firm or corporation, or any officer, employee or agent thereof, who or which shall violate any provision of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) and not more than five hundred dollars ($500).

23.38 PURCHASE OR POSSESSION OF CIGARETTES, NICOTINE PRODUCTS OR TOBACCO PRODUCTS BY PERSONS UNDER 18 PROHIBITED.

(1) Definitions. For the purpose of this section, the definitions found in Wis. Stat. § 134.66(1), shall apply.

(2) No person under the age of eighteen (18) years shall buy, attempt to buy, or possess any cigarette, nicotine product, or tobacco product or falsely represent her or his age for the purpose of receiving any cigarette, nicotine product, or tobacco product, except as provided in Subsection (2).

(3) A person under the age of 18 may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during her or his working hours if employed by a retailer licensed under Wis. Stat. § 134.66(1).

(4) No person may purchase cigarettes, nicotine products, or tobacco products on behalf of, or to provide to, any person who is under 18 years of age.

(5) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(6) Exception. A person under 18 years of age, but not under fifteen (15) years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under Wis. Stat. § 254.916 that is conducted in accordance with Wis. Stat. § 254.916(3)

(7) Any person violating this section shall be subject to a forfeiture of up to five hundred dollars ($500).

(Sec. 23.38 Am. by Ord. 10,586, 1-29-93; 8-13-93; ORD-15-00043, 4-29-15)

23.385 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES, NICOTINE PRODUCTS OR TOBACCO PRODUCTS.

(1) Definitions. For the purpose of this section, the definitions found in Sec. 134.66(1), Wis. Stats., shall apply.

(2) Restrictions.
   (a) No retailer, manufacturer distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may sell or provide for

nominal or no consideration may sell or give cigarettes, nicotine products, or tobacco products to any person under the age of eighteen (18) years, except as provided in Sec. 23.38(3) of these ordinances. A vending machine operator is not liable under this subsection for the purchase of cigarettes, nicotine products, or tobacco products from her or his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(am) No retailer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber, and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years. (Cr. by Ord. 12,288, 12-14-98)

(b) 1. A retailer shall post a sign in areas within her or his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Section 23.38, Madison General Ordinances.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of her or his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Sec. 23.38 of these ordinances and that the purchaser is subject to a forfeiture of not to exceed fifty dollars ($50). (Am. by Ord. 13,146, 9-24-02)

(cm) 1m. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

2. Notwithstanding Subdivision 1m. above, no retailer may place a vending machine within five hundred (500) feet of a school.

(d) No retailer or direct marketer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stat. § 139.32(1). (Sec. 23.385(2)(d) R. and Sec. 23.385(2)(e) Renum. to 23.385(2)(d) by Ord. 13,146, 9-24-02)

(2m) Training.

(a) Except as provided in Subdiv. (b), at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes or tobacco products, the retailer shall provide the agent, employee, or independent contractor with training on compliance with Subsec. (2)(a) and (am), including training on the penalties under Subsec. (4)(a)2. for a violation of Subsec. (2)(a) or (am). The Department of Health Services shall make available to any retailer on request a training program developed or approved by that department that provides the training required under this subsection. A retailer may comply with this subsection by providing the training program developed or approved by the Department of Health Services or by providing a comparable training program approved by that department. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the Department of Health Services verifying that the agent, employee, or independent contractor has received the training, which the retailer shall retain in the personnel file of the agent, employee or independent contractor. (Cr. by Ord. 13,146, 9-24-02; Am. by ORD-12-00035, 3-28-12)

(b) Subdiv. (a) does not apply to an agent, employee, or independent contractor who has receive the training described in Subdiv. (a) as part of a responsible beverage server training course or a comparable training course, as described in Wis. Stat. § 125.04(5)(a)5., that was successfully completed by the agent, employee, or independent contractor.

(c) If an agent, employee, or independent contractor who has not received the training described in Subdiv. (a) commits a violation of Subsec. (2)(a) or (am), the City may issue a citation based on that violation only to the retailer that hired or contracted with the agent, employee or independent contractor and not to the agent, employee or independent contractor who has not received that training. If an agent, employee or independent contractor who has received the training described in Subdiv. (a) commits a violation of Subsec. (2)(a) or (am) for which the City issues a citation to the retailer that hired or contracted with the agent, employee or independent contractor, the City shall also issue a citation based on that violation to the agent, employee or independent contractor who has received that training.

(3) Defense of Sale to Minor. Proof of all of the following facts by a retailer, manufacturer distributor, jobber, or subjobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of Subsection (2)(a) above: (Am. by Ord. 13,146, 9-24-02)

(a) That the purchaser falsely represented that she or he had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(4) Penalties.

(a) 1. In this paragraph, "violation" means a violation of sub. (2)(a), (am), (cm), or (d). (Am. by Ord. 13,146, 9-24-02)

2. A person who violates Subsection (2)(a), (am), (cm), or (d) is subject to a forfeiture of:

a. Not more than five hundred dollars ($500) if the person has not committed a previous violation within twelve (12) months of the violation; or

b. Not less than two hundred dollars ($200) nor more than five hundred dollars ($500) if the person has committed a previous violation within twelve (12) months of the violation.

(Am. by Ord. 13,146, 9-24-02)

3. A court shall suspend any license or permit issued under Wis. Stat. § 134.65, 139.34 or 139.79, to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

4. The court shall promptly mail notice of a suspension under Paragraph 3. above to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

(b) Whoever violates Subsection (2)(b) above shall forfeit not more than twenty-five dollars ($25).

(Sec. 23.385 Am. by Ord. 12,288, 12-14-98; Ord. 13,146, 9-24-02; ORD-15-00044, 4-29-15)

23.39 VACCINATION OF DOGS AND CATS REQUIRED. (Title Am. by Ord. 10,495, 8-28-92)

(1) It shall be the duty of any person who owns, harbors or keeps a dog or cat to have such animal inoculated with an anti-rabies vaccine by a veterinarian in accordance with the most recent Compendium of Animal Rabies Vaccine within thirty (30) days after the animal reaches four (4) months of age and revaccinated within one (1) year after initial vaccination. If the owner obtains the dog or cat or brings it into this state after the animal has reached four (4) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after the animal is obtained or brought into the state unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog or cat shall have the animal revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within one (1) year after the previous vaccination. (Am. by Ord. 10,495, 8-28-92)

(a) Per Wis. Stat. § 95.21(9)(d), owners may request to exempt their dog or cat from the requirement of a rabies vaccination for one (1) year if a licensed veterinarian determines there is a medical reason that the dog or cat should not be vaccinated. To be exempt from rabies vaccination the owner shall provide to Public Health Madison Dane County a letter from a licensed veterinarian that is signed and dated and contains the following information:

1. The medical reason for the exemption; and

2. The results of a rabies titer which has been completed within the past three (3) years of the letter.

The letter from the veterinarian shall be good for one (1) year from the date of the letter. Each licensing year the owner must submit a new letter to receive said exemption. An approved letter shall serve as a rabies certificate.
(Am. by ORD-16-00104, 12-2-16)

(2) The certificate provided by the veterinarian shall contain provisions for inserting information including name and address of the owner of the dog or cat, date of vaccination, number of dog or cat tag, breed, age, color and sex of dog or cat and such other information as may be required by the Director of Public Health Madison and Dane County. The veterinarian shall provide metal tag to be attached to the collar or harness of the dog or cat as evidence of such inoculation. Such tag shall be numbered and shall contain the year of issuance. The type and form of tags and certificates issued by the veterinarians shall be approved in advance by the Chief of Police and Director of Public Health Madison and Dane County, respectively.

(3) It shall be the duty of each veterinarian after inoculating a dog or cat to insert in each certificate the information required thereby, to present one (1) copy to the owner of the dog or cat, to mail or deliver one (1) copy to the Director of Public Health Madison and Dane County within fifteen (15) days after inoculation and to retain the remaining copy or copies. The veterinarian shall also deliver the corresponding tag to the owner of the dog or cat and said owner shall immediately attach the same to the collar or harness of said dog or cat which shall be worn by the dog or cat at all times. Each veterinarian shall, upon request of the Director of Public Health Madison and Dane County, furnish a numbered list of all rabies vaccination certificates issued annually to date.

(4) It shall be unlawful to own, harbor or keep any dog or cat which does not carry the tag as provided by sub. (3) hereof or exempted under sub. (1)(a). (Am. by ORD-16-00104, 12-2-16)

(5) In addition to the penalties hereinafter provided for violation of Subsection (4), any police officer of the City may impound any such dog or cat which does not carry the tag as provided by sub. (3) hereof. The possession of any dog or cat so impounded or seized may be obtained by payment of a fee of one dollar ($1) and any and all fees for the board of said animals during the time they are impounded provided, however, that said dogs or cats shall not be released until proof has been furnished to the police officer or health officer that the dog or cat has been inoculated with anti- rabies vaccine in accordance with the terms of this ordinance or exempted under sub. (1)(a).. After such dog or cat has been so impounded for a period of seven (7) days without it having been claimed by its owner or anyone in behalf of said owner, said dog or cat shall be destroyed under the direction of a police officer or health officer of the City. Notice of impounding shall be given by the person or officer in the possession of the dog or cat within twenty-four (24) hours of impounding to the owner of the dog or cat if known. (Am. by ORD-16-00104, 12-2-16)

(6) Any person, police officer or health officer who shall kill or impound any dog or cat shall make a report to the City Clerk stating when and under what conditions he/she seized and impounded such dog or cat and the owner's name if known. (Am. by ORD-14-00012, 1-14-14)

(7) Any person violating any of the provisions of Subsection (4) of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than one hundred dollars ($100). (Am. by Ord. 7179, 12-29-80)

(Am. by ORD-15-00009, 1-28-15)

23.40 ELM TREES INFECTED WITH DUTCH ELM DISEASE OR OAK TREES INFECTED WITH OAK WILT DISEASE OR ASH TREES INFESTED WITH EMERALD ASH BORER A NUISANCE. (Title Am. by ORD-09-00115, 8-11-09)

(1) Public Nuisances Declared.

(a) The Common Council of the City of Madison having determined that the health of the elm trees within the City of Madison is threatened by a fatal disease known as Dutch elm disease Ceratocystis Ulmi (Buisman) hereby declares the following to be a public nuisance:

1. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles Scolytus mulristriatus (Marsh.) or Hylargophinus rufipes (Eichh.).

2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

(b) The Common Council of the City of Madison having determined that the health of oak trees within the City of Madison is threatened by a fatal disease known as oak wilt disease (Ceratocystis fagacearum) hereby declares the following to be a public nuisance:

1. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus.

2. Any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(c) The Common Council of the City of Madison having determined that the health of the ash trees within the City of Madison is threatened by Emerald Ash Borer (Agrilus planipennis), an exotic wood boring beetle that only feeds on ash trees, hereby declares the following to be a public nuisance:

1. Any living or standing ash tree or part thereof infected with or which harbors any of the beetles Emerald Ash Borer (Agrilus planipennis).
2. Any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned.

(2) Nuisances Prohibited. No person, firm, or corporation shall permit any public nuisances as defined in Subsection (1) of this ordinance to remain on any premises owned or controlled by him, her or it within the City of Madison.

(3) Inspection. Following receipt of a complaint, the City Forester, or designee, shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (1) of this ordinance exists thereon and shall also inspect or cause to be inspected any elm tree, oak tree or ash tree reported or suspected to be infected with the diseases or insects defined in Subsection (1) of this ordinance or any elm bark, oak bark or ash bark bearing material reported or suspected to be infested with the diseases or vectors listed in Subsection (1) of this ordinance.
(Am. by Ord. 13,640, 6-23-04)

(4) Abatement of Nuisances.

(a) If the City Forester, or designee, upon inspection or examination in person or by some qualified person acting for her/him, shall determine that any public nuisance as herein defined exists in or upon any public street, alley, park or other public place, including the terrace strip between curb and lot line within the City of Madison, s/he shall:

1. Immediately cause it to be removed and the wood to be debarked, covered or chipped, or
2. Otherwise abate the nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus, or the spread of oak wilt disease, or the spread of Emerald Ash Borer beetles.
(Am. by Ord. 13,640, 6-23-04)

(b) If the City Forester, or designee, shall determine within reasonable certainty that any public nuisance as herein defined in Subsection 1 exists in or upon private premises, s/he shall report the existence of such nuisance to the Board of Park Commissioners; the Board shall, if it determines that such nuisance exists, cause notice to be issued to the owner of the lot or parcel of land on which such tree(s) stand or her/his agent, or if neither is known and there is a tenant or operator, occupying said property then to such tenant or operator, that the Board of Park Commissioners proposes ordering the removal and destruction of such tree(s) as nuisances under this ordinance. The notice shall specify the general location and number of such tree(s) on the lot or parcel of land, and inform that a hearing will be held before said Board of Park Commissioners for the purpose of ordering the removal and destruction of such tree(s). The notice to the owner, agent or tenant of the property shall be issued at least two (2) weeks prior to the hearing and shall indicate the date, time, and location where the hearing will be held before the Board of Park Commissioners. The notice shall be mailed via first class mail to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises. After such hearing the City Forester, or designee, subject to the direction of the Board, shall abandon the work or proceed with it as s/he believes the best interests of the public require.

Once the Board of Park Commissioners has ordered the removal and destruction of such tree(s) as nuisances under this ordinance, in lieu of such removal by the City Forester, or designee, the City Forester, or designee, shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable period of time as specified in the notice. The notice shall include the method(s) by which the property owner, agent, tenant or operator shall abate the nuisance and the proper method(s) of disposal of such trees, and that failure to abate the nuisance as so ordered will result in the City abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises. (Am. by Ord. 9305, 10-29-87; Ord. 12,684, 9-25-00; Ord. 13,640, 6-23-04)

(c) If such owner, agent or tenant or operator does not abate said nuisance within the time limited, the City Forester, or designee, may cause the same to be abated. No damages shall be awarded to the owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood or any part thereof pursuant to this section. (Cr. by ORD-09-00115, 8-11-09)

(5) Assessment of Costs of Abatement.

(a) The entire costs of abating any public nuisance as defined in Subsection (1) of this ordinance may be chargeable to and imposed as a special charge against the parcel or lot upon which such tree stands. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the City.

(b) The City Forester, or designee, shall keep strict account of the costs of work done under this ordinance for which special charges are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amount chargeable to each. The City Forester, or designee, shall include in her/his report to the Common Council the aggregate amounts chargeable to each lot or parcel as recorded by her/him and such amounts shall be imposed as special charges against such parcels or lots pursuant to Sec. 4.09(13), MGO.

(Am. by Ord. 13,640, 6-23-04)

(6) Transporting of Wood Prohibited. No person, firm or corporation shall transport within the City of Madison any bark bearing diseased elm wood or diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the City Forester, or designee. (Am. by Ord. 13,640, 6-23-04)

(7) Removal or Pruning of Oak Trees Prohibited. No person, firm or corporation shall remove, trim or prune any oak tree or portion thereof between April 1 and October 15 without first securing the written permission of the City Forester, or designee. (Am. by Ord. 11,012, 10-12-94; Ord. 13,640, 6-23-04; ORD-08-00071, 7-04-08)

(8) Interference With City Forester Prohibited. No person, firm or corporation shall prevent, delay or interfere with the City Forester, or designee, or any of her/his agents or employees while they are engaged in the performance of duties imposed by this ordinance. (Am. by Ord. 13,640, 6-23-04)

(9) Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction thereof be subject to a forfeiture of not more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense. (Am. by Ord. 13,760, 12-14-04)

(Sec. 23.40 Am. by Ord. 9001, 11-14-86; ORD-09-00115, 8-11-09)

23.41 USE OF DDT SPRAY PROHIBITED. It shall be unlawful for any person to place DDT spray on any tree in the City of Madison.

23.42 UNLAWFUL REMOVAL OF PARKING TICKETS.

(1) No person other than the owner or operator thereof shall remove a Notice of Traffic Violation of the Madison Police Department (parking ticket) from a motor vehicle.

(2) Any person convicted of a violation of this section shall be subject to a penalty of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200).

23.43 UNLAWFUL SHELTERING OF MINORS.

(1) No person, organization, agency or corporation shall, unless duly licensed under the Wisconsin Statutes or without having first obtained the permission of the parents or legal guardian of any minor or without first notifying the City of Madison Police Department of the existence of a minor described in Paragraph (a) on premises owned or operated by or under the control of such person, organization, agency or corporation:

(a) By any means conceal or shelter, or assist in the concealing or sheltering of any minor under the age of eighteen (18) years while the minor is under the legal custody of the parents or legal guardian and while the minor is on report with any law enforcement agency as a "missing person", a "runaway", or a "wanted" person; or

(b) Supply false information to or obstruct any police officer in the performance of her/his duty to locate or to take into custody any minor described in this section.

(2) Any person, organization, agency or corporation violating any provision of this section shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

23.44 CONSUMER TO BE OFFERED SELECTION OF CONTAINERS.

(1) After July 1, 1971, it shall be unlawful for any person, firm or corporation licensed by the City of Madison pursuant to Chapter 125 of the Wisconsin Statutes to sell, dispense or give away fermented malt beverages or soda water beverages within the City of Madison in any container of metal, glass, plastic or other nondegradable material unless said licensed person, firm or corporation offers for sale fermented malt beverages or soda water beverages in returnable, reusable containers. (Am. by Ord. 8635, 7-19-85)

(2) After six (6) months following the date of adoption of this ordinance, it shall be unlawful for any person, firm or corporation to sell, dispense or otherwise distribute at retail fluid milk products, including skim or skimmed, 1%, 2% or whole milk, whether fortified, homogenized or pasteurized, within the City of Madison in any container of a nonrefillable design equal to or greater than one gallon fluid volume, unless said person, firm or corporation offers for sale said fluid milk products in returnable, refillable, reusable containers. Offering of each of said milk products, such as 1% milk, in at least one size of returnable container such as one gallon, regardless of product brand, shall be deemed compliance hereunder as long as sufficient quantities are offered.

(Sec. 23.44 Am. by Ord. 5920, 7-29-77)

23.45 TRUANCY AND HABITUAL TRUANCY.

(1) It shall be unlawful for any person in the City of Madison to be a truant or to be a habitual truant.

(2) Definitions.

(a) "Acceptable excuse" has the meaning given that term in Sec. 118.15 and 118.16(4), Wis. Stats.

(b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a school semester.

(c) "Operating privilege" has the meaning given in Sec. 340.01, Wis. Stats.

(d) "Truant" means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

(3) Dispositions and Sanctions In A Case Where a Child Is Adjudged To Be A Truant.

(a) Dispositions.

If a person under the age of 18 is adjudged to be a truant, the municipal court may enter one or more of the following dispositions:

1. An order for the person to attend school.
2. A forfeiture of not more than $50 plus costs for a first violation, or a forfeiture of not more than $100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37, Wis. Stats. and subject to a maximum cumulative forfeiture amount of not more than $500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(b) Sanctions for Violation of Dispositional Order.

If the court finds that a person violates a condition of his or her dispositional order under sec. 23.45(3), MGO, the court may impose as a sanction on the person, any combination of the following, if at the time of judgment the court explained the conditions to the person and informed the person of those possible sanctions:

1. Suspend the person's operating privilege, as defined in sec. 340.01(40), for not less than 30 days nor more than one year. If the person does not hold a valid operator's license under ch. 343, other than an instruction permit under sec. 343.07 or a restricted license under sec. 343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.
2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § Sec. 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from civil liability in excess of $25,000 for any act or omission by or impacting on that person.
3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
4. An order for the person to attend an educational program as described in Wis. Stat. § 938.34(7d).
5. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.

6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f).
7. An order for the person to attend school.
8. A forfeiture of not more than $500 plus costs, subject to Wis. Stat. § 938.37. All of part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
10. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.
11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(4) Dispositions and Sanctions In A Case Where a Child Is Adjudged To Be An Habitual Truant.

(a) Dispositions.

If a person under the age of 18 is adjudged to be an habitual truant, the municipal court may enter one or more of the following dispositions:

1. Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on that person
3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
4. An order for the person to attend an educational program as described in Wis. Stat. § 938.34(7d).
5. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.
6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f).
7. An order for the person to attend school.
8. A forfeiture of not more than $500 plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
10. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.
11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(b) Sanctions For Violation of Dispositional Order.

If the court finds that a person violates a condition of his or her dispositional order under sec. 23.45(4), MGO, the court may impose as a sanction on the person, any of the following:

1. Suspension or limitation on the use of the person's operating privilege as defined under Sec. 340.01(40), or of any approval issued under ch. 29 for not more than one year. If the person does not hold a valid operator's license under ch. 343, other than an instruction permit under sec. 343.07 or a restricted license under sec. 343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.
2. Counseling or participation for not more than 25 hours in a supervised work program or other community service work under sec. 938.34(5g).
3. Detention in the person's home or current residence for a period of not more than 30 days except during hours which the person is attending religious worship or a school program, including travel time required to get to and from the place of worship or school program. The order may permit a person to leave his or her home or current residence if he or she is accompanied by a parent guardian.
4. The court may petition the court assigned to exercise jurisdiction under ch. 938 and ch. 48 to impose on the person the sanction specified in 938.355(6m)(a)1g. if, at the time of the judgment the court explained the conditions to the person and informed the person of that possible sanction for a violation.
5. An order for the person to attend an educational program as described in Wis. Stat. § 938.34(7d).
6. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.
7. An order for the person to be placed in a teen court program pursuant to Wis. Stat. § 938.342(1g)(f).
8. An order for the person to attend school.
9. A forfeiture of not more than $500 plus costs, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
10. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

11. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.

12. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(5) Exception for Habitual Truants.

(a) A person incurs no liability under this ordinance if appropriate personnel of the school or school district in which the child is enrolled have not, within one year prior to the commencement of prosecution under this ordinance, done all of the following:

1. Met with the child's parent or guardian to discuss the child's truancy, or attempted to meet with the child's parent or guardian and received no response or were refused;

2. Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and considered curriculum modifications under Wis. Stat. § 118.15(1)(d);

3. Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level; and

4. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

(b) Paragraph (5)(a)1. of this section does not apply if a meeting under Wis. Stat. § 118.16(2)(cg)(3), is not held within 10 school days after the date that the notice under subsection (2)(cg) is sent.

(c) Paragraphs (5)(a)2., 3. and 4. of this section do not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

(6) References to Statutes. References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1987-88 as from time to time amended, modified, repealed or otherwise altered by the State Legislature.

(7) Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the validity of the remainder of this ordinance shall not be affected thereby and shall be in full force and effect as if the said unlawful section or sections were not originally a part hereof.

(8) The court shall report by January 31 of each year to the Public Safety Review Committee, the Education Committee and Common Council on the number and dispositions of truancy cases referred to it. The Common Council shall request similar information from the Madison Metropolitan School District no later than January 31 of each year regarding the number of truants and frequency of use of this Ordinance. (Am. by Ord. 13,113, 8-2-02; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-12-00074, 6-20-12)

(9) The Madison Metropolitan School District shall continue to monitor the truancy process to determine the effect of truancy citations and the possibility of a driver's license suspension on school attendance. The District shall report its findings in an annual "Truancy Report" which shall be submitted to the Common Council and made available to the public. (Am. by Ord. 10,682, 6-25-93)

(Sec. 23.45 Cr. by Ord. 10,181, 1-17-91; Am. by Ord. 12,525, 1-21-00)

23.46 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

(1) It shall be unlawful for any student who is under suspension, expulsion, exemption or other discipline excluding her/him from attending school under the jurisdiction of the Madison Board of Education, or for any person, not a student presently enrolled to attend school under the jurisdiction of the Madison Board of Education or not an employee of said Madison Board of Education or not a parent or guardian of a student so enrolled or not an otherwise "authorized person" to be present within any school building or upon any school grounds under the jurisdiction of said School Board without having first secured authorization to be there from the principal or other person in charge of said school building or school grounds, except while in direct route to secure said authorization. "Authorized person" shall include any person who is present at any school building or school grounds for any purpose previously authorized by the Board of Education or its designee. (Am. by ORD-14-00012, 1-14-14)

(2) Any person shall, upon request of the principal or other person in charge of any school building or upon any school grounds under the jurisdiction of said School Board, or upon request of any police officer, display any written authorization to be present which she or he may have, in her/his possession or otherwise explain her/his presence or her/his status as such student, employee, parent or guardian, or "authorized person" referred to in Subsection (1) hereof. (Am. by ORD-14-00012, 1-14-14)

(3) All entrances to the school buildings referred to in Subsection (1) hereof shall be posted with a notice stating "Entry into School Building by Unauthorized Persons Prohibited." All school grounds referred to in Subsection (1) hereof shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

(4) Penalty. Any person who shall violate any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than ten dollars ($10) nor more than five hundred dollars ($500) for each offense.

(5) This ordinance shall only apply to property under the jurisdiction of the Madison Board of Education within the jurisdictional limits of the City of Madison.

23.47 VIOLATION-BASED SPAYING AND NEUTERING OF DOGS.

(1) Purpose. The City has experienced an overwhelming incident of unaltered dogs running at large and causing injury to other animals and residents. These unaltered dogs running at large are at greatest risk for unwanted litters that in turn contribute to pet overpopulation and overcrowding at rescue shelters. Unaltered animals exhibit hormone induced aggression that may increase incidents of attacks. Altering a dog that has a history or running at large or acting aggressive will potentially lower the risk of further running at large incidents and further incidents of aggression. Altering these aggressive animals will also prevent the possibility of aggressive traits being based on by breeding of these animals. (Am. by ORD-17-00030, 3-8-17)

(2) Public Health Madison and Dane County may order any dog to be spayed or neutered within thirty (30) days of receiving notification of any of the following incidents:

(a) A dog found running at large in violation of Sec. 23.31, on three (3) separate occasions;

(b) A dog acting aggressively and running at large in violation of Sec. 23.31;

(c) A dog that has caused injury to a person or another animal in violation of Sec. 23.35; or

(d) A dog that has caused injury to a person on the owner's property.

(3) Any person who fails to comply with an order to spay or neuter a dog under sub (2) shall be subject to a forfeiture of up to two thousand dollars ($2000). Each and every day of violation may be considered a separate offense.

(Cr. by ORD-14-00183, 12-10-14; Am. by ORD-15-00009, 1-28-15)

23.48 PUBLIC UTILITIES TO PROVIDE NOTICE OF PROPOSED SERVICE DISCONNECTIONS.

(1) It shall be unlawful for any public utility as defined in Wis. Stat. § 196.01(1), except telephone public utilities, to disconnect any residential utility service in the City of Madison unless said utility has complied with the following requirements.

(a) A public utility shall not disconnect or interrupt service to residential customers unless the utility first notifies the customer in writing of its intent to disconnect or interrupt such service. This provision shall not apply in the case of:

1. Emergency repairs, or
2. Violation of the utility rules pertaining to the use of service in a manner which interferes with the services of others, or to the operation of nonstandard equipment, if the customer has been first notified and provided with reasonable opportunity to remedy the situation.

(b) Such notice shall be at least five (5) business days in advance of the proposed disconnecting or interruption of service.

(c) Such notice shall include in bold face type, and set forth conspicuously, the following statement:

"City of Madison residents may notify the Director of Public Health Madison and Dane County, Room 507, City-County Building, telephone 266-4840, who has the authority to declare a medical emergency if disconnection of service would result in a serious threat to the health, safety or well-being of any resident of your premises."

(2) In determining what constitutes a serious threat to health, safety or well-being, the Director of Public Health Madison and Dane County shall consider the following criteria; but these shall not be considered exclusive thereto:

(a) Individual medical histories and characteristics of residents facing disconnection of said utility services.

(b) The effect of the lack of heat, light, hot water, cooking capability and refrigeration capability on residents facing disconnection of said utility services.

(c) Any other factors in the individual disconnection case which would seriously threaten a resident's health, safety or well-being.

(3) A utility shall postpone the disconnection of service for twenty-one (21) days if the Director of Public Health Madison and Dane County determines that there is or could be a serious threat to the health, safety or well-being to any person facing disconnection of said utility service, and she/he has notified the utility concerned that said disconnection shall be postponed for a period of time not to exceed twenty-one (21) days. The postponement may be extended once by renewal of the notice by the Director of Public Health Madison and Dane County. (Am. by ORD-14-00012, 1-14-14)

(4) The Director of Public Health Madison and Dane County shall report all cases where a postponement has been issued to the Director of Social Services. (Am. by Ord. 7127, 10-23-80)

(Am. by ORD-15-00009, 1-28-15)

23.49 POSSESSION OF EXOTIC OR WILD ANIMALS.

(1) *Definitions.*

"Circus" means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns or trained animals is the primary attraction or principle business.

"Exotic Animal" means any animal that is not normally domesticated in the United States or is wild by nature.

"Person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

"Possess" means to own, control, restrain, transport, or keep.

"Public zoo or aquarium" means a zoo or aquarium that is operated by the state or city or that is an accredited member of the American Zoo and Aquarium Association.

"Veterinarian" means a person who is licensed in this state to practice veterinary medicine under Wis. Stats. Chap. 453 and who is certified under rules promulgated by the department of agriculture, trade and consumer protection.

"Wild Animal" means any of the following animals, whether bred in the wild or in captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.

(a) Nonhuman primates and prosimians (chimpanzees, monkeys);
(b) Felids, except domesticated cats;
(c) Canids (wolf, coyotes, foxes) except domesticated dogs;
(d) Prairie dogs; (Am. by Ord. 13,380, 8-2-03)
(e) Elephants;
(f) Crocodilians (alligators, crocodiles);
(g) Marsupials (kangaroos, opossums) except sugar gliders; (Am. by ORD-13-00012, 1-30-13)
(h) Ungulates (hippopotamus, rhinoceros);
(i) Hyenas;
(j) Mustelids (skunks, otters, badgers) except ferrets;
(k) Procyonids (raccoons, coatis);
(l) Dasypodidae (anteaters, sloth, armadillos);
(m) Viverrids (mongooses, civets, genets);
(n) Reptilia over ten (10) feet in length (boa constrictors, pythons);
(o) Venomous reptilia.

(2) Intent and Purpose. The Common Council of the City of Madison hereby finds that wild animals are inherently dangerous and do not adjust well to captive environment. It is the intent of the Common Council to protect the public against health and safety risks that wild animals pose and hereby prohibit the possession of wild animals within the City of Madison.

(3) It shall be unlawful for any person to possess, sell or purchase an exotic or wild animal.

(4) Exceptions. The following persons or entities may possess exotic or wild animals:
(a) A person licensed by the State under Wis. Stats. Chap. 169.
(b) A veterinarian, for the purpose of providing medical treatment to wild animals.
(c) A public zoo or aquarium.
(d) A circus.
(e) A person authorized by the Department of Natural Resources.

(5) Penalties. Any person convicted of a violation of this section shall be subject to a forfeiture of not more than five hundred dollars ($500).

(Cr. by Ord. 13,328, 5-28-03)

23.495 EXHIBITION OF CERTAIN ANIMALS.

(1) No person may display for the purpose of public viewing the following animals:
(a) Cougars.
(b) Ursids (bear).
(c) Any animal designated by the Department of Natural Resources as a harmful wild animal. (Cr. by Ord. 13,380, 8-2-03)

(2) Exception. This section shall not apply to the following:
(a) Persons or entities which have received authorization from the Department of Natural Resources under Wis. Stats. Chap. 169.
(b) A public zoo and aquarium.
(c) A veterinarian for the purposes of providing medical treatment to the animal.

(Cr. by Ord. 13,328, 5-28-03)

23.50 SALE OF CERTAIN TURTLES PROHIBITED.

(1) Turtles Declared a Danger to the Public Health and Welfare and Against Public Policy. Recently turtles have been found to be a source of salmonella infection of people and as a result they are hereby declared to be a danger to the public health and welfare and against public policy

(2) Unlawful to Sell, Dispense, Give Away, or Deal in Turtles. No person, firm or corporation shall commercially sell, dispense, give away or deal in any red ear slider (Pseudemys scripta elegans), baby maps (Graptemys geographica) or baby southern painted (Chrysemys picta dorsals) turtles to any other person. This subsection shall not apply to a governmental agency using turtles for display or research purposes.

23.51 PLAYING GOLF ON SCHOOL PROPERTY PROHIBITED.

(1) It shall be unlawful for any person to play golf, hit a golf ball or cause a golf ball so hit to land upon any school grounds under the jurisdiction of the Madison Board of Education except when participating in a course of instruction under the jurisdiction of the Madison Board of Education.

(2) This section shall only apply to property under the jurisdiction of the Madison Board of Education within the jurisdictional limits of the City of Madison.

(3) Penalty. Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense.

(Section 23.51 Cr. by Ord. 4665, 8-5-74)

23.52 RESERVED FOR FUTURE USE.

23.53 TELEPHONE NUMBER TO BE ON UNATTENDED VENDING MACHINES.

The owner or licensee shall securely affix or cause to be affixed, in a conspicuous place within view of persons using each unattended vending machine, a notice bearing a telephone number to call in case of complaint or emergency. "Vending machine" in this section means any machine or device that upon the insertion of a coin or slug, or which by any automatic attachment, vends merchandise or service of any kind or character, including but not limited to, food or beverage dispensing machines and all machines in unattended laundromats. Any person convicted of a violation of this section may be subject to a forfeiture of not less than twenty dollars ($20) nor more than forty dollars ($40). (Am. by Ord. 6097, 1-6-78)

23.54 RETAIL THEFT, THEFT OF SERVICES.

(1) Definitions. In this section:

(a) "Intentionally" has the meaning designated in Wis. Stat. § 939.23(3).

(b) "Merchandise" means a service provided by a service provider or one or more items of property with a total retail value of $.01 through $200 exclusive of sales tax.

(c) "Merchant" has the meaning designated in Wis. Stat. § 402.104(3), and includes any innkeeper, motelkeeper or hotelkeeper as defined in Wis. Stat. § 50.50.

(d) "Peace officer" has the meaning designated in Wis. Stat. § 939.22(22).

(e) "Property" means one or more items of merchandise with a total retail value of $.01 through $200 exclusive of sales tax.

(f) "Service provider" means a merchant who provides a service to retail customers without a written contract with the expectation that the service will be paid for by the customer upon completion of the service.

(g) "Transfer" has the meaning designated in Wis. Stat. § 939.22(40).

(h) "Value of merchandise" has the meaning designated in Wis. Stat. § 943.50(1)(b).

(i) "With intent to" has the meaning designated in Wis. Stat. § 939.23(4).

(j) "Without consent" has the meaning designated in Wis. Stat. § 939.22(48).

(2) Any person who does any of the following may be penalized as provided in Subsection (9):

(a) Intentionally alters indicia of price or value of merchandise of a merchant without the merchant's consent and with intent to deprive the merchant of possession, or the full purchase price, of the merchandise.

(b) Takes or carries away, transfers, conceals, or retains possession of property of the merchant or merchandise held for resale by the merchant without the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise.

(c) Having obtained a service from a service provider, he or she, without the service provider's consent and with intent to deprive the service provider permanently of the full price of the service, absconds and intentionally fails or refuses to pay for the service.

(3) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof.

(4) The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(5) A merchant or service provider, a merchant's or service provider's adult employee, or a merchant's or service provider's security agent who has reasonable cause to believe that a person has violated this ordinance in her or his presence may detain, within or at the merchant's or service provider's place of business where the suspected violation took place, the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but she or he shall not be interrogated or searched against her or his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. The merchant, merchant's adult employee, or merchant's security agent may release the detained person before the arrival of a peace officer.

(6) A merchant or service provider, a merchant's or service provider's adult employee, or a merchant's or service provider's security agent is privileged to defend property as set forth in Wis. Stat. § 939.50. Any merchant, or service provider, or merchant's or service provider's adult employee, or merchant's or service provider's security agent who acts in good faith in any act authorized under Subsection (5) is immune from civil or criminal liability for those acts.

(7) Pursuant to Wis. Stat. §§ 66.0107 and. 943.50(3m)(a), in any action or proceeding for violation of this ordinance, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(8) Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the validity of the remainder of this ordinance shall not be affected thereby and shall be in full force and effect as if said unlawful section was not originally a part hereof.

(9) Penalties.

(a) Any person violating any section of this ordinance shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500), exclusive of costs.

(b) Any person violating any section of this ordinance may be subject to restitution as set forth in Wis. Stat. § 800.093.

(Sec. 23.54 Cr. by Ord. 10,980, 9-14-94; Am. by ORD-12-00036, 3-28-12)

23.55 PARTY TO A RETAIL THEFT.

(1) Retail theft is a violation found under Sec. 23.54, MGO. It shall be unlawful to be a party to a retail theft violation.

(2) A person is considered a party to retail theft if the person:

(a) Intentionally aids and abets the commission of the retail theft; or

(b) Is a party to a conspiracy with another to commit the retail theft or advises, hires, counsels or otherwise procures another to commit the retail theft.

(3) Pursuant to Wis. Stat. §§ 66.0107 and 943.50(3m)(a), in any action or proceeding for violation of this ordinance, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(4) Penalties.

(a) Any person violating this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500), exclusive of costs.

(b) Any person violating this ordinance may be subject to restitution as set forth in Wis. Stat. § 800.093.

(Sec. 23.55 Cr. by ORD-11-00107, 8-10-11)

23.56 PRIVATE PARKING ENFORCEMENT REGULATED.

(1) It shall be unlawful for any private parking enforcement service or any representative, agent, or any employee of a private parking enforcement service to immobilize, or permit to be immobilized, a vehicle without strict adherence to the requirements set forth in this section.

(2) Definitions used in this Section:

(a) "Immobilization device" means any device, mechanical or otherwise, which makes a motor vehicle inoperable or unable to be moved without causing damage to the vehicle.

(b) "Parking area" means an area used for parking that is not on a highway.

(c) "Operator" has the meaning given in Sec 340.01(41), Wis. Stats.

(d) "Parking enforcer" means a person who enforces restrictions against unauthorized parking. The term includes a person who owns or operates a parking area and any employees or agents of an owner or operator regardless of whether they have obtained a City of Madison "Parking Enforcer's License". However, this term does not include government agencies or government employees who are acting in their official capacities.

(e) "Removal fee" means a fee charged by a parking enforcer to remove an immobilization device, including any amounts imposed for parking in violation of a restriction against unauthorized parking.

(f) "Unauthorized parking" means parking a motor vehicle in a parking area contrary to a sign posted under Sec. 346.55(4), Wis. Stats.

(Am. by Ord. 12,041, 3-2-98)

(3) The owner or operator of a parking area in which immobilization devices may be used shall post and maintain in a manner that is clearly visible to operators entering the parking area a sign at each vehicular entrance to the parking area. At least one additional sign shall be posted for every 10 parking spaces in the parking area, all such signs to be at least 12 inches by 18 inches in size and to clearly indicate all of the following:

(a) That unauthorized parking is prohibited in the parking area.

(b) That an immobilization device may be used in the parking area to enforce restrictions against unauthorized parking.

(c) Whether a removal fee will be charged to remove an immobilization device and, if so, the amount of the fee.

(Sec. 23.23(3) R. and ReCr. by Ord. 12,041, 3-2-98)

(4) Before using an immobilization device a parking enforcer shall:

(a) Notwithstanding Sec. 346.94(4), Wis. Stats., at the time of immobilization of a motor vehicle, place a sequentially numbered written notice in a reasonably secure manner on the motor vehicle that clearly states all of the following:

1. The name of the parking enforcer and a telephone number that a person may call to request the removal of the immobilization device.
2. The amount of the removal fee, if any.
3. The terms of the deferral agreement described in Subsec (9)(b).
4. All of the information required by Subsection (6)(b)1.-6.

(b) Have a person available 24 hours a day either at the parking area or at the telephone number shown on the notice described in par.(a)1. to take requests for removal and to remove the immobilization device.

(Sec. 23.23(4) R. and ReCr. by Ord. 12,041, 3-2-98)

(5) A representative, agent, or any employee of a private parking enforcement service shall respond to the location of the immobilized vehicle of an owner or operator who has requested that any immobilization device utilized by that private parking enforcement service be removed from that vehicle within sixty minutes of that request, or within ten (10) minutes of a request made by an employee of the Madison Police Department acting in their official capacity. (Am. by Ord. 12,041, 3-2-98)

(6) Upon responding to a request for service pursuant to Subsection (5), a representative, agent, or employee of a private parking enforcement service shall remove any immobilization device from the vehicle of the operator or owner requesting said service without undue delay. However, before removing an immobilization device a parking enforcer shall:

(a) Display prominently an identification card that identifies that person as a parking enforcer and that contains a photograph of that person.

(b) Inform the owner, lessee or operator of the motor vehicle, orally and in writing, before removing an immobilization device, of all of the following:

1. If a removal fee is charged, that the owner, lessee or operator is required either to pay the removal fee or to sign a deferral agreement described in Subsection (9)(b).
2. That a parking enforcer may commence legal action to collect any removal fee that has not been paid within 14 days after the removal of an immobilization device.
3. That the owner, lessee or operator of an immobilized motor vehicle may contest the propriety of the use of an immobilization device on her or his motor vehicle or the validity of a removal fee using the process described in Sec. 23.565 and may contest any legal action commenced to collect a removal fee.
4. That, except for the payment of the removal fee or the signing of a deferral agreement, no person may be required to do anything to have an immobilization device removed.
5. That, if a parking enforcer uses an immobilization device on a motor vehicle that is not parked in violation of a restriction against unauthorized parking, the owner, lessee or operator shall not be required to pay a removal fee and the parking enforcer shall be liable to the owner or lessee of the motor vehicle for an amount equal to the removal fee.
6. Such notice must include the name of the private parking enforcement service and a telephone number for the immobilized vehicle operator or owner to call to request that any immobilization device be removed from the vehicle.
7. Any person signing a deferral agreement as described in Subsec. (9)(b) shall be immediately provided with a copy of the appeals form described in Sec. 23.565(1).

(c) It shall not be a requirement that the information required to be given in Paragraphs 1. through 6. above be presented in the exact language of this ordinance, but that the language used gives the same meaning and effect intended by this ordinance.

(Am. by Ord. 12,041, 3-2-98)

(7) It shall be unlawful for any person to require any of the following of any person as a condition of removing any immobilization device from a vehicle owned or operated by that person:

(a) Payment of money;

(b) Transfer of goods;

(c) Performance of services;

(d) Waiver of any legal rights or remedies except as specified in subsection (9)(b) and Sec. 23.565, Madison General Ordinances;

(e) Release of a credit card number;

(f) Release of a business address;

(g) Release of a business telephone number

(Am. by Ord. 12,041, 3-2-98)

(8) It shall be unlawful for any person to coerce any person to do anything listed in subsection (7) by accusing or threatening to accuse any person of a crime or offense.

(9) Prior to the removal of an immobilization device, the owner, lessee or operator of an immobilized motor vehicle shall do either of the following:

(a) Pay the removal fee.

(b) Sign a deferral agreement under which the person signing the agreement agrees to pay the removal fee to the parking enforcer or contest the removal fee, or the propriety of the use of an immobilization device on her or his motor vehicle, using the process described in Sec. 23.565, Madison General Ordinances, within 14 days after the immobilization device is removed.

(Sec. 23.56(9) R. and ReCr. by Ord. 12,041, 3-2-98)

(10) Whenever a deferral agreement is signed, the parking enforcer shall provide the owner or operator of the motor vehicle a copy of the signed deferral agreement. (Sec. 23.56(10) R. and ReCr. by Ord. 12,041, 3-2-98)

(11) A person who signs a deferral agreement and does not do any of the activities required by that deferral agreement within 14 days after the removal of the immobilization device shall pay an amount not to exceed three times the removal fee plus the reasonable costs incurred to collect the removal fee to the parking enforcer within 30 days after the removal of the immobilization device.

(Sec. 23.56(11) R. and ReCr. by Ord. 12,041, 3-2-98)

(12) A parking enforcer who uses an immobilization device on a motor vehicle that is not parked in violation of a restriction against unauthorized parking shall pay an amount equal to the removal fee to the owner of the motor vehicle within 14 days after the determination that the immobilization device was used improperly.

(Cr. by Ord. 12,041, 3-2-98)

(13) The maximum removal fee which may be charged by a parking enforcer is $50.00.

(Cr. by Ord. 12,041, 3-2-98)

(14) All private parking enforcement services shall keep a chronological monthly log or record of the vehicles that have been immobilized. The log or record shall indicate a description of the vehicle, the location of the immobilization, the time of the request for service as described in Subsection (5, and the time of the removal of the immobilization device. A copy of this log or record shall be delivered to the Chief of Police every month. (Renumbered by Ord. 12,041, 3-2-98)

(15) This section shall not be construed so as to prohibit enforcement of Section 12.128 of the Madison General Ordinances. (Renumbered by Ord. 12,041, 3-2-98)

(16) This section is not intended to apply to the immobilization of vehicles pursuant to Section 346.65 of the Wisconsin Statutes. (Renumbered by Ord. 12,041, 3-2-98)

(17) No person shall apply any immobilization device to any vehicle when such application would leave such a vehicle obstructing a parking space for a person with a disability, a sidewalk or private driveway, a fire lane or a public highway. No person shall apply any immobilization device to any vehicle when such application would result in an immediate and reasonably apparent threat to life, health, or public safety. (Cr. by Ord. 12,041, 3-2-98; Am by ORD-06-00099, 8-2-06)

(18) In addition to the other penalties provided herein, any person who violates any provisions of this section may be required to forfeit not less than one hundred dollars ($100) nor more than one thousand dollars ($1000). (Renumbered by Ord. 12,041, 3-2-98)

(19) If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. (Cr. by Ord. 12,041, 3-2-98)

(Sec. 23.56 Am. by Ord. 12,041, 3-2-98)

23.561 UNLAWFUL TOWING FROM PRIVATE PROPERTY.

(1) It shall be unlawful for any person, firm, or corporation to remove a vehicle involved in trespass parking on a private parking lot or facility without first notifying the Madison Police Department of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed, as required by Wis. Stat. § 349.13(3m)(d)(2).

(2) It shall be unlawful for any person, firm, or corporation to remove a vehicle involved in trespass parking on a private parking lot or facility that has been reported to a law enforcement agency as stolen as required by Wis. Stat. § 349.13(3m)(dr).

(3) It shall be unlawful for any person, firm, or corporation to remove a vehicle involved in trespass parking on a private parking lot or facility without the permission of the vehicle owner except where the lot or facility is properly posted or upon the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a parking, traffic or police officer, as required in Wis. Stat. § 349.13(3m)(b) and (c).

(4) It shall be unlawful for any person, firm, or corporation other than a tow service to remove a vehicle involved in trespass parking on a private parking lot or facility as required by Wis. Stat. § 349.13(3m)(d)(1).

(5) Any person, firm, or corporation violating the provisions of Subsections (1), (2), (3) or (4) shall be subject to a forfeiture of not less than one hundred dollars ($100) and not more than one thousand dollars ($1000).

(6) This ordinance will become effective on July 1, 2014.

(Sec. 23.561 Cr. by ORD-12-00093, 7-10-12; Am. by ORD-14-00125, 7-11-14)

23.565 VEHICLE IMMOBILIZATION APPLICATION FEE ADMINISTRATIVE APPEAL.

(1) Any person who signs a deferral agreement as described in Sec. 23.56(9)(b) of these ordinances shall file an appeal with the Transit and Parking Commission. Such an appeal shall be filed within 14 days of the removal of an immobilization device on the form specified by the Transit and Parking Commission.

(2) Upon receipt of the appeal, the Transit and Parking Commission shall forward a copy of the completed form to the Parking Enforcer who had immobilized the applicant's vehicle. The Parking Enforcer shall then have 14 days to file a response with the Transit and Parking Commission. Failure to file a response shall constitute an admission of each and every material allegation of the appellant.

(3) The Transit and Parking Commission shall decide the appeal based upon the foregoing written submissions.

(4) The issue to be decided upon appeal shall be limited to the propriety of the use of an immobilization device and to a determination of whether the amount of the removal fee was within the limits set by ordinance. The burden of proof is upon the Parking Enforcer who must prove by a preponderance of the evidence that the appellant's vehicle was illegally parked on private property, that such private property was properly posted pursuant to Sec. 23.56(3), Madison General Ordinances, and that the removal fee sought is within the limits set forth in Sec. 23.56(13).

(5) The Transit and Parking Commission shall notify the parties of its decision in writing. If the decision is for the appellant, the Transit and Parking Commission shall order the Parking Enforcer to pay the appellant an amount equal to the removal fee originally sought from the appellant by the Parking Enforcer.

(6) A Parking Enforcer who has been ordered to make a payment under Subsec. (5) shall make such payment within 14 days of the receipt of the Parking Subcommittee's decision.

(7) Any Parking Enforcer who fails to make a payment as set forth in Subsecs. (5) and (6) may be required to forfeit not less than one hundred dollars nor more than two hundred dollars.

(Cr. by Ord. 12,042, 3-2-98)

23.57 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

23.58 THEFT.

(1) Definitions.

"Intentionally" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

"Movable property" means property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

"With intent" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(2) It shall be unlawful to intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(3) In an action or proceeding for a violation of this section, a party may use duly identified and authenticated photographs of property which was the subject of the violation in lieu of producing the property.

(4) Any person convicted of a violation of this section shall be subject to a penalty of not less than two hundred dollars ($200) nor more than one thousand dollars ($1000).

(Sec. 23.58 Cr. by ORD-11-00108, 8-10-11)

23.59 UNLAWFUL TRESPASS WHILE CARRYING A WEAPON.

(1) Definitions. In this section:

(a) "Carry" means to go armed with.

(b) "Nonresidential building" means a building not used for residential purposes and includes a nursing home as defined in Wis. Stat. § 50.01(3), a community-based residential facility as defined in Wis. Stat. § 50.01(1g), a residential care apartment complex as defined in Wis. Stat. § 50.01(1d), an adult family home as defined in Wis. Stat. § 50.01(1), and a hospice as defined in Wis. Stat. § 50.90(1).

(c) "Residence" is a residential building that is not a single family residence and does not include any common area of the building in which the residence is located or any common area of the rest of the parcel of land upon which the residence building is located.

(d) "Single-family residence" means the residence building and the parcel of land upon which the residence building is located.

(e) "Special event" means an event that is open to the public, is for a duration of not more than three (3) weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

(f) "Weapon" means a handgun as defined in Wis. Stat. § 175.60(1)(bm), an electric weapon, as defined in Wis. Stat. § 941.195(1c)(a), a knife other than a switchblade knife under Wis. Stat. § 941.24, or a billy club.

(2) Single-Family Residence and Residence. It shall be unlawful while carrying a weapon to enter or remain at a single-family residence or a residence that the actor does not own or occupy after the owner or occupant of the single-family residence or residence has notified the actor not to enter or remain at the residence while carrying a weapon or with that type of weapon.

(3) Common Area of Building. It shall be unlawful while carrying a weapon to enter or remain in a common area in a building if the owner has notified the actor not to enter or remain in the common area while carrying a weapon or with that type of weapon.

(4) Residence Grounds. It shall be unlawful while carrying a weapon to enter or remain on the grounds of a residence if the actor does not own the residence or does not occupy any part of the residence, if the owner or occupant has notified the actor not to enter or remain on the grounds while carrying a weapon or with that type of weapon.

(5) Nonresidential Building. It shall be unlawful while carrying a weapon to enter or remain in any part of a nonresidential building, including the grounds of the nonresidential building that the actor does not own or occupy if the owner or occupant has notified the actor not to enter or remain in the building or grounds while carrying a weapon or with that type of weapon.

(6) Land. It shall be unlawful while carrying a weapon to enter or remain on any land that the actor does not own or occupy after the owner or occupant has notified the actor not to enter or remain on the land while carrying a weapon or with that type of weapon.

(7) Special Event. It shall be unlawful while carrying a weapon to enter or remain at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a weapon or with that type of weapon.

(8) Government Building. It shall be unlawful while carrying a weapon to enter or remain in any part of a building that is owned, occupied or controlled by the state or any local governmental unit, if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a weapon or with that type of weapon.

(9) College Campus. It shall be unlawful while carrying a weapon to enter or remain on any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a weapon or with that type of weapon.

(10) Notice Required.

(a) A person has received notice under Subsections (3) and (4) if the owner or occupant has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies or near all probable access points to the grounds to which the restriction applies and any individual entering the building or grounds can be reasonably expected to see the sign.

(b) A person has received notice under Subsections (5), (8) and (9) if the owner or occupant of the building has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign.

(c) A person has received notice under Subsection (6) if the person has been notified personally, either orally or in writing or if the land is posted. The land is considered posted if there is a sign at least eleven (11) inches square placed in two (2) conspicuous places for every forty (40) acres of land to be protected. The sign must provide an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving notice is not the holder of legal title but is a lawful occupant of the land.

(d) A person has received notice under Subsection (7) if the organizers of the special event have posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

(e) A sign under Subdivision (a), (b), and (d) must:

1. Be a sign that notifies an individual not to enter or remain in a part of the building or the grounds of a building or the special event while carrying a weapon or that particular type of weapon; and
2. Be at least five (5) inches by seven (7) inches.

(Sec. 23.59 Cr. by ORD-11-00147, 10-27-11)

23.60 PENALTIES FOR VIOLATIONS OF THIS CHAPTER. Any person violating any of the provisions of this chapter for which no penalty is specifically provided shall be subject to a forfeiture of not more than five hundred dollars ($500). (Am. by Ord. 9623, 11-11-88; Ord. 13,328, 5-28-03; Ord. 13,670, Adopted 12-14-04)

CHAPTER 24

OFFENSES AGAINST PEACE AND QUIET

Section

24.01 Unlawful Use of Emergency Telephone Number. (Cr. by ORD-10-00110, 11-17-10)
24.02 Disorderly Conduct.
24.03 Disorderly Houses.
24.04 Prohibition of Noises Disturbing the Public Peace. (Am. by Ord. 12,474, 9-27-99)
24.05 Battery. (Cr. by ORD-11-00109, 8-10-11)
24.06 Reserved for Future Use. (R. by Ord. 4655, 8-2-74)
24.07 Obstruction of Buildings. (Am. by Ord. 10,921, 5-27-94)
24.08 Noise Control Regulation.
24.09 Light Motor Vehicle Noise Control.
24.10 - 24.11 Reserved for Future Use.
24.12 Panhandling Prohibited. (Am. by Ord. 10,769, 11-1-93; ORD-12-00113, 9-26-12)
24.13 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)
24.14 - 24.19 Reserved for Future Use.
24.20 Penalty for Violations of this Chapter.

24.01 UNLAWFUL USE OF EMERGENCY TELEPHONE NUMBER.

(1) It shall be unlawful to intentionally dial the emergency telephone number "911" to report an emergency to city departments knowing that the fact situation reported does not exist.

(2) No parent, guardian or other adult person having the care and custody of a child shall suffer or permit or by inefficient control all such child to violate subsection (1).

(3) Any person who violates any provision of this section shall be subject of a penalty not more than one thousand dollars ($1000).

(Cr. by ORD-10-00110, 11-17-10)

24.02 DISORDERLY CONDUCT. Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture of not more than one thousand dollars ($1000). (Am. by Ord. 13,716, 10-26-04)

(1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

(2) With intent to harass, annoy, or offend another, sends a telecommunication message to a telecommunication device and uses any violent, abusive, indecent, or profane language or image, or any other message which tends to cause or provoke a disturbance; or

(3) While under the influence of alcohol, in a public place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. (Cr. by ORD-10-00065, 7-13-10)

(4) Definitions.

"Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.

"Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.

(5) Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or

concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm. (Cr. by ORD-11-00148, 10-27-11)
(Am. by ORD-15-00045, 4-29-15)

24.03 DISORDERLY HOUSES. No person shall keep, or aid or assist in keeping, or be an inmate of any disorderly house.

24.04 PROHIBITION OF NOISES DISTURBING THE PUBLIC PEACE.

(1) It shall be unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

(2) It shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, stereo or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity. (Am. by Ord. 7506, 9-3-81; Ord. 12,474, 9-27-99)

(3) Sound Amplification.

(a) City Wide. It shall be unlawful for any person, firm, corporation or other entity to use or operate, or cause to be used or operated in or upon any City public street, or from any aircraft, any device, apparatus or instrument for the amplification of the human voice or any sound or noise, or other sound-making or sound reproducing device except between the hours of 12:00 noon and 1:30 p.m. and 5:00 p.m. and 7:00 p.m. in all areas of the City except for those areas listed in Sec. 24.04(3)(b) below, and, with the exception of sound of any nature produced incidental to:

1. government functions; or
2. religious services; or
3. the operation of any authorized emergency vehicle; or
4. the use of sound producing equipment authorized by ordinance or statute; or
5. an event authorized by a street use permit, as controlled by Sec. 10.056, MGO; or
6. an event authorized by a parade permit, as controlled by Sec. 12.87, MGO.

(Am. by Ord. 12,474, 9-27-99)

(b) State Street Mall, Other Downtown Amplification Areas.

1. It shall be unlawful for any person, firm, corporation or other entity to amplify any sound with the use of sound amplifying equipment on the State Street Mall or other designated downtown amplification areas at any time without first having obtained an amplification permit described in this section. For purposes of this section, the "State Street Mall" shall be defined as the 100-800 blocks of State Street, including the plaza area on North Carroll Street where the 100 block of State Street meets West Mifflin Street, and Elizabeth Link Peace Park. (Am. by Ord. 9883, 10-26-89; Ord. 12,474, 9-27-99)

2. State Street Mall Amplification Areas. Use of sound amplifying equipment to amplify sound within the State Street Mall (as defined herein) shall be limited to the following performance areas and the following days and times:

a. "The Podium." The raised platform and pulpit on the 700 block of State Street, from 12:30 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00

p.m. daily, except during the four (4) days prior to and throughout each of the University of Wisconsin final exam periods, electronic sound amplification is prohibited in the 700 block of State Street;

b. One of the following two areas: "the Pillars": the circle area directly within the boundaries of the sculpture pillars in the plaza area on North Carroll Street between State Street and West Mifflin Street, or "30 on the Square": the area directly in front of the Pillars, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. on Saturdays.

c. Elizabeth Link Peace Park. The performance area within the city park located at 452 State Street, from 12:00 to 1:00 p.m. and 5:00 to 7:00 p.m. daily.

3. Other Downtown Amplification Areas.

a. Rotary Plaza. The raised stage area on the Pinckney Street side of the Rotary Centennial Plaza, located at the northeast corner of Pinckney and North Hamilton Streets, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays, and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m., and 5:00 p.m. to 7:00 p.m. on Saturdays.

4. Applications for an amplification permit for the Street Mall or downtown amplification areas shall be made at the office of the Parks Division in the Department of Public Works or on the city website, if available. (Am. by Ord. 13,176, 11-5-02)

a. Permit Fee. The fee for an amplification permit and reservation for a State Street Mall or other Downtown amplification area shall be established by the Park Commission.

b. Electrical Use Fee. Applicants shall also pay an additional fee for the use of electricity pursuant to an amplification permit, shall be charged by the hour, and the hourly fee shall be established by the Park Commission.

c. Application and Permit Process. Amplification permits for the designated areas may be applied for at any time prior to the requested reservation time, and are approved on a first-come, first-served basis during regular business hours at the Parks Division office or as may be available on the city website, subject to the following: No permit shall be granted more than three (3) weeks ahead of the date requested. A person, firm, corporation or other entity shall not be eligible for more than one (1) advance (i.e. not same-day) permit reservation within any one (1) week period. However, an applicant who already holds an advanced reservation permit is eligible for additional permit(s) during that one-week period, on a same-day basis only, if the space is available. No person, firm, corporation or other entity may obtain a permit for more than one (1) available time period at any designated amplification area within a 24-hour period.

d. A sponsor of a special event which encompasses one or more of the State Street Mall or other downtown amplification areas may apply for a Street Use Permit, pursuant to Sec. 10.056, MGO, to obtain an extension of the time limits for sound amplification set forth in this section, under Sec. 10.056, MGO.

5. Permittees under this section shall comply with sound pressure levels as set forth in Sec. 24.08, MGO.

6. A valid amplification permit under this provision is a reservation for the use of the designated area and entitles the permit holder to use devices, equipment or instruments to amplify sound during the times for which the permit is granted.

(Am. by Ord. 12,474, 9-27-99; Ord. 13,276, 3-21-03)

(c) It shall be unlawful for any person to use or operate, or cause to be used or operated in or upon any area within the Henry Vilas Zoo property, any device, apparatus or instrument for the amplification of the human voice or any sound or noise or other sound-making or sound reproducing device except as specifically authorized by the Henry Vilas Zoo Director. (Cr. by ORD-11-00168, 12-6-11)

(d) Violation of this section in connection with any license or permit shall be cause for the revocation thereof. (Renum. by ORD-11-00168, 12-6-11)

(e) Appeal. Any person, firm, corporation or other entity, whose application for an electrical/amplification permit has been denied may appeal that decision according to the procedures set forth in Sec. 9.49, MGO, Review of Administrative Determinations. (Cr. by Ord. 12,474, 9-27-99; Renum. by ORD-11-00168, 12-6-11)

(Sec. 24.04(3) Am. by Ord. 7803, 8-13-82; ORD-11-00058, 4-7-11)

(4) Animal or Bird Noise. It shall be unlawful for any person, firm, corporation, or other entity operating, having charge of, or occupying any building or premises to keep or allow to be kept any animal or bird which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.

(5) Vehicles Containing Animals. It shall be unlawful for any person, firm, corporation, or other entity to park or leave standing for more than fifteen (15) minutes within the limits of the City of Madison a vehicle containing livestock, live fowl or other living animals excepting exhibits authorized by permit issued by the Chief of Police or the City Clerk.

(6) Selling of Newspapers in Residential Districts. It shall be unlawful for any person, firm, corporation, or other entity to make or permit to be made any outcry or other loud or disturbing noise in the streets in any residential district, for the purpose of selling or attempting to sell newspapers or magazines between the hours of 10:00 p.m. and 8:00 a.m. weekdays and 10:00 a.m. Sundays or holidays. For purposes of this section, "residential district" shall be deemed to include every district in which fifty percent (50%) or more of the property fronting on the street is used for residence purposes.

(7) Operation of Refuse Collection Vehicles and Refuse Collection Vehicles' Compacting Equipment.

(a) No person shall:

1. Collect refuse or permit the collection of refuse with a refuse collection truck between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.

2. Operate or permit the operating of the compacting equipment mechanism of any motor vehicle which compacts refuse between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.

(Am. by ORD-12-00151, 12-10-12)

(b) The following exceptions shall apply:

1. The Pedestrian/Bicycle/Motor Vehicle Commission may designate certain locations as exempt from this provision, if it determines that such exemption is necessary because of public safety.

2. The Director of Public Works and Transportation may determine that an emergency exists, because of fire, flood, civil disturbance, or the like. During such a period of emergency, this subsection shall not apply. No such period of emergency may continue for more than fifteen (15) consecutive days, unless the Common Council approves the longer period.

3. Subsec. 24.04(7)(a) shall not apply during and for a period of forty-eight (48) hours after the conclusion of a "special event." A "special event" is one for which a Street Use Permit has been issued under Sec. 10.056.

(c) This ordinance shall be effective February 1, 2001.

(Sec. 24.04(7) Cr. by Ord. 11,228, 4-13-95; Am. by Ord. 12,474, 9-27-99; Ord. 12,740, 12-29-00)

(8) Selling of Goods or Services. It shall be unlawful for any person, firm, corporation or other entity to make or cause to be made for the purpose of advertising or announcing a vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade, occupation, vocation or profit making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or sound-making device.

(Cr. by Ord. 12,474, 9-27-99)

(9) Private Noise Amplification Permit.

(a) Application Form. An application for a private noise amplification permit on properties of residential use shall be made in-person using the form provided by the Zoning Section staff. The application shall set forth the following information:

1. The name, address and telephone number of the applicant or applicants. The applicant shall be the event sponsor. If the application is being filed by someone else on behalf of the event sponsor, that person shall also provide their name, title, address, and phone number.
2. In addition to the information required in subparagraph 1. above, if the applicant is not an individual, the full name and business or headquarters address of the organizational entity shall be provided. If the applicant is a corporation, limited liability company, or limited partnership, the name and address of the registered agent shall also be provided. If the entity is a general partnership, the name, and address of at least one (1) general partner shall be provided.
3. The name, address and telephone number of the person or persons who will be responsible for conducting and/or managing the event, if different from the individual(s) named in subparagraph 1. or 2. above. This person shall also provide a mobile phone, pager number, or other means for immediate contact during the event, and shall have the private noise amplification permit available for inspection at all times during the event.
4. The exact date, beginning and ending times and a brief description of the event.
5. The street address where the event will occur.
6. Any additional information that the Zoning Section staff finds reasonably necessary to a fair determination as to whether a permit should be issued.

(b) Application Process and Permit Requirements.

1. Application. A private noise amplification permit application, the application fee, the signature petition, a sample notification, and any additional materials shall be submitted to the Zoning Section staff. Only complete applications containing all of the information required under sub. (a) and this subparagraph shall be considered.
2. Application Fee. A nonrefundable application fee of thirty dollars ($30) shall be submitted when an address list for the signature petition and notification is generated by Zoning Section staff.
3. Petition Required. The application shall be accompanied by a petition accurately describing the event to take place and designating the location, date and time of the event. The petition shall be signed or approved by email by an adult resident of not less than seventy-five percent (75%) of all residential dwelling units and by a manager or owner of all non-residential

occupancies within four hundred (400) feet, as identified in the address list generated by Zoning Section staff, of the address of the event. The petition form shall be included with the permit application and completed petitions shall be verified by Zoning Section staff. At the time of initial application Zoning Section staff shall mail notification to the landlord of the property at which the event will occur, announcing that an application has been made.

4. Notification Requirements. At least 48 hrs prior to the event the applicant shall deliver personally or by email written notices announcing the event location, date, and time, to each residential and commercial unit within four hundred (400) feet, as identified in the address list generated by Zoning Section staff. If the applicant is not the owner of the property at which the event will occur written notice must also be delivered to the applicant's landlord. The notices required by this subparagraph shall be in addition to the petition required under subparagraph. 3., and a sample of such notice shall be included with the permit application.
5. Deadline for Applications. An application for a private noise amplification permit shall be submitted not less than 10 days prior to the date of the proposed event.
6. Sound Level. The level of any noise produced pursuant to this permit shall not be plainly audible under normal conditions from a distance of more than 400 feet.
7. Time Period. A private noise amplification permit shall be valid for a single date, and for a time period of no more than three consecutive hours.
8. Permissible Hours. A private noise amplification permit shall only be approved for hours between 9 a.m. and 9 p.m. Sunday through Thursday, and between 9 a.m. and 10 p.m. Friday and Saturday.

(c) Standards for Issuance. The following standards established within this subdivision, in addition to any other mandatory requirements within Sec. 24.04(9) or elsewhere in these Ordinances, and as amended from time to time, shall govern the issuance of private noise amplification permits. A private noise amplification permit shall be issued to an applicant unless:

1. A private noise amplification permit has been granted for the same date for two residences within 400 feet of the listed address.
2. The applicant has provided fraudulent information as part of the application.
3. A private noise amplification permit was issued for the listed address within the previous one hundred eighty (180) days.
4. Within the past 2 years, the applicant was granted a private noise amplification permit which was terminated pursuant to subdivision (f).

(d) Appeal Procedure. Any applicant may appeal the denial of a private noise amplification permit to the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals according to the procedures set forth in Sec. 29.18, MGO.

(e) Severability. Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.

(f) Termination of a Private Noise Amplification Permit. A private noise amplification permit for an event in progress may be terminated by the Chief of Police or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety, if the safety of the public is imminently

endangered by activities generated during the event, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. This specifically includes a violation of the maximum permissible sound level.

(g) Penalties.

1. A violation of the maximum permissible sound level shall be considered a violation of Sec. 24.04(2).
2. An applicant who submits a petition containing fraudulent information shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250) nor more than five hundred dollars ($500).
3. An applicant who fails to follow the notification procedure under (b)4. shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250) nor more than five hundred dollars ($500).

(Sec. 24.04(9) Cr. by ORD-10-00093, 9-27-10)

24.05 BATTERY.

(1) Definitions.

"Bodily harm" means physical pain or injury, or illness or any impairment of physical condition.

"With intent" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(2) It shall be unlawful to cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

(3) Any person convicted of a violation of this section shall be subject to a penalty of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000).

(Sec. 24.05 Cr. by ORD-11-00109, 8-10-11)

24.06 RESERVED FOR FUTURE USE. (R. by Ord. 4655, 8-2-74)

24.07 OBSTRUCTION OF BUILDINGS. It shall be unlawful for any person to block or obstruct in any manner the entrance, stairway, hallway, or exit to any public or private building or dwelling place, or portion thereof. (Am. by Ord. 10,921, 5-27-94)

24.08 NOISE CONTROL REGULATION.

(1) Statement of Purpose. The City of Madison recognizes that excessive noise is a serious threat to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise sources which was not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the city.

(2) Definitions. All terminology used in this ordinance, not defined below or elsewhere within the Madison General Ordinances, shall be given the definitions provided by applicable publications of the American National Standards Institute (ANSI) or its successor body.

(a) A-Weighted Sound Level: the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated as db(A) or dBA.

(b) Ambient Noise: the all-encompassing noise associated with a given environment being usually a composite of sounds from near and far.

(c) Authorized Emergency Vehicle: the City hereby adopts and incorporates the definition of this term as set forth in Sec. 340.01(3), Wis. Stats. and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.

(d) Construction: any and all non-emergency related activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.

(e) Emergency Work: work necessary to restore property to a safe condition following a public calamity, work required to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

(f) Impulse Noise: sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulse sound include explosions, drop forge impacts and the discharge of firearms.

(g) Muffler: properly-functioning sound dissipative device or system for abating sound of escaping gases on equipment where such device is part of the normal configuration of powered equipment.

(h) Noise: any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological or physiological effect on humans.

(i) Nuisance Noise: those noises which constitute a violation of Sec. 24.04 of the Madison General Ordinances.

(j) Receiving Zone: the zoning classification district in which the real property receiving the noise is located. The zoning classifications shall be those as set forth in Chapter 28 of the Madison General Ordinances.

(k) Sound Level Meter: an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in the American National Standards Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 or its successor.

(l) Source Zone: the zoning district in which is located the real property from which noise originates. The zoning classification shall be that as set forth in Chapter 28 of the Madison General Ordinances.

(m) Stationary Noise: noise which the source thereof is either affixed to or operated upon a fixed point of land, building or other real property.

(n) Traffic Noise: the sound emanating from the operation of motorized vehicles upon public streets and highways. The sound which emanates from the operation of motorized vehicles upon private property shall be considered as stationary noise for the purposes of this section.

(3) Exemptions. The provisions of this ordinance shall not apply to the following:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.

(b) Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.

(c) The operation of authorized emergency vehicles.

(d) Outdoor gatherings, public dances, shows, and sporting and entertainment events for which a permit or license is required and obtained pursuant to Madison General Ordinances, such as park event amplification permit under Sec. 8.29 or a street use permit under Section 10.056. (Am. by ORD-16-00025, 3-7-16)

(e) Public works projects as authorized by the United States government, the State of Wisconsin and/or other political subdivisions.

(f) Limited Exemptions for Construction Noise.

1. Monday through Saturday. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m., from Monday through Saturday, in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f).

2. Sunday. On Sunday, no person shall operate or permit the operation of any equipment used in construction work before 10:00 a.m. and after 7 p.m. in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f). (Am. by ORD-13-00073, 5-14-13)

3. Permitted Hours of Operation of Construction Equipment. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. from Monday through Saturday or between the hours of 10:00 a.m. and 7 p.m. on Sunday.

4. Operation of Construction Equipment Outside of Permitted Hours. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 p.m. and 7:00 a.m. from Sunday evening through Saturday morning, or between the hours of 7 p.m. Saturday and 10:00 a.m. on Sunday, if the Common Council, following a hearing before the Board of Public Works, approves temporary construction work during this period. A notice of such public hearing shall be sent at least ten (10) days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property, in whole or in part, situated within three hundred (300) feet of the boundaries of the properties of the properties on which the construction is to take place.

5. Emergencies. The hour limitations in this subsection (f), shall not apply to emergencies where immediate action is required.

(Sec. 24.08(3)(f) Rep. & Rec. by ORD-12-00156, 12-19-12)

(g) Any fireworks display licensed under and operated in compliance with Sec. 34.105(16)(b) and (c), Madison General Ordinances, provided that such displays comply with any and all licensing and permit requirements of the Madison General Ordinances. (Am. by ORD-14-00012, 1-14-14; ORD-15-00116, 10-28-15)

(h) Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.

(4) Education and Enforcement.

(a) Education. Public Health Madison and Dane County is responsible for implementing an educational program to raise resident awareness of this ordinance, the steps involved in enforcing this ordinance and methods for abating or reducing noise. Education may consist of developing an educational brochure and/or posting such materials on the internet. (Am. by ORD-15-00009, 1-28-15; ORD-17-00030, 3-8-17)

(b) Enforcement.

1. Responsibility for Enforcement. The Building Inspection Division of the Department of Planning and Community and Economic Development (hereinafter the "Building Inspection Division") is the primary agency responsible for the enforcement of this ordinance Sec. 24.08 of the Madison General Ordinances unless otherwise noted herein.

2. Duties of the Director of the Building Inspection Division. The Director of the Building Inspection Division (hereinafter the "Director") is responsible for:
   a. Investigating all complaints regarding alleged violations of this ordinance.
   b. Issuing orders under his/her authority pursuant to Sec. 27.09, Madison General Ordinances, requiring violators to comply with this ordinance and for issuing citations for violations of this ordinance. The Director may delegate these responsibilities to the inspectors appointed under the authority of sub. 24.08(4)(b)(2) c. below.
   c. Ensuring that a sufficient number of his/her staff are trained and knowledgeable in the current techniques and principles of sound measurement equipment and instrumentation.
   d. Maintaining permanent and current records of all matters arising out of the enforcement of this ordinance.
   e. At least every 5 years, report to the Common Council on the impact of 24.08 and make recommendations which will improve this ordinance or its enforcement.

(Am. by ORD-08-00109, 10-7-08)

(5) Determining Sound Levels. Sound levels shall be measured using the following procedures:
   (a) All persons conducting sound measurements to assess compliance with this ordinance must be trained in the current techniques and principles of sound measurement equipment and instrumentation.
   (b) Instruments used to measure sound levels must, as a minimum standard, conform to the specifications of the American National Standard Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 for Type 1 or Type 2 sound level meters. Sound level meters shall be capable of both fast and slow meter response.
   (c) The following steps must be followed when preparing to take sound level measurements:
      1. The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.
      2. The sound level meter shall be calibrated periodically, in accordance with the manufacturer's instructions.
      3. When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter in accordance with the manufacturer's instructions.
      4. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least four (4) feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.
      5. Measurements shall be taken at any point within a receiving zone which point is outside of the property line of the source of the stationary noise.
      6. Impulsive noise shall be measured with the sound level meter set for fast meter response, all other noise shall be measured with the sound level meter set for slow meter response.
      7. Under this section, noises capable of being accurately measured are those noises which cause no more than (+ or -) two decibels fluctuation of the sound level meter or, in the case of impulsive noise, the mean average of four peak readings measured over the period of an hour.

(6) Maximum Permissible Sound Levels.
   (a) General Limitations: Effective upon the enactment of this ordinance, in the following zoning districts (as set forth in Chapter 28, Madison General Ordinances)

the sound emitted from any source of stationary noise shall not exceed the following limits at any point within a receiving zone which point is outside of the property line of the source of the stationary noise:

Receiving Zone Classified	Source Level Zoned	Maximum dBA
Residential, Conservancy, Planned Mobile Home Park Districts	All zoning districts	65 dBA
Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD)	Residential, Conservancy, Planned Mobile Home Park Districts	65 dBA
	Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD) Districts	70 dBA
Industrial - Limited (IL), Industrial-General (IG), Airport (AP), Commercial Center (CC), Commercial Corridor - Transitional (CC-T), Traditional Employment (TE), Agriculture (A), Urban Agricultural (UA), Downtown Core (DC)	Residential, Conservancy, Planned Mobile Home Park Districts	65 dBA
	Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD) Districts	70 dBA
	Industrial - Limited (IL), Industrial-General (IG), Airport (AP), Commercial Center (CC), Commercial Corridor - Transitional (CC-T), Traditional Employment (TE), Agriculture (A), Urban Agricultural (UA), Downtown Core (DC) Districts	75 dBA

(Am. by ORD-13-00087, 5-29-13)

(b) Additional Restrictions on Impulse Noise. A reduction of 5 dBA will apply to each of the limitations set forth under sub. (6)(a) and above for all impulse noises.

(c) All new equipment and new vehicles powered by internal combustion engines sold in the City of Madison after January 1, 1972 shall comply with sound level standards for engine powered equipment and vehicles as specified in Sound Levels for Engine Powered Equipment, SAE Standard J952b, revised January 1969, of the Society of Automotive Engineers, and as listed in Table 1 below.

Table 1. Maximum Sound Level.

Type of Equipment	dBA at 50 feet
Construction and industrial machinery encompassing only mobile equipment, powered by internal combustion engines, such as crawler tractors, dozers, loaders, power shovels and cranes, motor graders, paving machines, off highway trucks, ditchers, trenchers, compactors, scrapers and wagons.	88 dBA

Type of Equipment	dBA at 50 feet
Engine powered equipment of 5 hp. or less intended for use in residential areas at frequent intervals. Typical pieces of such equipment are lawn mowers, small garden tools, riding tractors and snow removal equipment. This specifically excludes commercial equipment not intended for frequent use in residential areas.	70 dBA
Engine powered equipment exceeding 5 hp. but not greater than 20 hp. intended for use in residential areas at frequent intervals. Typical pieces of such equipment are lawn mowers, small garden tools, riding tractors and snow removal equipment. This specifically excludes commercial equipment not intended for use in residential areas.	78 dBA
Engine powered commercial equipment of 20 hp. or less intended for infrequent use in residential areas.	88 dBA
Farm and light industrial tractors.	88 dBA

(d) All new highway motor trucks, truck tractors and buses sold in the City of Madison after January 1, 1975 shall comply with sound level standards for such vehicles as specified in Exterior Sound Levels for Heavy Trucks and Buses, SAE Standard J366, approved July 1969, of the Society of Automotive Engineers.

(e) All new passenger cars and light trucks sold in the City of Madison after January 1, 1975 shall comply with sound level standards for such vehicles as specified in Sound Level for Passenger Cars and Light Trucks, SAE Standard J986a, revised July 1968, of the Society of Automotive Engineers.

(f) It is the policy of the City of Madison to purchase only equipment which complies with SAE Standard J952b.

(g) The Police Department shall have the responsibility of enforcing Sections 24.08(6)(c) through (f).

(7) Variance for Ambient Noise. When the ambient noise at the site of a stationary or fixed noise producing device equals or exceeds the decibel limits provided in this section, the owner or operator of a stationary or fixed noise producing device may seek a variance from the noise limitations herein. Application for a variance from the noise limitation in a zoning district shall be made to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. The Board shall act upon and hear all applications for a variance under this subsection. The Board may grant the appeal where the Board finds that the ambient noise equals or exceeds the decibel limits for the receiving property and that the combination of the ambient noise and the noise from the stationary or fixed noise device does not exceed the limit for the receiving affected property by not more than 10 db. (Am. by ORD-09-00019, 3-14-09)

(8) Nonconforming Use. Any nonconforming stationary or fixed noise producing device which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any stationary or fixed noise producing device which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued to be used, as provided in this subsection.

(a) Any nonconforming stationary or fixed noise producing device shall not be modified, altered, added to, or enlarged in any manner unless such modifications, alterations, additions, or enlargements thereto are made to conform with all of the noise control regulations applicable to the device.

(b) Any nonconforming stationary or fixed noise producing device which is discontinued for a period of one year shall not be used unless the use is made to conform with all of the noise regulations applicable to the device.

(c) Any nonconforming stationary or fixed noise producing device shall not be repaired or restored to the extent that the cost of repair or restoration exceeds fifty percent (50%) of the full market value of the device. In the event that damage or

destruction requires repairs or restoration which is less that fifty percent (50%) of such market value, repairs or restoration may be made if work is commenced within one year from the date of the partial destruction and is diligently prosecuted to completion.

(9) Effect of Zoning Change of Affected Property. When the zoning classification of a receiving property is changed in a manner which would result in an existing noise source being in noncompliance with this ordinance, the noise source shall be considered a nonconforming use and shall be subject to the provisions of subsec. (8) of this section.

(10) Penalties. Any person violating any provision of subsection (6) of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each offense and for each day or portion thereof for a continuing or recurring offense. Any person who has been previously convicted of a violation of this ordinance in the twelve months preceding the instant offense shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than three hundred dollars ($300). Any person who has been previously convicted of two or more violations of this ordinance in the twelve months preceding the instant offense shall be subject to a forfeiture of not less than three hundred dollars ($300) nor more than five hundred dollars ($500).

(11) Severability. If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

(Sec. 24.08 R. & Recr. by Ord. 13,529, 2-24-04)

24.09 LIGHT MOTOR VEHICLE NOISE CONTROL.

(1) Declaration of Findings and Policy. Excessive noise from light motor vehicles is a serious hazard to the public health and welfare, safety, and the quality of life. A substantial body of science and technology exists by which excessive noise from light motor vehicles may be substantially abated. The people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life. Therefore, it is the policy of the City of Madison to prevent excessive noise which may jeopardize the health and welfare or safety of its residents or degrade the quality of life. (Am. by ORD-17-00030, 3-8-17)

(2) Scope. This ordinance shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Madison.

(3) Definitions.

(a) Terminology. All terminology used in this ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(b) A-Weighted Sound Level. This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB (A) or dBA.

(c) Noise Level. This shall refer to the A-weighted sound level produced by a light motor vehicle.

(d) Person. This means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

(e) Sound Level Meter. This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standards ANSI S1.4-1971 or it successor.

(f) Sound Pressure Level. This means (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

(g) Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(h) Light Motor Vehicle. For the purposes of this ordinance a light motor vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or light truck with gross vehicular weight of less than eight thousand (8,000) pounds.

(i) Modified Exhaust System. It is an exhaust system in which:

1. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or,
2. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
3. Devices have been added to the original noise abatement devices, such that noise levels are increased.

(4) 80 dBA Noise Limit. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA at any location within the corporate limits of the City of Madison. Measurement can be made at any distance greater than or equal to fifteen (15) feet from the closest approach to the vehicle.

(5) Excessive Noise. Notwithstanding the noise limit expressed under subsection (4), it shall be unlawful for any person to operate a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. (Am. by Ord. 11,896, 7-14-97; Ord. 12,786, 4-9-01)

(6) Sound Producing or Amplification Devices.

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

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
2. The operator of a vehicle of a public utility, as defined in Wis. Stat. § 11.40(1)(a).
3. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
4. The activation of a theft alarm signal device.
5. The operator of a vehicle that is being used for advertising purposes.
6. The operator of a motorcycle being operated outside of a business or residence district.

(b) Any owner, operator, or agent having control over the subject equipment violating any provision of this section shall, for the first violation, be subject to a forfeiture of not less than forty dollars ($40) nor more than eighty dollars ($80); for the second or subsequent violation within a year, be subject to a forfeiture of not less than one hundred dollars ($100) nor more than two hundred dollars ($200). (Am. by Ord. 13,760, Adopted 12-14-04)

(Cr. by Ord. 12,786, 4-9-01; Am. by ORD-13-00074, 5-14-13)

(7) Signaling Devices. It shall be unlawful for any person to operate any horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

(8) Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(Renum. by Ord. 12,786, 4-9-01)

NOTE: The Police Advisory Committee recommended that the Council review this ordinance in May of 1984, which motion was adopted by the Common Council.
(Sec. 24.09 Cr. by Ord. 7669, 3-22-82)

24.10 - 24.11 RESERVED FOR FUTURE USE.

24.12 PANHANDLING PROHIBITED. (Title Am. by ORD-12-00113, 9-26-12)

(1) Purpose. The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Madison. The ordinance also provides protections in the Central Business District. This area is a special and unique area of the City of Madison, constituting the connection between the University of Wisconsin and the State Capitol, and having numerous businesses, restaurants and entertainment venues. The State Street Mall is a Transit Mall, with limited or no access to motor vehicles by the public. The City of Madison has a significant public and governmental interest in encouraging the public presence of residents and visitors in the Central Business District, and their unimpeded use of public areas and private businesses in the area by insuring that residents and visitors are able to walk unobstructed in this area without being stopped and asked for a handout. Thousands of individuals walk in this area on a daily basis and the City has a significant interest in providing a safe, pleasant environment and encouraging visitors to frequent this area. The City has received regular complaints from businesses and residents of the Central Business District on the deleterious effect of panhandling in the area. The city finds that a ban on panhandling in this downtown area will serve these important interests. The City has determined that a significant number of individuals that request handouts, turn around and use the donated money to purchase alcohol. By eliminating the ability to procure a handout in close proximity to liquor establishments the City in turn hopes to reduce the cycle of abuse.

(2) Definitions. As used in this section:

"Central Business District" for purposes of this ordinance is defined to include the 100 through 800 blocks of State Street Mall, North Park Street from University Avenue to Lake Mendota, East Campus Mall, Fitch Court, North Lake Street from University Avenue to Lake Mendota, North Frances Street from University Avenue to Langdon Street, Langdon Street from North Park Street to North Frances Street, University Avenue from North Park Street to North Frances Street, West Gilman Street from University Avenue to North Henry Street, West Gorham Street from University Avenue to North Carroll Street, West Johnson Street from North Broom Street to North Carroll Street, Dayton Street from State Street to North Webster Street, Mifflin Street from North Henry Street to North Webster Street, West Washington Avenue from Henry Street to Carroll Street, East Washington Avenue from Pinckney Street to Webster Street, Main Street from South Henry Street to South Webster Street, Doty Street from South Fairchild Street to South Webster Street, Wilson Street from South Carroll Street to 120 East Wilson Street, North Broom Street from West Dayton Street to State Street, Henry Street from West Main Street to West Gorham Street, Fairchild Street from West Doty Street to State Street, Carroll Street from West Wilson Street to West Johnson Street, Pinckney Street from East Wilson to East Dayton Street, Webster Street from East Doty Street to East Dayton Street, Wisconsin Avenue from Mifflin Street to Dayton Street, North Hamilton Street from East Mifflin Street to North Webster Street, King Street from East Main Street

to South Webster Street, Martin Luther King Jr. Blvd. from Wilson Street to Main Street, South Hamilton Street from South Fairchild Street to West Main Street. This area is depicted in the map at the end of this section.
(Am. by ORD-05-00116, 6-28-05)

"Intersection" has the meaning designated in Wis. Stat. § 340.01(25).

"Known panhandler" means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

"Licensed alcohol establishment" means any retailer that is licensed to sell alcohol beverages under Chapter 38.

"Procure a handout" means to request from another person an immediate donation of money, goods or other gratuity, and includes but is not limited to seeking donations.

"Place open to the public" includes all places open to the public and includes but is not limited to streets, sidewalks, plazas, parks, driveways, parking lots, and all buildings open to the general public.

(3) In any place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. A conversation or gesture or both shall be construed as threatening if a reasonably prudent individual would perceive such conduct as intending to result in the procurement or money, goods or other gratuity by threat or coercion. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(4) In any place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. Behavior shall be construed as aggressive or intimidating if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare or place open to be the public because of fear, concern or apprehension of said behavior. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(5) It shall be unlawful for any person to procure or attempt to procure a handout within twenty-five (25) feet of any of the following locations:

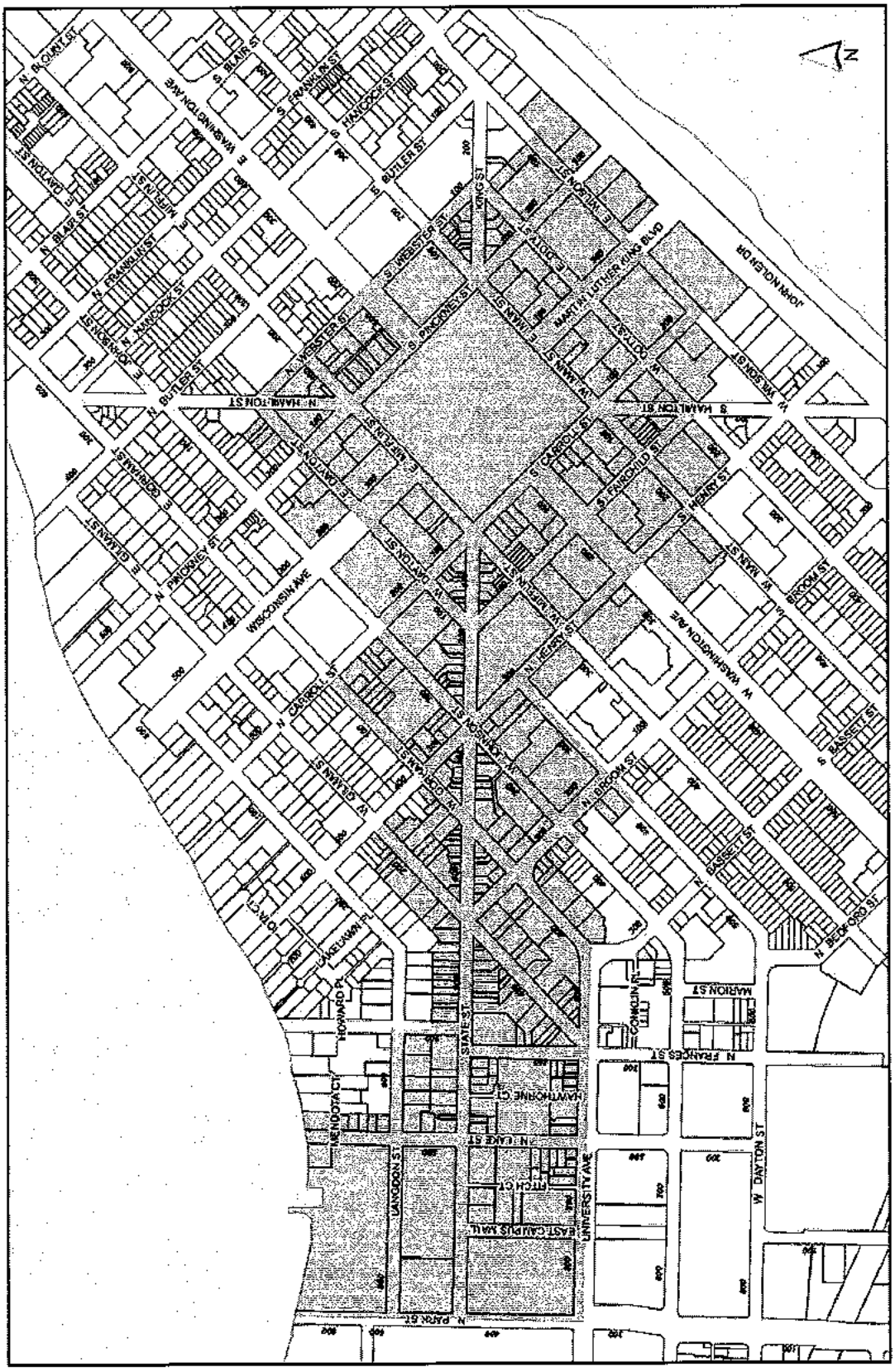
(a) an alcohol licensed establishment;

(b) Central Business District;
(c) an intersection;
(d) an open sidewalk café; or
(e) an automatic teller machine (ATM).
(Am. by ORD-05-00116, 6-28-05)

(6) Penalty. Any person violating this section shall be subject to a forfeiture of not less than ten dollars ($10) nor more than five hundred dollars ($500), notwithstanding any provision of this chapter setting a different penalty. (Am. by ORD-10-00063, 6-23-10)

(7) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Sec. 24.12 Am. by Ord. 10,769, 11-1-93; ORD-12-00113, 9-26-12)



Central Business District Map

24.13 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Sec. 24.13 Cr. by ORD-10-00058, 6-11-10)

24.14 - 24.19 RESERVED FOR FUTURE USE.

24.20 PENALTY FOR VIOLATIONS OF THIS CHAPTER. Any person who shall violate any provision of this chapter for which no penalty is specifically provided shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) for each offense. (Am. by Ord. 13,670, Adopted 12-14-04)

CHAPTER 25

OFFENSES AGAINST PUBLIC SAFETY

Section

25.01 Possession and Sale of Firearms. (Title Am. by Ord. 11,095, 12-22-94)
25.02 Reserved for Future Use.
25.025 Reserved for Future Use.
25.03 Storage of Gunpowder, Propellants and Explosives.
25.035 Barbed Bullets Prohibited. (Cr. by Ord. 11,092, 12-22-94)
25.04 Reserved for Future Use. (R. by Ord. 11,021, 10-31-94)
25.05 Sparklers Prohibited in Public Parks.
25.06 Discharge of Firearms. (Am. by Ord. 4296, 8-29-73)
25.07 Carrying of Glass Bottles in Public Spectator Facilities. (Cr. by Ord. 4932, 4-11-75)
25.08 Possessing Firearms or Bow and Arrow in Conservancy Districts or Parks and Recreation Districts Prohibited Without Consent. (Cr. by Ord. 8330, 5-11-84; Am. by ORD-12-00134, 1-2-13)
25.09 Chronic Nuisance Premises. (Cr. by ORD-07-00129, 10-5-07)
25.10 Nuisance Party Prohibited. (Cr. by ORD-12-00021, 3-5-12)
25.11 Injuring or Befouling Wells or Cisterns.
25.12 Sale of Poison.
25.13 Distribution of Injurious Powders or Medicine Forbidden.
25.14 Construction of Scaffolds Used in Erection of Buildings.
25.15 Cisterns and Trap Doors to be Covered.
25.16 Excavations.
25.17 Regulation of Operation of Aircraft.
25.18 Reserved for Future Use.
25.19 Climbing Upon Railway Cars, Etc.
25.20 Catching on to Moving Trains.
25.21 Throwing of Stones, Etc.
25.22 Dangerous Animals Regulated. (R. & Re-Cr. by Ord. 9642, Adopted 12-6-88)
25.225 Dangerous Animal License. (Cr. by ORD-06-00127, 9-21-06)
25.23 Regulations Relating to the Use of Lakes and Rivers.
25.24 Abandoned Iceboxes.
25.25 Bows and Arrows.
25.26 Paintball Marker/"Guns".
25.27 Slingshots.
25.28 Possession, Sale and Manufacture of Certain Weapons Prohibited. (Cr. by Ord. 5695, 12-28-76)
25.29 Skateboards. (Cr. by Ord. 7836, 10-4-82)
25.30 Facsimile Firearms. (Cr. by ORD-07-00100, 8-23-07)
25.31 Synthetic Chemical Cannabinoid Prohibited. (Cr. by ORD-14-00180, 12-10-14)
25.32 - 25.39 Reserved for Future Use.
25.40 Penalty.

[EDITOR'S NOTE: Wis. Stat. § 66.0409 limits the power of Wisconsin municipalities to enforce certain restrictions on firearms sale, ownership and use. Because of this state statute, several sections of this chapter -Sec. 25.01(2) and (12), Sec. 25.02, and Sec. 25.025, MGO, to the extent it regulates semiautomatic weapons - likely are unenforceable by the City of Madison. In addition, the enforceability of Sec. 25.01(7), MGO, is limited by and must be read in light of changes made to Wisconsin's concealed carry and disorderly conduct laws by 2011 Wis. Act 35.]

25.01 POSSESSION AND SALE OF FIREARMS.

(1) Definitions: For the purpose of this section:

Encased. The term "encased" means enclosed in a case that is expressly made to contain a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed. (Cr. by Ord. 11,095, 12-22-94)

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Licensed Firearms Dealer or Licensed Dealer. The term "licensed firearms dealer" or "licensed dealer" means any person engaged in the business of selling firearms at wholesale or retail, including a pawnbroker or a secondhand article dealer, and who is licensed as a dealer by the United States Department of the Treasury. (Cr. by Ord. 11,422, 11-15-95)

Museum means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule. (Cr. by Ord. 11,095, 12-22-94)

Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Unloaded. The term "unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
2. In the case of a caplock muzzle-loading firearm, having the cap removed.
3. In the case of a flintlock muzzle-loading firearm, having the flashpan cleaned of powder.

(Cr. by Ord. 11,095, 12-22-94)

(2) (R. by ORD-13-00005, 1-15-13)

(3) The Chief of Police shall provide suitable forms upon which such reports may be made which shall be furnished upon request to persons, firms, associations or corporations who may sell, give, trade, or otherwise transfer a firearm in the City of Madison.

(4) No person under eighteen (18) years of age shall go armed with a pistol or revolver and no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. This subsection does not apply to a person, under eighteen (18) years of age who is armed with a pistol or revolver when such pistol or revolver is used in target practice under supervision of an adult nor does it apply to an adult who transfers a pistol or revolver to a person under eighteen (18) years of age for use only in target practice under her/his direct supervision. (Am. by ORD-14-00012, 1-14-14)

(5) No person under the age of eighteen (18) shall go armed with or possess a firearm of any type, or a pneumatic pellet gun or a spring-loaded pellet gun and no person under the age of eighteen (18) years shall have in her/his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or spring-loaded pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm, pneumatic pellet gun or spring-loaded pellet gun under the supervision of an adult when such firearm, pneumatic pellet gun or spring-loaded pellet gun is being used in target practice or hunting, nor does it apply to an adult who transfers

a firearm, pneumatic pellet gun or spring-loaded pellet gun to a person under eighteen (18) years of age for use only in target practice or any hunting under her/his direct supervision. (Am. by Ord. 9777, 5-12-89; ORD-14-00012, 1-14-14)

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

(7) It shall be unlawful for any person to possess, carry or go armed with any firearm on or about their person within the City of Madison, unless the firearm is both unloaded and enclosed or encased within a carrying case. This provision does not apply to the following:

(a) Any peace officer or law enforcement officer.

(b) Any member of the armed forces or National Guard while going armed in the line of duty;

(c) A correctional officer while going armed in the line of duty;

(d) A private detective or private security person while going armed in accordance with rules promulgated by the state Department of Regulation and Licensing.

(e) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes without ammunition or with blank ammunition.

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks and other financial institutions while actually employed in the shipment, transportation or delivery of any money, bullion, bonds or any other thing of value within the city. Such individuals while in the performance of their duties shall be completely attired in the uniform of their employer.

(g) Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;

(h) Individuals engaged in historical reenactments of battles, etc., while using firearms without ammunition or with blank ammunition.

(i) The owner or employee authorized by the owner of a business while on the business premises.

(j) Individuals in possession of firearms within their own home.

(k) Individuals in possession of firearms on property where hunting is permitted, provided such individual is otherwise authorized to possess or use a firearm.

(l) Individuals engaged in the display or sale of firearms in conjunction with a gun show or exhibition while on the premises of the gun show or exhibition.

(m) Individuals in possession of a valid federal firearms dealer license issued by the United States Department of Treasury and their customers, while engaged in business transactions with unloaded weapons on the business premises.

(n) Individuals in possession of firearms on a premises for purposes of conducting or participating in hunter safety training courses on that premises.

(o) Civilian students and instructors who are receiving or conducting law enforcement training certified by the Law Enforcement Standards Board as defined in Sec. 165.85 of the Wisconsin Statutes while actually engaged in such training.

(p) Individuals in the employ of or under the sponsorship of non-profit museums while transporting, studying, exhibiting or presenting a program involving such firearms for legitimate educational purposes.

(q) Instructors and pupils in any properly licensed firing range.

In any prosecution brought to enforce the provisions of this section, the prosecution need not negate any exemptions contained herein, and the defendant shall have the burden of proving that any exemption exists or applies.
(New Sec. 25.01(7) Cr. by Ord. 11,095, 12-22-94)

(8) Trigger Locks. Effective September 1, 1995, all firearms of any type whatsoever, whether encased or not, shall be properly secured with a trigger lock or gun locking device

appropriate for the firearm, when not in actual use as authorized by law. The term trigger lock or gun locking device means any device, openable with a key or combination, which when properly secured to a firearm prohibits its operation. (New Sec. 25.01(8) Cr. by Ord. 11,095, 12-22-94)

(9) Separability. It is hereby declared to be the intention of the Common Council of the City of Madison that the several provisions of this ordinance are separable and if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment. (Renumbered from (8) by Ord. 11,095, 12-22-94)

(10) This ordinance shall be in effect from and after February 1, 1969. (Renumbered from (9) by Ord. 11,095, 12-22-94)

(11) (R. by ORD-07-00193, 12-20-07)

(12) (R. by ORD-13-00005, 1-15-13)

(13) Any person who violates any provision of this section shall be subject to a forfeiture of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500). (Renumbered from (12) by Ord. 11,422, 11-15-95)

[EDITOR'S NOTE: This ordinance Section 25.01 took effect January 1, 1975.]

25.02 RESERVED FOR FUTURE USE. (R. by ORD-13-00005, 1-15-13)

25.025 RESERVED FOR FUTURE USE. (R. by ORD-13-00005, 1-15-13)

25.03 STORAGE OF GUNPOWDER, PROPELLANTS AND EXPLOSIVES.

(1) Scope. This ordinance applies to the storage and handling of explosives but does not apply to the interstate transportation of explosives. This ordinance shall not apply to the military, naval forces, federal agencies, state militia, police or fire department provided they are acting within their official capacity and in the proper performance of their normal emergency duties.

(2) Definitions.

Barricade. The term "barricade" when used in these rules shall be held to mean natural features of the ground, such as hills, timber of sufficient density that the surrounding exposures cannot be seen when the trees are bare of leaves, or an "efficient artificial barricade" consisting of an artificial mound or properly revetted wall of earth of a minimum thickness of three (3) feet at the top.

Blaster. The term "blaster" shall mean any person or persons holding a license issued by the Industrial Commission.

Blasting. The term "blasting" shall denote a method of loosening, moving or shattering masses of solid matter by use of explosive compounds.

Blasting Agents. The term "blasting agent" shall denote any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive and in which none of the ingredients is classified as an explosive (provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test).

Blasting Cap. The term "blasting cap" means a small metal tube or shell closed at one end, loaded with a detonating charge whose minimum strength shall be equivalent to one (1) gram of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate mixture, used in detonating high explosives. One end of this tube shall be opened for the insertion of safety fuse.

Blasting Mat. The term "blasting mat" shall mean a heavy mat of woven rope, steel wire, or chain, or a mat improvised from timber, poles, brush or other materials, placed over loaded holes, tending to minimize the amount of rock and other debris that might be thrown into the air.

Cap Sensitivity Test. The "cap sensitivity test" is a simple method of measuring the initiation sensitivity of a blasting agent. A one (1) quart, cylindrical, cardboard carton of the type commonly used for bulk ice cream, is filled with the blasting agent to be tested and packed to the approximate shipping package density. A commercial No. 8 blasting cap is inserted into the center of the blasting agent through a hole in the top of the carton. The charge is then placed on soft ground in an isolated area with adequate protection for personnel and the blasting cap fired. If a crater is formed in the soft ground of sufficient size to indicate that any part of the blasting agent detonated, the material is cap-sensitive and must be treated as a high explosive.

Community. The term "community" shall mean all areas now within or later annexed to the City of Madison.

Convey. The term "convey" shall mean to bear or carry explosives from one place to another on the premises of the user of explosives.

Delay Electric Blasting Cap. The term "delay electric blasting cap" means an electric blasting cap with a timing element interposed between the ignition head and the detonating compound.

Detonator. The term "detonator" means any kind of blasting cap used for detonating a high explosive.

Electric Blasting Cap. The term "electric blasting cap" means a blasting cap with an ignition held inserted into and sealed in the open end with two (2) projecting wires for electric firing.

Explosive. For the purpose of these rules, an "explosive" is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of both gas and heat, unless such compound, mixture or device is otherwise classified by the Industrial Commission of Wisconsin.

Highway. The term "highway" when used in these rules shall be held to mean and include any public street, public alley or public road.

Inhabited Building. The term "building" when used in the American Table of Distances shall mean and include only a building occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, airport terminal, mercantile building, garage, factory, or other building where people are accustomed to assemble except operating buildings. (See Wis. Admin. Code § SPS 307.20(17).) (Am. by ORD-12-00035, 3-28-12; 00149, 12-5-12)

Magazine. The term "magazine" means any building or other structure of approved construction used for the storage of explosives.

Nitro-Carbo-Nitrate. A blasting agent that has been classified as a nitro-carbo-nitrate under Interstate Commerce Commission regulations and which is packaged and shipped in compliance with these regulations.

Person. The term "person" when used in these rules shall be held to mean and include a firm or body corporate as natural persons.

Primer. The term "primer" when used in these rules shall mean a capped fuse, electric detonator, or any other detonating device inserted in or attached to a cartridge of explosive.

Railroad. The term "railroad" when used in the American Table of Distances shall mean and include any steam, electric or other railroad tracks which carry passengers for hire.

(3) No dynamite of more than fifty percent (50%) strength shall be stored, kept or stored for sale in any building, showroom, wareroom or in or on any premises within the City of Madison.

(4) Anyone storing explosives or detonators within the City of Madison shall notify the Chief of the Fire Department of the place, extent and manner of such storage.

(5) Not more than a total quantity of fifty (50) pounds of dynamite for sale or use shall be kept or stored in any building or on any premises in the City of Madison. Such fifty (50) pounds or less of such dynamite shall be kept and stored in a magazine made of fire-resistive materials or of wood covered with sheet iron and mounted on wheels or skis, and kept locked except when opened necessarily for use by authorized persons. Such magazine shall be plainly marked "EXPLOSIVES", and located within a building, on the floor nearest the ground level, and within ten (10) feet from an outside entrance and ten (10) feet from any other magazine.

(6) Not more than a total quantity of fifty (50) pounds of gunpowder and black powder may be kept or stored in any building or on any premises in the City of Madison. Such powder shall be kept in closed metal canisters placed in a separate magazine constructed and located as described in Subsection (5).

(7) Modern smokeless powder, generally classified as propellant powder or sometimes as flammable solids, and including double base powders, for ammunition loading shall be subject to the following regulations:

(a) A maximum of three hundred (300) pounds may be stored in original containers in a locked cabinet painted red and labeled "SMOKELESS POWDER STORAGE" in letters at least four (4) inches high.

(b) The regular capacity of the magazine shall be painted on the outside.

(c) The location of the magazine shall be known to the local fire department.

(d) Ammunition primers shall not be stored in the same locked cabinet.

(e) No smoking shall be permitted and fire extinguisher requirements for commercial areas shall be complied with when shells are loaded in public areas. All spillage shall be swept up and destroyed.

(f) Public demonstrations of loading equipment and display containers shall use a substitute nonflammable material in place of the propellant powder.

(g) Quantities in excess of three hundred (300) pounds shall be kept in a magazine separate from inhabited buildings and highways in accordance with the following table:

Quantity	
Up to 1,000 pounds	50 feet
5,000 pounds	75 feet
10,000 pounds	100 feet

Over 10,000 pounds shall be stored in explosives magazine in accordance with the American Table of Distances for Storage of Explosives.

(h) The magazine shall be fire and theft resistant, free of grit and rubbish. No smoking or open flames permitted.

(8) Not more than seven thousand (7,000) detonators may be kept or stored in any building or premises in the City of Madison and in no case shall explosives and detonators be kept in the same magazine.

(9) Detonators shall be kept or stored in a similar, but separate magazine at least ten (10) feet away from any other magazine.

(10) Blasting operations within the City of Madison may store up to a maximum of twenty-four (24) hours explosives requirements, but where such twenty-four (24) hours requirements exceed fifty (50) pounds, written permission shall be obtained in advance from the Industrial Commission and the explosives shall be stored in a magazine described as follows:

Storage, Daily Supply. Where explosives in excess of immediate requirements are removed from a magazine and delivered in the vicinity of a blasting operation, they shall be kept in a stout tight box constructed of nominal two (2) inch plank, covered with not less than twenty-six (26) gauge sheet metal or other fire-resistive

material, and equipped with hinged lid, or in a small portable building similarly covered. Not more than twenty-four (24) hours' supply of explosives shall at any time be kept or stored therein. If this daily supply exceeds fifty (50) pounds, it shall be located not less than two hundred (200) feet from the work in progress and from buildings, railroads and highways, except by written permission of the Industrial Commission. Except when necessarily opened for use by authorized persons, such box shall be locked. Each such box shall be painted red and be conspicuously marked "EXPLOSIVES".

(11) Location of Magazines. All magazines in which explosives are kept or stored shall be located at a distance from buildings, railroads and highways in conformity with the following American Table of Distances, unless otherwise authorized by the Fire Chief. The American Table of Distances governing the keeping and storage of explosives is as follows:

AMERICAN TABLE OF DISTANCES

Explosives		Distances in Feet (Unbarricaded)			
Pounds Over	Pounds Not Over	Inhabited Buildings	Passenger Railways	Public Highways	Separation of Magazines
2	5	140	60	60	12
5	10	180	70	70	16
10	20	220	90	90	20
20	30	250	100	100	22
30	40	280	110	110	24
40	50	300	120	120	28
50	75	340	140	140	30
75	100	380	150	150	32
100	125	400	160	160	36
125	150	430	170	170	38
150	200	470	190	190	42
200	250	510	210	210	46
250	300	540	220	220	48
300	400	590	240	240	54
400	500	640	260	260	58
500	600	680	270	270	62
600	700	710	290	290	64
700	800	750	300	300	66
800	900	780	310	310	70
900	1,000	800	320	320	72
1,000	1,200	850	340	330	78
1,200	1,400	900	360	340	82
1,400	1,600	940	380	350	86
1,600	1,800	980	390	360	88
1,800	2,000	1,010	410	370	90
2,000	2,500	1,090	440	380	98
2,500	3,000	1,160	470	390	104
3,000	4,000	1,270	510	420	116
4,000	5,000	1,370	550	450	122
5,000	6,000	1,460	590	470	130

Explosives		Distances in Feet (Unbarricaded)			
Pounds Over	Pounds Not Over	Inhabited Buildings	Passenger Railways	Public Highways	Separation of Magazines
6,000	7,000	1,570	620	490	136
7,000	8,000	1,600	640	500	144
8,000	9,000	1,670	670	510	150
9,000	10,000	1,730	690	520	156
10,000	12,000	1,750	740	540	164
12,000	14,000	1,770	780	550	174
14,000	16,000	1,800	810	560	180
16,000	18,000	1,880	840	570	188
18,000	20,000	1,950	870	580	196
20,000	25,000	2,110	940	630	210
25,000	30,000	2,260	1,000	680	224
30,000	35,000	2,410	1,050	720	238
35,000	40,000	2,550	1,100	760	248
40,000	45,000	2,680	1,140	800	258
45,000	50,000	2,800	1,180	840	270
50,000	55,000	2,920	1,220	880	280
55,000	60,000	3,030	1,260	910	290
60,000	65,000	3,130	1,290	940	300
65,000	70,000	3,220	1,320	970	310
70,000	75,000	3,310	1,350	1,000	320
75,000	80,000	3,390	1,380	1,020	330
80,000	85,000	3,460	1,410	1,040	340
85,000	90,000	3,520	1,440	1,060	350
90,000	95,000	3,580	1,460	1,080	360
95,000	100,000	3,630	1,490	1,090	370
100,000	110,000	3,670	1,540	1,100	390
110,000	120,000	3,710	1,580	1,110	410
120,000	130,000	3,750	1,620	1,120	430
130,000	140,000	3,780	1,670	1,130	450
140,000	150,000	3,800	1,700	1,140	470
150,000	160,000	3,870	1,740	1,160	490
160,000	170,000	3,930	1,780	1,180	510
170,000	180,000	3,980	1,810	1,200	530
180,000	190,000	4,020	1,840	1,210	550
190,000	200,000	4,060	1,870	1,220	570
200,000	210,000	4,155	1,910	1,240	590
210,000	213,000	4,200	1,960	1,270	630
230,000	250,000	4,310	2,020	1,300	670
250,000	275,000	4,430	2,080	1,340	720
275,000	300,000	4,550	2,150	1,380	770

(12) Any person who violates any provision of this section shall be subject to a forfeiture of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). (Am. by ORD-07-00127, 10-5-07)

(13) Separability. It is hereby declared to be the intention of the Common Council of the City of Madison that the several provisions of this ordinance are separable and if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

25.035 BARBED BULLETS PROHIBITED.

(1) It shall be unlawful for a person to own or to have in her/his possession any barbed bullet in the City of Madison except as hereinafter provided. All barbed bullets possessed in violation of this section and all firearms possessed or used in connection therewith are unlawful property and shall be seized by any peace officer. Upon conviction of the person for a violation of this section, all such property shall be disposed of pursuant to Sec. 968.20(3)(b) of the Wisconsin Statutes.

(2) Barbed Bullet means any bullet that is designed to expand upon impact resulting in the bullet having evenly-spaced, pointed sharp hook or barb-shaped or other similar projections that extend beyond the original diameter of the unfired bullet.

Firearm has the meaning given in Section 25.01(1) of the Madison General Ordinances.

Museum means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule.

(3) This section does not apply to the following:

(a) Any peace officer or law enforcement officer if required to possess prohibited bullets as a condition of employment.

(b) Any member of the Armed Forces or National Guard while on official duty.

(c) Any corrections personnel in the Department of Corrections while on official duty.

(d) Any authorized personnel of the State Crime Laboratory while on official duty.

(e) Any manufacturer or seller of barbed bullets who manufactures such bullets for or sells such bullets to persons specified in Subdivisions (a) through (d) above.

(f) Any common carrier transporting barbed bullets through the City of Madison or delivering them to a person specified in Subdivisions (a) through (e) above pursuant to 18 USC Sec. 926A.

(g) Barbed bullets in the collections of non-profit museums which collect such artifacts for legitimate educational and research purposes.

(4) Penalty. Any person violating this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000) upon conviction and, in addition, shall forfeit the barbed bullets giving rise to the violation and the firearm used in connection therewith at the time the offense was committed.

(5) Effective Date. This act takes effect thirty (30) days after publication.

(6) Subsection (1) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court. (Cr. by Ord. 11,201, 3-16-95)

(Sec. 25.035 Cr. by Ord. 11,092, 12-22-94)

25.04 RESERVED FOR FUTURE USE. ("Fireworks Regulated" R. by Ord. 11,021, 10-31-94)

25.05 SPARKLERS PROHIBITED IN PUBLIC PARKS.

(1) No person shall light, ignite, discharge or set in operation any firework of the type known as a star-producing sparkler in any area owned by the City of Madison, the jurisdiction of which is in the Park Department of the City of Madison, at any time or times when people are assembled to participate in a public picnic, rally, attend a public concert or to witness an exhibition, play, pageant, athletic event or pyrotechnic display.

(2) Any person who violates this section shall be subject to a forfeiture of not less than five dollars ($5) nor more than twenty-five dollars ($25).

25.06 DISCHARGE OF FIREARMS.

(1) No person shall fire or discharge a firearm of any description, or any pneumatic or spring-loaded pellet gun, without written permission of the Mayor or Chief of Police, such permission shall limit the time of such firing and shall be subject to revocation by the Mayor, the Chief of Police or Common Council. The above prohibition as to the discharge of firearms shall not apply:

(a) during the regular hunting season to the hunting of ducks, pheasants, rabbits or other game with scatter gun loads on private lands zoned "Agricultural" under City of Madison zoning ordinances provided that such hunting is carried on by the owners of the property or their guests and, provided that, except for duck hunting, such lands are not less than twenty (20) acres in size. Such guests shall be required to carry a card with the owner's signature thereon except when accompanied by the owner of the land.

(b) in conservation parks which shall be governed by Sec. 8.40, M.G.O. (Am. by Ord. 12,372, 5-6-99)

(2) No person shall hunt in or discharge a firearm of any description in or into or over the area known as Dunn's Marsh, the legal description of which is on file in the office of the City Engineer and which is adopted and incorporated by reference herein, any provision of these ordinances notwithstanding. The boundaries of the area shall be posted with signs at least eleven (11) inches square and spaced not more than five hundred (500) feet apart; such signs shall carry an appropriate notice including the words "City of Madison, Owner" and shall recite the section number of this ordinance. Any person violating the provisions of this section shall forfeit not more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

25.07 CARRYING OF GLASS BOTTLES IN PUBLIC SPECTATOR FACILITIES.

(1) Intent and Purpose. It is recognized that thrown bottles and broken glass in public spectator facilities subject spectators and participants to unnecessary physical hazards to their health and safety. This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City and others who attend or participate in public spectator events.

(2) It shall be unlawful for any person to carry or possess any container composed of glass, porcelain or derivatives thereof, designed for or actually containing liquids, commonly known as a bottle, within the confines of any of the following public spectator facilities, including possession within one hundred (100) feet of any seating area or playing surface of any facility which is not enclosed by a retaining fence or other structure: Breese Stevens Field, Demetral Field diamond # 1, Franklin Field diamonds #2 and #3, Hartmeyer Ice Arena, James Madison Memorial Stadium and Baseball Field, all auditorium, gymnasium and swimming facilities at Madison East, Edgewood, LaFollette, Memorial and West High Schools, Medalist Ice Arena, Olbrich Park diamonds #2, #4, #5, #6 and #7, East Madison and West Madison YMCA swimming pools and Warner Football Stadium and Baseball Field.

(3) Exception. This ordinance shall not apply to the suppliers of the person, firm or corporation holding a concession contract with the City of Madison or Board of Education. However, all beverages sold by the concessionaire must be dispensed to the buyer in either paper or plastic containers.

(4) Penalty. Any person who shall violate any provision of this section shall, upon conviction, forfeit not more than five hundred dollars ($500), together with the costs of prosecution. The foregoing penalty is suspended whenever any person voluntarily surrenders a bottle or

bottles violative of this ordinance at the entrance before entering said public spectator facility for return at the end of the game or event. (Am. by Ord. 13,760, Adopted 12-14-04)
(Sec. 25.07 Cr. by Ord. 4932, 4-11-75)

25.08 POSSESSING FIREARMS OR BOW AND ARROW IN CONSERVANCY DISTRICTS OR PARKS AND RECREATION DISTRICTS PROHIBITED WITHOUT CONSENT. No person shall possess or carry about any cannon or firearm of any description, or any air gun, or any bow, crossbow or similar device which propels or projects an arrow or similar projectile, in a conservancy zoning district without the written consent of the owner or the owner's agent or operator of any land therein located. (Cr. by Ord. 8330, 5-11-84; Am. by ORD-12-00134, 1-2-13)

25.09 CHRONIC NUISANCE PREMISES.

(1) Findings. The Madison Common Council finds that certain premises within the City receive and require more than the general, acceptable level of police services and Building Inspection Department Services, place an undue and inappropriate burden on City of Madison taxpayers, and constitute public nuisances. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. The vast majority of properties with chronic nuisance activity are non-owner occupied. This ordinance is enacted to encourage premises owners to recognize their responsibility to ensure that activities occurring on their premises conform to the law and do not unduly burden the City's police and Building Inspection resources and to provide a mechanism for the City to take action against premises owners who fail to ensure premises they own do not require a disproportionate level of police and Building Inspection resources to be devoted to such premises. This ordinance provides a method for Police and the Department of Building Inspection to use in a progressive manner when working with property owners to abate nuisance activities occurring on their premises. Therefore, the Common Council determines that the City will charge the owners of such premises with the costs associated with abating nuisance activity at premises where nuisance activities chronically occur. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a Premises owner's duty to comply with the Fair Housing Laws under Sec. 39.03 of the Madison General Ordinance (Equal Opportunities Ordinance), nor does it affect a Premises owner's duty to comply with all other laws governing residential tenancies which are contained in Chapter 704 of the Wisconsin Statutes, Chapter ATCP 134 of the Wisconsin Administrative Code, and Chapter 32 of the Madison General Ordinances. (Am. by ORD-08-00109, 10-7-08)

(2) Definitions. For the purposes of this section:

(a) "Chronic Nuisance Premises" means a premises that meets any of the following criteria:

1. Is a Premises which has generated three (3) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate days within a ninety (90) day period. Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity; and/or has generated a number of cases from the Building Inspection Department for Nuisance Activities from separate inspections occurring within a one (1) year period, with such calls resulting in Enforcement Action based on the following:
   a. Five (5) cases with one resulting in Enforcement Action, or
   b. Four (4) cases with two resulting in Enforcement Acton, or
   c. Three (3) cases all resulting in Enforcement Action; or

(Am. by ORD-13-00008, 1-15-13)

2. Is a Premises for which a Dane County Court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the Premises within thirty (30) days prior to the date of the search warrant application; or
3. Is a Premises which has had one (1) Enforcement Action associated with the Premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes.

(Am. by ORD-08-00109, 10-7-08)

(b) "Chronic Nuisance Premises Notice" means the notice issued by the Chief of Police and/or the Director of Building Inspection and referred to in Subsection (3)(a) of this ordinance. (Am. by ORD-08-00109, 10-7-08)

(c) "Enforcement Action" means any of the following: The physical arrest of an individual(s), the issuance of a citation for a law violation and/or referral of charges by the police or the Department of Building Inspection to the City Attorney or District Attorney for prosecution for Nuisance Activities. (Am. by ORD-08-00109, 10-7-08)

(d) "Nuisance Activities" means any of the following activities, behaviors or conduct:

1. An act of harassment as defined in s. 947.013, Wis. Stats.
2. Disorderly conduct as defined in s. 24.02, MGO or s. 947.01, Wis. Stats.
3. Crimes of violence as defined in ch. 940, Wis. Stats.
4. Resisting or obstructing an officer as prohibited by Sec. 5.06, MGO or s. 946.41, Wis. Stats.
5. Indecent exposure as prohibited by Sec. 26.01, MGO or s. 944.20(1)(b) Wis. Stats.
6. Damage to property as prohibited by Sec. 23.06, MGO. or s. 943.01, Wis. Stats.
7. The production or creation of noises disturbing the peace, as prohibited by sec. 24.04, MGO.
8. Discharge of a firearm as prohibited by Sec. 25.06, MGO.
9. Crimes involving illegal possession of firearms as defined in ss. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
10. Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats, or unlawful trespass as prohibited in Sec. 23.07, MGO.
11. Obstructing a street or sidewalk, as prohibited by Sec. 10.23(1), MGO.
12. Theft as defined in s. 943.20, Wis. Stats.
13. Arson as defined in s. 943.02, Wis. Stats.
14. Depositing rubbish as prohibited by Sec. 10.17, MGO.
15. Keeping a place of prostitution as defined in or s. 944.34, Wis. Stats.
16. Loitering for the purposes of prostitution as prohibited by Sec. 26.08, MGO.
17. Loitering for purposes of soliciting prostitutes, as prohibited by Sec. 26.085, MGO.
18. Prostitution as prohibited by s. 944.30, Wis. Stats.
19. Soliciting prostitutes as prohibited by s. 944.32, Wis. Stats.
20. Pandering as prohibited by s. 944.33, Wis. Stats.
21. Loitering for purposes of soliciting prostitutes, as prohibited by Sec. 26.085, MGO.
22. Possessing an open container which contains alcohol beverages or consuming alcohol beverages upon any public street as prohibited by Sec. 38.07(7) of these ordinances.

23. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in Sec. 38.05(1), MGO, or s. 125.04(1), Wis. Stats.
24. Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.
25. Maintaining a drug dwelling as defined in Sec. 961.42 of the Wisconsin Statutes.
26. Illegal gambling as defined in s. 945.02, Wis. Stats.
27. Owning, keeping or harboring a dangerous animal, as defined in Sec. 25.22, MGO.
28. Violations of the Minimum Housing Code, as prohibited by Ch. 27, MGO.
29. Violations of the Fire Prevention Code as prohibited by Ch. 34, MGO. (Cr. by ORD-13-00008, 1-15-13)

(e) "Person" means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Madison.

(f) "Person Associated With" means any person who, whenever engaged in a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

(g) "Person in Charge" means any person, in actual or constructive possession of a Premises including but not limited to an owner or occupant of Premises under his or her ownership or control.

(h) "Chief of Police" means the City of Madison Police Department Chief of Police or designee.

(i) "Director of Building Inspection" means the City of Madison Department of Building Inspection Director or designee. (Am. by ORD-08-00109, 10-7-08)

(j) "Premises" means a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "Premises", as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

(3) Procedure.

(a) Upon finding that a Premises meets the definition of a Chronic Nuisance Premises, the Chief of Police or the Director of Building Inspection may declare the Premises a Chronic Nuisance Premises. The Chief of Police or the Director of Building Inspection shall provide written notice of his or her determination to the Premises owner identified by the City of Madison Assessor's records for that Premises, and a courtesy copy to the Alder of the affected district. The Chronic Nuisance Premises Notice ("CNP Notice") shall be deemed delivered if sent either by first class mail to the Premises owner's last known address or delivered in person to the Premises owner and the courtesy copy to the Alder at the Common Council office or by electronic mail. If the Premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP Notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the CNP Notice is sent

by first class mail to the last known address of the owner as identified by the records of the City Assessor. The CNP Notice shall contain the following information:

1. Street address, parcel number or a legal description sufficient to identify the Premises.
2. A concise statement, including a description of the relevant activities supporting the determination that the Premises is a Chronic Nuisance Premises.
3. A statement that the owner shall immediately notify the Chief of Police or Director of Building Inspection of any change in address to ensure receipt of future notices.
4. A statement that the cost of future enforcement may be assessed as a special charge against the Premises.
5. A statement that the owner shall, within ten (10) days of receipt of the CNP Notice, respond to the Chief of Police or the Director of Building Inspection either with an appeal or to propose a written course of action to abate the Nuisance Activities. The Statement shall direct the Premises owner to schedule a meeting with the Chief of Police and/or Director of Building Inspection to discuss the Nuisance Activity and the Premises owner's intent regarding abatement.
6. A statement that the Premises owner shall, when appropriate, consider and implement alternatives to eviction when formulating an abatement plan.
7. A statement that the Premises owner shall at all times comply with the fair housing requirements contained in Sec. 39.03 of the Equal Opportunities Ordinance when considering any action against a tenant based upon a CNP Notice.
8. A statement that the Premises s owner may be subject to a forfeiture action with a penalty of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for permitting a Chronic Nuisance Premises and may be subject to imprisonment for failure to pay such forfeiture.
9. A statement that if the Premises is a non-owner occupied residential Premises, the Premises owner shall attend a landlord training, approved by the Office of the City Attorney, within thirty (30) days of issuance of the CNP Notice.

(Am. by ORD-08-00109, 10-7-08)

10. A statement that the Premises owner must comply with the registration requirements of Sec. 9.25, MGO, if the owner is renting, or offering for rent, the Premises and that the owner must apply for a registration certificate within fifteen (15) days of the CNP Notice. (Cr. by ORD-10-00011, 2-4-10)

(b) 1. In reaching a determination that a premises is a Chronic Nuisance Premises, activities that were reported to the police or Department of Building Inspection by the Premises owner or on-site Premises manager shall not be included as Nuisance Activities. (Am. by ORD-08-00109, 10-7-08)

2. Wis. Stat. § 968.075, broadly defines "domestic abuse". Therefore, in reaching a determination that a Premises is a Chronic Nuisance Premises, activities that are "domestic abuse" incidents pursuant to Wis. Stat. § 968.075, shall not be included as Nuisance Activities unless the incidents have been reviewed by the Chief of Police and the Office of the City Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed Nuisance Activities under

Subsection (2)(d). In determining whether to include such activities, the Chief of Police and Office of the City Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports and shall comply with the domestic violence provisions contained in the Equal Opportunities Ordinance under Sections 39.03(4)(d)3 and 5. (Am. by ORD-09-00147, 11-6-09)

3. a. If the owner responds to the CNP Notice pursuant to Subdivision (a) with a nuisance abatement proposal, the Chief of Police or the Director of Building Inspection may accept, reject or work with the owner to modify the proposal. The plan is acceptable if it can reasonably be expected to result in abatement of the Nuisance Activities described in the CNP Notice within sixty (60) days. (Am. by ORD-08-00109, 10-7-08)

b. Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement plan that considers alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.

c. Premises owners shall be counseled regarding use of available resources, including community service providers, when Nuisance Activity associated with the Premises is not caused or contributed to by the direct actions of a tenant.

d. If the Premises owner meets with the Chief of Police and/or the Director of Building Inspection and presents an acceptable abatement plan and initiates action to abate the Nuisance Activities occurring on the Premises, the Police Department and/or Department of Building Inspection will delay further enforcement of this ordinance, including cost recovery under Subsection (4)(a). (Am. by ORD-08-00109, 10-7-08)

e. If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police and/or Director of Building Inspection will reinstitute enforcement of this ordinance and the Premises owner will be sent a Change In Status Letter. This letter will document the Police Department and/or Department of Building Inspection's efforts to contact and/or obtain cooperation of the owner. (Am. by ORD-08-00109, 10-7-08)

f. Failure by the Premises owner to respond within ten (10) days as directed in this subdivision shall result in a forfeiture of one thousand dollars ($1,000) plus court costs and fees.

4. Any Premises owner who has been notified by the Chief of Police or the Director of Building Inspection that their non-owner occupied Premises is a Chronic Nuisance Premise shall attend a landlord training approved by the Office of The City Attorney within thirty (30) days of said notification. The fee for any landlord training program administered by the City of Madison shall be fifty dollars ($50.00) and shall be paid by the Premises owner prior to attending the training. Failure to attend the approved landlord training shall result in a forfeiture of two hundred fifty dollars ($250) plus court costs and fees. (Am. by ORD-08-00109, 10-7-08)

(c) Whenever the Chief of Police or the Director of Building Inspection determines that any of the following have occurred:

1. A Premises owner has failed to respond to the CNP Notice in Subsection (3)(a), or

2. Enforcement action for an additional Nuisance Activity has occurred at a Premises for which Notice has been issued pursuant to Subdivision (a) and this Enforcement Action has occurred not less than fifteen (15) days after the CNP Notice has been issued, or

3. A course of action submitted pursuant to Subsection (3)(b)3. has not been completed,

Then the Chief of Police and/or the Director of Building Inspection may calculate the cost of enforcement to abate this and any subsequent Nuisance Activities and may refer such cost to the Finance Director so that the cost may be billed to the Premises owner. The Chief of Police and/or the Director of Building Inspection shall notify the Premises owner of the decision to refer the cost of enforcement to the Finance Director. Delivery of this notice, along with a copy of the Chief's or Building Inspection Director's referral letter to the Finance Director, shall be made as set forth in Subdivision (a). The notice shall contain:

a. The street address or legal description sufficient for identification of the premises.

b. A Statement that the Chief of Police and/or the Director of Building Inspection has referred the cost of enforcement to the Finance Director with a concise description of the Nuisance Activities and the relevant sections of the ordinances.

c. Notice of the premises owner's right to appeal pursuant to Subsection (5).

(Am. by ORD-08-00109, 10-7-08; ORD-11-00037, 3-8-11)

(d) Each subsequent incident of enforcement action for Nuisance Activity shall be deemed a separate violation and costs will continue to be assessed pursuant to Subsection (3)(c)3 until the nuisance is abated pursuant to Subsection (10).

(4) Penalties and Remedies.

(a) Cost Recovery. The Chief of Police and the Director of Building Inspection shall keep an accurate account of the cost of enforcement and shall report it to the Finance Director. The Finance Director shall establish a reasonable charge for the costs of enforcement of this section. Upon receipt of a notice from the Chief of Police or the Director of Building Inspection issued pursuant to Sub. (2)(b), the Finance Director shall charge any Premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the Premises owner by invoice sent by regular mail and must be paid within thirty (30) days of the date on the invoice. Any unpaid invoice shall be a lien on such Premises and may be assessed and collected as a special charge pursuant to Wis. Stat. § 66.0627. A one hundred dollar ($100) administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises. (Am. by ORD-08-00109, 10-7-08; ORD-11-00037, 3-8-11)

(b) Suspension of Cost Recovery. If after the receipt of a billing notice from the Finance Director, the Premises owner develops an acceptable plan and initiates action to abate nuisance activities occurring on the Premises, the Chief of Police and/or Director of Building Inspection will suspend further enforcement of this ordinance. The Premises owner is still responsible for any enforcement costs incurred prior to the Premises owner's submitting an abatement plan, including the administrative fee. If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police and Director of Building Inspection will reinstitute enforcement of this ordinance after sending the Premises owner a Change In Status letter. (Am. by ORD-08-00109, 10-7-08; ORD-11-00037, 3-8-11)

(c) Forfeiture. A forfeiture action may be commenced by the Office of the City Attorney for each Enforcement Action for Nuisance Activity occurring after the Premises has been declared a Chronic Nuisance Premises. The forfeiture shall be not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each enforcement action. Upon default of payment, the Premises owner may be imprisoned in the county jail for a period of not more than ninety (90) days.

(5) Appeal. Appeal of the determination of the Chief of Police and/ or the Director of Building Inspection pursuant to either Subsection (3)(a), or the action of the Finance Director imposing special charges pursuant to Subsection (4)(a) against the Premises, may be submitted in writing to the Administrative Review Board in accordance with the procedures set forth in Sec. 9.49 of these ordinances. (Am. by ORD-08-00109, 10-7-08; ORD-11-00037, 3-8-11)

(6) Eviction or Retaliation Prohibited.

(a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the Chief of Police or Building Inspection Director about Nuisance Activities on the landlord's premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord, to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the police to report Nuisance Activity associated with a Premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the Chief of Police or Building Inspection Director constitutes unlawful retaliation under this subsection. Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing Nuisance Activity as defined in Sub. (2)(d); for the commission of waste upon the Premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Wis. Stat. ch. 704, and Wis. Admin. Code ch. Ag. 134. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection. (Am. by ORD-08-00109, 10-7-08)

(b) "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section.

(c) Penalty. Any person violating Subsection (6) shall be subject to a forfeiture of not less than $100 nor more than $2000 for each violation and upon failure to pay said forfeiture, may be imprisoned in the county jail for a period of not more than ninety (90) days.

(7) Summary Abatement. The Director of Building Inspection is authorized to cause the abatement, including summary abatement, of any nuisance found on any Premises, according to the procedure prescribed in Sec. 27.05(3), MGO. (Am. by ORD-08-00109, 10-7-08)

(8) Injunction. This section may be enforced by injunction. Neither an action for injunction or for a forfeiture hereunder is subject to the notice requirements of Sec. 3.07(2), MGO.

(9) Abatement In Accordance With State Law. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State.

(10) When Nuisance Is Deemed Abated. The public nuisance created by a Chronic Nuisance Premises shall be deemed abated when no Enforcement Action to address Nuisance Activities occurs for a period of six (6) consecutive months from the date stated on the

notice declaring the Premise a Chronic Nuisance Premises and/or there are no building inspection cases generated for a period of six (6) consecutive months from the date stated on the notice declaring the Premises a Chronic Nuisance Premises. (Am. by ORD-09-00147, 11-6-09)

(11) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(12) Report. The Chief of Police shall annually report to the Common Council on the following:

(a) How many Premises were declared Chronic Nuisance Premises.

(b) How many Premises that were declared Chronic Nuisance Premises were abated and the length of time it took for abatement to occur.

(c) How often the Cost Recovery provision was used and the dollar amount collected under this provision.

(Sec. 25.09(12) R. & R. by ORD-09-00148, 10-31-09)

(Sec. 25.09 Cr. by ORD-07-00129, 10-5-07)

25.10 NUISANCE PARTY PROHIBITED.

(1) Findings. The Madison Common Council finds that there are parties occurring on premises located throughout the city, which are unsafe and are public nuisances to our community. These parties involve large amounts of alcohol beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These parties often result in excessive noise levels, dangerous overcrowding of the premise and excessive consumption of alcohol, as well as other law violations.

(2) Nuisance parties create a substantial risk to the health and safety of the community and disrupt the peace and tranquility of the neighborhood. This ordinance provides a method for Police to quickly and efficiently abate a nuisance party and provides penalties to those responsible for hosting the parties.

(3) Definitions. For purposes of this section:

(a) "Nuisance Party" means a social gathering at which alcohol is present and/or consumed, that, by reason of the conduct of persons in attendance, results in violations of the Madison General Ordinances ("MGO") and/or Wisconsin State Statutes ("Wis. Stat.") and is one in which such violations occur at the site of the social gathering or on neighboring public or private property. Such violations must be associated with or substantially relate back to the social gathering occurring at a specific address. The determination that a gathering is a nuisance party shall be based upon the totality of the circumstances and consideration of all the facts, the context and reasonable suspicion that the activities pose a danger to the public health, safety and welfare. In making the determination, the police may use the following law violations as evidence of a nuisance party:

1. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in Sec. 38.05(1), MGO or Wis. Stat. § 125.04(1).
2. Procuring for or furnishing alcohol beverages to underage person as provided in Sec. 38.031, MGO or Wis. Stat. § 125.07(1)(a)1.
3. Procuring for, selling, dispensing or giving away alcohol beverages to a person who is intoxicated as provided in Sec. 38.04(1)(a)1, MGO or Wis. Stat. § 125.07(2)1.
4. Possessing or consuming alcohol beverages from an open container on a public street or alley as provided in Sec. 38.07(7), MGO.

5. Knowingly permit or fail to take action to prevent the illegal consumption of alcohol by an underage person as provided in Sec. 38.031, MGO or Wis. Stat. § 125.07(a)(a)3.
6. The production or creation of noises disturbing the peace, as prohibited by Sec. 24.04, MGO.
7. Violation of fire codes due to overcrowding as provided in Sec. 34.01, MGO.
8. Throwing of stones or other missiles or other items as provided in Sec. 25.21, MGO.
9. Obstructing stairways and entrances to buildings as provided in Sec. 24.07, MGO.
10. Obstruction of streets and sidewalks as provided in Sec. 10.23(1), MGO.
11. Disorderly conduct as provided in Sec. 24.02, MGO or Wis. Stat. § 947.01.
12. Depositing human waste as provided in Sec. 7.321, MGO.
13. Damage to property as provided in Sec. 23.06, MGO or Wis. Stat. § 943.01.
14. Unlawful depositing of trash or litter as provided in Sec. 7.32, MGO.
15. Battery as provided in Sec. 24.05, MGO or Wis. Stat. § 940.19.
16. Endangering safety by use of a dangerous weapon as provided in Wis. Stat. § 941.20.
17. Recklessly endangering safety as provided in Wis. Stat. § 941.30.

(b) "Person" means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Madison.

(c) "Premise" means a place of abode, a residence, a house or multiple dwelling unit for rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "premises" as used in this section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living sleeping, eating, cooking and sanitation.

(4) Duty to Control Premise. Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premise, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premise which is or becomes a nuisance party, as defined in sub. (2)(a) of this ordinance, and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control, is deemed to be a violation of this section.

(5) Order to Cease and Disperse. All participants at any social gathering declared by a police officer to be a nuisance party shall immediately cease participating in that nuisance activity and disperse immediately upon such order of a police officer, and all persons not residing at the premise shall leave immediately. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section.

(6) Notice of Nuisance Party Declaration.

(a) Within ten (10) days of a Nuisance Party Declaration, the police department shall send the premise owner and tenants a Notice of Nuisance Party Declaration. A copy of the notice shall be sent to the alderperson of the district in which the premise is located. The notice shall set forth the date, place, names of occupants/tenants involved, nature of the violation and shall inform the premise owner and tenants of the necessity to take action to prevent future nuisance parties at the premise. The Notice shall require the premise owner and tenants to contact the Madison Police Department District Captain or his/her designee and the City Attorney or designee and schedule a meeting within ten (10) days after receipt of

the Notice. The Notice shall be given by first class mail using the premise owner's address that is on file with the City of Madison Assessor's records and shall be mailed to the tenants at the nuisance party address.

1. Prior to notice to the premise owner, all police reports relating to the incident shall be reviewed by the District Captain or his/her designee to determine whether the facts alleged support declaring a social gathering a "nuisance" given the totality of the circumstances.

2. A premise owner(s) and/or tenant(s) who contact and meet with the District Captain and City Attorney pursuant to a Notice of Nuisance Party Declaration shall not be subject to a forfeiture for "Allowing a Nuisance Party" for a first nuisance party declaration. Failure to make contact and meet with the Police Department and the City Attorney shall result in a forfeiture for each premise owner and tenant pursuant to sub. (7) of this ordinance.

3. If the premise owner meets as set forth in sub. 2., the premise owner shall present an acceptable abatement plan to abate future nuisance party activity at the premise and shall provide written detail as to what measures the premise owner plans to take regarding the abatement of future nuisance party activity. If a premise owner is actively and in good faith working with the District Captain and the City Attorney to abate nuisance party activity, the premise owner shall not be subject to further forfeiture actions under this ordinance.

(b) If a subsequent nuisance party is declared at the same premise within a six- (6) month period and the same occupant(s)/tenant(s) are responsible for the second nuisance party, the police department shall send the premise owner and tenants a second notice of nuisance party ordinance violation within ten (10) days of the party and the premise owner and tenants may be charged with violating this ordinance and may be subject to the forfeiture stated in sub. (7) of this ordinance. A copy of the nuisance party declaration notice shall be sent to the alderperson of the district in which the premise is located.

1. Prior to a premise owner or tenant being charged with a violation of sub. (b), all police reports relating to the incident shall be reviewed by the District Captain or his/her designee to determine whether the facts alleged support charging the premise owner given the totality of the circumstances. In making a charging decision against the premise owner, the District Captain and the City Attorney shall also consider the good faith efforts of the premise owner in trying to abate the nuisance party activity and if the District Captain and City Attorney are satisfied that the premise owner is diligently working toward abating such activity, no charges shall be filed against the premise owner for allowing a second nuisance party.

2. A premise owner shall be prohibited from delegating or otherwise assigning any forfeiture assessed against the premise owner under this subsection to any occupant/tenant of the premises where the violation occurred. Such delegation or assignment shall result in an additional violation of this section and subject the premise owner to further forfeiture action under sub. (6) of this ordinance.

(c) If a third or subsequent party is declared at the same premise within a six- (6) month period and the same occupant(s)/tenant(s) are responsible for the third or subsequent nuisance party, the District Captain or his/her designee shall send the premise owner a third notice of Nuisance Party Declaration within ten (10) days of the party, and the premise owner may be charged with violating this ordinance and

may be subject to the forfeiture stated in sub. (7) of this ordinance. A copy of the nuisance party declaration notice shall be sent to the alderperson of the district in which the premise is located.

1. Prior to a premise owner being charged with a violation of sub. (c), all police reports relating to the incident shall be reviewed by the District Captain or his/her designee to determine whether the facts alleged support charging the premise owner given the totality of the circumstances.
2. A premise owner shall be prohibited from delegating or otherwise assigning any forfeiture assessed against the premise owner under this subsection to any occupant/tenant of the premise where the violation occurred. Such delegation or assignment shall result in an additional violation of this section and subject the premise owner to further forfeiture action under sub. (7) of this ordinance.

(7) Penalty. Any person violating this section may be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five thousand dollars ($5000) for each violation.

(8) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not be included herein.

(9) (R. by ORD-14-00156, 10-15-14)

(10) (R. by ORD-14-00156, 10-15-14)

(Sec. 25.10 Cr. by ORD-12-00021, 3-5-12; Reenacted by ORD-14-00149, 9-12-14)

25.11 INJURING OR BEFOULING WELLS OR CISTERNS. No person shall injure, befoul, or corrupt any public or private well or cistern.

25.12 SALE OF POISON. No person shall vend, give away or deliver within this City any deadly poison unless the same be conspicuously labeled "poison".

25.13 DISTRIBUTION OF INJURIOUS POWDERS OR MEDICINE FORBIDDEN. It shall be unlawful for any person, association or corporation to throw or place on any street or other public place or distribute from house to house in the City any powders, lotions, or medicines or other substances or things injurious to human life.

25.14 CONSTRUCTION OF SCAFFOLDS USED IN ERECTION OF BUILDINGS. All scaffolds erected in this City for use in the erection of buildings shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of the persons working thereon, or passing under or by the same, against the falling thereof, or of such materials as may be used, placed or deposited thereon.

25.15 CISTERNS AND TRAP DOORS TO BE COVERED. No person, either owner or occupant of any premises within the limits of the City of Madison, shall negligently permit the opening of any cistern, trap door or other like structure to remain open or uncovered, and it shall be the duty of any such owner or occupant to provide for any such opening or trap door a safe cover of stone, metal, or other heavy, durable material to be kept over such opening at all times, so as to make the same safe and free from danger.

25.16 EXCAVATIONS. No excavations in excess of six (6) inches below the adjacent grade shall be permitted on any lot or parcel of land within the City of Madison except for the erection of a building or for other legitimate purpose; and no such excavation made for the erection of a

building or other purpose shall be permitted to remain longer than absolutely necessary for the accomplishment of such purpose. Any person violating this section shall be subject to a forfeiture of not more than five hundred dollars ($500) for each offense; and each day of neglect or failure to fill any such excavation after notice by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development or any police officer shall be deemed a separate offense. (Am. by Ord. 8081, 7-29-83; Ord. 13,760, Adopted 12-14-04; ORD-08-00109, 10-7-08)

25.17 REGULATION OF OPERATION OF AIRCRAFT.

(1) Definitions.

(a) Within the meaning of this section, "aircraft" is defined to be any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, except a parachute or other contrivance designed for such navigation and used primarily as safety equipment.

(b) Acrobatic Flying. Within the meaning of this section the words "acrobatic flying" shall mean any intentional maneuvers not necessary to air navigation.

(2) Operators of Aircraft to be Licensed. No person shall operate any aircraft within or over the limits of the City of Madison unless such person has been first duly licensed by the Department of Commerce of the United States. (Aviation Act of 1958, as amended, 49 U.S.C.A. Sections 1301-1542).

(3) Aircraft Operated Over City to be Licensed. No person shall operate any aircraft within or over the limits of the City of Madison unless such aircraft has been duly licensed by the Department of Commerce of the United States. (See 1954 Code.)

(4) Height at Which Aircraft to be Operated.

(a) Exclusive of taking off from or landing on an established landing field, airport or sea plane base, no person shall operate any aircraft within the jurisdiction of the City of Madison except at a height to permit a reasonably safe emergency landing, which in no case shall be less than one thousand (1,000) feet above the highest obstacle within a horizontal radius of two thousand (2,000) feet from said aircraft, provided that the provisions of this section may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause. Helicopters may be flown at less than the minimum altitude prescribed herein if such operations are conducted without hazard to persons or property on the surface, and at an altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface. In the interest of safety the Chief of Police of the City of Madison in conjunction with the Airport Superintendent, may prescribe specific routes, altitudes and landing areas for such operations, in which event helicopters shall conform thereto. No person shall taxi at a rate of speed in excess of twenty (20) miles per hour in the operation of any aircraft for commercial or private purposes within one thousand (1,000) feet of the shoreline of Lakes Mendota, Monona and Wingra. Any person intending to use the above described lakes for purposes of making temporary commercial passenger or sight-seeing flights other than flights by operators, or their agents, of regularly established sea plane bases approved by the Federal Aviation Administration, or operators of air express or passenger service licensed by the Federal Aviation Administration, must obtain permission from the Chief of Police of the City of Madison.

(b) (R. by Ord. 4316, 9-20-73)

(5) Acrobatic Flying Prohibited. No person shall operate an aircraft in acrobatic flying over any portion of the City of Madison.

(6) Dropping of Objects From Aircraft Prohibited. No person in an aircraft shall cause or permit to be thrown out, discharged or dropped within the City any object or thing, except

loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft, and all equipment, baggage, and articles of personal property carried in an aircraft, shall be adequately fastened in place before leaving the ground.

(7) Operation of Aircraft Subject to Regulations of Department of Commerce. No person shall operate any aircraft over or within the City of Madison in violation of any rule or regulation which has been or may be hereafter established by the Department of Commerce of the United States. (Aviation Act of 1958, as amended, 49 U.S.C.A. Sections 1301-1542.)

(8) At such time the Federal Aviation Administration provides a specific waiver of Federal Aviation Regulations which have the same intent as contained in Ordinance 25.17, the Madison Airport Commission and/or the Common Council may, if they so desire, similarly waive the pertinent paragraph or section of Ordinance 25.17.

(9) Hot Air Balloons. Nothing in this section shall be construed to prohibit the operation of hot air balloons within the jurisdiction of the City of Madison if said balloons are operated in accordance with Federal Aviation Administration regulations. (Am. by Ord. 9231, 7-15-87)

25.18 RESERVED FOR FUTURE USE.

25.19 CLIMBING UPON RAILWAY CARS, ETC. It shall be unlawful for any person not an employee of the railway company to jump or climb upon or from any locomotive, tender, or railway car while the same is in motion, or at any place except where such locomotive or car may be stopped to receive or discharge passengers.

25.20 CATCHING ON TO MOVING TRAINS. No person shall step on or cling to any moving railroad car or train for the purpose of surreptitiously riding thereon.

25.21 THROWING OF STONES, ETC. No person shall throw or cast any stone or other missile or other item at or upon any person, or at or upon any building, tree, or other public or private property, or at or upon any railroad locomotive, tender, coach or car, or any passenger motor bus. Any person violating this Section shall be subject to a forfeiture or not more than five hundred dollars ($500). (Am. by Ord. 13,716, 10-26-04)

25.22 DANGEROUS ANIMALS REGULATED.

(1) Statement of Purpose. It is hereby declared that this regulation of dangerous animals is a matter of public interest pertaining to the health, safety and welfare of residents of and visitors to the City of Madison, and that existing laws are inadequate to deal with the threat to public health and safety posed by dangerous animals. It is further declared that the owning, keeping or harboring of dangerous animals is a public nuisance.

(2) Definitions. For the purposes of this section, the following definitions shall apply:

Department shall mean the Public Health Madison and Dane County. (Am. by ORD-15-00009, 1-28-15)

Impoundment shall mean the confinement of an animal in a Department-approved, supervised facility such as a veterinarian's kennel, commercially operated kennel or the Dane County Humane Society.

Owner shall mean the owner, custodian or person having charge, care or custody of an animal.

Permit shall include the otherwise unregulated right to keep an animal currently not covered by a requirement for a City license or permit.

(3) Impoundment—Biting or Attacking Animal.

(a) The Department shall have the power to summarily and immediately impound an animal whenever the Department has reasonable grounds pursuant to Subsection (4) to believe that the animal is a dangerous animal. The animal may remain

impounded during the entire determination process. If the animal is determined to be dangerous, it shall remain impounded until the owner has complied with all restrictions outlined by the Department and found in Subsection (7) of this ordinance or until such time as the Department determines that the animal may be safely returned to the owner. Any law enforcement officer or duly authorized Department employee may enter and inspect private property to enforce the provisions of this section. The owner of the animal shall be liable to the City for the costs and expenses of impounding and keeping said animal, unless the Department fails to declare the animal dangerous or the Department determination is ultimately overturned by the Committee or a reviewing court. (Am. by Ord. 11,421, 11-16-95; ORD-05-00033, 2-24-05; ORD-06-00127, 9-21-06)

(b) An animal, impounded pursuant to this section, may be returned to the owner upon payment of all outstanding City fees and charges including costs and expenses of impounding the animal when the investigation and determination is completed. If the animal is determined to be dangerous, the animal shall remain impounded until the owner provides proof to the Department that the owner has complied with all restrictions outlined by the Department and found in Subsection (7) of this ordinance or until such time as the Department determines that the animal may be safely returned to the owner. (Am. by ORD-06-00127, 9-21-06)

(c) In lieu of impoundment, if the animal is currently immunized against rabies, or if the animal species is at low risk for transmitting this or other diseases, the Department may permit the animal to be confined at the owner's residence provided that the owner complies with conditions set forth by the Department.

(d) The owner or custodian of an animal confined under Subdivision (c) above shall immediately notify the Department or the City Police Department if said animal is loose, unconfined, has attacked or bitten or injured another animal or has attacked, bitten or injured a human being or has died. The animal shall not be sold or given away during the impoundment period.

(4) Determination. The Department shall investigate situations in which there are reasonable grounds to believe an animal is dangerous. Reasonable grounds to believe an animal is dangerous are that the animal:

(a) Has attacked, bitten or injured another animal or human being engaged in a lawful activity; or

(b) Has without provocation and off the property of its owner, chased, confronted or approached a person in a menacing fashion such as would put an average person in fear of attack; or

(c) Has been trained for fighting or attack and is being handled, kept or maintained in manner that causes or should cause an owner to know that it potentially poses a threat to public health and safety; or

(d) Has acted in any manner that causes or should cause an owner to know that the animal is a threat to public health and safety.

(5) Dangerous Animal, Declared. The Department, after considering appropriate evidence, may declare any animal to be a dangerous animal. The Department shall make a reasonable attempt to personally notify the owner of the pendency of the Department's investigation and shall notify the owner in writing of its determination. Mailing a copy of the determination to the owner's last known address and posting in accordance with approved Department policy shall satisfy this notice requirement.

(6) Dangerous Animal-Disposition.

(a) It shall be unlawful for any person to own, possess, harbor or keep any animal declared by the Department to be dangerous, except as allowed in (b) below.

(b) Any animal declared by the Department to be a dangerous animal shall be humanely destroyed, removed from the city or placed under restrictions as set forth in this section and in Department policies. The Director of Public Health

Madison and Dane County shall issue an order authorizing the destruction, removal or restriction of the animal within two (2) days after the time for appeal as provided in Subsection (8) below has passed without notice of appeal being filed. (Am. by ORD-06-00127, 9-21-06)

(c) Any animal declared by the Department to be dangerous, if not already impounded by the Department, shall be immediately surrendered to the Department upon the order of the Director of Public Health Madison and Dane County, and it is the duty of the Department to take up and impound any such animal.

(Am. by ORD-15-00009, 1-28-15)

(7) Dangerous Animal Restrictions. Any owner of an animal that has been declared dangerous pursuant to this section and placed under restrictions must comply with the following subdivisions. The owner must provide documentation to the Department of compliance with these subdivisions. Said documentation must be provided within thirty (30) days of the animal being declared dangerous.

(a) The owner of the animal must provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

(b) The owner must provide written proof from a licensed veterinarian that a microchip has been placed in the animal so that the animal can be easily identified. The microchip must contain the following information:

1. The name of the animal,
2. The name of the owner, and
3. The following language "Dangerous Animal, contact Madison Animal Control at 608-266-4275".

(c) The owner must provide written proof from a licensed veterinarian that the animal is current with rabies vaccinations.

(d) The animal must be in compliance will all license requirements.

(e) The owner must post signs no smaller than eight (8) inches by eleven (11) inches, made of metal or plastic, bearing the wording "Warning Dangerous Animal" or "Beware of Dog", no smaller than three (3) inches high. These signs shall be posted at each entrance to the building in which the dangerous animal is kept and at each entrance through a fence and at such location as to be viewable from the public sidewalk to ensure adequate warning and visibility to anyone approaching said building and fence.

(f) The dangerous animal while off the property where kept, shall be muzzled and leashed at all times. The muzzle must be made in a manner that will not cause injury to the animal but that will prevent it from biting any person or animal. The leash shall be attached to a secure collar that is of sufficient strength to restrain the animal. The leash shall be no longer than four (4) feet in length and must be secured by and under the direct control and supervision of a competent adult.

(g) When outside but still on the property of the owner or caretaker, the dangerous animal must be supervised by a competent adult and physically restrained at all times to prevent the animal from leaving the property. If the Department determines that the animal may be kept in a secure kennel or pen, hereinafter referred to as "structure", and not under the direct supervision of an adult, the Department may require that the structure be constructed under some or all of the following guidelines:

1. The structure shall be constructed of strong metal fencing to prevent the animal from exiting on its own volition.
2. The structure shall be secure on all sides and have a secure top attached.
3. The structure shall have a secure bottom or floor attached to the sides of the structure or the sides of the structure shall be embedded in the ground no less than two (2) feet.

4. The structure shall be kept locked at all times with a key or combination lock.
5. The structure shall provide adequate light, ventilation and shelter from the environment for the animal.
6. The structure shall be maintained in a clean and sanitary condition.
7. The structure must be in compliance with all other building and zoning ordinances.

(h) The owner shall allow the Department to take four (4) photographs depicting the animal and owner as outlined below:

1. One (1) photograph showing a close view of the animal's entire face, so that the animal is recognizable,
2. One (1) photograph showing the animal's entire left side of its body, including its legs and tail,
3. One (1) photograph showing the animal's entire right side of its body, including its legs and tail, and
4. One (1) photograph showing the owner, so that the owner is easily identifiable.

Prior to a dangerous animal being sold or given away, the current owner must provide the name, address and telephone number of the proposed new owner to the Department. Prior to taking physical custody of the dangerous animal, the new owner must comply with all requirements of this subsection and any other restriction the Department determines to be appropriate to ensure the public's safety.

To ensure compliance with this ordinance, the owner or caretaker of a dangerous animal shall allow the Department on an annual basis and at any other reasonable time determined by the Department the opportunity to inspect the property where the dangerous animal is kept. (Cr. by ORD-06-00127, 9-21-06)

(8) Dangerous Animal License. Any animal declared dangerous under this section, shall be licensed under Madison General Ordinance Section 25.225. Application for said license must be made within thirty (30) days of said declaration. (Cr. by ORD-06-00127, 9-21-06)

(9) Subsequent Determination and Penalty.

(a) The Department may make a new determination if an owner fails to comply with the terms, conditions or restrictions imposed in (6)(b) above.

(b) The failure of any person to comply with any term, condition or restriction imposed by the Department is a violation of this ordinance.

(10) Committee Review of Determination. The owner or any bite or attack victim aggrieved by a Department determination declaring any animal to be a dangerous animal may appeal such determination to the Committee by filing a notice of appeal stating the grounds therefor with the Director of Public Health Madison and Dane County within seven (7) days of the date of mailing of the Department Determination under subsection (5) above. The Committee shall schedule a hearing on whether to affirm, conditionally affirm or reject the Department determination within thirty-two (32) days, but not sooner than five (5) days, and shall make reasonable efforts to notify the owner, bite or attack victims and their representatives, if any, departmental witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the Committee. The Committee shall, within a reasonable period of time after the hearing, issue its decision in writing and serve a copy of the same by first class mail upon the owner and all parties requesting the same. (Am. by Ord. 11,421, 11-16-95; ORD-05-00033, 2-24-05; ORD-06-00127, 9-21-06; ORD-13-00151, 9-11-13; ORD-15-00009, 1-28-15)

(11) Appeals to Circuit Court. Any person aggrieved by a determination of the Board of Health for Madison and Dane County Subcommittee under subsection (10) above may appeal such action on a dangerous animal determination to Circuit Court by writ of certiorari within ten (10) days of notification of such final action by mailing of the decision under subsection (10). (Am. by Ord. 11,421, 11-16-95; ORD-05-00033, 2-24-05)

(12) Prosecution. It is the intent of this section that any investigation or determination under this section shall not prohibit the City from prosecuting the same owner for other animal control violations relating to the same animal or other animal.

(13) (a) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). Each and every day such violation continues shall be considered a separate offense.

(b) The failure or neglect of any person to comply with any lawful order of the Department issued pursuant to this section is a violation of this ordinance.

(14) Severability. In the event that any section of this ordinance shall be declared or adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section(s) were not originally a part thereof.

(Sec. 25.22 R. & Re-Cr. by Ord. 9642, Adopted 12-6-88; AM. by ORD-06-00127, 9-21-06)

25.225 DANGEROUS ANIMAL LICENSE. All animals that have been declared dangerous pursuant to Madison General Ordinance Section 25.22, may not be kept within the City of Madison unless the owner has applied for a dangerous animal license within thirty (30) days of said declaration. The license fee shall be one hundred ten dollars ($110) and shall be an annual license issued from January 1st until December 31st of each year. The license shall be issued after the owner complies with Madison General Ordinance Section 25.22(7) and all other restrictions imposed by the Department.

Any violation of this section shall be subject to a forfeiture or not less than fifty dollars ($50) nor more than five hundred dollars ($500). Each and every day that such violation continues shall be considered a separate offense. Any violation of this section may result in the Health Department immediately impounding the dangerous animal and a new dangerous animal investigation shall occur. (Cr. by ORD-06-00127, 9-21-06)

25.23 REGULATIONS RELATING TO THE USE OF LAKES AND RIVERS.

(1) Swimming.

(a) All swimmers along the City and university shores shall remain within the buoy line established by the lifeguard except when accompanied by a canoe or a boat which carries extra life preservers for each swimmer so accompanied.

(b) No swimming shall be permitted from sailboats when said sailboats are under sail.

(c) No swimming shall be permitted in the City of Madison at the following locations:

1. That part of Wingra Creek located between Lake Wingra and Lake Monona.
2. The Yahara River between Lakes Monona and Mendota, including the locks located in Tenney Park.
3. The park lagoons at Tenney Park and Henry Vilas Park.

(2) (R. by Ord. 6899, 2-21-80)

(3) (R. by Ord. 6899, 2-21-80)

(4) (R. by Ord. 6899, 2-21-80)

(5) (R. by Ord. 6899, 2-21-80)

25.24 ABANDONED ICEBOXES. It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other device thereon without first removing the said snaplock or doors from said icebox, refrigerator or container.

25.25 BOWS AND ARROWS.

(1) Except as provided in Subsection (2), no person shall shoot with or discharge a bow, crossbow, or similar device which propels or projects an arrow or similar projectile within the limits of the City of Madison and within the area encompassed by the waters of Lakes Mendota, Monona, and Wingra, including those parts of the Yahara River, Starkweather Creek and Wingra Creek over which the City of Madison has jurisdiction.

(2) This section shall not apply:

(a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.

(b) To any supervised archery range, which constitutes a recreational facility under Chapter 28 (Zoning Code) of the Madison General Ordinances and which is constructed and maintained so as not to endanger life, limb or property. (Am. by ORD-12-00134, 1-2-13)

(c) Within the interior of a single-family dwelling.

(d) To persons while participating in sanctioned archery competitions sponsored by the Wisconsin Amateur Sports Corporation as part of the Badger State Games when such persons are shooting at archery ranges set up in City parks at locations and upon conditions which have been approved in advance by the Park Superintendent. (Cr. by Ord. 8586, 6-6-85)

(e) To persons while participating in archery competitions at locations and upon conditions approved in advance by the Madison Chief of Police. (Cr. by Ord. 10,471, 7-8-92)

(f) To persons hunting on land not owned by the City, under the following conditions:

1. That they are no closer than one hundred (100) yards from any building used for human occupancy located on another person's land unless they have that person's permission; and,
2. That the discharge of any arrow or bolt from the respective weapon be toward the ground.

(Cr. by ORD-14-00061, 3-26-14)

25.26 PAINTBALL MARKER/"GUNS".

(1) In this section:

(a) "Paintball marker/"gun"" shall be defined as any device which, in the manner it is used, intended to be used, or designed to be used, is capable of launching, propelling, expelling, or otherwise causing any item, device or article which carries or may be altered to become capable of carrying paint, ink, or any colored liquid, to an intended target and thereby causing a mark or stain on any surface which it may contact.

(b) "Projectile" means any item that is caused to be expelled from a paintball marker/"gun" at an enhanced velocity.

(2) Unlawful Possession of a Paintball Marker/"Gun". It shall be unlawful for any person to possess, carry or go armed with any paintball marker/"gun" on or about his or her person within areas of the City of Madison held open for use by the public, unless the paintball marker/"gun" is both unloaded and disconnected from an air supply or enclosed within a carrying case. This provision does not apply to the following:

(a) Any peace officer or law enforcement officer during the course of his or her employment;

(b) Any merchant, or authorized employee of said merchant, who sells or displays paintball marker/"guns" during the normal and ordinary course of business, while on the business premises, or at a gun show or exhibition;

(c) Individuals on a privately owned premises, held open for use by the public, that is authorized by the Chief of Police, or designated representative, as a paintball marker/"gun" recreational area;

(d) Individuals engaged in live theatrical performances or historical reenactments, wherein paintball marker/"guns" are used as props; or

(e) A person who has obtained the written permission from the Chief of Police, or designated representative.

(3) Unlawful Firing or Discharge of a Paintball Marker/"Gun". It shall be unlawful for any person to fire or discharge a paintball marker/"gun" within the City of Madison. This provision does not apply to a property owner, or authorized guest of the property owner, firing or discharging a paintball marker/"gun" on the property owner's private property, provided that no portion of the projectile from the paintball marker/"gun" crosses the property line.

(4) Unlawful Possession of a Paintball Marker/"Gun" by a Minor. It shall be unlawful for any person under the age of 18 to possess, carry or go armed, or to fire or discharge a paintball marker/"gun" within the City of Madison, unless the minor is accompanied and supervised by a parent or guardian, or an accompanying and supervising adult who has the minor's parent or guardian's written authorization.

(5) Unlawful Provision of a Paintball Marker/"Gun" to a Minor. It shall be unlawful for any person to provide a paintball marker/"gun" to a person under the age of 18, unless that person is the parent or guardian of the minor, or that person has the minor's parent or guardian's express written permission.

(6) Penalty. Any person violating this section shall be subject to the following forfeitures upon conviction:

(a) If the person has no prior convictions under this section during the preceding five (5) years, the person shall be subject to a forfeiture of not less than one hundred ($100) nor more than three hundred ($300) dollars;

(b) If the person has one prior conviction under this section during the preceding five (5) years, the person shall be subject to a forfeiture of not less than three hundred ($300) nor more than five hundred ($500) dollars; and

(c) If the person has two or more prior conviction under this section during the preceding five (5) years, the person shall be subject to a forfeiture of not less than five hundred ($500) nor more than one thousand ($1000) dollars.

(7) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Cr. by ORD-07-00051, 4-12-07)

25.27 SLINGSHOTS. No person shall sell, or offer for sale and no person shall purchase, carry, go armed with or shoot or use any slingshot or similar device designed to throw or propel any missile within the City of Madison.

25.28 POSSESSION, SALE AND MANUFACTURE OF CERTAIN WEAPONS PROHIBITED.

(1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon, within the City of Madison.

(2) For the purpose of this section the following definitions shall apply:

(a) "Numchuk" or "Nunchaku". An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

(b) "Churkin". A round throwing knife consisting of several sharp points protruding from a rounded disc.

(c) "Sucbai". A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

(3) Any such device shall be seized by a peace officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

(4) Any person violating this ordinance shall be subject to a fine of up to five hundred dollars ($500) upon conviction. (Am. by Ord. 13,760, Adopted 12-14-04)

(Sec. 25.28 Cr. by Ord. 5695, 12-28-76)

25.29 SKATEBOARDS.

(1) The use of skateboards in a space designed for pedestrians or vehicular traffic presents a danger to the safety and welfare of pedestrians, skateboarders, bicyclists and motorists. The provisions that follow are enacted to ensure no unreasonable interference with the flow of pedestrian and vehicular traffic and to ensure the safe use of pedestrian space.

(2) No person shall operate a skateboard on the sidewalk where a building abuts the sidewalk.

(3) No person shall operate a skateboard on Olin Terrace or any other Monona Terrace property, except for the bicycle path abutting Lake Monona.

(4) No person shall operate a skateboard, scooter or rollerblades on Henry Vilas Zoo property. (Cr. by ORD-11-00168, 12-6-11)

(5) Skateboarding on sidewalks is otherwise permitted, except as prohibited in this subsection and elsewhere in the ordinances. (Renum. by ORD-11-00168, 12-6-11)

(6) Every person operating a skateboard upon a sidewalk shall yield the right-of-way to any pedestrian, shall exercise due care, and shall give an audible signal when passing a bicyclist or pedestrian proceeding in the same direction. (Am. by Ord. 12,135, 6-1-98; Renum. by ORD-11-00168, 12-6-11)

25.30 FACSIMILE FIREARMS.

(1) In this section, "facsimile firearm" means any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. "Facsimile firearm" does not include any actual firearm.

(2) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.

(3) Subsection (2) does not apply to any of the following:

(a) Any peace officer acting in the discharge of his or her official duties.

(b) Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his or her official duties.

(c) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.

(d) Any person who is on real property and acting with the consent of the owner of that property.

(Sec. 25.30 Cr. by ORD-07-00100, 8-23-07)

25.31 SYNTHETIC CHEMICAL CANNABINOID PROHIBITED.

(1) Adoption of Wis. Stat. § 961.14(14(4)(tb). Pursuant to Wis. Stat. § 66.0107(1), which authorizes the enactment and enforcement of an ordinance to prohibit the possession of a controlled substance specified in Wis. Stat. § 961.14(4)(tb), the City of Madison does hereby adopt and incorporate into this section of the Madison General Ordinances, Wis. Stat. § 961.14(4)(tb).

(2) Definitions.

"Deliver" has the same meaning given in Wis. Stat. § 961.01(6) with respect to a controlled substance or controlled substance analog.

"Distribute" has the same meaning given in Wis. Stat. § 961.01(9) with respect to a controlled substance or controlled substance analog.

(3) Prohibited Sale, Use and Possession. It shall be unlawful for any person to possess, sell, publicly display for sale or attempt to sell, give, deliver, distribute or barter any one or more of the following chemicals whether under the common street or trade names of

"Spice," "K2," "Genie," "Yucatan Fire," "Blaze," "Scubby Snacks," "Red X Dawn," "Zohia," "Spike Diamond," "Route 69," "Smoke XXXX," "Citron," "fake," or "new" marijuana, or by any other name, label or description as set forth in Wis. Stat. § 961.14(4)(tb).

(4) Medical and Dental Use Allowed. Acts prohibited under sub. (3) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such acts provided use is permitted under state and federal laws.

(5) Penalties.

(a) Any person violating this section shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each violation. Each day a violation continues constitutes a separate offense.

(b) Any commercial establishment displaying or offering synthetic cannabinoids for sale, shall be subject to a forfeiture of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each violation. Each day a violation continues constitutes a separate offense.

(c) Violation of this ordinance by a commercial establishment is a public nuisance.

(Cr. by ORD-14-00180, 12-10-14)

25.32 - 25.39 RESERVED FOR FUTURE USE.

25.40 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a forfeiture of not less than ten dollars ($10) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

CHAPTER 26

OFFENSES AGAINST PUBLIC MORALS AND DECENCY

Section

26.01	Public Indecency. (Rep. & Rec. by ORD-11-00097, 7-13-11)
26.02	Reserved for Future Use. (R. by Ord. 6396, 10-19-78)
26.03	Reserved for Future Use. (R. by Ord. 6395, 10-19-78)
26.04	Obscene Literature, Pictures, Etc.
26.05	Exposing Minors to Harmful Materials.
26.06	Commercial Sexual Gratification. (Cr. by Ord. 5551, 8-4-76)
26.07	Houses of Ill Fame.
26.08	Loitering for Purposes of Prostitution. (Cr. by Ord. 7069, 8-1-80)
26.085	Loitering for Purposes of Soliciting Prostitutes. (Cr. by Ord. 10,569, 12-30-92)
26.0851	Internet Solicitation of Prostitution. (Cr. by ORD-00048, 5-12-10)
26.0852	Internet Solicitation of Prostitutes. (Cr. by ORD-00049, 5-12-10)
26.09	Gaming Houses.
26.10	Frequenting Gaming Houses.
26.11	Child Enticement. (Cr. by Ord. 8265, 3-5-84)
26.12	Refusal to Permit Inspection of Gaming House, Disorderly House or House of Ill Fame.
26.13	Unlawful Behavior in Child Safety Zone. (Cr. by ORD-08-00010, 1-24-08)
26.14 - 26.23	Reserved for Future Use.
26.24	Severability. (Renum. by ORD-08-00010, 1-24-08)
26.25	Penalty.

26.01 PUBLIC INDECENCY.

(1) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(2) Whoever does any of the following is guilty of public indecency:

(a) Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others.

(b) Publicly and indecently exposes genitals or pubic area.

(c) Engages in masturbation, or conduct which would appear to an ordinary observer to be masturbation, with knowledge that they are in the presence of others or that they can be observed by others.

(3) No person shall do any of the following without the consent of the other person:

(a) Peep into an area where an occupant of the area has a reasonable expectation of privacy, including, but not limited to:

1. restrooms;
2. baths;
3. showers; and
4. dressing rooms.

(b) Go upon the land of another with the intent to peep into an occupied dwelling of another person;

(c) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature, whether by direct observation or via camera or other remote viewing or magnification or recording device.

(4) In all cases under Subsections (2) and (3), actions must be conducted with lewd and lascivious intent to be violations of this section.

(5) Exceptions.

(a) This ordinance shall not apply to the following:

1. A mother's breast-feeding of her child.
2. Legitimate, authorized law enforcement activities.

(b) Sub. (2)(c) shall not apply to the following:

1. Establishments holding an Adult Entertainment License issue pursuant to Sec. 9.05, MGO.
2. A theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

(6) Any person violating any provision of this section shall forfeit not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000) upon conviction.

26.02 RESERVED FOR FUTURE USE. (R. by Ord. 6396, 10-19-78)

26.03 RESERVED FOR FUTURE USE. (R. by Ord. 6395, 10-19-78)

26.04 OBSCENE LITERATURE, PICTURES, ETC.

(1) Definitions.

(a) "Obscene." Material is obscene if:

1. Its dominant theme taken as a whole appeals to a prurient interest in sex, and
2. It is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matter, and
3. It is utterly without redeeming social value.

(b) "Knowingly." A person acts knowingly if s/he has general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material described herein which is reasonably susceptible of examination.

(2) It shall be unlawful for any person knowingly:

(a) To sell, loan for a monetary consideration, deliver or provide, or offer or agree to sell, loan for a monetary consideration, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene; or

(b) To present or direct or participate in an obscene play, dance or performance or knowingly to permit the same on any premises owned or operated by her/him or under her/his control; or

(c) To publish, exhibit, distribute, give away or otherwise make available any obscene material; or

(d) To possess any obscene material for purposes of sale or other commercial dissemination; or

(e) To sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

26.05 EXPOSING MINORS TO HARMFUL MATERIALS.

(1) Definitions. As used in this section:

(a) "Minor" means any person under the age of eighteen (18) years.

(b) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(c) "Sexual conduct" is defined to be acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, and acts of excretory function, lewd exhibition of the genitals especially in a stimulated condition and sexual relations between humans and animals.

(d) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

(g) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

1. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
2. The age of the minor, provided however that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(2) It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas so defined in Section 9.05 of these ordinances or in whole or in part depicts sexually explicit conduct, sadomasochistic abuse, physical torture, or brutality and which is harmful to minors.

(3) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas so defined in Section 9.05 of these ordinances or depicts sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in (3)(a) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexually explicit conduct or sadomasochistic abuse, physical torture or brutality which is distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas so defined in Section 9.05 of these ordinances and which, taken as a whole, is harmful to minors.

(4) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited adult entertainment material as defined in Subsection (3) above which is harmful to minors.

(5) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Sec. 26.05 Am. by Ord. 10,919, Adopted 5-17-94)

26.06 COMMERCIAL SEXUAL GRATIFICATION.

(1) No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefor.

(2) No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, pubic area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material.

(3) Any person or legal entity violating any provision of this section shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five hundred dollars ($500). (Am. by Ord. 6513, 2-15-79)

(4) Any violation of this section is declared to be a public nuisance and may be enjoined by the City.

26.07 HOUSES OF ILL FAME. It shall be unlawful for any person to keep or maintain, or be an inmate of, or in any way contribute to the support of, any house of ill fame, or place for the practice of fornication, or to knowingly own or be interested as proprietor or landlord of any such house.

26.08 LOITERING FOR PURPOSES OF PROSTITUTION.

(1) No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are the following: that the person frequents, either on foot or in a motor vehicle, a known area of prostitution; that such person is a known prostitute or panderer, repeatedly beckons to, stops, or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this subsection:

(a) "Known area of prostitution" means a public place where within three (3) years previous to the date of arrest for violation of this section, and within the knowledge of the arresting officer, a person had been arrested for a violation which led to a conviction in Madison municipal court or Dane County circuit court of an offense involving prostitution.

(b) "Known prostitute or panderer" means a person who within three years previous to the date of arrest for violation of this section has within the knowledge of the arresting officer been convicted in a court of competent jurisdiction of an offense involving prostitution.

(c) "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances in buildings or dwellings and the grounds enclosing them.

(2) Any person violating this section shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000), notwithstanding any provision of this chapter setting a different penalty.

(Sec. 26.08 Am. by Ord. 10,569, 12-30-92)

26.085 LOITERING FOR PURPOSES OF SOLICITING PROSTITUTES.

(1) In this section:

(a) "Known area of prostitution" means a public place where within three (3) years previous to the date of arrest for violation of this section, and within the knowledge of the arresting officer, a person had been arrested for a violation which led to a conviction in Madison municipal court or Dane County circuit court of an offense involving prostitution.

(b) "Known prostitute or panderer" means a person who, within three (3) years previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in a court of competent jurisdiction of an offense involving prostitution.

(c) "Public place" means an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds surrounding them.

(2) No person shall loiter or drive in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are the following: that the person frequents, either on foot or in a motor vehicle, a known area of prostitution; repeatedly beckons to stop or attempts to stop, or engages known prostitutes or panderers in conversation; or stops the motor vehicle the person is the operator of and picks up or attempts to pick up a known prostitute or panderer. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest may be made for a violation of this section unless the arresting officer first affords the person an opportunity to explain the person's conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(3) Any person violating this section shall forfeit not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) upon conviction.

(Sec. 26.085 Cr. by Ord. 10,569, 12-30-92)

26.0851 INTERNET SOLICITATION OF PROSTITUTION.

(1) No person shall use the Internet to solicit prostitution. As used in this section:

(a) "Solicit" includes, but is not limited to, those circumstances where a person uses the internet in a manner and under circumstances manifesting a specific intent to induce, entice or procure another in order to commit an act of prostitution. Among the circumstances which may be considered in determining whether such intent is manifested are the following: that the person uses the internet to advertise prostitution services; that the person responds to queries about the advertised prostitution services; and that the person's response to queries about the advertised

services further manifests an intent to induce, entice, solicit, or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(b) "Internet" refers to the public worldwide computer system which allows people to access web pages or services including, but not limited to, Craigslist, Facebook, MySpace, Twitter, Cupid, and other similar dating or networking services.

(c) "Advertised prostitution services" include words or phrases that, in the experience and training of the arresting officer, refer either directly or indirectly to prostitution services such as intercourse, acts of sexual gratification, masturbation, or sexual contact for anything of value.

(2) Any person violating this section shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000), exclusive of costs.

(Sec. 26.0851 Cr. by ORD-10-00048, 5-12-10)

26.0852 INTERNET SOLICITATION OF PROSTITUTES.

(1) No person shall use the Internet to solicit prostitutes. As used in this section:

(a) "Solicit" includes, but is not limited to, those circumstances where a person uses the internet in a manner and under circumstances manifesting a specific intent to solicit or procure another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such intent is manifested are the following: that the person uses the internet to identify individuals who advertise or provide prostitution services; that the person calls, e-mails, or otherwise contacts the individual to further inquire about prostitution services; and that the person's contact with the individual further manifests an intent to solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(b) "Internet" refers to the public worldwide computer system which allows people to access web pages or services including, but not limited to, Craigslist, Facebook, MySpace, Twitter, Cupid, and other similar dating or networking services.

(c) "Advertised prostitution services" include words or phrases that, in the experience and training of the arresting officer, refer either directly or indirectly to prostitution services such as intercourse, acts of sexual gratification, masturbation, or sexual contact for anything of value.

(2) Any person violating this section shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000), exclusive of costs.

(Sec. 26.0852 Cr. by ORD-10-00049, 5-12-10)

26.09 GAMING HOUSES. No person shall keep or maintain a gaming house within the limits of the City of Madison.

26.10 FREQUENTING GAMING HOUSES. No person shall visit any gaming house or be present therein for the purpose of gaming or otherwise than for the transaction of necessary and lawful business.

26.11 CHILD ENTICEMENT.

(1) It shall be unlawful for any person eighteen (18) years of age or over, who does not have legal authority or the consent of the parent or legal guardian, to attempt or complete the

act of enticing, luring or coercing a child below the age of fifteen (15), into a vehicle, building, room or secluded place by offering gifts, using unreasonable requests, language or gestures. An unreasonable request shall include, without limitation because of enumeration, offers to help move furniture, clean, babysit, or see or play with pets or toys. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was reasonable and disclosed a lawful purpose.

(2) Any person violating this section shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000), notwithstanding any provision of this chapter setting a different penalty. (Am. by Ord. 13,760, Adopted 12-14-04)

(Cr. by Ord. 8265, 3-5-84)

26.12 REFUSAL TO PERMIT INSPECTION OF GAMING HOUSE, DISORDERLY HOUSE OR HOUSE OF ILL FAME. If any owner or keeper of, or any person within, any gaming house or room, any disorderly house, or any house of ill fame, shall refuse to permit the Chief of Police or any police officer to enter the same, it shall be lawful for either of said officers to enter or cause the same to be entered by force, by breaking the doors or otherwise, and such officers may arrest, with or without warrant, all suspected persons found therein.

26.13 UNLAWFUL BEHAVIOR IN CHILD SAFETY ZONE.

(1) Definitions.

"Charter school" has the meaning as defined by Wis. Stat. § 115.001(1).

"Child" means a person who is under eighteen (18) years of age.

"Child safety zone" means all areas within two hundred and fifty (250) feet from the edge of any parcel of real property upon which any school, day care center, performance space or playgrounds are located and all areas within twenty-five (25) feet of school bus stops.

"Custodian" means a person at least eighteen (18) years of age who has been authorized by a parent or guardian to have the care and custody of the child.

"Day care center" means a facility that has been licensed under Wis. Stat. § 48.65 to provide care and supervision of children and includes "before-and after- school day care" which has the meaning as defined by Wis. Stat. § 120.125(1).

"Performance space" means a venue which is held open to the public where performances or events oriented toward children, as demonstrated by advertising or other evidence indicating that children are the desired audience, are taking place.

"Playground" means any public outdoor or public indoor area set aside for recreation and play and includes any area with playground equipment including but not limited to, swings, slides, sandboxes, seesaws and any area where athletics may be played and is public property.

"Private school" has the meaning as defined by Wis. Stat. § 115.001(3r).

"Public school" has the meaning as defined by Wis. Stat. § 115.01(1).

"School" shall mean any charter, public or private school.

"Serious child sex offense" has the meaning as defined by Wis. Stat. § 948.13(1).

(Am. by ORD-08-00116, 10-7-08)

(2) Legislative Findings and Intent.

(a) The Common Council finds that the increased number of child abductions from public places by known child sex offenders throughout the nation has become a public safety threat.

(b) Individuals convicted of serious sex offenses against children pose a clear threat to children residing or visiting in the community. Further, there are no guarantees

that these individuals will not re-offend. Convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault. This high recidivism rate results in an increased risk to the children in our City.

(c) The City has a strong interest in insuring that residents, including children, feel safe in public places. (Am. by ORD-17-00030, 3-8-17)

(d) In order to reduce the potential risk of harm to children in our City, there is a need to limit the opportunity for offenders of serious crimes against children from having an opportunity to have contact with unsupervised children. This ordinance covers locations that are primarily designed for use by, or are primarily used by children, namely: school grounds, playgrounds and daycare facilities.

(e) For these reasons, the Council finds that a threat to public safety exists that affects the life, health and public welfare of children and that for the immediate preservation of the public peace, health and safety of these children an urgency exists to require the adoption of this ordinance. The City enacts this ordinance pursuant to its power as set forth in Wis. Stat. § 62.11(5).

(f) This ordinance is not intended to limit any persons from exercising their right to assemble or engage in any other constitutionally protected activity. The ordinance only applies to individuals with the requisite intent to induce or lure a child away from a child's location within a child safety zone.

(3) It shall be unlawful for any individual convicted of a serious child sex offense to loiter in a child safety zone in a manner and under circumstances manifesting the purpose of inducing, enticing or luring a child from the child's location.

(a) Among the circumstances that may be considered in determining whether such purpose is manifested is that the person:

1. Frequents, either on foot or by motor vehicle, a known child safety zone;
2. Repeatedly beckons to or attempts to contact a child, without the permission of the child's parent, guardian or custodian;
3. Takes flight upon the appearance of a police officer.

(b) The circumstance stated in (3)(a)1. or (3)(a)3. is not enough by itself to manifest the purpose of inducing, enticing or luring a child.

(c) The violator's conduct must be such as to demonstrate a specific intent to induce, entice or lure a child from the child's location.

(d) No arrest may be made for a violation of this section unless the arresting officer first affords the person the opportunity to explain the person's presence and conduct, unless flight by the person or other circumstances make it impracticable to afford such an opportunity. No arrest shall be made for violating this section if the explanation given was true and disclosed a lawful purpose.

(4) The penalty for violation of this section shall be not less than two hundred dollars ($200) no more than five thousand dollars ($5000).

(Sec. 26.13 Cr. by ORD-08-00010, 1-24-08)

26.14 - 26.23 RESERVED FOR FUTURE USE.

26.24 SEVERABILITY. The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstances, is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein. (Renum. by ORD-08-00010, 1-24-08)

26.25 PENALTY. Any person violating any of the provisions of this chapter for which no penalty is specifically provided shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Am. by ORD-08-00010, 1-24-08)

CHAPTER 27

MINIMUM HOUSING AND PROPERTY MAINTENANCE CODE

Section

27.01 Title.
27.02 Intent and Purpose.
27.03 Rules and Definitions.
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27.07 Fixing the Responsibility of Owners, Operators, and Occupants. (Am. by Ord. 7687, 4-2-82)
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27.085 Vacant and Damaged Buildings. (Cr. by ORD-09-00042, 3-19-09)
27.09 Administration and Enforcement.
27.10 Maintenance of Abandoned Residential Properties Pending Foreclosure. (Cr. by ORD-13-00108, 6-12-13)
27.101 Reserved for Future Use. (R. by Ord. 11,960, Adopted 11-4-97)
27.102 Reserved for Future Use. (R. by Ord. 10,356, 1-23-92)
27.11 Penalties.
27.12 Separability.
27.13 Conflict of Ordinance.

History: Created by Ordinance 1857, adopted August 12, 1965.

27.01 TITLE. This code shall be known as the Minimum Housing and Property Maintenance Code.

27.02 INTENT AND PURPOSE.

(1) This ordinance is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity, and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.

(2) It is recognized that there may now be, or, may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

27.03 RULES AND DEFINITIONS.

(1) Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise:

(a) Words used in the present tense shall include the future.

(b) Words used in the singular number shall include the plural number, and the plural the singular.

(c) The word "shall" is mandatory and not discretionary.

(d) The word "may" is permissive.

(e) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(2) Definitions.

Adequate. "Adequate" shall mean adequate as determined by the administrative officer under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter. "Adequately" shall mean the same as adequate.

Apartment. "Apartment" means one (1) or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for use by one (1) family.

Approved. "Approved" shall mean approved by the administrative officer under the regulations of this chapter or approved by an authority designated by law or this chapter.

Attractive Appearance. "Attractive appearance" refers to the exterior appearance of buildings, structures, stairs, porches, and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of "attractive" used herein shall be as determined by the administrative officer under the regulations of this chapter or as determined by an authority designated by law or this chapter.

Basement. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling. (Am. by Ord.7759, 7-2-82)

Boarding House. See Lodging House and Lodging Room.

Building. "Building" means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof". For the purpose of this Code each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

Capacity in Persons. The "capacity in persons" of a building is the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in the Madison General Ordinances.

Compliance Inspection. An inspection performed in conjunction with a lawful order of the Director of the Building Inspection Division for the purpose of certifying the fulfillment of an official requirement listed in the order. (Cr. by Ord. 9938, 1-25-90; Am. by ORD-08-00109, 10-7-08)

Cooperative Living Arrangement. "Cooperative living arrangement shall mean a collective number of individuals connected by membership in a cooperative, who equally share ownership, occupancy and control of a dwelling and who live, cook and share expenses as a bona fide single housekeeping unit. For purposes of determining the applicability of the Madison General Ordinances relating to construction and maintenance of buildings, a building occupied by a cooperative living arrangement shall be construed to be a lodging house and shall meet all the requirements of same, except where an exception is explicitly provided in the ordinances.
(Cr. by Ord. 7740, 5-28-82)

Dwelling. "Dwelling" is a place of abode, a residence or a house for use by one (1) or more persons, excluding hotels or motels.

Dwelling Unit. "Dwelling unit" means one or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

Extermination. "Extermination" shall mean elimination of infestation. (Am. by Ord. 10,627, 4-16-93 & 4-21-93)

Family. A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence

district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship. (Am. by Ord. 9698, 1-26-89 & 1-31-89)

Friable Material. "Friable material" shall mean any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure. (Cr. by Ord. 9795, 5-31-89)

Good Working Condition. "Good working condition" shall mean capable of performing the task for which it was designed and in the manner intended by this code.

Graffiti. Any unauthorized drawing, figure, inscription, or painting appearing on sidewalks, streets, walls or any other place or item in public view. (Cr. by Ord. 10,158, 12-14-90)

Habitable Room. "Habitable room" is any room or enclosed floor space arranged for living and/or sleeping purposes. (Am. by Ord. 11,220, 3-31-95)

Impervious to Water. "Impervious to water" shall mean constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Director of the Building Inspection Division, and having tight fitting joints, and not having more than four and one-half percent (4 1/2%) absorption by test. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

Infestation. "Infestation" means the sustained presence of pests, vermin, or rodents. (Am. by Ord. 10,627, 4-16-93 & 4-21-93)

Living Room. "Living room" shall mean a room used primarily for living, dining or cooking purposes.

Lodging House. "Lodging house" is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.

Lodging Room. "Lodging room" is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

Mail Receptacle. "Mail Receptacle" means a mailbox, letterbox, door slot or other object used to receive mail that meets federal postal requirements. The applicable federal postal requirements are those set forth in the Domestic Mail Manual, Section 508, or other applicable federal laws or regulations that may replace or modify these specifications. (Cr. by ORD-08-00009, 1-24-08)

Mixed Occupancy. "Mixed occupancy" shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Movable Object. Any item that is not permanently attached to the ground, a building, or a structure, that remains on a lot or parcel of land, or a continuous set of lots or parcels of land, for ten (10) or more days.

Occupant. "Occupant" means one who occupies or has actual possession of usable space.

Operator. "Operator" shall mean any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.

Owner. The term "owner" shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the city, any sewer district, drainage district, the University of Wisconsin and any associated corporation or organization, and any other public or quasi-public corporation

having a legal or equitable interest in the property under consideration and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party. (Am. by Ord. 9640, 12-14-88)

Person. A"person" shall mean and include any individual, firm, corporation, association or partnership.

Properly. "Properly" shall mean as deemed proper by the administrative officer under the regulations of this chapter or deemed proper by an authority designated by law or this chapter.

Provided. "Provided" shall mean furnished, supplied, paid for or under control of the owner.

Residential Building. A "residential building" is a building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings.
2. Two-family detached dwellings.
3. Multiple-family dwellings (including apartment hotels).
4. Lodging houses.
5. Fraternity and sorority houses.

For the purpose of this ordinance, any building containing any of the above uses together with other uses shall be considered a residential building.

Room. A room is a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (⅓) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created. (Cr. by Ord. 9391, 1-29-88)

Rooming House. See Lodging House and Lodging Room.

Sleeping Room. A "sleeping room" shall mean a room used for sleeping purposes.

Structure. "Structure" is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Supplied. "Supplied" shall mean paid for, furnished, or provided by or under control of, the owner or operator.

27.04 MINIMUM STANDARDS FOR BASIC EQUIPMENT, LIGHTING, VENTILATION, HEATING, AND ELECTRICAL SERVICE.

(1) The purpose of this subsection is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

(2) No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin and a bathtub or shower, all in good working condition and properly

connected to hot and cold water lines and to an approved water and sewer system. The flush water closet and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Wis. Admin. Code § SPS 382.40. (Am. by Ord. 9299, 10-29-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(b) Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

(c) The owner of every residential building shall be responsible for supplying such building with garbage and refuse storage facilities as required by the Madison General Ordinances. (Am. by Ord. 9725, 3-2-89)

(d) Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street, except as provided in Sec. 27.06(4), MGO. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits provided the platform or stairways terminate at a point not more than fifteen (15) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of 14 square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Wis. Admin. Code § SPS 321.04(2) or ch. SPS 362. Existing variances to the height limitations specified above may be approved by the Building Inspection Division of the Department of Planning and Community and Economic Development provided the platforms or stairs are maintained in a sound structural condition. (Am. by Ord. 9326, 11-13-87; Ord. 13,124, 8-28-02; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(e) Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, for each seven (7) persons or fraction thereof residing therein including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals for lodging houses utilizing communal bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. (Am. by Ord. 11,960, 11-4-97; ORD-09-00019, 3-14-09)

(f) Every living, sleeping, kitchen or bath room shall have available natural light and ventilation complying with Wis. Admin. Code § SPS 321.05 or ch. SPS 362, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with Wisconsin Administrative Codes referenced in this subsection may remain in use with the approval of the Director of the Building Inspection Division.

Exhaust ventilation shall be installed in all toilet rooms except those having only one (1) fixture (water closet or one urinal) and the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.

All doors required for ventilation and all windows shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May before June 1 and maintained until storm windows are installed in autumn.

All exterior doors and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15, but no later than November 15 annually.

(Sec. 27.04(2)(f) Am. by Ord. 12,349, 3-30-99; Ord. 13,124, 8-28-02; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(g) Electrical. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electric Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this section "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit.

1. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area (air conditioners, ranges, space heaters and motor driven equipment ⅛ hp. or over excluded).
2. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five (5) foot candles at floor level at center of room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in dining room.)
3. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)

   Living Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

   Dining Room - 1 per 75 sq. ft. or major fraction (minimum of 2)

   Kitchen - 1 per 8 ft. or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height). Island type work areas require one for each 8 ft. or less of length. Separate outlets shall be provided for refrigerators.

   Dining Areas in Kitchen - 1 per 75 sq. ft. or major fraction

   Bedroom - 1 per 75 sq. ft. or major fraction (minimum of 2)

   Laundry - 1 (when laundry equipment is present)

   Bathrooms and Lavatories - 1 (may be part of wall fixture if 72.0 inches or less from floor)

   Other Habitable Rooms - minimum of 2

   Fixed appliances exceeding ⅛ hp. or 300 watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring shall be removed.

   (Am. by Ord. 9326, 11-13-87)

4. Switches or equivalent devices for turning on any light required in a room or passageway shall be located so as to conveniently control the area to be lighted. (Am. by Ord. 10,192, 1-31-91)

5. Public halls and stairways in duplex or multiple dwellings shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least two and one-half (2½) footcandles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. In all residential buildings where common main entrance doors open directly to the outside, a minimum of two and one-half (2.5) footcandles of illumination at the locks and latches are required. In single, duplex, or multiple dwellings when dwelling unit or lodging room doors open to the outside a minimum of two and one-half (2½) footcandles of illumination at the locks are required. Parking lots for more than three (3) cars shall be lighted to provide at least .25 footcandle on any surface in the lot with an average illumination level of at least .75 footcandle, except that the outer four (4) feet of the periphery of the parking lot will not be subject to the .25 footcandle minimum. Outdoor light fixtures shall be designed and installed to eliminate spill light and glare into adjacent properties. (Am. by Ord. 12,349, 3-30-99)

6. When the service in an existing residential building is changed the minimum replacement electrical service shall be:

   100 amp for first two (2) dwelling units in a building
   50 amp for each additional unit.

   Where electric heat and air conditioner over 20 amps are added or in place, additional capacity to cover this demand is required.

7. Electric work shall be done according to applicable sections of Chapter 19 (Electrical Code) of the Madison General Ordinances.

(Sec. 27.04(2)(g) Rescinded & Substituted by Ord. 4832, 1-16-75; Am. by Ord. 12,069, 3-30-99)

(h) Heating. All habitable rooms, kitchens and bathrooms shall be provided with a permanently connected heating system complying with Chapter 30 (Heating, Ventilating and Air Conditioning Code) of the Madison General Ordinances. Refer to Sec. 30.03(1) and Sec. 30.04(4)(d).

The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven degrees Fahrenheit (67°) shall be maintained in all habitable rooms, kitchens and bathrooms.

The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(Sec. 27.04(2)(h) Am. by Ord. 9326, 11-13-76)

(i) Illumination shall be provided at all intersections of passageways, at all exits and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.

Every residential building that will accommodate transients, four (4) or more families, thirty (30) persons or contains more than six (6) lodging rooms shall have signs at the emergency exit doors or other places as may be necessary to direct

the occupant to the exit doorways. The signs shall be red illuminated translucent exit signs bearing the word EXIT or OUT in plain letters not less than 5 inches in height.
(Am. by Ord. 9326, 11-13-87)

(j) The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals. (Am. by Ord. 5139, 9-3-75)

(k) Every owner of a rental dwelling shall keep on record with the Building Inspection Division of the Department of Planning and Community and Economic Development contact information of two (2) or more persons located in Dane County who, by virtue of his or her ownership, employment, or delegation, can exercise control and care over the property, and provide access to the property.

1. The contact information shall include the actual name of the owner per deed to the property, two contact names of the individuals designated to be contacts, two phone numbers for each contact listed, an email address (if available) for each of the contacts, and contact information for a management company for the property, if one is being utilized.
2. These names and contact information shall be updated with the Department on an annual basis no later than January 1 and at any time there is a change in the contact information. This information shall be provided on a form approved by the Department.
3. The names of these two (2) persons shall be made available by the owner of the property to the occupants and posted at one inside entry of every separate building on the property. They must be placed in a conspicuous place and be readily accessible to the occupants.
4. The City of Madison, through its Police Department, Fire Department, and Building Inspection Division, shall by use of the data collected, communicate promptly with a property owner and make the property owner aware of any police calls to the property, fire or ambulance calls to the property, and/or building inspection orders.
5. A fee in the amount of five dollars ($5) per parcel shall be paid to the City Treasurer at the time the updated information is provided by printed form. No fee shall be charged if the information is submitted online. Effective May 4, 2016, the fee shall increase from five dollars ($5) to ten dollars ($10). (Am. by ORD-14-00123, 7-11-14)
6. This registry requirement will commence on January 1, 2012, or when the new City of Madison computer system intended for this purpose is fully operational, whichever is later.
7. The owner may either submit this information online or request a printed form by email.
8. Exceptions. This requirement does not apply to all properties that are owned and operated by local, state, or federal government agencies, or a subdivision or agency of government.
9. Staff will prepare a report to the Housing Strategy Committee and Landlord and Tenant Issues Committee to show fees generated, compliance, fines and costs to implement this section. The report shall be provided by May, 2013. (Am. by ORD-12-00076 & ORD-12-00077, 6-20-12)

(Cr. by Ord. 5439, 3-30-76; Am. by ORD-11-00063, 5-4-11)

27.05 SAFE AND SANITARY MAINTENANCE OF PROPERTY.

(1) The purpose of this subsection is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, or vacant areas. Safe, attractive and well maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values as well as preserve the health, safety and welfare of the public. (Am. by Ord. 13,638, 6-23-04)

(2) Every owner or operator shall improve and maintain all property under his/her control to comply with the following minimum requirements: (Am. by ORD-14-00012, 1-14-14)

(a) All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (½) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions. (Am. by Ord, 6251, 5-18-78)

(b) All exterior property areas shall be kept free from noxious weeds as defined in Sec. 23.29(1) of these ordinances. (Am. by Ord. 11,298, 7-11-95)

(c) The interior of all vacant buildings and structures and all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris. For purposes of this section, "debris" includes, but is not limited to, rubbish, garbage, physical hazards, rodent harborage and infestation, or animal feces. All animal feces shall be removed within twenty-four (24) hours. Compost piles shall be maintained in accordance with Section 7.361.

1. Failure to Remove Debris on Improved Abandoned Property.

Upon default of any person ordered to remove debris from the exterior of improved property, after notice and opportunity to correct has been given to the last-known property owner or the property registrant under Sec. 27.10, MGO, and the property reasonably appears to be abandoned, the Director of the Building Inspection Division or designee may enter onto the property and remove any debris to conform with the ordinance, and the cost for such service shall be charged to the owner of the real property in question, as follows:

a. Abandoned Property. An improved property shall be considered "abandoned" for purposes of this subsection if any of the improvements do not reasonably appear to be inhabited, or in the case of an uninhabitable building or structure, if no other commercial or other lawful activities reasonably appear to have taken place since the date of the first inspection, or if the property is abandoned under Sec. 27.10.

b. Order to Correct, Notice. In order to utilize the abatement procedures under paragraph c., below, notice shall be given as follows:

The Director of the Building Inspection Division or designee shall send an Official Notice or correspondence describing the violation to the property owner or property registrant under Sec. 27.10, at the address on-file with the City Assessor's office or the Building Inspection Division, in the case of a property registered under Sec. 27.10. The notice shall be sent by certified mail, shall include the date of inspection, a due date to correct the violation, notice that failure to correct the violation may result in the City going onto the property and removing the debris from the exterior of the property and charging the cost back to the property as a special charge, and including the standard right to appeal under Sec. 29.18.

c. Abatement, Cost. If the violation remains after the due date in Sec. 27.05(2)(c)1.b. above, the Director of the Building Inspection Division or designee is authorized to enter onto the property and cause the removal of the debris from the exterior portions of the property to conform with the requirements of this Ordinance. The Director of the Building Inspection Division shall keep an accurate account of the expenses of such removal and report the same to the Finance Director, who shall not less than annually prepare a statement of the expense so incurred for the real property in question and report the same to the City Clerk, and the amount therein charged shall be entered in the tax roll as a special charge against said lot or parcel of land, and shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

d. No Limitation on Other Enforcement. Action by the Building Inspection Division under this subsection shall be in addition to the prosecution and enforcement authority granted elsewhere in these Ordinances or by state law, and shall not bar any prosecution for violations of ordinances or state law or any other lawful remedy; nor shall prosecution or other legal action be a bar against action under this subsection.

(Am. by Ord. 11,168, 2-14-95; ORD-13-00137, 8-14-13)

(d) Fences, structures, minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all weather access to buildings. (Am. by Ord. 10,377, Adopted 2-4-92)

(e) Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. In addition, all surfaces except floors of exterior porches, balconies, decks and similar structures constructed of treated lumber shall be treated with paint or pigmented stain, if any part of the structure is located between the principle building and a street lot line. Any structure or surface constructed of new treated lumber shall not be required to be painted or stained under this paragraph for the first eighteen (18) months after said lumber was installed. Any exterior surface treated with paint, stain, or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint, stain, or other preservative shall be applied in a workmanlike fashion. (R. & Recr. by Ord. 4289, 8-13-73; Am. by Ord. 13,288, 3-21-03)

(f) Landscaping, plantings and other decorative surface treatments, including but not limited to common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Except with prior application to and approval of a Land Management Plan for a Natural Lawn from the Department of Planning and Community and Economic Development of the City of Madison, or as allowed by Sec. 27.05(2)(f)7, MGO and except for natural areas in City parks, all lawns, lawn areas, and natural landscape areas comprised of grasses shall be maintained to a height not to exceed eight (8) inches in length. All vegetation shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to

enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and City. (Am. by ORD-17-00003, 1-12-17)

1. Failure to Maintain Lawn or Lawn Areas on Improved Abandoned Property.

Upon default of any person ordered to maintain a lawn, lawn area, or natural landscape area comprised of grasses on an improved property to a length of eight (8) inches or less, after notice and opportunity to correct has been given to the last-known property owner, and the property reasonably appears to be abandoned, the Director of the Building Inspection Division or designee may enter onto the property and cause portions of the lawn, lawn area, or natural landscape area comprised of grasses to be cut to conform with the ordinance, and the cost for such service shall be charged to the owner of the real property in question, as follows: (Am. by ORD-17-00003, 1-12-17)

a. Abandoned Property. An improved property shall be considered "abandoned" for purposes of this subsection if any of the improvements do not reasonably appear to be inhabited, or in the case of an uninhabitable building or structure, if no other commercial or other lawful activities reasonably appear to have taken place since the date of the first inspection.

b. Order to Correct. Notice. In order to utilize the abatement procedures under paragraph c., below, notice shall be given as follows:

i. The Director of the Building Inspection Division or designee shall send an official notice or correspondence describing the violation to the property owner at the address on-file City Assessor's office. The notice shall be sent by certified mail, shall include the date of inspection, a due date to correct the violation, notice that failure to correct the violation may result in the city going onto the property and cutting or mowing and charging the cost back to the property as a special charge, and including the standard right to appeal under Sec. 29.18.

ii. Upon failing to correct the violation after the due date in the notice above, at least one (1) municipal ordinance citation for the violation shall be issued, along with a correspondence assigning another due date.

c. Abatement, Cost. If the violation remains after the due date in Sec. 27.05(2)(f)2.b.ii. above, the Director of the Building Inspection Division or designee is authorized to enter onto the property and cause portions of the lawn, lawn area, or natural landscape area to be cut or mowed to conform with the requirements of this Ordinance. The Director of the Building Inspection Division shall keep an accurate account of the expenses of such cutting or mowing and report the same to the Finance Director, who shall not less than annually prepare a statement of the expense so incurred for the real property in question and report the same to the City Clerk, and the amount therein charged shall be entered in the tax roll as a special charge against said lot or parcel of land, and shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11; ORD-17-00003, 1-12-17)

d. No Limitation on Other Enforcement. Action by the Building Inspection Division under this subsection shall be in addition to the prosecution and enforcement authority granted elsewhere in these Ordinances or by state law, and shall not bar any prosecution for violations of ordinances or state law or any other lawful remedy; nor shall prosecution or other legal action be a bar against action under this subsection.

(Sec. 27.05(2)(f)1. Am. by ORD-08-00109, 10-7-08)

2. Application for Natural Lawn. Any owner or operator of land in the City of Madison may apply for approval of a land management plan for a natural lawn or natural landscape area, one where the grasses exceed eight (8) inches in height, with the Department of Planning and Community and Economic Development. (Am. by ORD-17-00003, 1-12-17)

3. "Land Management Plan" means a written plan relating to management of the lawn or natural landscape area which contains a legal description of the lawn or natural landscape area upon which the grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn or natural landscape area, a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting at a length not greater than eight (8) inches the terrace area, that portion between the sidewalk and the street or a strip not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three (3) foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

All lawn, natural landscape areas, and grass areas shall be cut between June 30 and October 15 when the Fire Chief, in her/his discretion, so orders consistent with his powers as granted in Chapter 34 of the Madison General Ordinances. (Am. by ORD-14-00012, 1-14-14; ORD-17-00003, 1-12-17)

4. Revocation of the Land Management Plan.

The Land Management Plan may be revoked for failure to comply with the requirements of Sec. 27.05(2)(f)2. Notice of intent to revoke a Land Management Plan shall be appealable to the Urban Design Commission. All applications for appeal shall be submitted within fifteen (15) days of Notice of Intent to revoke a Land Management Plan.

5. Application Requirements. Each application for a Land Management Plan shall be on a form provided by the Director of the Department of Planning and Community and Economic Development. A copy of the application shall be mailed by the applicant or given personally by the applicant to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated in whole or in part within two hundred (200) feet of the boundaries of the properties affected. The Director of the Department of Planning and Community and Economic Development shall provide the list of the property owners who are to be notified of the application. The applicant shall certify, under oath, on a form to be furnished by the Director of the Department of Planning and Community and Economic Development, that such owners have been duly notified and the manner in which they have been notified. If, within fifteen (15) days of receipt of a copy of the application, at least fifty-one percent (51%) of such property owners file written objections to the application with the Director of the Department of Planning and

Community and Economic Development, the Director of the Department of Planning and Community and Economic Development shall refer the application to the Urban Design Commission for hearing and decision.

6. Application for Appeal. The owner or operator of land in the City of Madison may appeal from a decision of the Director of the Department of Planning and Community and Economic Development refusing to grant a Land Management Plan. All appeals shall be to the Urban Design Commission of the City of Madison which shall hear such appeals once a month, March through September. All applications for appeal shall be submitted within fifteen (15) days of notice of denial of the Land Management Plan.

(Sec. 27.05(2)(f) Am. by Ord. 9326, 11-13-87)

7. Any owner or operator of land in the City of Madison may maintain a natural lawn (hereinafter referred to in this paragraph as "natural landscape area") without going through the Land Management plan, application and approval process described in Secs. 27.05(2)(f)2.-6., provided the natural landscape area meets all of the following criteria:

   a. The natural landscape area located in the front and/or side yard(s) is limited in size to less than twenty-five percent (25%) of the total square footage of the front and side yards.

   b. The natural landscape area located in the backyard or setback behind the rear plane of the principal building is limited in size to less than fifty percent (50%) of the backyard and the street side yard setback behind the rear plane of the principal building.

   c. The natural landscape area must be setback at least five (5) feet away from all property lines, sidewalks, shared driveways or other public right of way areas.

   d. All natural landscape areas shall comply with the vision clearance triangle requirements of Sec. 27.05(2)(bb).

   e. Only the following native grasses may be used: Sideoats Grama Grass (*Bouteloua curtipendula*), Tufted Hairgrass (*Deschampsia caespitosa*), Purple Lovegrass (*Eragrostis spectabilis*), Junegrass (*Koeleria macrantha*), Switchgrass (*Panicum virgatum*), Little Bluestem (*Schizachryium scoparium*), Indiangrass (*Sorghastrum nutans*), Prairie Dropseed (*Sporobolus heterolepis*), Pennsylvania Sedge (*Carex pensylvanica*), Running Marsh Sedge (*Carex sartwellii*), Common Bur Sedge (*Carex grayi*), and Silky wild rye (*Elymus villosus*).

(Sec. 27.05(2)(f)7. Cr. by ORD-17-00003, 1-12-17)

(g) 1. Every interior floor, wall and ceiling including door and window assemblies shall be kept clean and in good repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room. (Am. by Ord. 6573, 3-21-79)

2. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and

breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

3. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material. (Cr. by Ord. 6574, 3-21-79)
4. Every countertop, wall cabinet, and base cabinet in kitchens and bathrooms shall be installed and maintained in proper repair and working condition. (Cr. by Ord. 12,349, 3-30-99)

(h) Every window, exterior door, interior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition. The use of a hasp to secure any door other than a storage locker door within a dwelling unit or rooming house is prohibited. Except as provided in Paragraph 9. below, the following shall apply in dwelling units all or a portion thereof which are rented: (Am. by Ord. 12,349, 3-30-99)

1. Each main entrance door into a dwelling unit shall contain an approved door viewer.
2. All doors into each dwelling unit shall be equipped with door hinges so arranged as to be inside the dwelling unit or with approved locking pin hinges.
3. All doors into each dwelling unit shall have a keyed deadbolt lock with a minimum one (1) inch throw, which is openable with a key on the exterior side of the door and a knob on the interior side of the door. The strike plate shall be held in place by 2½ inch screws. Sliding doors shall have an approved secondary locking device. (i.e locking pins or 2 × 4's of proper length.) (Am. by Ord. 10,192, 1-31-91)
4. All basement, first, and second story windows and all other windows accessible by balconies, fire escapes, trees or other existing means shall be provided with sash fasteners.
5. All double-hung and sliding windows and doors below the second story and all other double-hung and sliding windows and doors accessible by balconies, fire escapes, trees or other existing means shall be equipped with approved window ventilating sash fasteners to allow each window to be locked at one (1) to five (5) inches open. Such window ventilating bolts or locks shall be movable to permit the window to be fully opened from the inside of the dwelling unit. (Am. by Ord. 10,192, 1-31-91)
6. Alternative locking devices to equally resist illegal entry may be substituted with the approval of the Madison Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
7. Paragraphs 1., 2., 3., 4., 5. and 6. of Subdivision (h) of Subsection (2) of Section 27.05 shall also apply in lodging rooms, except as provided in Paragraph 9. below. In addition, the main entrance door into all lodging houses and into all residential buildings with two or more dwelling units or lodging rooms where occupants of the separate dwelling units or lodging rooms share common bathroom or kitchen facilities shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. All other doors into said buildings shall be equipped with a deadbolt lock complying with Paragraph 3 of this Subdivision. If any door locking

mechanism in said buildings utilize passwords or passcodes of any type, including but not limited to digital locks, radio-frequency or RFID locks, or electronic keypads, the passwords or passcodes must be changed at least on a yearly basis. In cases where said buildings have an attendant or attendants responsible for the security of the building on duty twenty-four (24) hours a day, they shall be exempt from the main entrance door-locking and self-closing requirements. (Am. by Ord. 8945, 8-29-86; ORD-08-00109, 10-7-08; ORD-12-00090, 7-10-12)

8. Buildings occupied by cooperative living arrangements shall comply with the requirements of Paragraphs 1, 2, 4 and 5 of this Subdivision. In addition, the main entrance door shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. All other doors into the building shall be equipped with a deadbolt lock complying with Paragraph 3 of this Subdivision. All doors into the individual sleeping rooms of said buildings having more than fifteen (15) sleeping rooms shall be equipped with deadbolt locks complying with Paragraph 3 of this Subdivision; all doors into the individual sleeping rooms of said buildings having fifteen (15) or fewer sleeping rooms shall be equipped with guarded latch locks or approved deadbolt locking devices. Door viewers shall not be required on doors into the individual sleeping rooms of said buildings. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

9. Buildings occupied by Bed and Breakfast Establishments shall comply with paragraphs 4. and 6. of this subdivision. In addition, all exterior doors shall comply with paragraph 3., and the windows in all lodging rooms in such establishments shall comply with paragraph 5. of this subdivision. In addition, the doors into all said lodging rooms shall be equipped with a lock capable of affording privacy and openable with a knob on the interior side of the door. (Cr. by Ord. 8945, 8-29-86)

10. All exterior doors into all residential buildings containing two (2) or more dwelling units and/or lodging rooms and where the main entrance door to the dwelling unit or lodging room is accessed from a common area, shall be equipped with a positive locking guarded latch lock and with an approved self-closing device. An approved guard plate shall be affixed to the exterior side of the door if the Director of the Building Inspection Division determines such a device is necessary to provide adequate security against illegal entry. If any door locking mechanism in said buildings utilize passwords or passcodes of any type, including but not limited to digital locks, radio-frequency or RFID locks, or electronic keypads, the passwords or passcodes must be changed at least on a yearly basis.

    Where a building subject to this paragraph also contains a non-residential use that shares a common entrance with the dwelling units or lodging rooms and is not on the basement level, the exterior door to the common entrance may be unlocked while the non-residential use portion of the building is actually occupied. (Cr. by Ord. 13,757, 1-5-05; Am. by ORD-08-00109, 10-7-08; ORD-12-00090, 7-10-12)

11. One hundred eighty (180) days from the effective day of this amendment all common area interior doors leading to common area basements shall be equipped with a positive action guarded latch lock and with an approved self closing device. (Cr. by Ord. 13,757, 1-5-05)

12. One hundred eighty (180) days from the effective day of this amendment all doors leading to shared laundries and storage areas located in basements shall be equipped with a positive action guarded latch lock and with an approved self closing device. (Cr. by Ord. 13,757, 1-5-05)

(Sec. 27.05(2)(h) Am. by Ord. 7481, 8-11-81)

(i) Every inside and outside stair, every porch, platform, balcony, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs, steps, porches, platforms, balconies, and every appurtenance thereto shall comply with the requirements specified in Wis. Admin. Code § SPS 321.04 and ch. SPS 362, as dictated by the type of occupancy in the building. Existing variances to the requirements specified herein may be approved by the Building Inspection Division of the Department of Planning and Community and Economic Development provided the stairs or porches are maintained in a sound structural condition. (Am. by Ord. 12,349, 3-30-99; Ord. 13,124, 8-28-02; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(j) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

(k) Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in clean and sanitary condition.

(l) Every supplied facility, piece of equipment, or utility shall be so constructed, installed and maintained so that it will function in a proper working condition.

The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.

It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.

(Am. by Ord. 5581, 9-3-76)

(m) No owner, operator or occupant shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or lodging room let or occupied by him/her except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector. (Am. by ORD-14-00012, 1-14-14)

(n) Abandoned Fuel Oil Tanks. Abandoned fuel oil tanks shall be removed from the building. Exception: Abandoned fuel oil tanks may remain in the building providing:

1. All fuel oil is removed from the tank.
2. The tank fill piping is removed and the tank openings plugged with pipe fittings.
3. The oil supply line is removed and the opening is plugged with pipe fittings.
4. The tank vent remains connected and terminates outside the building at least two (2) feet above grade.

(Sec. 27.05(2)(n) Cr. by Ord. 5109, 8-13-75)

(o) All stairways except one and all shaftways within multiple-family buildings and lodging houses which are three (3) or more stories in height shall be enclosed with partitions of not less than one (1) hour fire resistive construction, including doors of not less than three-fourths (¾) hour fire rated construction with self-closing

devices which meet the requirements of Wis. Admin. Code ch. SPS 362. One (1) stairway may be unenclosed provided it meets the requirements in Madison General Ordinances Sec. 27.05(2)(p), except where more stringent requirements are imposed by Wisconsin Administrative Code or State law. All existing required fire rated walls and doors shall be maintained to preserve the required fire rating of such walls and doors. (Am. by Ord. 11,220, 3-31-95; ORD-12-00035, 3-28-12)

(p) In every multiple-family building or lodging house more than two (2) stories high, every stairway which extends from the basement to the second floor or above, shall be enclosed in the basement with partitions of not less than one (1) hour fire resistive construction, including doors of not less than three-fourths (¾) hour fire rated construction with self-closing devices which meet the requirements of Wis. Admin. Code ch. SPS 362. All existing required fire rated walls and doors shall be maintained to preserve the required fire rating of such walls and doors. (Am. by Ord. 9326, 11-13-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(q) Isolation of Fire Hazards.

1. In multiple-family buildings and lodging houses, all boiler or furnace rooms, including the breeching and fuel room as well as other hazardous work rooms, shall be enclosed with not less than one (1) hour fire resistive walls and ceiling. All openings shall be protected with self-closing three-fourths (¾) hour fire rated doors. The enclosure shall include all flame burning equipment except domestic type #1 gas clothes dryers up to 37,000 BTU input. (Am. by Ord. 9326, 11-13-87)
2. The enclosure for the heating plant may be omitted in apartment buildings not more than two (2) stories in height and having not more than two (2) apartments on a floor and in rooming houses not more than two (2) stories in height and having not more than eight (8) living or sleeping rooms on each floor provided no part of the building is used for business purposes and all interior stairways are enclosed in the basement with a one (1) hour fire resistive enclosure or better as required by Sec. 29.20(15)(a).
3. All existing fire rated enclosures shall be maintained to preserve the required fire rating of such enclosures (walls, ceilings, doors, etc).
4. In all buildings covered by this chapter, foam plastic insulation shall have a flame-spread rating of not more than 75 and a smoke-developed rating of not more than 450. Foam plastic insulation tested in accordance with ASTM E-84 is also acceptable. All foam plastic insulation shall be protected in accordance with the following:
   a. Walls. Foam plastic insulation may be used within the cavity of a masonry wall, in cores of masonry units, within stud space of a wood frame wall or on the inside of a building surface of a wall or ceiling if the foam plastic insulation is fully protected by a thermal barrier having a finish rating of at least 15 minutes.
   b. Roofs. Roof coverings may be applied over foam plastic insulation where the interior of the dwelling is separated from the foam plastic insulation by plywood sheathing at least ½-inch in thickness or other approved material having a minimum 15-minute finish rating.
   c. Doors. Foam plastic insulation having a flame-spread rating of 75 or less may be used in doors when the door facing is of metal having a minimum thickness of 0.032-inch aluminum of No. 26 gauge sheet metal.

(Cr. by Ord. 7956, 2-25-83)

(Sec. 27.05(2)(q) Cr. by Ord. 5578, 9-3-76)

(r) All unpaved driveways and parking areas shall be maintained in a dust-free condition and shall be graded so that no potholes exist. (Cr. by Ord. 5445, 3-31-76)

(s) Removal of Debris.

1. No person shall dispose of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities, upon the surface of any land in the City of Madison, except at approved disposal sites.
2. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of her/his land for a period of more than ten (10) days. (Am. by ORD-14-00012, 1-14-14)
3. All landfill operations shall be leveled off to permit the mowing of weeds between May 15 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

   All lands in the City of Madison shall be kept free of noxious weeds and maintained so there is no detrimental influence to the public health, safety, comfort, or general welfare of the immediate neighborhood or community.

   In this Paragraph, the term noxious weeds shall have the same meaning as in Section 23.29(1) of these ordinances.
   (Am. by Ord. 11,298, 7-11-95)

(Sec. 27.05(2)(s) renumbered from 29.20 (10)(c) & (d) by Ord. 7595, 12-28-81)

(t) Any parking space for persons with a disability which is required to be provided under any provision of the Madison General Ordinances, State Statutes, or the Wisconsin Administrative Code, or any such space which an owner or operator chooses to set aside for a motor vehicle with special registration plates issued under Wis. Stat. §§ 341.14(1), (1a), (1m) or (1q) or special identification cards issued under Wis. Stat. § 343.51, or a motor vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a person with a physical disability, shall be provided with a sign for people with disabilities which meets the standards as specified in Wis. Admin. Code § Trans 200.07. It is the intent of this ordinance to be enforced over the Wis. Admin. Code ch. SPS 362 with regard to parking spaces, Sec. 29.19 of these ordinances notwithstanding (Am. by Ord. 9299, 10-29-87; Ord. 13,124, 8-28-02; ORD-06-00099, 8-2-06; ORD-12-00035, 3-28-12)

(u) All friable material shall be maintained and kept in proper repair or treated with a protective covering. (Cr. by Ord. 9795, 5-31-89)

(v) Graffiti Is Prohibited. Graffiti shall be removed by the property owner or by the City at the property owner's expense.

1. Applicability. This subdivision applies to all residential and nonresidential buildings, structures, yards or vacant areas of the property, as well as movable objects located thereupon.
2. Removal of Graffiti by the City and Special Charge for Services.
   a. The Director of the Building Inspection Division may order graffiti removed by a specified date. If a property owner fails to remove graffiti within the time specified in the order, the Director of the Building Inspection Division may cause the graffiti to be removed. (Am. by ORD-08-00109, 10-7-08)
   b. Special Charge for Services:
      i. The Director of the Building Inspection Division shall keep an accurate account of the expenses incurred by the

City in removing the graffiti from the property and report the same to the Finance Director. (Am. by ORD-08-00109, 10-7-08)

ii. The Finance Director shall annually prepare a statement of the expenses so incurred on each lot or parcel of land in removing graffiti from the property and report the same to the City Clerk.

iii. The City Clerk shall enter in the tax roll as a special charge against said lot or parcel of land the amount charged to each lot or parcel of land for the removal of graffiti, and the same shall be collected in all respects like other special charges upon real estate under Sec.4.09, MGO.

(Am. by ORD-11-00037, 3-8-11)

3. Prosecution for failure to remove graffiti under this ordinance shall not bar the City from charging owners for graffiti removal, nor shall charging owners for graffiti removal bar prosecution.

(Am. by Ord. 11,680, 10-14-96; ORD-08-00069, 7-04-08)

(w) Smoke Alarms. Smoke alarms shall be installed and maintained in accordance with Sec. 34.907, MGO and with Wis. Admin. Code ch. SPS 362, Wis. Admin. Code § SPS 321.09 and Wis. Admin. Code § SPS 328.02 which are hereby incorporated by reference. (Cr. by Ord. 11,220, 3-31-95; Am. by Ord. 12,349, 3-30-99; Ord. 13,124, 8-28-02; ORD-09-00041, 3-19-09; ORD-10-00083, 9-15-10; ORD-12-00035, 3-28-12)

(x) Private and Building Storm Sewers. Every private storm sewer and building storm sewer shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions. Any person who violates this subsection shall be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) per day for each and every violation; each day of violation shall constitute a separate offense. (Cr. by Ord. 11,807, 3-14-97)

(y) Raingutters, downspouts, including extensions, and the discharge systems for sump pumps shall be maintained free of damage, deterioration, or defects and shall be maintained to minimize the effect of runoff onto adjacent properties. (Cr. by Ord. 12,658, 8-10-00; Am. by Ord. 12,688, 10-9-00)

(z) One hundred eighty (180) days from the effective date of this amendment all residential buildings containing two or more dwelling units and/or lodging rooms where the main entrance door for the dwelling units and lodging rooms are accessed from a common area, shall be equipped with doorbells, intercoms or an effective buzzer system capable of alerting the occupants of specific dwelling units of requests for access to the building that pertain to their individual units. (Cr. by Ord. 13,757, 1-5-05)

(aa) Mail Receptacles. The owner of any rental dwelling unit must provide, and maintain in proper working condition, a mail receptacle that meets federal postal requirements for the rental dwelling unit. (Cr. by ORD-08-00009, 1-24-08)

(bb) Vision Clearance at Intersection Corners.

1. In order to provide a clear view at intersections for all users of the public and private traveled way a triangular area within each intersection corner shall be kept free of obstruction.

a. At the intersection of two (2) streets abutting a corner lot, the vision clearance triangle shall be formed by the two (2) intersecting street property lines or their projections and a line joining points on such property lines located a minimum of twenty-five (25) feet

from the intersection of the two street property lines. At curved intersections, the intersection point shall be established by linear extension of the property lines.

b. At the intersection of a street with a private road, driveway, or alley, the vision clearance triangles shall be formed by the street property line and edge of private road, driveway, or alley and a line joining points on such lines located a minimum of ten (10) feet from the intersection of the street property line and the edge of private road, driveway or alley.

c. At the intersection of a street with a path or sidewalk, the vision clearance triangles shall be formed by the street property line and edge of the path or sidewalk and a line joining points on such lines located a minimum of twenty-five (25) feet from the intersection of the street property line and the edge of path or sidewalk.

2. At a railroad crossing, the vision clearance triangles shall be bounded on sides by the railway and the street and on the third side by a line connecting points on the centerlines of the railway and the highway, three hundred thirty (330) feet from the intersection of said center lines. Within a railroad crossing vision clearance triangle, all brush shall be cut and all trees shall be adequately trimmed in compliance with Wis. Stat. § 195.29(6).

3. Within any vision clearance triangle, other than at a railroad crossing, screening, planting, fences or other obstructions are not permitted between a height of thirty (30) inches and ten (10) feet above the curb level or its equivalent, with the exception of fences a maximum of three (3) feet in height and at least fifty percent (50%) open to vision.

4. Dimensions of the vision clearance triangle may be reduced based on the recommendation of the Traffic Engineering Division.

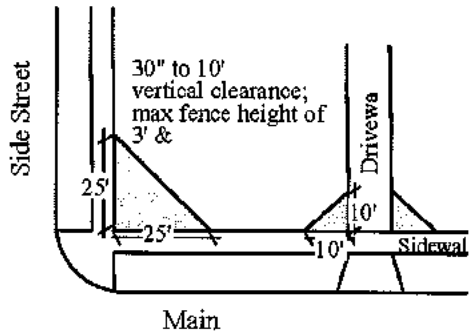


Figure 27-1: Vision Clearance Triangles for Street and Driveway

(Sec. 27.05(2)(bb) Cr. by ORD-13-00065, 4-24-13)

(3) Public Nuisances to Be Abated.

(a) No person may maintain or permit a public nuisance within the City.

(b) The Common Council determines that the following conditions constitute a public nuisance, in that such conditions may result in injury to persons or property, and may unlawfully and substantially interfere with public use and enjoyment of streets, sidewalks and other public space:

1. Tree branches or shrubs which extend into the space over a public sidewalk so as to interfere with use of the sidewalk by the public. Tree branches or

shrubs interfere with public use of the sidewalk if they extend into the space directly above the sidewalk at a height of less than seven (7) feet above the surface of the sidewalk.

2. Tree branches which extend over street right of way at a height of less than twelve (12) feet above the surface of streets classified as arterial streets or bus routes.

3. Trees, branches, or parts thereof which are broken, diseased, weakened or dead, and which are in a position in which, if they were to fall, could fall upon the sidewalk or public right of way or could cause injury to a person or damage to property.

4. Accumulations of debris, rubbish or garbage, waste building materials which constitute a hazard, rodent harborage or infestation and accumulations of animal feces.

(c) Responsibility for Enforcement; Inspections.

1. It shall be the duty of the City Forester to make or cause to be made periodic inspections or inspections upon complaint of nuisances defined in subdivision (b)1.-3. above, when they exist in or upon any public street, alley, park, other City property or other public place, including the terrace strip between curb and lot line, within the City of Madison.

2. It shall be the duty of the Director of Building Inspection to make or cause to be made periodic inspections or inspections upon complaint of nuisances defined in subdivision (b)4. above. (Am. by ORD-08-00109, 10-7-08)

3. If the City Forester or employees or agents working under her/his direction, determine that a nuisance defined under subdivision (b)1.-3. exists in or upon private premises, the City Forester shall notify the Director of Building Inspection. The Director of Building Inspection may proceed as provided in subdivisions (d) and (e) of this subsection. (Am. by ORD-08-00109, 10-7-08)

(d) Summary Abatement.

1. Order of Abatement. If the Director of Building Inspection determines that a public nuisance exists within the City and that there is imminent danger to the public health, safety, peace, comfort or welfare, s/he may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting imminent danger to the public and requiring immediate action be taken as s/he deems necessary to abate the nuisance. Notwithstanding any other provisions of this subsection, the order shall be effective immediately. Any person to whom such order is directed shall comply with the order immediately.

2. Abatement by the City. Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, the Director of Building Inspection shall, in her/his discretion, enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

(Am. by ORD-08-00109, 10-7-08)

(e) Nonsummary Abatement.

1. Order to Abate Nuisance. If the Director of Building Inspection determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort or welfare, s/he shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the

owner of the property, as well as the occupant if different from the owner and applicable to the described nuisance, or, at the option of the Director of Building Inspection, the notice may be mailed to the last known address of the person to be served by registered mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under W.S.A. Chapter 985. The time limit specified in the order runs from the date of service or publication.

2. Abatement by the City. If the owner or occupant fails or refuses to comply within the time period prescribed, the Director of Building Inspection may enter upon the premises and cause the nuisance to be removed or abated and the City shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.

3. Remedy from Order. The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals, created by Sec. 29.18 of these ordinances, shall have no authority to act on orders issued under this subsection. Any person affected by orders issued under this subsection shall, within thirty (30) days of service or publication of the order, apply to the circuit court for an order restraining the City and the Director of Building Inspection from entering on the premises and abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance. (Am. by ORD-09-00019, 3-14-09)

(Am. by ORD-08-00109, 10-7-08)

(f) Authority to Assess Costs. The cost of abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(g) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.

(h) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Sec. 27.05(3) Cr. by Ord. 11,678, 10-14-96)

27.051 ENERGY CODE FOR RESIDENTIAL RENTAL PROPERTIES.

(1) Definitions. The definitions which follow are only applicable to this section of the ordinances. The definitions contained in Sec. 27.03(2) are fully incorporated herein except to the extent to which they may conflict with the following definitions. Further, the definitions contained in Wis. Stat. § SPS 367.04 are also incorporated herein and for the purposes of this section, prevail over those contained in Sec. 27.03(2) of these ordinances to the extent that there may be a conflict. Definitions specifically listed below prevail over any others found in any other source. (Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

Authorized Energy Audit Report. An authorized energy audit report shall mean a listing of those deficiencies which, if remedied, would be sufficient to result in an "Energy Code Compliance Certificate". This shall be in an approved form issued by an agent or agency approved by the Director of the Department of Planning and Community and

Economic Development or his or her designee. This report shall not be deemed to reflect compliance with this code, but rather shall be a report concerning the status of a building's energy efficiency regardless of its degree of compliance with this code.

Building Envelope. Building envelope shall mean the elements of a building which enclose heated or air-conditioned spaces through which thermal energy may be transferred to or from the exterior.

Energy Code Compliance Certificate. A form approved and signed by the Director of the Department of Planning and Community and Economic Development or his/her designee, which certifies the building's compliance with Secs. 27.04(2)(f), 27.05(2)(g)2., 27.05(2)(h) and 27.051, regarding insulation and weatherization.

Heated Spaces. Heated spaces shall mean enclosed parts of the structure to which heat is required to be supplied and if not required, to which heat is supplied directly via ducts, pipes, or radiators or which are normally open to other parts of the structure to which heat is supplied directly via ducts, pipes or radiators, or which contain heating units.

Insulation. Insulation shall mean any approved material or combination of materials used to reduce heat loss.

Living Space. Living space shall mean all heated spaces excluding mechanical rooms and basement areas not containing rental living units.

Rental Living Unit. A rental living unit shall mean a dwelling unit as defined in Sec. 27.03(2) or a lodging room as defined in Sec. 27.03(2) which is leased by the owner or his or her agent to another person or persons but shall not include hotels, hospitals, motels, dormitories, sanitariums, correctional institutions, nursing homes or schools and other buildings primarily used for educational purposes.

Ring Joist. Ring joist shall mean that portion of the building envelope between the top of the foundation wall and the sub-floor immediately above, or the perimeter of the floor joists between any two floors. Also known as: box sill, band joist, rim joist and band board.

(2) Energy Efficiency Standards For Buildings Containing Rental Living Units. Effective August 15, 1983, all heated rental living units whether occupied or not shall meet energy efficiency standards specified in Wis. Admin. Code § SPS 367.05 unless exempted under the provisions contained Wis. Admin. Code § SPS 367.06 or unless more stringent standards are specified in Sec. 27.051(4) below. Any reference in these Wisconsin Administrative Code sections to the term "department" shall mean the Department of Planning and Community and Economic Development of the City of Madison. Requests for exemptions based upon cost payback as specified in Wis. Admin. Code § SPS 367.06, shall be submitted in writing to the Director of the Building Inspection Division within thirty (30) days of the date of postmark on the Official Notice envelope and must include specific information on cost payback calculations used to arrive at the asserted basis for an exemption. (Am. by Ord. 8081, 7-29-83; Ord. 13,124, 8-28-02; ORD-08-00109, 10-7-08; ORD-12-00035, 3-28-12)

(3) Energy Code Compliance Disclosure.

(a) Effective August 15, 1983, an owner or agent shall provide a tenant or prospective tenant, upon request, a completed authorized energy audit report for the building if one has been completed.

(b) When the Director of the Department of Planning and Community and Economic Development or his/her designee determines through an inspection that a building complies with the energy efficiency requirements of Secs. 27.04(2)(f), 27.05(2)(g)2., 27.05(2)(h) and 27.051, of the Madison General Ordinances, he/she shall issue an Energy Code Compliance Certificate to the owner and shall keep a record thereof.

(4) Items To Be Enforced Over Wisconsin Administrative Code. In addition to enforcing the Wisconsin Administrative Code by reference, the following items shall be enforced. In case

of conflict between this Sec. 27.051(4) and the Wisconsin Administrative Code sections adopted by reference, this Sec. 27.051(4) shall prevail unless the conflicting provisions of the Wisconsin Administrative Code are mandatory.

(a) The following items may not be exempted pursuant to Wis. Admin. Code § SPS 367.06 because cost payback exceeds five (5) years:

1. Insulation requirements for ceilings, box sills, side walls, framed floors over accessible unheated spaces which are not basements, heating ducts in unheated spaces and unheated basements, and access doors or panels to attics or unheated areas as specified in Wis. Admin. Code § SPS 367.05(1).
2. Weatherstripping and caulking requirements as specified in Wis. Admin. Code §§ SPS 367.05(3) and (4).
3. Double glazing and storm window requirements as specified in Wis. Admin. Code § SPS 367.05(2) for rectangular windows in excess of five (5) square feet in area which are not metal casement, hopper, awning or any type of basement or ornamental window.

(Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(b) The joist spaces between any ceiling and any attic floor shall be considered accessible and said spaces shall be insulated to meet the R-value as specified in Wis. Admin. Code § SPS 367.05(1). (Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(Sec. 27.051 Am. by Ord. 8004, 4-26-83; Ord. 13,124, 8-28-02)

27.06 QUANTITY, LOCATION AND USE OF SPACE IN RESIDENTIAL BUILDINGS.

(1) The purpose of this section is to establish minimum standards for the quantity, location and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.

(2) Size of Dwellings and Rooms.

(a) Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.

(b) Size of Rooms.

1. Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
2. Lodging Rooms. The floor area of a lodging room shall provide not less than eighty (80) square feet of floor area for one (1) occupant and sixty (60) square feet for each additional occupant.

(c) The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsection (2)(a) and (b) of Section 27.06 of the Madison General Ordinances.

(d) Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.

(e) In any apartment or dwelling, containing two sleeping rooms or larger than three (3) rooms in size, access shall be provided to required bathroom facilities without the necessity of passing through a sleeping room. (Cr. by Ord. 10,192, 1-31-91)

(3) In all dwelling units the average ceiling height shall be not less than specified in Wis. Admin. Code § SPS 321.06. (Am. by Ord. 9326, 11-13-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(4) No habitable room, kitchen or bathroom shall have its floor level below the alley, court, yard, or street grade immediately adjoining and abutting upon said habitable rooms except when meeting the requirements of Wis. Adm. Code ch. SPS 362 or chs. SPS 320-325, as

appropriate, unless said room or rooms have been previously approved by the Building Inspection Division prior to May 17, 1983. (Am. by Ord. 12,349, 3-30-99; Ord. 13,124, 8-28-02; ORD-08-00109, 10-7-08)

27.07 FIXING THE RESPONSIBILITY OF OWNERS, OPERATORS, AND OCCUPANTS. (Title Am. by Ord. 7687, 4-2-82)

(1) The purpose of this subsection is to fix the responsibility of owners, operators, and occupants of residential buildings. (Am. by Ord. 7687, 4-2-82)

(2) The responsibility of owners, operators and occupants of residential buildings is as follows:

(a) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper and sanitary condition the shared or public areas of the residential building and premises thereof.

(b) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which s/he occupies and controls except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings and every other part of the lodging house. Every occupant of a residential building shall dispose of all her/his refuse and garbage in the containers required by the Madison General Ordinances.

(c) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows whenever the same are required under the provisions of the Madison General Ordinances.

(d) Every occupant of a single-family dwelling shall be responsible for the extermination of any pests, vermin or rodents therein with the following exceptions: when the owner or operator has failed to clean the dwelling prior to occupancy or when the owner or operator is out of compliance with Madison General Ordinances Sec. 27.05(2)(g)2., extermination shall be the responsibility of the owner. Whenever infestation exists in any residential dwelling other than a single-family dwelling, extermination shall be the responsibility of the owner. (Am. by Ord. 10,627, 4-16-93 & 4-21-93)

(e) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) No person shall occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of the Building Code (Chapter 29) and the Zoning Code (Chapter 28) and the occupancy is limited to the maximum permitted by said Codes. (Am. by Ord. 12,134, 6-1-98)

(g) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times. (Am. by Ord. 5438, 3-30-76)

(h) The operator of every lodging house shall change supplied linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

(i) (Renumbered to Sec. 32.05 by Ord. 6036, 11-16-77)

(3) (R. by Ord. 7687, 4-2-82)

27.08 DESIGNATION OF UNFIT BUILDINGS OR STRUCTURES AND LEGAL PROCEDURES OF REPAIR OR RAZING.

(1) The purpose of this section is to provide for the designation and repair or razing of those buildings or structures which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation, and heating so as to constitute a menace to the occupants or public.

(2) Any building or structure which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by an authorized inspector. Legal notice shall be served upon the owner and on the operator of any building:

(a) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(b) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety, or general welfare of the occupants or of the public.

(c) Which because of its general condition, location, or appearance is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

(3) Any building or structure or part thereof designated and placarded by the inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the inspector.

(4) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the inspector. The inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

(5) No person shall deface or remove the placard from any building or structure or part thereof which has been condemned as unfit for human habitation and placarded as such.

(6) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the inspector, which in the opinion of the inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the inspector. If the owner shall fail or refuse to comply with the order, the inspector shall cause such building to be razed or removed under the procedures provided for unsafe buildings in the City Building Code (Chapter 29).

27.085 VACANT AND DAMAGED BUILDINGS.

(1) Definitions. For the purposes of this section, the following definitions shall apply.

"Unsecured" means there exists an opening into a building through which a person or animal may enter that is not maintained by the owner, operator or legal occupant in a manner that controls access thereto.

"Vacant" means that there are no readily observable indications that anyone with legal justification is actively residing at the property.

(2) Vacant Buildings.

(a) Requirement to Secure Vacant Buildings. Any building which is vacant and unsecured for any reason constitutes a public nuisance. No person may maintain or permit a public nuisance within the City. The owner or operator shall abate the nuisance by securing the building, including any shed or outbuilding, against entry by persons or animals. This may include, with prior written approval of the Director of the Building Inspection Division, adequately boarding up doors, windows and other openings in a workmanlike manner so as to prevent entry, vandalism or damage. Trespassers, garbage, animals, animal nests and animal nesting materials shall be removed prior to securing the building.

(b) Other Requirements of the Owner or Operator of a Vacant Building. The owner or operator of a vacant building shall ensure that the following requirements are met with respect to the vacant building:

1. The utilities, plumbing, electrical and heating systems shall be maintained at all times in a safe condition, inactivated or drained so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
2. At least one door boarded at the grade level shall be maintained with locks and hinges to permit entry for inspection purposes.
3. Access to the building for inspection purposes is required to be provided to the Director of the Building Inspection Division.
4. Screening or alternate methods of boarding may be permitted upon prior written approval by the Director of the Building Inspection Division, or designee.
5. The Director of Building Inspection shall be notified in writing no later than ten (10) days prior to the sale, transfer or possession, or the unboarding of the property. (Am. by ORD-08-00109, 10-7-08)

(3) Damaged Buildings. When any building has been damaged by fire or other cause,hazardous or dangerous conditions exist, and the building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure.

(4) Abatement. The provisions of Section 27.05(3)(d) and (e) of these ordinances apply to the abatement of nuisances under this subsection.

(a) Authority to Assess Costs. The cost of abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(b) Abatement in Accordance with State Law. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the City or its officials and employees in accordance with the laws of the state.

(Sec. 27.08(7) Am. by Ord. 11,679, 10-14-96; Sec. 27.085 Created, Sec. 27.08(7) Renum. to 27.085(2) and Am. by ORD-09-00042, 3-19-09)

27.09 ADMINISTRATION AND ENFORCEMENT.

(1) The purpose of this section is to provide for the administration and enforcement of this ordinance.

(2) The office of the Building Inspection Division of the Department of Planning and Community and Economic Development is hereby created to enforce this ordinance. The Director of the Building Inspection Division shall be under the supervision of the Director of Planning and Community and Economic Development. For purposes of enforcement of this ordinance, he/she shall have the same powers as the officer referred to in the Statutes as Building Inspector. (Am. by Ord. 8081, 7-29-83; (Am. by ORD-08-00109, 10-7-08)

(3) The duties of the Director of the Building Inspection Division shall be as follows:

(a) Provide and maintain a public information bureau relative to all matters arising out of this ordinance.

(b) Maintain permanent and current records of all matters arising out of this ordinance.

(c) Conduct a systematic inspection of buildings, structures, and lands to determine compliance with the terms of this ordinance, all state laws, City ordinances and lawful orders relating to the alteration, repair, maintenance, safety and use of

existing buildings and permanent building equipment and take such action as necessary to secure such compliance, including: the withholding of building permits, imposition of forfeitures and injunctive action. They shall have full power to pass upon any question arising under the provisions of the housing, building, plumbing, electrical and heating codes and zoning ordinances, subject to conditions contained herein. (Am. by Ord. 9640, 12-14-88)

(d) Initiate, direct, and review from time to time a study of the provisions of this ordinance and make recommendations to the Mayor and Common Council not less frequently than once a year on such matters that will improve this code or its systematic enforcement.

(e) Coordinate such inspection and code compliance programs with inspection or improvement programs of other neighborhood groups whose purpose is neighborhood improvement.

(Am. by ORD-08-00109, 10-7-08)

(4) The inspectors provided for in this ordinance shall have the same power and authority as is set forth in Sec. 29.15(3).

(5) (a) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by Ord. 11,783, 2-17-97; Ord. 13,126, 8-28-02; ORD-08-00054, 5-24-08; ORD-08-00109, 10-7-08; ORD-11-00057, 4-7-11)

(b) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Sec. 66.0627 of the Wisconsin Statutes. (Am. by Ord. 13,126, 8-28-02; ORD-11-00037, 3-8-11)

(Am. by Ord. 10,639, 4-30-93)

(6) All appeals under Chapter 27 are governed by Section 29.18 of these ordinances. (Cr. by Ord. 11,611, Adopted 5-21-96)

27.10 MAINTENANCE OF ABANDONED RESIDENTIAL PROPERTIES PENDING FORECLOSURE.

(1) Purpose and Scope. The purpose of this section is to establish an abandoned residential property registration program and to regulate the maintenance of abandoned residential properties by parties asserting a collateral or other legal or equitable interest in the property. This section is intended to reduce and prevent neighborhood blight, to ameliorate conditions that threaten the health, safety and welfare of the public, to promote neighborhood stability and residential owner occupancy by preserving the condition and appearance of residential properties, and to maintain residential property values and assessments.

(2) Definitions.

"Abandoned property" or "abandoned premises" means a property that is vacant as the result of the relinquishment of possession or control by a mortgagor or the mortgagor's assigns whether or not the mortgagor or mortgagor's assigns have relinquished equity and title. If there is no direct knowledge of abandonment by the bank, lender or financial institution, property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude

that the property was abandoned including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices, accumulation of junk, litter, trash or debris, absence of window treatments such as blinds, curtains or shutters, absence of furnishings and personal items, and statements by neighbors, delivery agents or similarly situated persons that the property is vacant.

"Accessible Structure" means a building or structure that is accessible through a compromised door, wall, window or similar structure and which is unsecured in a manner that allows access to interior space by unauthorized persons.

"Agent" means a person, firm or other entity that is responsible to a bank, lender, other financial institution or individual, for securing, maintaining, foreclosing upon or selling any residential property as the result of loan default or mortgage foreclosure proceedings whether or not the proceedings are judicial or initiated as the result of a power of sale clause in the mortgage document. In this section, agent does not include a servicing company. Except, however, an attorney shall not be deemed to be an agent if that attorney is retained solely to represent a bank, lender or other financial institution in connection with a foreclosure proceeding in a court of competent jurisdiction.

"Financial institution" means any individual, firm, corporation or entity other than a lender or duly constituted bank that asserts a collateral interest in residential real property as the result of an assignment, sale or transfer of a mortgage or similar instrument.

"Foreclosure" means the judicial process prescribed by Wis. Stat. ch. 846 and the process for non-judicial sale authorized by a power of sale clause in a mortgage document.

"Mortgage" means a written instrument creating a lien on real property whereby the mortgagor retains the interest that the mortgagor had at the time of mortgage until that interest is divested by some later act.

"Occupied property" or "occupied premises" means a premises on which any person over one year of age, including an owner or operator, lives, sleeps, cooks or otherwise maintains actual possession.

"Property" means any unimproved or improved real property or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of condition.

"Registrant" means the person or entity required to register a property under sub. (4) of this ordinance.

"Residential" means any property or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include all buildings and structures located on such property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted and/or zoned for such use.

"Servicing company" means an individual, firm or entity that, as a regular part of its business, provides services to the owner or holder of one or more mortgage liens which services may include collection of payments, creation and administration of escrow and insurance accounts, assessment of late-payment charges, managing loss mitigation, and securing and managing foreclosed properties on behalf of the holder of a mortgage lien or the holder's attorney or agent.

"Vacant premises" means a building that is not lawfully occupied.

(3) Inspection of Residential Property.

(a) Initial Inspection. Whenever a bank, lender or other financial institution shall, directly or through an agent or servicing company, initiate foreclosure proceedings by filing a summons and complaint in Dane County Circuit Court upon residential real property, the bank, lender or other financial institution, either directly or through its agent or servicing company, shall cause a physical inspection to be made of the property not later than thirty (30) days from the date of notice and in no event later than thirty (30) days after the filing of the summons

and complaint. One or more photographs shall be taken of the residential property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

(b) Periodic Inspections. Any bank, lender or financial institution, or its agent or servicing company, shall perform a re-inspection of a residential premises subject to foreclosure proceedings at least once every thirty (30) days following the initial inspection until such time as the property is no longer in default as a result of agreement with the owner, or is sold at a sheriff's sale or is otherwise lawfully conveyed to a new owner. One or more photographs shall be taken at each re-inspection and shall be dated and preserved in the same manner as is required upon initial inspection.

(4) Registration of Abandoned Residential Property.

(a) If, upon inspection of residential property required by sub. (3), it is determined that the property is abandoned, the bank, lender, other financial institution or its responsible agent or servicing company, shall register the property in the name of the lien holder with the Building Inspection Division of the Department of Planning and Community and Economic Development ("Building Inspection Division) on a form prescribed by the Building Inspection Division that includes, but is not limited to:

1. Information identifying the location of the property, the last known owner or owners of the property, last known contact information for owners including address(es), phone number(s) and/or email address(es)
2. The date foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and whether there is an accessible structure on the property.
3. Name of bank, lender or financial institution (corporation or individual); the street/office address (not a post office box) and if different, the mailing address; a direct contact name and phone number for the person handling the foreclosure; and if applicable, the name, address and phone number of a local property manager responsible for the security and maintenance of the property.
4. Identification of the agent or servicing company, if any, that is authorized by the lien holder to enter upon the property and to conduct repairs or maintenance as required in sub. (5)(a).

(b) Registration of abandoned property shall be made within five (5) working days of inspection. The fee for registration of abandoned residential property is $250. If it should appear that the registration is filed six (6) or more days after the inspection, a late fee of fifty dollars ($50) shall be charged. The registration form and fee may be transmitted electronically or by any other means to be determined by the Building Inspection Division. The registration shall be valid from the date the registration form is completed and filed with the Building Inspection Division if the registration fee is received by the Building Inspection Division within seven (7) days of receipt of the registration form. If the registration fee is not received within seven (7) days of receipt of the registration form, a late fee of fifty dollars ($50) shall be charged.

(c) The registration will be dissolved and considered void upon receipt by the Building Inspection Division of written evidence of a sale in foreclosure, redemption of the property by the lien holder or other transfer of the lien holder's interest. The Building Inspection Division may, in appropriate circumstances, provide for conversion of the registration required in this subsection to a registration of residential property as provided in Sec. 27.05(2)(k),MGO.

(d) Any person, firm or corporation required to register a property pursuant to this section must report any change of information contained in the registration within ten (10) days of the change.

(5) Registrant Duties.

(a) The property maintenance duties of a registrant are limited to the following:

1. Secure the property in a manner to prevent access by unauthorized persons, including but not limited to the following; the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows, securing means the replacement or boarding of the window.
2. Assure that there are no conditions upon the property presenting an immediate risk to health and safety of the public including removing or abating fire hazards, removing or containing potentially toxic materials and explosives, securing the perimeters of swimming pools, eutrophic water, and maintaining public walkways and thoroughfares free from ice, snow, mud and other debris consistent with the requirements of Chapter 27, Minimum Housing Code.
3. Keeping the property free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
4. All yards shall be landscaped and maintained in accordance with Chapter 27, Minimum Housing Code.

(b) A registrant shall include a statement in the registration form identifying any action taken or planned to be taken to comply with the requirements of par. a. From and after registration of the abandoned residential property, or from and after the time that registration is required to be made, and until the abandoned residential property has been sold at a sheriff's foreclosure sale or has otherwise been legally conveyed to a new owner, the Building Inspection Division may make a finding that the conditions of the residential premises constitute an immediate threat to the health, safety and welfare of the public and, upon such finding, may issue a written order to the registrant to abate the condition. If the registrant, or party with a duty to register, fails to comply with the order of the Building Inspection Division within ten (10) days unless the violation is subject to the summary abatement process, the registrant, or party with a duty to register, shall be held liable and punished in the same manner and to the same extent as the owner of the property if the unabated condition is found to be in violation of the following:

1. Sec. 10.28, MGO, Snow and Ice Removal from Sidewalks.
2. Sec. 27.05, MGO, Maintenance of Premises.
3. Sec. 27.05(2)(b), MGO, Noxious Weeds.
4. Sec. 27.05(2)(c), MGO, Exterior property areas shall be free from physical hazards.
5. Secs. 27.05(2)(c) and 27.05(3)(b)4., MGO, Littering of Premises.
6. Sec. 27.05(2)(j), MGO, Plumbing Fixtures and Waste Pipes.
7. Sec. 27.05(2)(v), MGO. Graffiti Abatement.
8. Secs. 27.05(3)(b)4. and 27.05(2)(c), MGO, Rodent Harborages.
9. Sec. 27.085, MGO, Vacant Structures; Securing.
10. Sec 28.141(10)(d), MGO. Inoperable Vehicles.

(c) The minimum requirements of a registrant, or party with a duty to register, for preservation and protection of residential premises, absent a specific order of the Building Inspection Division to abate a condition of the premises, shall be consistent with the rules, regulations and other requirements published by the

Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the state of Wisconsin including guidelines related to winterization and heating systems. Under these guidelines, debris removal shall be deemed to include snow and ice removal, the elimination of weeds and other plant growths in Chapter 27, Minimum Housing Code. The Building Inspection Division may require a registrant, or party with a duty to register, to repay the Building Inspection Division the reasonable costs incurred by the Building Inspection Division related to abatement of conditions that are subject to FHA guidelines identified in this paragraph or which are subject to an order under par. b and threaten the health, welfare and safety of the public.

(d) A registrant shall maintain written records, including photographs, of any re-inspection required by sub. (3)(b) that identifies any change in condition of the abandoned real property requiring correction under pars. a. and b, and identifying actions taken or planned to assure compliance. Written records of re-inspection shall be made available to the Building Inspection Division upon request.

(e) A registrant, or registrant's agent or servicing company, shall provide notice to the Building Inspection Division, in a manner to be prescribed by the Building Inspection Division, within fifteen (15) working days, of any agreement executed by the lawful owner with the party or parties asserting a mortgage lien interest, curing or otherwise forgiving default of the mortgage lien, or within fifteen (15) days of a sheriff's sale in foreclosure or other sale or lawful conveyance of the abandoned residential property, and declaring that registrant is no longer responsible for inspection of the registered property or for securing or maintaining the property. Upon receipt of the notice required in this paragraph, the Building Inspection Division shall dissolve the registration.

(6) Penalties.

(a) Failure to Inspect. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to inspect or re-inspect residential property under sub. (3) shall, upon conviction, forfeit not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000), together with the cost of the action, and in default of payment thereof may be imprisoned in the Dane County Jail not less than ten (10) days nor more than forty (40) days.

(b) Failure to Register. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to register abandoned residential property under sub. (4) shall, upon conviction, forfeit not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000), together with the cost of the action, and in default of payment thereof may be imprisoned in the Dane County Jail not less than twenty (20) days nor more than eighty (80) days.

(c) Failure to Secure and Maintain. Any person, firm, bank, lender, financial institution or an agent or servicing company having a duty to register abandoned residential property that fails its duty to secure and maintain the property under subs. (5)(a) and (b) shall, upon conviction, forfeit not less than three hundred fifty dollars ($350) nor more than fifteen hundred dollars ($1,500), together with the cost of the action, and in default of payment thereof may be imprisoned in the Dane County Jail not less than fourteen (14) days nor more than sixty (60) days.

(d) Failure to Maintain Records or Provide Written Notice. Any person, firm, bank, lender, financial institution or responsible agent or servicing company that fails to maintain records required in sub. (5)(d) or to provide the notices required in sub. (5)(e) shall, upon conviction, forfeit not less than one hundred dollars ($100) nor

more than five hundred dollars ($500), together with the cost of the action, and in default of payment thereof may be imprisoned in the Dane County Jail not less than four (4) days nor more than twenty (20) days.

(Sec. 27.10 Cr. by ORD-13-00108, 6-12-13)

27.101 RESERVED FOR FUTURE USE. ("Meetings" R. by Ord. 11,960, Adopted 11-4-97)

27.102 RESERVED FOR FUTURE USE. (R. by Ord. 10,356, 1-23-92)

27.11 PENALTIES. Any person who violates any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture of not less than one dollar ($1.00) and not more than one thousand dollars ($1,000), unless there exists a specific penalty for a violation which shall be applicable, and in addition, shall pay all costs and expenses involved in the case. Each day or portion thereof such violation continues shall be considered a separate offense. (Am. by Ord. 11,807, 3-14-97; Ord 13,725, 11-9-04; Ord. 13,760, 12-14-04)

27.12 SEPARABILITY. It is hereby declared to be the intention of the Common Council of the City of Madison that the several provisions of this ordinance are separable, in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, not specifically included in said judgment.

27.13 CONFLICT OF ORDINANCE. In any case where a provision of this ordinance or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or any regulation of the City of Madison, the provision which established the higher standard for the promotion of the health and safety of the people shall prevail.

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CHAPTER 28

ZONING CODE ORDINANCE

Chapter 28 Amended by ORD-12-00134
Adopted 10/16/2012, Effective 1/2/2013

Chapter 28 Repealed and Recreated by ORD-11-00061
Adopted 3/29/2011, Effective 1/2/2013

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SUBCHAPTER 28A: INTRODUCTORY PROVISIONS

28.001 TITLE.

This ordinance shall be known, cited and referred to as the Madison Zoning Code, or "this ordinance." For purposes of this Section, the phrase "this ordinance" refers to this Chapter of the Madison General Ordinances (MGO) or any condition imposed pursuant to this Chapter.

28.002 INTENT AND PURPOSE.

(1) This ordinance is adopted for the following purposes:

(a) To promote land uses and development patterns that are consistent with the city's comprehensive plan and of adopted neighborhood, corridor or special area plans.

(b) To promote and protect the public health, safety and general welfare of the City.

(c) To secure safety from fire, flooding, pollution, contamination and other dangers.

(d) To maintain and promote safe pedestrian and vehicular circulation.

(e) To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage.

(f) To ensure the provision of adequate open space for light, air, fire safety and recreation.

(g) To protect environmentally sensitive areas.

(h) To address and mitigate the effects of climate change.

(i) To remove obstacles and provide incentives for energy conservation and renewable energy.

(j) To promote and restore the conservation, protection, restoration and enhancement of historic resources.

(k) To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.

(l) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment as well as the design of buildings.

(m) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
(n) To stabilize, protect, and enhance property values.
(o) To preserve productive agricultural land and provide opportunities for local food production.
(p) To encourage innovative project design in the city, including developments that incorporate mixed uses.
(q) To encourage the creation, promotion, sale, and enjoyment of art.
(r) To create a sense of place.
(s) To encourage pedestrian-oriented development.
(t) To promote the orderly development and economic vitality of the City.
(u) To provide an adequate variety of housing and commercial building types to satisfy the city's social and economic goals.

28.003 RELATIONSHIP TO COMPREHENSIVE PLAN.

The Madison Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning code. All regulations or amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

28.004 INTERPRETATION.

This ordinance applies to all land and land development within the jurisdictional limits of the City of Madison, Wisconsin.

(1) This ordinance should be interpreted as a permissive zoning ordinance, which means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. In the absence of a variance or special exception, any uses or structures not specifically permitted by the ordinance are prohibited. (Cr. by ORD-16-00026, 3-9-16)
(2) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare.
(3) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
(4) This ordinance is not intended to abrogate any easement, covenant or other private agreement. However, this ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.
(5) Any use, building, structure, or lot that is lawfully existing at the time of the adoption of this ordinance, or any subsequent amendment(s), may be continued, subject to the provisions in Subchapter 28N, Nonconformities.
(6) A building, structure or use that was unlawful when this Chapter was adopted does not become lawful solely by reason of the adoption of this Chapter. To the extent that the unlawful building, structure or use conflicts with this Chapter, the building, structure or use remains unlawful under this Chapter.
(7) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Wis. Admin. Code ch. NR 116 or NR 117, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(Sec. 28.004(1) - (6) Renum. by ORD-16-00026, 3-9-16)

28.005 ZONING OF ANNEXED LAND.

(1) Pursuant to Wis. Stat. § 66.0217(8), all property annexed to the City of Madison and previously not zoned under this ordinance shall be hereby declared to be in a temporary zoning district until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to Sec. 28.182 of this ordinance. The following requirements also apply to annexed land:

(a) The Dane County floodplain zoning provisions in effect on the date lands are annexed to the City of Madison shall remain in effect and shall be enforced for all annexed lands until the City adopts and enforces an ordinance that meets the requirements of NR 116, Wis. Adm. Code and the National Flood Insurance Program. County floodplain provisions are incorporated by reference for the purpose of administering this subdivision and are on file in the office of the Zoning Administrator.

(b) All lands annexed to the City of Madison after May 7, 1982 that prior to annexation were subject to the Dane County Shoreland Zoning Ordinance shall be subject to the following regulations, which supersede any conflicting sections of Chapter 28, MGO:

1. No building shall be constructed closer than fifty (50) feet from the ordinary high-water mark, except as provided in par. 2.
2. Construction or placement of a principal building within the shoreland setback area established under par. 1. is allowed if all of the following apply:
   a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
   b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five (35) feet from the ordinary high-water mark, whichever distance is greater.
3. A person who owns shoreland property that contains vegetation is required to maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) feet inland from the ordinary high-water mark of the navigable water, except as provided in sub. 3.a.
   a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
4. A person who is required to maintain or establish a vegetative buffer zone under sub. 3. may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than thirty (30) feet wide for every one hundred (100) feet of shoreline frontage and that extends no more than thirty-five (35) feet inland from the ordinary high-water mark.
5. For the purposes of this section, "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
6. This ordinance does not apply to lands adjacent to an artificially constructed ~~drainage ditch, pond or stormwater retention basin if the drainage ditch,~~ pond or retention basin is not hydrologically connected to a natural navigable water body.

28.006 SCOPE OF REGULATIONS.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. (See Transition Rules below.)

(1) All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance a building permit was issued and is still valid; and provided construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building may be:
   (a) Completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
   (b) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.

(2) Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this ordinance, the approval shall become null and void unless work thereon is substantially underway within six (6) months of the date of issuance of such approval.

(3) The following changes to an existing use shall not require the entire site to be brought into compliance:
   (a) Adding pedestrian and/or accessibility accommodations required by building code provisions.
   (b) Providing new/additional bicycle parking.
   (c) Providing new/additional refuse enclosure areas.
   (d) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation or entrances.
   (e) Replacing dead/undesirable, or non-functioning landscaping with new or different trees or shrubs.
   (f) Elimination of parking stall to add landscaping, when administratively approved.
   (g) Phased developments in Planned Multi-use sites.
   (h) Site changes resulting from eminent domain actions.
   (i) Storage locker (personal). (Cr. by ORD-16-00109, 12-14-16)

28.007 SEVERABILITY.

(1) In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

28.008 TRANSITION RULES.

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

(1) Any application that has been filed with the Department of Planning and Community and Economic Development or Building Inspection Division and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this ordinance.

(2) Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.

(3) Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district unless rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance.

(4) Zoning districts, use lists and definitions applicable to previously approved documents, including rezonings, planned development districts, easements, deed restrictions and similar agreements, shall remain in force but shall be interpreted by the Zoning Administrator for consistency with the rules, definitions and other provisions of this ordinance.

(5) Any application before the Zoning Board of Appeals or any application that has been filed with the Department of Planning and Community and Economic Development or Inspections Division and is fully completed, prior to the effective date of this ordinance, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing.

28.009 REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective on the date the Zoning Map becomes effective.

SUBCHAPTER 28B: ZONING DISTRICTS AND MAP

28.021 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established:

(1) Residential Districts.*
- (a) SR-C1 Suburban Residential - Consistent District 1
- (b) SR-C2 Suburban Residential - Consistent District 2
- (c) SR-C3 Suburban Residential - Consistent District 3
- (d) SR-V1 Suburban Residential - Varied District 1
- (e) SR-V2 Suburban Residential - Varied District 2
- (f) TR-C1 Traditional Residential - Consistent District 1
- (g) TR-C2 Traditional Residential - Consistent District 2
- (h) TR-C3 Traditional Residential - Consistent District 3
- (i) TR-C4 Traditional Residential - Consistent District 4
- (j) TR-V1 Traditional Residential - Varied District 1
- (k) TR-V2 Traditional Residential - Varied District 2
- (l) TR-U1 Traditional Residential - Urban District 1
- (m) TR-U2 Traditional Residential - Urban District 2
- (n) TR-R Traditional Residential - Rustic District
- (o) TR-P Traditional Residential - Planned District

* When other Chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included.

(Am. by ORD-13-00007, 1-15-13)

(2) Mixed-Use and Commercial Districts.
- (a) LMX Limited Mixed-Use.
- (b) NMX Neighborhood Mixed-Use District
- (c) TSS Traditional Shopping Street District
- (d) MXC Mixed-Use Center District
- (e) CC-T Commercial Corridor - Transitional District
- (f) CC Commercial Center District

(3) Employment Districts.
- (a) TE Traditional Employment District
- (b) SE Suburban Employment District
- (c) SEC Suburban Employment Center District
- (d) EC Employment Campus District
- (e) IL Industrial - Limited District
- (f) IG Industrial - General District

(4) Downtown and Urban Districts.
- (a) DC Downtown Core
- (b) UOR Urban Office Residential
- (c) UMX Urban Mixed-Use
- (d) DR1 Downtown Residential 1
- (e) DR2 Downtown Residential 2

(5) Special Districts.
- (a) A Agricultural District
- (b) UA Urban Agricultural District
- (c) CN Conservancy District
- (d) PR Parks and Recreation
- (e) AP Airport District
- (f) CI Campus Institutional District
- (g) PD Planned Development District
- (h) PMHP Planned Mobile Home Park District

(6) Overlay Districts.
- (a) WP Wellhead Protection Overlay Districts
- (b) W Wetland Overlay District
- (c) TOD Transit Oriented Development Overlay District
- (d) NC Neighborhood Conservation Overlay Districts
- (e) F1 Floodway District.
- (f) F2 Flood Fringe District
- (g) F3 General Floodplain District
- (h) F4 Flood Storage District

28.022 INCORPORATION OF ZONING DISTRICT MAPS.

The location and boundaries of the zoning districts are hereby established as shown on maps entitled "Zoning District Maps" on file in the office of the Zoning Administrator, including the official Wetland Zoning Maps titled "Wisconsin Wetland Inventory Maps." The zoning district maps, together with all information shown thereon and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

(1) Location of District Boundaries.

The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

- (a) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.
- (b) A boundary line shown as following, or approximately following, a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
- (c) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning district as the lots, pieces or parcels abutting both sides of the street or alley involved. If the lots, pieces or parcels abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.
- (d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

(2) Wetland Maps.

- (a) The Wetland Zoning Overlay District includes all wetlands greater than two (2) acres shown on the Wisconsin Wetland Inventory Maps that have been adopted and made a part of this ordinance.
- (b) Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark.
- (c) When an apparent discrepancy exists between the Wetland District boundary shown on the official Wetland Zoning Maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources to determine if the Wetland District boundary as mapped, is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall be responsible for initiating a wetland map amendment within a reasonable period.

(3) Floodplain Maps.

- (a) Incorporation of Floodplain Maps. The location and boundaries of the Floodway, Flood Fringe, and General Floodplain Districts are hereby established as shown

on the Flood Insurance Rate Maps prepared by the Federal Insurance Administration of the U. S. Federal Emergency Management Agency, together with other supplemental maps, including the revised Flood Insurance Rate Maps, provided by the Federal Emergency Management Agency, and shown on map panels:

Effective 01/02/2009:
55025C0267G, 55025C0379G, 55025C0383G, 55025C0389G, 55025C0390G, 55025C0393G, 55025C0394G, 55025C0401G, 55025C0403G, 55025C0404G, 55025C0407G, 55025C0408G, 55025C0409G, 55025C0413G, 55025C0416G, 55025C0417G, 55025C0418G, 55025C0419G, 55025C0428G, 55025C0433G, 55025C0436G, 55025C0437G, 55025C0438G, 55025C0439G, 55025C0441G, 55025C0442G, 55025C0557G, 55025C0576G

Effective 09/17/2014:
55025C0242H, 55025C0243H, 55025C0244H, 55025C0261H, 55025C0262H, 55025C0263H, 55025C0264H, 55025C0266H, 55025C0268H, 55025C0269H, 55025C0288H, 55025C0426H, 55025C0427H, 55025C0429H, 55025C0431H, 55025C0432H, 55025C0434H, 55025C0443H, 55025C0444H, 55025C0451H, 55025C0453H, 55025C0461H, 55025C0463H

(b) The above-mentioned maps with all information shown thereon, together with the accompanying Federal Insurance Administration's Flood Insurance Study for the City of Madison, Wisconsin, Numbers 55025CV001D, 55025CV002D, 55025CV003D, and 55025CV004D, effective June 16, 2016, in which are indicated floodway data and flood profiles, and all amendments thereto to such floodplain maps shall be as much a part of this ordinance as if fully set forth and described herein. (Am. by ORD-16-00062, 6-29-16)

(c) Maps based on other studies, including Dane County Flood Storage Maps prepared and approved by the Department of Natural Resources, Panel numbers 3, 18, and 20, effective September 17, 2014, and Letter of Map Revision, Case #16-05-6112P dated March 10, 2017, #16-05-3204P dated October 27, 2016, #16-05-1781P dated June 14, 2016, and #12-05-5696P dated March 15, 2013. (Am. by ORD-16-00062, 6-29-16; ORD-17-00007, 1-26-17)

(d) Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) through the Letter of Map Change process before it is effective. No changes to regional elevations (FRE) on non-FEMA maps shall be effective until approved by the Department of Natural Resources. If more than one map or revision is referenced, the most restrictive information shall apply.

(Sec. 28.022(3) Am. by ORD-14-00146, 9-12-14)

(4) Locating Floodplain Boundaries.

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved by the Zoning Administrator using the criteria in subdivisions (a) or (b) below. If a significant difference exists, the map shall be amended using the procedures established for zoning map amendments in Sec. 28.182. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required.

The Zoning Administrator is responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the location of the district boundary line shall be settled according to the appeals procedure in Sec. 28.205(5) of this ordinance and the

criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision amended using the procedures established for zoning map amendments in Sec. 28.182.

(a) Where flood profiles exist, the map scale and the profile elevations shall determine the district boundary line. Where a discrepancy exists between the map and actual field conditions, the regional or base flood elevations shall govern. The Zoning Administrator has authority to grant or deny a land use permit on the basis of a district boundary derived from the regional flood elevations, whether or not a map amendment is required.

(b) Where flood profiles do not exist, the location of the district boundary line shall be determined by the map scale. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by the City, the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency, the Zoning Administrator shall have the authority to grant or deny a land use permit.

(Am. by ORD-14-00146, 9-12-14)

(5) Incorporation of Flood Storage Maps. The location and boundaries of the Flood Storage Districts are hereby established as shown on Panels 2, 4, and 5 of the Dane County Flood Storage Maps, dated January 2, 2009, and Panel 19 of the Dane County Flood Storage Maps, dated June 16, 2016. (Am. by ORD-16-00062, 6-29-16)

SUBCHAPTER 28C: RESIDENTIAL DISTRICTS

28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.

(1) Setback Averaging, Front Setback.

Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet. Setback averaging on lakefront lots is as specified in Sec. 28.138. For the purpose of calculating the average setback:

(a) If the setback of an existing structure is greater than the required setback, the required setback shall be used.

(b) Setback averaging uses only front yard setbacks; side yards and reverse corner side yards on corner lots shall not be included.

(c) Projection into setbacks shall not be included.

(d) Setback reductions approved by variance or special exception shall not be included.

(e) If a block face is at least seventy-five percent (75%) built, a vacant lot on the block face shall not be included.

(2) Sidewall Offset.

A maximum of forty (40) feet of a principal building's side wall may be placed at the minimum sidewall setback. In order to avoid the monotonous appearance of long unbroken building facades from streets or abutting properties, any portion of a building side wall located within eighteen (18) feet of the side lot line that exceeds forty (40) feet in depth shall be set back an additional two (2) inches from the side lot line for every foot over forty (40) feet in depth. This requirement applies to all new construction with the following exceptions:

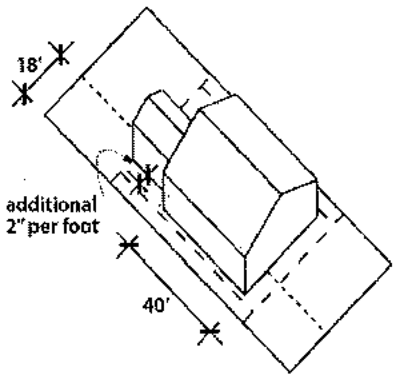


Figure C1: Sidewall Offset

(a) Within the TR-P, TR-C3 and TR-C4 districts, alley-loaded residential buildings are exempt from this requirement as it applies to building side walls within interior side yards.

(b) Any residential building provided that windows, doors, or other architectural features are provided to articulate the appearance of the façade. (Cr. by ORD-13-00128, 7-26-13; ORD-14-00036, 3-6-14)

(Am. by ORD-13-00007, 1-15-13; ORD-14-00137, 8-13-14)

(3) Attached Garage Setback. In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade. That portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the facade. The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.

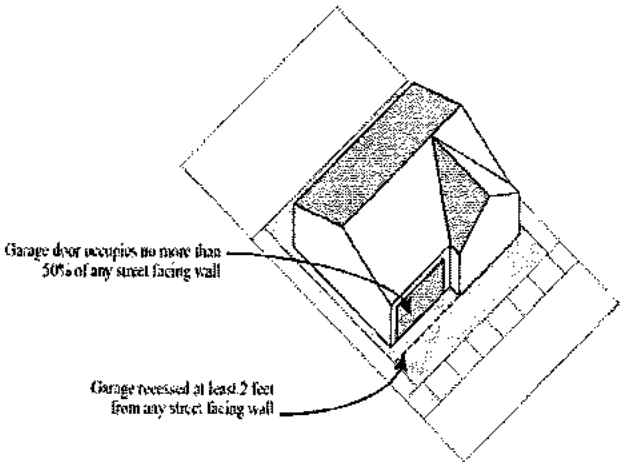


Figure C2: Attached Garage Setback

(4) Parking Location: Residential Buildings. For new, Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, or additions that exceed the original building's floor area by more than one hundred percent (100%), parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building within the side yard, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. (Am. by ORD-15-00033, 4-8-15)

(5) Parking Location: Nonresidential Buildings.
For new nonresidential buildings in residential districts or additions that exceed the original building's floor area by more than one hundred percent (100%), that are constructed after the effective date of this zoning code, surface parking shall not be permitted between the front facade of the building and the abutting street. (Am. by ORD-15-00033, 4-8-15)

(6) When other chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included. (Cr. by ORD-13-00007, 1-15-13)

28.032 RESIDENTIAL DISTRICT USES.

(1) Table 28C-1 lists all permitted and conditional uses in the residential districts.
- (a) "P" means permitted in the districts where designated.
- (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
- (d) "Y" means there are specific requirements in Subchapter 28J associated with a use.
- (e) "SR-C1" means Suburban Residential-Consistent 1 District.
- (f) "SR-C2" means Suburban Residential-Consistent 2 District.
- (g) "SR-C3" means Suburban Residential-Consistent 3 District.
- (h) "SR-V1" means Suburban Residential-Varied 1 District.
- (i) "SR-V2" means Suburban Residential-Varied 2 District.
- (j) "TR-C1" means Traditional Residential-Consistent 1 District.
- (k) "TR-C2" means Traditional Residential-Consistent 2 District.

(l) "TR-C3" means Traditional Residential-Consistent 3 District.
(m) "TR-C4" means Traditional Residential-Consistent 4 District.
(n) "TR-V1" means Traditional Residential-Varied 1 District.
(o) "TR-V2" means Traditional Residential-Varied 2 District.
(p) "TR-U1" means Traditional Residential Urban 1 District.
(q) "TR-U2" means Traditional Residential Urban 2 District.
(r) "TR-R" means Traditional Residential-Rural District.
(s) "TR-P" means Traditional Residential-Planned District.

Table 28C-1

	Residential Districts															
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Residential - Family Living																
Addition of dwelling unit to single family home									C							
Multi-family dwelling (4 dwelling units)				P	P					P	P	P	P		P	
Multi-family dwelling (5-8 dwelling units)				C	P						C	P	P		P	
Multi-family dwelling (>8 dwelling units)					C						C	C	C		P	
Residential building complex					C						C	C	C		C	Y
Single-family attached dwelling (3-8 dwelling units)				C	P						C	P	P		P	
Single-family attached dwelling (>8 dwelling units)					C							C	C		P	
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	
Three-family dwelling - three-unit				P	P				P	P	P	P	P		P	
Two-family dwelling - twin			P	P	P				P	P	C	P	C		P	Y
Two-family dwelling - two unit			P	P	P				P	P	C	P	C		P	
Residential - Group Living																
Adult family home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Assisted living facility, congregate care facility, skilled nursing facility				C	C					C	C	C	C			Y
Cohousing community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Community living arrangement (up to 8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Community living arrangement (9-15 residents)	C	C	C	P	P	C	C	C	P	P	P	P	P	C	P	Y
Community living arrangement (>15 residents)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Daytime shelter												C	C			Y
Hostel												C	C			
Housing cooperative			P/C	P/C	P/C					P/C	P/C	P/C	P/C			Y
Lodging house, fraternity or sorority												C	C			Y
Mission house												C	C			Y
Peer run respite facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Civic and Institutional																

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Colleges and universities												C	C			
Community Event	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Day care center in school or place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	
Day care center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Dormitory					C							C	C			Y
Library, museum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Public safety or service facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Reuse of public schools, municipal buildings, or places of worship	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Schools, public and private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Not-for-profit schools of theater arts for children							P									
Retail, Service, Recreation and Other Uses																
Bed and breakfast establishments	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Bicycle-sharing facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Building or structure with floor area exceeding 10,000 sq. ft. in floor area	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Counseling and community services					C						C					
Farmers markets	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Golf course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Limited retail use of landmark site or building	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Mobile grocery store	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Offices for human service programs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Outdoor recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Parking facility, non-accessory	C	C	C	C	C	C	C	C	C	C	C	C	C			Y
Recreational, community, and neighborhood centers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Tourist rooming house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Utility Uses																
Class 2 Collocations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric power production and/or heating and cooling plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Electric substations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Gas regulator stations, mixing and gate stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Radio Broadcast Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Railroad right-of-way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Sewerage system lift stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y

Residential Districts																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water pumping stations, water reservoirs	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Agriculture																
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Market garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Accessory Uses and Structures																
Accessory building or structure	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Accessory dwelling unit	Conditional Use in All Districts														P	Y
Accessory mission house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Caretaker's dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Composting	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Convent, monastery or similar residential group	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	Y
Day care home, family	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Dependency living arrangement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Emergency electric generator	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Home occupation	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Keeping of chickens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Lease of off-street parking facility accessory to a nonresidential use to non-users of principal use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Lease of off-street parking facility accessory to residential use to non-tenants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Management office, restaurant, limited retail, recreation facilities within multi-family building					C						C	C	C			Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Outdoor recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Portable shelter mission	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Portable storage units	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Real estate sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Solar energy systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Surface parking lot exceeding minimum required parking	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Temporary outdoor events	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Y
Wind energy systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Yard sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00134, 8-14-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00028, 2-18-14; ORD-14-00115, 7-11-14; ORD-15-00008 & ORD-15-0015, 1-28-15; ORD-15-00079 & ORD-15-00081, 8-12-15; ORD-16-00049, 5-25-16; ORD-16-00069, 8-13-16; ORD-16-00092, 11-9-16)

28.033 RESIDENTIAL DISTRICT BUILDING FORMS.

Building Form	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P
Single-Family Detached Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civic/Institutional Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Two-Family, Two-Unit			✓	✓	✓				✓	✓	✓	✓	✓		✓
Two-Family - Twin			✓	✓	✓				✓	✓	✓	✓	✓		✓
Three-Unit Building				✓	✓				✓	✓	✓				
Single-Family Attached				✓	✓						✓	✓	✓		✓
Small Multi-Family Building				✓	✓						✓	✓	✓		✓
Large Multi-family Building					✓						✓	✓	✓		✓
Courtyard Multi-Family Building					✓						✓	✓	✓		✓
Podium Building												✓	✓		✓

(Am. by ORD-14-00028, 2-18-14)

28.034 SUBURBAN RESIDENTIAL - CONSISTENT DISTRICTS.

(1) Statement of Purpose.

The SR-C Districts are established to stabilize and protect the essential characteristics of low- to moderate-density residential areas typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life cycle housing. The districts are also intended to:

(a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

(b) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

(c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

(d) Facilitate the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(e) In new development, use of the SR-C1 District, in conjunction with other residential districts, should be limited to insuring a mix of housing types, or for reasons related to topography, stormwater management, or other environmental considerations.

28.035 SR-C1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-C1 District		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	8,000	8,000
Lot Width	60	60
Front Yard Setback	30	30
Side Yard Setback	One-story: 6/Two-story: 7	One-story: 6
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	60%
Maximum building coverage	n/a	50%
Usable open space (sq. ft. per d.u.)	1,300	n/a

(a) Rear Yard Setback.
If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

28.036 SR-C2 DISTRICT.

(1) Permitted and Conditional Uses.
See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-C2 District		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	30	30
Side Yard Setback	One-story: 6/Two-story: 7	One-story: 6/Two-story: 7
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	60%
Maximum building coverage	n/a	50%
Usable open space (sq. ft. per d.u.)	1,000	n/a

(a) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

28.037 SR-C3 DISTRICT.

(1) Permitted and Conditional Uses.
See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-C3 District				
	Single-family detached	Two-family Two unit	Two-family - Twin	Nonresidential
Lot Area (sq. ft.)	6,000	8,000	8,000	6,000

SR-C3 District				
	Single-family detached	Two-family Two unit	Two-family - Twin	Nonresidential
Lot Width	50	50	50	50
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	15	15	15	25
Rear Yard Setback	Lesser or 30% lot depth or 35 See (b) below	Lesser or 30% lot depth or 35 See (b) below	Lesser or 30% lot depth or 35 See (b) below	Equal to building height but at least 35 See (b) below
Maximum height	2 stories/35	2 stories/35	2 stories/35	35
Maximum lot coverage	60%	60%	60%	60%
Maximum building coverage	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	750	n/a

(Am. by ORD-13-00007, 1-15-13; ORD-14-00133, 8-13-14)

(a) Dispersion of Dwellings. No two-family twin dwelling shall be constructed or converted within three hundred (300) feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use.

(b) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

28.038 SUBURBAN RESIDENTIAL - VARIED DISTRICTS.

(1) Statement of Purpose.

The SR-V Districts are established to stabilize and protect the essential characteristics of residential areas of varying densities and housing types, typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

(a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

(b) Maintain and improve the viability of existing housing of all types, while encouraging the updating of older housing in a context-sensitive manner.

(c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

(d) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

28.039 SR-V1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-V1 District: Permitted Uses				
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit
Lot Area (sq. ft.)	6,000	8,000	8,000	8,000

SR-V1 District: Permitted Uses				
	Single-family detached	**Two-family Two unit**	**Two-family - Twin**	**Three-four unit**
Lot Width	50	50	50	60
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6/15 total
Reversed Corner Side Yard Setback	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40
Maximum lot coverage	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	750	750	750	500

SR-V1 District: Conditional and Nonresidential Uses			
	Single-family attached (8 units max.)	**Multi-family (8 units max.)**	**Nonresidential**
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (one side only)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(a) Dispersion of Dwellings: No two-family twin dwelling, three-unit, or multi-family dwelling shall be constructed within three hundred (300) feet of any other two-family twin dwelling, three-unit dwelling or multi-family dwelling(s), as measured from the perimeter of each zoning lot, except by conditional use.

28.040 SR-V2 DISTRICT.

(1) Permitted and Conditional Uses.
See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-V2 District: Permitted Uses						
	Single-family detached	**Two-family Two unit**	**Two-family - Twin**	**Three unit**	**Single-family attached (8 units max.)**	**Multi-family**
Lot Area (sq. ft.)	6,000	6,000	4,000 (2 lots)	8,000	2,000/d.u.	2,000/d.u.
Lot Width	50	50	25/d.u.	60	20/d.u.	60
Front Yard Setback	25	25	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6	10 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30

SR-V2 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Single-family attached (8 units max.)	Multi-family
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	60%	60%	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500	500

SR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

28.041 TRADITIONAL RESIDENTIAL - CONSISTENT DISTRICTS.

(1) Statement of Purpose.

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

(a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.

(b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

(c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

(d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

(e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

28.042 TR-C1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C1 District		
	Single-family detached	**Nonresidential**
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 6 Two-story: 7	10
Reversed Corner Side Yard Setback	15	15
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	65%
Usable open space (sq. ft. per d.u.)	1,000	n/a
Maximum building coverage	n/a	50%

(Am. by ORD-15-00099, 9-11-15)

(a) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

28.043 TR-C2 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C2 District		
	Single-family detached	**Nonresidential**
Lot Area (sq. ft.)	4,000	4,800
Lot Width	40	40
Front Yard Setback	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	10
Reversed Corner Side Yard Setback	12	20
Rear Yard	Lesser of 30% lot depth or 30	Equal to building height but at least 30
Maximum height	2 stories/35	35
Maximum lot coverage	65%	65%
Usable open space (sq. ft. per d.u.)	750	n/a
Maximum building coverage	n/a	50%

(Am. by ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with single-family detached dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

28.044 TR-C3 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C3 District		
	Single-family detached	**Nonresidential**
Lot Area (sq. ft.)	3,000	4,000
Lot Width	30	40
Front Yard Setback	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	5 Lot width < 50: 10% lot width	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	8 (10 for garage)	15
Rear Yard	20 alley-accessed: 2 See (b) below	Equal to building height but at least 20
Maximum height	2 stories/35	35
Maximum lot coverage	75%	75%
Maximum building coverage	n/a	65%
Usable open space (sq. ft. per d.u.)	500	n/a

(Am. by ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

(b) Rear Yard Setback. Only a one-story, alley-accessed attached garage projection for garage purposes may have a minimum rear yard setback of two (2) feet.

28.045 TR-C4 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C4 District					
	Single-family detached	**Two-family Two unit**	**Two-family Twin**	**Three-unit**	**Nonresidential**
Lot Area (sq. ft.)	4,000	4,000	4,000	6,000	4,800
Lot Width	40	40	40	40	40
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	Two-story: 6 See (a) below	Two-story: 6 See (a) below	6 See (a) below	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	12	12	20
Rear Yard	Lesser of 30% lot depth or 30	Lesser of 30% lot depth or 30	Lesser of 30% lot depth or 30	Lesser of 30% lot depth or 30	Equal to building height but at least 30
Maximum height	2 stories/35	2 stories/35	2 stories/35	2 stories/35	35
Maximum lot coverage	65%	65%	65%	65%	65%
Maximum building coverage	n/a	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	750	750	n/a

(Am. by ORD-14-00028, 2-18-14; ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a side yard setback of ten percent (10%) of the lot width. (Am. by ORD-13-00007, 1-15-13)

(b) Dispersion of Dwellings. No two-family twin dwelling shall be constructed or converted within three hundred (300) feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use. (Cr. by ORD-14-00028, 2-18-14)

28.046 TRADITIONAL RESIDENTIAL - VARIED DISTRICTS.

(1) Statement of Purpose.

The TR-V Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of mature residential areas and to accommodate a full range of life-cycle housing while encouraging a suitable environment for family life. The districts are also intended to:

(a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.

(b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

(c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

(d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

(e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

28.047 TR-V1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-V1 District: Permitted Uses					
	Single-family detached	**Two-family Two unit**	**Two-family - Twin**	**Three unit**	**Four-unit**
Lot Area (sq. ft.)	3,000	4,000	6,000	6,000	8,000
Lot Width	30	40	50	50	50
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width <50: 10% of lot width	Two-story: 6 See (b) below	One-story: 5 Two-story: 6 (one side only) See (b) below	One-story: 5 Two-story or more: 6 See (b) below	One-story: 5 Two-story or more: 6 See (b) below
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40

TR-V1 District: Permitted Uses					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Four-unit
Maximum lot coverage	70%	70%	70%	70%	70%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500

(Am. by ORD-15-00099, 9-11-15)

(a) Dispersion Requirement. No two-family-twin dwelling three-unit dwelling, or multi-family dwelling shall be constructed within 300 feet of any other two-family-twin dwelling, three-unit dwelling or multi-family dwelling, as measured from the perimeter of each zoning lot, except by conditional use.

(b) Side Yard Setback. Lots with two-family, three-unit and four-unit dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

TR-V1: Nonresidential (permitted or conditional)	
	Nonresidential
Lot Area (sq. ft.)	6,000
Lot Width	50
Front Yard Setback	20
Side Yard Setback	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	20
Rear Yard	Equal to building height but at least 30
Maximum Height	35
Maximum Lot Coverage	65%
Maximum Building Coverage	50%

28.048 TR-V2 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-V2 District: Permitted Uses					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-unit	Four-unit
Lot Area (sq. ft.)	3,000	4,000	6,000	6,000	8,000
Lot Width	30	40	40	50	50
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width <50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 (one side only) See (a) below	One-story: 5 Two-story: 6 See (a) below	One-story: 5 Two-story or more: 6 See (a) below
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40
Maximum lot coverage	70%	70%	70%	70%	70%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500

(Am. by ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with two-, three-, or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side-yard setback of ten percent (10%) of the lot width.

TR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached (8 units max.)	**Multi-family**	**Nonresidential**
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	Two-story: 6	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	20
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	70%	70%	65%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(Am. by ORD-15-00099, 9-11-15)

28.049 TRADITIONAL RESIDENTIAL - URBAN DISTRICTS.

(1) Statement of Purpose.

The TR-U Districts are established to stabilize and protect and encourage the essential characteristics of high-density residential areas and to accommodate a full range of life-cycle housing. The districts are also intended to:

(a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.

(b) Promote the preservation of historic buildings and districts within or close to concentrations of high-density housing.

(c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

(d) Encourage restoration of single-family dwellings previously converted to multi-family units back to single- or two-family dwellings.

(e) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.

(f) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

28.050 TR-U1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-U1 District: Permitted Uses						
	Single-family detached	**Two-family Two unit**	**Two-family - Twin**	**Three-four unit**	**Single-family attached (max. 8 units)**	**Multi-family (5 - 8 units)**
Lot Area (sq. ft.)	3,000	4,000	4,000	4,000	1,000/d.u.	1,000/d.u. + 300 per bedroom 2
Lot Width	30	40	40	50	20/d.u.	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width <50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6	6 See (a) below	8 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	75%	75%	75%	75%	75%	75%
Usable open space (sq. ft. per d.u.)	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below

(Am. by ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with two-family two-unit, three-unit or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet, shall have a minimum side yard setback of ten percent (10%) of the lot width.

(b) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

TR-U1 District: Conditional and Nonresidential Uses			
	Single-family attached (> 8 units)	**Multi-family (> 8 units)**	**Nonresidential**
Lot Area (sq. ft.)	1,000/d.u.	1,000/d.u. + 300 per bedroom >2	6,000
Lot Width	20/d.u.	50	50
Front Yard Setback	15 or avg.	15 or avg.	15 or avg.
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units)	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	15
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40 See (c) below	5 stories/65 See (c) below	40
Maximum lot coverage	75%	75%	70%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	320 See (d) below	320 See (d) below	n/a See (d) below

Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

(Am. by ORD-15-00099, 9-11-15)

(c) Heights exceeding the maximum may be allowed with conditional use approval.

(d) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

28.051 TR-U2 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-U2 District: Permitted Uses			
	Three-four unit	**Single-family attached (max. 8 units)**	**Multi-family (5 - 8 units)**
Lot Area (sq. ft.)	4,000	800/d.u.	500/d.u. + 250 per bedroom >2
Lot Width	50	20/d.u.	50
Front Yard Setback	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	8 (end units)	10
Reversed Corner Side Yard Setback	12	12	12
Rear Yard	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20
Maximum height	3 stories/40	3 stories/40	4 stories/52
Maximum lot coverage	75%	75%	75%
Usable open space (sq. ft. per d.u.)	140	140	140

(Am. by ORD-13-00122, 7-10-13; ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with three or four unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

(b) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.

TR-U2 District: Conditional and Nonresidential Uses						
	Single-family attached (>8 units)	**Single-family detached**	**Two-family Two unit**	**Two-family - Twin**	**Multi-family (>8 units)**	**Nonresidential**
Lot Area (sq. ft.)	800/d.u.	3,000	4,000	4,000	500/d.u. + 250 per bedroom >2	6,000
Lot Width	20/d.u.	30	40	40	50	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units)	One-story: 5 Two-story: 6 Lot width <50: 10% lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 See (a) below	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	12	12	12	15
Rear Yard	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40 See (d) below	2 stories/35 See (d) below	2 stories/35 See (d) below	6 stories/78 See (d) below	40

TR-U2 District: Conditional and Nonresidential Uses						
	Single-family attached (>8 units)	Single-family detached	Two-family Two unit	Two-family - Twin	Multi-family (>8 units)	Nonresidential
Maximum lot coverage	75%	75%	75%	75%	80%	75%
Maximum building coverage	n/a	n/a	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	140/d.u.	320 See (e) below	320 See (e) below	320 See (e) below	140/d.u.	n/a

(Am. by ORD-13-00122, 7-10-13; ORD-15-00099, 9-11-15)

(c) Side Yard Setback. Lots with two-family dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side yard.

(d) Heights exceeding the maximum may be allowed with conditional use approval.

(e) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

28.052 TRADITIONAL RESIDENTIAL - RUSTIC (TR-R) DISTRICT.

(1) Statement of Purpose.

The TR-R District is established to stabilize and protect the natural beauty, historic character and park-like setting of certain heavily wooded low-density residential neighborhoods. The district is also intended to promote the preservation of the neighborhood's historic buildings, tree cover and landscape plan. This district is not intended for use in new development.

(2) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-R District: Permitted and Conditional Uses		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	0.6 acres (26,136 sq. ft.)	0.6 acres (26,136 sq. ft.)
Lot Width	65	65
Front Yard Setback	50	50
Side Yard Setback	30	30
Reversed Corner Side Yard Setback	30	30
Rear Yard	40	40
Maximum height	3 stories/40	40
Maximum lot coverage	15%	15%
Maximum size accessory building	800 sq. ft. See (a) below	as determined by conditional use

(a) Detached Garage Replacement. New detached garages are not permitted. Detached garages existing as of January 1, 1989 may be replaced with a structure no larger than 800 square feet or the size of the principal building, whichever is less.

28.053 TRADITIONAL RESIDENTIAL - PLANNED (TR-P) DISTRICT.

(1) Statement of Purpose.

The TR-P District is established to encourage the development of new traditional neighborhoods in close-in or outlying parts of the City that incorporate the characteristics of existing traditional neighborhoods. Features include a variety of lot sizes and

integrated housing types, detached or alley-loaded garages, traditional architectural features such as porches, an interconnected street system and the creation of a high-quality public realm.

A large-scale TR-P development will be designed through a master planning process. Where a TR-P District is developed in conjunction with or in proximity to an existing or planned mixed-use or higher-density district (for example, a Neighborhood Mixed-Use District, Traditional Shopping Street District, or Traditional Residential-Urban District) the TR-P District is also intended to meet the goals of traditional neighborhood development as established by the State of Wisconsin and Dane County. These goals include the following:

(a) Reduce public costs by making more efficient use of infrastructure.

(b) Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel.

(c) Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities.

(d) Promote the reinvestment in existing developed areas.

(e) Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings.

(2) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(3) Required Mix of Residential Uses.

After the effective date of this ordinance, development sites or projects within the TR-P District that are ten (10) acres or more in size or that include fifty (50) or more dwelling units shall meet the following standards:

(a) A minimum of three (3) residential building types from the following categories shall be included within the site:

1. Single-family detached dwellings with street-accessed garages.
2. Single-family detached dwellings with alley-accessed garages.
3. Two-family and single-family attached buildings.
4. Accessory dwelling units.
5. Multi-family dwellings (3 units or more), including senior housing.
6. Special-needs housing such as community living arrangements and assisted living facilities.

(b) A minimum of ten percent (10%) of the units on the site shall be in two-family, attached or multi-family residential dwelling types.

(c) For infill development, the required mix of residential uses may be satisfied by existing adjacent residential uses within a one-quarter (¼) mile radius.

(d) All residential lots shall be located within one-quarter (¼) mile of existing or planned public or common open space.

(4) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-P District: Permitted Uses						
	Single-family detached	**Single-family attached**	**Two-family Two unit**	**Two-family - Twin**	**Single-family accessory dwelling unit**	**Multi-family, except residential building complex**
Lot Area (sq. ft.)	3,500	2,000/d.u.	2,500/d.u.	2,500/d.u.	5,000 (per lot)	600/d.u. + 300 per bedroom >2
Lot Width	37	20	40	25/d.u.	50	50
Front Yard Setback	15	15	15	15	n/a	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average

TR-P District: Permitted Uses						
	Single-family detached	**Single-family attached**	**Two-family Two unit**	**Two-family - Twin**	**Single-family accessory dwelling unit**	**Multi-family, except residential building complex**
Side Yard Setback	5	8 (end units)	5	5	5	10
Reversed Corner Side Yard Setback	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	12 (10 for garage)
Rear Yard	Street-accessed: 20 Alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2
Maximum height	3 stories/35	3 stories/40	3 stories/35	3 stories/35	2 stories, no greater than height of principal structure	4 stories/52 See (a) below
Maximum lot coverage	75%	75%	75%	75%	80% (per lot)	75%
Usable open space (sq. ft. per d.u.)	500	320	500	500	800 (per lot)	140

(Am. by ORD-13-00134, 8-14-13; ORD-15-00099, 9-11-15)

(a) Heights exceeding the maximum may be allowed with conditional use approval.

TR-P District: Conditional and Nonresidential Uses		
	Residential building complex	**Nonresidential**
Lot Area (sq. ft.)	600/d.u. + 300 per bedroom >2	5,000
Lot Width	50	50
Front Yard Setback	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	10	5
Reversed Corner Side Yard Setback	12 (10 for garage)	15
Rear Yard	Street-accessed: 20 Alley-accessed: 2	equal to building height but at least 20
Maximum height	4 stories/52 See (b) below	3 stories/40
Maximum lot coverage	75%	70%
Usable open space (sq. ft. per d.u.)	140	n/a

(Am. by ORD-13-00134, 8-14-13; ORD-15-00099, 9-11-15)

(b) Heights exceeding the maximum may be allowed with conditional use approval.

(5) Site Design Standards.

(a) Open Space. Open space shall be available to the residents of the district for recreational purposes or similar benefit. Land reserved for stormwater management and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.

1. Open space shall be designed to meet the needs of residents of the district and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
2. A diversity of open spaces shall be provided within the TR-P district, including but not limited to community parks, neighborhood squares and commons, and playgrounds.
3. Open spaces included with the subdivision shall be dispersed throughout the development and walkable from most areas within the subdivision.
4. Land donated for any public purpose, which is accepted by the City, may be credited towards the open space requirement at the discretion of the Common Council.

(b) Street Layout. A TR-P site development plan shall maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(c) Street Design. Flexibility in street design may be allowed within a TR-P District in order to create a safe and pleasant environment for residents, emphasizing pedestrian and bicycle circulation.

(d) Non-Residential Uses. Non-residential land uses, including but not limited to schools, places of worship and neighborhood-serving commercial uses located within a subdivision zoned TR-P, shall be designed in a compact fashion and reflect the design of other uses within the master-planned development. Parking for such uses shall be located in the side or rear yards and shall be well screened to preserve the continuity of the public realm.

(6) Submittal Requirements.

(a) After the effective date of this ordinance, a Master Plan shall be required for all TR-P projects that are proposed to be ten (10) acres or larger in size or those that will include fifty (50) dwelling units or more. All TR-P Master Plans shall include each of the following elements:

1. A map of the proposed development that identifies all of the lots and outlots to be contained in the proposed development and which contains all of the information required for preliminary plats in Sec. 16.23(7)(a), MGO. The map shall identify each of the following items:
   a. The use of each lot or outlot, including any spaces to be dedicated to the public.
   b. The number of dwelling units to be provided on each lot.
   c. The number of floors of all buildings to be constructed on a lot - minimum and maximum.
   d. The orientation of buildings in relation to all streets.
   e. The yards and building setbacks for each developable lot.
   f. Stormwater management, including proposed treatments at the lot, block and subdivision level.
2. A phasing plan for the implementation of the master planned development.
3. Building design standards for the proposed development recorded in the covenants, conditions and restrictions for the subdivision, shall include:
   a. Massing and composition of structures, orientation of windows and entries; doors and other elements of the facade, and primary facade materials and colors.
   b. A process for the application of such building design standards, through an architectural review committee or similar review body.
4. A detailed letter of intent for the project that outlines the specific goals and objectives for the master planned development.

(b) Standards for Approval of Master Plans.

1. The proposed TR-P Master Plan shall be consistent with the recommendations of the Comprehensive Plan and any adopted neighborhood plan, including the objectives established for traditional neighborhood development in the Comprehensive Plan.
2. The proposed TR-P Master Plan shall contain a highly connective circulation pattern and shall be conducive to multiple forms of transportation.

3. The proposed master planned development shall include a variety of integrated residential dwelling unit types. Segregation of dwelling unit types shall be avoided.
4. The proposed TR-P Master Plan shall be consistent with the statement of purpose of this section.
5. The TR-P Master Plan shall also comply with all of the requirements for preliminary plats in Section 16.23(5)(c) Madison General Ordinances.

(7) Review Procedures.

A Master Plan for a TR-P district will be reviewed as part of the zoning map amendment and subdivision plat.

(8) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may following consideration by the alder person of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If a change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.052(7) and (8) is required.

SUBCHAPTER 28D: MIXED-USE AND COMMERCIAL DISTRICTS

28.060 GENERAL PROVISIONS FOR MIXED-USE AND COMMERCIAL DISTRICTS.

(1) Statement of Purpose.

Mixed-use and commercial districts are established to provide a range of district types, from the small neighborhood center to regional-level retail centers, while fostering high-quality building and site design and pedestrian, bicycle and transit as well as automobile circulation.

(2) Design Standards. The following design standards are applicable after the effective date of this code to all new buildings and major expansions (fifty percent (50%) or more of building floor area). Design standards shall apply only to the portion of the building or site that is undergoing alteration.

(a) Entrance Orientation (See Figure D1). All new buildings shall have a functional entrance oriented to an abutting public street. Additional entrances may be oriented to a private street or parking area. For buildings with multiple non-residential tenants, a minimum of one (1) tenant space shall have a functional entrance oriented towards an abutting public street. Other tenant spaces shall be connected to the public street with a private sidewalk connection. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are encouraged. (Am. by ORD-13-00113, 6-26-13)



Figure D1: Entrance Orientation

(b) Facade Articulation. Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the facade. This can be achieved through combinations of including but not limited to the following:

1. Facade Modulation (See Figure D3). Stepping back or extending forward a portion of the facade.
2. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).
3. Division into storefronts, with separate display windows and entrances.

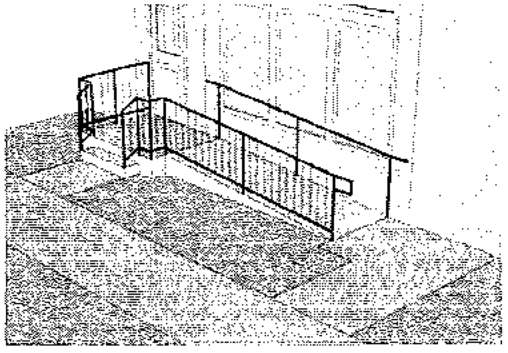


Figure D2: Barrier-Free Entrance Example

4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval (See Figure D4).
5. Arcades, awnings, and window bays at intervals equal to the articulation interval.



Figure D3: Facade Modulation

(c) Design of Street-Facing Facades. No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.

(d) Door and/or Window Openings. For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.

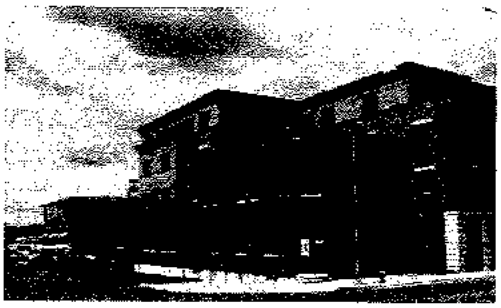


Figure D4: Variation in Roof Lines

For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings. (Am. by ORD-13-00205, 12-10-13)

2. Displays may be placed within windows. Equipment within buildings shall be placed a minimum of five (5) feet behind windows. To preserve views, within three (3) feet of any window, not more than thirty percent (30%) of the view through the windows shall be blocked by merchandise, displays, shelving, or other obstructions.

3. Window shape, size and patterns shall emphasize the intended organization of the facade and the definition of the building.

(e) Equipment and Service Area Screening. If an outdoor storage, service or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence, wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.

(f) Screening of Rooftop Equipment. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.

1. The equipment shall be within an enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street.

   a. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

   b. Screening shall be constructed to a height of at least one (1) foot above the height of the equipment.

2. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

(g) Materials. Nonresidential or mixed-use buildings shall be constructed of durable, high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. Table 28D-1 below lists allowable building materials. When applying these requirements, consideration shall be given to the use, amount, placement and relationship of each material as part of a comprehensive palette of building materials. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front facade.

Table 28D-1.

	Allowable for use as/at:				
Building Materials	**Trim/Accent Material**	**Top of Building**	**Middle of Building**	**Base/Bottom of Building**	**Standards (see footnotes)**
Brick (Face/Veneer)	✓	✓	✓	✓	
Smooth-Face/Split-Face Block	✓	✓	✓	✓	A
Wood/ Wood Composite	✓	✓	✓		
Fiber-Cement Siding/Panels	✓	✓	✓	✓	
Concrete Panels, Tilt-up or Precast	✓	✓	✓	✓	B
EIFS/Synthetic Stucco	✓	✓			C
Stone/Stone Veneer	✓	✓	✓	✓	
Metal Panels	✓	✓	✓	✓	D
Hand-Laid Stucco	✓	✓			C
Vinyl Siding	✓				E
Glass Curtain Wall System	✓	✓	✓	✓	
Reflective Glass/Spandrel	✓				F
Glass (Storefront)	✓	✓	✓	✓	

A - Shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.

B - Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.

C - Shall not be within three feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.

D - Shall be used in conjunction with a palette of materials; shall be a heavy gauge metal, and; shall be non-reflective.

E - Shall be used in limited quantities due to its limited durability.

F - Shall be used in limited quantities as an accent material.

(h) Compatibility with Traditional Buildings. (See Figure D5.) New development shall relate to the design of traditional buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.



Figure D5: Compatibility with Traditional Buildings

(i) Building Alignment. (See Figure D6.) Buildings shall be aligned with facades parallel with the street to create a well-defined street edge.



Figure D6: Building Alignment

(j) Building Articulation. (See Figure D7.) Buildings shall have horizontal and vertical articulation, which may include dormers, cornice detailing, recesses and projections, stepbacks of upper stories, changes in roof types and planes, building materials, and window patterns. The base of the building shall relate to the human scale, including doors and windows, texture, projections, awnings, canopies, and similar features.

(k) Ground-Floor Residential Uses. (See Figure D8.) Ground-floor residential uses fronting a public street or walkway, where present, shall be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.



Figure D7: Building Articulation



Figure D8: Ground Floor Residential Uses

28.061 MIXED-USE AND COMMERCIAL DISTRICTS USES.

(1) Table 28D-2 lists all permitted and conditional uses in the mixed-use and commercial districts.

(a) "P" means permitted in the districts where designated.

(b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

(c) Uses indicated as "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.

(d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.

(e) "LMX" means Limited Mixed-Use District.

(f) "NMX" means Neighborhood Mixed-Use District.

(g) "TSS" means Traditional Shopping Street District.

(h) "MXC" means Mixed-Use Center District.

(i) "CC-T" means Commercial Corridor - Transitional District.

(j) "CC" means Commercial Center District.

Table 28D-2.

Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Offices							
Artist, photographer studio, etc.	P	P	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	P	P	
General office, professional office	P	P	P	P	P	P	
Medical Facilities							
Clinic - Health	C	P	P	P	P	P	
Hospital				C	C	C	Y
Medical laboratory				P	C	C	
Physical, occupational or massage therapy	P	P	P	P	P	P	
Veterinary clinic, animal hospital	C	P	P	P	P	P	Y
Retail Sales and Services							
Animal boarding facility, kennel, animal shelter					C	C	Y
Animal day care		C	C	C	C	P	Y
Animal grooming	C	P	P	P	P	P	
ATM	P	P	P	P	P	P	Y
Auction rooms			P	P	P	P	
Bank, financial institution	P	P	P	P	P	P	
Bicycle-sharing facility	P	P	P	P	P	P	Y
Building material sales		C	C	C	P	P	
Business sales and services	C	P	P	P	P	P	
Contractor's business with showroom or workshop			C	C	P	P	Y
Dry cleaning plant, commercial laundry					P	P	
Farmers' market	P	P/C	P	P	P	P	Y
Food and related goods sales	P	P	P	P	P	P	
Furniture and household goods sales	C	C	P	P	P	P	
Garden center		C	C	P	P	P	Y

Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
General retail	P	P	P	P	P	P	
Greenhouse, nursery		C	C	P	P	P	Y
Laundromat, self-service		P	P	P	P	P	
Liquor store		P	P	P	P	P	
Mobile grocery store	P	P	P	P	P	P	Y
Mortuary, funeral home		P	P	P	P	P	
Non-accessory temporary outdoor events			C	C	C	C	Y
Package delivery service					P	P	
Payday loan business					C	C	Y
Photocopying	P	P	P	P	P	P	
Post office	P	P	P	P	P	P	
Service business	P	P	P	P	P	P	
Small appliance repair	P	P	P	P	P	P	
Small engine repair			C	C	C	C	
Sporting goods store, bait shop	P	P	P	P	P	P	
Storage locker (personal)	P	P	P	P	P	P	Y
Tattoo shop		P	P	P	P	P	
Telecommunications center					P	P	
Tobacco retailer		P	P	P	P	P	Y
Food and Beverages							
Brewpub		C	P	P	P	P	
Catering	C	C	P	P	P	P	
Coffee shop, tea house	P	P	P	P	P	P	
Nightclub	C	C	C	C	C	C	Y
Restaurant	C	P	P	P	P	P	
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C	Y
Restaurant-tavern	C	C	P	P	P	P	Y
Tavern		C	P	P	P	P	Y
Commercial Recreation, Entertainment and Lodging							
Bed and breakfast establishment	C	P	P	P	P	P	Y
Health/sports club	C	P	P	P	P	P	
Hostel		C	P	P	P	P	
Hotel, inn, motel		C	C	P	P	P	
Indoor recreation		C	C	C	P	P	Y
Lodge, private club, reception hall		P	P	P	P	P	Y
Outdoor recreation				C	C	C	Y
Stadiums, auditoriums, and arenas						C	
Theater, assembly hall, concert hall		C	P	P	P	P	
Tourist rooming house	P	P	P	P	P	P	Y
Automobile Services							
Auto body shop		C	C	C	C	C	Y
Auto repair station		C	C	C	C	C	Y
Auto sales and rental					P	P	Y
Auto service station, convenience store		C	C	C	C	C	Y
Car wash			C	C	C	C	Y

Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Heavy traffic vehicle sales					P	P	
Motorcycle and moped sales					P	P	
Parking, Storage and Display Facilities							
Parking facility, private		C	C	C	C	C	
Parking facility, public		P	P	P	P	P	
Storage locker (personal)	P	P	P	P	P	P	Y
Transportation							
Bus or railroad passenger depot			C	P	P	P	
Private ambulance service			C		C	C	
Railroad right-of-way		P	P	P	P	P	
Taxicab or limousine business					C		
Transit stop or station		P	P	P	P	P	
Limited Production, Processing and Storage							
Artisan workshop	P	P	P	P	P	P	
Bakery, wholesale					C	C	
Laboratory, research and development			C	C	C	C	
Limited production and processing			C		C	C	Y
Mail order house					C	C	
Printing and publishing		P	P	P	P	P	
Warehousing and storage						C	
Wholesale establishment				C	C	C	
Residential - Family Living							
Community living arrangement (>15 residents)			C		C		Y
Dwelling units in mixed-use buildings	P/C	P/C	P/C	P/C	P/C	C	Y
Live-work unit	P	P	P	P	P	P	Y
Multi-family dwelling (4 dwelling units)		P/C	C	P	C	C	
Multi-family dwelling (5-8 dwelling units)		C	C	P	C	C	
Multi-family dwelling (>8 dwelling units)		C	C	C	C	C	Y
Residential building complex					C	C	Y
Single-family attached dwelling (3-8 dwelling units)		C	C	P	C	C	
Single-family attached dwelling (>8 dwelling units)		C	C	P	C	C	
Single-family detached dwellings		P/C	P/C		P/C		Y
Three-family dwelling - three-unit		C	C		C		
Two-family dwelling - two unit		P/C	P/C		P/C		Y
Two-family dwelling - twin		P/C	P/C		P/C		Y
Residential - Group Living							
Adult family home		P/C	P/C		P/C		Y
Assisted living, congregate care, skilled nursing facility				C	C	C	Y
Cohousing community		P/C	P/C	P/C	P/C	P/C	Y
Community living arrangement (up to 8 residents)		P	P		P		Y
Community living arrangement (9-15 residents)		C	C		C		Y

Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Convent, monastery or similar residential group		P	P		P		Y
Daytime shelter		C	C	C	C	C	Y
Housing cooperative		P/C	P/C		P/C		Y
Lodging house, fraternity or sorority					C		Y
Mission house		C	C	C	C	C	Y
Peer run respite facility	P	P	P		P		Y
Civic and Institutional							
Cemetery		C	C	C	C	C	
Community Event	P/C	P/C	P/C	P/C	P/C	P/C	Y
Counseling, community services organization		C	C		C		
Day care center	C	P	P	P	P	P	Y
Dormitory					C		Y
Library, museum	C	P	P	P	P	P	
Parks and playgrounds	P	P	P	P	P	P	
Place of worship	P/C	P	P	P	P	P	Y
Public safety or service facilities	P	P	P	P	P	P	
Recreation, community, and neighborhood centers	C	P	P	P	P	P	
Schools, arts, technical or trade	C	C	P	P	P	P	Y
Schools, public and private	C	P	P	P	P	P	Y
Agricultural Uses							
Agriculture - Animal Husbandry		C	C	C	C	C	Y
Agriculture - Cultivation		C	C	C	C	C	Y
Community garden	P	P	P	P	P	P	
Market garden	C	C	C	C	C	C	Y
Public Utility and Public Service Uses							
Class 2 Collocations	P	P	P	P	P	P	
Electric power production and/or heating and cooling plant	C	C	C	C	C	C	
Electric substations	C	C	C	C	C	C	Y
Gas regulator stations, mixing and gate stations	C	C	C	C	C	C	Y
Radio Broadcast Service Facility	P	P	P	P	P	P	
Sewerage system lift stations	P/C	P/C	P/C	P/C	P/C	P/C	Y
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	P	
Water pumping stations, water reservoirs	C	C	C	C	C	C	Y
Accessory Uses and Structures							
Accessory building or structure	P/C	P/C	P/C	P/C	P/C	P/C	Y
Accessory dwelling unit	C	C	C		C		Y
Accessory retail alcohol sales	P	P	P	P	P	P	
Caretaker's dwelling (nonresidential uses)	C	C	C	C	C	C	Y
Composting	P	P	P	P	P	P	
Convent, monastery or similar residential group	P	P	P		P		Y

Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Day care center in school or religious institution	C	P	P	P	P	P	
Day care home, family	P/C	P/C	P/C	P/C	P/C		Y
Dependency living arrangements	P	P	P	P	P	P	
Emergency electric generator	P	P	P	P	P	P	Y
Home occupation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Keeping of chickens	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	Y
Lease of off-street parking facility accessory to nonresidential use to non-users of principal use		P	P	P	P	P	Y
Management office, restaurant, limited retail, recreation facilities within multi-family building			P	P	P	P	Y
Mission house	P	P	P	P	P	P	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Outdoor display		C	C	C	C	C	Y
Outdoor eating area associated with food & beverage establishment	C	C	C	P	C	P	Y
Outdoor recreation	C	C	C	C	C	C	Y
Outdoor storage			C	C	C	C	Y
Portable shelter mission			C				Y
Portable storage units	P	P	P	P	P	P	Y
Real estate sales office	P	P	P	P	P	P	Y
Solar energy systems	P	P	P	P	P	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y
Temporary outdoor events		P/C	P/C	P/C	P/C	P/C	Y
Towing and wrecker service business		P	P	P	P	P	Y
Vehicle access sales and service windows			C	C	C	C	Y
Vending machines		P	P	P	P	P	Y
Walk-up service windows	C	P/C	P/C	P/C	P/C	P/C	Y
Wind energy systems	C	C	C	C	C	C	Y
Yard sales	P	P	P	P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00096, 1-3-13; ORD-13-00134, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00183 & ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00133, 8-13-14; ORD-14-00143, 9-12-14; ORD-15-00026, 3-11-15; ORD-15-00032, 4-8-15; ORD-15-00054, 5-27-15; ORD-15-00124, 11-11-15; ORD-16-00042, 4-27-16; ORD-16-00049, 5-25-16; ORD-16-00069, 8-13-16, ORD-16-00074, 9-15-16; ORD-16-00092 & ORD-16-00093, 11-9-16; ORD-16-00109, 12-14-16; ORD-17-00025, 2-20-17)

28.062 MIXED-USE AND COMMERCIAL DISTRICTS BUILDING FORMS.

Table 28D-3.

BUILDING FORM	LMX	NMX	TSS	MXC	CC-T	CC
Commercial Block Building	✓	✓	✓	✓	✓	✓

BUILDING FORM	LMX	NMX	TSS	MXC	CC-T	CC
Civic or Institutional Building	✓	✓	✓	✓	✓	✓
Residential - Commercial Conversion	✓	✓	✓	✓	✓	
Live-Work Building	✓	✓	✓	✓	✓	✓
Single-Family Attached Building		✓	✓	✓	✓	✓
Small Multi-Family Building		✓	✓	✓	✓	✓
Courtyard Multi-Family Building		✓	✓	✓	✓	✓
Large Multi-Family Building		✓	✓	✓	✓	✓
Single-Family Detached Building		✓	✓		✓	
Two-Family Building - Twin or Two Unit		✓	✓		✓	
Parking/Liner Buildings			✓	✓	✓	✓
Free-Standing Commercial Building	✓			✓	✓	✓
Podium Building		✓	✓	✓	✓	✓
Flex Building				✓	✓	✓

28.063 LIMITED MIXED-USE DISTRICT.

(1) Statement of Purpose.

The LMX District is established to allow for small-scale mixed-use development within or adjacent to otherwise residential areas. The district is also intended to:

(a) Encourage pedestrian, bicycle and transit use as a means of accessing these developments.

(b) Protect the integrity of the surrounding residential uses.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Limited Mixed-Use District	
Front yard setback	No minimum
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Same as for non-residential buildings in the adjacent residential district.
Side yard setback: other cases	No minimum
Rear yard setback	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 20
Maximum lot coverage	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 75%
Maximum height	2 stories/35
Maximum building size (sq. ft.)	5,000
Usable open space (sq. ft.)	160 for one-bedroom dwelling unit, 320 for dwelling units with 2 or more bedrooms

(4) Site Standards.

The following standards shall apply to new buildings and additions exceeding 50% of original building's floor area.

(a) Maximum Size. Buildings shall not exceed five thousand (5,000) square feet of floor area. Buildings exceeding five thousand (5,000) square feet of floor area but not more than seven thousand five hundred (7,500) square feet of floor area may be allowed with conditional use approval. (Am. by ORD-15-00033, 4-8-15)

(b) Parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.

(c) All parking areas must be screened from adjacent residentially zoned properties.

(5) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Auto service stations.
6. Bicycle-sharing facilities.
7. Walk-up service windows.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Yard sales.
11. Agricultural activities.
12. Cemeteries.
13. Composting.
14. Keeping of chickens and keeping of honeybees.
15. Outdoor recreation.

28.064 NEIGHBORHOOD MIXED-USE DISTRICT.

(1) Statement of Purpose.

The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:

(a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.

(b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Neighborhood Mixed Use District	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district

Neighborhood Mixed Use District	
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line.	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback (for exclusive residential use)	One-story: 5 Two-story or higher: 6
Side yard setback: other cases (i.e., infill between party wall storefront buildings).	None unless needed for access
Lot area (for exclusive residential use)	1000 sq. ft./unit
Rear yard setback.	20
Maximum lot coverage.	75%
Maximum height.	3 stories/40 See (d) below
Usable open space - residential only.	160 sq. ft. per lodging room or 1-bedroom unit, 320 sq. ft. for >1-bedroom units

(Am. by ORD-17-00054, 6-19-17)

(a) Front Yard Setback. For buildings and additions exceeding fifty percent (50%) of floor area, the maximum front yard setback shall be twenty-five (25) feet unless designated otherwise on the zoning map. Front yard setbacks on the zoning map may be designated as a specific location (build to line) or as a range.

(b) Additional Height. Building height exceeding the maximum may be allowed with conditional use approval.

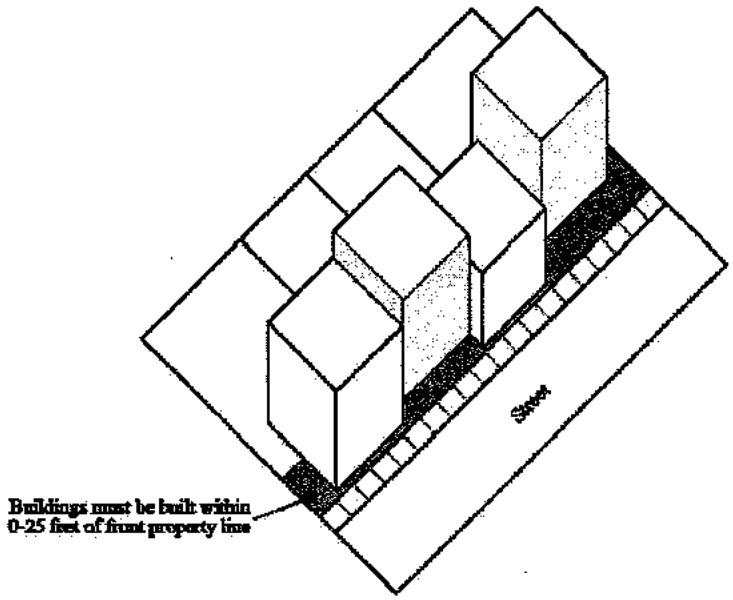


Figure D9: Maximum Front Yard Setback in NMX District unless designated otherwise on the zoning map

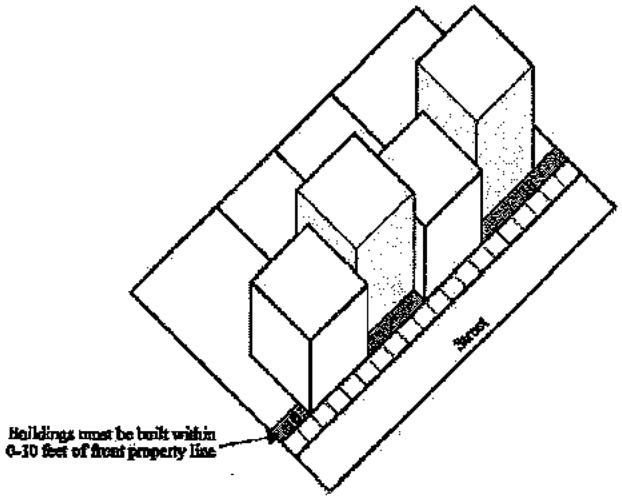


Figure D10: Where designated on the zoning map, properties may have a maximum setback of 10 feet in the NMX district.

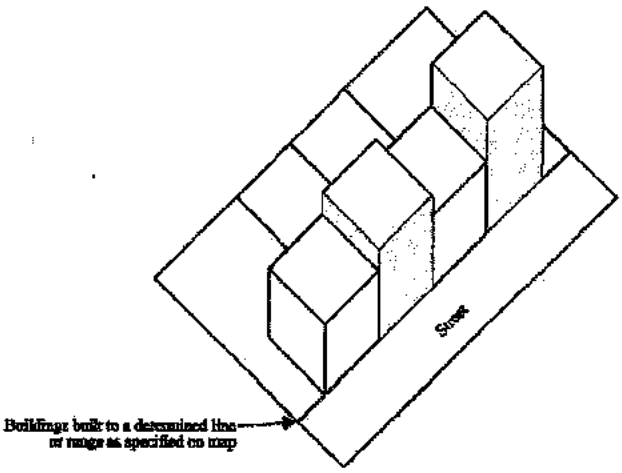


Figure D11: Alternative setbacks may also be designated on the zoning map

(c) (Rep. by ORD-17-00054, 6-19-17)

(d) Rear or Side Yard Height Transition to Residential Districts. Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval.

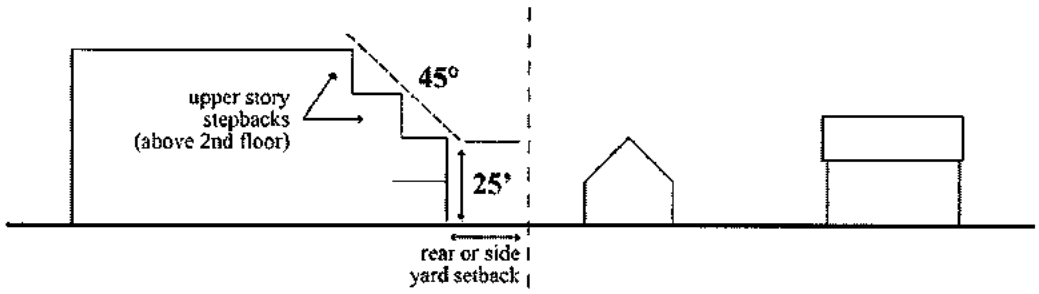


Figure D12: Rear or Side Yard Height Transition

(Am. by ORD-14-00131, 8-13-14)

(4) Site Standards.

The following standards shall apply to new buildings and additions exceeding 50% of original building's floor area.

(a) Maximum Size. Buildings shall not exceed five thousand (5,000) square feet of floor area for an individual establishment or ten thousand (10,000) square feet floor area for a building containing two or more uses. Buildings exceeding this size may be allowed as conditional uses. (Am. by ORD-15-00033, 4-8-15)

(b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the

interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front façade of the building.

(c) For all Building Forms other than (b) above, parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.

(5) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Auto service stations.
6. Bicycle-sharing facilities.
7. Walk-up service windows.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Yard sales.
11. Agricultural activities.
12. Cemeteries.
13. Composting.
14. Keeping of chickens and keeping of honeybees.
15. Outdoor recreation.

28.065 TRADITIONAL SHOPPING STREET (TSS) DISTRICT.

(1) Statement of Purpose.

The TSS District is established to encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods. The district is also intended to:

(a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through these corridors.

(b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.

(c) Maintain the viability of existing residential buildings located within or adjacent to these corridors.

(d) Encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.

(e) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Traditional Shopping Street District	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Maximum lot coverage	85%
Maximum height	3 stories/40 See (c) below
Usable open space	40 sq. ft./unit
Lot area (for exclusive residential use)	500 sq. ft./unit

(Am. by ORD-13-00007, 1-15-13; ORD-14-00148, 9-12-14)

(a) Front Yard Setback. For new buildings and additions exceeding fifty percent (50%) of building's original floor area, the maximum front setback shall be twenty-five (25) feet, unless designated otherwise on the zoning map. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range. (See Figures D9-D11)

(b) Rear or Side Yard Height Transition to Residential Districts. Where the TSS District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14; Renum. by ORD- ORD-14-00148, 9-12-14)

(c) Additional Height. Building height exceeding the maximum may be allowed with conditional use approval. (Renum. by ORD- ORD-14-00148, 9-12-14)

(4) Site Standards.

The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.

(a) Maximum Size. Buildings shall not exceed ten thousand (10,000) square feet floor area for an individual establishment or twenty-five thousand (25,000) square feet floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses. (Am. by ORD-15-00033, 4-8-15)

(b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind, beside, or below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front facade of the building.

(c) For all Building Forms other than (b) above, parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting primary street frontage is limited to forty percent (40%) of lot frontage.

(d) Parking buildings shall be designed with ground-floor retail or office uses fronting primary streets.

(5) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Bicycle-sharing facilities.
6. Auto service stations.
7. Agricultural activities.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Walk-up service windows.
11. Yard sales.
12. Cemeteries.
13. Composting
14. Keeping of chickens and keeping of honeybees.
15. Outdoor recreation.

28.066 MIXED USE CENTER (MXC) DISTRICT.

(1) Statement of Purpose.

The MXC District is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses arranged in a cohesive, compact, and walkable environment that makes it convenient for residents, customers, and employees to travel by transit, bicycle, foot, or car. The MXC District is intended to facilitate the development or redevelopment of properties recommended for mixed-use development or transit-oriented development in the Comprehensive Plan or adopted neighborhood, corridor or special area plans. MXC Districts shall be located along existing or planned high-capacity multi-modal transportation corridors. The district is also intended to:

(a) Encourage appropriate transitions between higher-intensity uses within mixed-use centers and adjacent lower-density residential districts.

(b) Encourage the development of mixed-use buildings, though not every building in the MXC District needs to include both residential and non-residential uses. However, both types of land uses shall be accommodated within the district as a whole. MXC Districts shall be planned to provide a suitable residential environment.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the MXC District, approval of a MXC district master plan, or any major alteration to an approved master plan, are as follows:

(a) The MXC District and master plan shall facilitate the development or redevelopment of a property or properties recommended for mixed-use or transit-oriented development in the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(b) The range of non-residential uses, and the development density of both residential and non-residential uses in MXC districts will vary depending on the size of the district and the type and intensity of the surrounding development. An MXC District shall include a mix of residential, retail, office, open space and public uses arranged in a fashion conducive to all forms of transportation.

(c) An MXC District shall be located along existing or planned high-capacity multi-modal transportation corridors.

(d) The MXC District master plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. In order to determine the impacts of a MXC District, the City Traffic Engineer may require a traffic impact analysis. A Traffic Demand Management (TDM) plan may be required as a way to resolve traffic and parking concerns.

(e) The MXC District master plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.

(f) The MXC District master plan shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(3) Master Plan Required.

Prior to the issuance of permits for construction in an MXC District or as part of a zoning map amendment as prescribed in Sec. 28.182, MGO, establishing a MXC District a master plan shall be approved to guide development of the District in a manner consistent with the statement of purpose and requirements for this section.

(a) Contents of Master Plan. All MXC District master plans shall contain the following:

1. An accurate map of the District including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
2. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities and open spaces within the District.
3. Identification of the minimum and maximum anticipated gross square footage for the overall District and its individual sites, and the minimum and maximum height of each proposed building within the District.
4. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public to serve the MXC District. The master plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO. The master plan may propose a planned multi-use site as defined in Sec. 28.211 and as governed by Sec. 28.137(2), provided that any planned multi-use site in the MXC District shall be governed by the requirements of this section where the requirements of Sec. 28.137 conflict.
5. A reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds shall be required to govern shared access, circulation or parking within the District.
6. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
7. A schedule or phasing plan indicating the approximate dates when construction of the MXC District can be expected to begin and be completed.
8. Building design standards including the massing and composition of structures, orientation of windows and entries; doors and other elements

of the facade, and primary facade materials and colors to be at least as restrictive as the minimum requirements in the General Provisions for Mixed-Use and Commercial Districts in Sec. 28.060, except that new buildings may have the functional entrance oriented to a private street if that street abuts a private parking area or other common amenity available for use by all tenants of the building. (Am. by ORD-17-00023, 2-20-17)

9. Site design standards including but not limited to the landscaping and screening of building sites, parking lots, and common open spaces, which shall be at least as restrictive as the minimum requirements in Landscaping and Screening Requirements in Sec. 28.142, and the signage of the MXC District as regulated by Chapter 31, Sign Code.

(b) Decision on Master Plan.

1. The decision process for approval of a master plan, including any major alteration to an approved master plan, shall be as specified in Sec. 28.182, including a recommendation by the Plan Commission and action by the Common Council.
2. The applicant shall receive a recommendation on the master plan from the Urban Design Commission on the proposed arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, and access to individual development sites from public streets and internal drives prior to the Plan Commission review.
3. The Urban Design Commission shall approve the building design and site design standards in (a) 8 and 9 above prior to the issuance of building permits prior to the issuance of permits for construction in an MXC District.

(4) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(5) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Mixed-Use Center District	
Front yard setback	See (a) below
Side yard	Approved as part of the master plan
Rear yard setback	Approved as part of the master plan
Maximum lot coverage	85%
Maximum height	The maximum height of any building in the MXC district shall be established on the approved master plan. Any building exceeding 5 stories/68 feet shall require approval as a conditional use
Usable open space	40 sq. ft./unit

(a) Front Yard Setback.

1. On perimeter streets, a minimum of sixty percent (60%) of the lot frontage on the primary abutting street shall be occupied by buildings placed within forty (40) feet of the street right-of-way and with front or side facades oriented to the street.
2. On internal streets, a minimum of fifty percent (50%) of the lot frontage on internal streets shall be occupied by buildings placed within twenty-five (25) feet of the street right-of-way or sidewalk edge, and with front or side facades oriented to the street.

(b) Rear or Side Yard Height Transitions to Residential Districts. Where the MXC District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)

(6) Site Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

(a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses. All new retail establishments with a total gross floor area (GFA) of forty thousand (40,000) square feet or more are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f). (Am. by ORD-15-00033, 4-8-15)

(b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza, where one is present.

(c) All building facades visible from a public or private street or walkway shall employ materials and design features similar to or complementary to those of the front facade.

(d) At least twenty-five percent (25%) of the required parking shall be structured.

(e) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block.

(f) For all Building Forms other than (e) above, surface parking shall not be placed between the front or side facade of a building and the primary abutting street

(g) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.

(h) For Single-Family Attached, Small Multi-Family, Large Multi-Family, or Courtyard Multi-Family Building Forms, if parking is located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.

(i) For all Building Forms other than (h) above, parking abutting the primary street frontage shall be limited to forty percent (40%) of the total lot width.

(j) Parking buildings abutting any public or private street shall be designed with ground-floor retail or office uses fronting the primary street. Upper floors devoted solely to parking shall be stepped back from the principal facade and designed with materials and proportions similar to new commercial or mixed-use buildings.

(k) All new buildings or additions to existing buildings shall be approved by the Zoning Administrator in conformance with the building design standards and site design standards approved as part of the master plan per sub. (3)(a). Any appeal of the Zoning Administrator's decision on the application of the building design standards and site design standards shall be made to the Urban Design Commission for a determination.

(7) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Bicycle-sharing facilities.
6. Temporary outdoor events.
7. Walk-up service windows.
8. Agricultural activities.
9. Vehicle access sales and service windows.
10. Solar energy systems and wind energy systems.
11. Yard sales.
12. Auto service stations.
13. Cemeteries.
14. Composting.
15. Outdoor recreation.
16. Keeping of chickens and keeping of honeybees.

(8) Access and Circulation.

Any newly mapped MXC District shall take primary access from a collector or higher order street. A network of public or private streets and walkways may be used to provide circulation through the district. An internal system of streets, walkways, lanes and blocks shall be provided for districts of five (5) acres or more, and may be required as a condition of approval for a master plan or for conditional uses.

(9) Required Mix of Uses.

An MXC District larger than one (1) acre in net area shall contain uses from at least two (2) of the following categories:

(a) Commercial uses, including retail, service and office uses
(b) Residential - family and group living categories
(c) Civic and institutional uses

(10) Required Open Space.

The MXC District shall include open space suitable to the type and character of development proposed.

(a) For projects with residential components, a mix of structured and natural spaces for use by residents and visitors.
(b) Any MXC District site greater than five (5) acres in size shall include common open space designed and improved as a plaza, square or green, comprising a minimum of five percent (5%) of the development site. Areas for stormwater management not designed and improved for recreational purposes, parking, or in the public right of way shall not be used to satisfy this requirement.
(c) Open space to serve the MXC District shall be distributed throughout the district and clearly dimensioned on the master plan.

(11) Construction Required.

Any MXC master plan not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the master plan, shall require approval of a new master plan by the Common Council following a recommendation by the Plan Commission and Urban Design Commission. In considering extensions of approved master plans for unconstructed components/ phases, the commissions and council shall consider changes in the surrounding area or neighborhood since approval of the master plan that would render the project incompatible with current conditions.

(12) Changes to Master Plan.

Alterations to an approved master plan may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council, provided however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in sub. (3) above is required.

(Sec. 28.066 Am. by ORD-16-00039, 4-8-16)

28.067 COMMERCIAL CORRIDOR - TRANSITIONAL DISTRICT.

(1) Statement of Purpose.

The CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

(a) Improve the quality of landscaping, site design and urban design along these corridors.

(b) Maintain the viability of existing residential uses located along predominantly commercial corridors.

(c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.

(d) Facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(e) Structured parking is encouraged.

(2) Permitted and Conditional Uses.

(a) See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Commercial Corridor - Transitional District	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback (for exclusive residential use)	10
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Lot area (for exclusive residential use)	750 sq. ft./unit
Maximum lot coverage	85%

Commercial Corridor - Transitional District	
Maximum height	5 stories/68 See (d) below
Usable open space - residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

(Am. by ORD-13-00007, 1-15-13; ORD-17-00054, 6-19-17)

(a) Front Yard Setback. Unless designated otherwise on the zoning map, for new buildings and additions exceeding fifty percent (50%) of the building's original floor area, a minimum of fifty percent (50%) of the street-facing building wall shall be set back no more than twenty-five (25) feet. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range.

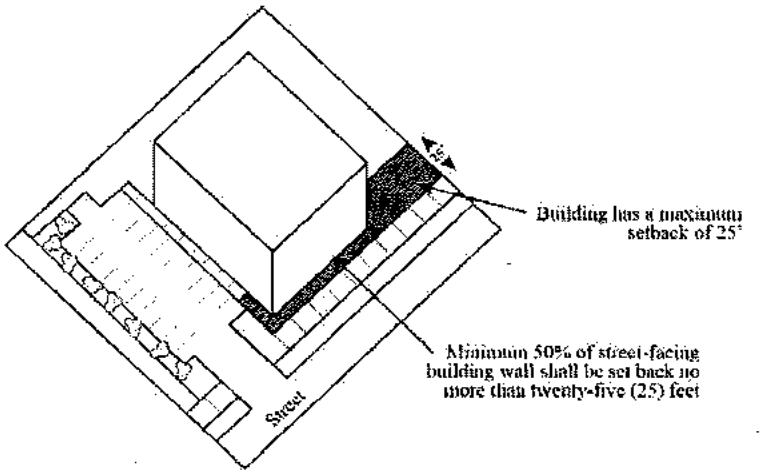


Figure D13: Maximum Setback Illustration, Option 1

2. If there is no on-street parking in front of the lot, a building may be setback of up to sixty-five (65) feet from the front property line, provided that at least seventy percent (70%) of the street-facing building wall is setback no more than sixty-five (65) feet. This setback shall allow for one (1) drive aisle and up to one (1) row of parking between the building and the street.

3. Alternatively, if there is no on-street parking in front of the lot, the following greater setbacks can be allowed if approved as a conditional use:

   a. A building may be setback of up to eighty-five (85) feet provided that at least seventy percent (70%) of the street-facing building wall is setback no more than eighty-five (85) feet. This setback shall allow for one (1) drive aisle and up to two (2) rows of parking between the building and the street.

   b. If traffic circulation, drainage and or other site design issues are shown to require additional space, the setback may be extended to a maximum of one hundred (100) feet.

(Am. by ORD-13-00127, 7-26-13)

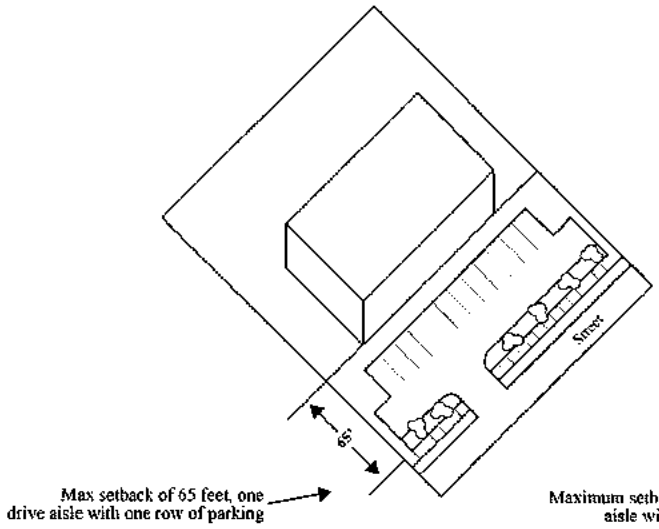


Figure D14: Maximum Setback Illustration, Option 2

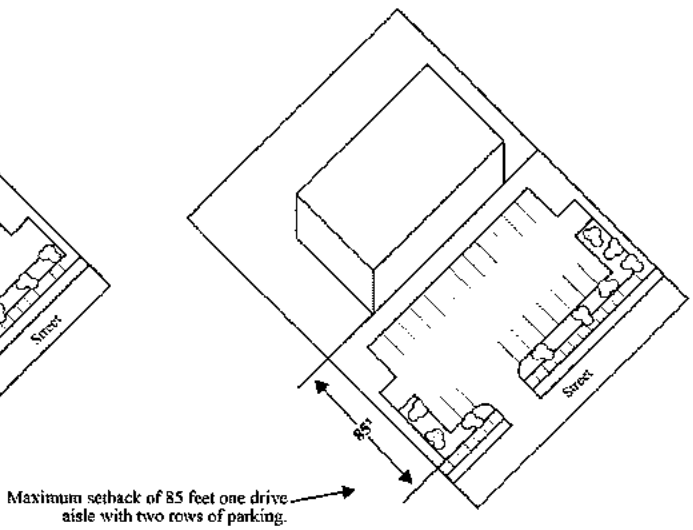


Figure D15: Maximum Setback Illustration, Option 3

(b) (Rep. by ORD-17-00054, 6-19-17)

(c) Rear or Side Yard Height Transitions to Residential Districts. Where the CCT District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)

(d) Additional Height. Heights exceeding the maximum may be allowed with conditional use approval.

(4) Site Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

(a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Sec. 33.24(4)(f), except that for Frontage Requirements, see Sec. 28.065(6), MGO. (Am. by ORD-15-00033, 4-8-15)

(b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway, plaza, or multi-use path.

(c) All building facades visible from a public street or public walkway shall employ materials and design features similar to or complementary to those of the front facade.

(d) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block.

(e) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.

(f) Parking abutting the primary street frontage shall be limited to fifty percent (50%) of the total lot frontage, except that for the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, if located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front facade of the building.

(5) Site Standards: New and Existing Development.

(a) All business, servicing or processing shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
4. Bicycle-sharing facilities.
5. Auto service stations.
6. Vehicle access sales and service windows.
7. Walk-up service windows.
8. Solar energy systems and wind energy systems.
9. Cemeteries.
10. Yard sales.
11. Vending machines.
12. Composting.
13. Outdoor recreation.
14. Keeping of chickens and keeping of honeybees.

28.068 COMMERCIAL CENTER DISTRICT.

(1) Statement of Purpose.

The CC District is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

(a) Improve the quality of landscaping, site design and urban design within commercial centers.

(b) Encourage diversification of land use in commercial centers.

(c) Encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.

(d) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

(a) See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Commercial Center District	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: for exclusive residential use	10

Commercial Center District	
Side yard setback: other cases	One-story: 5 Two-story or higher: 6
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Lot area (for exclusive residential use)	750 sq. ft./unit
Maximum lot coverage	85%
Maximum height	5 stories/68 See (d) below
Usable open space - residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

(Am. by ORD-13-00007, 1-15-13; ORD-17-00054, 6-19-17)

(a) Front Yard Setback. Unless designated otherwise on the zoning map, at least seventy percent (70%) of the street-facing building wall shall be setback no more than eighty-five (85) feet. This setback shall allow for a single drive aisle and two (2) rows of parking or landscaped area. This setback may be extended to a maximum of one hundred (100) feet if traffic circulation, drainage and or other site design issues are shown to require additional space. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range. (Am. by ORD-13-00127, 7-26-13)

(b) (Rep. by ORD-17-00054, 6-19-17)

(c) Rear or Side Yard Height Transitions to Residential Districts. Where the CC District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)

(d) Additional Height. Heights exceeding the maximum may be allowed with conditional use approval.

(4) Site Standards.

The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.

(a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Section 33.24(4)(f), Madison General Ordinances. (Am. by ORD-15-00033, 4-8-15)

(b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza.

(c) All building facades visible from a public street or walkway shall employ materials and design features similar to or complementary to those of the front facade.

(d) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.

(e) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of the block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front façade of the building.

(5) Site Standards: New and Existing Development.

(a) All activities shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage stores.
3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
4. Bicycle-sharing facilities.
5. Auto service stations.
6. Vehicle access sales and service windows.
7. Walk-up service windows.
8. Solar energy systems and wind energy systems.
9. Yard sales.
10. Vending machines.
11. Agricultural activities.
12. Temporary outdoor events.
13. Cemeteries.
14. Composting.
15. Keeping of chickens and honeybees. (Am. by ORD-16-00074, 9-15-16)

SUBCHAPTER 28E: DOWNTOWN AND URBAN DISTRICTS ZONING CODE

28.071 GENERAL PROVISIONS FOR DOWNTOWN AND URBAN DISTRICTS.

(1) Statement of Purpose.

(a) Recognize and enhance Downtown as the civic and cultural center of the City and region; the seat of state, county, and city government, and a significant retail, entertainment, and employment center;

(b) Recognize and enhance the unique characteristics of Downtown neighborhoods;

(c) Recognize the architectural heritage and cultural resources of Downtown neighborhoods;

(d) Facilitate context-sensitive development;

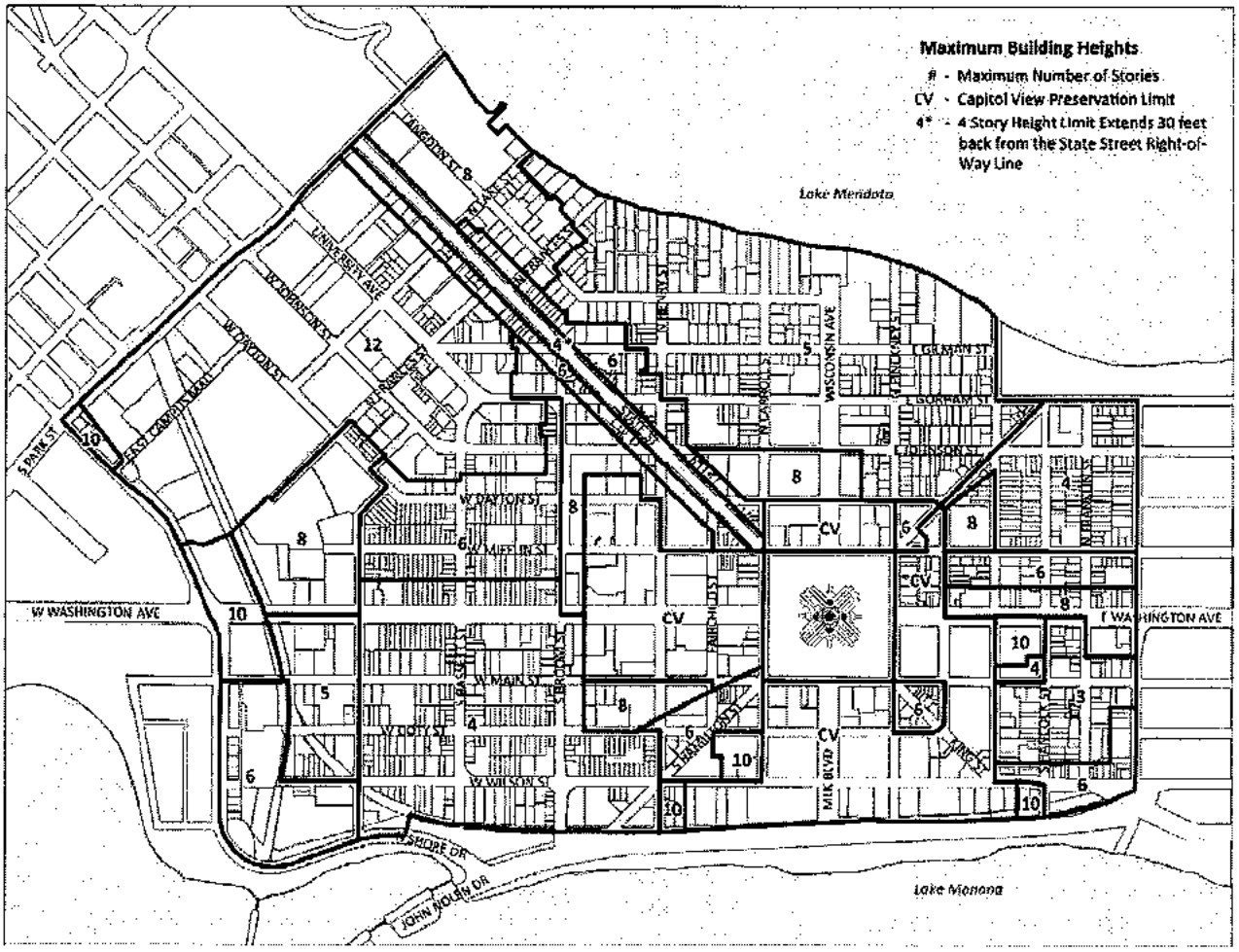
(e) Foster development with high-quality architecture and urban design; and,

(f) Protect important views as identified in the Downtown Plan.

(2) Downtown Height and Stepback Requirements.

Building height within the Downtown, as defined, is established by the Downtown Height Map and the Downtown Stepback Map, which establish maximum building heights and stepback requirements.

(a) Downtown Height Map.

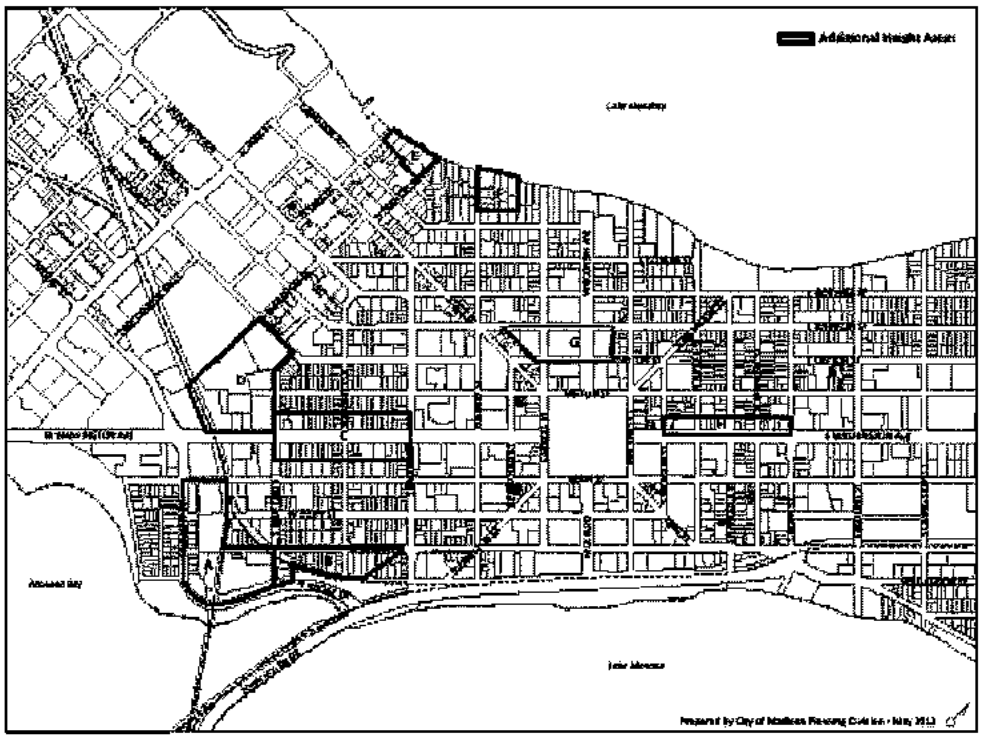


1. Existing buildings as of January 1, 2013 that are taller than the maximum building heights allowed by Section 28.071(2)(a) Downtown Height Map

may be redeveloped at the same height, volume and mass provided the new building is approved under the requirements of Section 28.183 Conditional Uses.

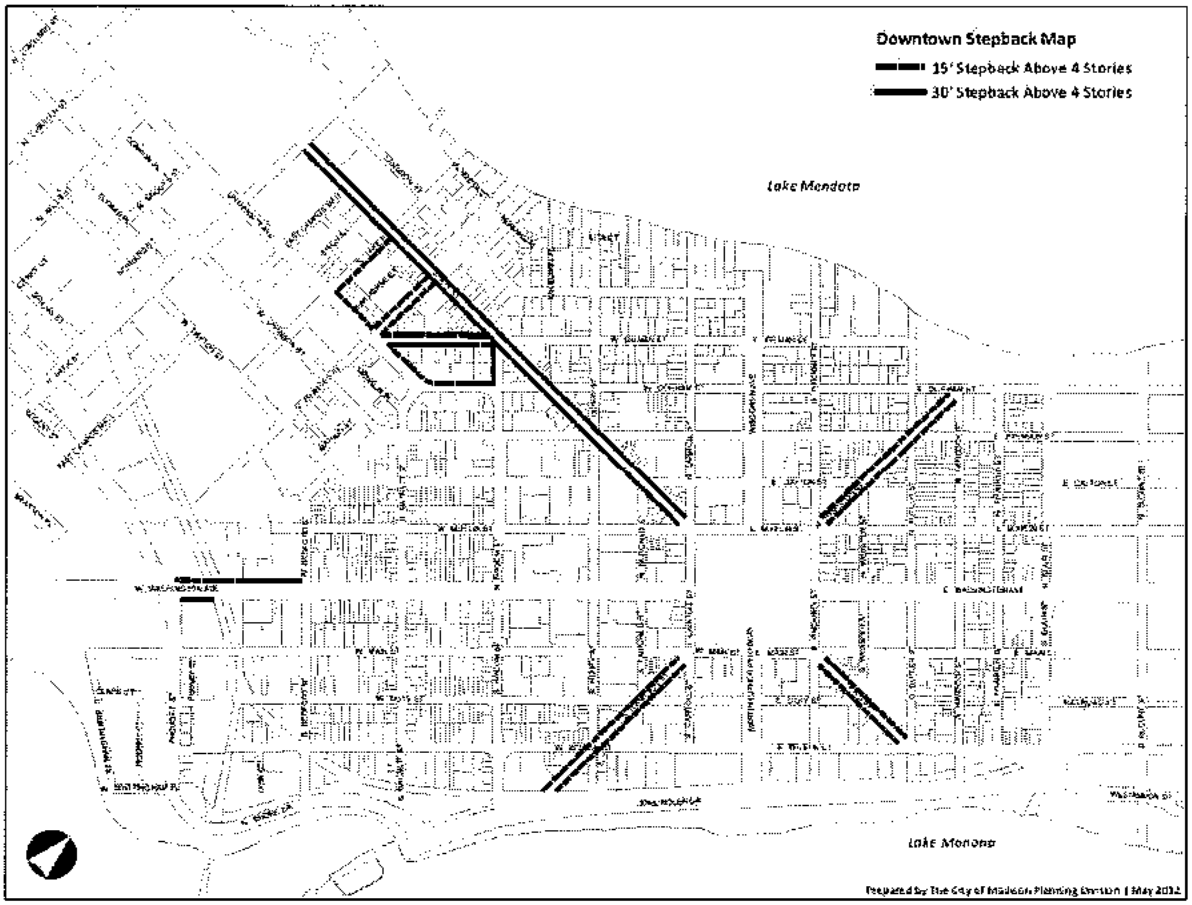
2. Existing zero-lot line buildings as of January 1, 2013 as depicted on the Parcel Analysis Map in the City of Madison Downtown Plan may be redeveloped at up to a maximum of five (5) stories, plus an additional story if stepped back on all sides if approved under the requirements of Section 28.098 Planned Development District.

(b) Additional Height Areas Map.



1. The Additional Height Areas Map defines eight (8) areas where buildings may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met.
2. Buildings along the frontage of the 400 and 500 blocks of West Washington Avenue may be allowed two (2) additional stories above the four- (4) story building height limit provided there is a thirty- (30) foot stepback.

(c) Downtown Stepback Map.



(3) Design Standards.

The following standards are applicable to all new buildings and additions, within any ten-(10) year period, exceeding fifty percent (50%) of existing building's floor area for non-residential buildings, mixed-use buildings, lodging houses, and residential buildings with 8 or more dwelling units.

(a) Parking.

1. Parking shall be located in parking structures, underground, or in surface parking lots behind principal buildings. Parking structures shall be designed with liner buildings or with ground floor office or retail uses along all street-facing facades.
2. For corner lots or through lots, rear yard surface parking areas abutting any street frontage are limited to fifty percent (50%) of that frontage, and shall be located a minimum of ten (10) feet from the street property line.
3. Parking garage openings visible from the sidewalk shall have a clear maximum height of sixteen (16) feet and a maximum width of twenty-two (22) feet. Garage doors or gates shall be located a minimum of ten (10) feet from the front property line. Doors to freight loading bays are exempt from this requirement.
4. No doors or building openings providing motor vehicle access to structured parking or loading facilities shall face State Street, King Street, or the Capitol Square.

(b) Entrance Orientation.

1. Primary building entrances on all new buildings shall be oriented to the primary abutting public street and have a functional door.
2. Additional secondary entrances may be oriented to a secondary street or parking area.
3. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
4. Within ten (10) feet of a block corner, the facade may be set back to form a corner entry.

(c) Facade Articulation.

1. The facades of new buildings more than forty (40) feet in width shall be divided into smaller vertical intervals through techniques including but not limited to the following:
   a. Facade modulation, step backs, or extending forward of a portion of the facade.
   b. Vertical divisions using different textures, materials, or colors of materials.
   c. Division into multiple storefronts, with separate display windows and entrances.
   d. Variation in roof lines to reinforce the modulation or vertical intervals.
   e. Arcades, awnings, window bays, arched windows, and balconies to reinforce the vertical intervals.

(d) Story Heights and Treatment.

1. For all buildings, the maximum ground story height is eighteen (18) feet, measured from the sidewalk to the second story floor. An atrium that exceeds eighteen (18) feet will be considered more than one (1) story.
2. Upper stories shall not exceed fourteen (14) feet floor to floor.
3. For all buildings, the minimum ground story height is twelve (12) feet, measured from the sidewalk to the second story floor.
4. For non-residential uses, the average ground story floor elevation shall not be lower than the front sidewalk elevation nor higher than eighteen (18) inches above the sidewalk elevation.
5. For ground-story residential uses, landscaping, steps, porches, grade changes, and low ornamental fences or walls or similar treatments shall be located between the sidewalk and the front door to create a private yard area.

(e) Door and Window Openings.

1. For street-facing facades with ground story non-residential uses, the ground story door and window openings shall comprise a minimum of fifty percent (50%) of the facade area.
2. For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the facade area.
3. For all buildings, upper story openings shall comprise a minimum of fifteen percent (15%) of the facade area per story.
4. Garage doors and opaque service doors shall not count toward the above requirements.
5. Glass on all windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass may be used on service areas on the building.

(f) Building Materials.

1. Buildings shall be constructed of durable, high-quality materials. Table 28 E-1 below lists allowable building materials.
2. All building facades visible from a public street or public walkway shall use materials and design features similar to or complementary to those of the front facade.

Table 28E-1: Building Materials in Downtown and Urban Districts.

Building Materials	Trim/Accent Material	Top of Building	Middle of Building	Base/Bottom of Building	Standards (see footnotes)
Brick (Face/Veneer)	✓	✓	✓	✓	
Smooth-Face/Split-Face Block	✓	✓	✓	✓	A
Wood/Wood Composite	✓	✓	✓	✓	B
Fiber-Cement Siding/Panels	✓	✓	✓	✓	B
Concrete Panels (Tilt-up or Precast)	✓	✓	✓	✓	C
EIFS/Synthetic Stucco	✓	✓			D
Stone/Stone Veneer	✓	✓	✓	✓	
Metal Panels	✓	✓	✓	✓	E
Hand-Laid Stucco	✓	✓			D
Reflective Glass/Spandrel	✓				F
Glass (Transparent)	✓	✓	✓	✓	

A - Shall be used in conjunction with a palette of materials and shall not comprise more than thirty-three percent (33%) of any building.
B - Wood and fiber cement panels shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material.
C - Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.
D - Shall not be within three feet of the ground or used on building facades facing State Street, King Street, or the Capitol Square.
E - Shall be used in conjunction with a palette of materials; shall be a heavy gauge, non-reflective metal
F - Shall be used in limited quantities as an accent material.

(g) Equipment and Service Area Screening.

1. Outdoor loading areas or mechanical equipment are not permitted in the front yard. When visible from an abutting public street or walkway, they shall be screened by a decorative fence, wall, or screen of plant material.
2. No doors or openings providing access to parking or loading facilities shall abut the Capitol Square, State Street or King Street.
3. Fences and walls shall be architecturally compatible with the principal structure.

(h) Screening of Rooftop Equipment.

1. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.
2. The equipment shall be within an enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. (Am. by ORD-15-00104, 10-15-15)

28.072 DOWNTOWN DISTRICT USES.

(1) Table 28E-2 lists all permitted and conditional uses in the downtown and urban districts.

(a) "P" means permitted in the districts where designated.

(b) "C" means allows as conditional uses in the districts where designated, in compliance with all applicable standards.

(c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.

(d) "Y" means there are specific requirements in Subchapter 28J associated with the use.
(e) "DC" means Downtown Core District.
(f) "UOR" means Urban Office Residential District.
(g) "UMX" means Urban Mixed-Use Districts.
(h) "DR1" means Downtown Residential 1 District.
(i) "DR2" means Downtown Residential 2 District.

Table 28E-2.

Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Offices						
Artist, photographer studio, etc.	P	P	P			
Insurance office, real estate office, sales office	P	P	P			
Professional office, general office	P	P	P			
Medical Facilities						
Clinic, medical, dental or optical	P	C	P			
Hospital	C		C			Y
Medical laboratory	P	C	P			
Physical, occupational or massage therapy	P	P	P			
Veterinary clinic	P	P	P			Y
Retail Sales and Services						
Animal daycare	C		C			Y
Animal grooming	P		P			
ATM	C		C			Y
Bank, financial institution	P		P			
Business sales and services	P		P			
Contractor's business with showroom or workshop	C		C			Y
Farmers' market	P		P			Y
Food and related goods sales	P		P			
Free-standing vending carts	C					
Furniture and household goods sales	P		P			
Garden center			C			
General retail	P		P			
Home occupation	P/C	P/C	P/C	P/C	P/C	Y
Laundromat, self-service	P		P			
Liquor store	P		P			
Limited retail use of a landmark site or building	P	P	P	C	C	Y
Mortuary, funeral home	P		P			
Non-accessory temporary outdoor events	C		C			Y
Post office	P	P	P			
Service business	P		P			
Sporting goods store, bait shop	P		P			
Storage locker (personal)	P	P	P			Y
Tattoo shop	P		P			
Food and Beverages						
Brewpub	P		P			
Catering	P		P			

Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Coffee shop, tea house	P		P			
Nightclub	C		C			Y
Restaurant	P		P			Y
Restaurant-nightclub	P/C		P/C			Y
Restaurant-tavern	P		P			Y
Tavern	P		P			Y
Commercial Recreation, Entertainment and Lodging						
Bed and breakfast establishment	P	C	P	C	C	Y
Health/sports club	P		P			
Hostel	P		P			
Hotel, inn, motel	P		P			
Indoor recreation	P		P			
Outdoor recreation	C	C	C	C	C	Y
Lodge, private club, reception hall	P	C	P			Y
Theater, assembly hall, concert hall	P		P			
Tourist rooming house	P	P	P	P	P	Y
Automobile Services						
Auto body shop			C			Y
Auto service station, convenience store	C		C			Y
Auto repair station	C		C			Y
Auto sales and rental	C		C			Y
Motorcycle and moped sales	C		C			
Parking, Storage and Display Facilities						
Parking facility, public	P	P	P			
Parking facility, private	P		C			
Parking lot exceeding maximum required parking	C	C	C			
Storage locker (personal)	P	P	P			Y
Transportation						
Bus or railroad passenger depot	C		C			
Private ambulance service	C		C			
Railroad right-of-way	P	P	P			
Transit stop or station	C	P	C			
Limited Production, Processing and Storage						
Artisan workshop	P		P			
Laboratory, research and development	C	C	C			
Limited production and processing	C					Y
Printing and publishing			P			
Wholesale establishment			C			
Residential - Family Living						
Single-family detached dwellings				P	P	
Two-family dwelling - two unit				P	P	
Two-family dwelling - twin						
Three-family dwelling - three unit				P	P	
Single-family attached dwelling (3-8 dwelling units)		P	P	P	P	
Single-family attached dwelling (>8 dwelling units)		P	P	C	C	
Dwelling units in mixed-use buildings	P	C	P			Y

Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Multi-family dwelling (4 dwelling units)	P	P	P	P	P	Y
Multi-family dwelling (5-8 dwelling units)	P	P	P	C	P	Y
Multi-family dwelling (>8 dwelling units)	P	C	C	C	C	Y
Residential building complex	C	C	C	C	C	Y
Residential - Group Living						
Adult family home	P/C	P/C	P/C	P/C	P/C	Y
Assisted living, congregate care, skilled nursing facility	C	C	P		C	Y
Cohousing community	P/C	P/C	P/C	C	C	Y
Community living arrangement (up to 8 residents)	P		P	P	P	Y
Community living arrangement (9-15 residents)	C		C	C	C	Y
Community living arrangement (>15 residents)				C	C	Y
Convent, monastery or similar residential group	C	C	P	C	C	Y
Daytime shelter	C	C	C	C	C	Y
Housing cooperative	P/C	P/C	P	P/C	P/C	Y
Lodging house, fraternity or sorority	C	C	P		C	Y
Mission house	C	C	C	C	C	Y
Civic and Institutional						
College, university	C	C	C			
Community Event	P/C	P/C	P/C	P/C	P/C	Y
Correctional Facility	C					
Counseling, community services organization	P	P	P			
Day care center	P	C	P	C	C	Y
Dormitory	C	C	P			Y
Library, museum	P	C	P		C	
Parks and playgrounds	P	P	P	P	P	
Place of worship	P/C	P/C	P/C	P/C	P/C	Y
Public safety facilities	P	P	P	P	P	
Reuse of public schools, municipal buildings, or places of worship				P/C	P/C	
Schools, public and private	P	C	P	C	C	Y
Schools, arts, technical or trade	C	C	C		C	Y
Agriculture						
Community garden	P	P	P	P	P	
Market garden	C	C	C	C	C	Y
Public Utility and Public Service Uses						
Class 2 Collocations	P	P	P	P	P	
Electric substations	C	C	C	C	C	
Gas regulator stations, mixing and gate stations	C	C	C	C	C	
Radio Broadcast Service Facility	P	P	P	P	P	
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	
Sewerage system lift stations	C	C	C	C	C	Y
Water pumping stations, water reservoirs	C	C	C	C	C	
Accessory Uses and Structures						
Accessory retail alcohol sales	P		P			
Emergency electric generator	P		P	P	P	Y

Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Accessory building or structure	P/C	P/C	P/C	P/C	P/C	Y
Accessory dwelling unit				C	C	Y
Farmers market		P		P	P	Y
Keeping of chickens	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	Y
Outdoor recreation	C	C	C	C	C	Y
Real estate sales office	P		P	P	P	Y
Solar energy systems	P	P	P	P	P	Y
Wind energy systems	C	C	C	C	C	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	Y
Temporary outdoor events	P/C		P/C			Y
Accessory use: General retail, service business, restaurant, coffee shop, tea house, office, professional and general		C			C	Y
Daycare, home, family	P/C	P/C	P/C	P/C	P/C	Y
Daycare center in school or religious institution	P	P	P	C	C	
Mission house	P	P	P	P	P	Y
Portable shelter mission			C			Y
Lease of off-street parking facility accessory to residential use to non-tenants	P	P	P	P	P	Y
Vehicle access sales and service	C		C			Y
Outdoor eating area associated with food & beverage establishment	C		C		C	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	y
Outdoor display	P	P	P		C	Y
Outdoor storage	P	P	P			Y
Vending machine	C	C	C			Y
Walk-up service window	P/C		P/C			Y
Yard sales	P		P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00098, 6-12-13; ORD-13-00134 & ORD-13-00135, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00147, 9-12-14; ORD-14-00143, 9-12-14; ORD-15-00026, 3-11-15; ORD-15-00032, 4-8-15; ORD-15-00079, 8-12-15; ORD-16-00049, 5-25-16; ORD-16-00092 & ORD-16-00095, 11-9-16; ORD-16-00109, 12-14-16)

28.073 DOWNTOWN DISTRICT BUILDING FORMS.

	DC	UOR	UMX	DR1	DR2
Single family detached				✓	✓
Two Unit and Three Flat				✓	✓
Two-Family Twin				✓	✓
Single-Family Attached		✓		✓	✓
Small Multi-family	✓	✓	✓	✓	✓
Large Multi-family	✓	✓	✓	✓	✓
Courtyard Multi-family		✓	✓		✓
Commercial Block	✓	✓	✓		

	DC	UOR	UMX	DR1	DR2
Liner Building	✓	✓	✓		
Parking Building	✓	✓	✓		
Live/Work Building	✓		✓		
Residential Commercial Conversion	✓	✓	✓		
Podium Building	✓	✓	✓		
Flex Building		✓	✓		
Civic/Institutional Building	✓	✓	✓	✓	✓

28.074 DOWNTOWN CORE DISTRICT.

(1) Statement of Purpose.

The DC District is established to recognize the Capitol Square, the State Street corridor, and surrounding properties as the center of governmental, office, educational, cultural, specialty retail and recreational activities for the City and the region. Residential uses are appropriate in some locations or in combination with other uses. This district is intended to allow intensive development with high-quality architecture and urban design.

(2) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(3) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Downtown Core District	
Lot area (sq. ft.)	No minimum
Minimum front yard setback	0 See (a) below
Maximum front yard setback	Buildings facing State Street, King Street or Capitol Square: 5 See (a) below
Side yard setback	The first two (2) stories of one side of all buildings: 0 See (a) below
Rear yard setback	0
Minimum height	2 Stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map

(a) Specific front and/or side yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.

(4) Design Review.

Design review for all buildings and structures shall be as follows:

(a) Minor exterior changes or additions may be approved by the Director of the Department of Planning, Community, and Economic Development if he/she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines.

(b) All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines. The applicant or the Alderperson of the District in which the use is located may appeal the decision of the Urban Design Commission to the Plan Commission.

(c) All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.

(d) Class 2 Collocations and Radio Broadcast Service Facilities are permitted uses and are not subject to design review. They are subject to review as provided in Sections 28.143 and 28.148. See Wis. Stat. §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Cr. by ORD-13-00189, 11-26-13)

(5) Alterations to Approved Designs.

For buildings approved pursuant to (b) or (c) above, the Director of the Department of Planning, Community and Economic Development may approve minor alterations or additions if he/she determines that such alterations or additions are consistent with Sec. 28.071(3), if applicable, the Downtown Urban Design Guidelines, and the previously approved design.

(6) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Bicycle-sharing facilities.
6. Auto service stations.
7. Agricultural activities.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Walk-up service windows.
11. Yard sales.
12. Composting.
13. Keeping of chickens and keeping of honeybees.
14. Outdoor recreation.
15. Vehicle access sales and service windows.
16. Farmers market.

28.075 URBAN OFFICE-RESIDENTIAL (UOR) DISTRICT.

(1) Statement of Purpose.

This district is intended to provide for office uses in combination with medium-density residential uses in close proximity to residential neighborhoods. Limited retail and service uses serving the immediate neighborhood may be appropriate in combination with the primary office and residential uses. This district may also serve as a transition between more intense zoning districts and surrounding residential uses.

(2) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(3) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Urban Office-Residential District	
Lot area (sq. ft.)	8,000
Lot width	65

Urban Office-Residential District	
Front yard setback	15 See (a) below
Side yard setback	10
Rear yard setback	20% of lot depth, but at least 30 See (b) below
Maximum lot coverage	75%
Minimum height	2 stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	20 sq. ft. per bedroom See (c) below

(a) Specific front yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.

(b) Underground parking may extend into the rear yard setback if located completely below grade.

(c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(4) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Vending machines.
4. Bicycle-sharing facilities.
5. Agricultural activities.
6. Temporary outdoor events.
7. Solar energy systems and wind energy systems.
8. Yard sales.
9. Composting.
10. Keeping of chickens and keeping of honeybees.
11. Outdoor recreation.
12. Outdoor cooking and service areas associated with food and beverage establishments. (Cr. by ORD-13-00178, 10-23-13)

28.076 URBAN MIXED-USE (UMX) DISTRICT.

(1) Statement of Purpose.

This district is intended to provide opportunities for high-density residential and office uses in combination with limited retail and service uses designed to serve the immediate surroundings.

(2) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(3) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Urban Mixed-Use District	
Lot area (sq. ft.)	3,000
Lot width	30

Urban Mixed-Use District	
Minimum front yard setback	Nonresidential or mixed-use buildings: 0 Residential buildings: 5 See (a) below
Maximum front yard setback	10 See (a) below
Side yard setback	0
Rear yard setback	10 See (b) below
Maximum lot coverage	90%
Minimum height	2 Stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	10 sq. ft. per bedroom See (c) below

(a) Specific front yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.

(b) Underground parking may extend into the rear yard setback if it is located completely below pre-construction existing grade or under a slope of no greater than one (1) to three (3) feet to the lot line and is completely covered by landscape. (Am. by ORD-16-00051, 5-25-16)

(c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(4) Design Review.

Design review for all buildings and structures shall be as follows:

(a) Minor exterior changes or additions may be approved by the Director of the Department of Planning, Community, and Economic Development if he/she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines.

(b) All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines. The applicant or the Alderperson of the District in which the use is located may appeal the decision of the Urban Design Commission to the Plan Commission.

(c) All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.

(d) Class 2 Collocations and Radio Broadcast Service Facilities are permitted uses and are not subject to design review. They are subject to review as provided in Sections 28.143 and 28.148. See Wis. Stat. §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Cr. by ORD-13-00189, 11-26-13)

(5) Alterations to Approved Designs.

For buildings approved pursuant to (b) or (c) above, the Director of the Department of Planning, Community and Economic Development may approve minor alterations or additions if he/she determines that such alterations or additions are consistent with Sec. 28.071(3), if applicable, the Downtown Urban Design Guidelines, and the previously approved design.

(6) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Vending machines.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Bicycle-sharing facilities.
6. Auto service stations.
7. Agricultural activities.
8. Temporary outdoor events.
9. Solar energy systems and wind energy systems.
10. Walk-up service windows.
11. Yard sales.
12. Composting.
13. Keeping of chickens and keeping of honeybees.
14. Outdoor recreation.
15. Vehicle access sales and service windows.
16. Farmers market.

28.077 DOWNTOWN RESIDENTIAL DISTRICTS.

(1) Statement of Purpose.

These districts are intended to recognize historic Downtown neighborhoods comprised of predominantly residential uses with some non-residential uses. The districts are also intended to:

(a) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

(b) Promote the preservation and conservation of historic buildings and districts while allowing selective infill and redevelopment based on the recommendations of adopted City plans.

(c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of scale and rhythm, building placement, facade width, height and proportions, garage and driveway placement, landscaping and similar design features.

28.078 DOWNTOWN RESIDENTIAL 1 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Downtown Residential 1 District	
Lot area (sq. ft.)	3,000
Lot width	1, 2, and 3-unit dwellings: 30 >3-unit dwellings, and non-residential and mixed-use buildings: 40
Front yard setback	15 See (a) below

Downtown Residential 1 District	
Side yard setback	5 Lot width <40: 10% lot width
Rear yard setback	Lesser of 20% lot depth or 30 See (b) below
Maximum lot coverage	75%
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	40 sq. ft. per bedroom See (c) below

(Am. by ORD-14-00133, 8-13-14)

(a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), a minimum, or a range.

(b) Underground parking may extend into the rear yard setback if located completely below grade.

(c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(3) Residential Point System.

To ensure a variety of housing types in the downtown area, the following point values are established:

Type of Dwelling Unit	Point Value
Studio/efficiency unit	0.75
One-bedroom unit	1
Two-bedroom unit	2
Three or more bedroom unit	3

In any building except for the Residential - Group Living category (see Table 28E-2) the average point value for all dwelling units must be at least 1.25. (Am. by ORD-16-00096, 11-9-16)

(4) Building Standards.

The following standards are applicable to new buildings and additions, within any ten- (10) year period, exceeding fifty percent (50%) of existing building's floor area.

(a) Maximum Building Width. The maximum width of any building fronting the primary abutting street shall not exceed sixty (60) feet.

(b) Through-lot Development. Development of through lots shall be designed with buildings oriented to each street and with a minimum distance of sixty (60) feet between rear facades of above-ground building elements. Underground parking may extend into this shared rear yard area if located completely below grade.

28.079 DOWNTOWN RESIDENTIAL 2 DISTRICT.

(1) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Downtown Residential 2 District	
Lot area	3,000 sq. ft.
Lot width	30 for 1, 2, and 3-unit buildings 40 for 4-unit buildings and higher, and for non-residential and mixed-use buildings
Front yard setback	10 See (a) below
Side yard setback	5 Lot width <40: 10%
Rear yard setback	Lesser of 20% lot depth or 20 See (b) below
Maximum lot coverage	80%
Minimum height	2 stories
Maximum height	See Downtown Height Map
Stepbacks	See Downtown Stepback Map
Usable open space	20 sq. ft. per bedroom See (c) below

(Am. by ORD-15-00105, 10-15-15)

(a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), minimum, or a range.

(b) Underground parking may extend into the rear yard setback if located completely below grade.

(c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(3) Residential Point System.

To ensure a variety of housing types in the downtown area, the following point values are established:

Type of Dwelling Unit	Point Value
Studio/efficiency unit	0.75
One-bedroom unit	1
Two-bedroom unit	2
Three or more bedroom unit	3

In any building except for the Residential - Group Living category (see Table 28E-2) the average point value for all dwelling units must be at least 1.25.

SUBCHAPTER 28F: EMPLOYMENT DISTRICTS

28.081 EMPLOYMENT DISTRICTS.

(1) Statement of Purpose.

Employment districts are established to strengthen and diversify the local economy, expand the local tax base, cultivate an entrepreneurial culture and stimulate job creation. The districts are also intended to:

(a) Encourage the design of employment centers that are well-connected to transit, bike and pedestrian corridors, regional highways, and nearby housing, civic, commercial and recreational uses.

(b) Encourage provision of support facilities and services to employment centers.

(c) Encourage sustainable building and site design.

(d) Provide adequate buffering and screening for less intensive land uses adjoining industrial or other employment uses, in particular, to minimize the impact of odors, noise, vibration, glare and other potential effects of manufacturing beyond the property where such uses exist.

(e) Provide adequate screening of outdoor activities and storage from primary streets.

28.082 EMPLOYMENT DISTRICT USES.

(1) Table 28F-1 lists all permitted and conditional uses in the employment districts.

(a) "P" means permitted in the districts where designated.

(b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

(c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J, as specified.

(d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.

(e) "TE" means Traditional Employment District.

(f) "SE" means Suburban Employment District.

(g) "SEC" means Suburban Employment Center District.

(h) "EC" means Employment Campus District.

(i) "IL" means Industrial - Limited District.

(j) "IG" Industrial - General District.

Table 28F-1.

	Employment Districts						
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Offices							
Artist, photographer studio, etc.	P	P	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	P	P	
Professional office, general office	P	P	P	P	P	P	
Limited Production, Processing and Storage							
Artisan workshop	P	C	C		P	P	
Bakery, wholesale	P				P	P	
Bottling plant	C				P	P	
Contractor's yard	C				P	P	Y
Distilleries	C				C	C	

Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Junkyard						C	Y
Laboratories - research, development and testing	P	P	P	P	P	P	Y
Limited production and processing	P	P	P	P	P	P	
Mail order house	P	P	P	P	P	P	
Printing and publishing	P	P	P	P	P	P	
Recycling collection center, drop-off station	C	C	C	C	P	P	
Storage facility, personal indoor storage	C	C			C	C	Y
Telecommunication center	C	C	P	P	P	P	
Warehousing and storage	C	C			P	P	
Wineries	P				P	P	
Wholesale establishment	P	P			P	P	
Industrial Uses							
Asphalt, concrete batching or ready-mix plant						C	
Brewery	C				C	P	
Concrete, asphalt and rock crushing facility						C	Y
General manufacturing					C	P	
Hazardous waste collection, storage or transfer						C	
Landfill						C	
Light manufacturing	C	C			P	P	
Lumberyard	P				P	P	
Railroad right-of-way	C	C	C	C	C	P	
Recycling center	C				C	P	
Waste transfer station					C	C	
Public Utility and Public Service Uses							
Class 2 Collocations	P	P	P	P	P	P	
Electric power production and/or heating and cooling plant	P	C	C	C	P	P	
Electric substations	P	C	C	C	P	P	Y
Gas regulator stations, mixing and gate stations	P	C	C	C	P	P	Y
Radio Broadcast Service Facility	P	P	P	P	P	P	
Sewerage system lift stations	P	P	P	P	P	P	Y
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	P	
Water pumping stations, municipal wells	P	P	P	P	P	P	
Water towers and reservoirs	C	C	C	C	C	C	
Transportation Uses							
Bus or railroad passenger depot	C	C	C	C	C	C	
Motor freight terminal					C	P	
Private ambulance service	P	P	P	P	P	P	
Railroad or intermodal freight yard					C	P	
Railroad transfer and storage tracks					P	P	
Railroad yard or shop					C	P	
Taxi or limousine business	C				C	P	
Transit station, transfer point	P	P	P	P	P	P	
Medical Facilities							
Clinic - Health	P	P	P	P			

Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Hospital		C	C	C			Y
Medical laboratory	P	P	P	P	P	P	
Physical, occupational or massage therapy	P	P	P	P			
Veterinary clinic, animal hospital	P	P	P	P	P		Y
Retail Sales and Services							
General retail	C	C	C	C	C	C	Y
Animal boarding facility, kennel, animal shelter					C	C	Y
Animal day care					C	C	Y
ATM	P	P	P	P	P	P	
Auction rooms		C			C	C	
Bank, financial institution	P	P	P	P	P		
Building materials sales					C	C	
Business equipment sales and services	P	P	P	P	P	P	
Contractor's business with showroom or workshop	P	P	P	P	P	P	Y
Dry cleaning plant, commercial laundry	C				P	P	
Farmers' market	P	P					Y
Food and related goods sales	C	C					
Garden center	C	C					
Greenhouse, nursery	P				P	P	
Handgun sales					P	P	
Machinery equipment sales and service					P	P	
Mobile grocery store	P	P	P	P	P	P	Y
Package delivery service		P			P	P	
Photocopying	P	P	P	P	P	P	
Post office	P	P	P	P			
Service business	P/C	P/C	C	C	C	C	Y
Small appliance repair	P	P	P	C	P	P	
Food and Beverages							
Brewpub	C	C	C	C	C	C	
Catering	P	P	P	P	P	P	
Coffee shop, tea house	P	C	C	C	C	C	
Nightclub	C	C	C	C	C	C	Y
Restaurant	C	C	C	C	C	C	
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C	Y
Restaurant-tavern	C	C	C	C	C	C	Y
Tavern	C	C	C	C	C	C	Y
Commercial Recreation, Entertainment and Lodging							
Health/sports club	P	P	C	P	C		
Hotel, inn, motel	C	C	C	C			
Indoor recreation	C	C	C	C	C		
Lodge, private club, reception hall	C		C	C	C		Y
Outdoor recreation	C	C	C	C	C	C	Y
Theater, Assembly Hall, Concert Hall	C	C	C	C			
Tourist rooming house	P	P	P	P			Y
Adult Entertainment							
Adult entertainment establishment					P	P	Y

Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Adult entertainment tavern					P	P	Y
Automobile Services							
Auto body shop					P	P	Y
Auto service station, convenience store	C	C					Y
Auto repair station	C	C			P	P	Y
Auto rental		C					Y
Car wash	C	C					Y
Heavy-traffic vehicle sales					P	P	
Motorcycle and moped sales					P	P	
Motor vehicle salvage yard, scrap yard						C	Y
Parking, Storage and Display Facilities							
Parking exceeding maximum parking	C	C		C	C	C	
Parking facility, private	C	C		C	C	C	
Parking facility, public	P	P		P	P	P	
Storage locker (personal)	P	P	P	P	P	P	Y
Residential - Family Living							
Dwelling units in mixed-use buildings	C	C	C	C			Y
Live/work unit	C	C		C			Y
Multi-family dwelling	C	C		C			Y
Residential building complex	C	C		C			Y
Single-family attached dwelling (>8 dwelling units)	C	C		C			Y
Residential - Group Living							
Assisted living facility, congregate care facility, skilled nursing facility	C	C					Y
Cohousing Community	C	C	C	C			Y
Community living arrangement (>8 residents)	C	C					Y
Daytime shelter	C						Y
Housing cooperative	C						Y
Mission house	C						Y
Civic and Institutional							
Archival facilities, publicly-owned	P	P	P	P	P	P	
Colleges and universities	C	C	P	C			
Community Event	P/C	P/C	P/C	P/C	P/C	P/C	Y
Counseling, community services organization	C	C	C	C			
Day care center	P	P	P	P	C	C	Y
Library, museum	P		P	P			
Parks and playgrounds	P	P	P	P	P	P	
Place of worship	P	P	P	P			Y
Public safety or service facilities	P	P	P	P	P	P	
Recreation, community, and neighborhood centers	P	P	P	P			
Schools, arts, technical or trade	C	P	C	P	C	C	Y
Schools, public and private	C	C	P	C			Y
Training facilities, military or public safety			C	C	C	C	
Agriculture							
Agriculture - Animal husbandry	C	C	C	C	P	P	
Agriculture - Cultivation	P	C	P	P	P	P	

Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Community garden	P	P	P	P	P	P	
Keeping of chickens	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	Y
Market garden	C	C	C	C	C	C	Y
Accessory Uses and Structures							
Accessory building and structures	P/C	P/C	P/C	P/C	P/C	P/C	Y
Accessory mission house	P						Y
Accessory retail alcohol sales	P	P	P	P	P	P	
Caretaker's dwelling	P	P	P	P	P	P	Y
Composting	P	P	P	P	P	P	
Day care home, family	P/C						Y
Emergency electric generator	P	P	P	P	P	P	
Farmers' market	C			P	P	P	Y
Furniture and household goods sales	P				P		
Heliport	P	P	P	P	P	P	
Home occupation	P/C	P/C	P/C	P/C			Y
Indoor recreation				P			
Keeping of chickens	P	P	P	P	P	P	Y
Outdoor display	C	C	C	C	C	C	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Outdoor eating area associated with food & beverage establishment	C	C	C	C	C	C	Y
Outdoor recreation	C	C	C	C	C	C	Y
Outdoor storage	P	P	C	P	P	P	Y
Parking of trucks and heavy equipment accessory to an allowed use	P	C		C	P	P	
Portable storage units	P	P	P	P			Y
Showroom accessory to allowed use	P	P	P	P	P	P	
Solar energy systems	P	P	P	P	P	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y
Temporary outdoor events	P/C	P/C	P/C	P/C	P/C	P/C	Y
Towing and wrecker service business	P	P			P	P	Y
Vehicle access sales and service windows	C	P	P	P	P	P	Y
Walk-up service windows	P/C	P/C	P/C	P/C	P/C	P/C	Y
Wind energy systems	C	C	C	C	C	C	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00029, 3-27-13; ORD-13-00054 & ORD-13-00055, 4-24-13; ORD-13-00099, 6-12-13; ORD-13-00132 & ORD-13-00134, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189 & ORD-13-00192, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00037, 3-6-14; ORD-14-00051, 3-12-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00163, 10-29-14; ORD-15-00026, 3-11-15; ORD-15-00031 & ORD-15-00032, 4-8-15; ORD-15-00080, 8-12-15; ORD-16-00074, 9-15-16; ORD-16-00092 & 00097, 11-9-16; ORD-16-00109, 12-14-16; ORD-17-00016, ORD-17-00019, ORD-17-00024, 2-20-17; ORD-17-00046, 5-11-17)

28.083 EMPLOYMENT DISTRICTS BUILDING FORMS.

Table 28F-2.

BUILDING FORM	TE	SE	SEC	EC	IL	IG
Commercial Block Building	✓	✓	✓	✓	✓	✓
Residential - Commercial Conversion	✓					
Live-Work Building	✓	✓		✓		
Single-Family Attached Building	✓	✓		✓		
Courtyard Multi-Family Building	✓	✓		✓		
Small Multi-Family Building	✓	✓		✓		
Large Multi-Family Building	✓	✓		✓		
Civic or Institutional Building	✓	✓	✓	✓		
Liner Building	✓	✓	✓	✓	✓	✓
Podium Building	✓	✓	✓	✓	✓	
Flex Building	✓	✓	✓	✓	✓	✓
Free-Standing Commercial Building	✓	✓	✓	✓	✓	✓
Parking Building	✓	✓	✓	✓	✓	✓
Industrial Building	✓	✓	✓	✓	✓	✓

28.084 TRADITIONAL EMPLOYMENT DISTRICT.

(1) Statement of Purpose.

The TE District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance. The district is also intended to:

(a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.

(b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Traditional Employment District	
Lot area (sq. ft.)	6,000
Lot area (for exclusive residential use)	2000 sq. ft./unit
Lot width	50
Front yard setback	None (see frontage requirements)
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: for exclusive residential use	5 ft.: 1 story 6 ft.: 2 or more stories
Side yard setback: other cases (i.e. infill between party wall storefront buildings)	None unless needed for access

Traditional Employment District	
Rear yard setback	Lesser of 20% lot depth or 20
Maximum lot coverage	85%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 See (c) below
Usable open space - residential only	20 sq. ft./bedroom

(Am. by ORD-14-00003, 1-14-14; ORD-14-00133, 8-13-14; ORD-14-00169, 12-3-14; ORD-17-00054, 6-19-17)

(a) (Rep. by ORD-17-00054, 6-19-17)

(b) Rear or Side Yard Height Transitions to Adjacent Residential Districts. Where the TE District abuts a residential district, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. (Am. by ORD-14-00131, 8-13-14)

(c) Additional Height. Building heights exceeding the maximum height may be allowed with conditional use approval. (Cr. by ORD-13-00007, 1-15-13)

(4) Site Standards.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.

(a) Parking Placement. Parking shall not be placed between the plane of the front facade of a building and the abutting street. In addition, for buildings at corner locations, surface parking shall not be placed between the plane of a side facade of the building and an abutting street, in the area from said street back to a point marking fifty percent (50%) of the total building depth. These provisions do not apply when the building being enlarged is an existing landmark building or a contributing building in a historic district.

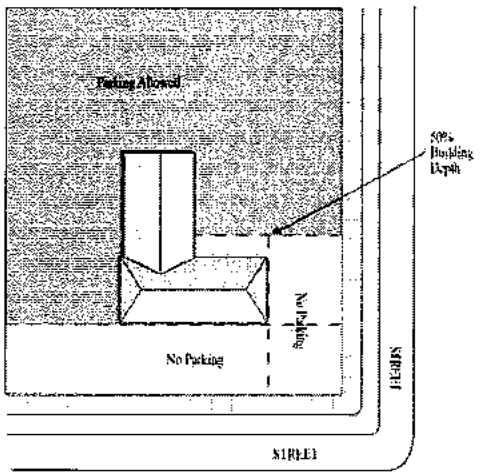


Figure F1: Parking Placement on Corner Properties

(b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.

(c) For all Building Forms other than (b) above, parking shall be located to the rear or side of the principal building.

(d) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to a TE district.

(e) Entrance Orientation. Primary building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional, secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are encouraged.

(f) Notwithstanding (a), for lots abutting a street on three (3) or more sides, a maximum of twelve (12) parking stalls but no more than fifty percent (50%) of the total surface parking spaces may be located between the front facade and the street. These spaces shall be oriented to customers and visitors. (Cr. by ORD-14-00069, 4-16-14)

(Sec. 28.084(4) Am. by ORD-13-00193, 11-26-13)

(5) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings, except:

1. Off-street parking and off-street loading.
2. Outdoor display and outdoor storage.
3. Temporary outdoor events.
4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
5. Agricultural activities.
6. Vehicle access sales and service windows.
7. Solar energy systems and wind energy systems.
8. Bicycle-sharing facilities.
9. Farmers' markets.
10. Composting.
11. Auto service stations.
12. Outdoor recreation.

(b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

28.085 SUBURBAN EMPLOYMENT DISTRICT.

(1) Statement of Purpose.

The SE District is established to encourage a broad range of employment activities, including limited industrial uses conducted within enclosed buildings, while also encouraging shared access, improved landscaping and site design, and bicycle and pedestrian facilities. The district is also intended to:

(a) Encourage the integration of complementary employment and related uses in an attractive and pedestrian-oriented environment.

(b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Suburban Employment District	
Lot area (sq. ft.)	20,000
Lot area (for exclusive residential use)	2000 sq. ft./unit
Lot width	65
Front yard setback	See (a) below
Side yard setback	15 or 20% building height
Side yard setback (for exclusive residential use)	15 or 20% of building height
Rear yard setback	30
Maximum lot coverage	75%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 Residential uses: 4 stories/55 See (d) below
Usable open space - residential only	400 sq. ft./unit

(Am. by ORD-17-00054, 6-19-17)

(a) Front Yard Setback. For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. Parking shall not be placed between the building and the street in this area.

(b) (Rep. by ORD-17-00054, 6-19-17)

(c) Rear or Side Yard Height Transitions to Adjacent Residential Districts. Where the SE District abuts a residential district, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. (Am. by ORD-14-00131, 8-13-14)

(d) Additional Height. Building heights exceeding the maximum may be allowed with conditional use approval.

(e) For lots of record created prior to adoption of this ordinance with existing buildings exceeding five (5) stories or sixty-eight (68) feet, the maximum building height shall be limited to the height of any existing buildings exceeding five (5) stories or sixty-eight (68) feet.

(4) Site Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.

(a) Parking Placement. For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family buildings, structured parking at ground level shall not be visible from the front facade of the building

(b) For all Building Forms other than (a) above, the majority of off-street parking shall be located to the rear or side of the principal building. A maximum of one drive aisle and two rows of parking, not to exceed seventy (70) feet of parking, may be located between the front of the principal building and the street, set back at least twenty-five (25) feet from the front lot line.

(c) The building front shall be oriented to the primary street. Loading and service areas shall be located at the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an SE district.

(5) Site Standards; New and Existing Development.

(a) All business activities shall be conducted within completely enclosed building, except:

1. Off-street parking and off-street loading.
2. Composting.
3. Bicycle-sharing facilities.
4. Outdoor display and outdoor storage.
5. Temporary outdoor events.
6. Agricultural activities.
7. Solar energy systems and wind energy systems.
8. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
9. Vehicle access sales and service windows.
10. Outdoor recreation.

(b) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

28.086 SUBURBAN EMPLOYMENT CENTER DISTRICT.

(1) Statement of Purpose.

The SEC district is established to recognize existing office and research parks developed in accordance with master plans, and to provide for the continued development of these parks in accordance with their adopted plans. Therefore, the placement of buildings, open space, internal roads and parking within these parks is allowed to remain in its current form. The district is also intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The district is not intended to apply to new office and research parks.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Suburban Employment Center District	
Lot area	1 acre
Lot width	100
Front yard setback	25
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 or 45% of building height (the greater)
Maximum lot coverage	75%
Maximum building coverage	50%
Maximum floor area ratio	1.0
Minimum height	22, measured to building cornice
Maximum height	none

(4) Site Standards.

(a) In the design of any office or research park, consideration shall be given to pedestrian circulation, preservation and linkage of open space areas, location of future buildings, and the clustering of amenities to provide for a planned integrated development.

(b) Parking Design. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety.

1. Off-street parking shall not be located within front or street side yard setbacks, but may be located within rear yard and interior side yard setbacks and the building envelope.
2. Surface parking located in a side or rear yard setback shall be set back a minimum of twenty (20) feet from the boundary of a Residential or Special district.

(c) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(d) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading.
2. Outside storage and outdoor display.
3. Bicycle-sharing facilities.
4. Temporary outdoor events.
5. Outdoor eating, cooking, and service area associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
6. Agricultural activities.
7. Solar energy systems and wind energy systems.
8. Composting.
9. Vehicle access sales and service windows.
10. Outdoor recreation.

(5) Design Review.

All buildings constructed within an SEC district shall be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

(a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.

(b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission.

28.087 EMPLOYMENT CAMPUS DISTRICT.

(1) Statement of Purpose.

The EC District is established to provide an aesthetically attractive urban working environment intended to promote desirable economic development activities, including high-technology, research and development, testing, and specialized manufacturing establishments, as well as professional offices and business incubators. The district is also intended to:

(a) Encourage compact development, primarily with multi-story buildings.
(b) Encourage mixed-use development in appropriate locations.
(c) Provide readily accessible services for employees.
(d) Improve pedestrian, bicycle and transit connections to and through employment campuses.
(e) Encourage building and site design that advance the City's sustainability goals.
(f) Maintain and improve the quality of the natural landscape within employment campuses.
(g) Provide appropriate transitions to surrounding land uses.
(h) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.
(i) Facilitate development with multiple buildings.

(2) Permitted and Conditional Uses.
See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Employment Campus District	
Site area	5 acres
Front yard setback	See (a) below
Side yard setback	10; 0 if sharing a common wall with a building on an adjacent lot
Rear yard setback	10; 0 if sharing a common wall with a building on an adjacent lot
Maximum lot coverage	85%
Minimum floor area ratio (FAR)	0.35 (See (c) below)

(a) Front Yard Setback. At least fifty percent (50%) of the building facade facing the front property line shall be located within thirty (30) feet of the front lot line. For corner lots, the side street shall be treated as a front yard.
(b) Exclusive Residential Use. Buildings with exclusively residential uses shall meet the Lot Area, Lot Width, and Side Yard Setback requirements of the TR-V2 District, Sec. 28.047.
(c) For phased development, the minimum FAR for the first phase shall be 0.20. Area used for multi-site or regional stormwater management or for low-impact storm-water management methods shall not be counted as part of the floor area ratio calculation.

(4) Site Standards.
The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.
(a) Parking Placement. For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.
(b) For all Building Forms other than (a) above accessory off-street parking lots and loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, as well as safe and

convenient circulation within the site. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety. Off-street parking lots shall not be located in required front yards or street side yards on corner lots, but may be located in required rear yards to the rear of a building or in an interior side yard beyond the larger of the required front yard or the actual front setback. A parking lot containing not more than ten (10) parking spaces may be located to the front or side of a building, but not in any required front yard or in the required street side yard on a corner lot unless shown on an approved master plan for the district. If approved by the Architectural Design Committee, a parking lot containing more than ten (10) parking spaces may be located the front or side of a building, but not in any required front yard or in the required street side yard on a corner lot. Any parking lot located in a required side or rear yard shall be located not less than twenty (20) feet from any lot in a Residence or Special District. Access driveway shall be designed and located so that such driveways do not provide a direct unlandscaped view from the street to the loading berths or storage areas. A plan for tree islands and parking lot landscaping shall be included with the landscape plan required in sub. (5)(a) below. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer than includes trees. Shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high-quality materials. For every twelve (12) to fifteen (15) parking stalls in a continuous row, at least once canopy tree shall be required in an interior parking island pursuant to the requirements of Sec. 28.142 of these ordinances.

(c) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an EC district.

(d) All business activities shall be conducted within completely enclosed buildings, except for the following:

1. Off-street parking and off-street loading.
2. Vehicle access sales and service windows.
3. Bicycle-sharing facility.
4. Outdoor storage and outdoor display.
5. Temporary outdoor events.
6. Agricultural activities.
7. Composting.
8. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
9. Farmers' markets.
10. Outdoor recreation.

(e) Access to the employment campus shall be from a collector or arterial street.

(f) In addition to the requirements in Sec. 28.142, all lots shall be landscaped, including the provision of canopy-type shade trees. Where possible, existing healthy trees, other than nuisance species, shall be retained. All land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways, shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover. To comply with the above provisions, a landscape plan shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development.

(g) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be

effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(h) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)

(5) Master Plan.

A master plan for each employment campus shall be prepared as part of any rezoning submittal. The plan must be approved by the Plan Commission and include the following:

(a) A site plan, including:

1. Conceptual plan showing lots and approximate building footprints, parking and service areas.
2. Landscape plan and landscape design standards.
3. Street layout and street design standards.
4. Signage and street graphics standards.
5. Stormwater management plan.

(b) Plan submittal and review procedures for individual sites within the campus.

(c) A parking plan, meeting standards of this chapter for automobile and bicycle parking.

(d) A Transportation Demand Management Plan, which must also be approved by the Traffic Engineer. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking, and other non-motorized travel; flexible work schedules; and parking management programs to substantially reduce automobile trips. The TDM Plan shall be managed by a property owners' association or other entity acceptable to the Director of the Department of Planning and Community and Economic Development. This association shall provide annual reports on the implementation of the TDM Plan to the Traffic Engineer.

(6) Design Review.

All buildings constructed within an EC district shall be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

(a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission. Design review shall not include the Dimensional Requirements in (8) below.

(b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Sec. 33.24, MGO.

(7) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Secs. 28.086 and 28.182 shall be required.

28.088 INDUSTRIAL - LIMITED DISTRICT.

(1) Statement of Purpose.

This district provides for a mix of light manufacturing uses, offices, warehousing, flex-space, limited storage and warehousing, and limited retail and service uses that primarily serve the industrial uses, designed with adequate landscaping and screening, to ensure compatibility with adjoining uses. Industrial districts typically require relatively direct access to the regional highway system, and may require rail or air transportation service. The IL district is also intended to:

(a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.

(b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Industrial - Limited District	
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	See (a) below
Side yard setback	Greater of 15 feet or 20% building height
Rear yard setback	30
Maximum lot coverage	75%
Maximum height	none

(Am. by ORD-13-00007, 1-15-13)

(a) Front Yard Setback. For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building shall be located within twenty-five (25) feet of the front lot line.

(b) Rear Yard Height Transitions to Adjacent Residential Districts. Where the IL District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

(4) Site Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading, provided that all loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IL District.
2. Outdoor display.
3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
4. Bicycle-sharing facilities.
5. Outdoor storage.
6. Farmers' markets.

7. Agricultural activities.
8. Composting.
9. Temporary outdoor events.
10. Vehicle access sales and service windows.
11. Solar energy systems and wind energy systems.
12. Outdoor recreation.

(b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(c) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)

(5) Site Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.

(a) Parking Placement. A maximum of one drive aisle and two rows of parking not to exceed seventy (70) feet of parking area may be located between the front facade of a building and the front lot line. Parking shall be located to the rear or side of the principal building to the extent feasible. This requirement shall not apply to lots which are twenty (20) acres or larger. (Am. by ORD-13-00133, 8-14-13)

(b) Entrance Orientation. Principal building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional, secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features. Barrier-free entrances are encouraged.

28.089 INDUSTRIAL - GENERAL DISTRICT.

(1) Statement of Purpose.

This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. General Industrial districts should be located for convenient access for existing and future arterial thoroughfares and railway lines and may be separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required.

The IG district is also intended to:

(a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.

(b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.

(c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Industrial - General District	
Lot area (sq. ft.)	10,000
Lot width	65

Industrial - General District	
Outdoor processing, storage or loading	100 from residential district boundary
Front yard setback	none
Side yard setback	15 or 20% building height (the greater); 30 from residential district boundary
Rear yard setback	30
Maximum lot coverage	75%
Maximum height	none

(a) Rear Yard Height Transitions to Adjacent Residential Districts. Where the IG District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

(4) Site Standards: New and Existing Development.

(a) All business activities shall be conducted within completely enclosed buildings except:

1. Outdoor storage, subject to Sec. 28.142(10)(b).
2. Off-street parking and off-street loading, provided that all loading shall be to the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IG District.
3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
4. Temporary outdoor events.
5. Composting.
6. Agricultural activities.
7. Vehicle access sales and service windows.
8. Bicycle-sharing facilities.
9. Solar energy systems and wind energy systems.
10. Production and processing of woodchips.
11. Farmers' markets.
12. Outdoor display.
13. Outdoor recreation.

(b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(c) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)

SUBCHAPTER 28G: SPECIAL DISTRICTS

28.091 SPECIAL DISTRICT USES.

(1) Table 28G-1 lists all permitted and conditional uses in the Special Districts, except that uses allowed within the Campus Institutional District are listed separately in Sec. 28.096.

(a) "P" means permitted in the districts where designated.

(b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

(c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.

(d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.

(e) "A" means Agricultural District.

(f) "UA" means Urban Agriculture District.

(g) "CN" means Conservancy District.

(h) "PR" means Parks and Recreation District.

(i) "AP" means Airport District.

Table 28G-1.

	A	UA	CN	PR	AP	Supplemental Regulations
Agricultural and Resource Uses						
Agriculture - Animal husbandry	P	C	C			Y
Agriculture - Cultivation	P	P/C	C	P		Y
Agriculture - Intensive	C					Y
Animal boarding facility, kennel, animal shelter	P					Y
Clear cutting	C	C	C		C	Y
Community garden	P	P	C	P		
Equestrian center/riding, boarding stable	P			C		
Keeping of honeybees	P	P	P		P	Y
Market garden	P	P	C	C		Y
Selective cutting of timber	P	P	P	P	P	Y
Civic and Institutional Uses						
Botanic gardens				P		
Civic auditorium complex				C		
Community center				C		
Community Event	P/C	P/C	P/C	P/C	P/C	Y
Correctional facility						Y
Land and water preserves			P	P		Y
Parks and playgrounds	P	P	P	P		
Public safety or service facilities	P		C	C	P	
Reuse of public schools, municipal buildings, or places of worship	P/C		P/C	P/C		Y
Schools, arts, technical or trade	C	C		C	C	Y
Schools, public and private				C		Y
Training facilities, military or public safety					P	
Zoos				P		
Residential - Family Living						
Single-family detached dwelling	P					

	A	UA	CN	PR	AP	Supplemental Regulations
Limited Production, Processing and Storage						
Artisan workshop	C					
Recycling collection center, drop-off station	C					
Public Utility and Public Service Uses						
Class 2 Collocations	P	P	P	P	P	
Electric substations	C	C	C	C	C	Y
Heating and/or cooling plant	C	C	C	C	C	
Gas regulator stations, mixing and gate stations	C	C	C	C	C	Y
Radio Broadcast Service Facility	P	P	P	P	P	
Railroad right-of-way	C	C	C	C	C	
Sewerage system lift stations	P	C	C	P	P	Y
Telecommunications towers, Class Collocations, and transmission equipment buildings	P	P	P	P	P	
Water pumping stations, water reservoirs	P	C	C	C	P	Y
Transportation Uses						
Airport runways, hangars and related facilities					P	
Airport terminal and related facilities					P	
Transit stop or station	P	P	P	P	P	
Medical Facilities						
Veterinary clinic	C					Y
Retail Sales and Services						
ATM				P	P	
Farmers' market	C	C		P		Y
Garden center	C					Y
Greenhouse, nursery	C	C				Y
Mobile grocery store	P	P	P	P		Y
Food and Beverages						
Brewpub					P	Y
Nightclub					P/C	Y
Restaurant				C	P	Y
Restaurant-nightclub					P/C	Y
Restaurant-tavern				C	P	Y
Tavern					P	Y
Commercial Recreation, Entertainment and Lodging						
Bed and breakfast establishment	P					Y
Golf course	C			C		Y
Lodge, private club, reception hall				C		Y
Outdoor recreation	C	C	C	C	C	Y
Stadiums, auditoriums, arenas				C		
Tourist rooming house	P				P	Y
Automobile Services						
Auto rental					P	Y
Parking and Storage Facilities						
Parking facility, private					C	
Parking facility, public					P	
Parking lot (surface) exceeding maximum parking	C	C	C	C	C	
Accessory Uses and Structures						

	A	UA	CN	PR	AP	Supplemental Regulations
Accessory building or structure	P	P/C	P	P		Y
Accessory dwelling unit						Y
Accessory retail alcohol sales				P	P	
Caretaker's dwelling	P	P	C	P		Y
Catering				P	P	
Coffee shop, tea house				C	P	
Composting	P	P	P	P	P	
Day care home, family	P/C					Y
Emergency electric generator	P	C	C	C	P	Y
General retail	P				P	
Health/sports club					P/C	
Home occupation	P/C					Y
Hotel, inn, motel, hostel					P/C	
Keeping of chickens	P	P	P	P	P	Y
On-site agricultural retail, farm stand	P	P	C	C		Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	Y
Outdoor eating area associated with food & beverage establishment				C		Y
Outdoor recreation	C	C	C	C	C	Y
Outdoor sales events	C	C		P/C		Y
Outdoor storage	P	P/C	P/C		P	Y
Parking facility, public			P	P		
Portable storage units	P					Y
Professional office, general office					P	
Temporary off-street parking	P		C	C	C	
Solar energy systems	P	P	P	P	P	Y
Storage of trucks and heavy equipment	P	P/C	P/C	P/C	P	
Wind energy systems	C	C	C	C	C	Y

(Am. by ORD-13-00054, 4-24-13; ORD-13-00147, 9-11-13; ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00119, 7-11-14; ORD-15-00079 & ORD-15-00080, 8-12-15; ORD-16-00074, 9-16-15; ORD-16-00092, 11-09-16)

28.092 AGRICULTURAL DISTRICT.

(1) Statement of Purpose.

Rural agricultural areas designated as such in the Comprehensive Plan are located beyond the current extent of planned City development. These areas are outside the Central Urban Service Area and without current access to municipal sanitary sewer and water service. They are characterized by active farming operations and associated fields, meadows, woodlots and other natural features. Agriculture and other rural land uses also continue to predominate within many areas planned, but not yet developed, for urban uses. These may include relatively large areas that are recommended in adopted City plans to continue in long-term agriculture uses, while urban areas grow around them.

The purpose of this district is to support the continuance of agriculture and rural character within outlying agricultural areas. In addition, the A district is intended to support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within city limits.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Agricultural District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Agricultural District		
	Agricultural uses	**All other uses**
Lot area	5 acres	10 acres
Lot width	300	300
Front yard setback	30	30
Side yard setback	80	80
Rear yard setback	100	100
Maximum height	none	2 stories/35
Maximum lot coverage	n/a	5%

28.093 URBAN AGRICULTURAL DISTRICT.

(1) Statement of Purpose.

The purpose of this district is to ensure that urban garden and farm areas are appropriately located and protected to meet needs for local food production, and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban agriculture will typically exist in close proximity to residential and other uses, concern will be given to ensuring compatibility between uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Urban Agricultural District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Urban Agricultural District	
Lot area sq. ft.	15,000 See (a) below
Lot width	50
Front yard setback (structures)	15 or the setback of the adjacent district, whichever is greater
Side yard setback (structures)	6 or the setback of the adjacent district, whichever is greater
Rear yard setback (structures)	20 or the setback of the adjacent district, whichever is greater
Maximum height	25
Maximum lot coverage (buildings and paved areas)	15% (excluding greenhouses and hoop-houses)

(a) Lot area of less than 15,000 square feet may be allowed as a conditional use

28.094 CONSERVANCY DISTRICT.

(1) Statement of Purpose.

The Conservancy District is established to recognize and protect the natural functions of certain natural and non-intensive recreational areas, including large City and County parks, the University of Wisconsin Arboretum, and stormwater management areas.

Development within the district is limited in order to protect natural drainageways and water retention areas, natural habitat for plant and animal life, steep slopes, woodlands, and other resources beneficial to the community.

(2) Permitted and Conditional Uses.
See Table 28G-1 for a complete list of allowed uses within the Conservancy District.

(3) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Conservancy District	
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	2 stories/35
Maximum lot coverage	5%

28.095 PARKS AND RECREATION DISTRICT.

(1) Statement and Purpose.
The Parks and Recreation District is established to accommodate active outdoor and indoor recreation uses and facilities such as golf course, stadiums, swimming pools, community centers, large recreation structures, recreational complexes, and similar uses where lands are developed to accommodate said recreational uses, and may also include areas for natural preservation and passive enjoyment of natural features.

(2) Permitted and Conditional Uses.
See Table 28G-1 for a complete list of allowed uses within the Parks and Recreation District.

(3) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Parks and Recreation District	
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	30
Rear yard setback	30
Maximum height	2 stories/35 See (a) below

(Am. by ORD-15-00050, 5-13-15)

(a) Maximum height may be exceeded with conditional use approval.

28.096 AIRPORT DISTRICT.

(1) Statement of Purpose.
The purpose of the Airport District is to recognize the Dane County Regional Airport as a major transportation hub with a unique set of land use characteristics, and to accommodate the Airport's transportation and management needs while mitigating any impacts on surrounding land uses.

(2) Permitted and Conditional Uses.
See Table 28G-1 for a complete list of allowed uses within the Airport District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Airport District	
Lot area	20,000
Lot width	65
Front yard setback	20
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30
Maximum lot coverage	75%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 See (a) below

(a) The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation also apply within the Airport District and other areas surrounding the airport. Dane County, not the City of Madison, administers these regulations.

28.097 CAMPUS-INSTITUTIONAL DISTRICT.

(1) Statement of Purpose.

The CI District is established to recognize the City's major educational and medical institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the City's plans, policies and zoning standards. The district is also intended to:

(a) Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion.

(b) Balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods.

(c) Encourage the preparation of Campus Master Plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.

(2) Master Plan Requirement.

(a) Any Campus Institutional District created after the effective date of this ordinance shall submit a Campus Master Plan, which shall be approved as part of the map amendment.

(b) Approved Campus Master Plans shall be effective for ten (10) years, and, during that period, may be altered pursuant to (8) below.

(c) In a Campus Institutional District without a Campus Master Plan, individual development proposals and changes that exceed four thousand (4,000) square feet in floor area within any five (5) year period shall require conditional use approval. (Am. by ORD-15-00033, 4-8-15)

(d) In the absence of a Master Plan, dimensional requirements are in (4) below.

(e) Any PUD converting to CI carries the land use approval and restrictions from the PUD into the CI, and those rules and agreements are in full effect until a Campus Master Plan is adopted.

(3) Uses Within CI Districts.

Uses within CI districts are defined as follows as either primary or secondary.

(a) Primary Uses.

1. Educational uses associated with colleges, universities, and secondary and primary schools, including classroom buildings, libraries, and offices.
2. Medical facilities, including hospitals, clinics, laboratories and related facilities.
3. Dormitories, student and/or faculty housing.
4. Community Center.

(b) Secondary Uses.

1. Day care facilities.
2. Eating places within mixed-use buildings such as dormitories or student unions.
3. Fraternities and sororities.
4. General retail, financial and personal service uses within mixed-use buildings such as student unions.
5. Indoor and outdoor sports and recreational facilities.
6. Lodging facilities.
7. Museums and art galleries.
8. Parking, structured and surface.
9. Performing arts centers.
10. Places of worship.
11. Utilities and transportation facilities related to the primary use.
12. Veterinary clinics.
13. Agricultural uses.
14. Public utility and service uses.
15. Other uses related to the institution's primary mission.
16. Correctional Facility.
17. Stadiums, auditoriums, and arenas, open or enclosed.

(4) Dimensional Requirements.

In CI districts, with an approved Master Plan, dimensional requirements will be determined by the Master Plan. In CI Districts with no Master Plan, the dimensional requirements follow. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Campus-Institutional District	
Lot area sq. ft.	6,000
Lot width	50
Front yard setback	0
Side yard setback	0
Rear yard setback	0
Maximum lot coverage	85%
Maximum height	3 stories/68 See (a) below
Usable open space	0

(Am. by ORD-14-00002, 1-14-14)

(a) Heights exceeding the maximum may be allowed with conditional use approval. (Cr. by ORD-14-00002, 1-14-14)

(5) Contents of Master Plan.

The Master Plan shall include the following elements and information:

(a) Background/History. A summary of previous planning efforts by the institution in conjunction with the City and/or abutting neighborhoods or other interest groups, a description of the campus master planning process and participants, and any other relevant background material.

(b) Mission/Guiding Principles. A statement that defines the organizational mission and objectives of the institution and describes the role of the master plan within the context of the mission.

(c) Facilities Plan. Includes a description of existing conditions on the campus and the proposed conditions under the Master Plan, including:

1. Existing Conditions.
   a. Land uses and buildings.
   b. Building form (building type, height, bulk, etc.).
   c. Landmarks, historic sites and districts.
   d. Natural features and significant open-space areas.
2. Proposed Conditions.
   a. Future needs/capital improvements.
   b. Phasing of proposed improvements.
   c. Future land uses and buildings.
   d. Building Form (building type, height, bulk, etc.).
   e. Landscape treatment.
   f. Open-space areas and other open-space uses.
   g. Relationship to transportation/access plan (parking, transportation demand management, etc.).

(6) Standards for Master Plan Approval.

The Common Council will approve or reject the Master Plan following a recommendation by the Plan Commission. Approval of the Master Plan will be based on the Plan's treatment of the topics listed above and the degree to which it meets the intent of this district, as well as the following standards:

(a) The Plan shall serve the public interest as well as the interest of the institution developing the plan.

(b) The Plan shall be consistent with the goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans adjacent to campus boundaries.

(7) Final Building, Structured Parking, and Surface Parking Design Review.

It is expected that Campus Master Plans will identify building location and maximum height, but will not include detailed designs of each building.

All buildings constructed within a CI district must be reviewed and approved by an architectural review committee. The committee shall be established by the institution and shall meet the following standards:

(a) The building design review standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.

(b) Membership on the committee, including representation of planning staff and registered neighborhoods, and committee procedures must be approved by the Plan Commission. Committee meetings shall be public.

(c) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24.

If there is no approved Master Plan, building design review will occur as part of the conditional use approval.

(8) Changes to Master Plan.

No alteration of an approved Campus Master Plan, including changes to the proposed use of identified open space areas and other open space uses, shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic

Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.097(6) is required.

28.098 PLANNED DEVELOPMENT DISTRICT.

(1) Statement of Purpose.

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

(a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

(b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.

(c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.

(d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.

(e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

(f) Facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting.

Approval of a Planned Development District requires a zoning map amendment, which shall result in the creation of a new site-specific zoning district, with specific requirements that are unique to that planned development. In the Planned Development District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the PD District, or any major alteration to an approved General Development Plan, are as follows:

(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or

allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:

1. Site conditions such as steep topography or other unusual physical features; or
2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

(b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.

(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.

(g) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(h) When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.

4. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

(i) When applying the above standards to an application to reduce or eliminate stepbacks required by Section 28.071(2)(c) Downtown Stepback Map, the Plan Commission shall consider the recommendations in adopted plans, including the downtown plan. No application to reduce or eliminate stepbacks may be granted unless it finds that all of the following conditions are present:

1. The lot is a corner parcel.
2. The lot is not part of a larger assemblage of properties.
3. The entire lot is vacant or improved with only a surface parking lot.
4. No principal buildings on the lot have been demolished or removed since the effective date of this ordinance.

(Cr. by ORD-15-00084, 8-12-15)

(3) Relationship to Other Applicable Regulations.

(a) In General. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.

(b) Subdivision Requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.

(4) General Requirements.

The Planned Development District shall identify the following information:

(a) All proposed land uses; these shall become permitted or conditional uses upon the approval of the Planned Development by the Common Council.

(b) Placement of buildings and structures.

(c) Density, height, floor area, and dimensional requirements for lots or building sites.

(d) Street layout, including connections to external streets, paths and trails. The Planned Development should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible.

(5) Procedures.

The procedure for rezoning to a planned development district shall be as required for any other zoning map amendment in this chapter, with the additional requirements specified below.

(a) Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:

1. Pre-Design Conference. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.

2. Concept Presentation. The concept shall be submitted for review to the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission will review the concept in reference to the objectives listed in Subsection 28.098(1) and the other requirements of this Subchapter. The Commission may request that additional materials be submitted to assist in communicating the nature of the site and its context. If the proposed planned development relates to constructing, altering or demolishing a landmark, proposes development on a landmark site, or proposes development in a historic district, the concept shall be submitted for review to the Landmarks Commission at an informational meeting before submission to the Urban Design Commission for its informational meeting under this subsection. (Am. by ORD-16-00053, 5-25-16)

(b) General Development Plan Requirements. The applicants shall file the following with the Plan Commission:

1. A letter of intent describing the general character of the intended development.
2. Proposed zoning text, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
3. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
4. A plan of the proposed project showing sufficient detail to make possible the evaluation of the standards for approval as set forth in Subsection 2. The General Development Plan shall include a plan showing building placement, the general location of parking facilities to serve the development, and the general bulk, mass and orientation of the buildings within the PD District.
5. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
6. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.
7. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
8. A schedule or phasing plan indicating the approximate dates when construction of the Planned Development can be expected to begin and be completed.
9. When a major alteration to a General Development Plan is submitted for approval that does not encompass the entire Planned Development District, the applicant shall submit information for consideration that describes the impact the proposed alteration will have on the implementation of the rest of the approved district.

(c) Decision on General Development Plan. The decision process for approval of a General Development Plan, including any major alteration to an approved General Development Plan, shall be as specified in Section 28.182, including a recommendation by the Plan Commission and action by the Common Council, with the following additional requirements:

1. The Urban Design Commission shall review the General Development Plan prior to the Plan Commission, and shall make a recommendation to

the Plan Commission with specific findings on the design objectives listed in Subsections 28.098(1) and (2) and the other requirements of this Subchapter.

2. Approval of the rezoning and related General Development Plan, .any major alteration to an approved General Development Plan, shall establish the basic right of use for the area and shall be recorded against the PD-zoned property. However, the plan shall be conditioned upon approval of a Specific Implementation Plan, and shall not allow any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.
3. Approval of the General Development Plan shall establish interim zoning authority for continuation and maintenance of existing uses, buildings and structures on the property until the specific implementation plan is approved.
4. If the approved General Development Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain General Development Plan approval.
5. If the General Development Plan and Specific Implementation Plan are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan.
6. A General Development Plan for a phased development shall be constructed according to the phasing plan recorded with the approved plan. As part of its review of any subsequent Specific Implementation Plans, the Plan Commission shall consider adherence to the approved phasing plan for the overall development.
7. Any Planned Development not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission. In considering extensions of approved General Development Plans for unconstructed components/ phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions.

(d) Specific Implementation Plan Requirements. The following information shall be submitted to the Plan Commission, unless specific documents are waived by the Secretary of the Commission:

1. An accurate map of the area covered by the Specific Implementation Plan including the relationship to the overall General Development Plan if developed in phases.
2. The pattern of public and private roads, driveways, walkways and parking facilities; traffic projections and mitigation measures.
3. Detailed lot layout and subdivision plat where required.
4. The specific design and complete architectural character of the building or buildings included on the Specific Implementation Plan, other than single-family residences. In order to satisfy this requirement, detailed floor plans, exterior elevations and building materials are required.
5. The utilities serving the project, including sanitary sewer and water mains.

6. Grading plan and storm drainage system.
7. The location and treatment of open space areas and recreational or other special amenities.
8. The location and description of any areas to be dedicated to the public.
9. Landscape plan and plant list.
10. Proof of financing capability.
11. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
12. A specific zoning text for the portion of the PD District to be developed under the Specific Implementation Plan, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards, which shall be consistent with the zoning text approved with the General Development Plan.
13. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.

(e) Decision on Specific Implementation Plan. The decision process, including recommendation by the Plan Commission and action by the Common Council, shall be as specified in Section 28.182 with the following additional requirements:

1. A Specific Implementation Plan containing all of the information required in sub. (d) may be reviewed concurrent with a rezoning to PD and related approval of a General Development Plan or a major alteration to an approved General Development Plan.
2. The Urban Design Commission shall review the Specific Implementation Plan prior to the Plan Commission, and shall make a recommendation to the Plan Commission with specific findings on the design objectives listed in Subsections 28.098(1) and (2) and the other requirements of this Subchapter.
3. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City, shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. If the Specific Implementation Plan is approved concurrent with the approval of a General Development Plan, the plans shall be recorded within twelve (12) months of the Common Council approval. This shall be accomplished prior to the issuance of any building permit.
4. If the Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

(f) Recording of Approved Plans and Zoning Ordinance Amendments.

1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council, including conditions of approval.
2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the

recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.

3. If either the General Development Plan or Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.

   a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty-four (24) months to record either plan.

(g) Construction Required. Within thirty-six (36) months of Common Council approval of the General Development Plan, the basic right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below. In the case of any major alteration to a General Development Plan, the thirty-six (36) month period shall apply to the date of Common Council approval of the major alteration for the purposes of this section.

1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.
2. If the Plan Commission, after a public hearing pursuant to Sec. 28.182(4), determines that no changes in the surrounding area or neighborhood since approval of the General Development Plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.
3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the General Development Plan by the Common Council.
4. If a new building permit is required pursuant to Sec. 29.06(4), MGO, a new petition and approval process shall be required to obtain General Development Plan approval and Specific Implementation Plan approval.

(6) Alterations to a Planned Development District.

Requests to alter a Planned Development District shall be made to the Director of Planning and Community and Economic Development. Upon receipt of the request, the Director shall determine if the request constitutes a major or minor alteration to the Planned Development District. The Director may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Alterations shall only be approved as specified below.

(a) Minor alterations may be approved the Director of Planning and Community and Economic Development or designee following consideration by the alderperson of the district if the requested alterations are consistent with the concept approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO.

(b) Major alterations may be approved by the City Plan Commission if the requested alterations are consistent with the concept approved by the Common Council.

(c) Major alterations that represent a substantial departure from the concept approved by the Common Council may be approved only after all of the procedures in Sec. 28.098(5) have been satisfied.

(d) Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013)

(Am. by ORD-15-00083, 8-12-15)

(e) Requests to modify a sign package approved under Sec. 31.13(4), MGO, are not alterations subject to this section. (Cr. by ORD-15-00117, 10-28-15)

[EDITOR'S NOTE: Sub. (6) revised to reflect both ORD-15-00083 and ORD-15-00117.]

(Sec. 28.098 Am. by ORD-15-00034, 4-8-15)

28.099 PLANNED MOBILE HOME PARK DISTRICT.

(1) Statement of Purpose.

The Planned Mobile Home Park district is established to provide a regulatory framework for improved environmental design and greater freedom, imagination and flexibility in the establishment and development of mobile home parks, while insuring substantial compliance with the basic intent of the zoning code and the comprehensive plan. This district is further intended to encourage compact and efficient development with relation to public services and to encourage and facilitate the preservation of open spaces.

(2) General Requirements.

A Planned Mobile Home Park District is a specific type of Planned Development District and shall follow the review and approval process specified for the PD District. The general requirements of the PD District for street layout and open space shall be met in any Planned Mobile Home Parks established after the effective date of this zoning code.

(3) Permitted Uses.

(a) Planned Mobile Home Park.

(b) Typical accessory uses such as community buildings and recreational facilities.

(c) Home occupation.

(d) Adult family home.

(4) Conditional Uses.

(a) Community living arrangement, up to 8 residents.

(5) Density and Area Requirements.

A Planned Mobile Home Park shall meet the following requirements:

Planned Mobile Home Park District	
Lot Area	30 acres
Dwelling Units per Acre	6
Average area per mobile home park site (sq. ft.)	4,000
If approved and licensed prior to July 1, 1970 or established and licensed prior to July 8, 1966:	
Lot Area	No minimum
Dwelling Units per Acre	8
Average area per mobile home park site (sq. ft.)	3,500

28.100 NONMETALLIC MINERAL EXTRACTION DISTRICT (ME).

(1) Statement of Purpose.

The Common Council recognizes that nonmetallic mines have operated within the City of Madison and in bordering communities for decades and have served as a source of materials for local road and other construction projects. These nonmetallic mines also often recycle aggregate and construction materials that can be reused in local road and

other construction projects, thereby increasing the reuse of materials and reducing usage of local landfills. As the City continues to grow, more nonmetallic mines will come within its jurisdiction. The Common Council also recognizes that nonmetallic mines present potential health, safety and welfare concerns for the City's residents, transients and natural environment. The purpose of this district is to therefore set forth rules and procedures related to the construction, installation, alteration, design, operation and use of all nonmetallic mines that will allow mining operations within the City while protecting the health, safety and welfare of residents and transients, and further the appropriate use and conservation of land and water resources.

(2) Permitted Use.

Except for blasting, nonmetallic mining shall be a permitted use in a nonmetallic mineral extraction district.

(3) Conditional Uses.

(a) Blasting in a nonmetallic mineral extraction district.

(4) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums applicable to buildings and structures unless otherwise noted. Dimensions are in feet unless otherwise noted.

Nonmetallic Mining District	
	Nonmetallic mining uses
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	none
Maximum lot coverage	n/a

(Section 28.100 Cr. by ORD-17-00014, 2-20-17)

SUBCHAPTER 28H: OVERLAY DISTRICTS

28.101 APPLICABILITY.

The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the primary zoning district classification of those zoning lots.

In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the provisions of the overlay district shall apply, except where otherwise specified.

28.102 WELLHEAD PROTECTION DISTRICTS.

(1) Statement of Purpose.

The Common Council of the City of Madison finds that certain uses can seriously threaten or degrade groundwater quality. To promote the public health, safety, and general welfare of the City of Madison, the Wellhead Protection Districts are created to protect municipal water supplies.

(2) Protection Zones.

Each wellhead shall have two (2) zones of protection around it.

(a) Zone A is the area around the well in which it has been determined that groundwater and potential contaminants will take five (5) years or less to reach the pumping well.

(b) Zone B is the smaller of the following:

1. The area around the well in which it has been determined that groundwater and potential contaminants will take one hundred (100) years or less to reach the pumping well, or
2. The area within a twelve hundred (1,200) foot radius around the well, except for the area in Zone A.

(3) Uses.

All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manger or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

(a) Permitted Uses In Zones A and B. Any use allowed as permitted in the principal zoning district, except those uses not approved pursuant to Sec. 13.22, MGO.

(b) Conditional Uses in Zones A and B. Any use allowed as a conditional use in the principal zoning district except those uses not approved pursuant to Sec. 13.22.

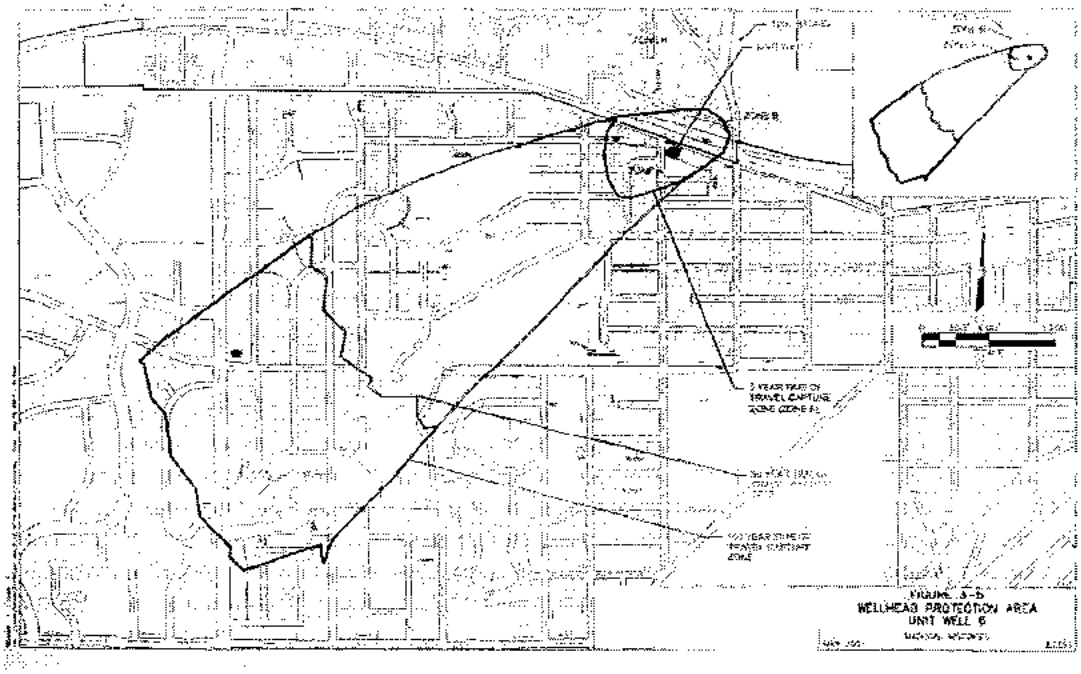
(4) Existing Uses.

Any lawful use existing at the time of the creation of a Wellhead Protection District may be continued, however, no expansion or enlargement of such use is allowed without approval pursuant to Sec. 13.22 by the Water Utility General Manager or his/her designee.

(5) Wellhead Protection District No. 6.

The location of Well No. 6 and the surrounding Zone A and Zone B are shown in Sec. 28.102(5)(a).

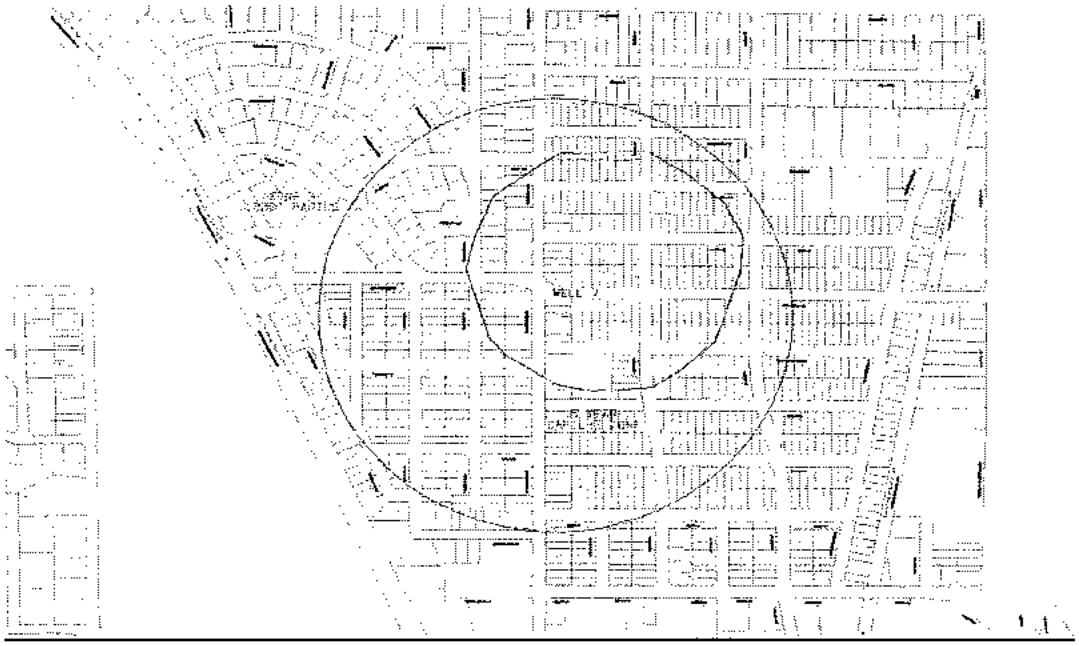
(a) Wellhead Protection District No. 6.



(6) Wellhead Protection District No. 7.

The location of Well No. 7 and the surrounding Zone A and Zone B are shown in Sec. 28.102(6)(a).

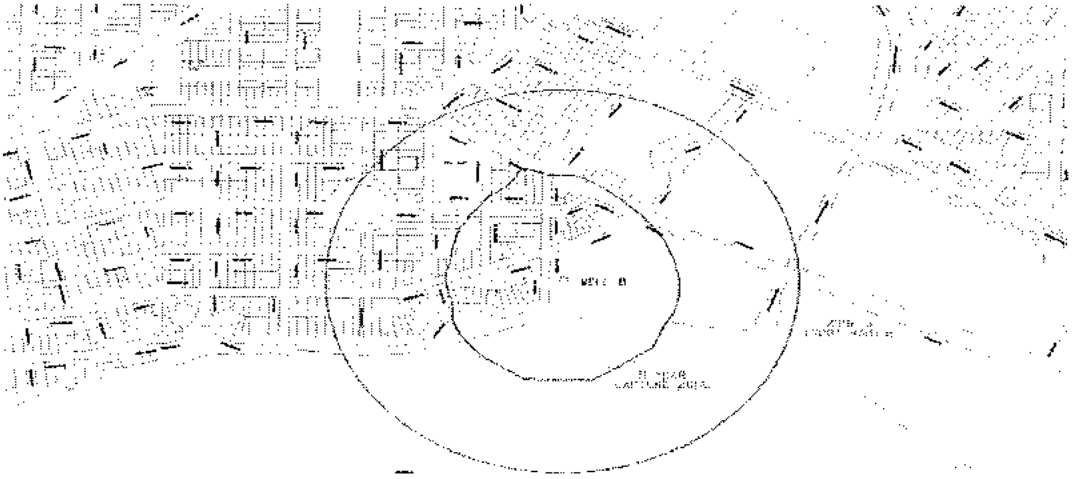
(a) Map of Wellhead Protection District No. 7.



(7) Wellhead Protection District No. 8.

The location of Well No. 8 and the surrounding Zone A and Zone B are shown in Sec. 28.102(7)(a).

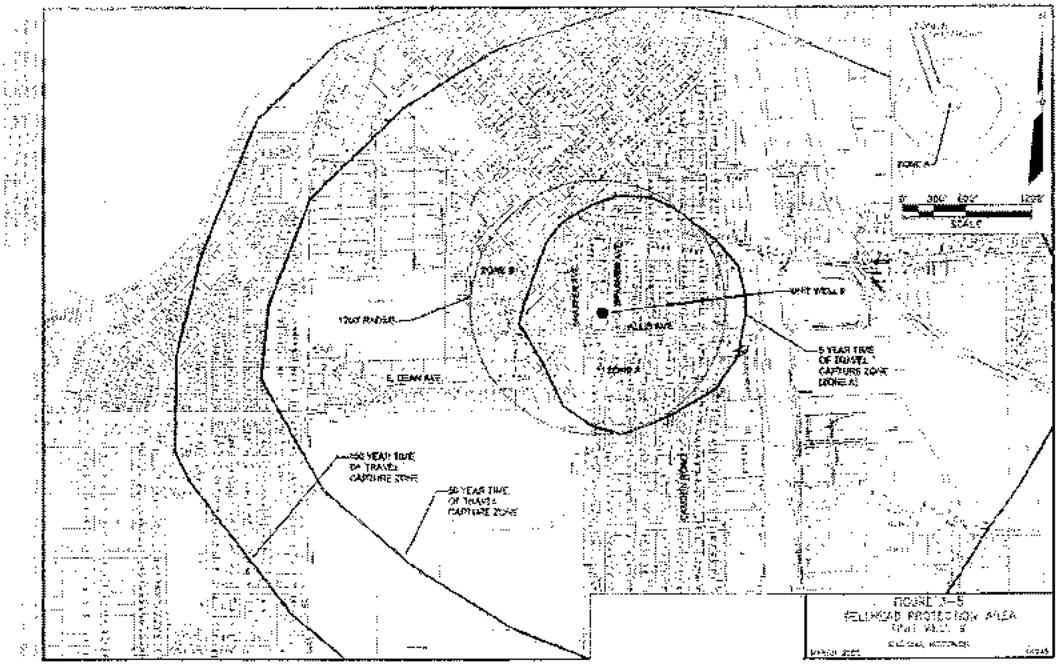
(a) Map of Wellhead Protection District No. 8.



(8) Wellhead Protection District No. 9.

The location of Well No. 9 and the surrounding Zone A and Zone B are shown in Sec. 28.102(8)(a).

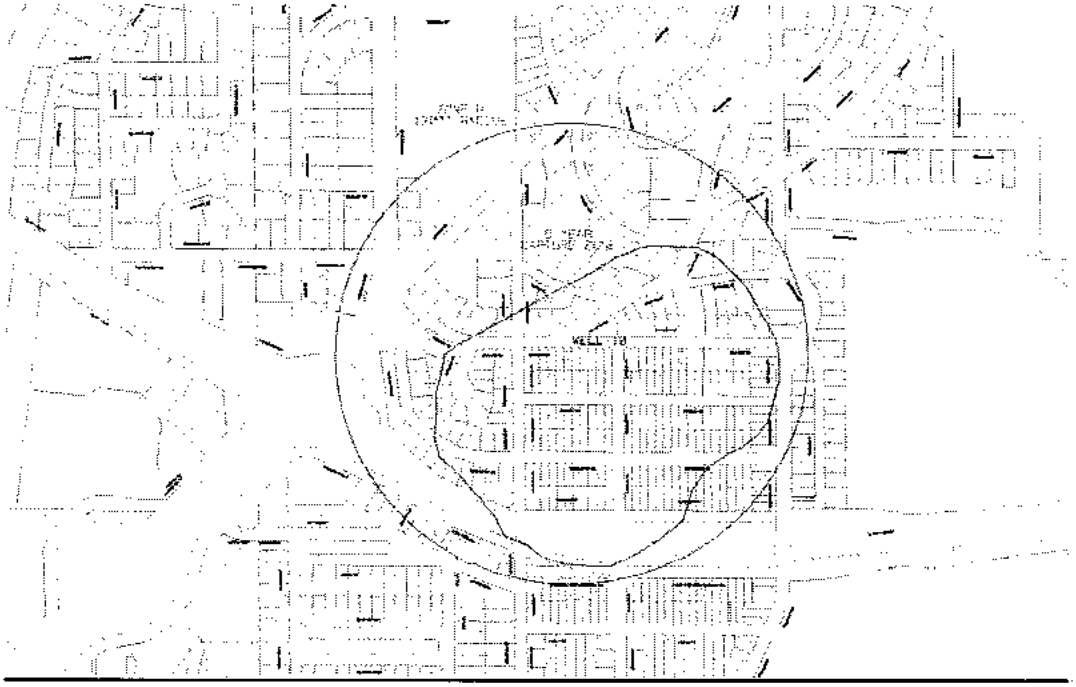
(a) Map of Wellhead Protection District No. 9.



(9) Wellhead Protection District No. 10.

The location of Well No. 10 and the surrounding Zone A and Zone B are shown in Sec. 28.102(9)(a).

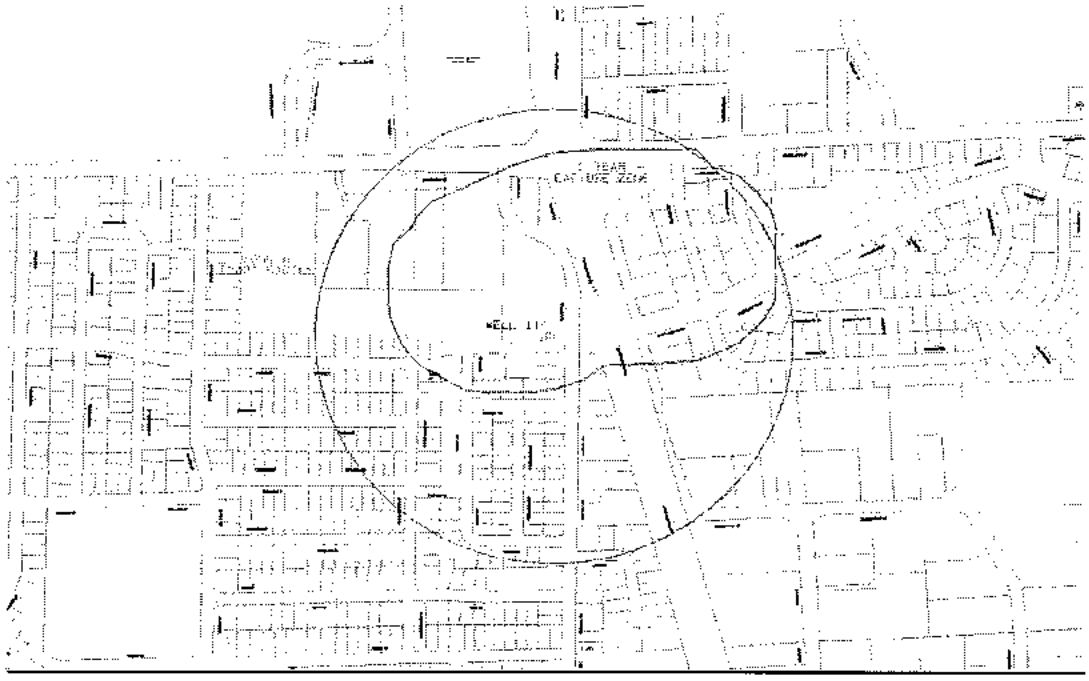
(a) Map of Wellhead Protection District No. 10.



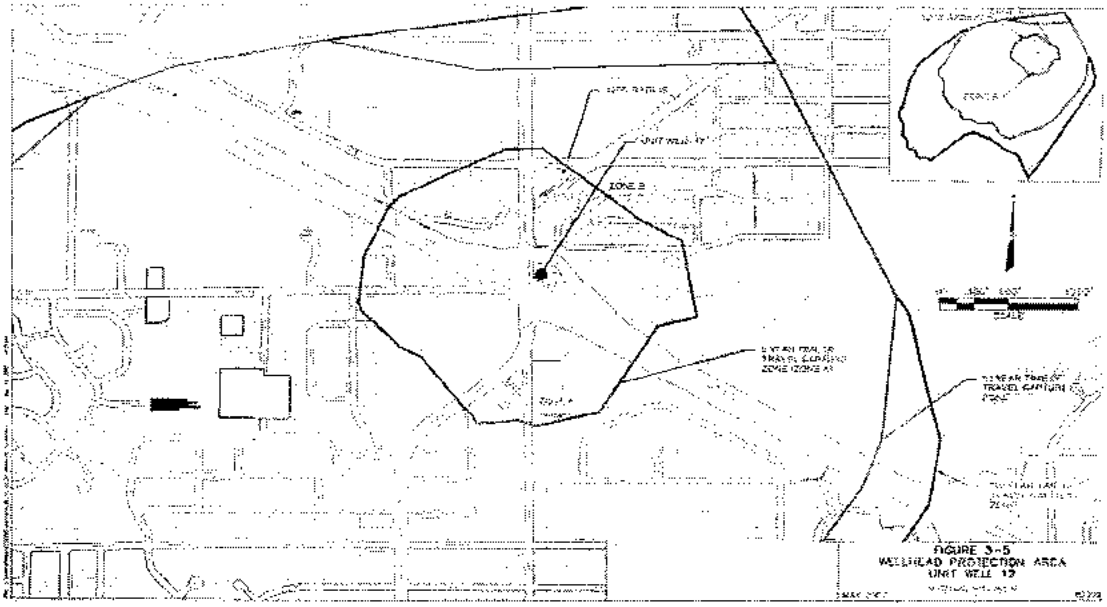
(10) Wellhead Protection District No. 11.

The location of Well No. 11 and the surrounding Zone A and Zone B are shown in Sec. 28.102(10)(a).

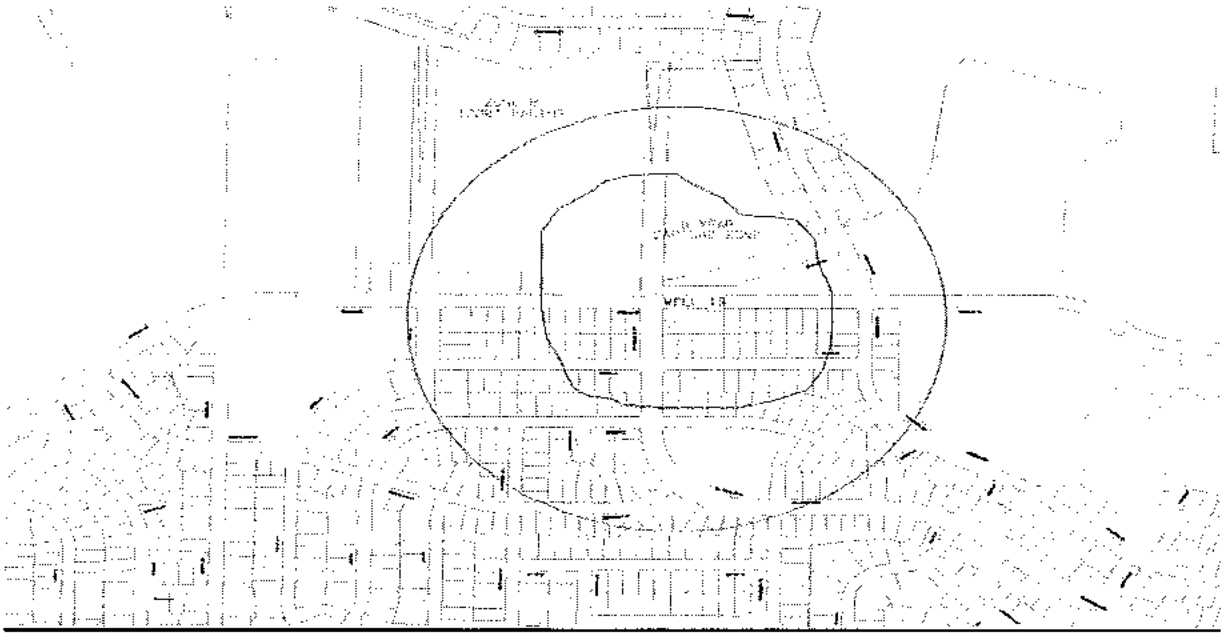
(a) Map of Wellhead Protection District No. 11.



(11) Wellhead Protection District No. 12.
The location of Well No. 12 and the surrounding Zone A and Zone B are shown in Sec. 28.102(11)(a).
(a) Map of Wellhead District No. 12.



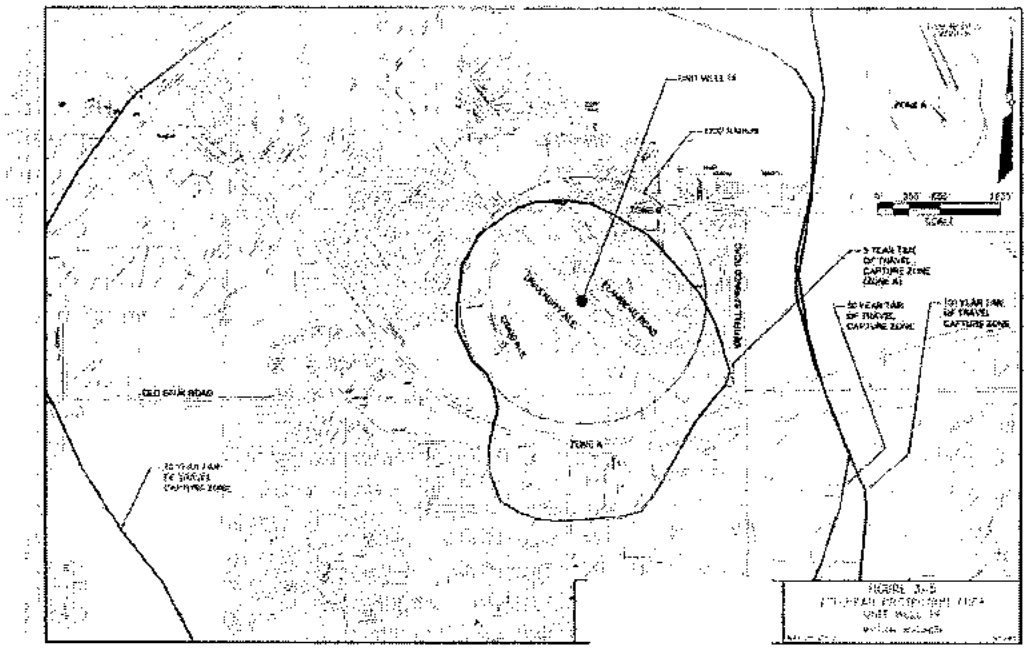
(12) Wellhead Protection District No. 13.
The location of Well No. 13 and the surrounding Zone A and Zone B are shown in Sec. 28.102(12)(a).
(a) Map of Wellhead Protection District No. 13.



(13) Wellhead Protection District No. 14.

The location of Well No. 14 and the surrounding Zone A and Zone B are shown in Sec. 28.102(13)(a).

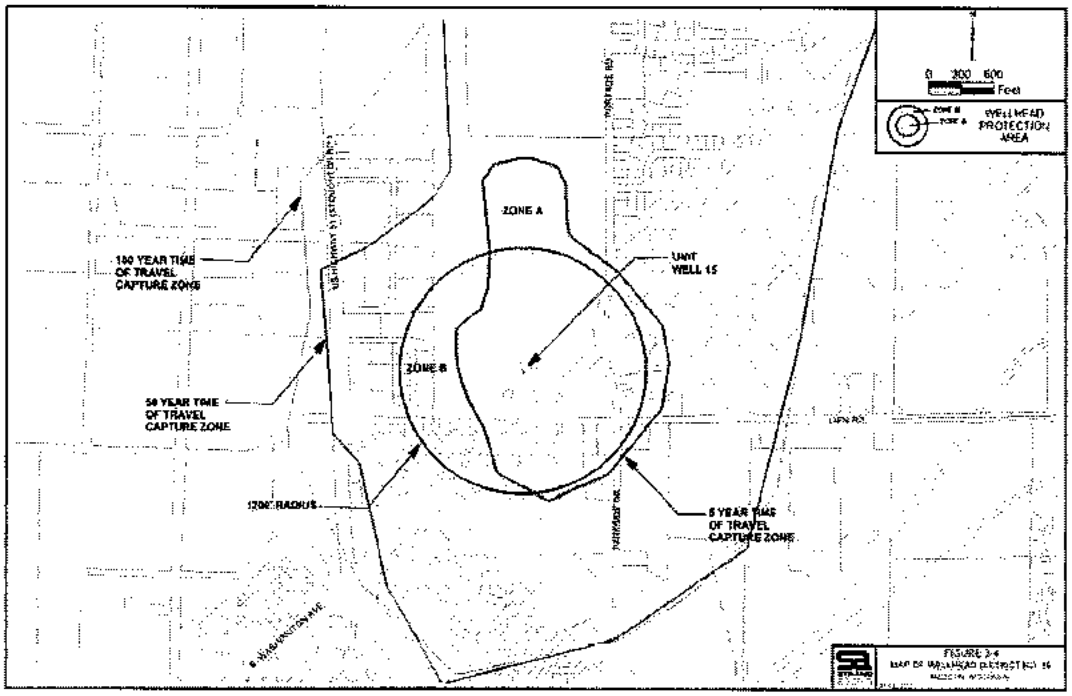
(a) Map of Wellhead Protection District No. 14.



(14) Wellhead Protection District No. 15.

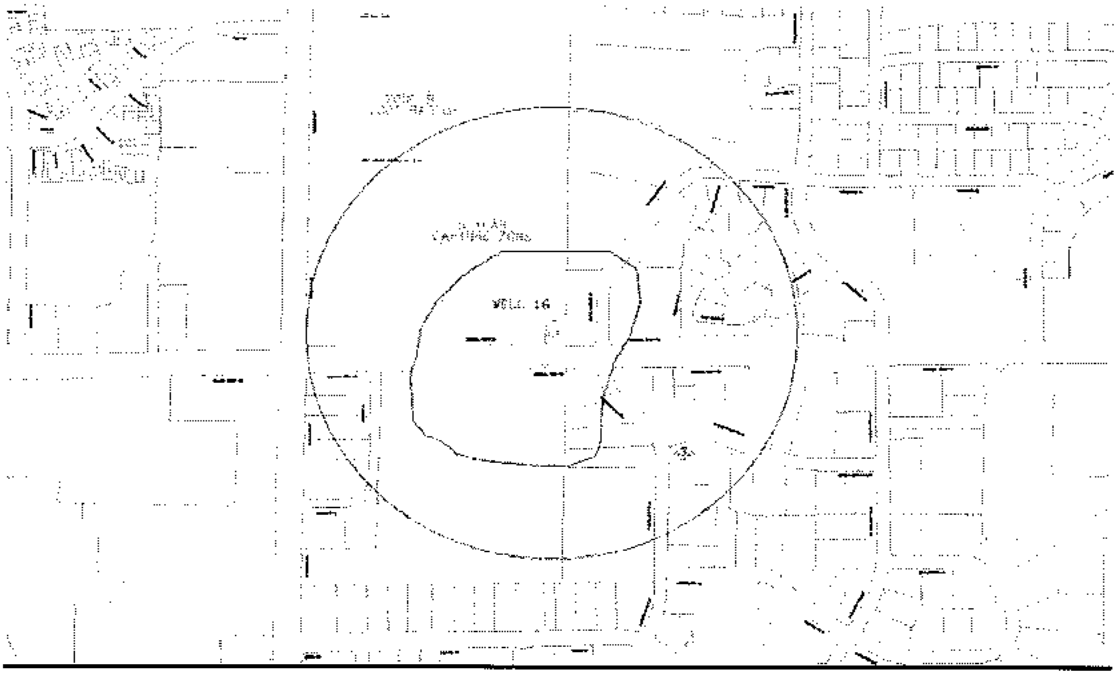
The location of Well No. 15 and the surrounding Zone A and Zone B are shown in Sec. 28.102(14)(a).

(a) Map of Wellhead Protection District No. 15.



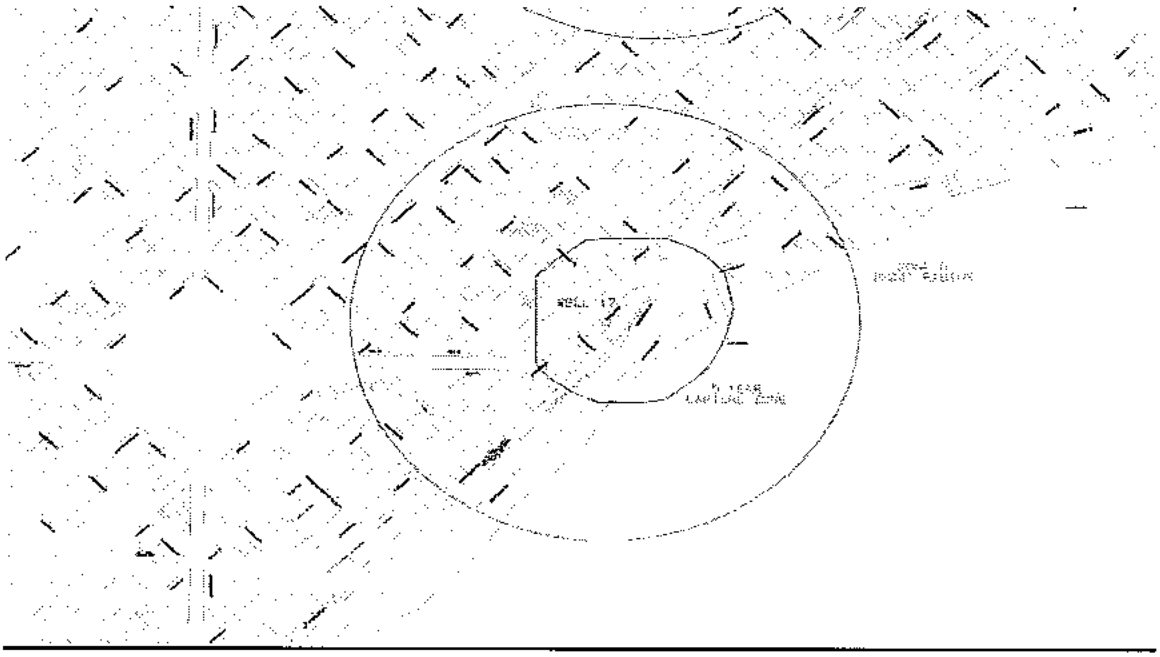
(15) Wellhead Protection District No. 16.
The location of Well No. 16 and the surrounding Zone A and Zone B are shown in Sec. 28.102(15)(a).

(a) Map of Wellhead Protection District No. 16.



(16) Wellhead Protection District No. 17.
The location of Well No. 17 and the surrounding Zone A and Zone B are shown in Sec. 28.102(16)(a).

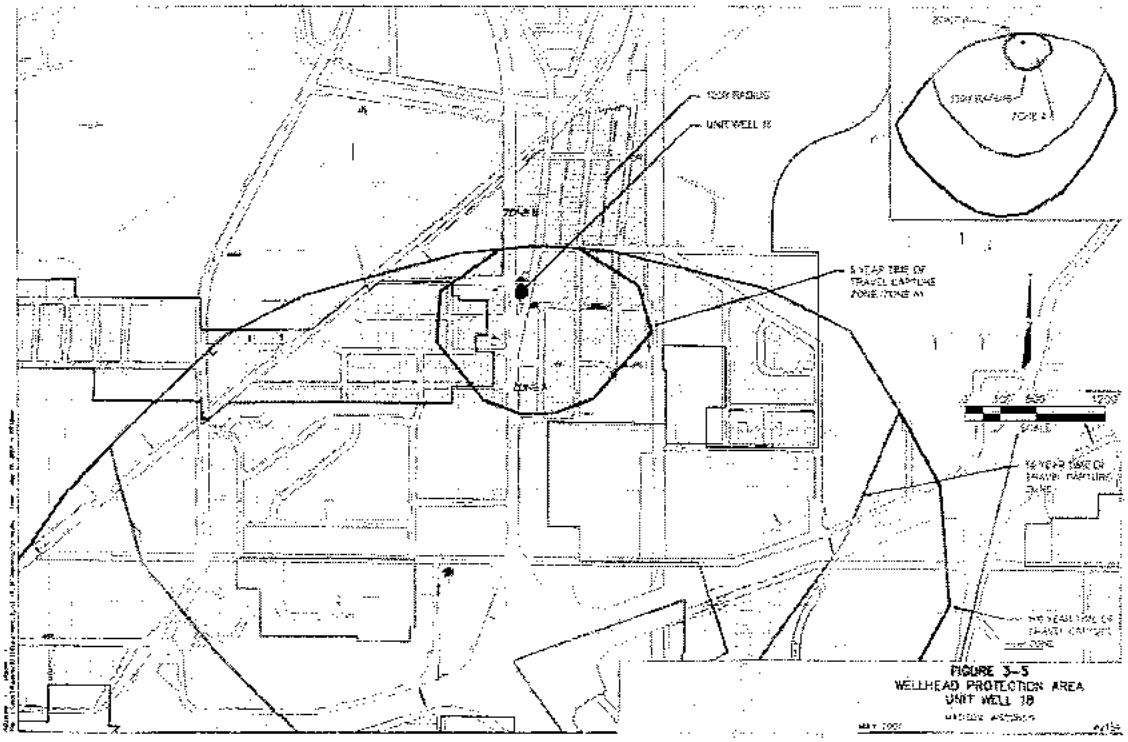
(a) Map of Wellhead Protection District No. 17.



(17) Wellhead Protection District No. 18.

The location of Well No. 18 and the surrounding Zone A and Zone B are shown in Sec. 28.102(17)(a).

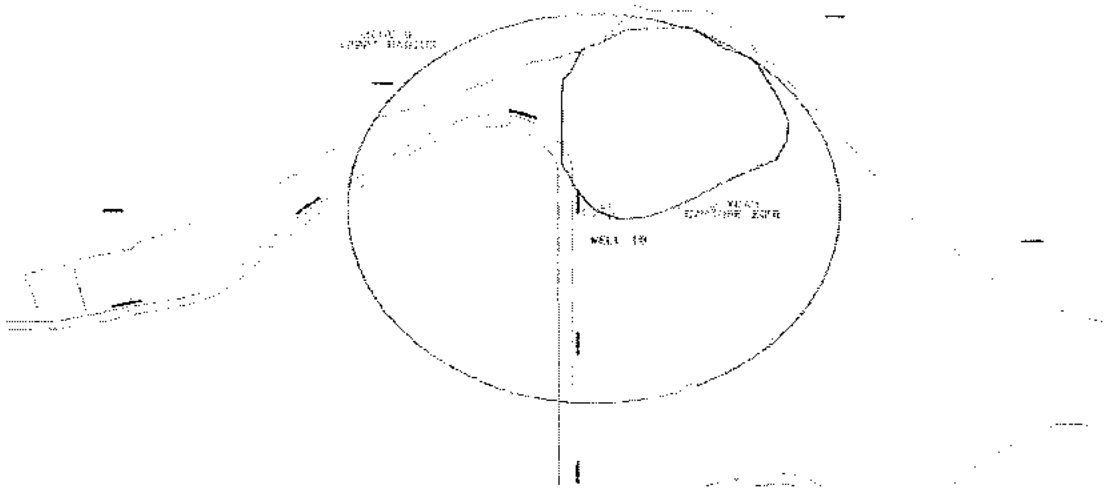
(a) Map of Wellhead Protection District No. 18.



(18) Wellhead Protection District No. 19.

The location of Well No. 19 and the surrounding Zone A and Zone B are shown in Sec. 28.102(18)(a).

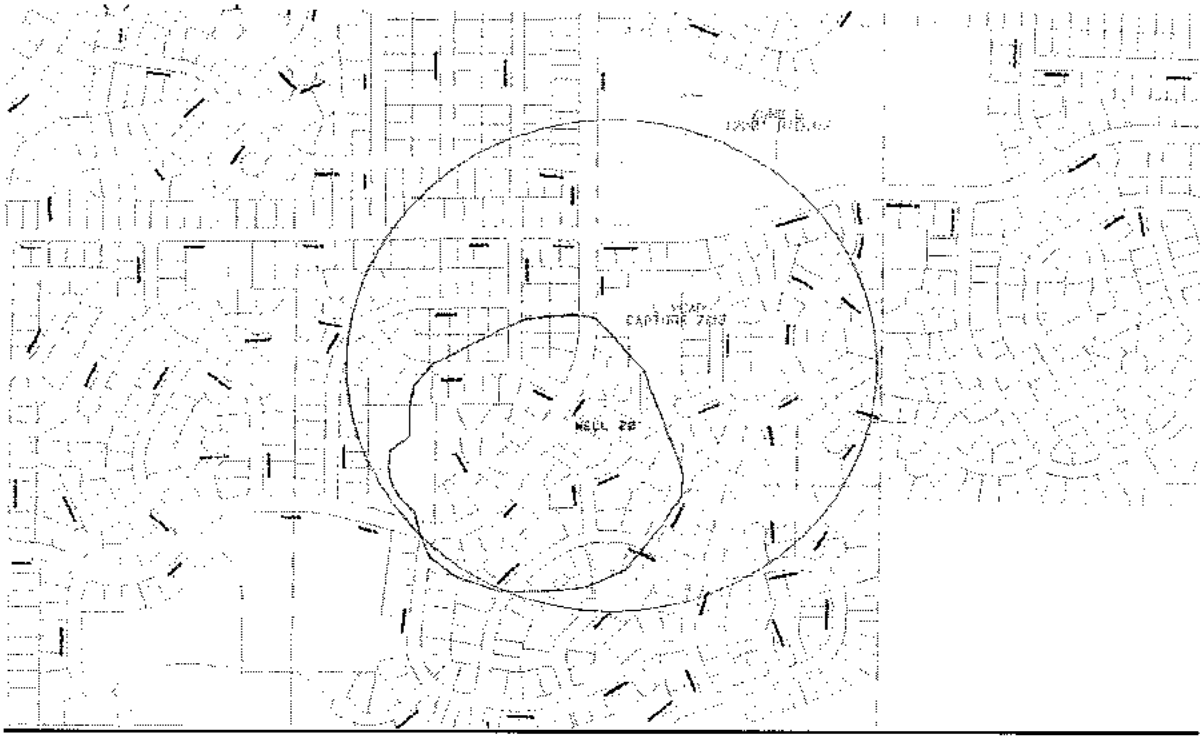
(a) Map of Wellhead Protection District No. 19.



(19) Wellhead Protection District No. 20.

The location of Well No. 20 and the surrounding Zone A and Zone B are shown in Sec. 28.102(19)(a).

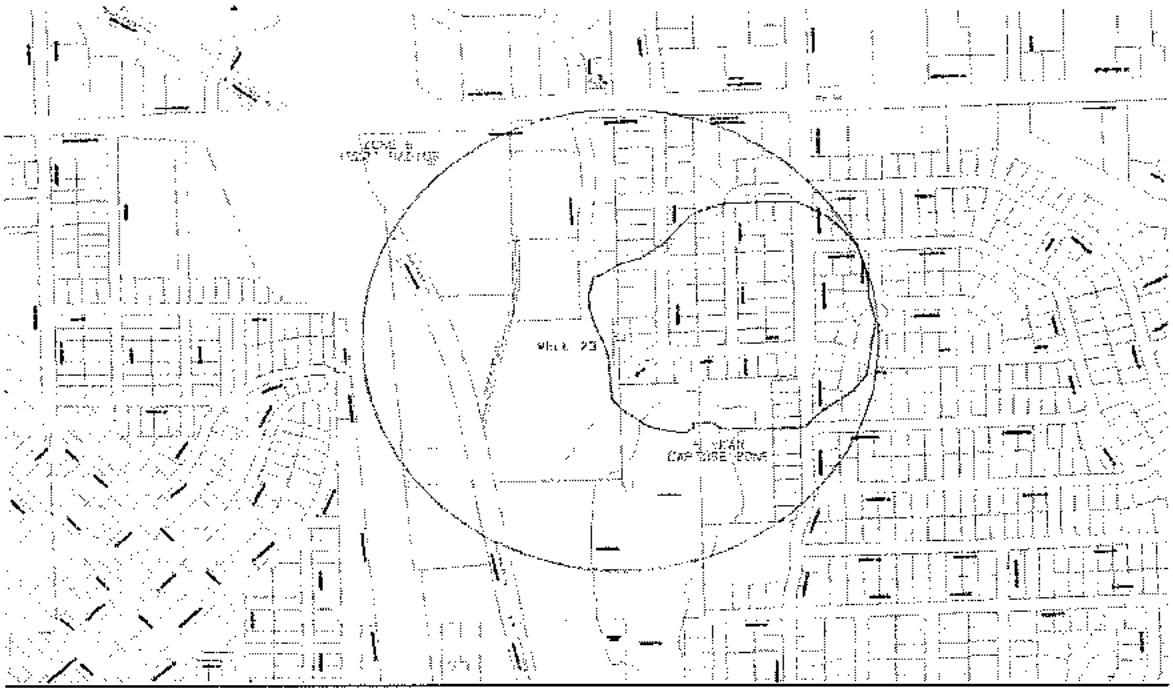
(a) Map of Wellhead Protection District No. 20.



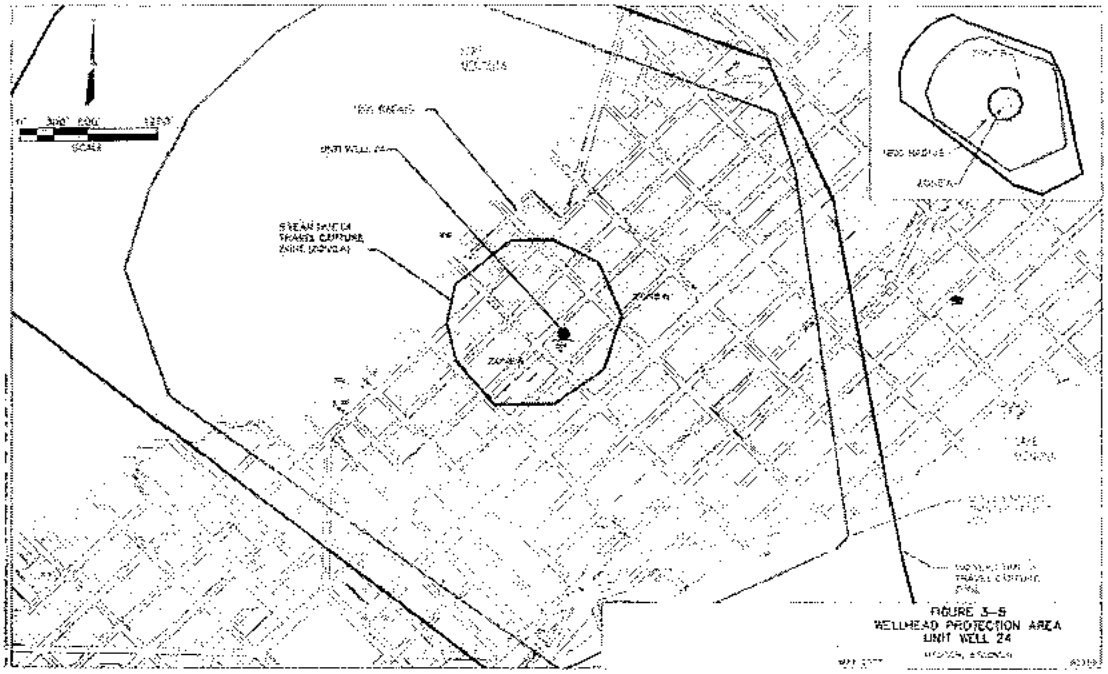
(20) Wellhead Protection District No. 23.

The location of Well No. 23 and the surrounding Zone A and Zone B are shown in Sec. 28.102(20)(a).

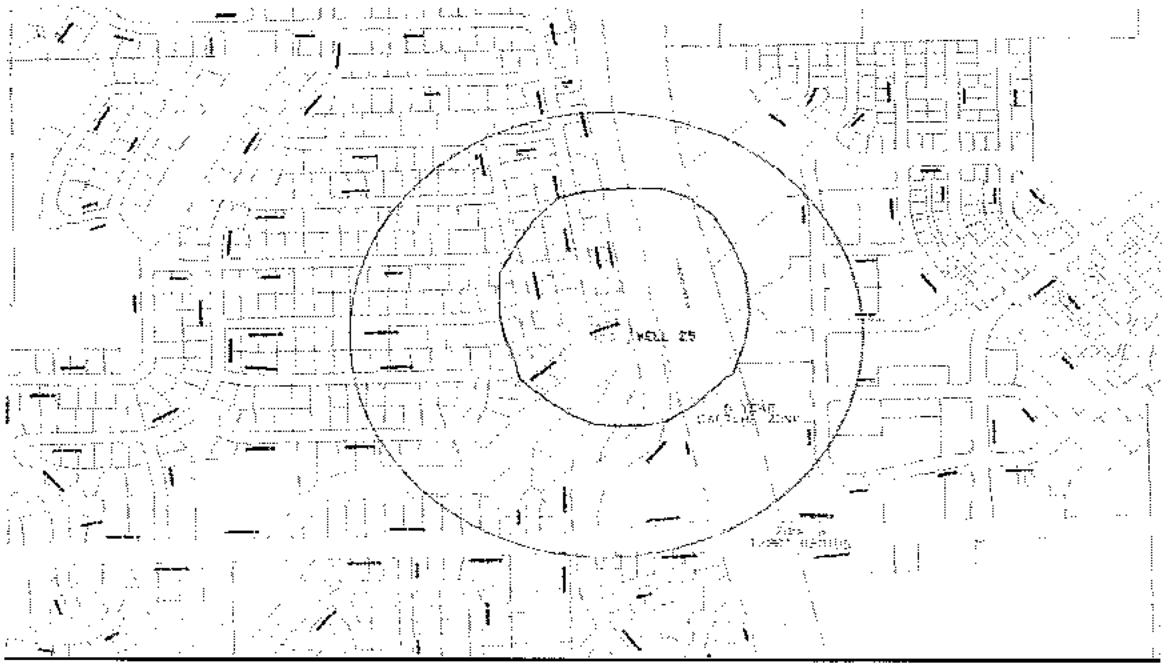
(a) Map of Wellhead Protection District No. 23.



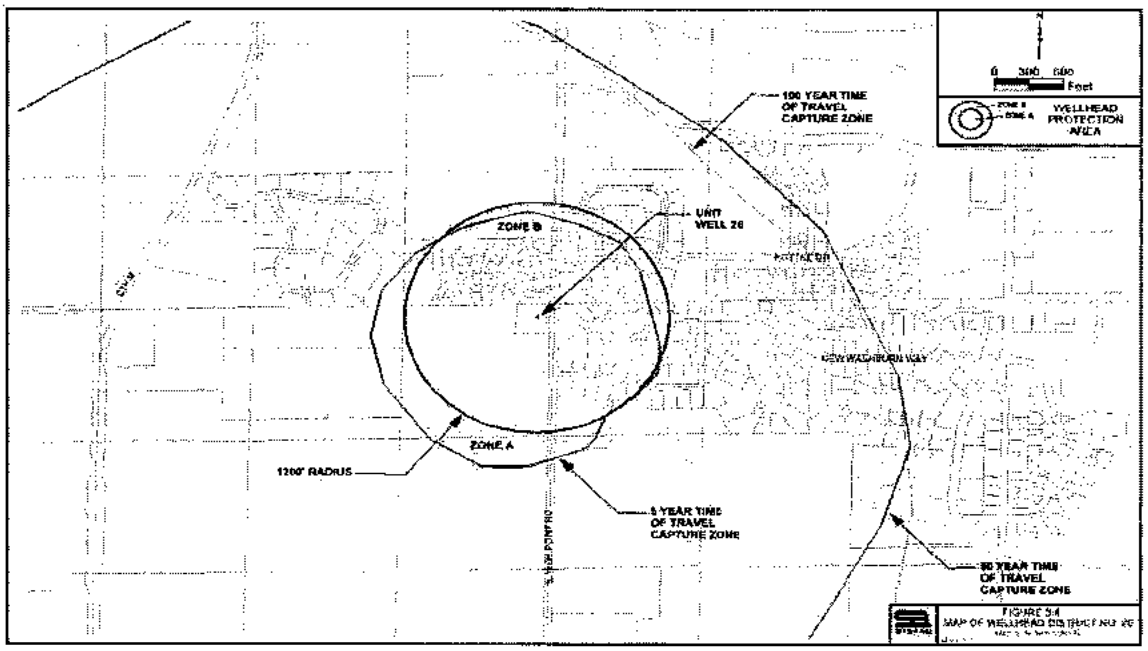
(21) Wellhead Protection District No. 24.
The location of Well No. 24 and the surrounding Zone A and B are shown in Sec. 28.102(21)(a).
(a) Map of Wellhead Protection District No. 24.



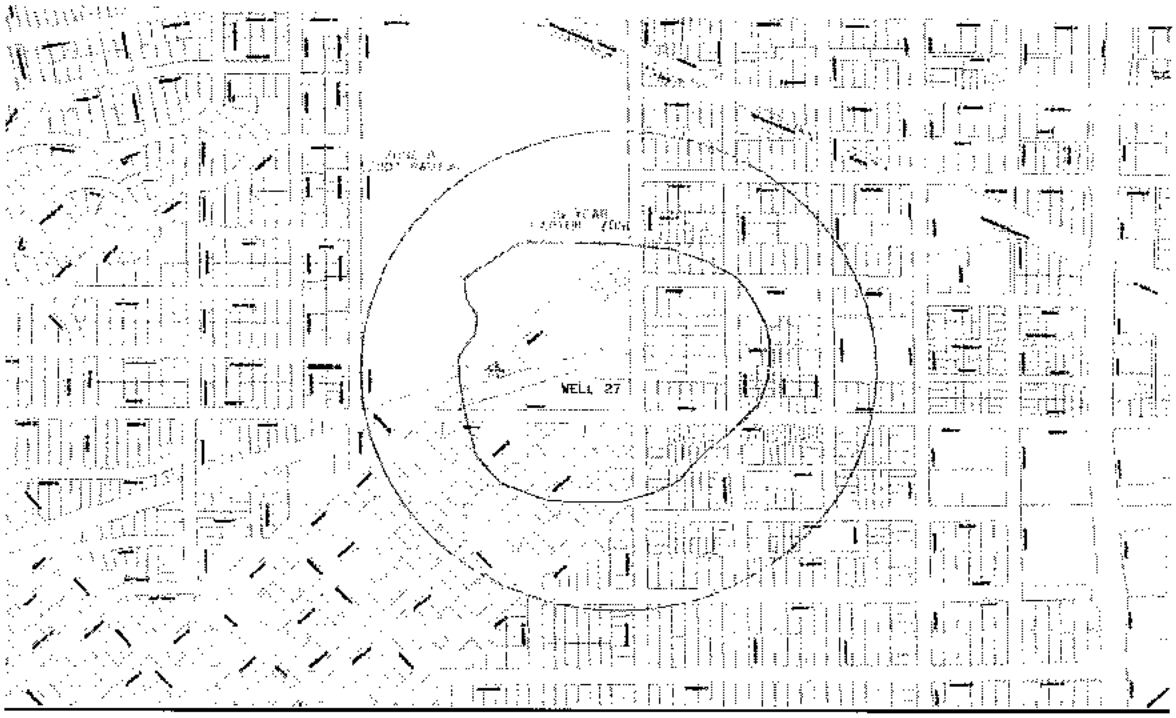
(22) Wellhead Protection District No. 25.
The location of Well No. 25 and the surrounding Zone A and Zone B are shown in Sec. 28.102(22)(a).
(a) Map of Wellhead Protection District No. 25.



(23) Wellhead Protection District No. 26.
The location of Well No. 26 and the surrounding Zone A and Zone B are shown in Sec. 28.102(23)(a).
(a) Map of Wellhead District No. 26.



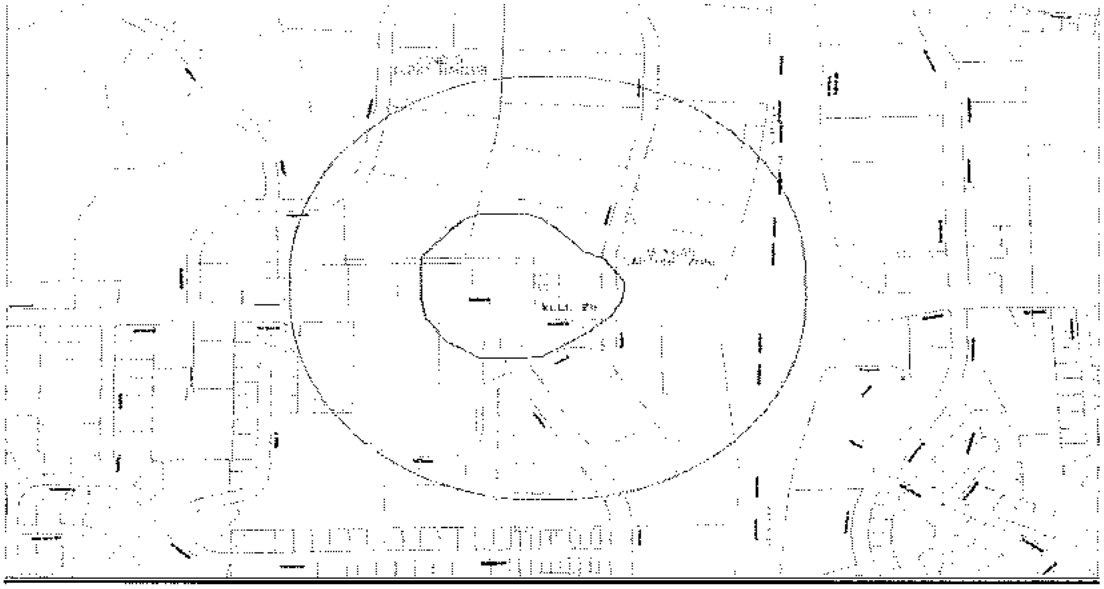
(24) Wellhead Protection District No. 27.
The location of Well No. 27 and the surrounding Zone A and Zone B are shown in Sec. 28.102(24)(a).
(a) Map of Wellhead Protection District No. 27.



(25) Wellhead Protection District No. 28.

The location of Well No. 28 and the surrounding Zone A and Zone B are shown in Sec. 28.102(25)(a).

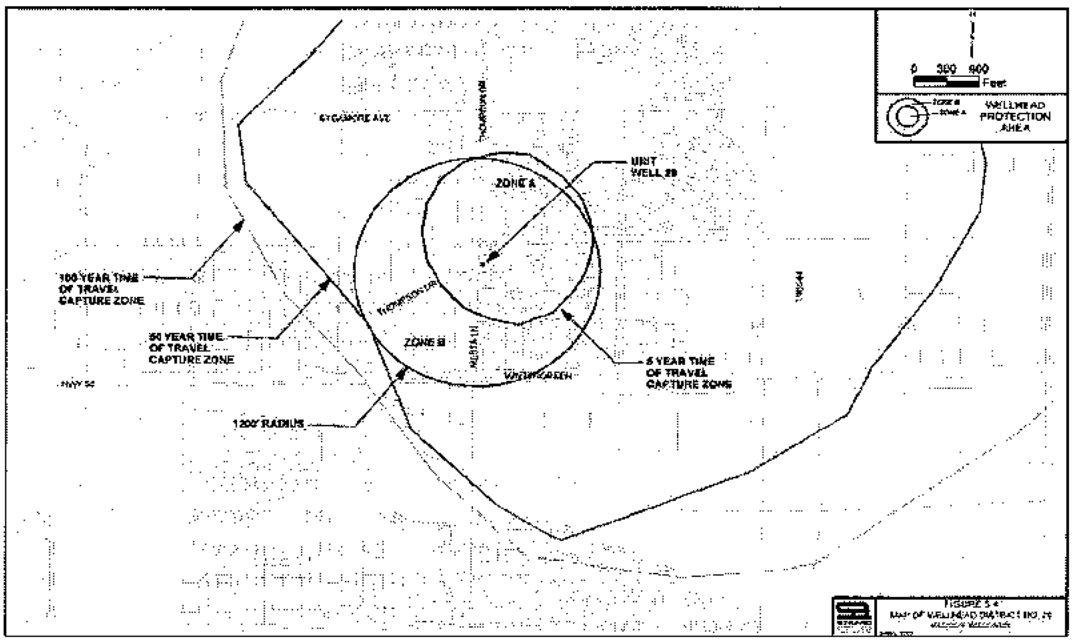
(a) Map of Wellhead Protection District No. 28.



(26) Wellhead Protection District No. 29.

The location of Well No. 29 and the surrounding Zone A and Zone B are shown in Sec. 28.102(26)(a).

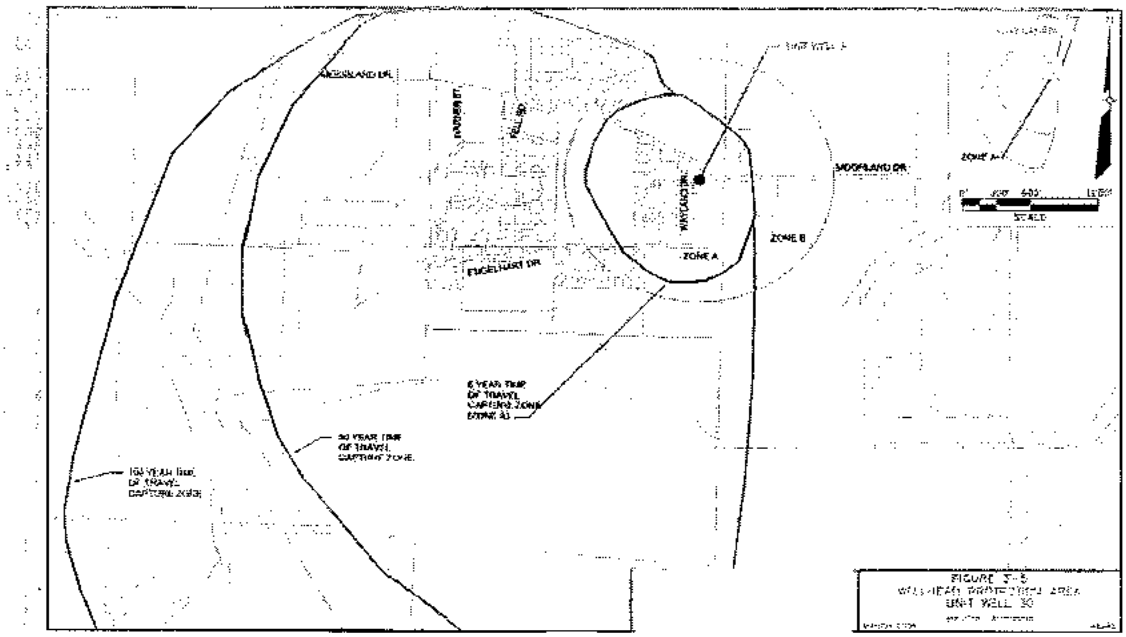
(a) Map of Wellhead Protection District No. 29.



(27) Wellhead Protection District No. 30.

The location of Well No. 30 and the surrounding Zone A and Zone B are shown in Sec. 28.102(27)(a).

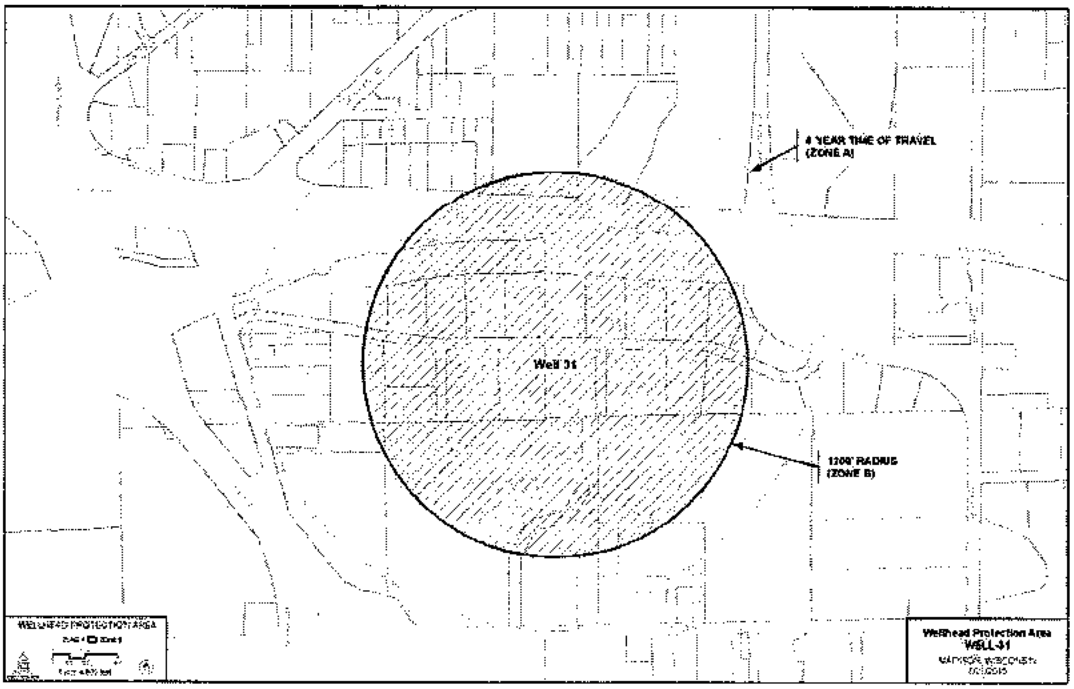
(a) Map of Wellhead Protection District No. 30.



(28) Wellhead Protection District No. 31.

The location of Well No. 31 and the surrounding Zone A and Zone B are shown in Sec. 28.102(28)(a).

(a) Map of Wellhead Protection District No. 31.



(Sec. 28.102(28) Cr. by ORD-15-00098, 9-11-15)
(Sec. 28.102 Am. by ORD-15-00116, 10-28-15)

28.103 WETLAND OVERLAY DISTRICT.

(1) Statement of Purpose.

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation.

The Wetland Overlay District is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses.

(a) The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping, swimming and non-motorized boating
2. Construction and maintenance of duck blinds

(b) The following activities and uses may involve wetland alterations only to the extent specifically provided below:

1. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.
2. The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Sec. 28.211.

(4) Conditional Uses.

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least ten (10) days prior to the hearing and shall be notified of the City's decision within ten (10) days after the decision is made.

(a) The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:

1. The road cannot as a practical matter be located outside the wetland;
2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
4. Road construction activities are carried out in the immediate area of the roadbed only; and
5. Any wetland alteration must be necessary for the construction or maintenance of the road.

(b) The construction and maintenance of nonresidential buildings provided that:

1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals.

2. The building cannot as a practical matter be located outside the wetland.
3. The building does not exceed five hundred (500) square feet in floor area; and
4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.

(c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:

1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose.
2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed.
3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph (4)(a) above.
4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat or otherwise enhancing wetland values.

(d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that:

1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.
2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(e) The construction and maintenance of railroad lines, provided that:

1. The railroad lines cannot, as a practical matter, be located outside the wetland.
2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(f) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(g) The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

(h) The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.

(i) The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.

(j) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.

(k) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(5) Prohibited Uses.

Any use not listed in paragraphs (3) or (4) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with para. (7) below and the other requirements of this chapter. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(6) Development Approvals.

In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences. An application for a zoning certificate for lands in the Wetland Overlay District shall include the information required below for a site plan, as well as the specifications and dimensions for any areas of proposed alteration.

(a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.

(b) Legal description of the property and a general description of the proposed use or development.

(c) Whether or not a private water or sewage system is to be installed

(d) The site plan shall be drawn to scale and submitted as a part of the application form and shall contain the following information:

1. Dimensions and area of the lot.
2. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
3. Location of any existing or proposed on-site sewage systems or private water supply systems.
4. Location of the ordinary high water mark of any abutting navigable waterways.
5. Location and landward limit of all wetlands.
    a. Existing and proposed topographic and drainage features and vegetative cover.
    b. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
    c. Location of existing or future access roads; and
    d. Specifications and dimensions for areas of proposed wetland alteration.

(7) Amendment of Wetland Overlay Zoning.

Any amendment to the text or map of the Wetland Overlay District shall comply with Sec. 28.182 and with the following:

(a) A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission.

(b) The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

(c) In order to insure that the shoreland protection objectives in Wis. Stat. § 281.31 will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm water and floodwater storage capacity.
2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
4. Shoreline protection against soil erosion.
5. Fish spawning, breeding, nursery or feeding grounds.
6. Wildlife habitat; or
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(d) Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.

(e) The Southern District Office of the Department of Natural Resources shall be provided with:

1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within ten (10) days after the submission of these recommendations to the Common Council; and
2. Written notices of the Common Council's action on the proposed text or map amendment within ten (10) days after the action is taken.

(f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (c) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the thirty (30) -day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. § 62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. § 62.231(6), is complete or otherwise terminated.

(8) Nonconformities.

Except as provided below, all provisions in Subchapter 28N shall apply.

(a) Notwithstanding Section 28.191(1)(a), this subchapter does not prohibit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. § 28.191(1)(a) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the property or structure shall conform to the requirements of this ordinance.

(c) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stats. § 30.121.

28.104 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.

(1) Statement of Purpose.

The TOD District is intended to support investment in and use of public transit and bicycle connections. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

(a) Provide increased mobility choices.

(b) Improve pedestrian connections, traffic and parking conditions.

(c) Minimize parking requirements by encouraging shared parking and alternative modes of transportation.

(d) Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability.

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map. Station area plan shall be prepared by planning staff, and approved by the Plan Commission and Common Council. The plan shall establish the standards for the overlay district.

(3) Relationship to Other Regulations.

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses.

The following uses are prohibited in the TOD district:

(a) Auto body shop.

(b) Auto service station, convenience market.

(c) Auto repair station.

(d) Auto sales or rental.

(e) Car wash.

(f) Storage facility, personal indoor storage.

(g) Vehicle access sales and service windows.

(5) Minimum Intensity and Frontage Use.

The following standards shall apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. These standards may be modified or eliminated by an adopted Transportation Overlay District.

(a) New buildings shall be a minimum of two (2) stories in height.

(b) Floor area ratio (FAR) for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section, in such buildings, the FAR shall not be less than the existing FAR.

(c) Where residential uses are proposed, minimum density shall be fifteen (15) units per acre. Density shall be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.

1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:

a. Total lot coverage and FAR for the zoning lot are not reduced; and

b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.

(d) A minimum of fifty percent (50%) of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) facade transparency between two (2) and eight (8) feet from ground level. Building entrances on primary streets are encouraged.

(e) All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.

(6) Multiple Use Guidelines.

Development proposals on sites over five (5) acres should include a mix of uses, including residential uses, office uses, retail and other commercial uses, manufacturing uses, and civic and institutional uses.

(7) Public Space Requirement.

Development proposals on sites of ten (10) or more acres shall set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be modified or eliminated by an adopted Transit Overlay District.

(8) Parking Standards.

No minimum off-street auto and bicycle parking is required, except where parking minimums are specified in a station area plan. Parking maximums established in Subchapter 28J shall apply, except where more specific requirements are established in an adopted Transit Overlay District.

(9) Exemptions.

Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.

28.105 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS.

(1) Statement of Purpose.

Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these areas as a matter of policy. The Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods.

By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place distinctive, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a distinctive environment.

(2) Applicability.

(a) The requirements of the Neighborhood Conservation Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.

(b) In the event of a conflict between the provisions of the Neighborhood Conservation Overlay Districts and the underlying primary zoning district, the provisions of the Neighborhood Conservation Overlay Districts shall apply.

(3) Eligibility Criteria.

To be considered for designation as a Neighborhood Conservation District, an area shall meet the following minimum criteria:

(a) The proposed area includes at least eight (8) contiguous block-faces or two thousand, six hundred forty (2,640) lineal feet of contiguous street frontage.

(b) The proposed area possesses consistent, identifiable built or natural environment characteristics to be conserved.

(c) At least seventy-five percent (75%) of the lots in the proposed district have been developed with a principal structure for at least twenty-five (25) years.

(d) The proposed requirements for a Neighborhood Conservation District are consistent with the Comprehensive Plan and existing neighborhood plans.

(e) The proposed area contains at least one of the following features:

1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles.
2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities.
3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping.
4. Distinctive lot features: lot layouts and sizes, setbacks, alleys, and landscaping.

(f) A Neighborhood Conservation Overlay District shall not be placed in an existing local historic district or Urban Design District.

(4) Designation Process.

(a) All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.

(b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Sec. 28.105(3).

(c) If the proposed Neighborhood Conservation District is consistent with Sec. 28.105(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.

(d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.

1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.

(e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.

(f) A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a Neighborhood Conservation Study shall be undertaken.

(g) A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The

study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district.

1. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created.
2. The Department of Planning and Community and Economic Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District.

(h) A Neighborhood Conservation Study shall include:

1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
4. A list of design requirements for the proposed district that will preserve its distinctive character. In addition to the features in (3)(e), above, requirements may include but are not limited to the following:
   a. Setbacks.
   b. Orientation.
   c. Height and width.
   d. Scale and massing.
   e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.

(i) Creation of a Neighborhood Conservation Overlay District. If a Neighborhood Conservation District is proposed following the completion of the Neighborhood Conservation Study, it shall include the geographic boundaries, and the specific requirements to be used in reviewing development proposals. A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28.182.

(j) Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance.

28.121 FLOODPLAIN OVERLAY DISTRICTS.

(1) Statement of Purpose.

Pursuant to Wis. Stat. § 62.23(7), this ordinance is intended to regulate floodplain development to:

(a) Protect life, health, and property.
(b) Minimize expenditures of public funds for flood control projects.
(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
(d) Minimize business interruptions and other economic disruptions.
(e) Minimize damages to public facilities in the floodplains.
(f) Minimize the occurrence of future flood blight areas in the floodplain.
(g) Discourage the victimization of unwary land and homebuyers.

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in the floodplain if there is any practicable alternative to locate the activity, use, or structure outside the floodplain.

(2) Areas to be Regulated.

This Subchapter regulates all areas that could be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(3) Establishment of Floodplain Zoning Districts.

The regional floodplain area is divided into four (4) districts as follows:

(a) The F1 Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM.

(b) The F2 Flood Fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE zones on the FIRM.

(c) The F3 General Floodplain District (GFP) consists of those areas that may be covered by floodwater during the regional flood.

(d) The F4 Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Floodplain Maps.

See Sec. 28.022(3), Zoning Districts and Maps, for listing of floodplain maps and determination of floodplain boundaries.

(5) Removal of Lands From Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation; the fill is contiguous to land outside the floodplain, and the map is amended using the procedures established for zoning map amendments in Sec. 28.182.

(6) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain use areas will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the City of Madison or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(7) General Development Standards.

(a) No development shall be allowed in floodplain areas which will:

1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

2. Cause any increase in the regional flood height due to floodplain storage area lost.

(b) Obstructions or increases greater than 0.00 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles.

(c) The Zoning Administrator shall deny permits where it is determined that the proposed development will obstruct flow or cause any increase in the regional

flood heights based on the adopted Flood Insurance Rate Map or other adopted map, unless amendments are made using the procedures established for zoning map amendments in Sec. 28.182.

(d) All proposed building sites in subdivisions or new developments in flood prone areas shall be reasonably free from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages; and to ensure that utility and mechanical is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions and all new development shall be reviewed for compliance with the above standards. All proposals (including manufactured home parks) shall include regional flood elevation and floodway data.

(Sec. 28.121(7) Am. by ORD-13-00086, 5-29-13)

(8) Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Southern District Office of the DNR and the appropriate office of FEMA and required the applicant to secure all necessary state and federal permits. The standards of sub. (7) must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Sec. 28.182, the City shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(9) Development Under Wis. Stat. chs. 30 and 31.

Development which requires a permit from the Department of Natural Resources, under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed provided the necessary local permits are obtained and necessary amendments are made to the floodplain zoning ordinance are made according to Sec. 28.182.

(10) Nonconforming Uses.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the conditions set forth in Sec. 28.126(2).

(11) Compliance Required.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

(12) Floodproofing.

(a) To withstand flood velocities, forces, and other factors associated with the regional flood, floodproofing measures shall be designed that will protect the structure or development to the flood protection elevation and such measures shall either be certified by a registered professional engineer or architect, or meet or exceed the following standards:

1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) All flood-proofing measures shall be designed to:
1. Withstand floor pressures, depths, velocities, uplift and impact forces and other regional flood factors.
2. Protect structures to the flood protection elevation.
3. Anchor structures to foundations to resist flotation and lateral movement; and
4. Minimize or eliminate infiltration of flood waters; and
5. Minimize or eliminate discharges into flood waters.

(c) Flood-proofing measures may include the following:
1. Installation of watertight doors, bulkheads and shutters.
2. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
3. Use of paints, membranes or mortars to reduce seepage of water through walls.
4. Addition of mass or weight to structures to prevent flotation.
5. Placement of essential utilities above the flood protection elevation.
6. Installation of pumping facilities and/or subsurface drainage systems to relieve foundation wall and basement floor pressures and to lower water levels in structures.
7. Construction of water supply wells and waste treatment systems to prevent the entry of flood waters.
8. Installation of cutoff valves on sewer lines or the elimination of gravity basement drains.

(13) Public or Private Campgrounds.

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Health Services;

(b) A land use permit for the campground is issued by the zoning administrator;

(c) The campground elevation in relation to the river system is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. d to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

(f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;

(g) The camping units shall not occupy any site in the campground for more than one hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;

(h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is

kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred-eighty (180) days and shall ensure compliance with all the provisions of this section;

(i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(j) All camping units that remain in place for more than one hundred-eighty (180) consecutive days must meet the applicable requirements in either Secs. 28.122, 28.123 or 28.124 for the floodplain district in which the structure is located;

(k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued and;

(l) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(14) Application Requirements for Permits and Zoning Certificates.

(a) Site Development Plan. Within the Floodplain Districts, all permit applications shall include a site development plan drawn to scale and containing the following information:

1. Name and address of the applicant, property owner, and contractor.
2. Legal description, proposed use, and whether the development is new construction or a modification.
3. Location, dimensions, area and elevation of the lot.
4. Location of the ordinary high-water mark of any abutting navigable waterways.
5. Location of any structures with distances measured from the lot lines and center line of all abutting streets highways.
6. Location of any existing or proposed on-site sewage systems or private water supply systems.
7. Location and elevation of existing or future access roads.
8. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
9. The elevation of the lowest floor of proposed buildings and any fill using North American Vertical Datum (NAVD).
10. Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of the Floodway District or the Flood Fringe District apply.
11. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 28.121(7). This may include any of the information noted in Sec. 28.122(3).

(b) Hydraulic and Hydrologic Studies to Analyze Developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department

1. Zone A Floodplains.
   a. Hydrology.
      i. The appropriate method shall be based on the standards in Wis. Admin. Code ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge.*

b. Hydraulic Modeling.

The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

ii. Channel sections must be surveyed.

iii. Minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

iv. A maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

v. The most current version of HEC-RAS shall be used.

vi. A survey of bridge and culvert openings and the top of road is required at each structure.

vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five hundred (500) feet.

viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping.

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains.

a. Hydrology.

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic Model. The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model.

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping.

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised

flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(Sec. 28.121 Am. by ORD-14-00146, 9-12-14)

28.122 F1 FLOODWAY DISTRICT.

(1) Applicability.

The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and to those portions of the F3 General Floodplain District determined to be in the floodway area.

(2) Permitted Uses.

The following open space uses are permitted in the F1 Floodway District:

(a) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

(b) Nonstructural industrial and commercial uses, including parking and loading areas and airport landing strips.

(c) Nonstructural recreational uses, including golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails.

(d) Uses or structures accessory to open space uses or classified as historic structures.

(e) Public utilities, streets, and bridges.

(f) Extraction or deposition of sand, gravel or other materials.

(g) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply within Wis. Stats. chs. 30 and 31.

(3) Standards for Developments in Floodway.

(a) General.

1. Any development in the floodway shall comply with the provisions of Section 28.121(7) and have a low flood damage potential.

2. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 28.121(7)(a) and (b):
   a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
   b. An analysis calculating the effects of this proposal on regional flood height.
3. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream based on the data submitted for Subparagraph 2.b. above. (Am. by ORD-13-00086, 5-29-13)

(b) Structures. Structures accessory to permitted open space uses, classified as historical areas, or functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
1. Not designed for human habitation and do not have a high flood damage potential and is constructed to minimize flood damage;
2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, at the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or other devices provided they permit the automatic entry and exit of floodwaters; (Am. by ORD-13-00086, 5-29-13)
3. Must be anchored to resist flotation, collapse, and lateral movement; and
4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation.

(c) Public Utilities, Streets, and Bridges. Public utilities, streets and bridges may be allowed by permit, provided that:
1. Adequate flood-proofing measures are provided to the flood protection elevation; and
2. Construction meets the standards in Sec. 28.121(7)(a) and (b).

(d) Fills or Deposition of Materials.

Fills or deposition of materials may be allowed by permit, provided that:
1. The requirements of Sec. 28.121(7)(a) and (b) are met.
2. No material is deposited in navigable waters unless a permit has been granted by the Department of Natural Resources pursuant to Wis. Stat. ch. 30, and a permit pursuant to 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and
4. The fill is not classified as a solid or hazardous material.

(4) Prohibited Uses.

All uses not listed as permitted uses in sub. (2) above are prohibited with the floodway district and in the floodway portion of the general floodplain district including the following uses:

(a) The storage of any material that is buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

(b) Any uses not in harmony with or which may be detrimental to uses permitted in the adjoining districts.

(c) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with public recreational areas and Wisconsin Department of Natural Resources approved campgrounds, that meet the applicable provisions of Wis. Admin. Code ch. SPS 383.

(d) All public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812.

(e) All solid and hazardous waste disposal sites.

(f) All wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b).

(g) All sanitary sewer or water lines except those to service existing or proposed development located outside the floodway which complies with the regulation for the floodplain area occupied.

(h) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

(Sec. 28.122 Am. by ORD-14-00146, 9-12-14)

28.123 F2 FLOOD FRINGE DISTRICT.

(1) Applicability.

The provisions of this section shall apply to all areas within the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area. The F2 Flood Fringe District shall also include the A-zones so designated on the floodplain zoning district maps and for which floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area: Any building, structure or use otherwise allowed as permitted or conditional uses in the underlying primary zoning district, except for mobile home parks and solid waste disposal sites.

(3) Standards for Development in Flood Fringe.

All of the provisions of Sec. 28.121(7)(a) and (b) shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

(a) Residential Uses. Any structure or building used for human habitation, including a manufactured home, which is to be erected, newly-constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

1. The elevation of the lowest floor shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where Subparagraph 2. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The DNR may authorize other flood-proofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.

2. The basement or crawlway floor may be placed at the regional flood elevation provided it is flood-proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

3. Contiguous dry land access, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain except as provided in sub. 4.
4. In developments where existing street or sewer line elevations make compliance with sub. 3 impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
   a. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
   b. The municipality has a DNR-approved emergency evacuation plan.

(b) Accessory Structures or Uses.
Accessory structures shall be constructed on fill with the lowest floor at or above the Regional Flood Elevation.

(c) Commercial Uses. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall meet the requirements for residential uses above. Storage yards, surface parking lots and such uses may be at lower elevations, subject to the requirements of subparagraph e. below provided an adequate warning system exists to protect life and property.

(d) Manufacturing and Industrial Uses. Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Sec. 28.121(12). Subject to the requirements in subparagraph (e) below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation for the particular area or flood-proofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans and:
1. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction or repair of such facilities shall only be permitted if they are designed to comply with Sec. 28.121(12).
2. Minor roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

(g) Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Wis. Adm. Code ch. SPS 383.

(h) Wells. All public or private wells shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) and shall meet the applicable provisions of Wis. Adm. Code chs. NR 811 and 812.

(i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.

(j) Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.

(k) Manufactured Homes.

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an excavation plan, indicating vehicular access and escape routes, with local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
   a. Have the lowest floor elevated to the flood protection elevation; and
   b. Be anchored so they do not float, collapse or move laterally during a flood.
3. Outside of existing manufactured home parks, including manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the requirements for residential uses in para. (3)(a) above.

(l) Mobile Recreational Vehicles.

All mobile recreational vehicles that are on site for one hundred-eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in (k)2. and 3. above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Sec. 28.123 Am. by ORD-14-00146, 9-12-14)

28.124 F3 GENERAL FLOODPLAIN DISTRICT.

(1) Applicability.

The F3 General Floodplain District consists of the land which has been or may be hereafter covered by flood water during the regional flood and encompasses both the F1 Floodway and F2 Flood Fringe Districts. The provisions of this district shall apply to all floodplains mapped as A, AO or AH zones.

(2) Permitted Uses.

The following uses are permitted in the F3 General Flood Plain District, provided a determination shall be made as to what portion of the floodplain is within the floodway or flood fringe as provided in Sec. 28.124(4):

(a) Uses permitted in the F1 Floodway District are permitted in that portion determined to be within the floodway.

(b) Uses permitted in the F2 Flood Fringe District are permitted in that portion determined to be within the flood fringe.

(3) Standards for Development.

Once it is determined according to Subdivision (4) below that a proposed use is located within a floodway, the provisions of Subsection 28.122 above shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Subsection 28.123 above shall apply. The rest of this subchapter applies to either district.

(a) In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

1. At or above the flood protection elevation; or
2. Two (2) feet above the highest adjacent grade around the structure; or
3. The depth as shown on the FIRM.

(b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(4) Determining Floodway and Flood Fringe.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

(a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood-proofing measures, and the flood zone as shown on the FIRM.

(b) Require the applicant to furnish any of the following additional information as is deemed necessary by the DNR for evaluation of the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine the boundaries of the floodway:

1. A hydrologic and hydraulic study as specified in Sec. 28.121(14)(b).
2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
3. Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(Sec. 28.124 Am. by ORD-14-00146, 9-12-14)

28.125 F4 FLOOD STORAGE DISTRICT.

(1) Applicability.

The F4 Flood Storage District consists of that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity, which would cause higher floodplain elevations. The provisions of this section shall apply to all areas within the F4 Flood Storage District as shown on the Dane County Flood Storage Maps.

(2) Standards for Development in Flood Storage District.

In addition to the Standards for development in Sec. 28.123(3), the following standards shall apply.

(a) Development in a flood storage district shall not cause an increase greater than 0.00 of a foot in the height of the regional flood. (Am. by ORD-13-00086, 5-29-13)

(b) No development shall be allowed that would remove flood storage volume, unless an equal volume of storage, as defined by the predevelopment ground surface and the regional flood elevation, shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

(c) No area in the floodplain may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside the floodplain.

(d) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district is rezoned to the flood fringe district. At such time, the floodplain study and map for the waterway shall be revised to revert to the higher regional flood discharge calculated without floodplain storage.

(3) Permitted Uses.

Any use allowed as permitted or conditional uses in the Madison Zoning Ordinance, except for mobile home parks and solid waste disposal sites.

28.126 NONCONFORMITIES.

(1) General Floodplain District.

If these standards conform with Wis. Stat. § 62.23(7)(h), they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) Conditions.

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.

(b) Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

(c) The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(d) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(e) The City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(f) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would be equal to or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(a)3. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph; (Am. by ORD-13-00086, 5-29-13)

(g) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(3)(a);

(h) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(3)(a);

(i) Except as provided in subparagraph (j) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.

(j) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures.
   a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Sec. 28.121(12)(a).
   b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
   c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
   d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
   e. In AO Zones, the lowest floor must meet one of the following requirements, whichever is greater:
      i. At or above the flood protection elevation;
      ii. Two (2) feet above the highest adjacent grade around the structure; or
      iii. The depth as shown on the FIRM.
   f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
2. Nonresidential Structures.
   a. Shall meet the requirements of Sec. 28.126(2)(j).
   b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Sec. 28.121(12)(a).
   c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 28.124(3).

(k) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration

will comply with Sec. 28.122(3), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 28.121(12) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 28.126(2)(j)1. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(3) Floodway District.

(a) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district unless such addition or modification:

1. Has been granted a permit or variance that meets all ordinance requirements.
2. Meets the requirements of Section 28.126(1) and (2). (Am. by ORD-13-00086, 5-29-13)
3. Shall not increase the obstruction to flood flows or regional flood height; and
4. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 28.121(12), by means other than the use of fill, to the flood protection elevation; and
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
   a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of the flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade.
   b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
   c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
   d. The use must be limited to parking, building access or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in the Floodway District shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code ch. SPS 383.

(c) No new well or modification to an existing well, used to obtain potable water, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code chs. NR 811 and NR 812.

(4) Flood Fringe District.

(a) The provisions of Sec. 28.126(1) and (2) shall apply to all nonconforming uses and structures.

(b) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use unless such addition or modification has been granted a permit or variance. In addition, the addition or modification shall meet the requirements of Subdivision 28.123(3) above except where Paragraph (c) below is applicable.

(c) Where compliance with the provisions of Paragraph (b) above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals may grant a variance from those provisions of Paragraph (a) above for additions or modifications using the criteria listed below. Additions or modifications which are protected to elevations lower than the flood protection elevation may be permitted provided:

1. No floor is allowed below the regional flood elevation for structures with residential or commercial uses.
2. Human lives are not endangered.
3. Public facilities, such as water or sewer, shall not be installed.
4. Flood depths shall not exceed two (2) feet.
5. Flood velocities shall not exceed two (2) feet per second; and
6. The structure shall not be used for storage of materials described in Sec. 28.123(3)c.

(d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

(e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Wis. Admin. Code chs. NR 811 and NR 812.

(5) Nonconformities in Flood Storage Areas.

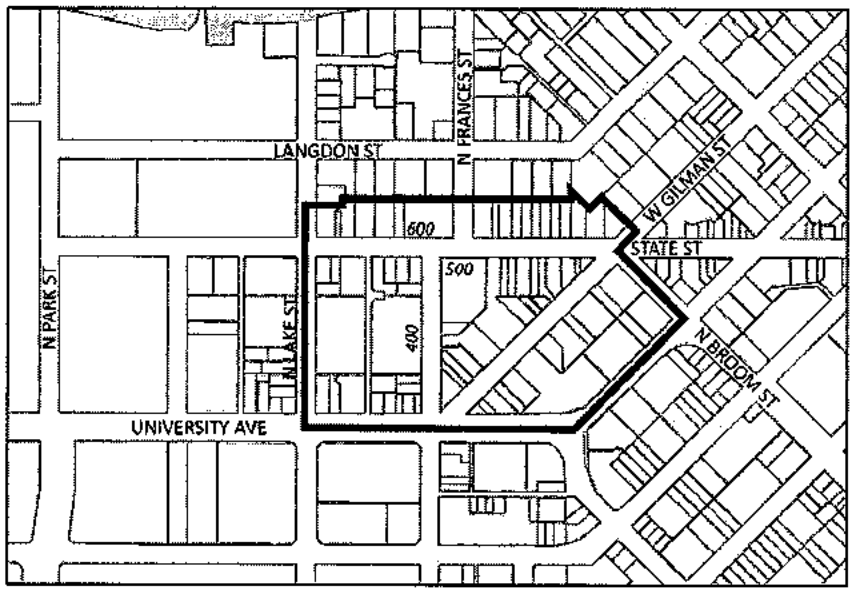
No modifications or additions shall be allowed to any nonconforming structure in a flood storage district unless the standards in Sec. 28.125 (1) and (2) are met. (Am. by ORD-13-00086, 5-29-13)

(Sec. 28.126 Am. by ORD-14-00146, 9-12-14)

28.127 ALCOHOL OVERLAY DISTRICT.

(1) Applicability. The Alcohol Overlay district is depicted on the map below. This ordinance applies to all addresses within the boundaries depicted on the map.

(a) Alcohol Overlay District map.



(2) Permitted and Conditional Uses. Table 28H-1 lists permitted and conditional uses in the Alcohol Overlay District which supersede the regulations in the underlying zoning district.

(a) "P" means permitted in the districts where designated.
(b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
(c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
(d) "Y" means there are specific requirements in Subchapter 28J associated with a use.

Table 28H-1

	Alcohol Overlay District	Supplemental Regulations
Food and Beverages		
Brewpub	C	Y
Nightclub	P/C	Y
Restaurant	P	
Restaurant-nightclub	P/C	Y
Restaurant-tavern	P	Y
Retail Sales and Services		
Liquor store		
Accessory Uses and Structures		
Accessory retail alcohol sales		

(3) Annual Review. The effect of this ordinance shall be reviewed every year. A report shall be prepared by the Alcohol Policy Coordinator with assistance from the Zoning Administrator and Madison Police Department. The report shall be shared with the Alcohol License Review Committee, Plan Commission, and Common Council. The report will be due December 1 of each year, with the first report due December 1, 2015. This report should include information regarding:
(a) The number and types of establishments in each district;
(b) The number of nonconforming uses in the Alcohol Overlay District;
(c) The number and kind of any conditional uses approved in each district;
(d) Feedback provided by the public, including business owners, throughout the calendar year;
(e) Feedback from the Madison Police Department regarding any public safety issues arising from or impacted by this ordinance; and,
(f) Feedback from the Zoning Administrator regarding any land use issues arising from or impacted by this ordinance. In addition, the report should include any other information gathered by City staff that may be relevant to the various committees and Common Council regarding the impact of this ordinance across the City and in the new Alcohol Overlay District.

(4) This section is effective July 1, 2014 and shall expire and be of no legal effect on July 1, 2019, unless extended by the Common Council prior to the expiration date. The Common Council shall be notified of this provision by City staff at least one hundred twenty (120) days prior to this date.

(Cr. by ORD-14-00083, 4-16-14)

SUBCHAPTER 28I: GENERAL REGULATIONS

28.131 ACCESSORY BUILDINGS AND STRUCTURES ON LOTS USED EXCLUSIVELY FOR RESIDENTIAL AND MIXED-USE PURPOSES.

(1) All accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall comply with the following requirements:

(a) Maximum Area Per Lot. Total area of accessory buildings measured at ground floor: ten percent (10%) of lot area but no more than one thousand (1,000) square feet. A larger total building area may be allowed by conditional use approval.

(b) Maximum Size of Accessory Building. No individual structure shall exceed five hundred seventy-six (576) square feet in TR districts and eight hundred (800) square feet in other districts at ground level except by conditional use approval. Accessory buildings shall not exceed the size of the principal building.

(c) Maximum Height. The height of the principle building or fifteen (15) feet, whichever is lower. The following are exempt from this requirement:

1. The maximum height of accessory dwelling units shall be determined by the district requirements for zoning districts where such units are allowed.

2. The maximum height of carriage houses within historic district may be the same as the original height.

(d) Maximum Percentage of Rear Yard Setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.

(e) Placement. Accessory buildings may be located in the following locations:

1. Within the building envelope.

2. In a rear yard setback, a minimum of three (3) feet from any property line.

3. In a side yard setback, if located behind the rear plane of the principal building at the time of construction, a minimum of three (3) feet from any property line.

4. In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback required for a principal building in the district.

5. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.

6. A minimum of three (3) feet from any principal building and any other accessory building. (Cr. by ORD-13-00007, 1-15-13)

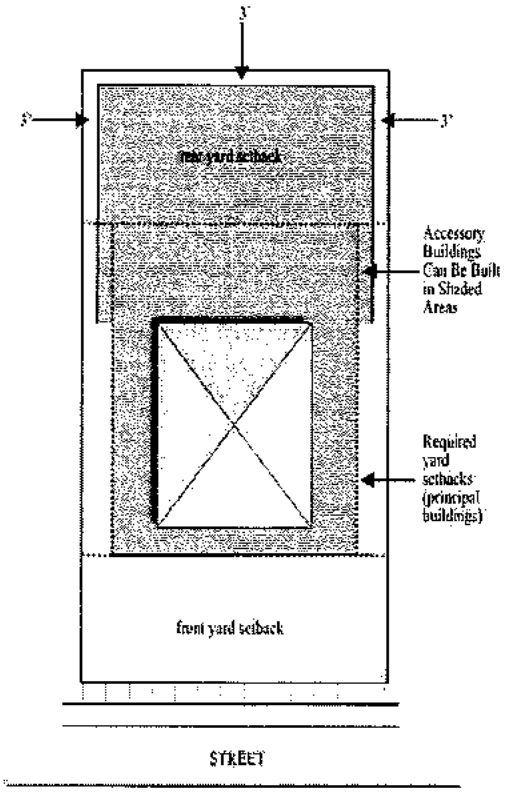


Figure I1: Accessory Building Placement Accessory buildings may be located in shaded areas.

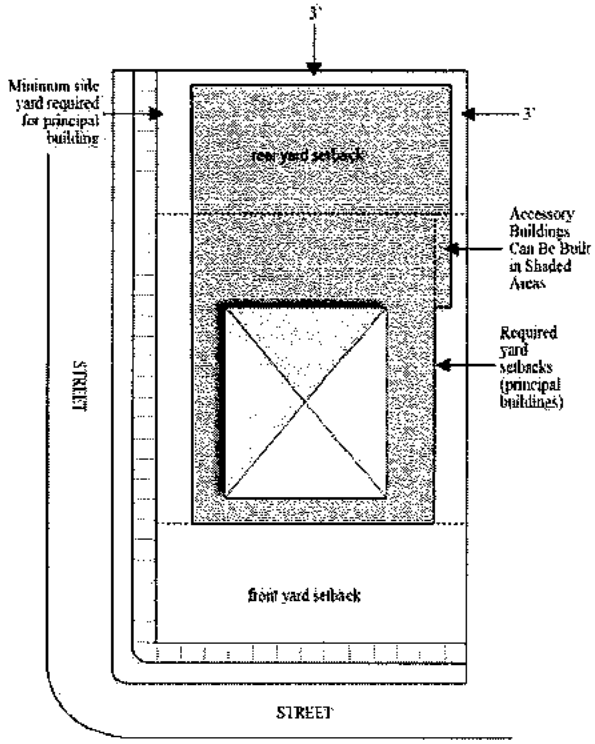


Figure I2: Accessory Building Placement for Corner Lots. Accessory buildings may be located in shaded areas.

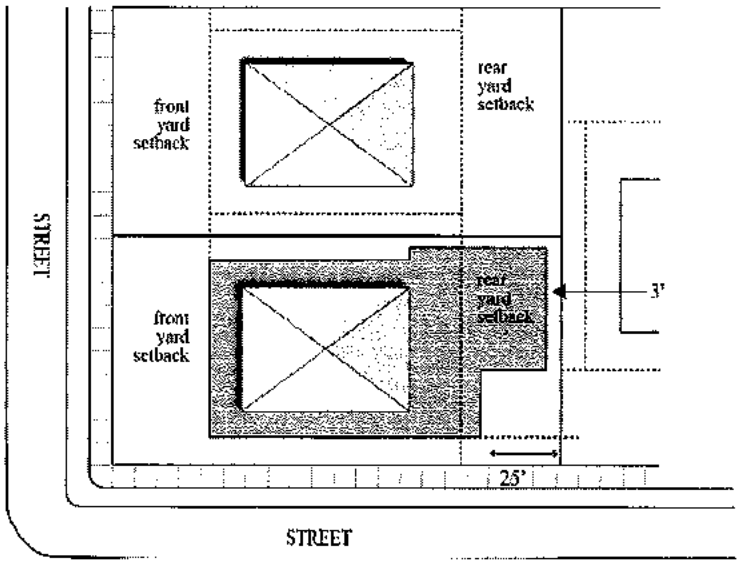


Figure I3: Accessory Building Placement for Reverse Corner Lots. Accessory buildings may be located in shaded areas.

(Am. by ORD-13-00007, 1-15-13)

(f) Shared Garages. A detached garage may be constructed across a lot line by abutting property owners, where a garage is permitted within three (3) feet of the lot line, provided that:

1. A joint driveway shall lead to the garage; and
2. The property owners shall provide a joint access and maintenance agreement for the use of the garage.

(g) Side and Rear Yard Garage Replacement. A detached garage located in a side or rear yard may be replaced within the existing setbacks provided that:

1. The garage is replaced within one (1) year of demolition.
2. The location and size of the existing or demolished garage shall be verified by the Zoning Administrator.
3. The replaced garage shall not exceed twenty-four (24) feet in length or width.
4. Neither the length, width, or height of the replaced garage shall be more than two (2) feet greater than the length, width, or height of the demolished garage.
5. No side of the enlarged structure is moved closer to any lot line with which there is a non-conforming setback.
6. The replaced garage shall not exceed the maximum size allowed under Sub. (2)(b) above.

(h) Garages in Embankments in Front Yards. Where the mean natural grade of a front yard is more than eight (8) feet above curb level, a private garage may be erected within the front yard setback, provided that:

1. The garage shall be located at least five (5) feet from the front lot line; and
2. At least one-half (½) of the height of the garage shall be below the mean grade of the front yard.

(2) Reserved for Future Use. (Rep. by ORD-15-00116, 10-28-15)

28.132 ENCROACHMENTS INTO SETBACK AREAS.

(1) Permitted Setback Encroachments.

The following structures or features are allowed encroachments in setback areas. For those encroachments with siting limitations, the maximum distance in feet that that the encroachment shall extend into the setback is provided. No subterranean encroachments are allowed except as noted in Table 28I-1.

Table 28I-1.

Structure or Feature	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Accessibility accommodations	✓	✓	✓
Accessory sheds, tool rooms, doghouses, and similar buildings or structures		✓	✓
Air conditioning condensing unit		✓	✓
Arbors and trellises	✓	✓	✓
Awnings	✓	✓	✓
Basement storm doors providing access to below-grade stairs		✓	✓
Balconies			6
Bay windows, max. one story in height	3	2	3
Bicycle-sharing facility	✓	✓	✓
Chimneys, flues	2	2	2
Cisterns, rain barrels		3	3
Compost bins		3 from prop. line or building	3 from prop. line or building
Eaves and gutters	3	2	3

Structure or Feature	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Egress window wells	Minimum egress req.	Minimum egress req.	Minimum egress req.
Decks, uncovered, elevated over 3 feet above adjacent ground level			6
Decks, uncovered, elevated not more than 3 feet above adjacent ground level	✓	✓	✓
Emergency electric generator		✓	✓
Fences, walls, hedges	✓	✓	✓
Fire escapes		⅓ width of yard; up to 3 ft.	6
Flagpoles or garden ornaments	✓	✓	✓
Garages, detached		✓	✓
Laundry drying equipment	✓	✓	✓
Licensed radio towers <75 feet and receiving devices			✓
Open porches	7		
Porches, open or enclosed, attached to single-family or two-family dwelling			✓
Recreational equipment	✓	✓	✓
Recreational equipment, major			✓
Solar energy systems	✓	✓	✓
Platforms, uncovered, needed for building access	4	4	4
Steps	✓	Minimum egress req.	✓
Storage locker (personal)	✓	✓	✓
Swimming pools, hot tubs, whirlpools, or similar structures			3 from prop. line
Underground parking			✓

(Am. by ORD-13-00143, 9-11-13; ORD-16-00051, 5-25-16; ORD-16-00093, 11-9-16; ORD-16-00109, 12-14-16)

(2) Other Encroachment Requirements.

(a) One (1) story bay windows shall not occupy, in the aggregate, more than one-third (⅓) of the front or side wall or one-half (½) of the rear wall of the building, and shall be located entirely within planes drawn from either main corner of the wall, making an interior angle of twenty-two and one-half (22.5) degrees in the horizontal plane with the wall.

(b) Compost bins also shall comply with the requirements of Sec. 7.361, MGO.

(c) Uncovered entrance platforms necessary to comply with current ingress and egress regulations shall be no wider than six (6) feet. Steps from the platform may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads.

(d) Accessibility accommodations as follows:

1. Wheelchair ramps when the maximum size of the ramp is not greater than the minimum requirements for ramps under Wis. Admin. Code § SPS 321.045. All ramps that are in front or side yard setbacks and are more than three (3) feet from the level of the adjoining ground shall have skirting covering the opening under the ramp and a landscape buffer shall be provided along the base of the ramp.

2. Off-street parking and loading spaces only if any vehicle parked in the space displays a current parking identification card or license plate for persons with disabilities, issued to a resident at the address; the space has access from a public street, and all other applicable off-street parking requirements are met. If a person requiring a parking space for people

with disabilities no longer resides in the dwelling unit, the off-street parking and loading space shall be made to conform to the zoning code either by removal or being rendered incapable of use as an off-street parking or loading space.

(e) Single-story unheated open or enclosed porches attached to single-family or two-family dwellings may encroach into the rear yard setback if the porch extends no more than fourteen (14) feet from the exterior wall of the building and is no more than sixteen (16) feet wide. In the case of a home with a walk-out basement to the rear yard, the porch may have an additional basement level. (Cr. by ORD-13-00143, 9-11-13)

(f) For egress window wells that project into the sideyard setback area, the lowest point of the top edge of the egress well shall be at least six (6) inches above the adjoining grade. (Cr. by ORD-15-00082, 8-12-15)

(g) Rear Yard. The rear yard shall be the lesser of thirty-five percent (35%) of the lot depth or thirty-five (35) feet. A one-story garage projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward. (Cr. by ORD-14-00133, 8-13-14; Renum. by ORD-15-00082, 8-12-15)

(h) Underground Parking. In any district, underground parking may extend into the rear yard setback if it is located completely below pre-construction existing grade or under a slope of no greater than one (1) to three (3) feet to the lot line and is completely covered by landscape. (Cr. by ORD-16-00051, 5-25-16)

28.133 ENVIRONMENTAL PROTECTION STANDARDS.

(1) General Standards.

(a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.

(b) No use shall result in the harmful discharge of any waste materials across the boundaries of the subject property or into the ground, into any sanitary or storm sewer system, into ay water body or water system, or into the atmosphere.

(c) The Zoning Administrator may require evidence of adequate controls on any potential nuisances or hazards prior to issuing a zoning or occupancy certificate.

(2) Activities Which May Be Potential Hazards or Nuisances.

(a) Productive Processes. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

(b) Explosives. Laboratory scale quantities of division 1.1 to 1.3 explosives and forbidden explosives as defined by the United States Department of Transportation in 49 CFR § 173.50 and § 173.54, respectively, as amended from time to time, are allowed outside the IG zoning district when stored according to National Fire Protection Association standards and provided that the total amount of all said explosives are two (2) pounds or less per building. Laboratory scale quantities of explosive chemicals must be stored in containers, in quantities no greater than their original shipment quantities.

(c) Fissionable Non-Fissile Material. The storage, utilization or manufacture of fissionable non-fissile material is allowed in zoning districts other than the

Industrial-General District when such use is accessory to a principal use allowed within the zoning district and when licensed or registered, as may be required by state or federal law.

(d) Fissile Material. The storage, utilization or manufacture of more than one (1) gram of fissile material is permitted only in the Industrial-General (IG) district and only when not less than three hundred (300) feet of a boundary of any other zoning district. However, utilization of fissile material outside the IG district is allowed when the use of such material is in nuclear gauges or calibration instruments, for medical purposes or fission chambers operated by a college or university for instructional purposes and only when said uses are licensed or registered, as may be required by state or federal law.

(3) Drainage Courses.

(a) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community by regulating and restricting the development of areas along or in drainageways, channels, streams and creeks. The regulations which follow are intended to protect and to preserve the location, character and extent of such drainageways, channels, streams and creeks, and to protect persons and property from the hazards of development in areas which may be subject to inundation.

(b) General Regulations.

1. No building or structure shall be erected within a drainage course. For the purpose of this and the following paragraphs, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on the zoning map and any area designed or intended for use for drainage purposes as shown in a recorded subdivision.
2. No filling of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.
3. No excavating of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such excavating will not divert water from the established channel, will not cause flooding of lands outside such drainage course, will not cause any erosion, and will not otherwise impair the design and character of such drainage course.
4. No relocation, enclosure or bridging of a drainage course shall be permitted except upon issuance of a certificate by the City Engineer that the location, character and extent of such relocation, enclosure or bridging of the drainage course shall be in the public interest.
5. The City Engineer may require the submittal of any such information which he or she considers essential for the proper enforcement of the above regulations.

28.134 HEIGHT AND BULK REGULATIONS.

(1) Height Measurements.

(a) For accessory buildings and structures, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the

midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.

(b) For principal buildings and structures, height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

(c) For new buildings, alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning Administrator. (Am. by ORD-13-00007, 1-15-13)

(d) Height in the DC, UOR, UMX, DR1 and DR2 districts shall be measured from the highest point along a building setback line paralleling any street adjacent to the site. In these districts accessible roofs, including the minimum structure necessary to provide access, shall not be counted as a story. However, this provision shall not be applied in violation of the Capitol View Preservation Section 28.134(3).

(2) Height Limit Exceptions.

The following structures are permitted to exceed the maximum height regulations within any district where the use is allowed: church spires, belfries, cupolas and domes, water towers, flagpoles, chimneys, communication towers and elevator penthouses. All structures shall comply with the provisions of sub. (3) below. (Am. by ORD-13-00189, 11-26-13)

(3) Capitol View Preservation.

No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment on existing buildings and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.

(4) Airport Height Restrictions.

The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation apply to buildings and structures in and around the Dane County Regional Airport. The City of Madison does not enforce these regulations.

(5) Public Utility Exemptions.

(a) The following public utility uses, which are essential in most districts, shall be permitted in any zoning district: poles, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment for a public utility. However, where such public utility uses are proposed to be located across unplatted lands, conditional use approval is required.

(b) The regulations in this ordinance governing lot size, bulk requirements, and access to improved public streets shall not apply to any lot designed or intended for a public utility and public service use when approved by the Plan Commission.

28.135 LOT DIVISION, CREATION AND ACCESS.

(1) Division of Improved Zoning Lots.

Lot division shall be governed by the provisions of Chapter 16, MGO, and the following regulations:

(a) An improved zoning lot shall not be reduced in size or divided into two (2) or more separate lots unless each lot that results from such reduction or division meets all requirements of the zoning district in which it is located.

(b) Lot divisions shall comply with the minimum lot size requirements of each zoning district, except that non-buildable lots such as outlots are exempt from minimum lot requirements.

(2) Access to Public Street.

Every zoning lot shall front on an improved public street, with a minimum of thirty (30) feet of street frontage, with the following exceptions:

(a) Lots located in an approved planned multi-use site or planned development district;

(b) Residential lots not fronting directly onto a public street may be permitted provided that the lots front onto a public or private park and are accessed from a dedicated public alley and meet the following conditions:

1. The lots and park are shown on an approved subdivision plat or Certified Survey Map;
2. The lots are addressed and have vehicular access from the public alley;
3. The residences constructed on the lots abutting the parking should have entry doors facing the park;
4. The park abutting the lots contains an improved walkway or path that provides pedestrian access for the public to the front of the residences abutting lots in the same fashion as a sidewalk adjacent to a street;
5. The residences provide the minimum required front yard of the zoning district as measured from the lot line formed by the park; and
6. The park abuts a public street.

(Am. by ORD-13-00176, 10-23-13)

(3) Development of Deep Residential Lots.

(a) Statement of Purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.

(b) General Regulations. The Plan Commission may allow, after a public hearing and notice as set forth in Sec. 28.183 and consideration of the standards set forth in Sec. 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that :

1. The front lot(s) shall have a width not less than that required in the district in which it is located.
2. The rear lot shall have frontage onto an improved public street for a width not less than thirty (30) feet.
3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot.
4. All of the lots proposed shall have the minimum required lot area.
5. The house numbers for all lots shall be on a sign visible from the public street.

(c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

28.136 USE OF TRAILERS AND CONTAINERS.

Trailers and containers used for over-the-road hauling shall not be used for or converted for office, commercial, residential or storage use in any district.

28.137 ZONING LOTS AND PLANNED MULTI-USE SITES.

(1) Residential Zoning Lots.

Except in the case of multifamily complexes and planned multi-use sites within the Mixed-Use Center District, no more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other nonresidential principal building or use.

(2) Planned Multi-Use Sites.

The purpose of this subsection is to allow efficient and economical design and greater coordination and flexibility in the development of a variety of building types and land uses, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.

(a) A planned multi-use site, as defined, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.

(b) An existing planned multi-use site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development, or approval of the Plan Commission.

(c) The uses allowed within a planned multi-use site are limited to those uses that are allowed within the zoning district(s) in which the site is located.

1. A property containing a non-conforming residential use shall not be made part of a planned multi-use site.

(d) Every planned multi-use site shall front on a public street.

(e) A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. (Am. by ORD-15-00012, 1-28-15; ORD-15-00033, 4-8-15)

(f) All new retail establishments with a total floor area of forty thousand (40,000) square feet or more that are part of a planned multi-use site are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f). (Am. by ORD-15-00033, 4-8-15)

(g) A plan for building placement, shared parking and access and any easement documents necessary to facilitate those plans shall be submitted. Plans shall show the following:

1. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities, open spaces and any ground-mounted signage.
2. Identification of uses within the site and the gross square footage of building sites, either for the overall development or for the individual sites within the planned multi-use site.
3. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public resulting from the planned development. The planned multi-use site plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO.

(Am. by ORD-13-00191, 11-26-13)

28.138 LAKEFRONT DEVELOPMENT.

(1) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes through the regulation of zoning lots abutting lakes within the City.

(2) Applicability.

(a) With the exception of (b) below, all new principal buildings, additions to principal building totaling in excess of five hundred (500) square feet during any ten (10) year period, or any accessory building on zoning lots abutting Lake Mendota, Lake Monona, Lake Wingra, Monona Bay, and associated bays, shall require conditional use approval and shall meet the requirements of this subsection.

(b) Conditional use approval and the requirements of this subsection shall not apply to any part of a zoning lot abutting Lake Mendota, Lake Monona, Lake Wingra, Monona Bay, and associated bays that is more than three hundred (300) feet from the Ordinary High Water Mark (OHWM) or is separated from the OHWM by a street or public right of way.

(3) General Regulations.

(a) Upon the filing of an application for a conditional use, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.

(b) Any building development for habitation shall be served with public sanitary sewer.

(c) Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.

(d) Where the City's adopted Comprehensive or other Plans include a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.

(e) Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.

(f) Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit.

(g) In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

(4) Lakefront Zoning Lots Where the Principal Use is One (1) or Two (2) Family Residential.

(a) Lakefront Yard Setback. The yard that abuts the lake shall be referred to as the "lakefront yard." The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code. The minimum depth of the lakefront

yard setback from the Ordinary High Water Mark shall be calculated using one of three (3) following methods, provided that in no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet.

1. The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or

2. If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot; or

3. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater (see illustration).

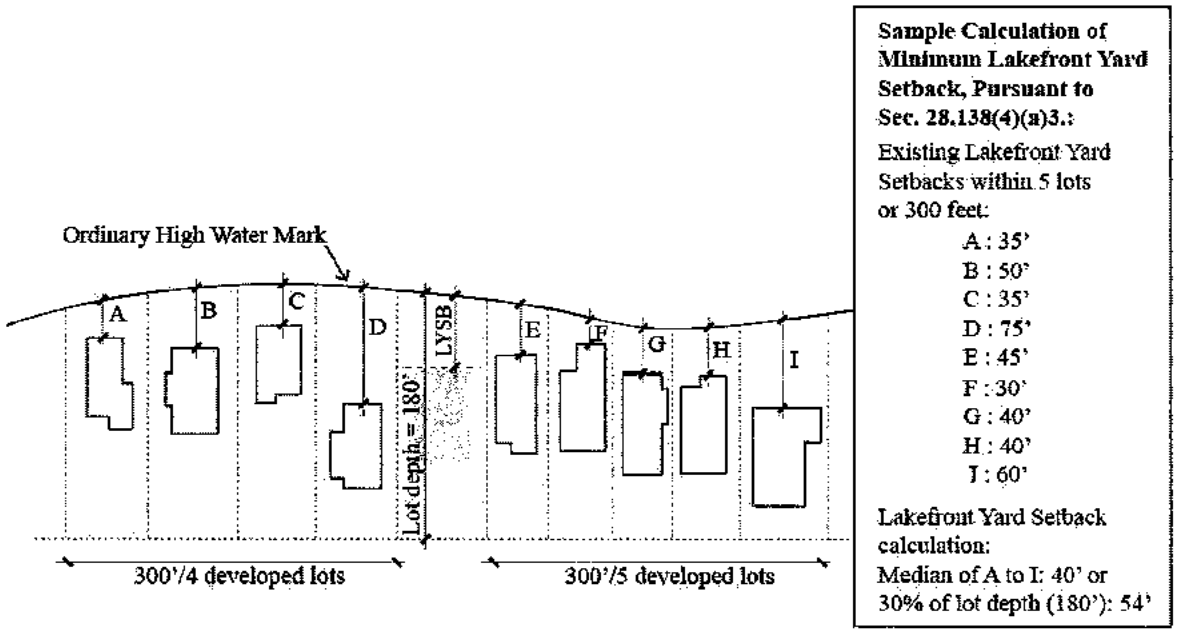


Figure I4: Lakefront Yard Setback.

(Am. by ORD-13-00190, 11-26-13)

(5) Lakefront Zoning Lots Where the Principal Use is Other Than One (1) or Two (2) Family Residential or Public Park Land.

(a) Lakefront Yard Setback. The yard that abuts the lake shall be referred to as the "lakefront yard." The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code. (Am. by ORD-13-00190, 11-26-13)

(b) The minimum setback from the OHWM shall be calculated using one of the following two (2) methods, provided that in no case shall a new principal building be located closer to the OHWM than seventy-five (75) feet.

1. The average setback of the principal buildings on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another, or

2. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side, whichever is less, or thirty percent (30%) of lot depth, whichever number is greater.

(c) Where the existing principal building setback is less than the lakefront average or median setback as identified in paragraphs 1. and 2. above, an addition to the existing principal building may only be constructed provided that:

1. The addition shall not be located closer to the OHWM than the lakefront setback of the existing principal building; and
2. The addition shall not exceed fifty percent (50%) of the width of the principal building façade facing the lake.

28.139 DEVELOPMENT ADJACENT TO PUBLIC PARKS.

(1) Nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use. The purpose of this requirement is to assess the impact of proposed development on natural resources, drainage patterns, pedestrian traffic and recreational uses of the park. Conditional use applications shall include the following:

(a) A complete inventory of vegetation in any area proposed for development within one hundred (100) feet of the park boundary.

(b) Any proposed cutting of trees or removal of vegetation within one hundred (100) feet of the park boundary. Removal of vegetation may be limited within thirty-five (35) feet of the park boundary.

(c) Grading and drainage within thirty-five (35) feet of the park shall be reviewed for its effect on drainage patterns and vegetation within the park.

(Am. by ORD-14-00068, 4-16-14)

28.140 USABLE OPEN SPACE.

(1) Usable open space shall be provided on each lot used in whole or in part for residential purposes, as set forth in each district.

(a) Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%).

1. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.

(b) Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement designed for outdoor recreation only may be included as usable open space.

(c) Within the Central Area, as defined, where usable open space requirements cannot be met due to limited existing lot area, or building/parking placement, required landscaped areas may be used to meet the usable open space requirement, provided that said landscaped areas are a minimum of five (5) feet in width.

(d) Within the TR-U1 and TR-U2 Districts and within all Mixed-Use, Employment, Downtown and Urban Districts:

1. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirements, provided that:

a. Roof decks shall have a minimum dimension of fifteen (15) feet and shall be free of any obstructions, improved and available for safe and convenient access to all occupants of the building.

b. Porches shall have a minimum width of fifteen (15) feet and minimum depth of six (6) feet and shall be free of any obstructions, improved, and available and be available to all occupants as a source of ingress and egress to the building.

c. Balconies shall have a minimum dimension of six (6) feet and shall be free of any obstructions, improved, and available for safe and convenient access to all occupants of the building.

d. Private balconies and private porches shall have a minimum dimension of four and one-half (4½) feet.

(Am. by ORD-16-00107, 12-14-16)

(e) Within the TSS and MXC Districts, roof decks and balconies may be used to meet up to one hundred percent (100%) of the minimum open space requirements, provided that the dimensions set forth in sub. (d) 1. and 2 are met. (Cr. by ORD-14-00148, 9-12-14; ORD-16-00039, 4-8-16)

28.141 PARKING AND LOADING STANDARDS.

(1) Statement of Purpose.

This section establishes minimum and maximum parking requirements, and standards for the layout and design of parking spaces, lots and structures. It also includes shared parking incentives, and reduction of off-street parking in favor of transit or other travel modes. The standards in this section are intended to:

(a) Encourage reduction of surface parking as a means of reducing dependence on private automobiles and reducing the pollution and congestion that are associated with automobile use.

(b) Encourage reduction of impervious surface to control run-off.

(c) Encourage reduction of surface parking as a means of fostering more compact development patterns and encouraging transit, bicycle and pedestrian circulation.

(d) Minimize the adverse effects of off-street parking and loading on adjacent properties.

(e) Minimize spillover on-street parking in neighborhoods.

(f) Encourage shared parking arrangements that will support mixed-use development and compact development patterns.

(g) Encourage bicycle circulation by providing bicycle connections, adequate parking, and storage space for bicycles.

(h) Encourage parking locations that do not disrupt Madison's traditional streetscape.

(2) Organization of this Section.

Certain districts do not require off-street parking, as set forth in Table 28I-2. Where off-street parking is required, Table 28I-3 establishes the minimum number of automobile parking spaces required, the maximum number of automobile parking spaces permitted, and the minimum number of bicycle parking spaces required, for the uses indicated. Off-street parking may be waived or reduced under specific conditions, as set forth in Table 28I-4.

(3) No Minimum Parking Required.

In the Central area, as defined, and the following districts, there is no specified minimum requirement for off-street parking of automobiles, with the exceptions specified in Table 28I-2 below. Maximum parking and bicycle parking requirements apply as specified in Table 28I-3. For conditional uses, parking requirements may be established as a condition of approval.

Table 28I-2. Districts With No Minimum Automobile Parking Requirements; Exceptions.

District/Area	Parking Requirement	Exceptions
Central Area	No minimum	
Neighborhood Mixed-Use (NMX)	No minimum	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Limited Mixed-Use (LMX)	No minimum	

District/Area	Parking Requirement	Exceptions
Traditional Shopping Street (TSS)	No minimums	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area for an individual establishment or twenty-five thousand (25,000) square feet floor area for a mixed-use or multi-tenant building. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Mixed-Use Center (MXC)	No minimum	
Commercial Center (CC)	No minimum	
Traditional Employment (TE)	No minimum	1. Buildings, uses, or additions exceeding twenty-five thousand (25,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Employment Campus (EC)	No minimum	
Suburban Employment Center (SEC)	No minimum	
Industrial - Limited (IL)	No minimum	
Commercial Corridor-Transitional (CC-T)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Suburban Employment (SE)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Industrial - General (IG)	No minimum	

(Am. by ORD-14-00168, 12-3-14; ORD-15-00033, 4-8-15)

(4) Off-Street Parking Requirements. Applicability.

Table 28I-3 establishes the minimum number of automobile parking spaces required, the maximum number of automobile parking spaces permitted, and the minimum number of bicycle parking spaces required, for the uses indicated. Compliance with this Section is required in the case of any change in use or occupancy. Where the Zoning Administrator determines the minimum or maximum parking requirement, consideration shall be given to the expected number of public visiting the site, as well as the number of persons employed or residing on the site.

(a) Number of Employees. Where number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees will not change unless new construction or expansion is proposed.

(b) Floor Area Calculation. Floor area used to calculate parking and loading requirements is defined as the sum of the gross horizontal areas of the floors or parts of a building devoted to the use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages, or space in a basement or cellar when used for storage or incidental uses.

(c) Bicycle Space Minimum. A minimum number of two (2) bicycle spaces (the equivalent of one two-sided bike rack) is required for nonresidential uses.

(d) Computation. Fractional space requirements of up to one-half (½) space shall be rounded down to the next whole number and greater than one-half (½) rounded up to the next whole number.

(e) Parking Requirements For Persons With Disabilities. The provisions contained in Wis. Stat. §§ 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

(f) Unspecified Uses. Where buildings are constructed without uses specified, the use with the highest parking requirement among all uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.

(g) Unlisted Uses. For uses not listed in Table 28I-3, the Zoning Administrator also may consider the following:

1. Documentation regarding the actual parking and loading demand for the proposed use.
2. Evidence in available planning and technical studies relating to the proposed use.
3. Required parking and loading for the proposed use as determined by comparable jurisdictions.
4. Examination of the parking and loading requirements for uses most similar to the proposed use.

Table 28I-3. Off-Street Parking Requirements.

Use	Automobile Minimum	Automobile Maximum	Bicycle Minimum
Residential - Family Living			
Single-family detached dwellings	1 (location only)	4 outside spaces	0
Two-family dwelling - two-unit	1 (location only)	4 outside /d.u.	0-
Two-family dwelling - twin	1/d.u. (location only)	4 outside /d.u.	0-
Three-family dwelling	1/d.u. (location only)	2 per dwelling	1/d.u
Single-family attached dwelling	1 per dwelling	2 per dwelling	1 per dwelling
Multi-family dwelling	1 per dwelling	2.5 per dwelling	1 per unit up to 2-bedrooms, ½ space per add'l bedroom; 1 guest space per 10 units
Accessory dwelling unit	0	2 per dwelling	0
Manufactured home, mobile home	0	(see lot coverage)	0
Caretaker's dwelling	0	2 per dwelling	0
Residential - Group Living			
Adult family home	1	4	1 per dwelling
Community living arrangement	determined by Zoning Administrator based on number of rooms/employees	150% minimum	1 per dwelling unit plus 1 per 3 rooms
Cohousing community	determined by Zoning Administrator	150% minimum	1 per dwelling
Housing cooperative	same as dwelling type prior to conversion to co-op	1 per bedroom	1 per bedroom plus 1 guest space per 4 bedrooms units
Lodging house	determined by Zoning Administrator based on number of rooms/employees	1 per bedroom	1 per lodging room plus 1 guest space per 4 lodging rooms
Dormitory, fraternity or sorority	1 per 10 lodging rooms, or as established in Campus Master Plan	1 per bedroom	1 per bedroom plus 1 guest space per 4 bedrooms
Assisted living, congregate care, skilled nursing facility	1 space per 10 dwelling units or lodging rooms; 1 per 5 beds	1 per dwelling unit	1 per 4 units + 1 per 5 employees
Convent, monastery or similar residential group	see place of worship	1 per bedroom	1 per bedroom
Civic and Institutional Uses			
Cemetery, mausoleum	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Day care center nursery school	1 per 15 clients plus 1 per 2 employees	200% of minimum	1 per 5 employees

Use	Automobile Minimum	Automobile Maximum	Bicycle Minimum
Library, museum	0	1 per 400 square feet floor area	1 per 2,000 square feet floor area
Mission house	see place of worship	1 per 400 square feet floor area	1 per 400 square feet floor area
Parks and playgrounds	none, except where required for specific facilities, as determined by Zoning Administrator	none, except where required for specific facilities as determined by Zoning Administrator	none, except where required for specific facilities as determined by Zoning Administrator
Place of worship	1 per 10 seats or 15 lineal feet of seating area in the main worship space. If no fixed seats, 1 per 70 sq. ft. of floor area in main worship space	150% of minimum	1 per 50 seats or 75 lineal feet of seating area or 1 per 350 feet of floor area in main worship space
Public safety facilities	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Schools, public and private Schools, arts, technical or trade	1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per classroom + 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per 5 students
Colleges, universities	1 per classroom and 1 per 5 students based on the maximum number of students attending classes at any one time; or as established in campus Master Plan	1 per classroom and + 1 per 3 students based on the maximum number of students attending classes at any one time; or as established in Campus Master Plan	1 per classroom and 1 per 5 students, or as established in Campus Master Plan
Mixed Commercial-Residential Uses			
Live/work unit	1/d.u. +1 per 2 employees	2 outside	1 per dwelling
Mixed-use	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)
Office Uses			
Offices Artist, photographer studio, etc. Insurance office, real estate office, sales office	1 per 400 sq. ft. floor area	1 per 250 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Telecommunications center	1 per 2 employees	1 per employee	1 per 10 employees
Medical Facilities			
Clinic, medical, dental or optical Medical laboratory Physical, occupational or massage therapy Veterinary clinic, animal hospital	1 per 2 employees	1 per 200 sq. ft. floor area	1 per 5 employees
Hospital	1 per 4 beds or based on a parking study or Campus Master Plan	determined by Zoning Administrator	1 per 2,000 sq. ft. floor area
Retail Sales and Services			
Animal daycare	1 per 15 clients	200% minimum	1 per 5,000 sq. ft. floor area
General retail Animal boarding facility, kennel Bank, financial institution Business sales and services Laundromat, self-service Liquor store Package delivery service Payday loan business Post office Service business; service business with showroom or workshop Small appliance repair	1 per 400 sq. ft. floor area	1 per 200 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Building materials	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 4,000 sq. ft. interior floor area
Drive-through sales and services, primary and accessory	0 or as determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator

Use	Automobile Minimum	Automobile Maximum	Bicycle Minimum
Dry cleaning, commercial laundry	1 per 2 employees	1.25 per employee	1 per 4,000 sq. ft. floor area
Farmers' market	0	determined by Zoning Administrator	determined by Zoning Administrator
Furniture and household goods sales Garden center, outdoor Greenhouse, nursery	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
Mortuary, funeral home	1 per 200 square feet of assembly area	1 per 100 square feet of assembly area	1 per 2,000 sq. ft. assembly area
Outdoor uses, commercial	1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
Food and Beverages			
Catering	1 per 2 employees	1 per employee	1 per 5 employees
Coffee shop, tea house Restaurant, Restaurant-tavern, tavern, brew-pub	15% of capacity of persons	40% of capacity of persons	5% of capacity of persons
Commercial Recreation, Entertainment and Lodging			
Bed and breakfast establishment	1 per 2 bedrooms in addition to requirement for dwelling	200% of minimum	1 per 2 bedrooms
Health/sports club	10% of the capacity of persons	20% of the capacity of persons	5% of the capacity of persons
Hostel	0	1 per bedroom	1 per bedroom
Hotel, inn, motel	.75 per bedroom	1.5 per bedroom	1 per 10 bedrooms
Indoor recreation	determined by Zoning Administrator (number employees & use characteristics)	determined by Zoning Administrator	5% of the capacity of persons
Lodge, private club, reception hall	15% of the capacity of persons	40% of the capacity of persons	5% of the capacity of persons
Outdoor recreation	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Theater, assembly hall, concert hall	20% of the capacity of persons in the auditorium, or as established in Campus Master Plan (if applicable)	40% of the capacity of persons in the auditorium	5% of the capacity of persons in the auditorium
Adult Entertainment			
Adult entertainment establishment, adult entertainment tavern	20% of capacity of persons	40% of capacity of persons	5% of capacity of persons
Automobile Services			
Auto service station, body shop, repair station	1 per 2,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 1,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 5 employees
Auto convenience store	1 per 1,000 sq. ft. of floor area	1 per 500 sq. ft. of floor area	1 per 1,000 sq. ft. floor area
Auto sales and rental Note: rental vehicles on site may be stacked	1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any	1 per 500 sq. ft. floor area + 4 spaces per service bay	1 per 5 employees
Automobile storage and towing (excluding wrecked or junked vehicles)	determined by Zoning Administrator (number trucks and storage area size)	determined by Zoning Administrator	1 per 5 employees
Car wash	determined by Zoning Administrator	determined by Zoning Administrator	1 per 5 employees
Public Utility and Public Service Uses			
Electric power production	determined by Zoning Administrator	determined by Zoning Administrator	1 per 10 employees
Electric substations, gas regulator stations, telecommunications facilities, sewerage system lift stations, water pumping stations and other public utility uses	0	determined by Zoning Administrator	0
Transportation Uses			

Use	Automobile Minimum	Automobile Maximum	Bicycle Minimum
Bus or railroad passenger depot, railroad or intermodal freight yard, motor freight terminal, railroad yard or shop, taxi or limousine dispatching, maintenance and storage	0	determined by Zoning Administrator	1 per 5 employees 50% short-term 50% long-term
Airport	determined by Zoning Administrator	determined by Zoning Administrator	Short-term: 1 per 10 employees Long-term: 1 per 50 long-term automobile parking spaces provided
Airport - Limited Production, Processing and Storage			
Artisan workshop	0	1 per employee/artist	1 per 5 employees
Bakery, wholesale Bottling plant Laboratories - research, development and testing Limited production and processing Mail order house Printing and publishing Recycling collection center, drop-off station	1 per 2 employees	1 per employee	1 per 5 employees
Contractor's yard	1 per 500 sq. ft. office or sales area + 1 per 3,000 sq. ft. storage area	1 per 250 sq. ft. office or sales area + 1 per 1,500 sq. ft. storage area	1 per 5,000 sq. ft. floor area
Storage - personal indoor facility	0	1 per employee	1 per 10 employees
Industrial Uses			
Brewery General manufacturing Hazardous waste collection, storage or transfer Light manufacturing Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
Asphalt, concrete batching or ready-mix plant Concrete, asphalt and rock crushing facility Extraction of gravel, sand, other raw materials Motor vehicle salvage	determined by Zoning Administrator	determined by Zoning Administrator	1 per 10 employees
Lumberyard	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 10 employees
Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
Agricultural Uses			
Animal husbandry Cultivation	0	1 per employee	1 per 5 employees
Intensive agriculture On-site agricultural retail, farm stand	determined by Zoning Administrator	determined by Zoning Administrator	1 per 5 employees

(Am. by ORD-13-00007, 1-15-13; ORD-14-00143, 9-12-14; ORD-16-00052, 5-25-16)

(5) Adjustments to Minimum Number of Required Spaces. Where minimum parking is required, the following adjustments may be made, as outlined in Table 28I-4.

Table 28I-4. Minimum Parking Adjustments/Reductions.

	Adjustment
Deferred provision of parking	Any use may defer installation of all or a portion of the required parking until such parking is needed. The approved site plan shall depict the minimum number of required parking spaces. Deferral will be re-evaluated with a change in use or an addition to an existing use.

	Adjustment
Shared parking	The Zoning Administrator may authorize a reduction in the minimum number of parking spaces required upon a determination that the hours of peak use among multiple uses will result in lower parking demand, using the method outlined in Subsection 28.141(7).
Parking reduction	A reduction in the minimum number of parking spaces required may be granted through the following procedures: 1. For non-residential uses, the applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking. 2. A further reduction of up to 20 spaces may be approved by the Zoning Administrator. 3. A reduction of more than 20 spaces but less than 25% of the required parking may be approved by the Director. 4. A reduction of more than 20 spaces and 25% or more of the required parking requires conditional use approval. A parking reduction request must be initiated by the owner, who must submit information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.
Bicycle parking reduction	The amount of required bicycle parking may be reduced by the Zoning Administrator under the following circumstances: A bicycle parking reduction shall be initiated by the owner, who shall submit information to support a reduction. Factors to be considered by the Zoning Administrator include but are not limited to: availability, proximity, and use characteristics of public bike parking in the public right of way within two hundred (200) feet of the subject property; existing or potential shared parking agreements; proximity to transit routes and/or multi-use paths; characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street bicycle parking, and whether the use is existing or is an addition to an existing use.
Shared car availability	A reduction in residential parking may be approved by the Zoning Administrator if a shared or community car is available for use by residents on or within reasonable proximity of the site.
Transit corridor proximity	Within 600 feet of a high-frequency transit corridor, a reduction in minimum parking requirements of up to 50% may be approved as a conditional use, with due consideration of the frequency of transit service and adequacy of pedestrian and bicycle linkages to transit stops or stations.
Off-site parking availability	Parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.
Moped substitution	Moped parking is not required. However, three (3) moped spaces may be substituted for one (1) required automobile parking space. Where provided, moped parking shall meet the standards in Sub. 28.141(12).
Bicycle substitution	Four (4) bicycle parking spaces above the minimum number required may be substituted for one (1) required automobile parking space.

(6) Parking in Excess of the Maximum Number of Spaces.

(a) Underground or structured parking may exceed the maximum requirement in Table 281-3.

(b) Surface parking exceeding the maximum may be allowed as follows:

1. For non-residential uses, the applicant may exceed the maximum parking requirement by the lesser of five (5) parking spaces or ten percent (10%) of the maximum parking requirement.
2. An additional increase of up to twenty (20) spaces above the maximum requirement may be approved by the Zoning Administrator.
3. An increase of more than twenty (20) parking spaces but not more than ten percent (10%) of the maximum parking requirement may be approved by the Director.
4. An increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement may be approved by conditional use.

(c) Approval of surface parking exceeding the maximum shall be granted only after considering the following:

1. Documentation regarding the actual parking demand for the proposed use.

2. The impact of the proposed use on the parking and roadway facilities in the surrounding area.

3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.

4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.

5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.

6. Whether the proposed use is new or is an alteration, addition or expansion of an existing use.

(d) Zoning lots and uses that exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without conditional use approval.

(7) Shared Parking Requirements.

The Zoning Administrator may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be located within one thousand three hundred twenty (1,320) feet of each use served.

(a) Computation. The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

1. Multiply the minimum parking required for each individual use, as set forth in Table 28I-3, by the appropriate percentage indicated in the table, for each of the six (6) designated time periods.

2. Add the resulting sums for each of the six (6) columns.

3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.

4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(b) Other Uses. If one or more of the uses proposing shared parking is not found in Table 28I-5, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Zoning Administrator shall determine the appropriate shared parking requirement for use in the calculation in (a) above.

(c) Alternative Procedure. The Zoning Administrator may authorize a greater reduction in the total number of required parking spaces for two (2) or more uses where an applicant believes that Table 28I-5 does not adequately account for circumstances unique to the particular property or properties in question and the applicant submits, at a minimum, a parking study with a detailed description of the proposed uses, hours of operation, anticipated peak parking demand, and anticipated hours that such peak parking demand would occur. The Zoning Administrator may impose reasonable conditions to mitigate potential negative effects.

Table 28I-5. Shared Parking Calculations.

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. — 7:00 a.m.	7:00 a.m. — 6:00 p.m.	6:00 p.m. — 2:00 a.m.	2:00 a.m. — 7:00 a.m.	7:00 a.m. — 6:00 p.m.	6:00 p.m. — 2:00 a.m.
Office/Warehouse/Industrial	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24 hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel: guest rooms (calculate conference and restaurant facilities separately)	100%	55%	100%	100%	55%	100%
Conference/Convention Facilities	0%	100%	100%	0%	100%	100%
Place of Worship	0%	25%	50%	0%	100%	50%
School, Grades K-12	0%	100%	25%	0%	30%	10%
Community Center, Library, Museum	0%	100%	80%	0%	100%	80%

(d) The shared parking spaces shall be maintained as long as the uses they serve are in operation.

(e) The required number of bicycle parking spaces will be provided.

(f) The property owner or owners shall sign and record, with the Dane County register of deeds, a written agreement, in a form satisfactory to the City Attorney, that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the Director.

(8) Parking Design and Location.

Parking for automobiles and other motor vehicles shall be designed according to the requirements of Sec. 10.08, MGO and the following standards.

(a) Surfacing. All parking lots and driveways shall have paved or approved surfaces, as required in Sec. 10.08, MGO. The use of permeable paving, as defined, is encouraged for all parking spaces provided above the minimum number required by this chapter.

1. Residential drives serving single- to two-family dwellings may contain a grass center provided that the areas on which the vehicle's wheels touch are a minimum of twelve (12) inches in width.

(b) Snow Removal. In winter months, required parking areas, including bicycle parking areas, shall be cleared of snow within a reasonable time. Areas used for snow storage shall be approved by the zoning administrator.

(c) Residential Parking Locations.

(See Figures I5, I6, and I7)

1. Parking is not permitted within front yard setbacks, or any street side yard setback, including the side yard setback extension into the rear yard, except on a driveway meeting the standards of Subsection (9) below.
2. Parking shall not be located on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
3. Parking spaces may be located within:
   a. an interior side yard setback.
   b. a rear yard setback, except as in sub. 1 above. (Am. by ORD-14-00133, 8-13-14)
   c. the building envelope.

4. Parking on a Through Lot. Through lots are defined as having two (2) front yards and no rear yard. Parking on a through lot may be located within the building envelope, or an interior side yard setback, but not in either front yard setback.

5. A maximum of forty percent (40%) of the front and rear yard setbacks may be paved and used for driveway and parking purposes provided lot coverage requirements are not exceeded.

(d) Landscaping and Screening. All off-street parking areas shall be landscaped according to the standards of Sec. 28.142, with the exception of parking for single-family detached, two-family and three-family dwellings.

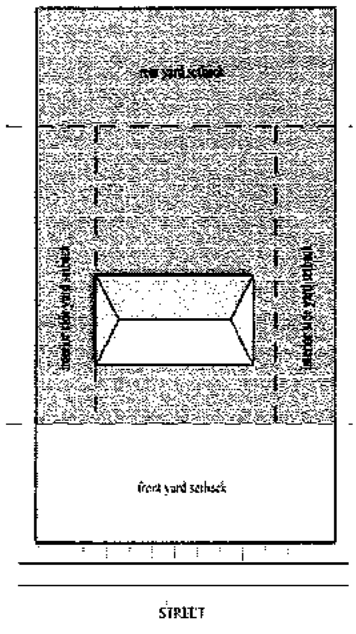


Figure I5: Residential Parking Locations: Interior Lot. Parking is allowed in shaded areas and on driveways in approved locations.

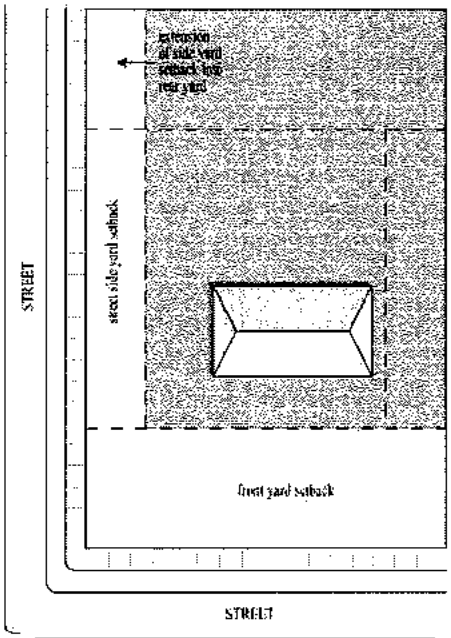


Figure I6: Residential Parking Locations: Corner or Reversed Corner Lot. Parking is allowed in shaded areas and on driveways in approved locations.

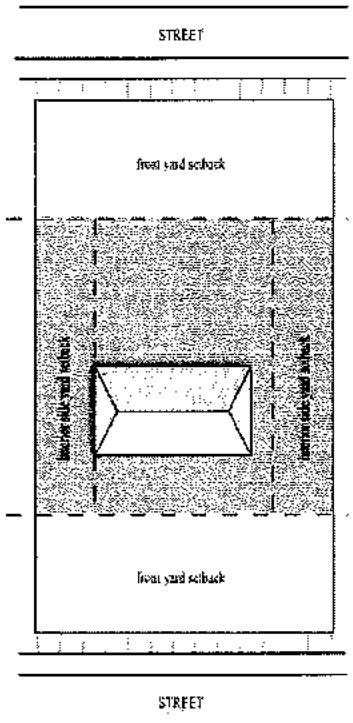


Figure I7: Residential Parking Locations: Through Lot. Parking is allowed in shaded areas and on driveways in approved locations.

(9) Residential Driveway Design and Location.

Driveways shall be designed according to the requirements of Sec. 10.08, MGO, and the following standards.

(a) Driveways shall be a minimum of eight (8) feet in width, except where otherwise specified in Sec. 10.08, MGO.

(b) Driveways may be located in the following locations:

1. Within a front yard setback or street side yard setback, including the extension of the side yard setback into the rear yard setback (see Figures I8 and I9). The driveway must lead only from a street to the nearest garage or to a parking area located in compliance with Subsection (8)(c) above. Maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty-two (22) feet.

2. Driveways leading to an attached or detached garage at a single- or two-family dwelling may be located in the front setback area and be wider than the width of the garage entrance if the driveway width extension meets the following standards (see Figure I17):

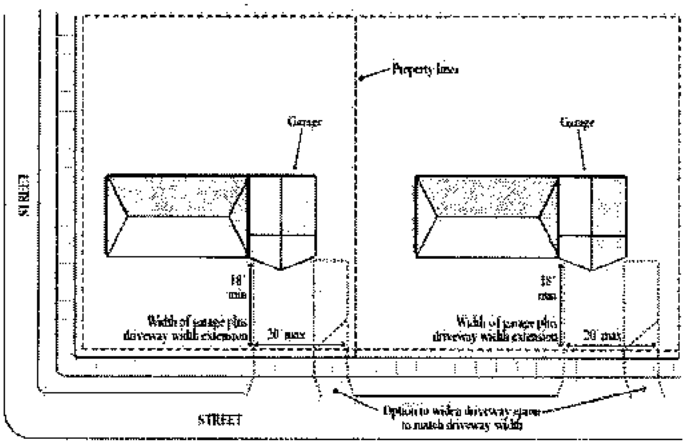


Figure I17: Driveway width extension

i. The total width of the driveway and driveway width extension in the front yard setback does not exceed twenty (20) feet.

ii. The total depth of the driveway including the driveway width extension shall be no less than eighteen (18) feet, and no vehicle parked in the driveway shall extend over or otherwise obstruct any portion of the public right-of-way.

iii. The driveway width extension shall only project toward the nearest interior side lot line, beyond the exterior side wall of the garage structure.

iv. Access to the driveway and driveway width extension shall be no wider than the width of the driveway and driveway width extension at the sidewalk or street property line.

(Sec. 28.141(9)(b)2. Cr. by ORD-17-00018, 2-20-17)

3. Within an interior side yard setback, leading to a garage or parking area located in compliance with Subsection (8)(c) above (see Figure I8). Maximum driveway width is ten (10) feet, which shall not be exceeded within the front yard setback. No setback between the driveway and the side lot line is required. (Renum. by ORD-17-00018, 2-20-17)

(c) Two (2) driveways may be constructed within a front yard setback or, on a corner lot, within the street side yard setback, including the extension of the side yard setback into the rear yard setback, if the following standards are met (see Figure I10):

1. Each driveway is a maximum of eleven (11) feet wide, or ten (10) feet within an interior side yard setback.

2. Both driveways meet at a point outside the required front, street side or side yard extension setbacks.

3. Both driveways lead to the same garage or to the same paved or graveled parking area located in compliance with Subsection (8)(c) above.

(d) Two (2) driveways may be constructed to serve twin dwellings (two-family dwellings separated by a common wall). Each dwelling may have one (1) driveway that meets the requirement of par. (c) above, with a maximum width equal to the width of the garage entrance or parking area, not to exceed twenty-two (22) feet.

(e) A maximum of two (2) curb cuts are permitted for any residential lot.

(f) Driveways may be shared between two single- or two-family lots, provided that appropriate easements or other agreements are established. Shared driveways shall meet the minimum and maximum width requirements of this section.

(g) Driveways shall be oriented in a perpendicular fashion to the street from which they take access, and shall cross required setbacks in a perpendicular fashion, to the extent feasible.

(h) Driveways serving commercial or industrial uses shall not cross residentially-zoned properties, except where allowed by conditional use.

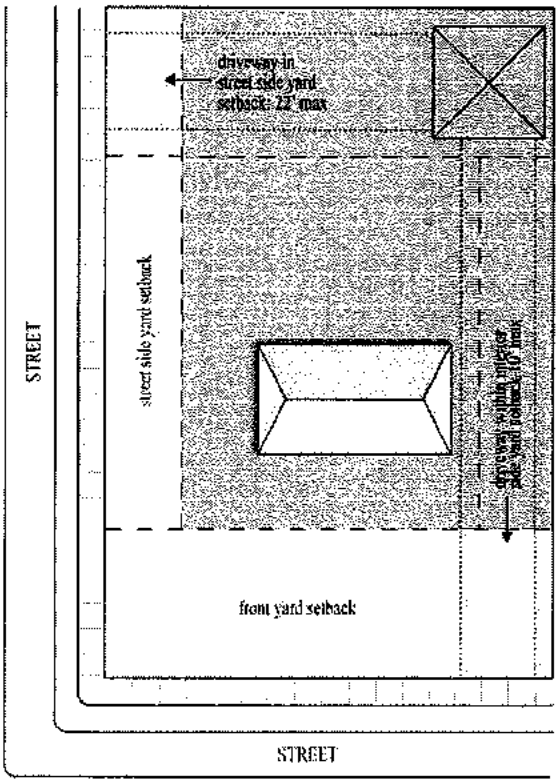


Figure I8: Interior and Street Side Yard Driveway

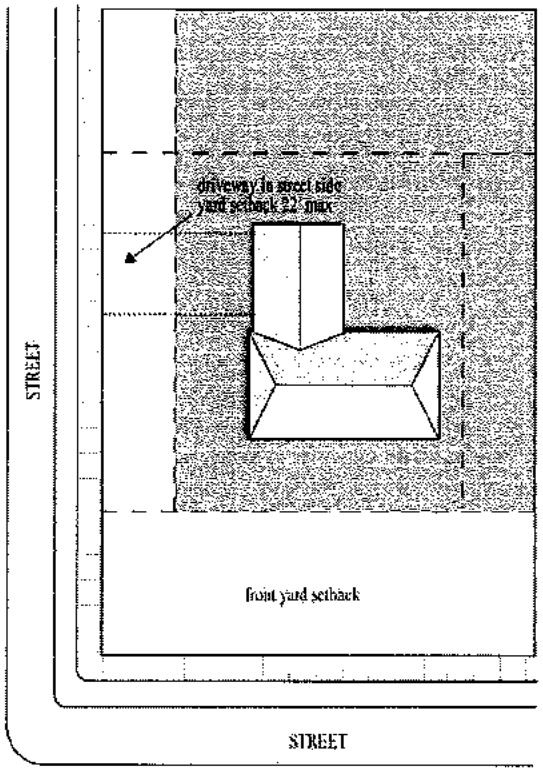


Figure I9: Street Side Yard Driveway

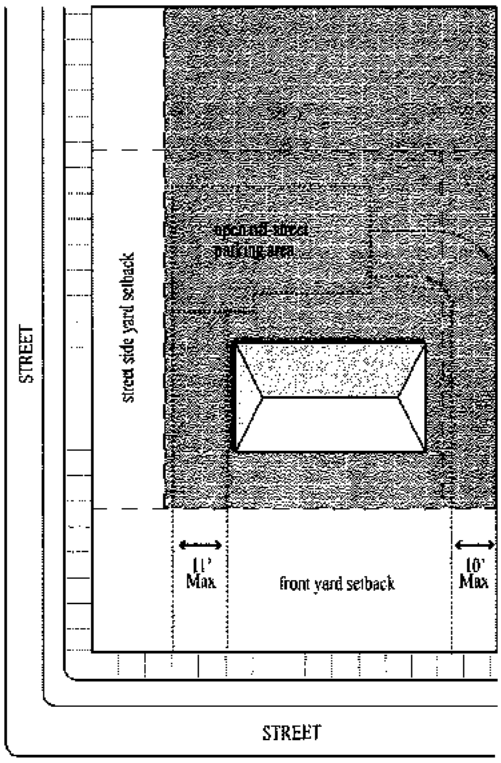


Figure I10: Two Driveways on a Residential Lot

(10) Restrictions on Residential Parking.

(a) A maximum of one (1) commercial vehicle per dwelling unit may be parked outdoors on residential property if the vehicle is:

1. Used by a resident of the dwelling unit.
2. Has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less and is less than twenty-one (21) feet in length.

(b) Vehicles and/or equipment not normally associated with a residential use are specifically prohibited from being parked or stored on residential property. Such vehicles include, but are not limited to:

1. Construction equipment, such as bulldozers, backhoes, skid steers, and forklifts.
2. Dump and stake body style trucks.
3. Cube type vans and trucks.
4. Landscaping business equipment such as tractors, tree spades, graders and scrapers.
5. Semi-trailers and tractors.
6. Concession, vending and catering trailers.
7. Commercial/Industrial equipment trailers and lifts.
8. Tow trucks, wreckers or car carriers.
9. Limousines.

(c) A mobile recreational vehicle (RV) associated with residential uses may be parked as a passenger vehicle but shall not be utilized for living space or storage of goods, materials or equipment other than is considered part of the RV or essential to its function. (Am. by ORD-13-00086, 5-29-13)

(d) All vehicles parked on a residential lot shall display current license plates and be in safe, functional and operable condition.

(11) Bicycle Parking Design and Location.

(a) Parking Designation. Bicycle parking requirements are as shown in Table 28I-3 and shall be designated as long-term or short-term parking.

1. For all residential uses, including those in combination with other uses, at least ninety percent (90%) of required resident bicycle parking shall be designed as long-term parking. Any guest parking shall be designed as short-term parking. Except as allowed in Secs. 28.141(11)(f)-(h) below, all bicycle parking shall be ground mount non-vertical, and have a six (6) foot vertical clearance.

2. For all other uses, at least ninety percent (90%) of all bicycle parking shall be designed as short-term parking.

(b) Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. No fee shall be charged for resident bicycle parking where free auto or moped parking is provided on-site.

(c) Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units. With permission of the Zoning Administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site. No fee shall be charged for resident bicycle parking where free auto or moped parking is provided on-site.

(d) Bicycle parking spaces shall be located on paved or pervious, dust-free surface with a slope no greater than three percent (3%). Surfaces shall not be gravel, landscape stone, or wood chips.

(e) Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet. There shall be an access aisle a minimum of five (5) feet in width. Each required bicycle parking space must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. (Am. by ORD-13-00007, 1-15-13)

(f) Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking.

(g) Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.

(h) All racks shall accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame.

(i) Bicycle parking substituted for auto parking may be horizontal or vertical, as long as dimensional requirements are met.

(j) For multi-building development, bicycle parking shall be provided for each building.

(12) Moped Parking Design and Location.

Where moped or scooter off-street parking is provided, it shall meet the following standards:

(a) Spaces shall be a minimum of three (3) feet by six (6) feet in size with a vertical clearance of six (6) feet and with a drive aisle of five (5) feet.

(b) The spaces may be located close to bicycle parking areas but kept separate and out of the way of conflict with other motor vehicle traffic. Moped parking shall not be located within front yard setback areas.

(c) Spaces shall be located and access should be provided such that the use or crossing of pedestrian facilities, including wheelchair ramps, by mopeds is discouraged and such that mopeds do not come into conflict with pedestrians on foot or in wheelchairs.

(d) Access to moped areas should be provided using a separate driveway via a curb cut and ramp or mountable curb with a reduced slope after taking into account traffic movements on the street from which safe access must be provided.

(e) Moped driveways may cross a sidewalk as may any driveway but must not use the sidewalk to provide access to moped stalls. Moped parking areas behind a sidewalk should be separated by a curb when possible.

(13) Off-Street Loading Requirements.

Any use which has a floor area of ten thousand (10,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section. (Am. by ORD-15-00033, 4-8-15)

(a) Location. All loading berths shall be located twenty-five (25) feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street side yard setback area. All loading areas shall be located on private property and shall not be located within, or interfere with, any public right-of-way.

(b) Required number of spaces are based on the size of the establishment as follows, but may be reduced through conditional use approval:

Size of Establishment	Number of Loading Spaces
Office buildings and lodging:	
10,000 to 50,000 sq. ft. floor area	1 loading space
50,001 to 200,000 sq. ft. floor area	2 loading spaces
over 200,000 sq. ft. floor area	2 + 1 additional space per each 75,000 sq. ft. floor area above 200,000
Retail, service, commercial, wholesale and industrial uses	
10,000 to 20,000 sq. ft. floor area	1 loading space
20,001 to 100,000 sq. ft. floor area	2 loading spaces
over 100,000 sq. ft. floor area	2 + 1 additional space per each 75,000 sq. ft. floor area above 100,000

(Am. by ORD-13-00097, 6-12-13; ORD-15-00033, 4-8-15)

(c) Size of Spaces. A required off-street loading space shall be at least ten (10) feet wide by at least thirty-five (35) feet in length for structures less than twenty thousand (20,000) square feet in floor area, and at least ten (10) feet wide by fifty (50) feet in length for larger structures. The above areas shall be exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet. (Am. by ORD-15-00033, 4-8-15)

(d) Shared Loading. Two or more uses on adjacent zoning lots may share a loading area.

(e) Uses for which off-street facilities are otherwise required but which are located in structures of less than twenty thousand (20,000) square feet of floor area may use drive aisles or other suitable areas on the same lot for loading purposes.

(f) Surfacing. All open off-street loading areas shall be paved with a bituminous pavement or Portland cement concrete pavement in accordance with City of Madison standards and specifications.

(g) Idling. Vehicles shall not have idling engines for more than five (5) minutes except when actively loading.

28.142 LANDSCAPING AND SCREENING REQUIREMENTS.

(1) Statement of Purpose.

The landscaping and screening requirements specified in this section are intended to:

(a) Protect and restore the natural environment throughout the development process.

(b) Reduce the negative environmental effects of development while fostering aesthetically pleasing development which will protect and enhance the appearance, character, health, safety and welfare of the community.

(c) Reduce the "heat island" effect of impervious surfaces such as parking lots by cooling and shading the surface area.

(d) Increase the compatibility of adjacent uses, by minimizing adverse impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable views, activities or impacts to adjacent or surrounding uses.

(e) Enhance the environment for successful plant establishment and growth.

(f) Enhance the green infrastructure of the city to help reduce air pollutants, create ambiance, mitigate the urban heat island effect and stormwater run-off issues.

(2) Applicability.

(a) Subsections (3) through 10 apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures. The entire development site must be brought up to compliance with this section unless all of the following conditions apply, in which case only the affected areas need to be brought up to compliance:

1. The area of site disturbance is less than ten percent (10%) of the entire development site during any ten-(10) year period.
2. Floor area is only increased by ten percent (10%) during any ten-(10) year period. (Am. by ORD-15-00033, 4-8-15)
3. No demolition of a principal building is involved.
4. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.

(b) Subsection (11) applies to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots and the construction of detached single-family and two-family dwellings and their accessory structures.

(Am. by ORD-16-00021, 3-7-16)

(3) Landscape Plan and Design Standards.

Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, including zoning permits, where applicable. Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

(a) Elements of the landscape plan shall include the following:
1. Plant list including common and Latin names, size and root condition (i.e. container or ball &burlap).
2. Site amenities, including bike racks, benches, trash receptacles, etc.
3. Storage areas including trash and loading.
4. Lighting (landscape, pedestrian or parking area).
5. Irrigation.
6. Hard surface materials.
7. Labeling of mulching, edging and curbing.
8. Areas of seeding or sodding.
9. Areas to remain undisturbed and limits of land disturbance.
10. Plants shall be depicted at their size at sixty percent (60%) of growth.
11. Existing trees eight (8) inches or more in diameter.
12. Site grading plan, including stormwater management, if applicable.

(b) Plant Selection. Plant materials provided in conformance with the provisions of this section shall be nursery quality and tolerant of individual site microclimates.

(c) Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.

(4) Landscape Calculations and Distribution. Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area, for the purpose of this requirement, is defined as that area within a single contiguous boundary which is made up of structures, parking, driveways and docking/loading facilities, but excluding the area of any building footprint at grade, land designated for open space uses such as athletic fields, and undeveloped land area on the same zoning lot.

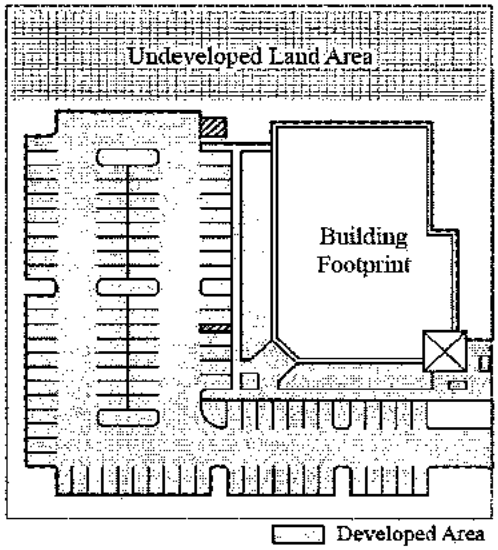


Figure I11: Developed Area for Calculating Landscape Requirements.

(a) Five (5) landscape points shall be provided for each three hundred (300) square feet of developed area. However,
1. For lots larger than five (5) acres, points shall be provided at five (5) points per three hundred (300) square feet for the first five (5) acres, and one (1) point per one hundred (100) square feet for all additional acres.
2. For the IL and IG districts, one (1) point shall be provided per one hundred (100) square feet.

(b) Where required landscaping cannot be accommodated due to building placement on site, the Zoning Administrator may modify or waive the point requirements.

(c) Landscape points are calculated as shown in the following table.

Plant type	Points	Minimum Size at Installation
Overstory deciduous tree	35	2½ inch caliper measured diameter at breast height (dbh) Minimum 12'-14' Hgt.

Plant type	Points	Minimum Size at Installation
Tall Evergreen Tree (i.e. pine, spruce)	35	5-6 feet tall
Ornamental tree	15	1½ inch caliper
Upright Evergreen shrub (i.e. arborvitae)	10	3-4 feet tall
Shrub, deciduous	3	#3 gallon container size Min. 12"-24"
Shrub, evergreen	4	#3 gallon container size Min. 12"-24"
Ornamental grasses/perennials	2	#1 gallon container size Min. 8"-18"
Ornamental/decorative fencing or wall	4 per 10 ln. ft.	n/a
Existing significant specimen tree	14 per caliper inch dbh	Minimum size: 2 ½ inch caliper dbh Maximum points per tree: 200 *Trees must be within developed area and cannot comprise more than 40% (30%) of total required points
Landscape furniture for public seating and/or transit connections	5 points per "seat"	*Furniture be within developed area, publically accessible, and cannot comprise more than 5% of total required points

*as determined by ANSI, ANLA—American standards for nursery stock. For each size, minimum plant sizes shall conform to the specifications as stated in the current American Standard for Nursery Stock.

(d) Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings as specified in subsections (5) through (8) below, or as general site landscaping.

(e) Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover mulched.

(f) Canopy tree diversity requirements for new trees:

1. If the development site has fewer than five (5) canopy trees, no tree diversity is required.

2. If the development site has between five (5) and fifty (50) canopy trees, no single species may comprise more than thirty-three percent (33%) of trees.

3. If the development site has more than fifty (50) canopy trees, no single species may comprise more than twenty percent (20%).

(g) Not more than four (4) of any one species of canopy tree shall be used to meet a canopy tree requirement.

(5) Development Frontage Landscaping.

Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of plant material meeting the following minimum requirements:

(a) One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree.

(b) In cases where building facades directly abut the sidewalk, required frontage landscaping shall be deducted from the required point total.

(c) In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.

(d) Fencing shall be a minimum of three (3) feet in height, and shall be constructed of metal, masonry, stone or equivalent material. Chain link or temporary fencing is prohibited.



Figures I12-13: Development Frontage Landscaping Examples.

(6) Interior Parking Lot Landscaping.

The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.

(a) For new development on sites previously undeveloped or where all improvements have been removed, a minimum of eight percent (8%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands, peninsulas, or landscaped strips. For changes to a developed site, a minimum of five percent (5%) of the asphalt or concrete area shall be interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays.

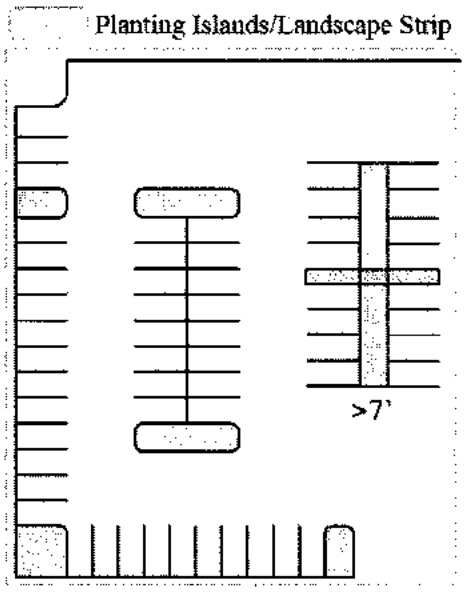


Figure I14: Interior Parking Lot Landscaping.

(b) The primary plant materials shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of required landscaped area. Two (2) ornamental deciduous trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees. No light poles shall be located within the area of seventy-five percent (75%) of mature growth from the center of any tree.

(c) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design approved by the Director of Public Works. The ability to maintain these areas over time must be demonstrated. (See Chapter 37, Madison General Ordinances, Erosion and Storm-water Runoff Control.)



Figure I15: Interior Parking Lot Landscaping Example.

(7) Foundation Plantings.

Foundation plantings shall be installed along building facades, except where building facades directly abut the sidewalk, plaza, or other hard-scape features. Foundation plantings shall consist primarily of shrubs, perennials, and native grasses. The Zoning Administrator may modify this requirement for development existing prior to the effective date of this ordinance, as long as improvements achieve an equivalent or greater level of landscaping for the site.

(8) Screening Along District Boundaries.

Screening shall be provided along side and rear property boundaries between commercial, mixed-use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. For conditional uses, the Plan Commission may modify these requirements.

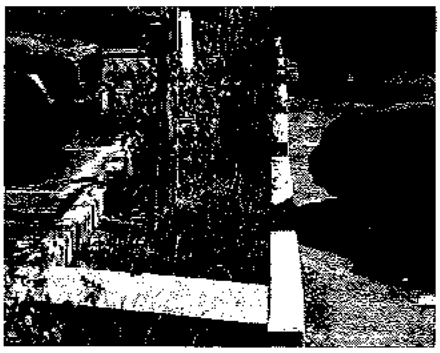


Figure I16: Interior Parking Lot Landscaping Example.

(9) Screening of Other Site Elements.

The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:

(a) Refuse Disposal Areas. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.

(b) Outdoor Storage Areas. Outdoor storage areas shall be screened from abutting residential uses with a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.

(c) Loading Areas. Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.

(d) Mechanical Equipment. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.

(Am. by ORD-14-00001, 1-14-14)

(10) Maintenance.

The owner of the premises is responsible for the watering, maintenance, repair and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed free. Plant material that has died shall be replaced no later than the upcoming June 1.

(11) Fences, Walls and Hedges.

Fences and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction or installation of any fence or hedge.

(a) Height in Residential Districts.

1. The maximum height of a screening fence or screening hedge within required interior side and rear setbacks in a residential zoning district shall not exceed six (6) feet. An ornamental fence or ornamental hedge may exceed six (6) feet in height. A screening fence or screening hedge of up to eight (8) feet in height may be placed on a district boundary line between a residential district and a mixed-use, commercial or employment district, or where adjacent to a public utility or public service use.
2. Screening fences around pools shall not exceed eight (8) feet.
3. Screening fences within the building envelope shall not exceed eight (8) feet.
4. The maximum height of a screening fence or screening hedge within a required front or street side yard setback shall not exceed four (4) feet, in height with the following exceptions:
   a. A screening fence or screening hedge of up to six (6) feet in height may be placed within a street side yard setback behind the rear plane of the principal building.
   b. The height of a screening fence or screening hedge within a street side yard setback may be increased to a maximum of six (6) feet in height if it is set back a minimum of four (4) feet from the street side yard property line.
5. The maximum height of an ornamental fence located in a front yard is five (5) feet if the fence is less than fifty percent (50%) opaque, and six (6) feet if the fence is less than twenty percent (20%) opaque.

(b) Height in Mixed-Use or Nonresidential Zoning Districts. The maximum height of a screening fence or screening hedge shall not exceed eight (8) feet except in required front or street side yard setbacks where the maximum height of a screening fence or screening hedge shall not exceed four (4) feet.

(c) Height Measurement. Fence or hedge height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or

hedge is set back from the retaining wall by a distance of at least four (4) feet, the height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

(d) Fences or hedges shall comply with the vision clearance triangle requirements of Subsection 27.05(2)(bb).

(e) Fences located in the front or street side yard setback areas must be made of materials such as wood, ornamental metal, brick, vinyl-coated chain link or stone. Uncoated chain link fences may be used in interior side or rear yards.

(f) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty (180) consecutive days per calendar year.

(Sec. 28.142(11) Am. by ORD-14-00001, 1-14-14)

(Sec. 28.142 Am. by ORD-13-00148, 9-11-13)

28.143 MOBILE TOWER SITING REGULATIONS.

(1) Statement of Purpose.

The purpose and intent of this section is to strike a balance between the state and federal interest concerning the construction, modification and siting of mobile service facilities and mobile service support structures for use in providing personal wireless services, and the interest of the City in regulating local zoning. The goals of this section are to:

(a) Protect residential areas and land uses from the potential adverse impacts of towers and antennas.

(b) Minimize the total number of towers throughout the community.

(c) Encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers.

(d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(2) New Construction and Substantial Modification of Facilities and Support Structures.

(a) An application for a permit to engage in the siting or construction of a new mobile service support structure and facilities or to engage in a Class 1 collocation shall be submitted in writing to the Building Inspection Division and shall contain the following:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile

service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(b) The Building Inspection Division Director or his or her designee shall inform the applicant within ten (10) days of receipt of the application if the application is not complete. Notification shall be in writing and shall specify in detail the information that was incomplete.

(c) Within ninety (90) days of receipt of a completed application, the Building Inspection Division Director or designee shall issue a written decision to approve or deny the application. However, the Director or designee and the applicant may agree in writing to an extension of the ninety-(90) day period.

(d) Decisions to deny an application shall be supported by substantial evidence. Such evidence shall be included in the written decision.

(e) If an applicant provides an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Building Inspection Division Director or designee provides the applicant with substantial evidence showing that the engineering certification is flawed.

(f) The decision of the Building Inspection Division Director or designee is a final decision appealable to circuit court.

(3) Abandonment.

If a mobile service support structure shall cease to be used for a period exceeding one year and a day, the owner or operator of said structure shall remove the structure upon the written request of the City Building Inspection Division Director at no cost to the City within ninety (90) days of said request. Prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a support structure that has ceased being used for mobile service facilities purposes is removed. The bond amount shall be the lesser of twenty thousand dollars ($20,000) or an amount based on a written estimate of a person qualified to remove such structures.

(4) Structural Requirements.

Every mobile service support structure and mobile service facility shall be designed and constructed so as to comply with the requirements of Chapter 17, MGO, and International Building Code (IBC) 3108, as amended from time to time. If, upon inspection, the Building Inspection Division Director concludes that a structure or facility fails to comply with such codes in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the structure or facility, the owner shall have thirty (30) days or such time as determined by the Building Inspection Division Director to bring such tower into compliance with said codes.

Failure to bring such structure or facility into compliance within said thirty (30) days or such time as determined by the Building Inspection Division Director shall constitute grounds for the removal of the structure or facility at owner's expense.

(5) Basic Tower and Building Design.

All new mobile service support structures and facilities, except exempt facilities as defined in subsection (8), below, shall be designed as follows:

(a) Mobile service facilities and mobile service support structures shall be constructed out of metal or other nonflammable material.

(b) Mobile service facilities and mobile service support structures shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(c) Emergency back-up generators shall be completely enclosed on all sides. Other efforts to mitigate noise from such generators may be required.

(6) Location.

A good faith effort in achieving collocation shall be required of the requestor and host entity, subject to existing collocation contracts, and all of the following measures shall be implemented for new mobile service support structures and Class 1 Collocations:

(a) No mobile service support structure shall be installed closer than one-quarter (¼) mile from another mobile service support structure, measured from the base of the existing structure to the base of the proposed structure, unless the applicant provides a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring:

1. Would not result in the same mobile service functionality, coverage, and capacity;
2. Is technically infeasible, or
3. Is economically burdensome to the mobile service provider.

For the purposes of this requirement, exempt mobile service facilities unavailable for collocation shall not be included in the one-quarter (¼) mile computation.

(b) No mobile service support structure shall be located on a lot in a residence district, unless said lot is greater than two (2) acres in area and the principal use is other than residential.

(c) Mobile service support structures towers, guy wires, appurtenant equipment and buildings shall comply with the yard and set back requirements of the zoning district in which they are located.

(7) Collocated and Multiple-User Facilities.

(a) An application for a permit to engage in Class 2 Collocation shall be submitted in writing to the Building Inspection Division and shall contain the following:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.

(b) The Building Inspection Division shall inform the applicant within five (5) days of receiving the application if the application is not complete. Notification shall be in writing and shall specify in detail the information that was incomplete.

(c) Within forty-five (45) days of receipt of a completed application, the Building Inspection Division Director or designee shall issue a written decision to approve or deny the application, except that the Building Inspection Division Director or designee and the applicant may agree in writing to an extension.

(d) Decisions to deny an application shall be supported by substantial evidence. Such evidence shall be included in the written decision.

(e) The decision of the Building Inspection Division Director or designee is a final decision appealable to circuit court.

(f) Design for Collocation. All new mobile service support structures shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible.

Multi-user mobile service support structures shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users.

(8) Exempt Facilities.

(a) Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator, complying with the provisions contained in Chapter 17, MGO, so long as all the following conditions are met:

1. The antenna use involved is accessory to the primary use of the property which is not a telecommunication facility.
2. In a residential zone, no more than one support structure for licensed amateur radio operator is allowed on the parcel.
3. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(b) Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(Sec. 28.143 Rep. & Rec. by ORD-13-00189, 11-26-13)

28.144 DEVELOPMENT ADJACENT TO A LANDMARK OR LANDMARK SITE.

Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

28.145 LOTS WITH SPLIT ZONING.

For any lot with two (2) or more zoning district designations, each portion of said lot shall be subject to the requirements of the district in which it is located.

28.146 HISTORIC DISTRICT SUFFIXES.

(1) Statement of Purpose and Applicability. Historic District suffixes are created to provide an effective means of identifying zoning lots which are either located within a designated Historic District or upon which is located a designated landmark, pursuant to the provisions of Chapter 41, MGO. The appropriate suffix for a designated landmark or respective Historic District as created hereunder shall be appended to the current and any future zoning district classification of each zoning lot so affected and the suffix shall also be appended to zoning district classifications on Zoning District Maps maintained by the Zoning Administrator. The suffix designation has no effect upon the principal zoning district classification of said zoning lots. However, the applicable regulations of Chapter 41 which are referenced by the respective suffix shall apply to each said zoning lot in addition to the applicable requirements of the Zoning Code.

(2) HIST-L Designated Landmark. The HIST-L suffix applies to all zoning lots on which a designated landmark is located pursuant to Sec. 41.07, MGO, and the owner of each such zoning lot is notified that the landmark located thereon and the landmark site shall be maintained in a condition consistent with the provisions of Chapter 41, in addition to the applicable requirements of the Zoning Code.

(3) HIST-MH Mansion Hill Historic District. The HIST-MH suffix applies to all zoning lots located within the Mansion Hill Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.22, in addition to the applicable requirements of the Zoning Code.

(4) HIST-TL Third Lake Ridge Historic District. The HIST-TL suffix applies to all zoning lots located within the Third Lake Ridge Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.23, in addition to the applicable requirements of the Zoning Code.

(5) HIST-UH University Heights Historic District. The HIST-UH suffix applies to all zoning lots located within the University Heights Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.24, in addition to the applicable requirements of the Zoning Code.

(6) HIST-MB Marquette Bungalows Historic District. The HIST-MB suffix applies to all zoning lots located within the Marquette Bungalows Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.25, in addition to the applicable requirements of the Zoning Code.

(7) HIST-FS First Settlement Historic District. The HIST-FS Suffix applies to all zoning lots located within the First Settlement Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered, and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.26, in addition to the applicable requirements of the Zoning Code.

(Am. by ORD-15-00072, 7-29-15)

28.147 NEGATIVE USE RESTRICTIONS PROHIBITED AS AGAINST PUBLIC POLICY.

(1) Purpose and Intent. The public health, safety and general welfare of the City are compromised when private parties impose negative use restrictions upon real property in the City which prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations upon such real property. Such negative use restrictions are separate and distinct from commercially reasonable non-compete clauses included in shopping center development agreements whereby a landlord may agree with a tenant that is a grocery store or drug store not to lease another space in the same shopping center to a second grocery store or drug store, respectively, in order to induce the first tenant to sign a long-term lease as an anchor tenant at such shopping center development.

(2) Prohibitions. Notwithstanding Sec. 28.04(1)(c), a private agreement that purports to impose negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations on such real property, when such use would otherwise be permitted (including as a conditional use) under the zoning ordinance, shall be against public policy, void, and unenforceable. The foregoing prohibition shall apply whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements, including those created prior to the effective date of this section. In addition to any penalty imposed by Sec. 28.12(14), the City may institute appropriate action relating to any such private agreement pursuant to Wis. Stat. § 62.23(8). The penalty provisions of Sec. 28.12(14) shall not apply to such private agreements entered into prior to the effective date of this section.

28.148 RADIO BROADCAST SERVICE FACILITY REGULATIONS.

(1) Statement of Purpose.

The purpose and intent of this section is to strike a balance between the state interest concerning the construction, modification and siting of Radio Broadcast Service Facilities, and the interest of the City in public health and safety. The regulations in this section, and elsewhere in these ordinances as they relate to Radio Broadcast Service Facilities, are determined to be the minimum necessary to protect public health and safety. The goals of this section are to

(a) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(b) Avoid potential harm or injury caused by the ability to trespass or climb on a tower.

(c) Avoid potential harm or injury caused by ice or other debris falling from towers.

(2) Application.

An application for the placement, construction or modification of a radio broadcast service facility shall be made to the Building Inspection Division.

(a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the Radio Broadcast Service Facility on the lot, the design of facility, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the Radio Broadcast Service Facility. Additional materials may be required.

(b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the facility

(c) Any denial shall be in writing, and shall provide the applicant with substantial evidence which supports the reasons for the denial.

(3) Structural Requirements.

Every Radio Broadcast Service Facility shall be designed and constructed so as to comply with the requirements of Chapter 17, MGO, and International Building Code (IBC) 3108, as amended from time to time. If, upon inspection, the Building Inspection Division Director concludes that a tower fails to comply with such codes in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days or such time as determined by the Building Inspection Division Director to bring such tower into compliance with said codes.

Failure to bring such tower into compliance within said thirty (30) days or such time as determined by the Building Inspection Division Director shall constitute grounds for the removal of the tower or antenna at owner's expense.

(4) Basic Tower and Building Design.

All new Radio Broadcast Service Facilities, except exempt facilities as defined in subsection (7), below, shall be designed as follows:

(a) Radio Broadcast Service Facilities shall be constructed out of metal or other nonflammable material.

(b) Radio Broadcast Service facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(5) Location.

Radio Broadcast Service Facilities, towers, guy wires, appurtenant equipment and buildings shall comply with the yard and set back requirements of the zoning district in which they are located and, in addition thereto, all towers shall be set back at least one hundred (100) feet from any property devoted to residential use or two hundred (200) feet from any residential building, whichever is less.

(6) Abandonment.

If a Radio Broadcast Service Facility shall cease to be used for a period exceeding one year and a day, the owner or operator of said facility shall remove the facility upon the written request of the City Building Inspection Division Director at no cost to the City within ninety (90) days of said request. Prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a facility that has ceased being used for telecommunication purposes is removed. The bond amount shall be the lesser of twenty thousand dollars ($20,000) or an amount based on a written estimate of a person qualified to remove such structures.

(7) Exempt Facilities.

(a) Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator, complying with the provisions contained in Chapter 17, MGO, so long as all the following conditions are met:

1. The antenna use involved is accessory to the primary use of the property which is not a telecommunication facility.
2. In a residential zone, no more than one support structure for licensed amateur radio operator is allowed on the parcel.
3. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(b) Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(Sec. 28.148 Cr. by ORD-13-00189, 11-26-13)

28.149 REGULATION OF WIND ENERGY SYSTEMS.

(1) Statutory Authorization. The ordinance codified in this section is adopted pursuant to authority contained in Wis. Stat. §§ 62.23(7) & 66.0401 and Wis. Admin. Code ch. PSC 128.

(2) Definitions. For the purposes of this section, all definitions contained within Wis. Stat. §§ 66.0401 & 66.0403, Wis. Admin. Code §§ PSC 196.378 and PSC 128.01 apply. In addition:

"Large wind energy system" means a wind energy system that has a total installed nameplate capacity of more than three hundred (300) kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than one hundred (100) kilowatts.

(3) Pre-application Notice.

(a) At least ninety (90) days before an owner files an application to construct a large wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

1. Landowners within one (1) mile of a planned wind turbine host property.
2. Political subdivisions within which the wind energy system may be located.
3. Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system. may be located.
4. The Wisconsin Department of Transportation.
5. The Public Service Commission of Wisconsin.
6. The Wisconsin Department of Natural Resources (DNR).
7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
8. The Office of the Deputy Undersecretary of the U.S. Department of Defense.

(b) At least one hundred eighty (180) days before filing an application to construct a wind turbine with a "maximum blade tip height" exceeding six hundred (600) feet, the owner shall provide written notice of the planned wind energy system to the Public Service Commission.

(c) For small wind energy systems, an owner shall provide written notice at least sixty (60) days prior to filing application to the City and adjacent landowners.

(d) Written notice shall include:

1. A complete description of the wind energy system, including the number and size of the planned wind turbines.
2. A map showing the planned location of all wind energy system facilities.
3. Contact information for the owner.
4. A list of all potential permits or approvals the owner anticipates may be necessary for construction.
5. Whether owner seeks joint application with another jurisdiction.

(4) Application Notice Requirements.

(a) Upon filing an application, an owner shall use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one (1) mile of the proposed location of any wind energy system facility. For small wind energy system, notice shall only be provided to property owners and residents located adjacent to the wind energy system. The notification shall include all of the following:

1. A complete description of the wind energy system, including the number and size of the wind turbines.
2. A map showing the locations of all proposed wind energy system facilities.
3. The proposed timeline for construction and operation of the wind energy system.
4. Locations where the application is available for public review.
5. Owner contact information.

(b) Upon receipt of an application, the City shall publish a class 1 notice, under Wis. Stat. ch. 985, that includes:

1. A brief description of the proposed wind energy system.
2. The proposed location of the wind energy system.
3. The locations where the application is available for public review.
4. The method for submitting public comments on the application to the City.
5. The approximate schedule for review of the application.

(5) Real Property Requirements.

(a) Easements and leases shall be recorded in accordance with Wis. Stat. § 706.

(b) All leases and waivers of noise and shadow flicker shall hold harmless and indemnify the real property owner for violation by the owner of any federal state or local laws and damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

(6) Existing Property Uses.

(a) An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under (3)(a), or if complete publicly—available plans for construction are on file with a political subdivision within thirty (30) days of the date the owner gives notice under (3)(a). However, for small wind energy systems, this subdivision applies only to existing land uses and enterprises that are located on adjacent nonparticipating properties.

(b) An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

(7) Siting.

(a) An owner shall design and construct a large wind energy system using the wind turbine setback distances shown in Table 1:

Table 1

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right of Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines - Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

(b) An owner shall design and construct a small wind energy system using the wind turbine setback distances shown in Table 2:

Table 2

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right of Way	None
Overhead Communication and Electric Transmission or Distribution Lines - Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

(c) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

(d) For wind energy systems within the Airport Affected Area, the maximum blade tip height shall not exceed the height limits in Sec. 78.05, Dane County Ordinances.

(e) For wind energy systems within four thousand (4000) feet of a heliport the maximum blade tip height shall not exceed the total of five hundred (500) feet plus the height of the heliport landing area.

(f) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.

(g) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating residence or an occupied

community building to a minimum setback of one-point-one (1.1) times the maximum blade tip height for large wind energy system or to 0 for a small wind energy system.

(h) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating property line or an occupied community building property line.

(8) Noise.

(a) The noise attributable to a wind energy system shall not exceed 50dBA between the hours of 6:00 a.m. and 10:00 p.m., and shall not exceed 45dBA at all other times.

(b) For large wind energy systems, the owner shall evaluate compliance with the above noise limits pre- and post-construction as specified in PSC 128.50.

(c) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly—available plans for construction are on file with a political subdivision within thirty (30) days of the date on which the owner gives notice.

(d) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.

(e) If the noise from a wind energy system contains noise other than that from normal operating conditions such as a whine, whistle, screech, or hum, the owner shall promptly act to permanently eliminate such noise. Until such time as the noise is permanently eliminated, the owner shall use operational curtailment to eliminate the noise.

(f) Upon receipt of a noise complaint, the owner shall test for compliance with the noise limits above, except that testing is not required if the owner provides results of an accurate noise test completed within two (2) years of the date of the compliant showing compliance with the above noise limits at the location of the compliant.

(g) An owner of an affected nonparticipating residence or occupied community building may waive compliance with the above noise limits by written contract with the owner of the wind energy system. Such written contract shall be recorded and shall be an encumbrance on the real property and run with the land per Wis. Stat. § 706 until the wind energy system is decommissioned.

(h) Before entering into a contract under (g), an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.

(i) Prior to the initial operation of a wind energy system, the owner of a wind energy system shall provide notice of the requirements of this section to any owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of the constructed wind turbine that has not entered into a contract under (g). For a small wind energy system, this requirement applies to adjacent nonparticipating residences or occupied community buildings.

(9) Shadow Flicker.

(a) Shadow flicker requirements apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly-available plans for construction are on file with the City within thirty (30) days of the date on which the owner gives notice under (3)(a).

(b) An owner of a wind energy system shall work with an owner of a residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.

(c) No wind energy system shall cause more than thirty (30) hours per year of shadow flicker at a nonparticipating residence or occupied community building. If this limit is exceeded, the owner of wind energy system shall use operational curtailment to bring the wind energy system into compliance.

(d) An owner of a large wind energy system shall provide shadow flicker computer modeling indicating that no nonparticipating residence or occupied community building will experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

(e) An owner of a large wind energy system shall provide reasonable shadow flicker mitigation, at the owner's expense, for a nonparticipating residence or occupied community building experiencing twenty (20) hours or more per year of shadow flicker. The amount of shadow flicker shall be determined by the shadow flicker computer model or by records kept by the resident of a nonparticipating residence or the occupant of an occupied community building. Mitigation is required only when the owner of the wind energy system receives a complaint or request for mitigation from a nonparticipating residence or occupied community building that receives twenty (20) hours or more per year of shadow flicker. If mitigation is required, the owner of a large wind energy system shall allow the owner of the non-participating residence or the occupied community building to choose a preferred reasonable mitigation technique, including the installation of blinds or plantings at the wind energy system owner's expense.

(f) The owner of an affected nonparticipating residence or occupied community building may waive the shadow flicker limit or shadow flicker mitigation requirements by written contract with the owner of the wind energy system. Unless otherwise provided for in the contract, the waiver shall be an encumbrance on the real property, run with the land, and shall be recorded per Wis. Stat. § 706.

(g) Before entering into a contract under (f) above, an owner of a large wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building.

(h) Before beginning operation of a large wind energy system, the owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of a constructed wind turbine that has not entered into a contract under (f) above.

(10) Signal Interference.

(a) An owner of a wind energy system shall use reasonable efforts to avoid causing interference with commercial communications and personal communications in use when the wind energy system begins operation.

(b) No wind energy system shall be located within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. An owner shall provide documentation showing compliance.

(c) If interference with commercial or personal communications occurs, the owner of a large wind energy system shall use reasonable and commercially available technology to mitigate interference. Following consultation with the affected parties, the owner shall implement the affected party's preferred reasonable mitigation solution effective until the large wind energy system is decommissioned or the communication is no longer in use.

(11) Stray Voltage. An owner of a wind energy system shall provide the City with results of pre-and post-construction testing for stray voltage if such testing is required pursuant to Wis. Admin. Code § PSC 128.17.

(12) Construction and Operation.

(a) Physical Characteristics.

1. An owner shall not allow display of advertising or signage other than warnings, equipment information, or indicia of ownership on a wind turbine.
2. Except for a safety feature or wind monitoring device, an owner shall not allow any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to be located on a wind turbine.
3. An owner shall ensure that a wind turbine has an unobtrusive finish.
4. An owner shall install and maintain lighting that meets FAA standards.
5. An owner shall ensure that a wind energy system is not readily climbable except by authorized personnel.
6. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
7. An owner shall place appropriate warning signage on or at the base of each wind turbine.
8. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that they are visible to low flying aircraft under fair weather conditions.
9. For large wind energy systems, an owner shall post and maintain signs containing a twenty-four (24) hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. Signs shall be posted at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(b) Electrical Standards.

1. An owner shall construct, maintain and operate wind energy systems in a manner that complies with the national electrical safety code.
2. An owner shall construct, maintain and operate collector circuit facilities in compliance with both the national electrical safety code and Wis. Admin. ch. PSC 114.
3. For large wind energy systems, an owner shall ensure that collector circuit facilities are located underground to the extent practicable. If collector circuit facilities are located overhead, owner shall not allow third-party facilities to be attached or bonded to the collector circuit grounding. The owner of the wind energy system shall establish a regular inspection schedule for all overhead facilities and shall ensure that any attached third-party facilities are promptly removed.

(c) Construction, Operation and Maintenance.

1. An owner shall ensure that all wind energy systems are constructed, operated, repaired, maintained, and replaced as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
2. An owner of a large wind energy system shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction and decommissioning of the wind energy system.
3. An owner shall ensure that topography, soils, and vegetation are restored to their original condition following construction of a large wind energy system, unless otherwise provided in a contract signed by an affected landowner, considering modifications needed to comply with DNR requirements.
4. An owner of a large wind energy system shall provide the City documentation of general liability insurance covering claims for property damage or

bodily injury arising from the construction, operation, or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.

(d) Emergency Procedures.

1. An owner of a wind energy system shall notify the City of the occurrence and nature of a wind energy system emergency within twenty-four (24) hours of the wind energy system emergency.
2. An owner of a large wind energy system shall establish and maintain a liaison with the City Fire Department, City Police Department and other appropriate first responders to create emergency plans that include the following:
   a. A list of the types of wind energy system emergencies that require notification of the City within twenty-four (24) hours.
   b. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
   c. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
   d. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
   e. An emergency evacuation plan for the area within one-half (0.5) miles of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.
3. An owner of a large wind energy system shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. An owner of a large wind energy system shall distribute current copies of the emergency plan to the City, Madison Police Department, Madison Fire Department and other appropriate first responders identified by the City.
5. An owner of a large wind energy system shall provide the wind energy system's operator, supervisors, and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established in (e)2. above, train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective. As soon as possible after a wind energy system emergency, the owner shall review employee activities to determine whether the procedures were effectively followed.

(13) Decommissioning.

(a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life, which is presumed to be when a large wind energy system generates no electricity for a continuous three hundred sixty (360) day period or a small wind energy system generates no electricity for a continuous five hundred forty (540) day period.

(b) For large wind energy systems, the City shall grant one or more additional one hundred eighty day (180) extension periods if it is likely that the wind energy system will operate again in the future and if any of the following occur:

1. The owner submits a plan to the City that demonstrates an ongoing good-faith effort to return the wind energy system to service and outlines

the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.

2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

3. The owner demonstrates that the wind energy system is being used for educational purposes.

(c) The City may deny a request for an extension under (b) above if the wind energy system has not generated any electricity for a continuous period of five hundred forty (540) days or more and the City finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.

(d) A large wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of five hundred forty (540) days and the owner has not requested an extension or the City has denied an extension under (c) above and any appeal rights have expired.

(e) When decommissioning is required, the owner shall begin decommissioning within three hundred sixty (360) days after the wind energy system has reached the end of its useful life and shall complete the process, including the removal of the wind energy system, within five hundred forty (540) days after the wind energy system has reached the end of its useful life.

(f) An owner of a wind energy system shall file a notice of decommissioning completion with the City and the Public Service Commission when a wind energy system that has been approved by the City has been decommissioned and removed. Within three hundred sixty (360) days of receiving such notice, the City shall determine whether the owner has satisfied the requirements of (a) above and any applicable site restoration requirements.

(14) Financial Responsibility.

(a) Prior to construction of a large wind energy system with a nameplate capacity of one (1) or more megawatts, an owner shall provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of such financial assurances and funds throughout the expected life of the wind energy system and the decommissioning period. Such assurance must provide that the secured funds may be used only for decommissioning the wind energy system and are accessible only to the City.

(b) Throughout the lifetime of a large wind energy system, the City may require, no more than once every five (5) years, an updated estimate of the actual and necessary costs to decommission the wind energy system and if such estimate is at least ten percent (10%) higher than the amount of financial assurance provided, the City may require a corresponding increase in the financial assurance.

(15) Site Restoration.

(a) Except as provided in (b) below, if a large wind energy system is constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modification needed to comply with DNR requirements.

(b) If a wind energy system was constructed on a brownfield, as defined in Wis. Stat. § 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stat. § 238.13(1)(d).

(16) Application.

(a) All applicants for a wind energy system permit shall submit an application that includes the following:

1. A description of the wind energy system and maps showing the locations of all proposed wind energy facilities.
2. A technical description of the wind turbines and wind turbine sites.
3. The proposed timeline for construction of the wind energy system.
4. Information regarding the anticipated impact of the wind energy system on local infrastructure.
5. Information regarding the noise anticipated to be attributable to the wind energy system.
6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
7. Information regarding the anticipated effects of the wind energy system on existing land uses within one-half (0.5) miles of the wind energy system.
8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
9. Information regarding the anticipated effects of the wind energy system on line-of-sight communication.
10. A list of all state and federal permits required to construct and operate the wind energy system.
11. Information regarding the planned use and modification of roads within the City during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy activities and for conducting road repairs at the wind energy system owner's expense.
12. A copy of all notices required under subsections (3) and (4)
13. A copy of all emergency plans developed in collaboration with appropriate first responders under (12)(e) above.
14. For large wind energy systems, a decommissioning and site restoration plan and any required financial assurance.
15. Any additional information necessary to understand the construction, operation, or decommissioning of the proposed wind energy system.
16. The City shall notify the applicant in writing no later than forty-five (45) days after the application is filed whether the application is complete. The application is considered filed on the date the owner notifies the City in writing that all application materials have been filed. If the City determines that the application is incomplete, it shall provide notice to the owner of the reasons for such determination. The owner may file a supplement to an application based on the stated reasons for the determination that the application was incomplete and another forty-five (45) day completeness review period begins. If the City fails to make a determination of completeness and notify the owner within the required forty-five (45) days, the application is deemed complete.

(17) Decision.

(a) Within ninety (90) days of determining that the application is complete, the Plan Commission shall issue a written decision with findings of fact based on evidence in the record. If an application is denied, the reason for denial shall be specified. The written decision, including the findings of fact, shall be provided to the owner and the Public Service Commission.

(b) Upon written extension, the Plan Commission may extend the ninety (90) day period in (a) above by no more than an additional ninety (90) days if the Plan Commission needs additional information in order to review the application, if the

applicant makes a material modification to the application or for other good cause specified by the Plan Commission. Any extension requires written authorization by the plan commission.

(c) The owner shall record a duplicate original of the decision with the Dane County register of deeds.

(d) Within ninety (90) days of the date a large wind energy system begins operating, the owner shall file, with the City and the Public Service Commission, an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system. Each wind turbine location shall have a unique identifier consistent with the information posted pursuant to (12)(a).

(18) Modification To Wind Energy System.

(a) An owner of a wind energy system may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Plan Commission.

(19) Complaints.

(a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this ordinance.

(b) A complaint shall be made first to the owner of the wind energy system.

(c) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system at the owner's expense.

(d) A complainant may petition the Plan Commission, pursuant to its continuing jurisdiction over a conditional use, for review of a complaint that is not resolved within forty-five (45) days of the day the owner receives the original complaint.

(e) The Plan Commission's decision on a complaint is subject to appeal under Wis. Stat. § 66.0401(5).

(f) Before construction of a large wind energy system, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within one-half (0.5) miles of any wind energy facility. The notice shall contain the requirements for submitting a complaint, a petition for review by the Plan Commission, and appeal to the Public Service Commission. The notice also shall contain the name and phone number of a contact person for the owner for the receipt of complaints. The owner also shall provide the Plan Commission with a copy of such notice.

(g) For large wind energy systems, when an owner receives a complaint, he/she shall provide the complainant with a copy of the notice required in (f) and within thirty (30) days of receiving the complaint, the owner shall provide an initial response to the complainant.

(h) An owner of a large wind energy system shall make a good faith effort to resolve complaints within forty-five (45) days of receiving a complaint and shall notify the Plan Commission of any complaints that have not been resolved.

(i) An owner of a large wind energy system shall maintain a log of all complaints received regarding the wind energy system. The log shall include the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of the complaint log to the Plan Commission on a monthly basis.

(20) Appeals.

(a) Any person aggrieved by the decision of the Plan Commission to approve, deny, or modify a wind energy system may appeal the decision to the Common Council pursuant to Sec 28.183(5)(b). If a person remains aggrieved following appeal to the Common Council, he/she may appeal to the Public Service Commission within

thirty (30) days of the Common Council decision. Alternatively, an aggrieved person may appeal directly to the Public Service Commission within 30 days of the Plan Commission decision to approve, deny, or modify a wind energy system. An owner who petitions for review by the Public Service Commission shall serve a copy of the petition on the City and on any other person specified in Wis. Admin. Code § PSC 2.07(3). Any person other than an owner who files a petition for review by the Public Service Commission shall service a copy of the petition on the owner, the City, and any other person specified in Wis. Admin. Code § PSC 2.07(3). The City shall make a copy of any such petition it receives available for public inspection and shall publish notice of such petition.

(Sec. 28.149 Cr. by ORD-14-00027, 2-18-14)

28.150 RESIDENTIAL DEVELOPMENT.

For all new residential development allowed by this chapter, the applicant shall be required to dedicate land for park and recreation purposes or pay a fee in lieu of land dedication in accordance with the current standards in Sec. 16.23(8)(f), MGO, and pay Park Impact Fees in accordance with Sec. 20.08, MGO. Credit shall be given for any prior dedication or fee paid under those sections.

(Sec. 28.150 Cr. by ORD-15-00013, 1-28-15; Am. by ORD-16-00073, 9-15-16)

SUBCHAPTER 28J: SUPPLEMENTAL REGULATIONS

28.151 APPLICABILITY.

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Accessory Buildings and Structures. Shall comply with Sec. 28.131, MGO. (Am. by ORD-17-00024, 2-20-17)

Accessory Dwelling Unit in the TR-P District.

(a) No more than one (1) accessory dwelling unit may be located on a lot.

(b) The lot shall be a corner lot or abut an alley.

(c) The lot shall have a minimum area of five thousand (5,000) square feet.

(d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.

(e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.

(f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.

(g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.

(h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.

(i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.

(j) The single-family dwelling on the lot shall be owner-occupied.

(k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.

(l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

Accessory Dwelling Unit in Districts Other than the TR-P District.

(a) Required Standards.

1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
2. The principal dwelling must be a single-family detached dwelling.
3. No more than one (1) accessory dwelling unit may be located on a lot.
4. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
5. The accessory dwelling unit shall not be sold separately from the principal dwelling.
6. The maximum height of a detached building containing an accessory dwelling unit, including one built above a garage, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to Sec. 28.134(1)(b).
7. The maximum size of an accessory dwelling unit shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
8. The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
9. Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
10. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.

(b) Suggested Guidelines.

1. The exterior finish material of an accessory dwelling unit shall match the type, size and placement of exterior finish material of the principal dwelling.
2. The roof pitch shall match the predominant roof pitch of the principal dwelling.
3. Trim and projecting eaves shall match those of the principal dwelling.
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, Professional and General. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-13-00007, 1-15-13)

Adult Entertainment Establishment.

(a) Such establishments shall be licensed as provided in Section 9.05 of these ordinances.

(b) Exterior windows shall not be covered or made opaque in any way.

(c) No adult entertainment establishment shall be located within one thousand (1,000) feet of any church, synagogue, temple, mosque or any other place of worship, any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment.

(d) The distance requirement under subdivision (c) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment or adult entertainment tavern to the closest property line of the adult entertainment establishment.

(e) No material referenced under the definition of Adult Book or Video Store shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window.

(f) An adult entertainment establishment may have only one (1) nonflashing business sign, which sign may only indicate the name of the business and identify it as an adult entertainment establishment.

Adult Entertainment Tavern.

(a) No such establishment shall be located within five hundred (500) lineal feet of a church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park, any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment.

(b) The distance requirement under subdivision (a) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the city of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any private or public playground; any day care center, any library; any youth recreation area including little league baseball fields, soccer fields, and

YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment to the closest property line of the adult entertainment tavern.

(c) Said tavern shall acquire and maintain an adult entertainment tavern license pursuant to Sec. 38.11 of these ordinances prior to issuance of an occupancy permit.

Adult Family Home.

(a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.

(b) The applicant must disclose in writing the capacity of the adult family home

(c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability or handicap, or unless approved as a conditional use.

(d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.

(e) No conditional use approved under this section shall be transferable to another location or permit-holder.

Agriculture - Animal Husbandry.

(a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
1. Off-street parking of more than ten (10) vehicles.
2. Processing of food produced on site.
3. Use of heavy equipment, such as tractors
4. Application of agricultural chemicals, including fertilizers and pesticides.

(b) In the UA District, conditional use approval and a Management Plan are required for:
1. Spreading of manure.
2. Spraying of agricultural chemicals, including fertilizers and pesticides.
3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

Agriculture - Cultivation.

(a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
1. Off-street parking of more than ten (10) vehicles.
2. Processing of food produced on site.
3. Use of heavy equipment, such as tractors.
4. Application of agricultural chemicals, including fertilizers and pesticides.

(b) In the UA District, conditional use approval and a Management Plan are required for:
1. Spreading of manure.
2. Spraying of agricultural chemicals, including fertilizers and pesticides.
3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

Agriculture - Intensive. To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under Wis. Admin. Code ch. NR 243.

Animal Boarding Facility, Kennel, Animal Shelter.

(a) Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district.

(b) Any outdoor portion of an animal boarding facility, kennel, shelter, or animal daycare shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.

Animal Day Care. Applicants shall submit at the time of permit application written operating procedures, such as those recommended by the American Boarding and Kennel Association

(ABKA) or the American Kennel Club (AKC). Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

Assisted Living Facility, Congregate Care Facility, Skilled Nursing Facility.

(a) The yard requirements for multi-family use in the district apply.

(b) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

(c) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

(d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

ATM.

(a) In the DC, UMX, LMX, NMX and TSS districts, no more than one ATM may be installed per street frontage on a zoning lot.

(b) In the DC, UMX, LMX, NMX and TSS districts, ATMs must be integrated into building design. Construction or modifications to accommodate an ATM shall be made in a manner consistent with the overall design of a façade.

(c) In the DC, UMX, LMX, NMX and TSS districts, no storefront glass shall be removed to accommodate the installation of an ATM, unless the storefront glass is ninety- (90) degrees perpendicular to the sidewalk, and the ATM is being installed in an existing alcove.

(d) In the DC, UMX, LMX, NMX and TSS districts, the exterior face, including any cabinet or casing, of an ATM shall not exceed eight (8) square feet in size.

(Cr. by ORD-13-00147, 9-11-13)

Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.

(a) All automobile servicing and repair activities shall be carried on within an enclosed building.

(b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.

(c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.

(d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:

1. Storage of vehicle parts and refuse.
2. Temporary storage of vehicles during repair and pending delivery to the customer.
3. Vacuuming and cleaning.

(e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.

(f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.

(g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

(Am. by ORD-13-00088, 5-29-13; ORD-17-00021, 2-20-17)

(h) (Rep. by ORD-15-00026, 3-11-15)
(Cr. by ORD-14-00037, 3-6-14)

Bed and Breakfast Establishment.

(a) A maximum of eight (8) rooms shall be rented.
(b) The establishment shall have a current license from Public Health Madison and Dane County.
(c) The only meal that may be served is breakfast to registered guests.
(d) Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.
(e) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.
(f) No more than twenty (20) tourists or transients shall be allowed to rent at one time.
(g) The owner of the residence shall occupy the residence at the time of rental.

(Am. by ORD-13-00146, 9-11-13; ORD-13-00185, 11-5-13; ORD-15-00009, 1-28-15)

Bicycle-Sharing Facility. Shall meet all requirements of Sec. 10.33, MGO.

Brewpub.

(a) Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
(b) Brewpubs shall not hold an entertainment license under Sec. 38.06(11).
(c) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Buildings or Structures Exceeding Ten Thousand (10,000) Square Feet in Floor Area.

(a) In any residential district, building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
(b) In any residential district, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Caretaker's Dwelling.

(a) Shall be accessory only to a non-residential use.
(b) Shall meet all dimensional requirements of the district.

Car Wash.

(a) The car wash shall be completely enclosed when not in operation.
(b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
(c) Any car wash line exit shall be at least thirty (30) feet from any street line.
(d) The car wash shall be screened along all property lines with a minimum six-foot high (6) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.
(e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
(f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

Clear-Cutting of Timber. The applicant shall demonstrate that clear-cutting will improve the level of environmental protection on the subject property or is unavoidable due to grading or other development requirements. Clear-cut areas shall be replanted; replanting may occur in any location on the property.

Cohousing Community.

(a) Any housing type that is a conditional use within the zoning district may be located in a cohousing community with conditional use approval.
(b) Any use allowed within the zoning district may be located in a cohousing community.

(c) Lot area requirements may be combined and shared among cohousing units with conditional use approval provided that the overall density remains consistent with minimum lot area standards.

(d) Usable open space may be combined and shared among cohousing units.

Colleges and Universities. For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Community Event.

(a) There shall be no alteration to the site or alteration of any permanent structure.

(b) No event shall last more than one-hundred eighty (180) days per calendar year.

(c) An event lasting more than forty-five (45) consecutive days or occurring more than twenty-six (26) days in a calendar year shall require a conditional use permit.

(d) All events shall require temporary use permit.

(Cr. by ORD-13-00054, 4-24-13)

Community Living Arrangement (CLA) Serving up to Eight (8) Residents.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.

(b) The applicant shall disclose in writing the capacity of the community living arrangement.

(c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, except as provided under (e) below or unless approved as a conditional use.

(d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, except as provided under (e) below, or unless approved as a conditional use.

(e) No separation distance is required and the district percentage specified above does not apply if the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the CLA because of their disability or handicap.

(f) No conditional use permit under this section shall be transferable to another location or person.

Community Living Arrangement (CLA) Serving Nine to Fifteen (9-15) Residents.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.

(b) The applicant shall disclose in writing the capacity of the community living arrangement.

(c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, unless approved as a conditional use.

(d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a conditional use.

(e) All CLAs in the SR-C1, SR-C2, SR-C3, TR-CI, TR-C2, TR-C3, and TR-R districts require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district. (Am. by ORD-15-00081, 8-12-15)

(f) No conditional use permit under this section shall be transferable to another location or person.

(g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-0049, 5-25-16)

Community Living Arrangement (CLA) Serving More Than 15 Residents.

(a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
(b) The applicant must disclose in writing the capacity of the community living arrangement.
(c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
(d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
(e) All CLAs serving more than fifteen (15) residents require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.
(f) No conditional use permit under this section shall be transferable to another location or person.

(Am. by ORD-15-00081, 8-12-15)

(g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-00049, 5-25-16)

Concrete, Asphalt, and Rock Crushing Facilities.

(a) All building, structures, and activity areas shall be located a minimum of three hundred (300) feet from all property lines of the site.
(b) A site and vicinity plan shall be submitted with an application and shall contain the following:
    1. A description of natural features, including wetlands, water bodies and major topographic features located on the property and within three hundred fifty (350) feet of the site.
    2. A description of the proposal including type and amount of material to be removed, overview of planned daily operations including equipment and vehicles, and a discussion of how the proposed activities compare to land uses within one thousand (1000) feet of the site.
    3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.
(c) A dust management plan shall be submitted with an application. This plan shall require access drives and roads within the site to be sprayed with dust suppressants as needed to control fugitive dust. Access drives also shall be cleaned at appropriated intervals consistent with City standards, or as otherwise determined by conditional use approval.
(d) A sound attenuation plan shall be submitted with an application and shall describe the sources of sound and compliance with applicable sound and noise regulation.
(e) A vibration-dampening plan shall be submitted with an application showing compliance with all applicable vibration regulations.
(f) A drainage plan for storm water management and runoff shall be submitted with an application.
(g) A traffic plan shall be submitted with an application describing the number of daily truck trips anticipated by the use. It also shall identify the principal access route(s) to the facility and its traffic impact on the surrounding area.
(h) A site restoration plan shall be submitted with an application and shall include detailed grading and revegetation plans, as well as a timetable for such restoration.
(i) A schedule of hours of operation shall be submitted with an application.

Contractor's Business With Showroom or Workshop. All activities shall be carried out in an enclosed space.

Contractor's Yard. In the TE district, outdoor storage shall be located to the rear of the principal building. In all districts, outdoor storage shall be screened from abutting residential uses with a

building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than seven (7) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

Convent, Monastery, Similar Residential Group.

(a) The use shall be accessory to a place of worship. The use may be located on a separate zoning lot where separated by a public right-of-way from the primary use.

(b) The yard requirements for multi-family use in the district apply.

(c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

(d) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

(e) Where the principal use is a conditional use, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Correctional Facility. Within the Conservancy District, a correctional facility shall be located at least three hundred (300) feet from any residentially-zoned property.

Day Care Center.

(a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.

(b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

(c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Day Care Home, Family.

(a) The family day care home shall be the principal place of residence of the provider, as defined in Wis. Admin. Code ch. DCF 250.

(b) Conditional use approval is required if the licensee, as defined in Wis. Admin Code ch. DCF 250, does not reside at, or have its principal place of business at, the family day care home.

(c) No more than two employees who do not reside in the dwelling are permitted.

(Am. by ORD-14-00015, 1-29-14)

Daytime Shelter.

(a) The use shall be operated by a religious institution or a non-profit organization.

(b) The hours of operation shall be limited to 6:30 a.m. to 6 p.m., unless modified under conditional use approval.

(c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(d) The owner shall submit a Management Plan for the facility:

1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms, hours of operation, staffing, management structure, and capacity.
2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

Dependency Living Arrangement.

(a) The owner of the dwelling must continue to reside in the building. The use permit issued under this paragraph is not transferable to another owner or occupant.

(b) The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent (10%).

(c) Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within six (6) months unless an extension is granted because of potential re-occupancy.

(d) A letter of approval issued by the Zoning Administrator shall be recorded at the Dane County Register of Deeds Office.

Dormitory.

(a) The use shall be within one-quarter (¼) mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use approval.

(b) The yard requirements for multiple-family use in the district apply when the use is not located on a campus.

(c) On-site services shall be for residents of the facility only.

(d) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, to the extent practical. An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Dwelling Units in Mixed-Use Buildings.

(a) In the LMX District, there shall be no more than two (2) dwelling units per lot.

(b) In the NMX District, more than eight (8) dwelling units requires conditional use approval.

(c) In the TSS, CC-T and MXC Districts, more than twenty-four (24) dwelling units requires conditional use approval. (Am. by ORD-16-00039, 4-8-16)

(d) In the LMX, NMX, TSS and CC-T Districts, for buildings with a street-facing width of forty (40) feet or less, the entire ground floor frontage facing the primary street shall be non-residential. Less non-residential frontage requires conditional use approval.

(e) In the LMX, NMX, TSS and CC-T Districts, for building with a street-facing width greater than forty (40) feet, at least seventy-five percent (75%) of the ground-floor frontage facing the primary street, including all frontage at a street corner, shall be non-residential. Less non-residential frontage requires conditional use approval.

(f) In the LMX, NMX, TSS and CC-T Districts, at least seventy-five percent (75%) of the ground floor area shall be non-residential use(s). Less than seventy-five percent (75%) non-residential ground floor area requires conditional use approval.

(g) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets.

(Am. by ORD-13-00135, 8-14-13)

Electric Substations, Gas Regulator Stations. A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where those uses are permitted and by the Plan Commission when conditional use approval is required.

Emergency Electric Generator.

(a) The electric output shall not exceed three thousand (3,000) kilowatts and the generator shall be operated a maximum of two hundred (200) hours per year.

(b) The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.

(Am. by ORD-16-00093, 11-9-16)

Farmers Market.

(a) Within the NMX, DC and UMX Districts, a farmer's market with more than fifteen (15) vendor stalls requires conditional use approval.

(b) Within any district, a permanent facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

(c) Within any residential district, a farmer's market shall be accessory to a non-residential use and located in the parking lot of such use.

(d) In the EC, IG, and IL Districts, a farmer's market shall only be an accessory use.

Food and Beverage Uses. (R. by ORD-14-00132, 8-13-14)

Garden Center, Greenhouse, Nursery.

(a) In the NMX, TSS and MXC Districts, there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.

(b) In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.

General Retail.

(a) Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.

(b) Within employment districts, general retail uses shall not exceed ten thousand (10,000) square feet in floor area, unless such uses are part of a planned multi-use site.

Golf Course. Club houses and maintenance buildings shall be located a minimum of three hundred (300) feet from any residentially-zoned property.

Handgun Shop.

(a) Shop shall be located in a building constructed of concrete or masonry walls.

(b) No handgun shop shall be located within one thousand (1000) feet of any church, synagogue, temple, mosque or other place of worship; a lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; a Planned Mobile Home Park District, Planned Development District with dwelling units; a public or private playground; a day care center; a public library, a youth recreation area, including little league baseball fields, soccer fields or YMCA/YWCA.

(c) No handgun shop shall be located in the same building where alcohol beverages are sold.

(d) No handgun shop shall be located in the same building where any patron thereof under the age of eighteen (18) years may enter, unless accompanied by a parent, guardian or adult spouse eighteen (18) years of age or over.

Home Occupation.

(a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.

(b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.

(c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.

(d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.

(e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.

(f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.

(g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.

(h) Samples may be kept but not sold on the premises.

(i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation.

(j) The entrance to the space devoted to the home occupation shall be from within the building.

(k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.

(l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.

(m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

Hospital.

(a) The facility shall have vehicular access to a collector or higher classification street.

(b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(c) The boundaries of the institution shall be as defined in the conditional use permit or Master Plan. The institution that is defined by the boundaries shall be a minimum of three (3) acres.

Housing Cooperative.

(a) In the SR-C3 District, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval.

(b) In the SR-V1, SR-V2, NMX, TSS, and CC-T Districts, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than twenty (20) requires conditional use approval.
(Am. by ORD-14-00085, 5-7-14)

(c) In the TR-V1, TR-V2, NMX, TSS, and CC-T Districts, a Housing Cooperative may locate in a single-family dwelling with conditional use approval.

(d) In the TR-V1, TR-V2, TR-U1, TR-U2, DC, UOR, UMX, DR1 and DR2 Districts, Housing Cooperatives may locate in any single-family dwelling or convert a building with more than one (1) dwelling unit if the occupancy equals the number of legal bedrooms prior to a change in use to a Housing Cooperative. Occupancy greater than the legal number of bedrooms prior to a change in use requires conditional use approval. (Am. by ORD-14-00085, 5-7-14)

(e) In the TR-C4 District, housing cooperatives are allowed only in the area bounded by South Ingersoll Street on the West, Lake Monona on the South, Thornton Avenue on the East and the mid-block line between Jenifer Street and Williamson Street on the North. Buildings with more than one (1) dwelling unit may be converted for use as a housing cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval. Housing cooperatives may locate in single-family homes with conditional use approval and they shall meet the above occupancy limits.

(f) When Housing Cooperatives are established within single-family dwellings, the single-family appearance and function of the building shall not be altered through the addition of entrances or kitchens.

(g) When two-family, three-family and multi-family buildings are converted into Housing Cooperatives, the entire building must remain a Housing Cooperative while any portion of it is so occupied.

(h) The bulk requirements for multi-family uses in the district apply. In districts where housing cooperatives are allowed but do not allow multi-family uses, the bulk requirements for single-family uses in the district apply. (Cr. by ORD-16-00049, 5-25-16)

Indoor Recreation. In the NMX and TSS Districts, the facility shall be located at least fifty (50) feet from the boundary of any residential use or district.

Junkyard. This use is retroactive to January 1, 1994.

Keeping of Chickens.

(a) Keeping of up to four (4) chickens is allowed as an accessory use on lots with up to four (4) dwelling units.

(b) Keeping of up to six (6) chickens is allowed as an accessory use to a museum or school or day care center. (Am. by ORD-16-00074, 9-15-16)

(c) Keeping of roosters is prohibited.

(d) Slaughter of chickens is prohibited on site.

(e) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

(f) The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.

(g) The owner, operator or tenant must obtain a license under Sec. 9.52, MGO.

(h) The applicant for the license must notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.

Keeping of Honeybees.

(a) Except as provided in sub. (i) below, no more than six (6) hives may be located on a zoning lot.

(b) No hive shall exceed twenty (20) cubic feet in volume.

(c) No hive shall be located closer than three (3) feet from any property line.

(d) No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an adjoining lot.

(e) A constant supply of water shall be provided for all hives.

(f) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

(g) The owner, operator or tenant shall obtain a license under Sec. 9.53, MGO.

(h) The applicant for the license shall notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.

(i) In the Employment and Special Use Districts, no more than six (6) hives may be located on a lot unless a principal use on the lot is for the keeping of honeybees.

(Am. by ORD-15-00080, 8-12-15)

Laboratories - Research, Development and Testing. No manufacturing shall be conducted on the premises except for experimental or testing purposes.

Land and Water Preserves. Activities are limited to the following:

(a) Arboretums, environmental education centers.

(b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

(c) Fishing and trapping.

(d) Boating and swimming.

(e) Raising of fish and game animals.

(f) Similar low-impact educational and recreational activities as determined by the Zoning Administrator.

(g) Sustained forestry yield.

Lease of Off-Street Parking Facilities Accessory to a Nonresidential Use to Persons Not Using the Principal Use:

(a) The parking facilities shall meet the standards of this Chapter 28 and Chapter 10 of the Madison General Ordinances.

(b) A certificate of occupancy shall be issued by the office of the Director of the Building Inspection Division prior to commencing the rental.

Lease of Off-Street Parking Facilities Accessory to a Residential Use to Non-Tenants.

(a) The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.

(b) Adequate useable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area.

(c) Occupants of the principal use shall have first right of refusal for the parking facilities.

(d) The lessee shall provide the owner of the facility documentation establishing his/her place of residence.

(e) All new parking facilities shall comply with City standards for design, paving, and screening.

Library, Museum. A library or museum established after the effective date of this ordinance within a predominantly residential area shall have vehicular access to a collector or higher classification street.

Limited Production and Processing. All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component. (Am. by ORD-15-00124, 11-11-15)

Limited Retail Use of a Landmark Site or Building. A designated landmark site or building may be used for general retail, office use, or service business not exceeding five thousand (5,000) square feet in floor area, provided that:

(a) The owner of the property agrees to maintain the architectural and historical integrity and significance of said landmark or landmark site during the tenure of such conditional use;

Live/Work Unit.

(a) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(b) The dwelling unit component shall be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

(c) The office or business component of the unit shall not exceed fifty percent (50%) of the total floor area of the unit. (Am. by ORD-15-00033, 4-8-15)

(d) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

(e) In the TE District, new residential uses, whether in new or existing buildings shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

(f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

(Am. by ORD-13-00007, 1-15-13)

Lodge, Private Club, Reception Hall. Service of food and intoxicating beverages allowed when licensed.

Lodging House, Fraternity or Sorority.

(a) The bulk requirements for multi-family use in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Am. by ORD-16-00049, 5-25-16)

(b) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(c) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Management Office, Restaurant, Limited Retail or Recreation Facilities Within a Multi-Family Building (Within Residential Districts).

(a) The use shall primarily serve building residents rather than the general public.

(b) Access to the use shall be from within the building.

(c) Size of the establishment may be limited as part of the conditional use approval.

Market Garden.

(a) Submission of a Management Plan to the Zoning Administrator, Alderperson of the district where the garden is located, Public Health Madison and Dane County, and any neighborhood and/or business association that serves the area where the garden is located for the following activities as part of a market garden:

1. Animal husbandry.
2. Off-street parking of more than ten (10) vehicles.
3. Processing of food produced on site.
4. Spreading of manure.
5. Application of agricultural chemicals, including fertilizers and pesticides.
6. Use of heavy equipment such as tractors.

(Am. by ORD-15-00009, 1-28-15)

Mission House (Accessory).

(a) The use shall be accessory to a religious institution or a non-profit organization.

(b) The yard requirements for multi-family use in the district apply.

(c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

(d) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(e) The owner shall submit a Management Plan for the facility:

1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.
2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Am. by ORD-14-00115, 7-11-14)

Mission House (Principal Use).

(a) The use shall be operated by a religious institution or a non-profit organization.

(b) The yard requirements for multi-family use in the district apply.

(c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(d) The owner shall submit a Management Plan for the facility:

1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.

2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

Mobile Grocery Store.

(a) The vehicle must be owned and operated by a non-profit entity.
(b) There is a principal use on the zoning lot.
(c) The vehicle location on the zoning lot shall be approved by the Traffic Engineer and the Zoning Administrator.
(d) A waiver or modification of the off-street parking requirements for the principal use on the zoning lot has been obtained.
(e) Hours of operation shall be between 7:00 a.m. and 8:00 p.m.

Motor Vehicle Salvage Yard, Scrap Yard.

(a) Vehicle salvage uses shall be located on sites which are suitable from a topographic standpoint, so that views at the ground elevation up to a point four hundred (400) horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.
(b) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is six (6) to ten (10) feet high and located on or inward from the established setback lines.
(c) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.
(d) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations.

Multi-Family Dwelling.

(a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
(b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
(c) In the NMX District, a multi-family dwelling shall contain no more than twelve (12) dwelling units.
(d) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets. (Cr. by ORD-13-00135, 8-14-13)

Nightclub.

(a) A Nightclub is a permitted use if established prior to the effective date of the ordinance, and a conditional use if established after the effective date of the ordinance.
(b) Capacity may be as high as five (5) square feet per person.
(c) Shall hold entertainment license under Sec. 38.06(11), MGO.
(d) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.
(e) Establishment must offer live entertainment a minimum of two (2) nights per week.
(f) The establishment shall be open for business no more than three (3) hours prior to any event or activity qualifying the establishment as an entertainment venue and shall close its business no more than two (2) hours following such an event or activity.

(Cr. by ORD-14-00083, 4-16-14)

Non-Accessory Temporary Outdoor Events.

(a) All such events shall be related to events at Camp Randall Stadium.
(b) Only food and beverages may be offered for sale to the public.
(c) Live amplified music is allowed.

(d) The Plan Commission may waive or modify the offstreet parking requirements for the principal use and the non-accessory use.

(e) No such event established in the TSS district after January 3, 2013 shall be located on a lot any part of which is within fifty (50) feet of a residential district. (Am. by ORD-13-00096, 1-3-13)

Nonmetallic Mining.

(a) A nonmetallic mining operator may not process or extract nonmetallic minerals within one hundred (100) feet of the boundaries of a nonmetallic mining site, unless a boundary abuts a freeway, rail corridor, or property zoned for industrial use, in which case a nonmetallic mining operator may not process or extract materials within fifty (50) feet of such boundaries.

(b) In order to minimize tracking of materials from the nonmetallic mining site onto adjacent public roads, the access drive to any nonmetallic mining site shall be created with concrete or hot-mix asphalt for at least 100 feet unless a shorter distance is approved by the City Engineer. The nonmetallic mining operator shall maintain any access drive in a dust-free manner and shall remove any dust or mud tracked from adjacent public roads as required by Chapter 3, MGO.

(c) A nonmetallic mining site shall be accessed only through designated entrances as illustrated on plans approved by the City Traffic Engineer.

(d) All trucks traveling to or from a nonmetallic mining site shall use haul routes designated by the City Traffic Engineer. Any restrictions on the routes shall be no more restrictive than those applicable to other trucks or carriers using the same routes.

(e) Security gates on the access points to a nonmetallic mining site shall have no trespassing signs.

(f) A safety fence shall be installed around the entire boundary of the nonmetallic mining site unless an area of the nonmetallic mining site has already been reclaimed in compliance with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.

(g) A nonmetallic mining operator shall use spray bars for water in the crushing process to reduce dust. The use of spray bars is not required when the temperature is below freezing. The nonmetallic mining operator shall spray private access roads within the nonmetallic mining site with water as necessary to control dust.

(h) All trucks and excavating equipment used on a nonmetallic mining site shall have functioning muffler systems that meet or exceed current industry standards for noise abatement and shall not use compression brakes.

(i) Any erosion control or stormwater management plan required under state law shall be provided to the City Engineer, as well as any erosion control and/or stormwater management permit and plan that may be required by Chapter 37, MGO.

(j) A nonmetallic mining operator shall provide evidence of commercial general liability insurance in the amount of at least five million dollars ($5,000,000) per occurrence, which may be made up by carry a one million ($1,000,000) commercial general liability policy and four million ($4,000,000) umbrella policy. These policies shall name the City of Madison, its officers, officials, agents and employees as additional insureds, and apply on a primary and non-contributory basis.

(k) A nonmetallic mining operator shall comply with all Wisconsin Department of Natural Resources and Federal Mine Safety and Health Administration Standards for particulate emissions as further described in Wis. Admin. Code § NR 415.075 and § NR 415.076.

(l) A nonmetallic mining site shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, in the event the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times upon reasonable advance notice to the nonmetallic mining operator. All inspections require an escort by the nonmetallic mining operator in accordance with Mine Safety and Health Administration laws, rules and regulations.

(m) A nonmetallic mining operator shall conduct at least one public meeting each year between January 4 and February 15 for the purpose of fostering communication between the nonmetallic mining operator, its neighboring residents, and the City. The nonmetallic mining operator shall provide Class I notice of the date, time, and place of the meeting to the owners of property located within five hundred (500) feet of the boundaries of the nonmetallic mineral extraction district. The nonmetallic mining operator shall also provide notice in writing to the City Engineer and City Zoning Administrator inviting City staff to attend the public meeting.

(n) A nonmetallic mining operator shall maintain a compliance phone number and email address for neighboring residents to report any problems or concerns.

(o) A nonmetallic mining operator shall maintain on file with the City Engineer a Site/ Operations Plan drawn to measurable scale large enough to show:

1. Zoning district boundaries for the nonmetallic mineral extraction district.
2. Existing contour lines.
3. Existing natural features including lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, drainage patters, and archaeological features.
4. Existing roads, driveways, and utilities.
5. Specific location of proposed extraction area, staging area, equipment storage.
6. Location of driveways.
7. Phasing plan, if applicable.
8. Location of permanent structures, including scales, offices, or mixing plants.
9. Location of signage.

(p) A nonmetallic mining operator shall submit an annual mining report on or before March 1 of each year to the City Engineer detailing:

1. All nonmetallic mining and recycling activity occurring on the property in the previous year, including the number of acres being actively mined and officially reclaimed, and the frequency and location of blasting.
2. The number and nature of complaints received during the previous year and the operator's response to those complaints.
3. The efforts made in the previous year to improve blasting techniques and other nonmetallic mining activities in order to minimize adverse impacts on surrounding roads and properties.
4. Nonmetallic mining plans for the upcoming year, including the number of acres that may be converted from inactive to active mining use, the number of acres that may be officially reclaimed, the anticipated frequency and location of blasting, and whether any mining activities will result in excavation below the water table.
5. A statement that the Site/Operations Plan required in sub. (o) above and currently on file with the City Engineer is current and accurately represents the nonmetallic mining site as of the date of filing the annual report.

(q) Blasting at a nonmetallic mine may be allowed only upon conditional use approval by the Plan Commission subject to the following conditions and any additional conditions required by the Plan Commission, provided that any additional conditions may not impose restrictions or regulations pertaining to blasting that are more stringent than those set by the State in Wis. Admin. Code chs. SPS 307 and 308:

1. The nonmetallic mining operator shall all times meet the blasting requirements contained in Wis. Stat. § 101.15, Wis. Admin. Code chs. SPS 307 and 308, the National Fire Protection Association (NFPA) 495 chapter 10, Sec. 34.01(13) (Fire Code), as may be amended.
2. Hours of blasting shall be limited to the hours specified in Wis. Admin. Code § SPS 307.42, as may be amended.
3. The nonmetallic mining operator shall provide notification of blasting as required by Wis. Admin. Code § SPS 3.07.41, as may be amended.

4. The nonmetallic mining operator shall provide the Madison Fire Department with twenty-four (24) hours notice of blasting on a mining site. The notice should indicate the location of blasting within the mine, the intended locations for the seismographs required under (q)7. below, and whether any of the weather conditions described in (q)10. below are expected to exist at the time of blasting.
5. Blasting resultants shall not exceed the levels contained in Wis. Admin. Code § SPS 307.44.
6. The nonmetallic mining operator shall sound a pre-blast notification siren immediately before a blast.
7. The nonmetallic mining operator shall install and maintain at least four (4) seismographs at locations near the boundary lines of the nonmetallic mining site, unless otherwise in consultation with City staff.
8. All blasting shall be conducted by a certified Class IV or Class V operator and shall utilize the latest commercially available technology to minimize adverse blasting resultants.
9. When feasible, the mining operator shall develop mining faces that advance away from or transverse or ninety (90) degrees to residential areas in order to minimize blasting resultants.
10. When feasible, the mining operator shall avoid blasting when weather conditions include strong winds; foggy, hazy or smoky conditions with little or no wind; or significant cloud cover.
11. Conditional use approval for blasting under this section shall expire after five (5) years. If a Nonmetallic Mining Operator applies for the renewal of a conditional use approval for blasting and shows that in the previous five (5) years the Nonmetallic Mining Site has operated in compliance with the blasting conditions listed in sub. (q) 1.-10. above and any additional blasting conditions imposed by the Plan Commission, then there shall be a presumption that the standards for conditional use approval are met and that the Plan Commission will grant renewal of the conditional use approval.

(r) Hours of operation at a nonmetallic mining site shall be 6:00 a.m. to 6:00 p.m. unless otherwise required to fulfill obligations under a government contract.

(s) The nonmetallic mining operator shall at all times maintain a Reclamation Plan which complies with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.

(Cr. by ORD-17-00014, 2-20-17)

Offices for Human Service Programs.

(a) The office shall be operated by a governmental or non-profit entity.

(b) The office shall be located in a building with more than one unit and no single unit building shall be converted to multiple units for such use.

(c) The office shall serve the neighborhood(s) where it is located.

On-Site Agricultural Retail Stand, Farm Stand.

(a) The stand may not be permanently affixed to the ground and must be readily removable in its entirety.

(b) Maximum area of a farm stand is three hundred (300) square feet in ground area.

(c) No more than one (1) farm stand is allowed on any one premise.

Outdoor Cooking Operation.

(a) An outdoor cooking operation is a permitted use if it is not located within two hundred (200) feet from the property line of a lot with a residential use.

(b) An outdoor cooking operation located within two hundred (200) feet from the property line of a lot with a residential use may be allowed with conditional use approval.

(c) Outdoor cooking operations in residential districts are limited to four (4) days in duration not more than five (5) times a year unless approved as a conditional use.

(Cr. by ORD-13-00178, 10-23-13)

Outdoor Display.

(a) Outdoor display shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).
(b) All products on display shall also be sold in the principal retail use.
(c) Outdoor display shall not exceed sixteen (16) hours per day.

Outdoor Eating Areas Associated With Food and Beverage Establishments.
(a) Primary access to the area shall be from within the establishment.
(b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
(c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Recreation.
(a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
(b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
(c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
(d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Storage.
(a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
(b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
(c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening. (Am. by ORD-14-00001, 1-14-14)
(d) In the EC District, all storage except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area.

Parking Facility, Non-Accessory.
(a) Passenger automobiles, motorcycles, and bicycles shall be parked in clearly marked spaces.
(b) Parking facility shall be oriented to the street with suitable entry and exit point.
(c) When considering the conditional use, the Plan Commission shall set a maximum number of automobiles, motorcycles, and bicycles that may be parked at the facility at any given time.
(d) In considering the conditional use, the Plan Commission may limit the duration of the use.
(Cr. by ORD-15-0000008, 1-28-15)

Payday Loan Business. Any payday loan business shall be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business.

Peer Run Respite Facility.
(a) The use shall be operated by a religious institution or non-profit organization.
(b) The use shall be available to adults 18 years or older who are living with mental health or substance use concerns.

(c) The structure being used for the Peer Run Respite Facility must at all times meet the definition of a dwelling contained in Sec. 28.211 of the Madison General Ordinances.

(d) At least seventy-five percent (75%) of staff at the facility shall hold a valid certificate as a Wisconsin Peer Certified Specialist.

(e) The owner shall submit a Management Plan for the facility:

1. Required management plan contents:
   i. Floor plan showing sleeping areas, emergency exits and bathrooms.
   ii. Staffing plan showing that at least one staff member will be on-site and awake at all times (24/7/365).
   iii. Administration plan showing specific procedures used by staff for accepting guests for respite services.
   iv. Emergency plan outlining staff response to crisis situations.
2. Recommended management plan contents: parking, storage of belongings, trash storage/removal, transportation support.

(f) The maximum number of guests receiving respite at any single time shall be equal to the number of bedrooms available in the facility or five (5), whichever is less.

(g) The maximum length of a single stay for guests receiving respite shall not exceed 5 consecutive days.

(h) Guests may use respite care for no more than three (3) separate stays per calendar year.

(i) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the use and the neighborhood.

(j) The owner shall submit to the Madison Police Department a list of individuals, including staff, owners, or operators, who are authorized to give guests notice that they are no longer allowed to remain on the property.

(k) No peer run respite facility shall locate within one thousand five hundred (1500) feet of another peer run respite facility.

(Cr. by ORD-16-00069, 8-13-16)

Place of Worship.

(a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

(b) Any facility with seating capacity of greater than six hundred (600) persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with vehicular access to a collector or higher classification street.

(c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Portable Shelter Mission.

(a) The use shall be accessory to a religious institution or a non-profit organization.

(b) The yard requirements for the most restrictive multi-family use in the district apply. If there are no multi-family yard requirements in the district, yard requirements for non-residential use shall apply.

(c) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(d) The owner shall submit a Management Plan for the location of sleeping areas, bathrooms, and parking spaces. The Plan shall be reviewed by the Traffic Engineer and the Zoning Administrator

(e) Property owner shall obtain a campground permit pursuant to Wis. Admin Code § DHS 178.05 and Wis. Stat. § 254.47 if there are four (4) or more units.

(Cr. by ORD-13-00177, 10-23-13)

Portable Storage Units.

(a) A maximum of two (2) portable storage units, not exceeding a cumulative floor area of two hundred fifty (250) square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit. (Am. by ORD-15-00033, 4-8-15)
(b) When not part of an active building permit, such use is allowed for no more than thirty (30) days per calendar year.
(c) The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.
(d) A temporary use permit is required.
(e) This use is allowed only for temporary storage of household goods in residential areas.

Real Estate Sales Office.

(a) Shall be associated with the sale of property in the development where the office is located.
(b) Use shall not exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is sooner.

Residential Building Complex.

(a) Recreational areas may be required to serve the needs of the anticipated population.
(b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
(c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
(d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
(e) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
(f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
(g) Shall be reviewed by the UDC pursuant to Sec. 33.24(4)(c), MGO. (Cr. by ORD-13-00069, 5-8-13)
(h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
(i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.
(j) Entrance orientation requirements for buildings that do not front a public street and are located behind buildings that do front a public street may be modified by the Plan Commission as part of the conditional use approval, provided that the modification results in entrances being oriented to a courtyard, open space, or other common amenity of the residential building complex. (Cr. by ORD-16-00094, 11-9-16)

(Am. by ORD-13-00134, 8-14-13)

Restaurant-Nightclub.

(a) A Restaurant-Nightclub is a permitted use if established prior to the effective date of the ordinance.
(b) A Restaurant-Nightclub is a conditional use if established after the effective date of the ordinance and is open between the hours of midnight and 5 a.m.
(c) Must serve food at all hours it is open.
(d) Shall hold entertainment license under Sec. 38.06(11).
(e) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Restaurant-Tavern.

(a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
(b) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).
(c) Restaurant-Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Reuse of Former School, Municipal Buildings or Places of Worship.

(a) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted for the following uses with the approval of the Director of Planning and Community and Economic Development:
    1. Day care centers.
    2. Elementary and secondary schools.
    3. Arts, technical or trade schools.
    4. Colleges and universities.
    5. Other public educational facilities.
    6. Recreational buildings and community centers, nonprofit.
    7. State or municipal offices.
    8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
(b) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted as business and professional offices with conditional use approval.

(Am. by ORD-17-00022, 2-20-17)

School, Arts, Technical or Trade.

(a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
(b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
(c) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
(d) For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Schools, Public and Private.

(a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
(b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(Am. by ORD-14-00133, 8-13-14)

Selective Cutting of Timber. On parcels approved for development, selective cutting of timber is limited to areas designated for clearance on recorded plats or certified survey maps.

Service Business.

(a) In the TE and SE Districts, service businesses shall not exceed five thousand (5,000) square feet in floor area unless approved as a conditional use.
(b) In the SEC, EC, IL, and IG Districts, service businesses shall be located only within a mixed-use building that includes office or other employment uses.

Sewerage System Lift Station, Water Pumping Stations, Towers, and Electric Substation, Gas Regulator Systems, and Mixing and Gate Stations.

(a) A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where a permitted use or the Plan Commission when a conditional use.

(b) In the NMX, MXC, TSS, CC-T, and CC Districts, above-ground lift stations require conditional use approval.

Single-Family Attached Dwelling; Townhouse, Rowhouse.

(a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

(b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Single-Family Detached Dwelling. In the NMX, TSS, and CC-T Districts, single family detached dwellings constructed after the effective date of this ordinance require conditional use approval.

Solar Energy Systems.

(a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.

(b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed. Some development that includes solar energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and planned development districts.

Storage Facility, Personal Indoor Storage.

(a) No commercial transactions shall be permitted other than the rental of storage units.

(b) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

Storage Locker (Personal).

(a) The use shall be operated by a religious institution or non-profit organization.

(b) An appropriate transition between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the neighborhood.

(c) Storage lockers shall be placed no closer than five (5) feet to any right-of-way.

(d) No more than ten (10) individual storage lockers may be grouped together on any single zoning lot.

(e) Storage lockers shall be modular, weatherproof, oriented vertically, shall not exceed 11.25 cubic feet per unit or 112.5 total cubic feet per grouping, and shall be approved for use by the Director of Building Inspection or designee.

(f) If the operator is not the owner of the property where the storage lockers will be maintained, then the operator shall provide the Zoning Administrator with a copy of the agreement between the operator and the owner of the property which gives the operator permission to install and operate the lockers on the owner's property.

(g) The operator shall provide the Zoning Administrator with a management plan for the storage locker(s). Management plans shall include:

1. The identity and twenty-four (24)-hour contact information for the owner of the property and, if different from the owner of the property, the operator of the storage locker(s);

2. A site plan;
3. A photograph or drawing showing locker design and size;
4. An explanation of the process used to register users;
5. A copy of the standard use agreement entered into between the owner/operator and the storage locker user;
6. A list of rules and regulations governing locker use;
7. A detailed explanation that the operator may terminate the use of the locker at any time.
8. A maintenance plan.

(h) The area surrounding the storage locker(s) shall be well lit at all times and include sufficient waste receptacles that are emptied regularly.

(i) Lockers shall not be used to store perishable items, illegal items, or flammable substances.

(j) Storage locker(s) may not be located on a lot that contains a residential building.

(k) The owner or operator must obtain a license under Sec. 9.26, MGO.

(l) Any other requirements of this ordinance applicable to principle uses shall not apply to the installation and maintenance of storage lockers.

(Cr. by ORD-16-00109, 12-14-16)

Tavern.

(a) Taverns shall not hold an entertainment license under Sec. 38.06(11).

(b) Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Temporary Buildings for Storage of Construction Materials and Equipment. Buildings must be located on the same zoning lot as the project under construction, and shall be removed within thirty (30) days following completion of construction.

Temporary Outdoor Events.

(a) There shall be no permanent alteration to the site or construction or alteration of any permanent structure.

(b) Events include but not limited to, seasonal holiday sales, church, neighborhood or community events, traveling carnivals, and accessory promotional events.

(c) No event shall last more than one-hundred eighty (180) days per calendar year.

(d) Any event that lasts for more than forty-five (45) days requires conditional use approval.

(e) In residential districts, any event that lasts for more than twenty-five (25) days per calendar year or five (5) consecutive days requires conditional use approval.

(f) All such events require a Temporary Use Permit.

(Am. by ORD-15-00015, 1-28-15)

Tobacco Retailer.

(a) No tobacco retailer shall be located within one thousand (1,000) feet of the boundary of any residential zone or parcel occupied by:
1. A public or private kindergarten, elementary, middle, junior high or high school;
2. A licensed child-care facility or preschool other than a family day care facility;
3. Playground;
4. Youth center;
5. Park;
6. Library; or
7. Health care facility.

(b) No tobacco retailer shall be located on a site which is within five hundred (500) feet of a site occupied by another tobacco retailer or any establishment selling tobacco products or tobacco paraphernalia, as measured in a straight line from the two properties nearest parcel boundaries.

(c) The tobacco retailer shall comply with local, state, and federal laws regarding sales, advertising or display of tobacco products and tobacco paraphernalia including posting

prominently near the cash register or other point of sale the legal age to buy tobacco products and tobacco paraphernalia, and checking the identification of all purchasers to ensure they are of legal age.

(d) Sampling of tobacco products by individuals under eighteen (18) years of age shall not be permitted. Therefore, tobacco products shall not be given or sold to individuals under eighteen (18) years of age.

(Cr. by ORD-15-00054, 5-27-15)

Tourist Rooming House.

(a) The establishment shall have a current license from Public Health Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195. (Am. by ORD-15-00009, 1-28-15)

(b) The tourist rooming house shall be the operator's primary residence.

(c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.

(d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.

(e) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per licensing year; July 1 to June 30th.

(f) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.

(g) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.

(h) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

(Cr. by ORD-13-00185, 11-5-13)

Towing and Wrecker Service Business. Allowed only when accessory to auto body shop, auto repair station, junkyard, auto service station, and motor vehicle salvage year, scrap yard, or junkyard.

Two-Family Dwelling - Twin.

(a) Each unit shall be separated from the abutting unit by a minimum fire separation complying with Wis. Admin. Code § SPS 321.08, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof.

(b) The common wall between dwellings shall be approximately perpendicular to the street right-of-way line.

(c) Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.

(d) Dwellings shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage.

(e) Dwellings shall have separate gas and electric meters.

(f) Dwellings shall have a joint cross access and maintenance agreement that has been submitted with the land division application and which shall be recorded with the land division.

(g) In the NMX, TSS, and CC-T Districts, Two Family Dwellings - Twin constructed after the effective date of this ordinance require conditional use approval.

(h) In the TR-C4 district, a Two-Family - Twin shall not have an attached garage with a door facing any street. (Cr. by ORD-14-00028, 2-18-14)

Two-Family Dwelling -Two-Unit. In the NMX, TSS, and CC-T Districts, two-unit dwellings constructed after the effective date of this ordinance require conditional use approval.

Vehicle Access Sales and Service Windows.

(a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the

principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)

(b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.

(c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.

(d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.

(e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

(f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

(g) Bicyclist use of sales and service windows shall not be prohibited.

Vending Machines.

(a) Outdoor vending machine shall be accessory only to retail uses, schools, athletic facilities, parks and golf courses.

(b) For retail uses, outdoor vending machines are allowed only for:

1. Single-occupant buildings with more than twenty-five hundred (2,500) square feet of floor area. (Am. by ORD-15-00033, 4-8-15)
2. Individual tenants with at least thirty (30) lineal feet of storefront in a multi-tenant building.
3. When the product sold in the vending machine also is sold in the principal retail use.

(c) No individual outdoor vending machine shall exceed five (5) feet in width, three (3) feet in depth and seven (7) feet in height.

(d) No more than one (1) outdoor vending machine shall be located per building façade.

(e) Outdoor vending machines shall be flush against the facade of the principal structure, and shall not project into the public right-of-way.

(f) Outdoor vending machines shall be placed on an impervious surface, such as concrete or asphalt.

(g) No outdoor vending machines shall be located so as to impede pedestrian access or circulation, obstruct parking areas or create an unsafe condition. There shall be at least five (5) feet of clear pedestrian access at all times, unless the development is subject to the large retail standards in Sec. 33.24(4)(f), MGO, in which case, eight (8) feet of clearance is required.

(h) When located at a school, athletic facility, park or golf course, outdoor vending machines shall be a minimum of fifty (50) feet from a property line, unless located behind a solid fence or screening to prevent public use.

Veterinary Clinic, Animal Hospital. All activity shall take place within completely enclosed buildings with soundproofing and odor control.

Walk-Up Service Windows.

(a) If located within ten (10) feet of a public right-of-way, conditional use approval is required.

Wind Energy Systems. Wind energy systems shall comply with Sec. 28.149, MGO. (Am. by ORD-14-00027, 2-18-14)

Yard Sales. A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held in any three- (3) month period.

SUBCHAPTER 28K: BUILDING FORM STANDARDS

28.171 GENERAL PROVISIONS.

(1) Statement of Purpose.

A variety of building forms are defined here in order to identify and establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. The purposes of design standards are:

(a) To ensure compatibility between different land uses and building forms.

(b) To encourage building forms that respect their context.

(c) To encourage pedestrian movement by encouraging building forms that present an active face to the street.

(2) Applicability.

The design standards in this Subchapter shall apply to new buildings or building additions that exceed the floor area occupied by a given use by more than fifty percent (50%), with the exceptions listed below. Building additions shall comply with the design standards to the extent feasible, given the placement of the existing building. In all cases, design standards shall apply only to the portion of the building or site that is undergoing alteration. (Am. by ORD-15-00033, 4-8-15)

Some design standards are closely linked to a specific building form (for example, a parking building). Other design standards vary by district, and are listed in those district subchapters.

Building types that are not listed in this Subchapter may be allowed if they meet the intent and other design standards of the district where they would be located.

(3) Conflict with District Standards.

Where there is a conflict between the design standards in this section and the standards within a particular district, the district standards shall prevail.

28.172 RESIDENTIAL BUILDING FORMS.

(1) Use of Dormers.

Dormers may be added to the roof of a two-story building, provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof, and may not extend above the ridge of the roof in which the dormer is placed. (Am. by ORD-13-00144, 9-11-13)

(2) Single-Family Detached Building.

(a) Building Type. A single-family dwelling with yards on all sides, oriented to the street, with an attached or detached garage.

(b) Access and Entry. Each dwelling shall have direct access from a porch, stoop or courtyard to the street. Parking, loading and trash disposal may be accessed from an alley or driveway. Each building shall include a stoop, porch or courtyard oriented towards the primary abutting street.

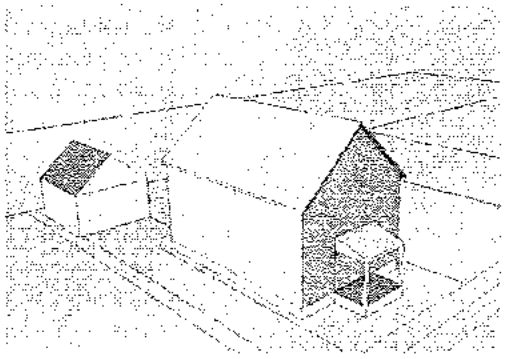


Figure K1: Typical Single-Family Detached Building

(c) Building Width. Buildings facing a public street shall not exceed a width of fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

(3) Two-Unit and Three-Unit Buildings.

(a) Building Types.

1. Two-Unit. A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
2. Three-Unit. A building containing three dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

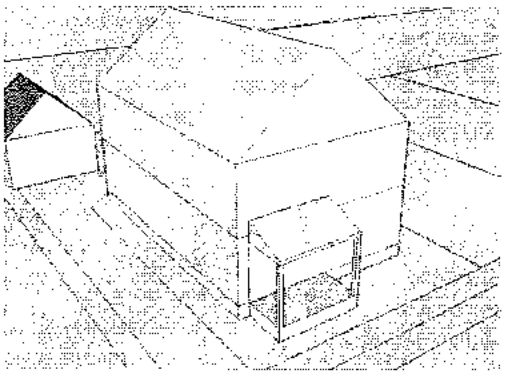


Figure K2: Typical Two-Flat Building

(b) Access and Entry. At least one of the dwellings shall have direct access from a common porch or stoop facing the front lot line and street. Parking, loading and trash disposal may be accessed from an alley or driveway. Each building shall include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street.

(c) Building Width. Buildings facing a public street shall not exceed a width of forty (40) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

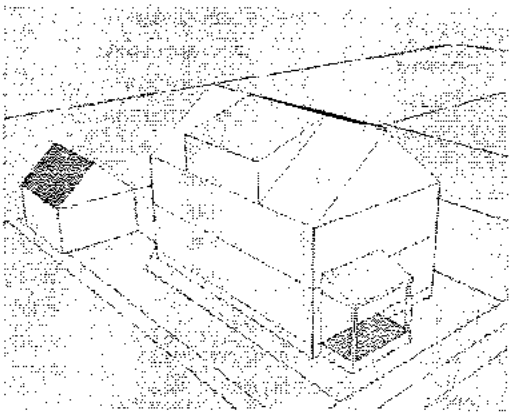


Figure K3: Typical Three-Flat Building

(4) Two-Family Building, Twin.

(a) Building Type. A building containing two attached dwelling units that share a common side wall and that are usually on separate lots, with the common wall at the lot line. If the dwellings are on separate lots, the common wall must be located on the side lot line. The dwellings can also be treated as condominiums, with a third ownership area consisting of the remainder of the lots.

(b) Access and Entry. Each dwelling shall have direct access from a common or separate porch or stoop; at least one entrance shall face the front lot line. Each building shall include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street.

Parking, loading and trash disposal may be accessed from an alley or driveway. Both units may, (and are encouraged to) share a common driveway.

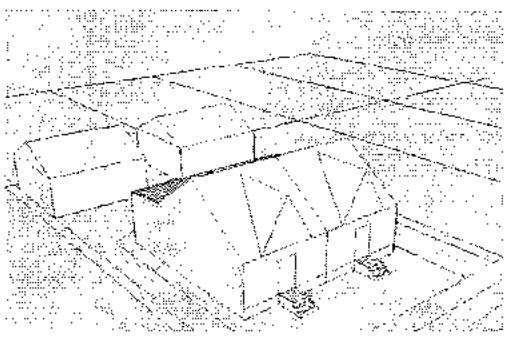


Figure K4: Typical Two-Family - Twin Building

(c) Building Width. Buildings facing a public street shall not be wider than fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

(5) Single-Family Attached Building, Townhouse, Rowhouse.

(a) Building Type.
A dwelling unit within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light and ventilation. Buildings may be oriented to the street or to a central green or courtyard.

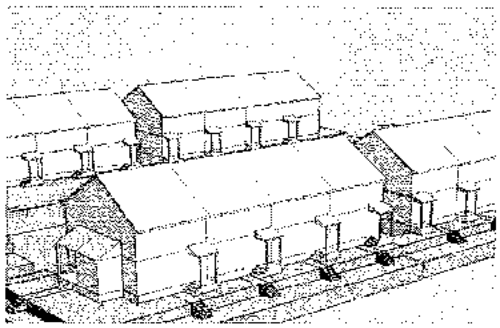


Figure K5: Typical Single-Family Attached Buildings

(b) Access and Entry. The principal entry to each dwelling shall have direct access to the street or to a courtyard. Each dwelling shall include a stoop or porch or a common green or courtyard oriented toward the primary street.

Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.

(c) Massing and Articulation.
Buildings facing a public street shall be comprised of individual units, articulated vertically to create visual interest and continuity.
Divisions or breaks in materials, entry placement, window bays or other architectural details shall be used to delineate individual units. Massing, proportions and articulation of single-family attached buildings shall respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Windows shall be located on the side of the last unit.



Figure K6: Typical Single Family Attached Buildings Photo

(6) Small Multi-family Building.

(a) Building Type. A multi-story multi-family building with a central entrance oriented to the primary abutting street, containing four to eight units. Buildings of this type are sometimes designed to resemble a large single-family building with a pitched roof.

(b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch or a common green or courtyard, oriented toward the primary street. Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.

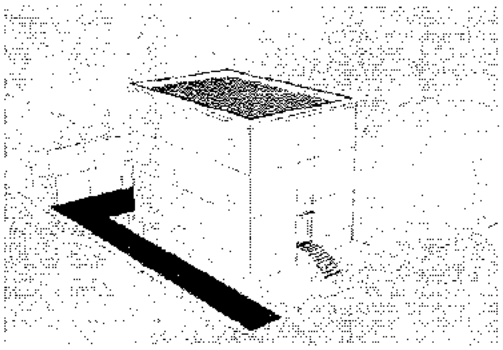


Figure K7: Typical Small Multi-Family Building

(c) Massing and Articulation. Massing, proportions and articulation of small multi-family buildings shall respond to existing residential buildings in their vicinity, including features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. Building facades shall be articulated vertically and horizontally for visual interest.

(7) Large Multi-family Building.

(a) Building Type. A multi-story building with combined entrances, stairways and elevators, comprised of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.

(b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch oriented to the street. Parking, loading and trash disposal may be accessed from an alley or common drive serving one or more buildings.

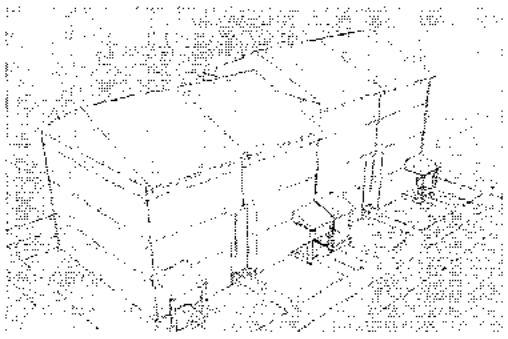


Figure K8: Typical Large Multi-Family Building

(c) Massing and Articulation. Massing, proportions and articulation of Large Multi-Family Buildings shall respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

(8) Courtyard Multi-Family Building.

(a) Building Type. A multi-story multi-family building or buildings designed around an open courtyard abutting a primary street or through-block development on two streets, surrounded by building walls on three sides.

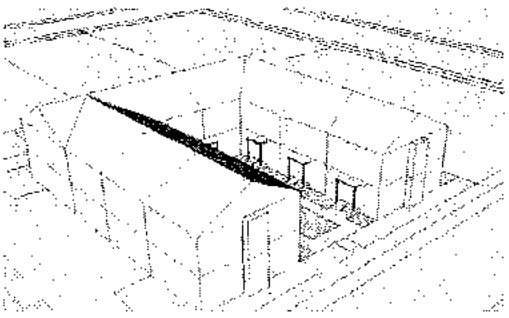


Figure K9: Typical Courtyard Multi-Family Building

(b) Access and Entry. The principal entry to the building shall be oriented to the primary abutting street or courtyard. The courtyard shall be oriented to a street and shall be largely visible from the street, but may be separated from the street by a decorative fence.

Parking, loading and trash disposal may be accessed from an alley, through the courtyard, or through a common drive serving one or more buildings.



Figure K10: Typical Courtyard Multi-Family Building-Photo 1

(c) Massing and Articulation. Buildings may be divided into individual attached units at ground level or served by shared entrances. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

(d) Open Space. Courtyards shall be a minimum of thirty-five (35) feet in width or depth, and shall be maintained as common open space for residents.



Figure K11: Typical Courtyard Multi-Family Building-Photo 2

28.173 MIXED USE AND NON-RESIDENTIAL BUILDING FORMS.

(1) Commercial Block Building.

(a) Building Type. A multi-story building that is designed to support a mix of commercial or office uses on the ground floor with office, studio, lodging and/or residential units above. Buildings are typically designed with storefronts or arcades at ground floor.

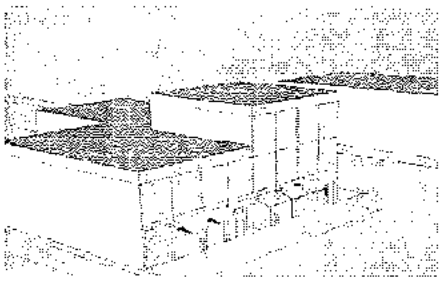


Figure K12: Typical Commercial Block Building

(b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. Buildings shall be designed with storefronts, stoops or patios along at least forty percent (40%) of the front ground floor facade along the primary abutting street.

Parking, loading and trash disposal may be accessed from an alley or through a side yard or rear yard drive serving one or more buildings.

(c) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.



Figure K13: Typical Commercial Block Building Photo 1



Figure K14: Typical Commercial Block Building Photo 2

(2) Liner Building.

(a) Building Type. A specialized building, parallel to the street, which is designed to conceal an area such as a parking lot or loading dock.

(b) Access and Entry. The principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.



Figure K15: Typical Liner Building Photo

(c) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed three hundred (300) feet without a visual break such as a courtyard or recess. Minimum building depth is sixteen (16) feet. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.

(3) Parking Building.

(a) Building Type. A multi-story building specifically designed for parking. Other uses may be allowed above or below the parking level. Such a building may be developed with a liner building along the street frontage.

(b) Access and Entry. Principal entry to each ground floor business or unit shall be a direct entrance from the primary abutting street. Vehicular entrance drives shall be located and designed to minimize interference with pedestrian movement. Vehicular entrances on secondary streets are encouraged.

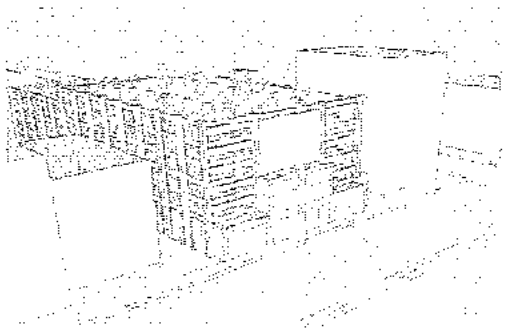


Figure K16: Typical Parking Building

(c) Building Design. Upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the facade. Windows or openings shall be provided that echo those of surrounding buildings.

(d) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed (300) feet without a visual break such as a courtyard or recess. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.



Figure K17: Typical Parking Building Photo

(4) Live-Work Building.

(a) Building Type. Similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Buildings are typically placed close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.

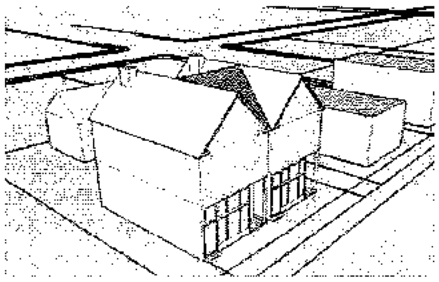


Figure K18: Typical Live-Work Building

(b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.

(c) Massing and Articulation. Massing, proportions and articulation of live-work buildings shall respond to existing residential buildings in their vicinity. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

(5) Residential/Commercial Conversion.

(a) Building Type. A former residential building converted in whole or part to commercial or office use or courtyard; parking must be in the rear. The building form remains residential in character.

(b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. The residential form of the building shall generally be maintained. Accessibility may be improved by changes in entrance grade or other means.

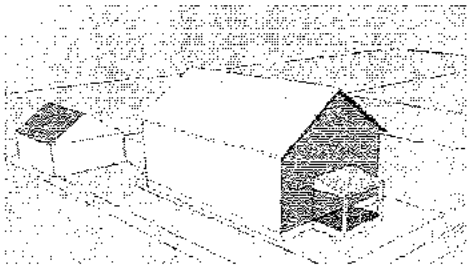


Figure K19: Typical Residential/ Commercial Conversion



Figure K20: Typical Residential/ Commercial Conversion Photo

(6) Podium Building.

(a) Building Type. A multi-story building in which the upper stories are stepped back from a lower base, to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.

(b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.

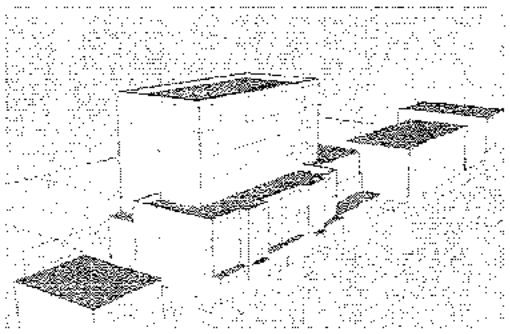


Figure K21: Typical Podium Building

(c) Massing and Articulation. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.



Figure K22: Typical Podium Building Photo

(7) Flex Building.

(a) Building Type. A variable building type at least two stories in height, designed to accommodate a variety of uses, including combinations of office, retail, lodging, and/or residential. A principal entrance should be oriented to the primary abutting street.

(b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.

(c) Massing and Articulation. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

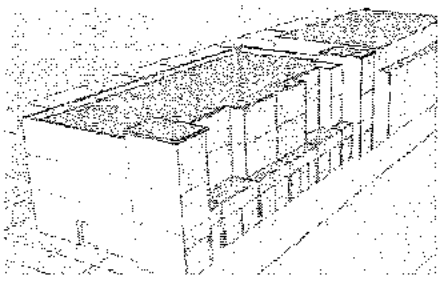


Figure K23: Typical Flex Building

(8) Industrial Building.

(a) Building Type. A large open-floor-plate building that allows maximum flexibility in the types of uses accommodated. Buildings are typically characterized by a tall single story or first floor, and may be set on a raised base to facilitate industrial loading and unloading.

(b) Access and Entry. One or more ground floor entrances from the primary abutting street shall be provided.

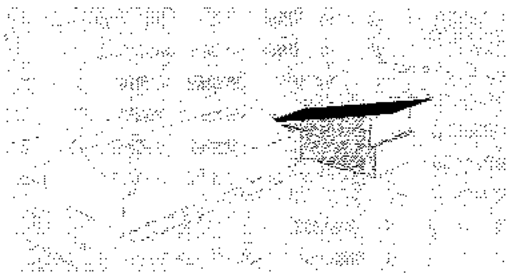


Figure K24: Typical Industrial Buildings

(c) Massing and Articulation. Facades facing a public street shall be vertically articulated at a minimum interval of 60 feet.

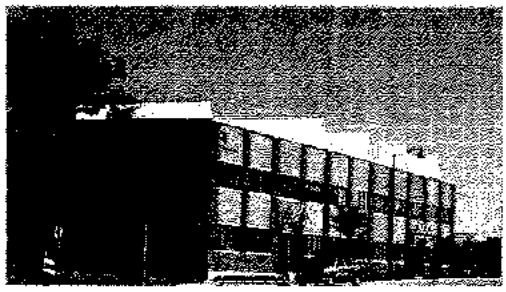


Figure K25: Typical Industrial Building Photo

(9) Free-Standing Commercial Building.

(a) Building Type. A free-standing building of one or more stories designed to support a mix of commercial, retail, restaurant, service, office, or similar uses. The building may include multiple tenants.

(b) Access and Entry. Buildings shall have a clearly defined, highly-visible customer entrance or entrances, marked by canopies, porticos, overhangs, arcades, facade recesses or projections, or similar features.

(c) Massing and Articulation. Massing and articulation requirements shall be consistent with other applicable standards in this ordinance.

(10) Civic or Institutional Building.

(a) Building Type. This category includes a number of building types and sizes ranging from buildings with large floor plats and multiple levels to smaller-scaled structures Civic buildings can accommodate a variety of arts, culture, education, recreation, government, and public assembly purposes. A variety of architectural styles is acceptable.

(b) Access and Entry. Buildings should have at least one entrance to a public street, courtyard, lawn, or other common open space.

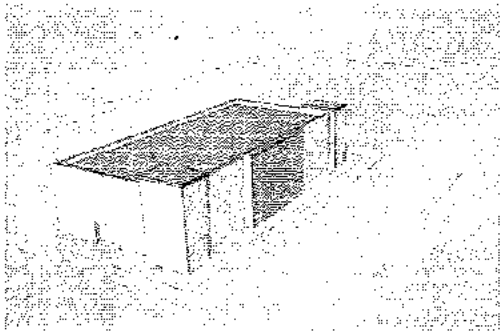


Figure K26: Typical Free-Standing Commercial Building

(c) Massing and Articulation. Facades facing a public street or public space shall be articulated vertically at a minimum interval of every forty (40) feet. Street-facing facades shall be positioned to accentuate vistas or directed views such as terminal views at the end of streets or adjacent to public spaces such as parks.

SUBCHAPTER 28L: PROCEDURES

28.181 IN GENERAL.

(1) Statement of Purpose.

This section describes how land development decisions and projects are approved and permitted in Madison. It describes how an application is submitted, who processes the application, the types of procedures that are followed, and what the approval allows the applicant to do.

(2) Common Elements.

Many of the application requirements outlined in this section have the following common elements:

Table 28L-1. Common Elements of Zoning Applications.

Element	Description
Applicability and Initiation	This element specifies the situations, building types, development types, uses, or contexts where the procedure applies, who may file an application, and where to file an application. **Eligible Applicant:** Unless otherwise specified, any person, firm, corporation or organization that has any of the following interests that are specifically enforceable in the land that is subject to the application may file an application: • a freehold interest • a possessory interest entitled to exclusive possession • a contractual interest which may become a freehold possessory interest • any exclusive possessory interest • any unit of government which issues a relocation order or adopts a resolution of necessity of taking describing the land for which the application is sought
Completeness Review	Application materials shall be submitted as specified in each section. Incomplete applications will not be accepted.
Notice	This element specifies the type of required notice, who provides it and when it must be provided.
Decision	This element specifies the procedures for review and decision-making by appropriate staff, agencies, commissions, and boards.
Standards	This element specifies the standards for approval of an application.
Subsequent Applications	This element identifies any waiting period required before submission of an additional application.
Alterations	This element specifies how changes are made to an approved application.
Scope of Approval	This element specifies what rights an applicant obtains from approval or conditional approval of an application and any applicable time period for exercising rights under the approval.
Finalization of Approval	This element specifies finalization or recording requirements following approval.

(3) Pre-Application Meeting.

Before an application is filed, the applicant is strongly encouraged to attend a pre-application meeting with Zoning and Planning staff. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for an Application.

(4) Completeness Review.

These procedures apply to any Application unless a different procedure is established for the Application elsewhere in this chapter.

(a) No Application is complete unless all of the required information is included and all application fees have been paid. The Zoning Administrator may refuse to accept an incomplete application.

(b) The Zoning Administrator will make current application materials available in the offices of the Department of Planning and Community and Economic Development.

(c) The Zoning Administrator may establish a schedule for filing any Application that requires action by the Plan Commission, Zoning Board of Appeals, Urban Design Commission, or the Common Council. Completed applications shall be filed according to any posted schedule of the Zoning Administrator.

(5) Notice.

The type of notice required for certain applications is established in Table 28L-2 below.

Table 28L-2. Notice Requirements.

Type of Notice (Responsible Party)	Requirements	Map Amendment	Text Amendment	Conditional Use	Variance	Demolition
Preapplication (Applicant)	Applicant must notify the following persons at least thirty (30) days before filing an application. Notice shall be by U.S. mail or electronic mail, with a copy to the Department Director and the Zoning Administrator.					
	• neighborhood association registered with City that serves the area where the property is located	✓	✓	✓		✓
	• business association listed with City that serves the area where the property is located	✓	✓	✓		✓
	• any person registered with the Department of Department of Planning and Community and Economic Development to receive such notice					✓
	• the alderperson of the district in which the property is located.	✓	✓	✓		✓
	Failure to provide pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The neighborhood notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.					
Publication (City)	Class 1 notice in the official city paper (see ch. 985 WSA).				✓	
	Class 2 notice in the official city paper (see ch. 985 WSA).	✓	✓	✓		✓
First class mail (City)	Recipients:					
	• the applicant			✓	✓	✓
	• the alderperson of the district in which the property affected is located.	✓		✓	✓	✓
	• the owners of record, as listed in the office of the City Assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected.	✓		✓		✓
	• the owners of record, as listed in the office of the City Assessor, and occupants, of adjoining property.				✓	
Signage (Applicant)	Obtain the sign from the Department of Planning and Community and Economic Development, on the property that is the subject of the application. The sign must list the times and locations of all public hearing(s) to consider the application. The sign shall be posted at least twenty-one (21) days prior to the public hearing and shall be located in a position on the property so that it can be read from the sidewalk or other public right-of-way. If a property abuts more than one (1) public right-of-way, a sign shall be placed facing each public right-of-way. The sign shall be removed within seven (7) days of the last hearing listed on the sign. Failure to post the sign shall not invalidate any action taken on the application by the Plan Commission or Common Council.	✓		✓		✓

28.182 TEXT AND MAP AMENDMENTS.

(1) Purpose.

This section allows the Common Council to amend the text of this Chapter or the zoning districts in order to promote public health, safety, and welfare throughout the City, giving due consideration to existing conditions, conservation of property values, building development providing best advantage to the City, the current use of property, and in the case of map amendments, the cost of providing municipal services to the property and uses accommodated by the map amendment.

In the case of map amendments to the floodplain zoning districts, actions that require an amendment and/or submittal of a Letter of Map Change (LOMC) shall include but not be limited to the following:

(a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.

(b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.

(c) Any changes to any other officially adopted floodplain maps.

(d) Any floodplain fill that will result in raising the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

(e) Correction of discrepancies between the water surface profiles and floodplain maps.

(f) Any upgrade to a floodplain zoning ordinance text required by Wis. Adm. Code § NR 116.05 or otherwise required by law or for changes by the municipality.

(g) All channel relocations and changes to maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by FEMA.

(Am. by ORD-14-00146, 9-12-14)

(2) Applicability and Initiation.

(a) The Common Council may amend this Chapter at any time as provided in this section.

(b) There are two classes of amendments: text amendments and map amendments. These are defined below:

Text amendments	Amendments to the **text** of this chapter.
Map amendment	An amendment to the **zoning map** changes the district classification of an area or property.

(c) Text Amendments may be initiated by the Common Council and any alderperson.

(d) Map Amendments may be initiated by the Common Council or an Eligible Applicant as specified in Table 28L-1.

(e) Filing. The applicant shall file the application with the Zoning Administrator.

(3) Completeness Review.

See Sec. 28.181(4).

(4) Notice.

The following notice is required for any map amendment (See Sec. 28.181(5) above):

(a) Pre-application. Failure to provide pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.

(b) Publication.

(c) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the date of the public hearing.

(d) Signage.

(5) Decision.

(a) Recommendation by the City Plan Commission.

1. The Plan Commission shall hold a public hearing on each application for an amendment. The procedures for conducting the hearing and recording the proceedings are prescribed in the "Basic Policy and Procedures Manual" adopted by the Plan Commission.

2. After the public hearing, the City Plan Commission shall submit its recommendation to the Common Council prior to the Council's public hearing.

3. The Plan Commission may recommend conditions that are consistent with the intent of this ordinance and will protect the public interest including consideration of overdue taxes and/or fees; the applicant's history of compliance with relevant ordinances and approvals, including but not limited to building and minimum housing code, and zoning code; and alcohol license provisions and approvals.

4. The Plan Commission may recommend the following modifications:

   a. The adoption of a map amendment changing the zoning classification of the property in question to any classification in the same subchapter that is more restrictive than that proposed by the applicant as shown in the following table. This rule is not applicable for the Special Districts, Subchapter 28G.

Zoning Districts Listed in Order of Most Restrictive to Least Restrictive, by Subchapter

	Residential Districts Subchapter	Commercial and Mixed Use Districts Subchapter	Employment Districts Subchapter	Downtown Districts Subchapter
More Restrictive Districts	TRR	LMX	TE	DR1
	SRC1	NMX	SEC	DR2
	SRC2	TSS	SE	UOR
	SRC3	CCT	IL	UMX
↓	TRC1	CC	IG	DC
	TRC2	MXC*	EC*	
Less Restrictive Districts	TRC3			
	TRC4			
	TRV1			
	SRV1			
	SRV2			
	TRV2			
	TRU1			
	TRU2			
	TRP*			

* Master Planned Districts

(Am. by ORD-14-00029, 2-18-14)

   b. That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area.

5. All map amendments that obstruct flow, or cause any increase in the regional flood height require flooding easements or other appropriate legal arrangement from all adversely affected property owners. (Am. by ORD-13-00086, 5-29-13; ORD-14-00146, 9-12-14)

(b) Action by Common Council. The Common Council shall not act upon a text amendment or map amendment until it has received a recommendation from the City Plan Commission as provided above.

(c) Protest Petition.

1. A written protest against a map amendment may be filed after the application is filed or modified. If a valid protest petition is filed, the map amendment shall not become effective except by the favorable vote of three-fourths (¾) of the members of the Common Council voting on the proposed change.
2. The protest must be filed with the City Clerk.
3. The protest must be duly signed and acknowledged by:
   a. The owners of twenty percent (20%) or more of the area of land included in the proposed map amendment or modification, or
   b. Twenty percent (20%) of the registered electors residing in the areas of the land included in the proposed map amendment or modification, or
   c. The owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet from the subject property, or
   d. The owners of twenty percent (20%) or more of the land directly opposite from the subject property and extending one hundred (100) feet from the street frontage of the opposite land, or
   e. Twenty percent (20%) of the registered electors residing within all buildings any part of which is on land immediately adjacent extending one hundred (100) feet from the subject property, or
   f. Twenty percent (20%) of the registered electors residing within all buildings any part of which is on land directly opposite the subject property and extending one hundred (100) feet from the street frontage of the opposite land.
4. Protest Petition Procedure.
   a. If a protest is commenced under this Subdivision, the following procedure must be used in order for the protest petition to be accepted as valid by the City.
   b. Each protest petitioner must date and acknowledge her/his signature in compliance with Wis. Stat. § 706.07, Uniform Acknowledgment Act. The protest petitioner shall either sign in the presence of a notary public or other officer as specified in WSA § 706.07(2) or shall personally appear before the notary public or other officer and acknowledge his or her prior signing.
   c. Protest petitions shall be delivered to the City Clerk no later than noon on the Monday before the proposed map amendment is initially set for final Common Council consideration.
   d. If a protest petition is filed after noon on the Thursday before the proposed map amendment is initially set for final Common Council consideration, the matter shall be referred to the next Common Council meeting.
   e. The same day the petitions are received, the City Clerk shall make copies of the petitions and forward these copies to the Department of Planning and Community and Economic Development.
   f. The Department of Planning and Community and Economic Development shall compute the protest petitions and inform the Common Council concerning the percentage of protesters by the end of three (3) business days following the filing of the petition, and shall provide its findings in writing to the Mayor, Common Council and City Clerk.

g. Any changes to a timely-filed protest petition shall be made by noon on the Thursday before the meeting to which the Common Council referred the proposed map amendment must comply with the requirements of sub. (b) above, and may not serve as a basis for referral of the question.

h. Although protesters may exercise their rights to subsequently withdraw their names from a protest petition, the withdrawal must be signed, dated and acknowledged and the form of the acknowledgement must also comply with Wis. Stat. § 706.07. Withdrawals must be submitted to the City Clerk by noon on the Monday before final Common Council consideration. If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional withdrawals may be again filed with the City Clerk until noon on the Monday before the Common Council again proposes to act upon the map amendment.

(Am. by ORD-17-00053, 6-19-17)

(6) Standards for Map Amendments or Text Amendments.

Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

(7) Subsequent Applications.

An application for a map amendment that is denied by the Common Council cannot be resubmitted within one (1) year from the date of the denial, unless:

(a) The Council specifically determines that the denial is without prejudice, or

(b) The application is substantially different from the application that was denied.

(8) Amendments to Floodplain Regulations or Maps.

No amendment to floodplain regulations, either text or map, shall become effective until approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles.

(Am. by ORD-14-00146, 9-12-14)

(9) Finalization of Approval.

A text amendment is codified by the City Attorney as provided in Sec. 3.07, MGO. A map amendment becomes part of the "Zoning District Maps" on file in the office of the Zoning Administrator.

28.183 CONDITIONAL USES.

(1) Statement of Purpose.

This Chapter divides the City into districts where the design, use, bulk and location of buildings and structures are compatible. However, some uses, and in some cases, design, bulk, and building location, have unique characteristics, and therefore cannot be properly allowed as unrestricted permitted uses. The City requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the

particular use at a particular location. These uses may be necessary or desirable in a particular district if sufficient consideration is given to their location, development and operation.

(2) Applicability and Initiation.

This section applies to those uses that are enumerated as conditional uses in the zoning district regulations (Subchapters 28C through 28I). Any Eligible Applicant (See Sec. 28.181(2)) may file an application for a conditional use permit with the Zoning Administrator.

(3) Completeness Review.

See Sec. 28.181(4).

(4) Notice.

A conditional use permit application requires the following type of notice (See Sec. 28.181(5)):

(a) Preapplication. Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.

(b) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the public hearing.

(c) Publication.

(5) Decision.

(a) City Plan Commission.

1. The Plan Commission shall hold a public hearing on each complete application. The hearing shall be conducted and recorded in accordance with the Plan Commission's Policies and Procedures Manual.
2. The Plan Commission shall approve, approve with conditions, deny, or place on file any application for a conditional use.
3. The Plan Commission shall render its decision within a reasonable time.
4. The concurring vote of a majority of quorum of the Plan Commission is required to approve a conditional use.
5. The decision of the Plan Commission shall include findings of fact. When a conditional use application is denied, the findings of fact shall list the standard(s) that have not been met and the reasons such standard(s) was not met.
6. When reviewing a conditional use application that involves any new construction of a building or an addition to an existing building, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comments and recommendations.

(b) Appeal From Action by Plan Commission.

1. The Plan Commission's decision is appealable to the Common Council.
2. The appeal may be filed by:
   a. The applicant, or
   b. The Alderperson of the district in which the use is located, or
   c. Twenty percent (20%) or more of the property owners entitled to notice who object to the establishment of the conditional use. (Am. by ORD-12-00147, 12-5-12)
3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.
5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.

6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.
7. The Common Council shall give public notice and due notice to the parties in interest.
8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
9. Any person aggrieved by the decision of the Common Council or any alderperson, officer, department, board or bureau of the City, may, within thirty (30) days after the decision is published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari. (Am. by ORD-14-00165, 10-29-14)

(6) Approval Standards.

(a) The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.
4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.
6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
7. The conditional use conforms to all applicable regulations of the district in which it is located.
8. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:
   a. Bear in mind the City general intent to accommodate community living arrangements.
   b. Exercise care to avoid an over-concentration of community living arrangements, which could created an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility

will increase the population of the community, the total capacity of all community living arrangements in the community, the impact on the community of other community living arrangements, the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.

9. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation. (Am. by ORD-14-00030, 2-18-14)

10. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.

11. When applying the above standards to telecommunication facilities, the Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.143.

12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

13. When applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development.

14. When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

    a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character

of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.

b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.

c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.

d. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

15. When applying the above standards to an application to redevelop a site that was occupied on January 1, 2013 by a building taller than the maximum building height allowed by Section 28.071(2)(a) Downtown Height Map, as provided by Section 28.071(2)(a)1., no application for excess height shall be granted by the Plan Commission unless it finds that all the following additional conditions are also present:

a. The new building is entirely located on the same parcel as the building being replaced.

b. The new building is not taller in stories or in feet than the building being replaced.

c. The new building is not larger in total volume than the building being replaced.

d. The new building is consistent with the design standards in Section 28.071(3) and meets all of the dimensional standards of the zoning district other than height.

e. The Urban Design Commission shall review the proposed development and make a recommendation to the Plan Commission.

16. When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process. (Cr. by ORD-15-00124, 11-11-15)

(b) Conditions.

1. Before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use. In doing so, the Plan Commission may consider overdue taxes and/or fees and the applicant's history of compliance with relevant ordinances and approvals, including but not limited to, building and minimum housing code, zoning code and zoning approvals, and alcohol license provisions and approvals.

2. The commission shall require evidence and guarantees of compliance with the conditions.

3. For property in the Wetland Overlay District, the Plan Commission shall attach conditions that will further the purposes of the Wetland Overlay District.

a. Such conditions may include but are not limited to: type of shore cover; erosion control measures; increased setbacks; specific sewage disposal and water supply facilities; wetland restoration; landscap-

ing and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

b. The Plan Commission may require additional information as needed to determine if the proposed use is consistent with the purposes of the Wetland Overlay District.

4. For residential development allowed as a conditional use, the Plan Commission shall require dedication of land for park and recreation purposes or a fee in lieu of land dedication in accordance with the current standards for plat, land divisions and planned developments in Sec. 16.23(8)(f), MGO, and Park Impact Fees in Sec. 20.08, MGO. Credit shall be given for any prior dedication or fee paid under those sections. (Am by ORD-16-00073, 9-15-16)

(7) Subsequent Applications.

No application for a conditional use that is denied wholly or in part by the Plan Commission (or, on appeal, by the Common Council) shall be resubmitted for a period of one (1) year from the date of the final decision, unless:

(a) The decision expressly states that it is placed on file without prejudice, and

(b) The applicant provides substantial new evidence or proof of a change of conditions that would support approval or conditional approval of the application.

(8) Alterations.

No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the standards in sub. (6), above. Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Am. by ORD-13-00189, 11-26-13)

(9) Scope of Approval.

(a) An order granting a conditional use is valid for one (1) year from the date of the approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted.

(b) Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.

(c) Dormant Conditional Use. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. (Cr. by ORD-14-00133, 8-13-14)

(d) Continuing Jurisdiction.

1. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. This authority is in addition to the Zoning Administrator's authority under Sec. 28.202.

2. Any person, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use permit have not been completed, or are being violated. (Am. by ORD-17-00030, 3-8-17)
3. The Plan Commission shall initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of a condition of approval. If the Plan Commission determines there is a reasonable probability of a violation, it shall conduct a hearing after giving notice as provided in Subsection (4), above.
4. The Plan Commission may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Plan Commission, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards in Subsection (6), above, the Plan Commission may revoke the conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.
5. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subsection (5)(b), above.

(Renum. by ORD-14-00133, 8-13-14)

(10) Changes in Use.

(a) On any zoning lot where a conditional use is established, any alteration, expansion or establishment of any other use(s), including permitted uses, except structures and buildings serving as synagogues, mosques, temples, churches, parish houses, rectories, and other places of worship, telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities, shall be subject to conditional use approval. (Am. by ORD-13-00189, 11-26-13)

(b) However, within existing buildings, a change in use from one permitted use to another permitted use without any addition in square footage shall be exempted from this provision; provided that any exterior alterations to existing structures or the lot shall require approval as a conditional use.

28.184 VARIANCES.

(1) Applicability and Initiation.

This section applies to any application to the Zoning Board of Appeals for a variance from the terms of this Chapter.

Any Eligible Applicant (See Sec. 28.181(2)) may file an application for a variance with the Zoning Administrator.

(2) Completeness Review.

See Sec. 28.181(4).

(3) Notice.

A variance application requires the following type of notice (see Sec. 28.181(5)):

(a) Mail. Notice of the required public hearing shall be sent at least five (5) days before the public hearing

(b) Publication.

(c) In the case of variances to the floodplain or wetland regulations, notice shall also be sent to the regional office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the required hearing.

(4) Decision.

(a) The Zoning Board of Appeals shall hold a public hearing on each application.

(b) The Zoning Board of Appeals may approve, conditionally approve, or deny a variance after a public hearing. The Zoning Board of Appeals shall conduct the public hearing after it receives a complete application.

(c) The concurring vote of a majority of quorum of the Zoning Board of Appeals is required to grant a variance.

(d) The decision of the Zoning Board of Appeals shall include findings of fact.

(e) The Zoning Board of Appeals may impose conditions on the use, development or activities subject to the variance. The Zoning Board of Appeals may require the conditions in order to comply with the standards in this section, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this ordinance.

(f) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars ($25) per one hundred dollars ($100) of coverage. A copy shall be maintained with the variance record.

(5) Approval Standards.

(a) The Zoning Board of Appeals shall not grant a variance unless it finds that the following conditions are present:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.
3. For a use variance, compliance with the strict letter of the ordinance will result in no reasonable use of the property.
4. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
5. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
6. The proposed variance shall not create substantial detriment to adjacent property.
7. The proposed variance shall be compatible with the character of the immediate neighborhood.
8. In the floodplain districts, the variance shall not: grant, extend or increase any use prohibited in the zoning district; be granted for a hardship based solely on an economic gain or loss; be granted for a hardship which is self-created; or damage the rights or property values of other persons in the area.
9. In floodplain districts, the variance shall not cause an increase in the regional flood elevations or profiles, permit a lower degree of flood protection in the floodplain than the flood elevation, allow any floor, basement or crawlway below the regional flood elevation or allow actions without the required amendments.
10. In the floodplain districts, the lot for which the variance is requested, shall be less than one-half (1/2) acre and shall be contiguous to existing structures constructed below the regional flood elevation.
11. In floodplain districts, the variance shall not increase costs for rescue and relief efforts.

(6) Scope of Approval.

(a) An order granting a variance is valid for one (1) year from the date of the order. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building.

(b) Where the plans have not been altered from those approved by the Zoning Board of Appeals, and the variance has expired, the Zoning Administrator may, after consulting with the Alderperson of the District, approve an extension up to twenty-four (24) months from the expiration date.

(Sec. 28.184 Am. by ORD-14-00146, 9-12-14)

28.185 APPROVAL OF DEMOLITION (RAZING, WRECKING) AND REMOVAL.

(1) Statement of Purpose.

It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available at reasonable prices, and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.

(2) Applicability and Initiation.

No building as defined in Sec. 29.03, MGO, shall be demolished or removed without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development.

Any Eligible Applicant (See Sec. 28.181(2)) may submit an application for a demolition or removal permits to the Director of the Building Inspection Division.

(a) An application for a demolition or removal permit shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved.

(b) An application for a permit also shall include plans for any proposed future use, including site, grading and landscaping plans, floor plans, building elevations and materials, the length of the current ownership, and photographs of the interior and exterior of the building(s). A written report of a licensed architect or engineer describing the condition of the building(s) may be submitted to substantiate the request.

(c) If the proposed demolition is to be accomplished by fire, the application shall designate the proposed method of demolition.

(3) Completeness Review.

See Sec. 28.181(4).

(4) Notice.

A demolition request, except for the applications submitted under (6) below, requires the following types of notice (See Sec. 28.181(5)):

(a) Preapplication. Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.

(b) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the public hearing.

(c) Publication.

1. A demolition or removal permit application considered with a zoning map amendment shall meet the public hearing requirements for zoning map amendments (See Sec. 28.181(5)).

2. A demolition or removal permit considered with a conditional use permit shall meet the public hearing requirements for conditional uses (See Sec. 28.181(5)).

(5) Decision.

(a) The Plan Commission shall hold a public hearing on each application except those that do not require approval by the Plan Commission. If the applicant for a demolition or removal permit requests an amendment to the Zoning Map pursuant to Sec. 28.182(10) or a conditional use approval pursuant to Sec. 28.183, the demolition or removal permit application shall be considered with the amendment to the zoning map or conditional use. The public hearing for a demolition or removal application shall meet the requirements of Sec. 28.183(5)(a)1., except that a demolition or removal application considered with a zoning map amendment shall meet the public hearing requirements in Sec. 28.182(4).

(b) The Plan Commission shall approve, approve with conditions, or deny a demolition or removal permit.

(c) When reviewing a demolition application where the proposed use is non-residential, the Plan Commission may require the applicant to submit plans to the Urban Design Commission and/or the Landmarks Commission for comments and recommendation.

(d) Appeal from Action by Plan Commission.

1. The Plan Commission's decision to grant or deny a demolition or removal permit may be appealed to the Common Council.
2. The appeal may be filed by:
   a. The applicant, or
   b. The Alderperson of the district in which the building proposed for demolition or removal is located.
3. The appeal shall specify the grounds, with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Zoning Administrator within ten (10) days of the final action of the Plan Commission.
5. The Zoning Administrator shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
6. The Common Council shall fix a reasonable time for hearing the appeal, and shall decide the appeal within a reasonable time.
7. The Common Council shall give public notice and due notice to the parties in interest.
8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
9. If the applicant for a demolition or removal permit also has requested a zoning map amendment pursuant to Sec. 28.182 or a conditional use permit pursuant to Sec. 28.183, the determination shall be appealed with the appeal of the conditional use or map amendment.

(6) Exemptions.

(a) Demolition or removal permits may be issued without the approval required in Subdivision (5) above whenever any one (1) of the following conditions is present, provided that: the subject building has not been used at any time as a single-family or multiple-family dwelling in whole or in part, is not a landmark, and is not located in an Historic District or Neighborhood Conservation District:

1. The Director of the Building Inspection Division finds that the building proposed to be demolished or removed is structurally unsound, subject to

an appeal as provided in Sec. 29.18, MGO. The applicant may support the request with the report of a licensed architect or engineer certifying and providing reasons that the building is structurally unsound.

2. The Director of the Building Inspection Division determines that the building proposed to be demolished or removed is an accessory building as defined in Sec. 28.211.

(b) Demolition or removal permits may be issued without the approval required in sub. (5) above whenever the subject building is a single-family dwelling being demolished due to damage by fire or other natural disaster and reconstructed to a similar bulk condition, at a similar location on the zoning lot, utilizing existing setbacks, as follows:

1. Neither the length, width, or height of the replacement building shall be more than two (2) feet greater than the length, width, or height of the building to be demolished;

2. The location of the replacement structure shall be placed in a similar location to the existing structure. If the damaged structure has a non-conforming setback, no side of the enlarged structure may be moved closer to any lot line with which there is a non-conforming setback; and

3. Demolition and building permits shall be issued within one (1) year of the incident of loss.

(Am. by ORD-15-00101, 10-15-15)

(7) Approval Standards.

Applications for demolition or removal permits shall not be approved, except as provided in (6) above, unless the following standards are met:

(a) Applications With a Proposed Future Use.

1. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code.

a. If the Zoning Administrator finds that the proposed use of the property is not in compliance with the provisions of the Zoning Code, the applicant for a demolition or removal permit may apply for a map or text amendment pursuant to Sec. 28.182 or for a conditional use permit pursuant to Sec. 28.183 for the proposed use. All of the provisions of Secs. 28.182 and 28.183 shall apply to said applications, except that the time limit for commencement of the conditional use, pursuant to Sec. 28.183(9), shall be eighteen (18) months instead of twelve (12) months.

b. If after the procedures provided in Paragraph 1.a. are followed, the proposed use of the property would be in compliance with the provisions of the Zoning Code, the Zoning Administrator shall grant zoning approval for the proposed use, pursuant to Sec. 28.202(3).

2. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be compatible with adopted neighborhood plans, the Comprehensive Plan or

with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts, including but not limited to:

a. The effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties.

b. The reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building; and

c. The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.

3. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Sec. 33.01(5)(c), MGO.

4. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

5. If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator.

(b) Application With No Proposed Use. In addition to the above standards in Subsection (7)(a)3.-5.,

1. The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or

2. For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City plans.

(8) Conditions and Guarantees.

The following conditions shall apply to all demolition or removal permits:

(a) Before granting a demolition or removal permit, the Plan Commission may stipulate conditions and restrictions upon the proposed alternative use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in (7) above.

Conditions may include a requirement that a property owner obtain approval from the Plan Commission, pursuant to (7) above, for an alternative use that is not known at the time of application, and/or that the owner provide proof of financial capability and an executed contract with a construction firm, in a form acceptable to the Director of the Department of Planning and Community and Economic Development, prior to any permits being issued.

(b) Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations as provided below. If the Plan Commission considers an alteration it shall approve the change(s) only if the new use is compatible with the intent and purpose of the zoning district in which the property is located, is compatible with the Comprehensive Plan and applicable neighborhood plan, and other relevant factors, including the effects of the proposed use on the normal and orderly development and improvement of surrounding properties.

(c) The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in (7) above.

(d) Following issuance of a Certificate of Occupancy, future additions or alterations to the proposed alternative use of the property shall not be subject to review under this section.

(9) Scope of Approval.

(a) A demolition or removal permit is valid for one (1) year from the date of Plan Commission approval/action. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted. (Am. by ORD-14-00133, 8-13-14)

(b) Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.

(10) Reuse and Recycling Plan.

Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. above shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

(11) Demolition by Fire.

Demolition by Fire is prohibited unless the burn is conducted by the Madison Fire Department (MFD) in conjunction with an MFD training event and limited to no more than three (3) demolitions by fire events per year. For any permit approved for demolition by fire, the applicant shall provide written notice of the date of the proposed demolition to the alderperson of the district where the demolition is proposed and to all owners and residents of properties within one thousand (1,000) feet of the boundaries of the property on which the demolition will occur. Such notice shall be provided at least five (5) days prior to the date of the proposed demolition.

(12) Penalty.

(a) Any person who fails to submit documentation of compliance with an approved reuse and recycling plan shall, upon conviction thereof, be subject to a forfeiture of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(b) Any person who fails to obtain a demolition or removal permit prior to the demolition or removal shall, upon conviction thereof, be subject to a forfeiture of not less than one thousand dollars ($1,000) and not more than two thousand dollars ($2,000). Each day or portion thereof such violation continues shall be considered a separate offense.

28.186 SITE AND BUILDING PLAN REVIEW.

(1) Purpose.

Site plan review is designed to:

(a) Promote development that is compatible with this Chapter, and

(b) Ensure that development is consistent with adopted neighborhood plans and the Comprehensive Plan, and

(c) Establish procedures for the review of uses, building types, or development situations that require site plan review where designated by this Chapter.

A site plan may be reviewed on its own or as part of another application (for example, a map amendment).

(2) Applicability.

The following buildings and uses are subject to site plan review:

(a) Any new principal or accessory building.

(b) Site alterations, including but not limited to alterations of parking lots and landscaped areas.

(c) Exterior alterations to buildings.

(d) Changes in use.

(e) Alterations to approved site plans.

(3) Decision.

The site and building plans shall be reviewed by the Zoning Administrator for conformity with this chapter. The Zoning Administrator shall transit a copy of submitted plans to appropriate City agencies for review and comment within their jurisdiction.

The Zoning Administrator shall approve, approve with conditions or deny a site plan. No public hearing is required. The applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals. On appeal, the ZBA shall consider the administrative site plan at a public hearing.

(4) Compliance.

(a) For site and building plans approved before June 1, 2014, a property owner or operator is required to bring the property into compliance with all elements of the approved site and building plan by July 1, 2014.

(b) For site and building plans approved after June 1, 2014, a property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval.

(Sec. 28.186(4) Cr. by ORD-14-00095, 5-14-14)

SUBCHAPTER 28M: NONCONFORMITIES

28.190 STATEMENT OF PURPOSE.

Within the Zoning Districts established by this ordinance, there may exist uses, buildings, structures, and lots that do not conform to the provisions of this ordinance. The purpose of this Section is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

28.191 NONCONFORMING USES.

(1) The lawful nonconforming use of a building, structure, or land existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance, provided that:

(a) Structural repairs or structural alterations to the building or structure shall not exceed fifty percent (50%) of the total assessed value of the building or structure.

(b) The nonconforming use shall not be extended or expanded.

(c) The building or structure does not become and remain vacant for a continuous period of twelve (12) months.

(d) The nonconforming use of the land does not cease for a continuous period of twelve (12) months.

28.192 NONCONFORMING BUILDINGS OR STRUCTURES.

A lawful nonconforming building or structure existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance with respect to bulk characteristics including, but not limited to, setback, open space, floor area ratio, height, density, parking facilities, amount of parking, and style, provided that any additions or enlargements shall conform to the provisions of the ordinance.

28.193 NONCONFORMING LOTS.

(1) A lawful nonconforming lot existing on the effective date of this ordinance may be continued although it does not conform to the provision of this ordinance, provided that the size and shape of the lot shall not be changed in any way to increase the nonconformity.

(a) Lots of Record. In any district where residential uses are allowed, a single-family dwelling may be established on a lot of record existing on the effective date of this ordinance, regardless of the size of the lot, provided that all other requirements of the applicable zoning district are complied with.

28.194 RESTORATION OF A NONCONFORMING BUILDING OR STRUCTURE.

(1) A lawful nonconforming building or structure existing on the effective date of this ordinance that has been damaged or destroyed may be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided that:

(a) The nonconforming building or structure was damaged or destroyed on or after March 2, 2006, and

(b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(2) The size of the restored building or structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure or building to comply with applicable state or federal requirements.

28.195 CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USE.

Any person having a legal or equitable ownership interest of record in a property that is nonconforming as to use shall obtain a certificate of occupancy from the office of the Zoning Administrator. Such person shall present documentary evidence that said use was a lawful

permitted or conditional use at the time it originated and was made nonconforming by the adoption of this ordinance or any amendment thereto or was made nonconforming by the zoning ordinance in effect at the time this ordinance was adopted. Documentary evidence may include leases, affidavits, lawfully issued permits, certificates of occupancy, and other legal documents, subject to verification of authenticity and accuracy.

SUBCHAPTER 28N: ADMINISTRATION AND ENFORCEMENT

28.201 GENERAL PROVISIONS.

(1) Administration.

The administration of this ordinance is vested the following three (3) offices of the City of Madison:

(a) Zoning Administrator
(b) Zoning Board of Appeals
(c) City Plan Commission

28.202 ZONING ADMINISTRATOR.

(1) Establishment.

(a) This section establishes the office of the Zoning Administrator of the Department of Planning and Community and Economic Development.
(b) The Zoning Administrator is responsible to the Director of the Building Inspection Division or her/his designee.
(c) The Director of the Building Inspection Division is assigned the same powers as the Zoning Administrator.

(2) Duties.

The Zoning Administrator shall enforce this ordinance, and shall exercise the duties listed below to determine compliance with this chapter and to support its enforcement or administrative functions:

(a) Issue all zoning certificates (See (3) below).
(b) Issue all certificates of occupancy.
(c) Approve all site plans.
(d) Conduct inspections of buildings, structures, and use of land, including damage assessment for floodplain structures, to determine compliance with this ordinance. (Am. by ORD-14-00146, 9-12-14)
(e) Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, zoning certificates, certificates of occupancy, and applications for approval.
(f) Provide and maintain public records relative to all matters arising out of this ordinance.
(g) Receive, file and forward to the City Clerk all applications for amendments to this ordinance.
(h) Receive, file and forward to the City Plan Commission all applications for conditional uses.
(i) Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances or other matters on which the Zoning Board of Appeals is required to act under this ordinance.
(j) Initiate, direct and review, from time to time, a study of this chapter.
(k) Make recommendations to the City Plan Commission about revisions to this chapter.
(l) Refer violations of this chapter to the City Attorney for prosecution. Copies of the violation report on floodplain regulations shall be sent to the Southern District office of the Wisconsin Department of Natural Resources.
(m) Review and interpret deed restrictions which were initiated at the request of a City agency in order to relate the restrictions to uses of land authorized in this Zoning Code.
(n) Provide substantial damage assessment for floodplain structures.
(o) Maintain floodplain records, including all permits issued, inspections made, and work approved related to floodplains; documentation of certified lowest floor and

regional flood elevations; floodproofing certificates; floodplain maps, and ordinances, all water surface profiles, substantial damage assessment reports, and list of nonconforming structures and uses. (Am. by ORD-14-00146, 9-12-14)

(p) Submit copies of applications for amendments, variances and appeals to the floodplain regulations and floodplain maps to the appropriate Regional Office of the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency.

(q) Submit copies of any adopted amendments, any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps within ten (10) days of the decision, any case-by-case analyses of proposals in floodplain areas, an annual summary report of the number and types of zoning actions taken and substantial damage assessment reports to the appropriate District Office of the Wisconsin Department of Natural Resources. Decisions by the Zoning Board of Appeals on appeals and variances to the flood plain regulations and flood plain maps shall be signed by the chair of the Zoning Board of Appeals and shall state the basis for the Board's decision, including appropriate facts.

(r) Take other actions that are assigned under other provisions of this chapter.

(3) Issuance of Zoning Certificates.

(a) A zoning certificate is required before any permit relating to the use of land, buildings or structures is issued by any officer, department or employee of the City.

(b) Any permit or certificate of occupancy issued in conflict with this Section is null and void.

(c) This section does not apply to:

1. Lots without buildings or structures; and
2. Lots used for public recreation purposes.

(d) The Zoning Administrator shall approve or deny the zoning certificate application. Approval indicates that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this chapter.

(e) No change in use shall be made until a zoning certificate has been issued by the Zoning Administrator. Every certificate shall state that the use complies with all provisions of this ordinance. For the purposes of floodplain regulations, this certificate shall also be known as a Certificate of Compliance. When applicable in floodplain areas, the Zoning Administrator shall require a certification by a registered professional engineer, architect or land surveyor that the fill, lowest floor, and flood elevations and other floodplain regulatory factors were accomplished in compliance with the provisions of this ordinance. In the floodplain areas, it shall be the responsibility of the applicant to secure all other necessary permits from all appropriate Federal and Wisconsin State agencies. (Am. by ORD-13-00086, 5-29-13; ORD-14-00146, 9-12-14)

(4) Appeals to Decisions of the Zoning Administrator.

Any decision of the office of the Zoning Administrator may be appealed to the Zoning Board of Appeals, as specified in Sec. 28.205(5) below.

28.203 COMMON COUNCIL.

The Common Council is the governing body of the City of Madison. The Common Council is the final decision maker for text or map amendments to this chapter. Refer to Chapter 2, MGO for the Standing Rules for the Government of the Common Council.

28.204 PLAN COMMISSION.

(1) Establishment.

The City Plan Commission is created by Chapter 16 of the City Code.

(2) Jurisdiction.

The City Plan Commission has the following jurisdiction and authority:

(a) To hear and act upon all applications for conditional uses.

(b) To hear and make recommendations about applications for amendments to this chapter to the Common Council.

(c) To hear and act upon all other matters referred to it upon which it is required to act under this chapter.

28.205 ZONING BOARD OF APPEALS.

(1) Establishment.

This section establishes the Zoning Board of Appeals as authorized by Wis. Stat. § 62.23(7)(e).

(2) Membership and Administration.

(a) The Zoning Board of Appeals has five (5) members appointed by the Mayor subject to confirmation by the Common Council.

(b) Each member of the Zoning Board of Appeals serves for a staggered term of three (3) years.

(c) The members of the board are removable by the Mayor for cause upon written charges and after public hearing.

(d) The Mayor shall designate one (1) of the members as chairman.

(e) The board may employ a secretary and other employees.

(f) Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

(g) The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members in addition to the five (5) standing members. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to the alternates.

(3) Jurisdiction.

The Zoning Board of Appeals has the following jurisdiction and authority:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.

(b) To hear and act upon applications for variances from the terms provided in this chapter (Refer to Sec. 28.184 for procedures and standards).

(c) To hear and decide appeals where it is alleged there is error in a determination made by the Director of the Department of Planning and Community and Economic Development.

(d) To hear and decide disputes concerning the district boundaries shown on the official Floodplain Maps.

(e) To hear and act upon all other matters referred to it upon which it is required to act under this chapter.

(4) Meetings and Rules.

(a) Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine.

(b) The chair, or in her/his absence the acting chair, may administer oaths and compel the attendance of witnesses. (Am. by ORD-14-00012, 1-14-14)

(c) All meetings of said board, including all deliberations on any appeal prior to reaching a decision thereon, shall be open to the public.

(d) The board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and other official actions. All of the Board's minutes and records shall be immediately filed in the office of the Board and shall be a public record.

(e) Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.

(f) The board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes.

(g) The Board may select or appoint any officer that it deems necessary.

(5) Appeals to Decisions of the Zoning Administrator.

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected, by any decision of the Zoning Administrator.

(a) An appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals.

(b) The applicant shall file a notice of appeal with the Zoning Board of Appeals. The notice of appeal must specify the grounds for the appeal, including a specific reference to the terms of this chapter, state or federal law, or the state or federal constitution that the applicant believes were incorrectly applied.

(c) The Zoning Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the Zoning Board of Appeals.

(d) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in her/his opinion cause imminent peril to life or property. In that case, proceedings shall not be stayed unless the Zoning Board of Appeals or a court of record grants a restraining order on application. A restraining order requires the applicant to show due cause and to notify the Zoning Administrator.

(e) Notice. An appeal requires the following types of notice (See Sec. 28.181(5)):

1. Mail - sent at least 10 days before the required public hearing.
2. Publication - at least 7 days before the required public hearing.

(f) Scheduling. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal.

(g) Rendering the Decision. The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from.

(h) Approval Criteria. The Zoning Board of Appeals may reverse or modify the decision appealed from if it determines that it is error based on the terms of this chapter, a lawful condition of approval established under this chapter, or a provision of a federal or statute or constitution.

1. For appeals concerning increases in regional flood elevation the Board shall:
   a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases greater than 0.00 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
   b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase greater than 0.00 foot provided no other reasons for denial exist.

(Am. by ORD-13-00086, 5-29-13)

2. For disputes concerning floodplain district boundaries:
   a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the map scale, and the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
   b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
   c. If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Common Council for a map amendment.

(6) Finality of Decisions of the Zoning Board of Appeals.
All decisions and findings of the Zoning Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.

28.206 FEES.
The following fees are required for applications under this chapter. All fees shall be payable to the City Treasurer except where specified below.

Type of Action	Fee
Zoning map amendment, except for Planned Developments	$950 plus $100 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of 20 acres or $2,850
Zoning map amendment for Planned Development: General Development Plan or Specific Implementation Plan	$1,500 plus $200 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of twenty acres or $5,300
Alteration to a Planned Development General Plan or Specific Implementation Plan that requires Plan Commission approval	$500
Conditional use application or major alteration to an approved conditional use for: • multifamily complex • school • new construction or addition to existing building(s) that results in total square footage greater than 50,000 square feet in floor area and 25,000 or more square feet of floor area designed or intended for retail, hotel or motel use • new construction of a building, addition to any existing building or major alteration to the exterior face of a building in a [C4] [equivalent downtown] district	$950 plus one $100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or $2,850
Other conditional use applications or major alteration to such approved conditional use	$600 plus $100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or $2,500
Minor alteration to a conditional use or a Planned Development General Development Plan or Specific Implementation Plan	$100
Application for a demolition or removal permit	$600, unless permit is issued in conjunction with a conditional use approval, in which case the fee for that application applies
Applications filed by the Common Council, the City Plan Commission, the Zoning Board of Appeals or pursuant to Wis. Stat. § 13.48, the State of Wisconsin	No fee
Conditional use application filed by any nonprofit, nongovernmental organization registered with the Department of Financial Institutions or by any neighborhood organization registered with the City Department of Planning and Community and Economic Development. When a question arises as to whether an organization is nonprofit, nongovernmental the City Attorney shall investigate and make a determination.	No fee
Conditional use application for the following conditional uses: • Day care centers [includes adult day care] • Adaptive reuse of former public school or municipal buildings • Accessory greenhouses and swimming pool roofs or domes which infringe on required usable open space	No fee

Type of Action	Fee
• Community service organizations; day treatment facilities • Development of parcels adjacent to landmarks, landmark sites or historic districts designated by the Landmarks Commission, provided that the use of the parcel is either a permitted or conditional use allowed in the zoning district in which the property is located	
Application for an extension to the time period for obtaining a building permit for a Planned Development under Sec. 28.097(6)	$500
Request for a zoning certificate, excluding a Floodplain Statement or a Certificate of Occupancy	$50
Request for a zoning letter, i.e., written documentation, by the custodian of the records, as to property zoning, permitted and conditional uses of the property and property status, or the existence of any outstanding orders on the property	$10 for each item requested
Application for an appeal filed by, or on behalf of, the owner or owners of the property affected	$200
Application for a variance filed by, or on behalf of, the owner or owners of the property affected	$300
Building plan review fee. This fee is assessed by the Zoning Unit and collected by the Building Inspection Division of the Department of Planning and Community and Economic Development for the examination and approval of building plans of all new buildings and structures, additions and alternations, and for all other services authorized by the Common Council.	$.02 per square foot, minimum fee of $25.00. The fee for building square footage is determined based on floor area measurements taken from outside of the building at each floor level, including the basement.
Temporary use permit	$50 $0 for community event
Site Plan Review fee	$100 plus $50 for each acre of land in excess of one acre, or fraction thereof, up to a maximum of 5 acres or $300. Review of previously rejected site plan is 50% of original fee. $50 maximum for governmental entities, schools, and non-profit, non-governmental organizations.

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00189, 11-26-13; ORD-15-00033, 4-8-15)

28.207 PENALTIES.

(1) In General.

Any person who violates any provisions of this chapter or fails to comply with any of its requirements shall upon conviction thereof be subject to a forfeiture of not less than one dollar ($1.00) and not more than one thousand dollars ($1,000). For a violation of any of the provisions of the floodplain regulations, Sections 28.121 through 28.126, the maximum forfeiture shall be fifty dollars ($50). Each day or portion thereof such violation continues shall be considered a separate offense. (Am. by ORD-13-00086, 5-29-13)

(2) Penalty for Failure to Provide Notice.

Failure to comply with the notice requirements for posting of signs (See Sec. 28.181(5) shall subject the applicant to a forfeiture of at least fifty dollars ($50) and no more than one hundred dollars ($100). Failure to post or mail these notices does not affect the validity of the action taken.

(3) Penalty for Failure to Comply With Demolition Standards.

(a) Any person who fails to submit documentation of compliance with an approved reuse and recycling plan shall, upon conviction thereof, be subject to a forfeiture of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(b) Any person who fails to obtain a demolition or removal permit prior to the demolition or removal shall, upon conviction thereof, be subject to a forfeiture of not less than one thousand dollars ($1,000) and not more than two thousand dollars ($2,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(4) Penalty for Failure to Comply with Inspection.

(a) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection.

(b) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges attach lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a serial charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

SUBCHAPTER 28O: DEFINITIONS AND RULES OF CONSTRUCTION

28.210 RULES OF CONSTRUCTION.

(1) In the construction of this ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

(a) Words used in the present tense shall include the future.

(b) Words used in the singular number shall include the plural number, and the plural the singular.

(c) The words "shall," "must," and "will," are mandatory and not discretionary.

(d) The word "may" is permissive.

(e) The words "Director of the Department of Planning and Community and Economic Development", "Director of the Building Inspection Division", "Director of the Planning Division" and "Zoning Administrator" shall include any designee of those persons.

(f) All words not defined shall have their common meaning.

(g) If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

28.211 DEFINITIONS.

A Zones. A Zones are those areas shown on the flood plain zoning maps which would be inundated by the "base flood" or "regional flood" as defined herein. Such areas may be numbered as AO, A1 to A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Building or Structure. A subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area.

Accessory Dwelling Unit. A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit. (See Sec. 28.172, "Residential Building Forms.")

Accessory Retail Alcohol Sales. The accessory sales of alcohol at a retail establishment that holds a Class A license under Sec. 38.06(11). (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Accessory Use. See "Use, Accessory."

Addition. Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

Adult Family Home. A State of Wisconsin licensed or certified place where three (3) or four (4) adults reside and receive care, treatment or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident. Adult family homes are further defined in Wis. Stat. § 50.01(1).

Adult Entertainment Establishment. An adult entertainment establishment is an adult book or video store or an adult motion picture theater.

(a) Adult Book or Video Store. An establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:

1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein; or

2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1. above.

3. Significant part of the business means dedication or use of more than ten percent (10%) of the available floor, wall and display space to the sale, rental or loan of the

subject matter referenced in Paragraphs 1. and 2. above, including space devoted to the viewing of videotapes or films, or display and advertisement of subject matter referenced herein in excess of ten percent of the total merchandise for sale, rental or loan.

4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.

5. Words used in this definition shall be defined as provided by Sec. 26.05(1).

(b) Adult Motion Picture Theater. An establishment where motion picture films, shows or other presentations containing dominant themes related to "specified anatomical areas" or "specified sexual activities" are regularly shown as one of its primary or principal business purposes. (Am. by ORD-15-00025, 3-11-15)

Adult Entertainment Tavern. Any establishment, including those licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 38, of these ordinances, which is used for presentations or services distinguished or characterized by an emphasis on "specified anatomical areas" or "specified sexual activities" as defined herein.

Agriculture, Animal Husbandry. All operations primarily oriented to the on-site raising and/or use of animals, at an intensity of less than one animal unit per acre. Fish farms are considered animal husbandry land uses.

Agriculture, Cultivation. The use of land for growing or producing field crops, including field crops for consumption by animals located off-site or for tree farming or nursery operations.

Agriculture, Intensive. All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one (1) animal unit per acre, or agricultural activities requiring large investments in permanent structures.

(a) To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under Wis. Admin. Code ch. NR 243.

AH Zone. See "Area of Shallow Flooding." (Cr. by ORD-14-00146, 9-12-14)

Airport. Any area of land which is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tiedown areas, hangars and other related building and open spaces.

Alley. A public right-of-way usually of reduced width compared to a street, which affords a secondary means of access to the side or rear of an abutting property and is not intended for general traffic circulation.

Alteration. For floodplain regulations, an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure. (Cr. by ORD-14-00146, 9-12-14)

Animal Boarding Facility, Kennel, Animal Shelter. Any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.

Animal Day Care. An establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day.

Animal Grooming Facility. An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than forty-eight (48) hours incidental to the grooming services.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

AO Zone. See "Area of Shallow Flooding." (Cr. by ORD-14-00146, 9-12-14)

Archival Facilities, Publicly-owned. A facility used for storage, research and restoration of historical documents, artifacts and similar items.

Area of Shallow Flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an

average depth of one to three (1 to 3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow. (Cr. by ORD-14-00146, 9-12-14)

Artisan Workshop. A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

Artist, Photographer Studio. A use primarily involving the limited on-site production of art, including, but not limited to, paintings, drawings, prints, and photographs, the incidental direct sale of art to consumers, and the limited provision of art classes to the general public. (Cr. by ORD-16-00050, 5-25-16)

Assisted Living Facility. Housing primarily for the elderly in which assistance with daily activities, dining services, and limited health care are provided.

ATM (Automated Teller Machine). Machine for dispensing currency and providing electronic transactions and services but not including the sale or provision of other products. (Cr. by ORD-13-00147, 9-11-13)

Auto Body Shop. A shop in the business of making substantial repairs to the shell or body of any automobile. Such repairs may include substantial painting of the shell or body.

Auto Repair Station. A shop or business where the following services may occur: general motor vehicle repair; engine rebuilding or reconditioning of motor vehicles; and minor collision service. (Am. by ORD-17-00021, 2-20-17)

Auto Sales. An establishment providing wholesale and retail sales or leasing of new or used automobiles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use. (Am. by ORD-15-00026, 3-11-15)

Auto Service Station. A place where gasoline, electricity, or any other automobile engine fuel, kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur. (Am. by ORD-17-00021, 2-20-17)

Auto Title Loan Business. Any person who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

Awning. A roof-like cover, temporary in nature, which projects from the wall of a building and is fully supported by said wall.

Base Flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. (Am. by ORD-14-00146, 9-12-14)

Base Flood Elevation. The base flood elevation is that which reflects the height of the base flood as defined above.

Basement. That portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level. For the purposes of floodplain regulations, a basement is any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Bathroom. A room with lavatory, water closet and tub or shower.

Bed and Breakfast Establishment. A private residence that rents rooms as temporary lodging and which is the personal residence of the operator. (Am. by ORD-13-00185, 11-5-13)

Bedroom. Any room of a dwelling unit in excess of kitchens, bathrooms and one (1) living room, which meets the standards for habitability according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366.

Bicycle-Sharing Facility. Per Section 10.33, MGO, facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program, including but not limited to, rental station, informational signs, bicycles, solar panels or other equipment attached to and necessary for the facility's operation.

Bicycle Parking, Long-Term. Bicycle parking that is designated for multiple-day or storage use.

Bicycle Parking, Short-Term. Bicycle parking that is designated for daily or intermittent use.

Blasting Resultants mean flyrock, airblast, and ground vibration as regulated by Wis. Admin. Code § SPS 307.44, as may be amended. (Cr. by ORD-17-00014, 2-20-17)

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Boathouse. As defined in Wis. Stat. § 30.121(1)(a), boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

Brewery. A facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.

Brewpub. An establishment which manufactures up to ten thousand (10,000) barrels of fermented malt beverages per calendar year on premises for consumption either on or off premises in hand-capped, machine-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. May include food sales. (Am. by ORD-14-00094, 5-14-14)

Building. A structure with a permanent location on the land, having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building, Attached. A building joined to another building or structure by a shared wall.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Coverage. The proportion of the lot area expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building, Detached. A building surrounded on all sides by open space on the same lot.

Building Envelope. The area of a lot between the front, side and rear setback lines, within which an allowed building or structure may be placed.

Building Material Sales. An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard. (Am. by ORD-13-00007, 1-15-13)

Building, Mixed-Use. A building that houses multiple uses, which may include residential and nonresidential uses.

Building, Nonresidential. A building that houses no residential uses, with the exception of a caretaker's dwelling.

Building, Principal. A building in which the principal use of a lot is conducted.

Building, Residential. A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

(a) Single-family detached dwellings.
(b) Two-family detached dwellings.
(c) Single-family attached dwellings.
(d) Multiple-family dwellings.
(e) Lodging houses.
(f) Fraternity and sorority houses.

Bulk. Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

(a) Size and height of buildings.
(b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
(c) Floor area of buildings in relation to lot area (floor area ratio). (Am. by ORD-15-00033, 4-8-15)
(d) All open spaces allocated to buildings; and
(e) Amount of lot area provided per dwelling unit or lodging room.

Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business Sales and Services. An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:

(a) Business equipment and furniture sales or rental.
(b) Copy center, excluding offset printing and publishing.
(c) Commercial photography studio.
(d) Mailing and packaging service.
(e) Building maintenance, janitorial.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

Camping Unit. Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent that is fully licensed, if required, and ready for highway use. (Am. by ORD-14-00146, 9-12-14)

Capacity in Persons. The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, as determined by the required floor space per person as established in the Building Code.

Car Wash. An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.

Cartage Establishment. A business engaged in the hauling and moving of goods.

Catering. A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

Central Area. The central area shall mean all lands located in that area bounded by Blair Street to the northeast; the shoreline of Lake Monona to the southeast; Proudfit Street and Regent Street to the south; Park Street, University Avenue and Lake Street to the west; and the shoreline of Lake Mendota to the northwest (also known as Capitol Square and W-1 Plan Districts).

Central Area Zone 1. All the lands located in that part of the Central Area bounded by Lake Mendota, the northern prolongation of Butler Street, Gilman Street, Broom Street, Dayton Street, Park Street, University Avenue, and Lake Street Channel.

Certificate of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Change of Use. A change in the use of a property from one land use category to another, or the addition of a new use category to an existing use.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

City. The City of Madison, Wisconsin.

Civic Auditorium Complex. A site consisting of a parcel of land under the ownership or control of the City of Madison, for one or more civic auditoriums, theatres, art centers, music halls, convention or community centers and assembly halls including, without limitation, parking and dining facilities and other related or accessory buildings, facilities and uses. Such site may include lake bed and air rights over contiguous property.

Class 1 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification. (Cr. by ORD-13-00189, 11-26-13)

Class 2 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support for the facility or engage in substantial modification. (Cr. by ORD-13-00189, 11-26-13)

Clinic, Health. A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.

Coffee Shop, Tea House. An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

Cohousing Community. A living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters may range from detached units to townhouses or multifamily units, but do not include lodging rooms.

College, University, or Similar Institution of Higher Learning. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Collocation. The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

Commercial Use. A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

Community Event. An occasional or seasonal outdoor event operated by a government entity and open to members of the general public. (Cr. by ORD-13-00054, 4-24-13)

Community Living Arrangement. Community living arrangement is any facility licensed or operated by the State of Wisconsin Department of Health and Family Services, including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment or services above the level of room and board but less than skilled nursing care are provided to persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.

Community Garden. An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Composting. The purposeful biodegradation of organic matter, such as yard and food waste.

Concrete, Asphalt, and Rock Crushing Facility. A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Congregate Care Facility. A facility with private living quarters, centralized dining, some communal space and transportation, social, and some personal-care services.

Contractor's Businesses with Showroom or Workshop. Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.

Contractor's Yard. An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Convenience Store. An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Convent, Monastery or Similar Residential Group. A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

Correctional Facility. A public or private facility providing for the confinement of juvenile or adult offenders, for the incarceration, confinement, rehabilitation or detention of individuals arrested or convicted of a crime.

Counseling/Community Service Organization. An organization that provides social services, including day treatment services.

Courtyard. Space on a building with three (3) or more sides, open to the sky, with direct access to a point of ingress or egress for a building.

Crawlways/Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.

Curb Level. The level of the established curb in front of any building measured at the center of the building's front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Cutting of Timber, Clear Cutting. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising more than thirty percent (30%) of the woodlands on the property. Clear cutting does not include timber harvesting for commercial purposes.

Cutting of Timber, Selective. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising less than or equal to thirty percent (30%) of the woodlands on the property.

Day Care Center. A facility licensed by the State Department of Health and Family Services, or any other government agency that assumes its authority and responsibility, in which qualified persons, other than a relative or guardian provide care and supervision for children, adolescents, or adults for less than twenty-four (24) hours per day. Day Care Centers include nursery schools that are similarly licensed.

Day Care Home, Family. An occupied residence in which a qualified person or persons residing in the dwelling provides care for four (4) to eight (8) children or adults. The care of fewer than four (4) people is not subject to the regulations of this Chapter.

Daytime Shelter. A place of assembly operated by a religious institution or nonprofit organization, open to the public during typical daytime hours, that provides food or supportive services, but which shall not provide lodging. (Cr. by ORD-14-00115, 7-11-14)

Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Demolition. An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building. This provision does not apply to the repair or replacement of windows, doors, or siding.

Dependency Living Arrangement. A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Director. The Director of Planning and Community and Economic Development.

Distillery/Winery. A facility that produces, by distillation, spirits for consumption, the sale and distribution of which are regulated by law.

Dormer. A structure projecting through a sloping roof that contains a window or opening. (Am. by ORD-13-00144, 9-11-13)

Dormitory. A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dry Cleaning Plants, Commercial Laundry. An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

Dwelling Types.

(a) Dwelling, Single-Family Detached. A building designed exclusively for and occupied exclusively by one (1) family in one (1) dwelling unit, with yards on all sides.

(b) Dwelling, Two-Family - Two-Unit. A building containing two dwelling units that generally are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

(c) Dwelling, Two-Family - Twin. A single-family dwelling which is attached on one side to another single-family dwelling with a common side wall, each of which may be located on an individual lot.

(d) Dwelling, Three-Family, or "Three-Unit." A building containing three (3) dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

(e) Dwelling, Single-Family Attached. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.

(f) Dwelling, Multi-Family. A building, or portion of a building, designed exclusively for occupancy by four (4) or more families living independently of each other in individual dwelling units. (See also "Residential Building Complex") (Am. by ORD-13-00134, 8-14-13)

Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

Electric Power Production. A facility that produces electric energy, including heating and cooling plants. District electric energy production is a facility that produces power for multiple users.

Electric Power Production and/or Heating and Cooling Plant. A facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electric distribution system.

Electric Substation. An assemblage of equipment, at a location other than where power is produced, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

Emergency Electric Generator. An electric generator capable of providing electricity for on-site or off-site use, that powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil and whose purpose is to provide electricity if normal electrical service is interrupted.

Encroachment. Any fill, building, structure or use (including an accessory use) in the floodway.

Encroachment/Floodway Lines. Encroachment/floodway lines are limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that they will not be available to convey flood flows.

Entrance, Principal. The building entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

Environmental Control Facility. Any facility, temporary or permanent, which is designed to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants.

Equal Degree of Hydraulic Encroachment. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

Equipment Building, Shelter or Cabinet. A cabinet or building used to house equipment.

Equipment Compound. An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities. (Cr. by ORD-13-00189, 11-26-13)

Establishment, Business. A place of business carrying on operations which are physically separate and distinct from those of any other place located on the same zoning lot.

Existing Structure. For the purposes of mobile service facilities, existing structure means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision. (Cr. by ORD-13-00189, 11-26-13)

Fall Zone. The area over which a mobile support structure is designed to collapse. (Cr. by ORD-13-00189, 11-26-13)

Family.

(a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:

1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.

(b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit.

Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;

(c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

Farm Stand. An open air stand for the seasonal sale of agricultural produce produced on the same property.

Farmers Market. An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods as defined in Sec. 9.13(6)(e), MGO. May include concurrent special events, including cooking demonstrations, activities for children, and small scale theatrical, musical and educational presentations.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Fence. A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences. (Am. by ORD-14-00001, 1-14-14)

Fence, Ornamental. A fence that is no more than fifty percent (50%) opaque.

Fence, Screening. A fence that is more than fifty percent (50%) opaque. (Cr. by ORD-14-00001, 1-14-14)

Fence, Solid. A fence that is at least ninety percent (90%) opaque.

Fissile Material. Any material fissionable by thermal (slow) neutrons. The five primarily fissile materials are uranium-233, uranium-235, plutonium-238, plutonium-239 and plutonium-241.

Fissionable Non-Fissile Material. Any material that can be fissioned by fast neutrons or lacking uranium-233, uranium-235, plutonium-238, plutonium-239 or plutonium-241.

Fixed Houseboat. As defined in Wis. Stat. § 30.121(1), a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood Fringe. That portion of the floodplain between the regional flood limits and the floodway.

Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency. (Am. by ORD-14-00146, 9-12-14)

Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(a) The overflow or rise of inland waters; or

(b) The rapid accumulation or runoff of surface waters from any source; or

(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or

(d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Profile. A graph showing the relationship of the water surface elevation of a flood event to a location along a river that generally is expressed as a distance upstream from a designated point on a stream or river.

Flood Protection Elevation. The flood protection elevation shall correspond to a point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

Flood Storage. Flood storage means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

Floodplain. The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regional flood; it includes the floodway and flood fringe.

Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

Floor Area. The sum of all gross horizontal areas under the roof of a building. The floor area of a building includes, but is not limited to:

(a) Basement floor space.
(b) Elevator shafts and stairwells at each floor.
(c) Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof.
(d) Penthouses, attic space used for human occupancy, interior balconies and mezzanines.
(e) Enclosed porches;
(f) Floor area devoted to accessory uses;
(g) Areas used for grade-level parking.

When calculating floor area for determining off-street parking requirements, common areas shall be divided proportionately according to the usage of the building. (Am. by ORD-15-00033, 4-8-15)

Floor Area Ratio (F.A.R.). The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot. Maximum floor area ratio, where specified in this ordinance, limits the total floor area of both principal and accessory buildings in direct ratio to the area of the zoning lot.

Food and Related Goods Sales. An establishment required to be licensed under Wis. Stats. § 97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, candy stores, catering establishments, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

Fraternity or Sorority House. A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary.

Freeboard. Freeboard is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

Frontage. The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

Front Façade. The wall of building closest to the street that separates interior living spaces from exterior. An open porch without living space above it shall not be considered a front façade. For buildings on corner or through lots, the front façade is usually that façade that fronts the street of higher classification.

Garden Center. An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

Greenhouse, Nursery. An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

Health/Sports Club, Fitness Center or Studio. An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

Heavy-Traffic Vehicle. Any commercial motor vehicle having a gross weight of more than eight thousand (8,000) pounds designed or intended to be transported upon a highway. (Cr. by ORD-14-00037, 3-6-14)

Heavy-Traffic Vehicle Sales. An establishment providing wholesale and retail sales or leasing of new or used Heavy-Traffic Vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use. (Cr. by ORD-15-00026, 3-11-15)

Hedge. A row of closely planted shrubs or low-growing trees, forming a boundary or barrier, installed to enclose, screen or separate areas. (Cr. by ORD-13-00148, 9-11-13)

Hedge, Ornamental. A hedge that is no more than fifty percent (50%) opaque. (Cr. by ORD-13-00148, 9-11-13)

Hedge, Screening. A hedge that is more than fifty percent (50%) opaque. (Cr. by ORD-14-00001, 1-14-14)

Hedge, Solid. A hedge that is at least ninety percent (90%) opaque.

High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents. (Cr. by ORD-13-00148, 9-11-13)

Historic Structure. Any structure that is either:

(a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Home Occupation. An office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

Hospital. An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hostel. A place where transient guests may stay for a limited duration, for compensation, as recognized by the Hostelling International organization. Typically includes shared cooking facilities and dormitory-style accommodations.

Hotel, Inn. A building containing rooming units providing temporary lodging accommodations (less than 30 days duration) to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Housing Cooperative. A residential occupancy where one-hundred percent (100%) of the ownership is held by a Cooperative Corporation organized under Wis. Stat. ch. 185, for the purpose of residential living where the residents share common areas and cooking, dining, and maintenance duties. All residents shall be members of the Cooperative Corporation.

Increase in Regional Flood Height. A calculated upward rise in the regional flood elevation greater than 0.00 foot based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Junkyard. A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.

Kennel. See "Animal Boarding Facility, Kennel, Animal Shelter."

Kitchen Facility. A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

Laboratories for Research, Development and Testing. Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.

Laboratory Scale. Work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person and in containers, in quantities no greater than their original shipment quantities. Laboratory scale excludes those workplaces whose function is to produce commercial quantities of materials.

Limited Production and Processing. Uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

(a) Apparel and other finished products made from fabrics.
(b) Blueprinting.
(c) Computers and accessories, including circuit boards and software.
(d) Electronic components, assemblies, and accessories.
(e) Film, video and audio production.
(f) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing.
(g) Jewelry, watches and clocks.
(h) Milk, ice cream, and confections.
(i) Musical instruments.
(j) Novelty items, pens, pencils, and buttons.
(k) Precision dental, medical and optical goods.
(l) Signs, including electric and neon signs and advertising displays.
(m) Toys.
(n) Wood crafting and carving.
(o) Wood furniture and upholstery; and
(p) Wholesale production of foods. (Cr. by ORD-15-00124, 11-11-15)

Limousine. Any of the various large passenger vehicles, especially a luxurious motor vehicle, usually driven by a chauffeur and sometimes having a partition separating the passenger compartment from the driver's seat.

Liquor Store. An establishment in which the principal use is the sale of alcohol and which holds a Class A license for liquor or beer. (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Live/Work Unit. A dwelling unit in combination with a shop, office, studio, or other work space within a mixed-use building, where the resident occupant both lives and works.

Lodge or Club, Private. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

Lodging House. A house that contains a minimum of five (5) lodging rooms where paying guests are provided with lodging on a monthly or longer-term basis. (Am. by ORD-16-00049, 5-25-16)

Lodging Room. A room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this ordinance. A lodging room designed for more than two (2) people shall be counted as one lodging room for each two (2) persons of total occupancy, for open space, park impact fee and parking requirements. (Am. by ORD-16-00073, 9-15-16)

Lot. A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot Area. The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any wetland area or any area dedicated or reserved by easement to the public for stormwater management. (Am. by ORD-17-00017, 2-20-17)

Lot, Corner. A lot of which at least two (2) adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot Line, Front. The boundary of a lot which abuts an existing, dedicated or officially mapped street or a park per Sec. 28.135(2). In the case of lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties. (Am. by ORD-13-00176, 10-23-13)

Lot Line, Rear. That lot line which is opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line. In the case of an irregular lot, the Zoning Administrator shall select a line or lines generally opposite the front lot line for the purpose of providing a rear lot line across the entirety of the lot. (Am. by ORD-17-00035, 3-29-17)

Lot Line, Side. Any lot line that is not a front lot line or a rear lot line.

Lot, of Record. A lot that is part of a subdivision or certified survey map recorded in the Office of the Dane County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the Dane County Register of Deeds. Any lot or parcel of land created through the violation of any applicable laws or ordinances of the state of Wisconsin and the City of Madison shall not, in this instance, be considered a lot of record.

Lot, Reversed Corner. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot having a pair of opposite lot lines along, and access to, two (2) more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

Lot, Zoning. A planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

Lowest Adjacent Grade. For purposes of floodplain regulations, the elevation of the lowest ground surface that touches any of the exterior walls of a building. (Cr. by ORD-14-00146, 9-12-14)

Lowest Floor. For purposes of floodplain regulations, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3. (Cr. by ORD-14-00146, 9-12-14)

Lumberyard. A facility where building materials, such as lumber, plywood, drywall, paneling, cement building products, and other building products are stored and sold. Lumberyards also may process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products, including tools and fasteners.

Machinery Equipment Sales and Service. An establishment providing wholesale or retail sales or rental of industrial, construction and/or agricultural equipment, including storage, inventory display, maintenance, servicing or repair. (Cr. by ORD-13-00055, 4-24-13; ORD-15-00014, 1-28-15)

Maintenance. For purposes of floodplain regulations, the act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures. (Cr. by ORD-14-00146, 9-12-14)

Manufactured Home Park or Subdivision, Existing. A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Manufactured/Mobile Home Park, Expansion. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Manufacturing, General. An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Some activities may occur outside of enclosed buildings. This term includes, but is not limited to:

(a) Animal, poultry slaughter or processing facility. Processing of byproducts from industrial operations
(b) Processing and packaging of alcohol beverages.
(c) Chemical manufacturing.
(d) Stonework or concrete product manufacturing.
(e) Fabrication of metal products.
(f) Manufacturing of agricultural, construction or mining machinery.
(g) Motor vehicle manufacturing.
(h) Lumber milling.
(i) Paper manufacture.

Manufacturing, Light. An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food (not including meat and fish products), beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

Market Garden. An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit

Massage Therapy. A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, "massage" is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; "therapy" is action aimed at achieving or increasing health and wellness; "adjunctive therapies" may include (1) application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions and (3) instructed self care and stress management.

Mission House. A facility operated by a religious institution or nonprofit organization that provides lodging. May also include the provision of meals, worship services, or other supportive services. (Am. by ORD-14-00015, 7-11-14)

Mobile Grocery Store. A vehicle designed for over-the-road hauling that has been modified to sell groceries inside and that moves among sites on zoning lots on a daily basis.

Mobile Home, Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Mobile Recreational Vehicle. A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Mobile Service. A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes

(a) Both one-way and two-way radio communication services,

(b) A mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and

(c) Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding. (Cr. by ORD-13-00189, 11-26-13)

Mobile Service Facility. The set of equipment and network components, including antennas, transmitters receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure. (Cr. by ORD-13-00189, 11-26-13)

Mobile Service Provider. A person who provides mobile service. (Cr. by ORD-13-00189, 11-26-13)

Mobile Service Support Structure. A freestanding structure that is designed to support a mobile service facility. See also, "Telecommunications Tower" (Cr. by ORD-13-00189, 11-26-13)

Model, Corrected Effective. A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model. (Cr. by ORD-14-00146, 9-12-14)

Model, Duplicate Effective. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model. (Cr. by ORD-14-00146, 9-12-14)

Model, Effective. The hydraulic engineering model that was used to produce the current effective Flood Insurance Study. (Cr. by ORD-14-00146, 9-12-14)

Model, Existing (Pre-Project). A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model. (Cr. by ORD-14-00146, 9-12-14)

Model, Revised (Post-Project). A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions. (Cr. by ORD-14-00146, 9-12-14)

Motel. A building containing rooming units designed primarily for providing sleeping accommodations for transient and semi-permanent lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms. A maximum of fifty percent (50%) of a motel's rooming units may be occupied by non-transient guests (30 days or more).

Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor Vehicle Salvage Yard, Scrap Yard. A facility where used motor vehicles and vehicle parts are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, rubber tires, plastics, and other material which has been a part of or is intended to be a part of a motor vehicle.

Motorcycle and Moped Sales. An establishment providing wholesale or retail sales or rental of motorcycles and mopeds, including storage, maintenance, servicing, repair, outdoor display, and may also include accessory retail sales. (Cr. by ORD-15-00026, 3-11-15)

Municipality/Municipal. When used in the floodplain regulations, Secs. 28.121 through 28.126, means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum, 1929 adjustment.

Natural Grade. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

Navigable Waters. All natural inland lakes, and all streams, ponds, sloughs, flowages and other waters which are navigable under the laws of this state. Under Wis. Stat. § 144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 62.231, and Wis. Admin. Code ch. NR 117, do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river.

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

New Construction. For the purpose of floodplain regulation only, means structures for which the start of construction commenced on or after the effective date of the floodplain zoning maps adopted and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later and includes any subsequent improvements to such structures.

Nightclub. An establishment in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11) but does not include kitchen facilities. (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Nonconforming Building. Any building which:

(a) Does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building is located; or

(b) Is designed or intended for a nonconforming use.

Nonconforming Use. Any principal use of land or buildings which does not comply with all the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

Nonmetallic Mineral. Nonmetallic mineral means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, beryl, diamond, clay, feldspar, peat, talc and topsoil. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining. Nonmetallic mining means:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, or plant nursery stock, or the removal of products or commodities for the primary purpose of constructing a building.

(b) Processes carried out at a nonmetallic mining site related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.

(c) Processes carried out at a nonmetallic mining site related to the preparation or processing of mineral aggregates or nonmetallic minerals or construction materials (such as asphalt shingles and metal rebar) obtained from outside the mining site. These processes include, but are not limited to, recycling, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals or construction materials, crushing, screening, and dewatering.

(Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Operator. Nonmetallic mining operator means any person who is engaged in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Reclamation. Nonmetallic mining reclamation means the rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and, if practicable, the restoration of plant, fish and wildlife habitat. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Refuse. Nonmetallic mining refuse means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Site. Nonmetallic mining site means the area zoned as a nonmetallic mineral extraction district. (Cr. by ORD-17-00014, 2-20-17)

Nonprofit. A group, often a corporation, organized for purposes other than generating profits; for example, a charitable, educational, religious, or scientific organization, the income of which is exempt from taxation under the Internal Revenue Code. When used with respect to a recreational building or community center, "nonprofit" means a facility owned or operated by a nonprofit corporation or association.

North American Vertical Datum (NAVD). Elevations referenced to mean sea level datum, 1988 adjustment.

Obstruction to Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Office, Professional and General. Use of a building for administrative, executive, professional, research, or similar organizations. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

Official Letter of Map Amendment. A notification from the Federal Insurance Administration of the U. S. Federal Emergency Management Agency that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outdoor Cooking Operation. Outdoor preparation of food, including by grilling or smoking, as an accessory use of a restaurant, grocery store, catering business, or other use that prepares food for consumption by the public. (Cr. by ORD-13-00178, 10-23-13)

Outdoor Display. The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

Outdoor Sales Events. A seasonal or occasional sale held on the sidewalk or other location outside a building.

Outdoor Storage. Permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered "outdoor storage."

Parking Facility. An area used for parking vehicles and includes parking lots and parking structures.

Parking Facility, Private. A parking facility owned or operated by any entity other than the City of Madison.

Parking Facility, Public. A parking facility owned and/or operated by the City of Madison.

Parking Lot. A one-level, surfaced, open-to-the-air area used for parking vehicles.

Parking Structure. A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

Payday Loan Business. Any person licensed pursuant to Wis. Stat. § 218.05, or a person licensed pursuant to Wis. Stat. § 138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

Peer Run Respite Facility. A facility operated by a religious institution or non-profit organization which offers short-term lodging, peer support and non-medical services for individuals living with mental health or substance use concerns. (Cr. by ORD-16-00069, 8-13-16)

Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services and common carrier wireless exchange services as now defined in 47 U.S.C. 332 § (7)(C), as the same may be amended from time to time.

Pervious Pavement. Pavement that is designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick

Physical, Occupational or Massage Therapy. An establishment where licensed professional therapists provide services to clients on an outpatient basis.

Place of Worship. A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body.

Planned Multi-Use Site. A specified area of land comprised of one or more contiguous ownership parcels or building sites that share access and circulation or off-street parking. (Am. by ORD-15-00012, 1-28-15)

Porch. A floor-like platform structure with a roof-like covering, attached to the exterior walls of the building and extending from the structure, and which may be enclosed by screen, latticework, windows or other similar materials.

Portable Shelter Mission. An accessory use of a religious institution or a nonprofit organization which hosts, without compensation, outdoor overnight sleeping in tents or in other temporary portable shelters, may provide meals, and shall offer or provide worship services or supportive services. A Portable Shelter Mission may charge guests a one-time application fee. (Cr. by ORD-13-00177, 10-23-13)

Portable Storage Units. A portable structure used for temporary storage of household goods in residential areas.

Private Sewage System. A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.

Public Safety or Service Facility. A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility. See Wis. Stat. § 196.01 (5). (Cr. by ORD-13-00189, 11-26-13)

Radio Broadcast Services. The regular provision of a commercial or non-commercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images in which the transmissions are meant for direct reception by the general public. (Cr. by ORD-13-00189, 11-26-13)

Radio Broadcast Service Facilities. Commercial or non-commercial facilities intended for the provision of radio broadcast services. (Cr. by ORD-13-00189, 11-26-13)

Reasonably Safe from Flooding. Base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings. (Am. by ORD-14-00146, 9-12-14)

Recreation, Indoor. A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Recreation, Outdoor. A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, swimming pool, water park, an outdoor stage, band shell, or amphitheater. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Recreational Equipment. Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers and snowmobiles.

Recreational Equipment, Major. Major recreational equipment includes boats, canoes and snowmobiles not on vehicles, camping units, mobile recreational vehicles, and camping and luggage carrying devices designed or intended to be mounted on a vehicle.

Recurrence Interval. The average interval of time, based on a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified stage or discharge. Recurrence interval is generally expressed in years.

Recycling Collection Center, Drop-Off Station. A facility for the deposit, sorting, or batching but not processing of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Regional Flood. A flood determined or approved by the Department which is representative of large floods known to have generally occurred in Wisconsin and which is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and, if depicted on the Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation.

Reasonably Safe from Flooding. For the purpose of floodplain regulation only, means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed building.

Residential Building Complex. A group of two (2) or more residential buildings on a single parcel or tract of land, developed under single ownership and common management. (Am. by ORD-13-00134, 8-14-13)

Restaurant. A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. Does not include sales of fermented malt beverages or intoxicating liquor.

Restaurant-Nightclub. An establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11). (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Restaurant-Tavern. Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Retail, General. General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. For the purpose of this ordinance, general retail sales include but are not limited to the following:

(a) Antiques and collectibles store.
(b) Art gallery.
(c) Bicycle sales and repair.
(d) Book store, music store.
(e) Clothing and accessories.
(f) Drugstore, pharmacy.

(g) Electronics sales and repair.
(h) Florist.
(i) Jewelry store.
(j) Hardware store.
(k) News stand, magazine sales.
(l) Office supplies.
(m) Pet store.
(n) Photographic equipment, film developing.
(o) Stationery store.
(p) Picture framing; and
(q) Video store.

Roof Deck. A deck constructed on top of another structure.

Room. A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (⅓) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

Roomer. A roomer is a person living in a dwelling unit who is other than part of the family because of blood, marriage or legal adoption, and is other than a foster child.

Rowhouse. A dwelling not more than three (3) stories in height, arranged to accommodate two (2) or more attached row dwelling units in which each dwelling unit is separated from the adjoining unit by a wall extending the full height of the building. Also known as "single-family attached."

Schools, Arts, Technical or Trade. Business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Schools, Public and Private. Public, parochial, or private schools which provide an educational program for one or more grades between kindergarten and grade twelve (12) and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

Screening. A hedge, wall or fence to provide a visual separator and physical barrier. Screening is typically used to conceal or shield site elements such as refuse disposal areas, outdoor storage areas, loading areas, mechanical equipment, district boundaries or similar features. (Am. by ORD-14-00001, 1-14-14)

Search Ring. A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area. (Cr. by ORD-13-00189, 11-26-13)

(R. by ORD-14-00143, 9-12-14)

Service Business. Business that provide services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

(a) Barber and beauty shops.
(b) Dry-cleaning pick-up station.
(c) Interior decorating/upholstery.
(d) Locksmith.
(e) Mailing and packaging services.
(f) Photocopying, document reproduction services.
(g) Consumer electronics and repair.
(h) Shoe repair.
(i) Tailor shop; and
(j) Watch repair, other small goods repair.

Setback, Maximum. The maximum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark.

Setback, Minimum. The minimum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark. Also known as "required yard."

Setback (Maximum or Minimum), Front Yard. The maximum or minimum distance by which any building or structure may be separated from the front lot line.

Setback (Maximum or Minimum), Rear Yard. The maximum or minimum distance by which any building or structure may be separated from the rear lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback. In the case of an irregular lot, the Zoning Administrator shall select a line or lines generally opposite the front lot line for the purpose of providing a rear yard area across and within the entirety of the lot as generally shown in the diagrams below. (Am. by ORD-17-00035, 3-29-17)

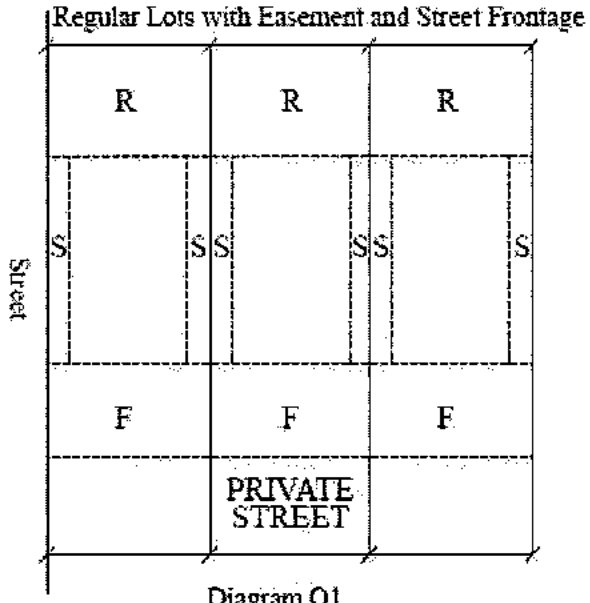


Diagram 01

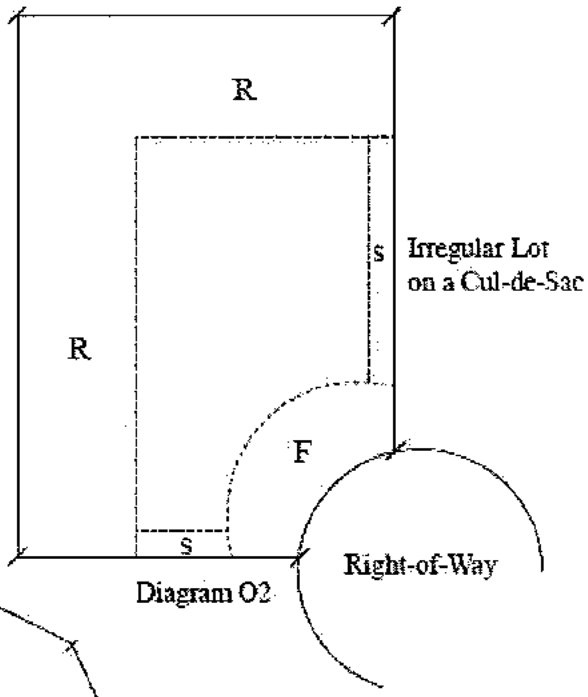


Diagram 02

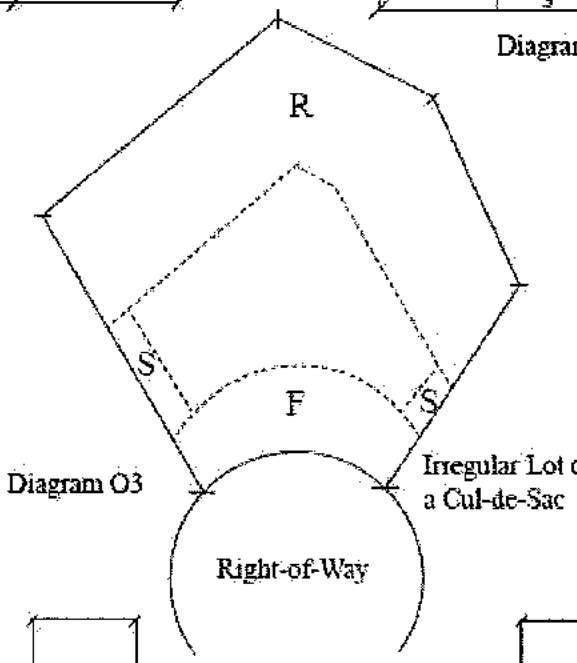


Diagram 03

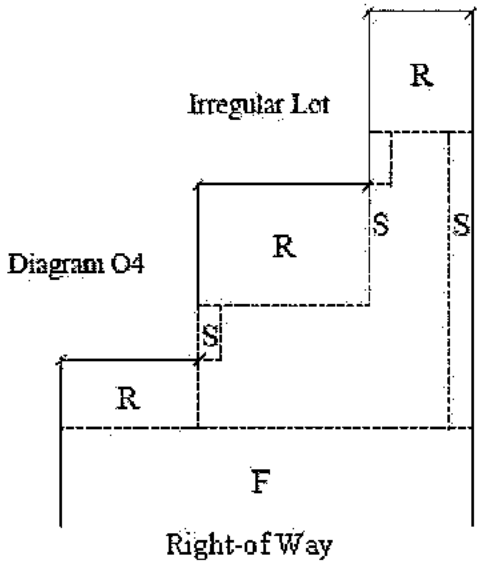


Diagram 04

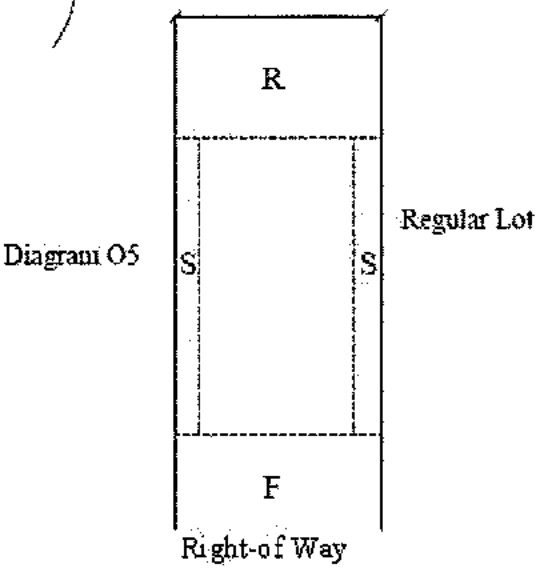


Diagram 05

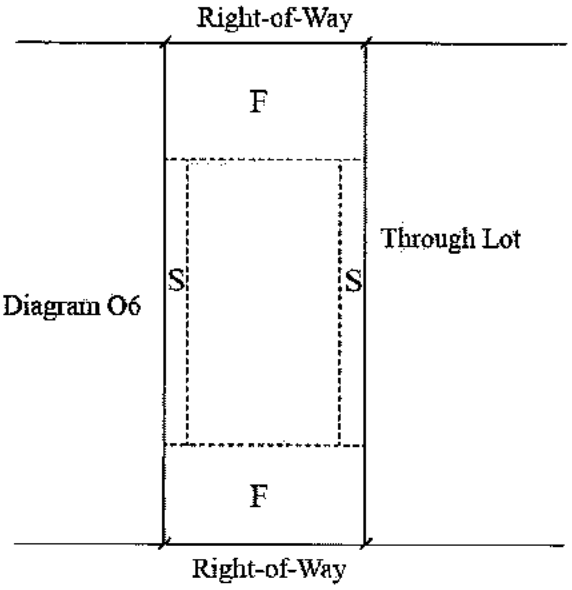


Diagram O6 Through Lot

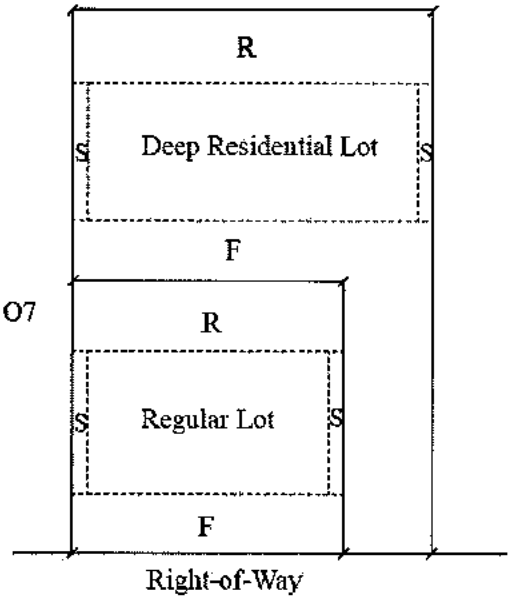


Diagram O7

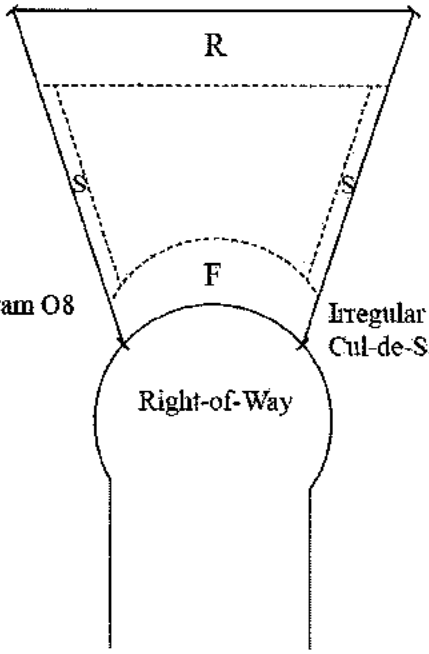


Diagram O8 Irregular Lot on Cul-de-Sac

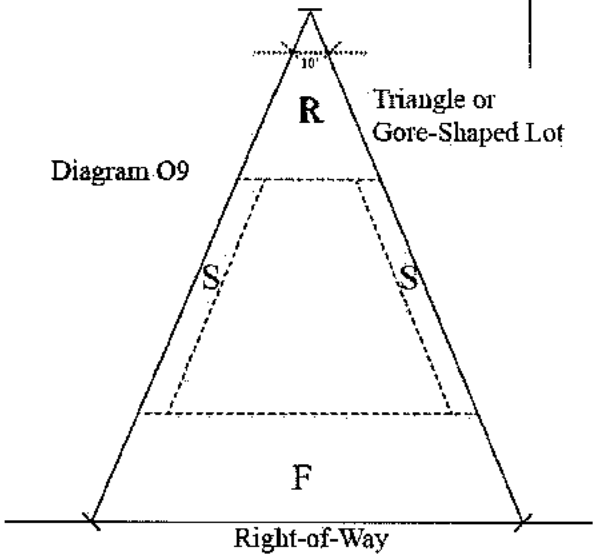


Diagram O9 Triangle or Gore-Shaped Lot

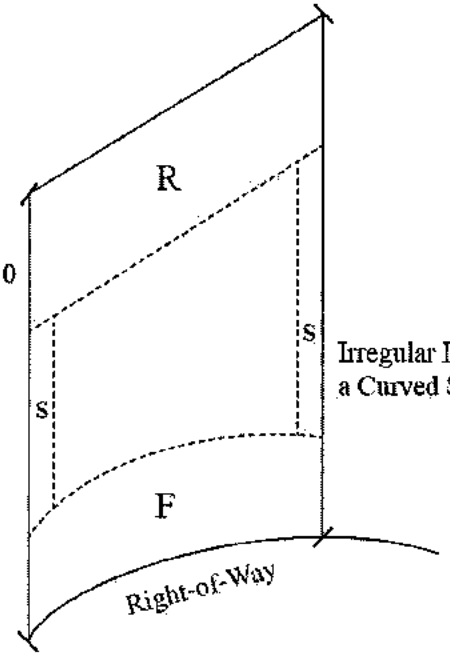


Diagram O10 Irregular Lot on a Curved Street

Setback (Maximum or Minimum), Side Yard. The maximum or minimum distance by which any building or structure may be separated from the side lot line.

Setback (Maximum or Minimum), Street Yard. The maximum or minimum distance by which any building or structure may be separated from the front, side or rear lot line when such lot line abuts a street right-of-way.

Shoreland. Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Signage. An emblem, name, identification, description or illustration which is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Neither official court or public notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group, shall be considered a sign under this ordinance.

Skilled Nursing Care. A facility for the chronically ill that provides long-term nursing care, rehabilitation, and other services.

Specified Anatomical Areas:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.

(b) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activities, Simulated or Actual:

(a) Showing of human genitals in a state of sexual stimulation or arousal.

(b) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.

(c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

Split Two-Family Dwelling. See "Dwelling, Two-Family - Twin."

Stepback. A step-like recession in an exterior wall located at a level above the ground floor.

Start of Construction. For the purpose of floodplain regulation only, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage Capacity of a Floodplain. The storage capacity of a flood plain is the volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

Storage Facility, Personal Indoor Storage. A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Storage Locker (Personal) - A structure operated by a religious institution or nonprofit organization that provides space for individuals to store personal belongings. (Cr. by ORD-16-00109, 12-14-16)

Storefront. The street-level side of a commercial space, such as a store, shop or restaurant that faces the street.

Story. A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(a) For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than fifty percent (50%).

(b) Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs is not a story, but may be occupied as long as the requirements for human occupancy are met. (Am. by ORD-11-00144, 9-11-13)

Street. A public right-of-way which affords traffic circulation and a principal means of access to abutting property. For the purpose of this ordinance, an alley shall not be considered a street.

Structural Alteration. Any change other than incidental repairs which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure. A structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of flood plain areas, in the stream bed or lake bed.

Structure, Habitable. Any structure or portion thereof used or designed for human habitation.

Substantial Damage. For the purpose of floodplain management only, means damage of any original sustained by a structure, whereby the costs of restoring the structure to its predamaged condition would equal or exceed fifty percent (50%) of the equivalent assessed value of the structure before the damage occurred.

Substantial Improvement. For the purposes of floodplain regulations, any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. (Cr. by ORD-14-00146, 9-12-14)

Substantial Modification of a Mobile Service Support Structure. The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following, except that an activity is not a substantial alteration if a greater height is necessary to avoid interference with an existing antenna, or if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable:

(a) For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.

(b) For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten (10) percent or more.

(c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.

(d) Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.

(Cr. by ORD-13-00189, 11-26-13)

Substantially Underway. Substantially underway means that a use is commenced or construction is begun and diligently prosecuted toward completion.

Support Structure. For the purposes of mobile service facilities, an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure. (Cr. by ORD-13-00189, 11-26-13)

Tavern. An establishment where the principal and primary use is serving fermented malt beverages or intoxicating liquors for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use, and which does not include kitchen facilities. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14; ORD-16-00050, 5-25-16)

Taxicab or Limousine Business. A service which offers transportation in passenger automobiles and vans to persons including those who have a disability in return for remuneration. The business may include facilities for dispatching, servicing, repairing, and fueling the taxicabs or vans.

Telecommunications Center. An office facility that is responsible for transmission, receipt, acceptance, processing, and distribution of incoming and outgoing communications.

Telecommunication Facilities. Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area and other accessory development.

Telecommunications Tower, Communication Tower. A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than fifteen (15) feet tall and six (6) inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower. This definition specifically includes Mobile Service Support Structures. (Am. by ORD-13-00189, 11-26-13)

Temporary Outdoor Event. A seasonal or occasional event held on the sidewalk or other location outside a building, where the principal use is non-residential.

Theater, Assembly Hall. A facility for presenting motion pictures or live performances for patrons that provides fixed or designated seating. This term does not include an adult entertainment establishment. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Tobacco Paraphernalia. Tobacco paraphernalia means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems, or any item designed to atomize liquid solutions that simulate smoking. (Cr. by ORD-15-00054, 5-27-15)

Tobacco Products. Tobacco products means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco. Tobacco products includes e-liquids such as propylene glycol, glycerin, nicotine, flavorings, or other products for use in electronic cigarettes, personal vaporizers, or electronic nicotine delivery systems. (Cr. by ORD-15-00054, 5-27-15)

Tobacco Retailer. A tobacco retailer is any establishment that either devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products or tobacco paraphernalia. (Cr. by ORD-15-00054, 5-27-15)

Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment. (Cr. by ORD-13-00185, 11-5-13)

Tourist Rooming House. A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients. (Cr. by ORD-13-00185, 11-5-13)

Towing and Wrecker Service Business. A service that includes pulling, pushing or hauling motor vehicles to automobile service station for immediate service, to a garage or body shop for repairs or to a motor vehicle storage or salvage yard.

Traffic. The passage of pedestrians or vehicles along routes of transportation.

Trailer. Any structure which is or may be mounted upon wheels for moving about, and is propelled by its own power or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

Transportation Demand Management (TDM). Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

Transportation Management Association. A membership group of owners and/or tenants of residences or places of employment within close proximity that provides support and administration for a Transportation Demand Management program operated for the benefit of its members.

Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, bulk or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Usable Open Space. That portion of a zoning lot, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. Usable open space shall not

include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.

Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, Accessory. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, Conditional. A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.

Use, Land. In floodplains, any nonstructural use made of unimproved or improved real estate.

Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

Use, Principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

Utility Pole. A structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light. (Cr. by ORD-13-00189, 11-26-13)

Variance, Area. An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in the zoning ordinance.

Variance, Use. An authorization by the Zoning Board of Appeals for the use of property in a manner which is inconsistent with the listed uses contained in the zoning ordinance.

Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Vehicle Access Sales and Service Window. A facility consisting of a driveway and window, opening, canopy or other facility used for serving patrons in automobiles or on bicycles and which may be associated with principal uses such as restaurants, banks, drugstores or coffee shops.

Vending Machine. A stand-alone, self-contained or connected appliance machine located inside or outside a principal building or structure and that dispenses a product.

Veterinary Clinic, Animal Hospital. An establishment for the routine examination, medical or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

Violation. In a floodplain, the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Walk-Up Service Window. A window or door in a commercial establishment which is used for the sale of food or drinks to pedestrians.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetland Alteration. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Wetlands. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Warehousing and Storage. An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.

Wholesale Establishment. An establishment providing storage, distribution and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

Yard. Open space on a zoning lot between the principal building and the adjoining lot lines.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required. See "Setback."

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.

Yard Sale. Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential.

Zoo. A park that is open to the public, where live wild animals from different parts of the world are kept in enclosures for people to view, and where said animals may be bred or studied.

(Section 28.211 Am. by ORD-13-00086, 5-29-13)

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CHAPTER 29

BUILDING CODE

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INDEX TO BUILDING CODE

Chapter 29 created by Ordinance 1946, December 23, 1965

GENERAL PROVISIONS

29.01 TITLE. This chapter shall be known as the Building Code of the City of Madison.

29.015 RESERVED FOR FUTURE USE. (R. by Ord. 13,410, 9-24-03)

29.02 PURPOSE AND SCOPE OF BUILDING CODE.

(1) The purpose of this code is to provide minimum regulations, provisions and requirements in the City of Madison to insure safety to persons and property, safe and stable design, good workmanlike methods of construction and uses of materials in any building constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, to regulate the equipment, maintenance, condition, use, occupancy and safety of all buildings in the City of Madison and to promote public health, safety and general welfare. This code shall apply in the City of Madison to new structures and to alterations and additions to existing structures.

(2) The sections contained in this code shall be binding alike upon every owner of a building, every person in charge of or responsible for or who causes the construction, repair or alteration of any building or structure, and upon every architect, professional engineer, or other person who shall prepare plans for the construction, alteration, or addition to any building or structure in the City of Madison.

(3) This code shall apply to all buildings and structures.

29.021 PERFORMANCE CODE.

This code shall be interpreted and administered as a performance code.

29.03 MISCELLANEOUS DEFINITIONS.

Accessory Building or Use. An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use.
2. Is subordinate to and serves a principal building or principal use.
3. Is subordinate in area, extent, and purpose to the principal building or principal use served.
4. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served, and is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

Air Temperature. Air temperature shall measure the temperature of the air and not radiant heat.

Adequate shall mean adequate as determined by the Director of the Building Inspection Division under the regulations of this chapter or adequate as determined by an authority designated by law or this chapter. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

Adequately shall mean the same as adequate.

Alley. An alley is a public right-of-way which affords only a secondary means of access to abutting property, and which is not more than twenty-four (24) feet in width.

Alteration means any change, addition or modification in construction.

Apartment means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

Apartment House is any building which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building.

Approved or Approved as to Materials and Types of Construction means approved by the Director of the Building Inspection Division as the result of investigation and tests conducted by him, or by reason of accepted principals or tests by nationally recognized and accepted technical or scientific organizations. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

Awning. An awning is a rooflike cover, temporary in nature, which projects from the wall of a building.

Balcony. (See Mezzanine Floor)

Basement. Basement means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling. (Am. by Ord. 7842, 10-15-82)

Boarding or Lodging House is a building other than a hotel, where, for compensation, meals, lodging or lodging and meals are provided for persons not members of a family unit, and including fraternities and sororities.

Building means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or storage purposes; the term "building" shall be construed as if followed by the words "or portion thereof". For the purposes of this code each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.

Court is an open, exterior space providing required natural light or ventilation for the building or providing a pathway for public egress from a building exit to a public thoroughfare.

1. Outer Court is a court bounded on three sides by walls and on the remaining side by a street, alley or other open space not less than 15 feet wide.
2. Inner Court is a court surrounded on all sides by walls.
3. Outer Lot Line Court is a court with one side on a lot line or property line and opening to a street or open space not less than 15 feet wide.

4. Inner Lot Line Court is a court bounded on three sides by walls and on the remaining side by a lot line or property line.

(Am. by Ord. 7758, 7-2-82)

Dwelling is a place of abode, a residence or a house for use by one (1) or more persons, excluding hotels or motels.

1. Single-family Dwelling. A single-family dwelling is a building containing one (1) dwelling unit only.
2. Two-family Dwelling. A two-family dwelling is a building containing two (2) dwelling units only.
3. Multiple-family Dwelling. A multiple-family dwelling is a building, or portion thereof, containing three (3) or more dwelling units.

Dwelling, Detached. A detached dwelling is one which is entirely surrounded by open space on the same lot.

Dwelling Unit means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.

Exits.

1. Exit Doorway means the doorway opening: directly to the exterior; to a horizontal exit; to an exit stairway, or to a similar place of safety.
2. Exitway means the exit doorway or doorways, or such doorways together with connecting hallways or stairways, either interior or exterior, or fire escapes, by means of which occupants may proceed safely from a room or space to a street or to an open space which provides safe access to a public alley, street, or open court connected with a street. One (1) or more separate exitways may use the same corridor or hallway.

Extermination. Extermination shall mean the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food; and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.

Family. A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship. (Am. by Ord. 9698, 1-26-89 & 1-31-89)

Fence. A fence is a structure providing enclosure or serving as a barrier, but not protecting against the elements (as distinguished from a building).

Filling Station is a place where gasoline, kerosene, or any other fuel, lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public and where deliveries are made at time of sale and directly into motor vehicles, including greasing and oiling on the premises.

Garage, Community. A space or structure, or a series of structures, for the storage only of noncommercial vehicles of residents of the neighborhood.

Garage, Private. An enclosed attached or detached building to house self-propelled vehicles for the personal use by occupants of single and two- family dwellings.

Garage, Public. A space or structure other than a private or community garage, for the storage, sale, hire, or repair of motor vehicles, or vehicles used in connection therewith.

Gasoline Service Station. A space or structure other than a public garage, used in connection with liquid fuel dispensing stations where one (1) or more vehicles can be accommodated for washing, greasing, oil changing, tire or battery replacement or similar minor operations or adjustments.

Habitable Space is one (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.

Hotel. A hotel is a building in which lodging accommodations, with or without meals, are provided to the public for compensation, and which is open to transient guests in contradistinction to a lodging house. A hotel is commonly known as a hotel in the City and provides customary hotel services, such as mail, telephone and secretarial, bellboy, and desk services, the use and upkeep of furniture, and the furnishing and laundering of linen.

Hotel, Apartment. An apartment hotel is a building in which at least ninety percent (90%) of the accommodations are dwelling units or are occupied by permanent guests renting on a monthly basis.

Impervious to Water. Impervious to water shall mean material approved by the Director of the Building Inspection Division, and having tight fitting joints, and not having more than four and one-half percent (4½%) absorption by test. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

Infestation. Infestation shall mean the sustained presence of household pests, vermin, or rodents.

Insulation. Normally a low-density material used to reduce heat loss. It is made of wood fiber, cotton fiber, mineral or glass wool or fiber, vermiculite, expanded plastics, and others. It is made in several forms including:

1. Flexible - in blanket or batt form
2. Fill - a loose form which can be poured or blown
3. Rigid - includes insulating board or other materials in sheet or block form. Often used as sheathing material, as perimeter insulation, etc.
4. Reflective - a polished surface such as aluminum foil which has high reflectivity and low emissivity.

Living Room shall mean a room used primarily for living, dining, or cooking purposes.

Lodging House is a dwelling containing lodging rooms that will accommodate five (5) or more persons not members of the family.

Lodging Room is a portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.

Mezzanine Floor. An intermediate balcony-like floor located between a main or full floor and the main ceiling next above and not exceeding in area more than one-third (⅓) of such main or full floor.

Mixed Occupancy. Mixed occupancy shall be occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Mobile Home. A mobile home is a trailer designed and constructed for dwelling purposes.

Motel. A motel is an establishment consisting of a group of attached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Occupant means one who occupies or has actual possession of usable space.

Ordinary Minimum Winter Conditions. Ordinary minimum winter conditions shall mean a temperature minus twenty (-20) degrees Fahrenheit.

Owner. The term owner shall mean every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the city, any sewer district, drainage district, the University of Wisconsin, and any corporation or organizations connected therewith, and any other public or quasi-public corporation having a legal or

equitable interest in property and shall include the representative, officer, agent or other person having the ownership, control, custody or management of any building. Owner does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party. (Am. by Ord. 9640, 12-14-88)

Perm. A measure of vapor movement through a material; i.e., grains per square foot per hour per inch of mercury difference in vapor pressure at standard test conditions.

Permeance. Rate of water vapor transmission through a material, measured in perms. Thus, the lower the permeance, the better the vapor barrier.

Person. A person shall mean and include an individual, firm, corporation, association, or partnership.

Plumbing. Plumbing shall include all gas pipes and gas burning equipment, waste pipes, water pipes, water closets, sinks, lavatories, bathtub, catch basins, drains, vents, and any other provided fixtures together with the connections with the water, sewer or gas lines.

Provided. Provided shall mean furnished, supplied, paid for or under control of the owner.

Radiation. Transfer of heat energy in the form of waves or particles which have no effect on the medium through which they pass.

Rooming House. See definition for lodging house.

Sleeping Room. Sleeping room shall mean a room used for sleeping purposes.

Stairways means one (1) or more flights of steps and the necessary platforms connecting them to form a continuous passage from one level to another within or without a building or structure.

Story is that portion of a building, other than a basement or mezzanine included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this ordinance, a basement shall be counted as a story when more than five (5) feet of such basement height is above the established curb level or above the finished lot grade level where curb level has not been established. A mezzanine shall be deemed a full story where it covers more than fifty percent (50%) of the ground story. (Am. by Ord. 9303, 10-29-87)

Street. A street is a public or private right-of-way which affords traffic circulation and a principal means of access to abutting property. An alley shall not be considered a street.

Structural Alteration is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure. Structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Sun Shade. A permanent projection over the windows of a building to shade the windows from the sunshine and which is not supported by posts or columns, and which cannot be used for human occupancy.

TD (Temperature Difference). The difference between the inside design temperature and the outside design temperature. (For Madison, the inside design temperature is +70 degrees for all rooms except bathrooms and the outside design temperature is -20 degrees, therefore, the TD is 90 degrees.)

Townhouse. A townhouse is a place of abode having not more than two (2) stories, not including the attic, with or without a basement, which consists of three (3) or more dwelling units with sleeping rooms on the second story level and in which the dwelling units are arranged in such a manner so that one (1) or more units are separated from the other units by three (3) unpierced interior walls.

U. Overall heat transmission coefficient; the amount of heat expressed in one hour through one square foot of a building section for each degree temperature difference between air on the inside and air on the outside of the building section.

Vapor Barrier. A film, duplex paper, aluminum foil, paint coating or other materials which restrict the movement of water vapor from an area of high vapor pressure to one of lower pressure. Material with a perm value of 1.0 or less is normally considered a vapor barrier.

Ventilation. The replacement by outside air of the air within the building.

Yard. Yard shall mean an open unoccupied space on the same lot with a dwelling and lying between the front, rear, or sides of the dwelling and the lot line.

(Section 29.03 Am. by Ord. 4670, 8-5-74)

29.04 CHANGE IN USE OR OCCUPANCY.

(1) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use then such building or structure shall be made to comply with the requirements for the new use as provided in this code.

(2) If, upon an inspection of a building or structure, it is found that its use has changed since the effective date of the first Building Code (October 9, 1914) and that it does not comply with the requirement of the Building Code in effect at the time of any such change, it shall then be made to comply with the code requirements in effect at the time of any such change in use.

29.045 PREVIOUS ORDINANCES TO APPLY.

If, upon an inspection of a building or structure, it is found that the building or structure or portions thereof does not comply with Chapters 18, 19, 29 or 30 of the Madison General Ordinances, it shall then be made to comply with such Chapter unless the ordinance requirements in effect at the time of the building's construction, alteration, repair or when additions made thereto apply, in which case the building, structure or portion thereof shall be made to comply with those ordinance requirements. (Am. by Ord. 9754, 4-13-89)

GENERAL ADMINISTRATIVE PROVISIONS

29.05 APPLICATION FOR PERMIT, PLANS AND SPECIFICATIONS.

(1) No person shall erect or construct any building or structure whatever, or add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, or cause the same to be done, or commence any work covered by this code on any structure without first obtaining a building permit therefor from the Director of the Building Inspection Division; provided, however, that the Director of the Building Inspection Division may authorize minor improvements not involving structural alterations, change in use and which do not exceed a cost of five hundred dollars ($500) without requiring a building permit to be issued. Such permit shall be issued in the name of the owner. (Am. by Ord. 10,340, Adopted 12-3-91, Effective 1-1-92)

(2) Applications for building permits shall be filed with the Director of the Building Inspection Division in writing on a blank form to be furnished for that purpose. Such application shall describe the land upon which the proposed building or work is to be done, either by lot, block or tract, or similar general description which will readily identify and definitely locate the proposed building or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Director of the Building Inspection Division.

The Director of the Building Inspection Division or any inspector of the Building Inspection Division of the Department of Planning and Community and Economic Development shall as a condition of the granting of a building permit, have the right to enter the premises for which said permit was issued, at any reasonable time during the course of the work and until final inspection and approval thereof has been given, for the

purpose of inspecting said premises and its compliance as to construction or use with all statutory and ordinance regulations in reference to the construction, repair, use, and location of buildings.

(3) Plans and specifications and a lot plan showing the location of the proposed building thereon and of every existing building thereon, shall accompany every application for a permit, and shall be filed in duplicate with the Director of the Building Inspection Division; provided, however, that the Director of the Building Inspection Division may authorize the issuance of a permit without plans or specifications for small or unimportant work.

(a) Plans submitted shall be drawn to scale on substantial paper or prepared cloth, such scale to be not less than one-eighth (⅛) to one (1) foot. They shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the regulations which apply will be complied with. They shall be prepared in accordance with the provisions of this code, and shall bear the name of the architect, professional engineer or other person who prepared them.

(b) Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Building Code" or "to the satisfaction of the Director of the Building Inspection Division" shall be deemed imperfect and incomplete and every reference to the Building Code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.

(4) The following data shall be a part of, or shall accompany, all plans submitted for approval.

(a) The location of streets, alleys, lot lines and any other buildings on the same lot or property.

(b) Name of owner.

(c) Intended use or uses of all rooms.

(d) Show floor area of each room.

(e) Show window size for meeting the eight percent (8%) floor area requirements for light and ventilation. (Am. by Ord. 7760, 7-2-82)

(f) Computations, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Director of the Building Inspection Division.

(5) All persons applying for permits shall, at their initial application, provide the names and addresses of all subcontractors who will require supplemental permits over the course of the project. The Director of the Building Inspection Division shall mail the required supplemental permit to the subcontractor, who shall return the completed permit to the Director of the Building Inspection Division within seven (7) days of the postmark date of the supplemental permit. Failure to return the supplemental permit prior to commencing work shall be deemed to be working without a permit and shall be punishable in accordance with Sections 29.07(3) and 29.17 of these ordinances. (Cr. by Ord. 8167, 12-2-83)

(Sec. 29.05 Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

29.051 RESERVED FOR FUTURE USE.

29.06 BUILDING PERMIT.

(1) When plans are required for approval they shall be submitted in duplicate and work shall not be started until plans are approved. The plans submitted shall be prints that are clear, legible and permanent. Complete foundation and footing plans may be submitted for approval prior to submitting the building plans if the plot plan, itemized structural loads, complete foundation or footing design calculations and schematic floor plans are included showing exits, loading areas, windows and other pertinent information. Permit fees for foundation and footing permits shall be charged at a rate set forth in Section 29.07(3)(f).

If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Director of the Building Inspection Division shall, upon receipt of the required fee, grant a building permit for said work and shall sign, date and endorse in writing or by rubber stamp both sets of plans and specifications as "approved". (Am. by Ord. 11,796, Adopted 2-18-97)

(2) One such approved set of plans and specifications shall be retained by the Director of the Building Inspection Division, and one such approved set of plans and specifications shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work authorized thereby is completed and shall be available for inspection by any public official. Such approved plans and specifications shall not be changed, modified or altered without written permission from the Director of the Building Inspection Division. (Am. by Ord. 8081, 7-29-83)

(3) With every permit issued, the Director of the Building Inspection Division shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from public view and available for the inspectors to mark. (Am. by Ord. 8081, 7-29-83)

(4) Building permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof and completed or resumed within one (1) year from the date thereof and in the event of further construction after one (1) year, a new permit must be obtained pursuant to all the requirements of the code then in force. The fees for such new permit shall be based upon the cost of the construction remaining to be done.

(5) If the Director of the Building Inspection Division shall find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, s/he shall revoke the building permit by written notice served on the general contractor if there be one or her/his representative on the job, or if there be no general contractor then on the person in charge of the work as to which the error or violation has occurred, and upon the owner, such service to be either personal or by mailing a copy of said notice to the address of said person as known to the Director of the Building Inspection Division, and shall likewise be posted a copy of said notice at the site of the work. When any such permit is revoked it shall be unlawful to do any further work upon such building until a new permit is issued, excepting such work as the Director of the Building Inspection Division shall order to be done as a condition precedent to the issuance of a new permit, or which the Director of the Building Inspection Division may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property and the public. (Am. by Ord. 8081, 7-29-83)

(6) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this code, shall be valid except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of a permit, be discovered in the application, plans, specifications or execution of the work, the Director of the Building Inspection Division may require the correction of said errors in said application, plans, specifications or constructions and may rescind the permit and prevent building operations being further carried on thereunder when in violation of this code or of any ordinance of the City of Madison. (Am. by Ord. 8081, 7-29-83)

(Sec. 29.06 Am. by ORD-08-00109, 10-7-08)

29.07 FEE SCHEDULE.

(1) (a) Scope. The fees fixed in this ordinance shall be assessed and collected by the Building Inspection Division of the Department of Planning and Community and Economic Development for the inspection of new buildings and structures,

additions and alterations, for the examination and approval of building plans and component parts of the buildings, and for all other services for which the Common Council has authorized the Building Inspection Division of the Department of Planning and Community and Economic Development to fix and collect fees as provided in Chapter 29 of the Ordinances of the City of Madison. Fees are collected in advance from owner or agent and shall include any mechanical fees which apply. This fee schedule applies to plan review and inspections done on buildings within the City and outside of the City of Madison within Dane County. (Am. by Ord. 11,796, 2-18-97; ORD-08-00109, 10-7-08)

(b) (R. by Ord. 11,585, 5-21-96)

(2) Plan Examinations, Approvals, Inspections, and Fees.

(a) Plans showing design and construction details, design computations, and specifications submitted for examination and approval as required by Chapter 29 shall be accompanied by a fee in the amount determined in accordance with Section 29.07(3).

(b) For the purpose of determining the fee on the basis of square foot, floor area measurements shall be taken from outside of building at each floor level, including basement.

(c) For the purpose of determining the fee on the basis of estimated cost, it shall represent the actual cost for alterations and repairs to existing buildings, including all labor and material less the cost of real estate and installation of electrical, heating, and plumbing equipment and services. See Section 29.07(3)(f). In no case shall the fee exceed those as calculated for new buildings as listed in Section 29.07(3)(a), (b), and (c). (Am. by Ord. 7008, 5-31-80; Ord. 12,566, 5-3-00)

(3) Fee Schedule. (Title Am. by Ord. 10,340, Adopted 12-3-93, Effective 1-1-92)

Penalty for failure to obtain a permit before starting work shall be double the fees. This shall be in addition to any other penalties provided elsewhere in this ordinance; in addition, a penalty of one hundred dollars ($100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the stop work notification is delivered to either the property owner or the contractor performing the work, until the date a permit is obtained.

(a) Group I.

The use group shall include new and additions to residential buildings in which families or households live or in which sleeping accommodations are provided for individuals with or without dining facilities excluding hotels, motels, and institutional building ..... $.095 per sq. ft. + Current State Seal Fee as prescribed by DSPS
Minimum Fee $25.00

(Am. by ORD-12-00149, 12-5-12)

(b) Group II.

The use group shall include new and additions to general offices, professional offices, barber shops, beauty parlors, bowling alleys, dry cleaning establishments, clinics, natatoriums, shelters, hotels, motels, taverns, restaurants, cafeterias, retail establishments where manufactured products are bought and sold, repair garages, service stations, new and additions to churches, assembly halls, theaters, exhibition buildings, educational institutions, hospitals, nursing homes, places of detention, gymnasiums, arenas, laboratories, lodge halls, funeral homes, libraries, skating rinks, dance halls, and armories. ..... $.16 per sq. ft.
Minimum Fee $25.00

(c) Group III.

The use group shall include new and additions to warehouses, freight terminals, storage buildings, vehicle storage garages, refrigeration storage, factories, machine

shops, electric substations, sewage treatment plants, heating plants, steam and electric generating plants, transformer vaults, and other buildings not classified in Groups I, II and III ..... $.10 per sq. ft.
Minimum Fee $25.00

(d) Group IV.
The use group shall include improved parking lots with five (5)or more parking stalls as the principal use or accessory to a building and alterations and repairs to existing structures, including roofing and siding of total project fair market replacement. ..... $11.00 for each $1,000 value or fraction thereof
Minimum Fee $25.00

(Sec. 29.07(3) Am. by ORD-12-00008, 1-24-12)

[See Section 29.07(2)(c)]

NOTE: When an application is submitted for a property where only the shell of the property is to be completed, the fee will be calculated at 50% of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group.

(e) Group V (Fee as Noted for Each Classification).
The use group shall include the following:

Awnings ..... $20.00 ea. permit
Inspection of tents used for merchandising and display .... $50.00 ea. Location
Private detached garage ..... $.06 per sq. ft.
Minimum fee $25.00
Private in-the-ground swimming pools ..... $25.00 ea. permit
Accessory buildings used as yard equipment storage having a floor area in excess of 150 sq. ft. ..... $.06 per sq. ft.
$25.00 minimum each permit
Moving of structure
- 20,000 cubic feet or less ..... $250.00 ea. permit
- For each additional 20,000 cubic feet or fraction thereof $50.00
- Maximum permit fee $450.00

Razing a principal structure other than a garage or accessory building
- One-family dwelling ..... $150.00 ea. permit
- Two-family dwelling ..... $250.00 ea. permit
- Multifamily and Commercial
  - 20,000 cubic feet or less ..... $150.00 ea. permit
  - For each additional 20,000 cubic feet or fraction thereof . $100.00

Razing a garage or building accessory to a principal building . $20.00 ea. permit
Code compliance pre-purchase survey
- Single family residence ..... $200.00 ea.
- Two or more residential units ..... $200.00 1st unit plus $25.00 ea.additional unit plus $25.00 for rental weatherization
- Commercial buildings (factory, office, mercantile, etc.) ..... $200.00 plus $50.00 ea. Occupancy
- Solar panels or collector system ..... $21.00 ea. permit
- Certificate of Occupancy with building permit ... $10.00 first certificate, $75.00 each additional Certificate of Occupancy

Certificate of Occupancy for zoning change of use or occupancy ..... $75.00 ea. Certificate
Mobile home occupancy permit and inspection fees .. $15.00 ea. mobile home
Reinspection fee for mobile homes $5.00
Building Board of Examiners and Appeals application ..... $50.00 ea. Application

(Sec. 29.07(3)(a)-(c) Am., (d) R., (e) through (g) Renumbered to (d) through (f) and Am. by: Ord. 11,796, Adopted 2-18-97; Am. by Ord. 13,678, 8-24-04; Ord. 13,743, 12-15-04; ORD-15-00036, 4-8-15)

(f) Plan Review.

Project Type		**Fees***	
Building Plans New & Addition (Except 1 & 2 Family)		$100.00 Min. + $.03/sq. ft.	Project area includes all spaces bound by outside surfaces of enclosing walls. Fee includes footings + structural, if submitted w/the plans.
HVAC New & Addition (Except 1 & 2 Family)		$100.00 Min. + .02/sq. ft.	
Alterations & Remodeling (Except 1 & 2 Family)		$100.00 Min. $.04/sq. ft.	Area includes floor, roof and exterior wall area being altered or remodeled. Fee includes HVAC and structural if submitted w/bldg. plans.
HVAC only or HVAC submitted separately (Alt/Rem) (Except 1 & 2 Family)		$100.00 Min. $.03/sq. ft.	
Structural	1 bldg., 1 element 1 bldg., 2+ elements 2+ bldgs., 1 element 2+ bldgs., 2+ elements	$50.00 $75.00 $75.00 $100.00	No fee if submitted with building plan.
Fire Escape	Per escape	$100.00	
Stadium, Grandstand Bleachers	0-2,000 seats 2,000+ seats	$100.00 $40/1,000 seats	
Miscellaneous		$100.00	All plan type not mentioned elsewhere.
Revisions to Previously Examined Plans		$100.00	No fee if revisions requested by plan examiner. Also applies to revisions or reconsideration of previously approved variances.
Priority Review	Optional	Double above fees	Available to those who cannot wait normal plan turnaround time.
Permission to Start	Optional	$50.00	Applies only to projects with footings and foundations.
New 1 Family 2 Family		$50.00 $100.00	Resubmittal of revised plans will be $25.00 additional.
Alteration or Remodel 1 & 2 Family	Less than 250 sq. ft. 251-500 sq. ft. 501-750 sq. ft. 751-1000 sq. ft. More than 1000 sq. ft.	$10.00 $20.00 $30.00 $40.00 $50.00	

Project Type		Fees*	
1 Family Cert. Plan		$100.00	One-time submission
2 Family Cert. Plan		$200.00	One-time submission

*Round up all fees to the next highest dollar.
(Sec. 29.07(3)(h) Am. by Ord. 10,646, 4-30-93; Renum. to (g) in Rev. #219)

(4) (R. by Ord. 7893, 12-29-82)

29.08 INSPECTION.

(1) No structural portion of any part of any building or structure and no reinforcing steel or structural framework of iron or steel shall be covered or concealed in any manner whatsoever without first obtaining approval of the Director of the Building Inspection Division. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(2) No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Director of the Building Inspection Division. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the three (3) inspections hereinafter mentioned. The Director of the Building Inspection Division shall, upon notification from the permit holder or his/her agent, make the following inspection and shall either approve that portion of the construction as completed, or shall notify the permit holder or his/her agent wherein the same fails to comply with the law. It shall be the responsibility of the contractor/owner to call the Building Inspection Division for all required inspections listed below: (Am. by Ord. 8380, 7-25-84; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

(a) Inspection of Foundations: To be made after trenches are excavated and poured and the necessary forms erected. Before any foundation inspection is made, lot line stakes shall be established at the front building line and marked clearly. If horizontal rods are to be used, they must be placed in the forms prior to this inspection. All walls having forms shall not have any concrete placed into them until this inspection is made.

(b) Inspection of Structure: To be made after the roof is in place; all framing, fireblocking and bracing are in place and all pipes, chimneys and vents are complete.

(c) Basement Floor Inspection: To be made if the basement is to be used for living and sleeping purposes. An inspection shall be made prior to the pouring of the basement floor.

(d) Final Inspection: To be made after the building is completed and is ready for occupancy.

(3) An owner or contractor who calls for an inspection and the work is not completed may be assessed twenty-five dollars ($25) per inspection. Pursuant to Section 29.09, Madison General Ordinances, it is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a Certificate of Occupancy has been issued. (Am. by Ord. 11,783, 2-17-97)

29.09 CERTIFICATE OF OCCUPANCY.

(1) New Buildings. No building hereafter erected except as provided herein shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Director of the Building Inspection Division.

Accessory buildings used with single and two-family dwellings, such as tool sheds, storage shelters, and garages not more than one (1) story in height are hereby exempted.

(2) Buildings Altered. No building hereafter enlarged, extended, or altered to change from one use to another, in whole or in part, and no building hereafter altered for which a certificate of use and occupancy has not been issued heretofore, shall be occupied or used

until the certificate shall have been issued by the Director of the Building Inspection Division certifying that the work has been completed in accordance with the provisions of the approved permit.

(3) Existing Buildings. Upon written request from the owner of an existing building, the Director of the Building Inspection Division shall issue a certificate of use and occupancy provided there are no violations of law or orders of the building official pending and it is established that the alleged use of the building has heretofore existed. Nothing in the code shall require the removal, alterations, or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.

(4) No certificate of use and occupancy shall be issued by the Director of the Building Inspection Division unless the Director has certified that the building, enlargement, extension, or alteration fully complies with the accessibility requirements of Wis. Stat. § 101.13, Wis. Admin. Code ch. SPS 362, and any other applicable administrative rules. (Cr. by Ord. 10,160, 12-28-90; Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(5) Partial Occupancy. Upon the request of the holder of a building permit, the Director of the Building Inspection Division may issue a partial certificate of occupancy for part of a building or structure, before the entire work covered by the building permit shall have been completed provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare. No such partial certificate of occupancy may be issued prior to full compliance with those provisions of Wis. Stat. § 101.13 and Wis. Admin. Code ch. SPS 362 which affect health and safety or prior to full completion of accessible routes to, into, and through the building or structure. (Renumbered and Am. by Ord. 10,160, 12-28-90; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(6) Mobile Homes. No mobile home shall be occupied until such home has been inspected for proper connection of all utilities, electrical, heating and plumbing, and be approved by the Director of the Building Inspection Division. The Certificate of Occupancy fee shall include fees for one inspection by building, electrical, heating and plumbing inspectors. (Renumbered by Ord. 10,160, 12-28-90)

(7) Compliance Statement. Prior to initial occupancy of a new building or addition, and prior to final occupancy of an alteration of an existing building, the supervising architect, engineer or designer shall file a written statement with the Department certifying that, to the best of his or her knowledge and belief, construction of the portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the City of Madison. (Cr. by Ord. 12,566, 5-3-00)

(Sec. 29.09 Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

29.10 ROOFED PASSAGEWAYS AND BARRICADES.

(1) Roofed Passageways and Barricades Required. The owner or contractor engaged in the construction, remodeling or demolition of any building erected on the lot line adjacent to any street, sidewalk or alley shall cause a roofed passageway and/or barricade to be erected and maintained as set forth in this Section.

(2) Standards. A roofed passageway or barricade required under Subsection (1) shall meet the following standards:

(a) When Required. For any multi-story project, after the completion of the first story, a roofed passageway shall be built in the front of the building and, also, on the side of the building if such building is being erected or demolished on a corner lot. A solid substantial fence, eight (8) feet high, designed to resist a wind pressure of fifteen (15) pounds per square foot of net area may be provided for excavations and one story structures in lieu of a roofed barricade.

(b) Construction and Maintenance Requirement. Any roofed passageway or barricade required under this Section shall be constructed and maintained while work on said building is in progress in such a manner as to insure the protection of persons using the sidewalk or street against flying or falling objects or other hazards of construction or demolition. All accumulation of rubbish within the roofed passageway or walkway area shall be cleaned up every day before leaving the premises.

(c) Street Occupancy Permit. Where a roofed passageway or barricade is required to be placed in the public way or other public grounds under this Section, the owner or contractor shall obtain a street occupancy permit under Section 10.055 and the roofed passageway or barricade is subject to the requirements of that Section. In addition, the failure to follow the requirements of this Section shall be cause to revoke a street occupancy permit issued under Section 10.055.

(d) Design Standards. The walkway of a roofed passageway shall be not less than five (5) feet wide and eight (8) feet high in the clear. Roof bracing shall not be less than six (6) feet high from grade. Buildings set back twenty (20) feet from the front property line need not be covered if, in the opinion of the Director of the Building Inspection Division, no hazard to the public exists. All members of the shed shall be adequately braced and connected to resist displacement of members or distortion of the framework.

(e) Roof Design. The roof shall be designed to support a load of one hundred fifty (150) pounds per square foot and if the roof is to be used for storage of materials it shall be designed to support three hundred (300) pounds per square foot. Minimum roof decking shall be of not less than two (2) inch (nominal) wood plank, closely laid, and the deck made water tight. When roofs are used for storage of materials or during wrecking operations, the outside edge and ends of the roofed passageway's roof shall be provided with a solid substantial enclosure of at least three (3) feet six (6) inches above the deck of the shed.

(f) Lighting Requirements. The roofed passageway shall be lighted either by natural or artificial means sufficient to insure safety for pedestrians and warning to vehicular traffic.

(g) Fencing. Walkways shall have a solid fence not less than three (3) feet six (6) inches high on all open sides except within twenty (20) feet of a street intersection so as not to interfere with traffic visibility across the corner. This area shall have a handrail three (3) feet six (6) inches high and an intermediate rail on the open sides.

(h) Construction Activity. All construction activity shall take place behind the barricade. No materials or equipment shall be lifted over the roofed passageway.

(2) Removal From Public Property. When, at the discretion of the Director of the Building Inspection Division, it is no longer necessary to maintain a roofed passageway and/or barricade on public property, the roofed passageway and/or barricade shall be removed within forty-eight (48) hours of notification by the Building Inspection Division.

(3) Restoration. Upon the removal of the roofed passageway or barricade, the street, sidewalk, alleys or other public grounds occupied by the roofed passageway or barricade shall be restored to their original condition and left in good repair and condition, as required under Sec. 10.055(4)(n). Any new or reconstructed sidewalk shall comply with Section 10.06.

(4) Violation. Any person who fails to comply with any of the requirements of this Section shall upon conviction be subject to a forfeiture of not less than twenty-five dollars ($25) nor more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Sec. 29.10 R. & Rec. by ORD-15-00036, 4-8-15)

29.11 UNSAFE BUILDINGS.

(1) The Director of the Building Inspection Division may order the owner of the premises upon which is located any building or part thereof within the City of Madison, which in his or her judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary or to raze and remove it at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than two (2) years, to raze and remove such building or part thereof. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or her/his agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons in the Circuit Court. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing in the official newspaper of the City of Madison as a Class 3 Notice, under Chapter 985, Wisconsin Statutes, before the time limited in the order commences to run. (Am. by Ord. 8415, 9-4-84; ORD-08-00109, 10-7-08)

(2) If the owner shall fail or refuse to comply within the time prescribed, the Director of the Building Inspection Division shall cause such building or part thereof to be razed and removed either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use. The cost of such razing and removal or closing shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special charge under Wis. Stat. sec. 66.0627. When any building has been ordered razed and removed, the Director of the Building Inspection Division under said contract or arrangement aforesaid, may sell the salvage and valuable material at the highest price obtainable. The net proceeds of such sale, after deducting the expense of such razing and removal, shall be promptly remitted to the Circuit Court with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state. If the building or part thereof is unsanitary or unfit for human habitation, occupancy or use, and is not in danger of structural collapse the Director of the Building Inspection Division shall post a placard on the premises containing the following words: "This Building Cannot Be Used For Human Habitation, Occupancy or Use", and it shall be the duty of the Director of the Building Inspection Division to prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. Any person, firm, or corporation who shall rent, lease or occupy a building which has been condemned for human habitation, occupancy or use shall be liable to a forfeiture of not less than five dollars ($5) nor more than fifty dollars ($50) for each week of such violation. If any person receiving a notice as hereinbefore provided shall fail or neglect to comply with the directions therein contained, he or she shall be subject to the penalties set forth in Section 29.17 of this chapter. (Am. by Ord. 8415, 9-4-84; Ord. 13,638, 6-23-04; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

(3) (a) Whenever an owner of any building in the City of Madison permits the same, either as a result of vandalism or for any other reason, to deteriorate or become dilapidated or blighted to the extent where windows, doors or other openings or plumbing or heating fixtures or facilities or appurtenances of such building are either deteriorated, damaged, destroyed or removed so that such building offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition, the Director of the Building Inspection Division shall issue a written notice respecting the existence of such defect; such

written notice shall be served on the owner of such building as provided in Sec. 29.11(1) above and shall direct the owner of such building to remedy the defect within thirty (30) days following the service of such notice. (Am. by ORD-08-00109, 10-7-08)

(b) If an owner fails to remedy or improve the defect in accordance with the written notice furnished by the Director of the Building Inspection Division within the 30-day period specified in the written notice, the Director of the Building Inspection Division shall apply to the Dane County Circuit Court for an order determining that the building is a public nuisance. As a part of the application for such order from the circuit court the Director of the Building Inspection Division shall file a verified petition in which he or she recites the giving of such written notice, the defect or defects in the building, the owner's failure to comply with the notice and any other pertinent facts. A copy of the petition shall be served upon the owner of record or the owner's agent if an agent is in charge of the building and upon the holder of any encumbrance of record as provided in Sec. 29.11(1) above. The owner shall have twenty (20) days following service upon him or her in which to reply to such petition. Upon application by the Director of the Building Inspection Division the circuit court shall set promptly the petition for hearing. If the circuit court after hearing the evidence with respect to the petition and the answer determines that the building is a public nuisance, the court shall issue an order directing the owner of the building to remedy the defect and to make such repairs and alterations as may be required within a reasonable time. A copy of the order shall be served upon the owner as provided in Sec. 29.11(1) above. The order of the circuit court shall state in the alternative that if the order of the court is not complied with in the time fixed by the court, the court may appoint a receiver or authorize the Director of the Building Inspection Division to raze the building. All costs and disbursements with respect to razing under this subsection shall be as provided for under Sec. 29.11(2). (Am. by ORD-08-00109, 10-7-08)

(c) A receiver appointed pursuant to paragraph (b) is empowered to:

1. Remedy the defect and make any repairs and alterations necessary to meet the standards required by the City of Madison Building and Health Codes; with the approval of the Circuit Court, borrow money against and encumber the property held in receivership as security in any amount necessary to remedy the defect and make the repairs and alterations; at the request of and with the approval of the owner, sell the property at a price equal to at least the appraisal value of the property plus the cost of any repairs made hereunder. The selling owner shall be liable for such costs. The receiver shall have a lien upon the property for all expenses incurred to remedy the defect and make all necessary repairs and alterations.
2. Secure and sell the building to a buyer who demonstrates to the circuit court an ability and intent to rehabilitate the building and to cause the building to be reoccupied in a legal manner.

(d) 1. Any receiver appointed under paragraph (b) above shall collect all rents and profits accruing from the property held in receivership and pay all costs of management, including all general and special real estate taxes or assessments and interest payments on first mortgages on the property. A receiver under paragraph (b) shall apply moneys received from sale of property held in receivership to pay all debts due on the property in the order set by law and shall pay any balance to the selling owner if the circuit court approves.

2. The circuit court shall set the fees and bond of a receiver appointed under paragraph (b) and may discharge the receiver as the court deems appropriate.

3. Nothing in this subsection relieves the owner of any property for which a receiver has been appointed under paragraph (b) from any civil or criminal responsibility or liability except that the receiver shall have civil and criminal responsibility and liability for all matters and acts directly under the receiver's authority or performed at his or her discretion.

(Sec. 29.11(3) Cr. by Ord. 8415, 9-4-84)

29.12 MOVING OF BUILDINGS. No building shall be moved within, through, or into the City of Madison without first obtaining a permit. Permission shall be granted only as follows:

(1) All buildings.

(a) No building shall be moved within, through, or into the City of Madison if deemed by the Director of the Building Inspection Division to be unsafe or unfit and unreasonable to repair. (Am. by ORD-08-00109, 10-7-08)

(b) No person shall apply for a permit to move a building unless the Plan Commission has approved the removal of the building per Section 28.185. (Am. by ORD-12-00134, 1-2-13)

(Am. by Ord. 12,760, 2-27-01)

(2) Buildings to be moved upon or along a public street.

(a) An application for a permit shall be made to the Director of the Building Inspection Division and shall be accompanied by a schematic drawing showing the axle and wheel layout that will support the building during the move and the distribution of weight on each wheel. Accurate dimensions for the building as loaded and prepared for moving shall be provided. The application shall include a description of the route the building will travel. The route along which the building will travel and the time the move will take place shall be approved by the City Engineer, Streets Superintendent, Traffic Engineer, Water Utility Manager, Chief of Police, and the City Forester. (Am. by ORD-08-00109, 10-7-08)

(b) A Certificate of Insurance shall be provided to the Director of the Building Inspection Division on a form provided by the City showing general public liability and property damage insurance in minimum limits of one million dollars ($1,000,000) per occurrence. (Am. by ORD-08-00109, 10-7-08)

(c) An indemnification agreement approved by the Director of the Building Inspection Division. (Am. by ORD-08-00109, 10-7-08)

(d) A surety bond or letter of credit in an amount established by the Director of the Building Inspection Division but not to exceed fifty thousand dollars ($50,000) guaranteeing that the applicant will remove the building from the City street, property or right of way upon receiving notice to do so from the Director of the Building Inspection Division, and that the bills for damage to public property will be promptly paid. If the applicant fails to remove the building from the City street, property, or right of way upon such notice, the City of Madison shall seek payment under the surety bond or letter of credit for removal of the building. (Am. by Ord. 12,892, 9-21-01; ORD-08-000109, 10-7-08)

(e) The applicant's mover shall be prequalified as a public works contractor by the City Engineer. Upon completion of the move, the City Engineer shall inspect the public property over which the building was moved. If any damage to public property is noted, the amount of damage shall be determined and if the applicant fails to pay promptly all bills for such damages, the City of Madison shall seek payment under the surety bond/letter of credit given by the applicant responsible for the payment of the same.

(f) No buildings shall be allowed to remain over night upon any street, nor shall any trees or shrubs be trimmed or otherwise disturbed without the approval of the City Forester and the owner.

(g) The owner of the property being moved is responsible for the cost of City services resulting directly from the moving project as described in the moving permit.

(3) Buildings to be moved onto a zoning lot within the City of Madison. In addition to meeting the requirements of (2) above, the following conditions must be met:

(a) The building to be moved shall conform with the existing buildings in the area in which it is to be moved, as determined by the Zoning Administrator, with the approval of the Director of the Building Inspection Division. (Am. by ORD-08-00109, 10-7-08)

(b) A surety bond or letter of credit, in such sum as shall be determined by the Director of the Building Inspection Division, shall be filed with the Director of the Building Inspection Division to assure that the exterior of the building will be finished in a workmanlike manner, including painting and final grading. This requirement may be combined with the requirements in Sec. 29.12(2) (d), in which case, the surety bond or letter of credit may exceed fifty thousand dollars ($50,000). The work shall be completed within six (6) months of the date of the building permit or the City of Madison shall seek payment under the surety bond, or letter of credit and shall cause completion of the building and grading. (Am. by Ord. 12,892, 9-21-01; ORD-08-00109, 10-7-08)

(c) All bulk requirements for the location of the building on the new lot must be met unless a variance or area exception is obtained from the Zoning Board of Appeals prior to applying for a moving permit. Fees are separate for a moving permit and a variance or area exception.

(d) A site plan with accurate dimensions drawn to scale showing the proposed new location of the building and a specific description of the proposed building use must be submitted to the Director of the Building Inspection Division. (Am. by ORD-08-00109, 10-7-08)

29.13 WRECKING OF BUILDINGS.

(1) No building as defined in Section 29.03 of the Madison General Ordinances shall be razed demolished, removed or wrecked without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development issued in accordance with the provisions of Section 28.185 of the Madison General Ordinances. (Am. by ORD-08-00109, 10-7-08; ORD-12-00134, 1-2-13)

(2) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by ORD-08-00109, 10-7-08)

(3) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

(4) If a street occupancy is required, refer to Section 10.055 for the necessary permit and restrictions. (Am. by ORD-15-00036, 4-8-15)

(5) Prior to the issuance of a permit to remove or wreck an existing building, the owner of the property shall obtain a Permit to Plug Sewer Lateral per Section 35.02(4)(c)14., MGO, if the existing building is serviced by the public sanitary sewer. (Am. by ORD-12-00142, 11-12-12)

(6) (a) Any owner or operator who shall raze, demolish, remove or wreck or authorize or permit the razing, demolishing, removing or wrecking of any existing building as defined in Section 29.03 of the Madison General Ordinances without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development in violation of this section or Section 28.185 of the Madison General Ordinances shall forfeit not more than five hundred dollars ($500) per day. The violation shall be deemed to continue, with each separate day to be considered a separate offense, until either of the following occurs:

1. The building is restored to its condition and appearance prior to demolition; or
2. A replacement building approved pursuant to Sec. 28.185 by the Plan Commission and by the Landmarks Commission if the building was a landmark or was located in an Historic District is constructed at the site and a certificate of occupancy is issued therefore.

(Am. by Ord. 8336, 5-15-84; ORD-08-00109, 10-7-08)

(b) Any person violating any other provision of this section shall forfeit twenty-five dollars ($25). Each day of violation shall be deemed a separate offense.

(Sec. 29.13 Am. by Ord. 8117, 10-3-83; Am. by ORD-12-00134, 1-2-13)

(c) Any person, either individually, as a member of a firm or as an officer or employee of a corporation who performs or carries out the razing, demolishing, removing or wrecking of any existing building for any owner or operator when no wrecking permit has been issued therefore shall forfeit up to five thousand dollars ($5,000) if the building is a landmark or is located in an Historic District and up to one thousand dollars ($1,000) in all other cases. (Cr. by Ord. 8336, 5-15-84)

29.135 FLAG PERSON REQUIRED. Whenever a building is being demolished, erected or altered, a flag person shall be employed to warn the general public when intermittent hazardous operations are conducted.

(Sec. 29.135 Cr. by ORD-15-00036, 4-8-15)

29.14 BUILDING INSPECTION DIVISION OF THE DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT. (Am by ORD-08-00109, 10-7-08) There is hereby established a Building Inspection Division of the Department of Planning and Community and Economic Development. The Building Inspection Division shall be responsible for the supervision of the plumbing, electrical and building codes of the City of Madison, the safety inspection of all premises, including structures and appurtenances located thereon, the enforcement of the zoning ordinances, and shall include the work of the Smoke and Heating Plant Inspector and the Sealer of Weights and Measures. The Building Inspection Division shall be under the supervision of the Director of the Building Inspection Division. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

29.15 POWERS AND DUTIES OF DIRECTOR OF THE BUILDING INSPECTION DIVISION. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(1) The Building Inspection Division of the Department of Planning and Community and Economic Development shall be under the supervision of the Director of the Building Inspection Division or such other person designated by the Director of the Department of

Planning and Community and Economic Development who shall be held to be the same officer as is referred to in the Statutes as Building Inspector, and who shall have the same powers and duties. S/he shall have, except where otherwise provided herein, the general management and control of all matters pertaining to the Building Inspection Division, and shall enforce all state laws, City ordinances and lawful orders relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment. S/he shall have full power to pass upon any question arising under the provision of building, plumbing and electrical codes and zoning ordinances, subject to conditions contained herein. S/he shall be responsible for the issuances of all permits and the inspection of all work done under the provisions of the plumbing, electrical and building codes of the City and the safety inspection of all premises, including structures and appurtenances located thereon, shall see to it that the Zoning Ordinance of the City of Madison is enforced and complied with, and direct the work of the Smoke and Heating Plant Inspector and the Sealer of Weights and Measures. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(2) S/he shall keep a record of all applications for building permits in a book for such purpose. S/he shall keep a record showing the number, description and size of all new buildings erected, indicating the kind of materials used and the cost of each building, and the aggregate cost of all buildings of the various classes. S/he shall keep a record, which shall not be open to the public, at her/his direction, of all inspections made, and of all removals and condemnations of buildings. S/he shall keep a record of all fees collected by him, showing the date of their receipt and delivery to the City Treasurer. S/he shall make a monthly report and an annual report to the Mayor of the above matters.

(3) The inspectors provided for in this ordinance shall have the power and authority at all reasonable times, for any proper purpose, to enter upon any public or private premises and make inspection thereof, and to require the production of the permit for any building, electrical or plumbing work, or to require license therefore. Any person interfering with or refusing entrance to the said inspector while in the performance of her/his prescribed duties shall be punished as provided in Section 29.17 of this chapter.

(4) Director of the Building Inspection Division to Authorize Repairs.

(a) Upon the discovery of a lack of proper plumbing, heating or electrical service in any income property, or that a cooking stove or refrigerator furnished for the use of tenants as part of a rental agreement is not functioning, the Director of the Building Inspection Division or designee, shall notify the operator, manager or owner of the property of such lack of service. The Director of the Building Inspection Division or her/his designee shall first attempt telephonic notification, and then, if necessary, shall make notification by Certified or Registered Mail, Return Receipt Requested. (Am. by ORD-08-00109, 10-7-08)

(b) After seventy-two (72) hours after notification and after an inspection showing that any lack of such service still exists, the Director of the Building Inspection Division shall authorize the immediate repair or reconnection of any such service by private contractor. The cost of any such repair or reconnection shall be paid by the owner or shall be placed, with interest, upon the tax bill of such owner. (Am. by ORD-08-00109, 10-7-08)

(c) The Purchasing Agent shall obtain a minimum of three (3) bids from private contractors for the performance of the work described in Subsection (b) above. The work shall be let to the lowest responsible bidder. (R. & Recr. by Ord. 4743, 10-7-74)

(Sec. 29.15(4) Am. by Ord. 8081, 7-29-83)

(5) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2),

MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(6) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Secs. 29.15(5) & (6) Cr. by Ord. ORD-10-00058, 6-11-10)

29.16 ACCREDITING STANDARDS AND TESTS.

(1) The Director of the Building Inspection Division shall make or cause to be made investigations of new developments in the building industry. Subject to local climatic or other conditions, s/he shall within thirty (30) days after written request of the applicant, accredit a test or tests meeting the functional requirements of this code conducted by accredited authoritative agencies or s/he may accept reports from recognized authoritative sources of all new materials and methods of construction proposed for use which are not specifically provided for in this code. The costs of all tests or other investigations required hereunder shall be paid by the applicant. No new materials or methods of construction shall be approved hereunder which would violate the State Building Code unless approved by the State Industrial Commission.

(2) Appeal. If the Director of the Building Inspection Division shall fail to approve proposed materials or methods of construction pursuant to Subsection (1), the applicant may appeal therefrom to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals in the manner provided in Section 29.18. A concurring vote of at least six (6) members shall be necessary to reverse the decision of the Director of the Building Inspection Division. (Am. by Ord. 11,611, 5-21-96; ORD-09-00019, 3-14-09)

(Am. by ORD-08-00109, 10-7-08)

29.17 VIOLATIONS AND PENALTIES.

(1) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use or occupy or maintain any building, or any portion of any building in the City of Madison, contrary to or in violation of any provisions of this Code; or to cause, permit, or suffer the same to be done.

(2) Any person violating any of the provisions of this chapter shall upon conviction be subject to a forfeiture of not less than ten dollars ($10) nor more than one thousand dollars ($1,000). Each day or portion thereof such violation continues shall be considered a separate offense. (Am. by Ord. 13,725, 11-9-04; Ord. 13,760, 12-14-04)

(3) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter shall be deemed guilty of a violation of this chapter, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

29.18 BOARD OF BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS. A Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals is hereby created. (Am. by ORD-09-00019, 3-14-09)

(1) Membership. The Board shall consist of nine (9) members appointed by the Mayor, subject to confirmation by the Common Council. Each member shall be appointed for a term of three years and shall serve until a successor is appointed and confirmed. At least

one (1) member shall be licensed as an attorney, one (1) as an architect, one (1) as a real estate broker, and one (1) as a professional engineer, who shall have structural or architectural engineering experience. One (1) member shall be a builder, one (1) member shall have fire prevention experience, and the remaining members may be persons with other interests and experience. (Am. by Ord. 11,960, Adopted 11-4-97)

(2) Rules of Procedure. The Board shall select one of its members to serve as chair. The Director of the Building Inspection Division or designee shall serve, without voting privileges, as secretary to the Board, and shall keep a detailed record of all proceedings. The record shall be filed in the office of the Building Inspection Division of the Department of Planning and Community and Economic Development and with the City Clerk. The Fire Chief or designee shall provide, without voting privileges, staff assistance to the Board.

A member of the Board shall abstain from voting on any question on which s/he has a conflict of interest. If a member of the Board abstains from voting because of a conflict of interest, the abstention shall have no effect on quorum.

(Am. by Ord. 11,960, Adopted 11-4-97)

(3) Duties.

(a) Appeals.

1. The owner of a building or structure or any other person who is aggrieved and directly affected may appeal from decisions or orders of the Fire Chief, from a denial of the issuance of a private noise amplification permit, from Building Code Orders, or from a decision of the Director of the Building Inspection Division refusing to grant approval of a plan, modification of or variance from the provisions of Madison General Ordinances Chapters 27, 29, and 40 covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, or the wrecking or demolition of a building or structure determined to be unsound pursuant to Sec. 28.185(6) of the Madison General Ordinances, to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. (Am. by Ord. 11,960, Adopted 11-4-97; ORD-09-00019, 3-14-09; ORD-10-00093, 9-27-10; ORD-12-00134, 1-2-13)

2. All applications for appeal shall be in writing and shall be received by the Director of the Building Inspection Division no later than thirty (30) days after the date of the Official Notice of code violations or of the written decision of either the Director of the Building Inspection Division or the Fire Chief. (Am. by Ord. 11,960, 11-4-97; ORD-12-00042, 4-19-12)

3. An application for an appeal filed shall be accompanied by a fee of fifty dollars ($50) for appeals under Madison General Ordinances or three hundred dollars ($300) for variances to the State Building Code. If the applicant requests priority review, the fee shall be double the amount set forth above. The fee shall be made payable to the City Treasurer.

4. The Board may promulgate rules to guide the appeals process. Any rules shall be made available to all persons wishing to invoke their appeal rights. (Am. by ORD-17-00030, 3-8-17)

5. The Board shall hear all appeals filed in compliance with the requirements of Paragraphs 1.- 4. above. At the hearing, all parties may offer testimony and documents.

(b) Decision on Appeals.

1. The Board shall affirm, modify, or reverse the decision of the Fire Chief or Director of the Building Inspection Division. A concurring vote of

two-thirds (⅔) of the voting members present shall be required to modify or reverse said decision. Appeal of the action of the Board shall be to Circuit Court. (Am. by Ord. 11,960, Adopted 11-4-97)

2. The Board shall affirm the decision of the Director of the Building Inspection Division unless it determines that

   a. The Director of the Building Inspection Division or Fire Chief has misinterpreted or misapplied the applicable ordinance, rule, or code provision; or

   b. The compliance time established by the Director of the Building Inspection Division or Fire Chief is unreasonable; or

   c. An equally good or better form of construction can be used.

(Am. by Ord. 11,960, Adopted 11-4-97)

3. The Board shall send the appellant a written decision, including reasons for the decision. The Director of the Building Inspection Division or Fire Chief shall act immediately to carry out the Board's decision. (Am. by Ord. 11,960, Adopted 11-4-97)

(c) Licenses.

1. The Board shall adopt reasonable criteria for suspending or revoking licenses granted under Secs. 19.09 and 30.01 of these ordinances, and shall adopt procedures for investigations and hearings. The Director of the Building Inspection Division of the Department of Planning and Community and Economic Development shall keep a record of all of the Board's proceedings. (Am. by Ord. 11,960, Adopted 11-4-97)

2. If the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development believes that a licensee has violated Chapter 19 or Sec. 30.01 of these ordinances, the Director shall notify the licensee in writing, specifying the violation and the supporting facts. (Am. by Ord. 11,960, Adopted 11-4-97)

3. The licensee may surrender her/his license voluntarily or may request a hearing. The request shall be in writing, and shall be filed with the Director of the Building Inspection Division not later than ten (10) days after the date of the notice of violation.

4. The Board shall hold a hearing as soon as practicable. At the hearing, the Board may hear testimony and examine documents. If the Board determines that the licensee has violated Chapter 19 or Sec. 30.01 of these ordinances, it may suspend or revoke any license granted under that section. Appeal of the action of the Board shall be to Circuit Court.

5. Any person whose license has been suspended or revoked shall perform no electrical or HVAC work within the City of Madison during the period of suspension or revocation. If work is performed while the licensee is suspended, the license shall be revoked immediately. Any person whose license shall have been revoked shall not again be licensed within a period of one (1) year from the date of revocation. (Am. by Ord. 11,960, Adopted 11-4-97)

(Sec. 29.18(3)(c) Am. by ORD-08-00068, 7-4-08)

6. Any person whose license has been suspended or revoked shall perform no electrical or HVAC work within the City of Madison during the period of suspension or revocation. If work is performed while the licensee is suspended, the license shall be revoked immediately. Any person whose license shall have been revoked shall not again be licensed within a period of one (1) year from the date of revocation. (Am. by Ord. 11,960, 11-4-97)

(4) Meetings.

(a) Notice of Meetings. The Board shall meet as often as necessary to act promptly on pending appeals. The Director of the Building Inspection Division may call special meetings in a case of emergency. (Am. by ORD-08-00068, 7-4-08)

(b) Public Hearing. All hearings shall be public and the appellant, her/his representative, City staff, and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard. Proceedings shall be recorded on audio tape.

(Am. by Ord. 13,652, 7-7-04)

(Sec. 29.18 R/ReCr by Ord. 11,611, 5-21-96; Am. by ORD-08-00109, 10-7-08)

29.181 RESERVED FOR FUTURE USE. ("Meetings" R. by Ord. 11,960, Adopted 11-4-97)

29.182 RESERVED FOR FUTURE USE. (R. by Ord. 10,357, 1-23-92)

29.19 ADOPTION BY REFERENCE. The Wis. Adm. Code Chapters SPS 320 (Uniform Dwelling Code — Administration and Enforcement), SPS 321 (Uniform Dwelling Code — Construction Standards), SPS 322 (Uniform Dwelling Code — Energy Conservation), SPS 328 (Smoke Detectors), SPS 361-365 (Wisconsin Commercial Building Codes), SPS 370 (Historical Building Code), and SPS 375-379 (Existing Buildings Code), and subsequent amendments, additions and recodifications thereto, are hereby adopted by reference except for those provisions in conflict with Chapter 29 of the Madison General Ordinances. In case of such conflict, the provisions of Chapter 29, Madison General Ordinances, shall apply, unless the conflicting provisions of the State Codes are mandatory. Chapters SPS 320, 321, 322 and 328 shall apply to all new one- and two-family residential buildings as well as additions and alterations to all existing one- and two-family residential buildings, to accessory buildings and to new portions of moved one- and two-family buildings. (Am. by Ord. 11,392, Adopted 11-7-95; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

29.20 ITEMS TO BE ENFORCED OVER WISCONSIN ADMINISTRATIVE CODE. In addition to enforcing the Wisconsin Administrative Code by reference, the following items shall be enforced:

(1) Partition Construction.

(a) The enclosing interior partitions and ceilings of each dwelling unit or lodging room shall be separated from other similar occupancies with fire-protected construction equivalent to not less than one-half (½) inch sheetrock applied to the ceiling and to each side of the partition, except in no case shall the fire-rating classification of the building elements be less than required by Wis. Admin. Code ch. SPS 362. The requirements do not apply to single or two-family dwellings or a building occupied for sleeping and lodging purposes by not more than two (2) unrelated persons. (Am. by ORD-12-00035, 3-28-12)

(b) The required exit corridor partitions in a dwelling or lodging house shall be fire-protected construction equivalent to not less than one-half (½) inch sheetrock applied to the ceiling and to each side of the partition, except that in no case shall the fire-rating classification of the building elements be less than required by Wis. Admin. Code ch. SPS 362. The requirements do not apply to single or two-family dwellings or a building occupied for sleeping and lodging purposes by not more than two (2) unrelated persons. (Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(c) The openings in the partitions as required in Section 29.20(8)(c)1. and 2. shall be protected with doors equivalent to not less than a solid wood core door one and three-fourths (1¾) inches thick.

(2) (R. by Ord. 7595, 12-28-81)

(3) (R. by Ord. 11,181, Adopted 2-21-95)

(4) Fire Escapes (Ref. Wis. Adm. Code ch. SPS 362). (Title Am. by Ord. 9303, 10-29-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(a) No fire escapes shall extend beyond the property line on the street side of building provided, however, that upon the approval of the Director of the Building Inspection Division fire escapes may be erected on the street side of a triangular shaped building where two (2) of the walls of such buildings are adjacent to streets and a third wall is adjacent to an adjoining building. Such permission to be granted, however, only to buildings existing at the time of the adoption of this ordinance. Where permission is granted for a fire escape beyond the property line on the street side of building pursuant to the provisions of this section, there shall be a clear distance of ten (10) feet from the finished grade of the sidewalk to the bottom projection of the fire escape. No fire escape shall extend beyond the property line on alleys except by written approval of the Director of the Building Inspection Division. (Am. by Ord. 8081, 7-29-83 ORD-08-00109, 10-7-08)

(b) Not Permitted on any new Building or Additions. On any new buildings or additions constructed under the requirements of this ordinance a fire escape will not be permitted.

(5) (R. by Ord. 7595, 12-28-81)

(6) Windows and Courts. All windows and courts shall conform to the requirements of Wis. Adm. Code ch. SPS 362. In addition to these requirements they shall conform with the following provisions. In buildings within the Capitol Fire District door and window openings in walls nearer than fifteen (15) feet to other buildings or structures on the same lot or to lot lines shall be protected with approved fire doors, approved fire windows, or approved fire shutters.

Distance does not apply to property lines adjacent to streets or alleys exceeding thirty (30) feet in width. The requirements do not apply if the building is of frame construction.

(Am. by Ord. 11,181, Adopted 2-21-95; ORD-12-00035, 3-28-12)

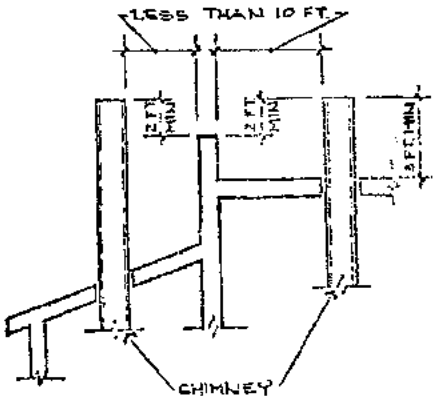
(7) (R. by Ord. 7595, 12-28-81)

(8) Fire Protection Within Buildings. (Title Am. by Ord. 9324, 11-13-87)

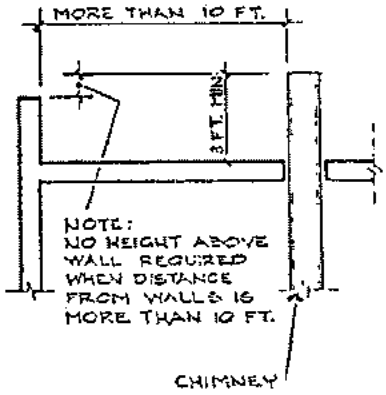
(a) Chimney Construction.

1. Foundations. The foundation of every chimney shall be designed and built in conformity with the requirements for foundations of buildings.
2. Walls. Every chimney shall be built of brick or other approved fire resistive material.
3. Thickness. The walls shall be at least eight (8) inches in solid thickness, except that in a chimney with a flue less than two hundred sixty (260) square inches in area and where an approved flue lining is used the wall thickness may be reduced to four (4) inches in solid thickness.
4. Height.
   a. All chimneys shall be designed and constructed to safely remove the products of combustion. The chimneys shall extend at least three (3) feet above the highest point where it passes through the roof, and at least two (2) feet higher than any portion of the roof, ridge, peak, or wall within ten (10) feet of the chimney.
   NOTE: See drawings included in paragraph b.
   b. Graphic Representations of Chimney Height Requirements.

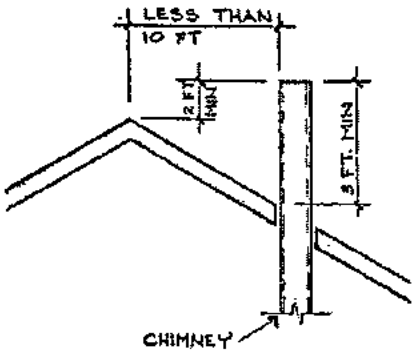
i. Figure 1.



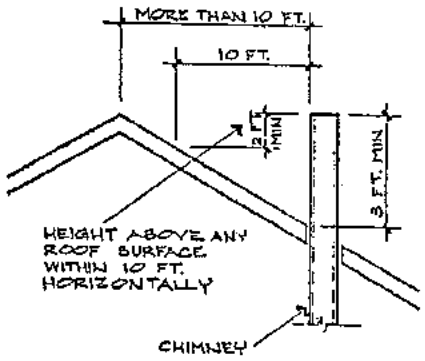
ii. Figure 2.



iii. Figure 3.



iv. Figure 4.



(Sec. 29.20(8)(a)4. R. & Recr. by Ord. 5211, 11-12-75)

5. Plumb and Clearance. In no case shall a chimney be corbeled out from a plumb position more than eight (8) inches, and in every case the corbeling shall consist of at least five (5) courses of brick.

6. Mortar. Lime-cement or cement mortar shall be used in the laying of chimney masonry above the roof line.

7. Flue Liners. The flue liner serving the heating plant appliance shall be an approved standard clay pipe. The liner shall start from a point not less than four (4) feet below the intake, unless approved by the Building Inspection Division of the Department of Planning and Community and Economic Development and run for the entire height of the chimney. The bells shall be facing upward and joints shall be filled with Portland Cement.

The flue liner shall be supported at the base on masonry construction and completely sealed to prevent any fumes or gases escaping into the space between the flue liner and the chimney walls.

A standard clay pipe tee fitting shall be used to receive the smoke pipe or flue connector.

An opening shall be provided to receive the chimney cleanout door.

Note: The Building Inspection Division of the Department of Planning and Community and Economic Development does recognize as approved clay sewer pipe tested and conforming to the standards established by the American Standards Association or standards of any other nationally recognized testing agency.

The flue opening shall be located a distance of not less than one and one-half (1½) diameters to combustible construction.

A fire clay flue lining may be used or required in chimneys serving other than the heating (plant) appliance.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

8. Size of Flue. All flue liners and tees serving the heating (plant) appliance, or the incinerator, shall have a minimum inside diameter of eight (8) inches (nominal).

9. Piercing of Chimney Walls. No chimney walls shall be pierced except if additional opening is required in an existing chimney; approval shall be obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development before opening is cut. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

10. Cleanout Door. Every chimney shall be provided with a cast iron or stamped metal cleanout door.

11. Wind Pressure. Every chimney shall be designed to withstand the following wind pressure in pounds per square foot over the diametrical area:

Square chimneys 30
Polygonal chimneys 25
Round chimneys 20

12. Design. Every chimney shall be designed throughout (the above minimum thickness and sizes shall be increased where necessary) in accordance with the requirements of the structural design of buildings and with the best engineering practice in chimney construction.

13. Smoke Pipe Connectors. Smoke pipe connectors from gas stoves and water heaters shall conform to the same requirements as that for a heating plant.

14. Provide weep hole at bottom of chimney for gas fired heating systems.

15. Other Approved Chimneys.

a. Metallic Smoke Stacks. A metallic smoke stack shall not pass through any ceiling, or roof of combustible construction unless encased or lined with brick or other fire resistive materials of the same character and thickness as prescribed for masonry chimneys, or in place thereof, except it may pass through a roof if a clearance of not less than twelve (12) inches is maintained to combustible construction.

A stainless steel smoke stack may be used if the building is classified as fire resistive construction and does not exceed one (1) story in height. The thickness of the stainless steel shall be not less than the thickness required for a steel smoke pipe (See Heating, Ventilating, and Air Conditioning Code, Chapter 30.21).

b. A manufactured chimney or gas vent may be used in lieu of a masonry chimney provided that the chimney and vent do comply with the requirements of Chapter 30 (Heating, Ventilating, and Air Conditioning Code).

Note: It will be the policy of the Building Inspection Division of the Department of Planning and Community and Economic Development to accept as approved Class A manufactured chimney and Class B vent tested and listed as approved by Underwriters Laboratories, Inc. Gas and Oil Equipment List.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(b) Incinerators. The provisions of Section 30.30 of the Madison General Ordinances are adopted herein by reference as if fully reprinted in this section. (R. & Recr. by Ord. 4320, 9-20-73)

(c) Refuse Holding Rooms. Where an incinerator is not provided and combustible rubbish and other waste materials in excess of amounts specified in Madison General Ordinances Section 34.304(5)(a) are accumulated and stored for more than twenty-four (24) hours, a refuse holding room shall be constructed in every apartment building that will accommodate four (4) or more apartments and every lodging house that will accommodate eight (8) or more lodging rooms. (Am. by Ord. 10,399, 3-13-92; ORD-10-00083, 9-15-10)

1. The enclosure in every apartment building and lodging house more than two (2) stories high shall be constructed of not less than two (2) hour fire resistive noncombustible construction. The door opening shall be protected with a self-closing fire door having a fire protective rating of not less than one and one-half (1½) hours.

2. The enclosure in every apartment building and lodging house two (2) stories high shall be constructed of not less than one (1) hour fire resistive combustible or noncombustible construction with a self-closing fire door having a fire protective rating of not less than three-fourths (¾) hour.
3. There shall be one (1) sprinkler head installed for every eighty (80) square feet of floor area. The water supply may be taken from the domestic water supply system provided that the water pressure is adequate to satisfy the function of the sprinkler head(s) served. The piping within the holding room shall be galvanized iron pipe. Provide shutoff valve, preferably located outside of room.

(d) Chute Enclosures (Rubbish or Refuse).

1. Where refuse chutes are used with refuse holding room in apartment buildings and lodging houses more than two (2) stories high, they shall be enclosed with masonry walls of not less than two (2) hour fire resistive construction. All service openings shall be protected with self-closing approved closures having a fire protective rating of not less than one and one-half (1 1/2) hours.
2. Where refuse chutes are used with refuse holding room in apartment buildings and lodging houses two (2) stories high, they shall be enclosed with metal lined combustible or noncombustible fire resistive construction of not less than one (1) hour. All service openings shall be protected with approved self-closing closures having a fire protective rating of not less than three-fourths (¾) hours.
3. Sprinkler heads shall be installed in accordance with SPS 352.012(2). The water supply may be taken from the domestic water supply system provided that the water pressure is adequate to satisfy the function of the sprinkler head(s) served. Access openings shall be provided to service sprinkler head. (Am. by ORD-12-00035, 3-28-12)

Note 1. The Building Inspection Division of the Department of Planning and Community and Economic Development will accept as approved the design and installation procedure recommended in N.F.P.A. Bulletin Number 13, Section 4310.

Note 2. It is recommended that the refuse chute should be vented to the outside to relieve internal pressure in case of fire and to provide general ventilation. If vent is provided the construction shall be equivalent to a chimney.

Note 3. Service openings should not be located in exitway.

(Am. by Ord. 9324, 11-13-87; ORD-08-00109, 10-7-08)

(e) Attic Spaces. The attic spaces of all buildings, except where roof and attic are of noncombustible or fireproof construction, shall be divided into areas not exceeding three thousand two hundred (3,200) square feet by means of approved fire stops of not less than the equivalent of one-half (½) inch gypsum sheet rock applied to both sides of combustible structural members. (Am. by Ord. 7595, 12-28-81)

(9) Exits and Passageways.

Location and Maintenance of Exits. Every exit mentioned in Wis. Adm. Code ch. SPS 362, shall lead to a street, alley or open court connected with a street. All such exits and all passageways leading to and from the same shall be kept in good repair and unobstructed at all times.

No closure of any opening hung so that it can be swung beyond the building line and over a public walk shall be less than eight (8) feet above such walk, nor shall any part of a building or building equipment projecting beyond the building line over a public walk be less than eight (8) feet above such walk.

(Am. by Ord. 9303, 10-29-87; ORD-12-00035, 3-28-12)

(10) Swimming Pools and Excavations.

(a) All public swimming pools shall conform to the City of Madison Swimming Pool Ordinance. (Section 7.44)

(b) No person shall make any excavation in excess of six (6) inches below the adjacent grade on any lot parcel of land in the City of Madison except for the purpose of erecting buildings or other structures thereon. No excavation for the erection of a building or other structure thereon shall be permitted to remain longer than three (3) days without being protected with snow fencing or other approved barricades, and if at the end of thirty (30) days the building or structure is not to grade level and covered over the excavation shall be backfilled to grade level.

(c) (Renumbered to 27.05(2)(s) by Ord. 7595, 12-28-81)

(d) (Renumbered to 27.05(2)(s) by Ord. 7595, 12-28-81)

(e) Any persons violating any provision of this section shall forfeit not less than twenty-five dollars ($25) nor more than one hundred dollars ($100). Each day of violation shall be deemed a separate offense. (Am. by Ord. 6346, 8-16-78)

(11) (R. by Ord. 6061, 12-14-77)

(12) Number, Location and Type of Exits. (Ref. Wis. Adm. Code ch. SPS 362). (Title Am. by Ord. 9303, 10-29-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(a) Every dwelling unit in a townhouse shall have not less than one (1) exit doorway from both the first and second floor level. In this subsection a stairway or passageway between the first and second floor levels shall not be deemed to be an exitway, and doors thereto shall not be deemed to be exit doorways, unless such stairway or passageway is enclosed with not less than one hour fire-resistive construction and the openings into such enclosure are protected with a three-fourths (¾) hour fire-rated door or a glued solid core flush door one and three-fourths (1¾) inches thick.

(b) In a townhouse no exitway shall be through an adjoining dwelling unit or lodging room.

(13) Exit Doors.

A standard exit door shall have such fastenings or hardware that shall conform with Wis. Adm. Code ch. SPS 362, except that the exit door from an individual apartment or sleeping room shall meet the requirements of Madison General Ordinances Sec. 27.05(2)(h). (Am. by Ord. 9303, 10-29-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(14) Sanitation. (Ref. Wis. Adm. Code ch. SPS 362). (Title Am. by Ord. 9303, 10-29-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

(a) Toilet Rooms and Washing Facilities. Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory, and bathtub or shower shall be contained within a room or rooms so as to afford privacy. All other buildings shall have at least one (1) water closet for every seven (7) roomers or fraction thereof. In any apartment or dwelling containing two sleeping rooms or larger than three (3) rooms in size, access shall be provided to required bathroom facilities without the necessity of passing through sleeping rooms.

Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working conditions, and are properly connected with the hot water lines required hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

All sinks, lavatories, washtubs, bathtubs, and showers shall be provided with hot water from a heater capable of supplying adequate hot water.

Rooms with private water closets shall not be considered in counting either the number of rooms or the number of fixtures.

Water closets and urinals, and the pipes connected therewith shall be protected against freezing as provided in Wis. Adm. Code ch. SPS 362. (Am. by Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)
(Am. by Ord. 10,192, 1-31-91)

(b) Repairs. Every building of this classification, and all parts thereof, shall be kept in good repair and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment and incinerators shall be maintained in good order and repair.

(c) Cleanliness. Every building shall be kept clean, and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage, or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as nearly impervious to water and joints between surfaces as tight as is reasonably practical. Floors of toilets and bathrooms shall be of impervious surfaces and made of nonabsorbent material.

(d) (R. by Ord. 9303, 10-29-87)

(e) (R. by Ord. 8086, 7-29-83)

(f) (R. by Ord. 9324, 11-13-87)

(g) (R. by Ord. 9324, 11-13-87)

(h) Responsibility of Owner for Maintenance of Sanitary Housing. The owner of any building or apartment occupied as a place of human habitation shall be responsible for maintenance of sanitary and healthful housing as required by this section. The owner shall provide receptacles for garbage and depositories for ashes unless the tenant agrees to furnish them, or incinerators as required by the General Ordinances of the City of Madison. The owner shall be responsible for removal of infestations when they occur in more than one (1) dwelling in a building, or when rats or mice infest any building occupied by more than one (1) family, or when the Director of the Building Inspection Division determines that the infestation is due to lack of proper vermin-proofing of the building. Whenever a dwelling is vacated it shall be the duty of the owner to determine that such dwelling is in a clean sanitary, habitable condition and free from infestations before renting such dwelling to another occupant. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(i) Responsibility of Occupant for Maintenance of Sanitary Housing. The occupant of any dwelling or building used as a place of human habitation shall not permit rooms to be tenanted which do not meet light, air, or space requirements prescribed in this section nor permit occupancy of rooms in excess of those standards. It shall be the duty of the occupant to keep his/her dwelling and the portion of the building or premises over which the occupant has control in a reasonably clean and sanitary condition, including plumbing fixtures, and the occupant shall not knowingly, willfully, or maliciously deposit material in any fixture which through repeated carelessness would result in stoppage or damage to the fixture. Garbage and refuse shall be deposited by the occupant in provided containers as required by the General Ordinances of the City of Madison. The occupant shall eliminate infestations except when it is the responsibility of the owner to do as herein before provided. In all buildings open basement windows and doors on ground floors or in basements shall be provided with screens and

screen doors and they shall be in place at all times when such doors and windows are open for exclusion of rats, mice and vermin. It shall be the duty of the occupant to maintain the use of screens and doors provided for this purpose. (Am. by ORD-14-00012, 1-14-14)

(j) (R. by Ord. 9303, 10-29-87)

(k) (R. by Ord. 9303, 10-29-87)

(15) Isolation of Fire Hazards.

(a) Fire hazards shall be isolated in an enclosure with a fire rated construction for all classes of occupancies as provided by Wis. Admin. Code ch. SPS 362. In apartment buildings (three or more dwelling units) not more than two (2) stories in height, the enclosure shall be not less than one (1) hour fire rated construction.

This ordinance shall be effective sixty (60) days after date of publication. (Sec. 29.20(15)(a) Am. by Ord. 9324, 11-13-87; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12; ORD-12-00035, 3-28-12)

(b) (R. by Ord. 9324, 11-13-87)

(c) Storage Facilities.

1. In residential buildings constructed on or after July 14, 1972, where tenant or owner storage areas are provided (other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings), and the total area of the storage spaces is two thousand five hundred (2,500) square feet or less, the storage areas shall be enclosed with not less than one (1) hour rated construction in accordance with Wis. Admin. Code ch. SPS 362. If the area of the enclosure exceeds two hundred (200) square feet, the enclosed storage areas shall be protected with heat or smoke detecting devices spaced according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on centers and fifteen (15) feet from any wall, and the detectors shall be connected to the building local fire alarm system, or if a building local fire alarm system is not required, to a signal, located outside the enclosure, audible throughout the building. Where openings are provided in the fire rated walls, such openings shall be protected with door assemblies as required in Wis. Admin. Code ch. SPS 362. The door shall be equipped with an approved self-closing device and lock. The lock shall satisfy the functions as follows:

a. A rotating inside knob that will retract a live bolt;
b. An outside knob permanently fixed;
c. Lock to open from outside with key;
d. Inside knob always free for immediate exit; and
e. Latch bolt returns to locked position when door is closed.

Where the total area of basement storage spaces exceeds two thousand five hundred (2,500) square feet, these storage spaces shall be protected with automatic sprinklers in accordance with IFC section 903.3.1. (Am. by ORD-10-00083, 9-15-10; ORD-12-00035, 3-28-12)

2. This section of the code applies to residential buildings constructed prior to July 14, 1972. Where tenant or owner storage areas of combustibles are provided (other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings) the areas shall be protected by one of the following means. Storage in the basement must be separated from other floors by means of walls and/or doors. Doors leading to the basement shall be equipped with self-closers and locking hardware, as described in 29.20(15)(c)1.

a. Isolate storage areas by covering walls and ceiling with one-half (½) inch fire-rated gypsum board or equivalent, one layer on ceiling and one layer on each side of sixteen (16) inch on centers

stud walls. Doors shall be equivalent to three-fourths (3/4) hour fire-rating. Doors to individual lockers or the door serving an isolated group of lockers shall have a self-closer and locking hardware as described in 29.20(15)(c)1; or

b. Equip the entire floor containing the storage area with heat or smoke detectors. If the storage area is in the basement, provide basement doors of at least solid core construction equipped with a self-closer and locking hardware as described in Sec. 29.20(15)(c)1.

3. All heat detectors shall be rate-of-rise type (15 degrees per min.) with a one hundred forty (140) degree Fahrenheit or less degree backup link and spaced to cover nine hundred (900) square feet of unobstructed area and connected to the building electrical service direct or through transformers and to a signal audible throughout the building. All smoke detectors must be connected to the building electrical services direct or through transformers and to a signal audible throughout the building. In buildings which have existing fire alarms or require fire alarm systems the heat or smoke detectors shall be connected to the fire alarm system in an approved manner (Ref. NFPA 74) to avoid the confusion of more than one type audible signal. Any rooms created by walls or partitions must be individually protected with detectors or sprinklers. When products of combustion or ionization detectors are used in place of rate-of-rise heat detectors, they shall be placed on the basement side of doors leading to stairs to upper floors. The spacing shall not exceed three thousand (3,000) square feet of coverage for each detector. In no case shall the spacing for any type of detector exceed the testing laboratory ratings. All sensing devices shall be tested once every six (6) months and a record kept of the test.

4. In buildings where tenant or owner storage areas are provided other than those within lodging rooms of lodging houses or dwelling units of multi-family dwellings and are protected by automatic sprinklers installed in accordance with the National Fire Protection Association Pamphlet No. 13, compliance with paragraphs 1 and 2 of this subdivision is not required.

(Sec. 29.20(15)(c) Am. by Ord. 11,181, Adopted 2-21-95)

(16) (R. by Ord. 6721, 8-23-79)

(17) (R. by Ord. 7595, 12-28-81).

(18) (R. by Ord. 7595, 12-18-81).

(19) (R. by Ord. 6390, effective 12-1-78)

(20) Building Restrictions Adjacent to Solid Waste Disposal Sites.

(a) Statement of Purpose.

1. Organic refuse or fill material deposited in a solid waste disposal site can be expected to decompose over an extended period of time continuously creating landfill gas as a by-product. The State Uniform Dwelling Code recognizes that landfill gas can be explosive and may seep into buildings through underground passages and openings. However, the Code sets no construction standards for restricting such gas intrusion and, unless and until said solid waste disposal site is designated stable by the City Engineer, it is necessary for the preservation of public health and safety to impose the building code requirements described hereafter.

2. Landfills without Specific Zones of Concern Established by the City Engineer.

a. If a disposal site is equipped with an operating extraction system to mechanically ventilate landfill gas, buildings located within five hundred (500) feet of the lesser of the limits of the disposal site's

zoning lot, or a line within said disposal site as determined by the City Engineer, shall be constructed as herein required in such fashion as to make them more resistant to landfill gas intrusion.

b. If a disposal site is not equipped with an extraction system to mechanically ventilate landfill gas, buildings located within one thousand (1000) feet of the lesser of the limits of the disposal site's zoning lot, or a line within said disposal site as determined by the City Engineer, shall be constructed as herein required in such fashion as to make them more resistant to landfill gas intrusion.

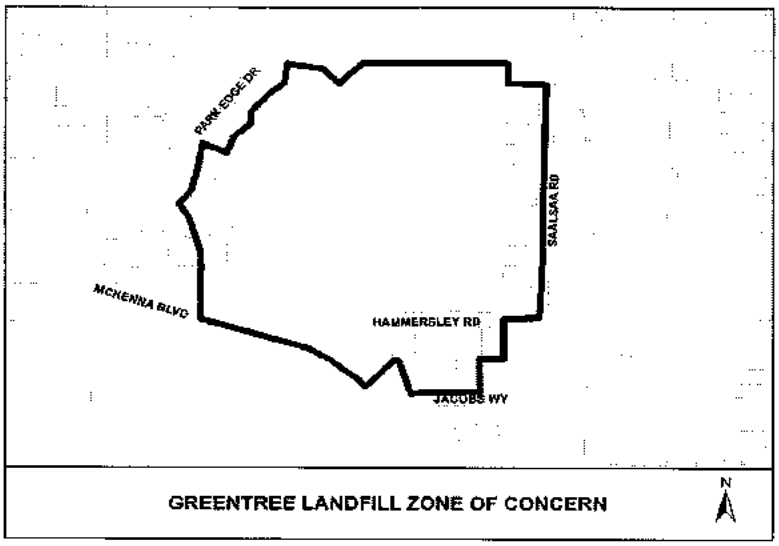
3. Landfills with Specific Zones of Concern. The following disposal sites shall have zones of concern as specified:

a. Greentree Hills Landfill. The zone of concern for Greentree Hills Landfill is as follows: Part of the West 1/2 of Section 36, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the point of intersection of the centerlines of Hammersley Road and Saalsaa Road; thence Northerly along the centerline of Saalsaa Road to the point of intersection with the Easterly extension of the South line of Lot 108, Third Addition to Chapel Hill; thence Westerly, along said extension and South line, to the Southwest corner of said Lot 108; thence Northerly, along the West line of said Lot 108, to the Northwest corner of said Lot 108; thence Westerly, along the Westerly extension of the North line of said Lot 108, 578 feet, more or less, to the intersection of the Southeast line of Lot 41, First Addition to Park Ridge; thence Southwesterly, along the said Southeast line, 153 feet, more or less, to the most Southern corner of said Lot 41, also being the most Eastern corner of CSM 7468; thence Northwesterly, along the Northeasterly line of said CSM, to the most Northern corner of said CSM, also being the Northeast corner of CSM 6995; thence Northwesterly, along the Northeasterly line of said CSM 6995, to the Northwest corner of said CSM; thence Southwesterly, along the Northwesterly line of said CSM, to the Southwest corner of said CSM; thence Southwesterly on a straight line, to the most Northern corner of Lot 46, First Addition to Park Ridge; thence Southwesterly and Southerly, along the Westerly lines of said Lot 46, to the Southwest corner of said Lot 46; thence Southwesterly on a straight line, to the East corner of Lot 52, First Addition to Park Ridge; thence Southwesterly, along the Southeast Line of said Lot 52, to the South corner of said Lot 52; thence Northwesterly, along the Southwest Line of said Lot 52, to the West corner of said Lot 52, also being a point on the Southeast right-of-way line of Park Ridge Drive; thence Southwesterly, along the said Southeast right-of-way line, to the West corner of Lot 59, First Addition to Park Ridge; thence Southeasterly, along the Southwest line of said Lot 59, to the South corner of said Lot 59; thence Southeasterly on a straight line, to the common line between CSM 4393 and CSM 4426; thence Southerly, along said common line and its extension to the point of intersection with the centerline of McKenna Boulevard; thence Southeasterly along said centerline to the point of intersection with the Southwesterly extension of the Northwest line of lot 25, Park Ridge Heights; thence Northeasterly, along the said Northwest line, to the Northerly Line of said Lot 25; thence

Easterly, along the North Line of said Lot 25, to the Northeasterly Line of said Lot 25; thence Southeasterly, along the Northeasterly Line, to the Northerly right-of-way Line of Jacobs Way; thence Easterly, along the said Northerly right-of-way, to the West Line of Lot 29, Park Ridge Heights; thence Northerly, along the said West Line, to the Northwest corner of said Lot 29; thence Easterly, along the North Line of said Lot 29 and the South Line of Lot 18, Park Ridge Heights, to the East line of said Lot 18; thence Northerly along the East line of said Lot 18 and said East line extended Northerly to the point of intersection with the centerline of Hammersley Road; thence Easterly along said centerline to the point of beginning. (Figure 1).

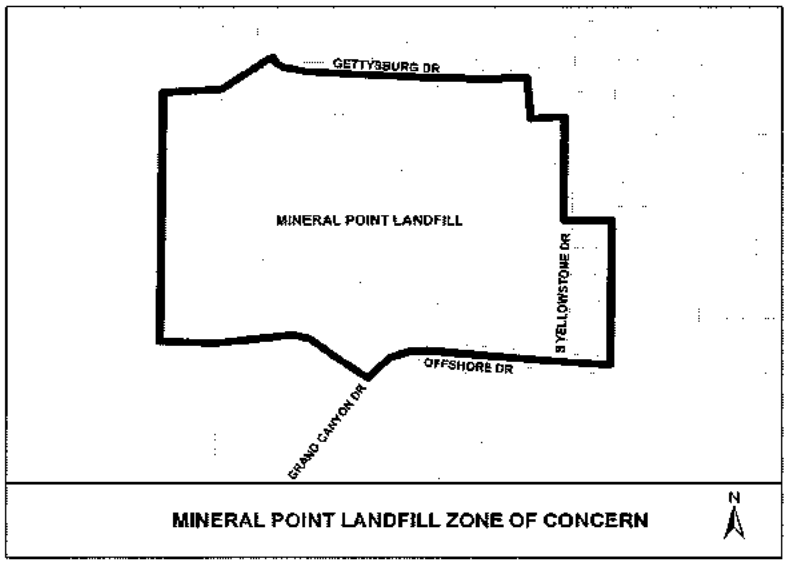
Figure 1



b. Mineral Point Landfill. The zone of concern for the Mineral Point Landfill is as follows: Part of the Southwest 1/4 of Section 24, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, morefully described as follows: Beginning at the intersection of the centerline of Gettysburg Drive and the northerly extension of the West line of Lot 3, Parkwood Hills; thence Westerly on the centerline of Gettysburg Drive to a point of intersection with the Northeasterly extension of the Southeast line of Lot 14, Parkwood Hills Plat; thence Southwesterly along said Northeasterly extension and said Southeast line to the Southwest corner of said Lot 14; thence Westerly 200 feet, more or less, to a line that is parallel to and 200 feet West of, as measured by right angles to, the West line of the East ½ of the Southwest ¼ of said Section 24, also being the West line of Parkwood Hills and Parkwood West; thence Southerly, along said parallel line, to a point that is Westerly of the Southwest corner of Lot 4, Parkwood West; thence Easterly 200 feet, more or less, to the said Southwest corner of Lot 4; thence Southeasterly on the South line of said Lot 4 and said South line extended to the point of intersection with the centerline of Offshore Drive; thence Easterly along said centerline to the point of intersection with the Southerly prolongation of the

East line of Lot 18, Parkwood West; thence North along said Southerly prolongation and the East line of Lots 18, 17, 16, 15 and 14 of Parkwood West Plat to the Northeast corner of said Lot 14; thence West along the North line of said Lot 14 and the Westerly extension of said North line to the point of intersection with the centerline of South Yellowstone Drive; thence North along the centerline of South Yellowstone Drive, to the intersection with the easterly extension of the South line of Lot 3, Parkwood Hills; thence Westerly, along the said extension and South line, to the Southwest corner of said Lot 3; thence Northerly, along the West line of said Lot 3 and its extension to the point of beginning. Excepted from the above described area are the buildings addressed 26-38 and 102-120 Grand Canyon Drive which lie on the South line of Lot 4, Parkwood West. (Figure 2)

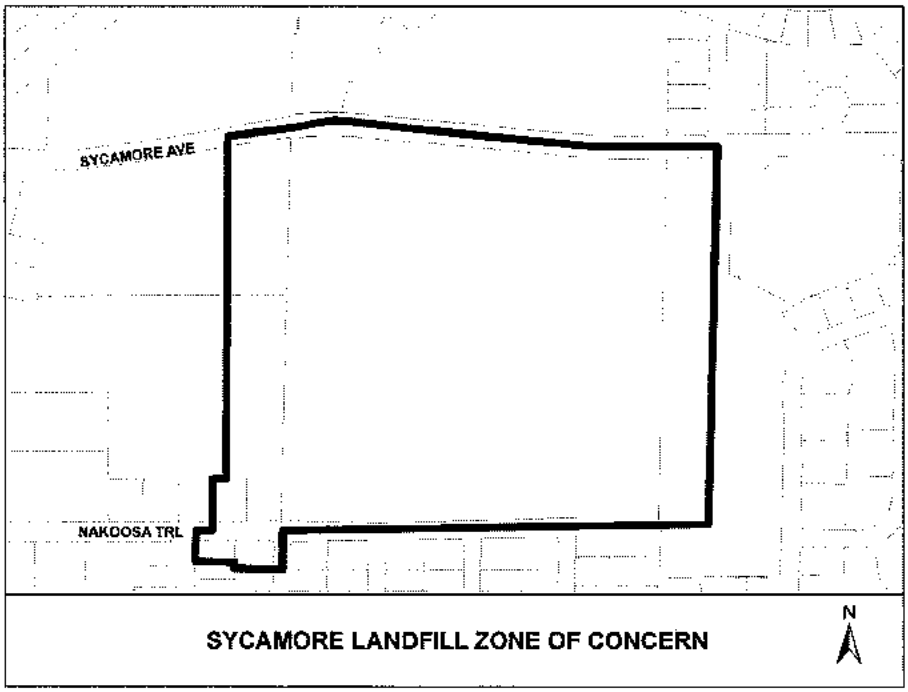
Figure 2



c. Sycamore Landfill. The zone of concern for Sycamore Landfill is as follows: Part of the East ½ of Section 33 and part of the West 1/2 of Section 34, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the intersection of the centerline of Sycamore Avenue and a line parallel to and 200 feet west of, measured at right angles to, the West line of said Section 34; thence Southerly, along said parallel line, to the North line of Lot 4, Ziegler Addition to Burke Heights; thence Westerly, along said North line, to the Northwest corner of said Lot 4; thence Southerly, along the West line and its extension of said Lot 4, to the centerline of Nakoosa Trail; thence Westerly, along said centerline, to the northerly extension of the East right-of-way line of Brandie Rd; thence Southerly, along said extension and East right-of-way line, to the Northwest corner of Lot 2, Jim's Addition to Burke Heights; thence Easterly, along the North line of said Lot 2, to the Northeast corner of said Lot 2; thence Southerly, along the East line of said Lot 2, to the Northwest corner of Lot 76, Second Addition to Burke Heights;

thence Easterly, along the North line of said Lot 76 and its extension, to the West line of said Section 34; thence Northerly, along the said West line of Section 34, to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 34; thence Easterly along the North line of the said Southwest 1/4 of the Southwest 1/4 to a point on the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 34 which is 150 feet East of the Northwest corner of said Southeast 1/4 of the Southwest 1/4; thence Northerly along a line that is parallel to and 150 feet East of, measured at right angles to, the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 34 to the point of intersection with the centerline of Sycamore Avenue; thence Westerly on said centerline to the point of beginning. (Figure 3)

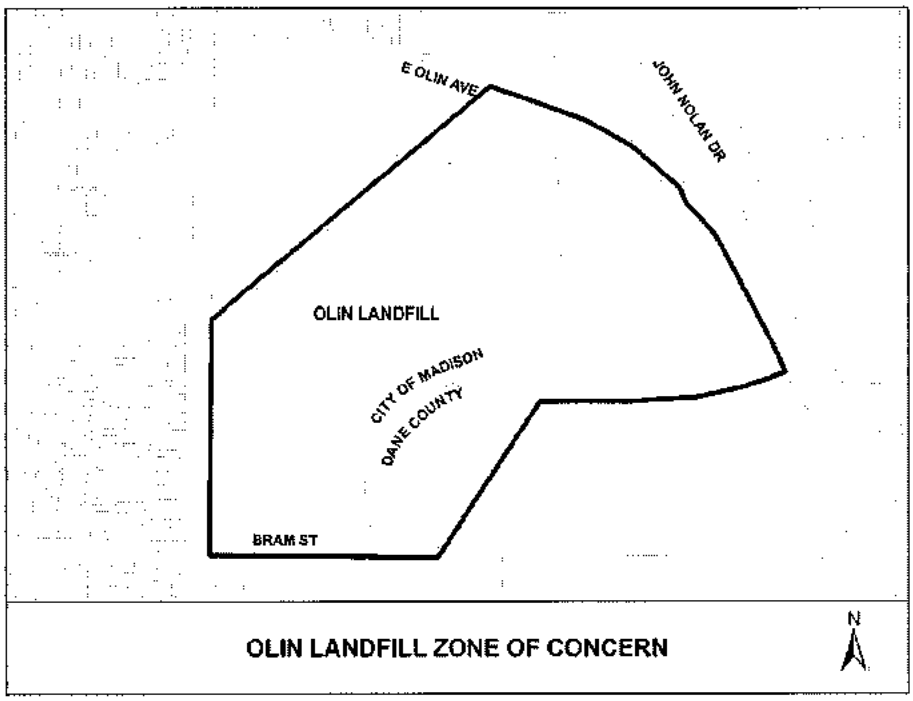
Figure 3



d. Olin Landfill. The zone of concern for Olin Landfill is as follows: Part of the Southeast 1/4 of Section 26, part of the Southwest ¼ of Section 25 and part of the Northeast ¼ of Section 35, all in Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the point of intersection of the Northeasterly right-of-way of Olin Avenue and the centerline of Wingra Creek; thence Southeasterly, along the said Northeasterly right-of-way, to the point of intersection with the Southwesterly right-of-way of John Nolen Dr.; thence Southeasterly, along the said Southwesterly right-of-way, 1232 feet, more or less, to the point of intersection with the centerline of a private access road for the Alliant Energy Center; thence Southwesterly and Westerly, along the said private access road, 1409 feet, more or less, thence Southwesterly, on a straight line, 1080 feet, more or less, to the Easterly terminus of the South right-of-way of Bram Street;

thence Westerly, along the said South right-of-way, to the point of intersection with the Southerly extension of the East line of the Union Pacific Railroad; thence Northerly, along the said extension and East line, to the point of intersection with the centerline of Wingra Creek; thence Northeasterly, along the said centerline, to the point of beginning. (Am. by Ord. 13,568, 4-21-04) (Figure 4)

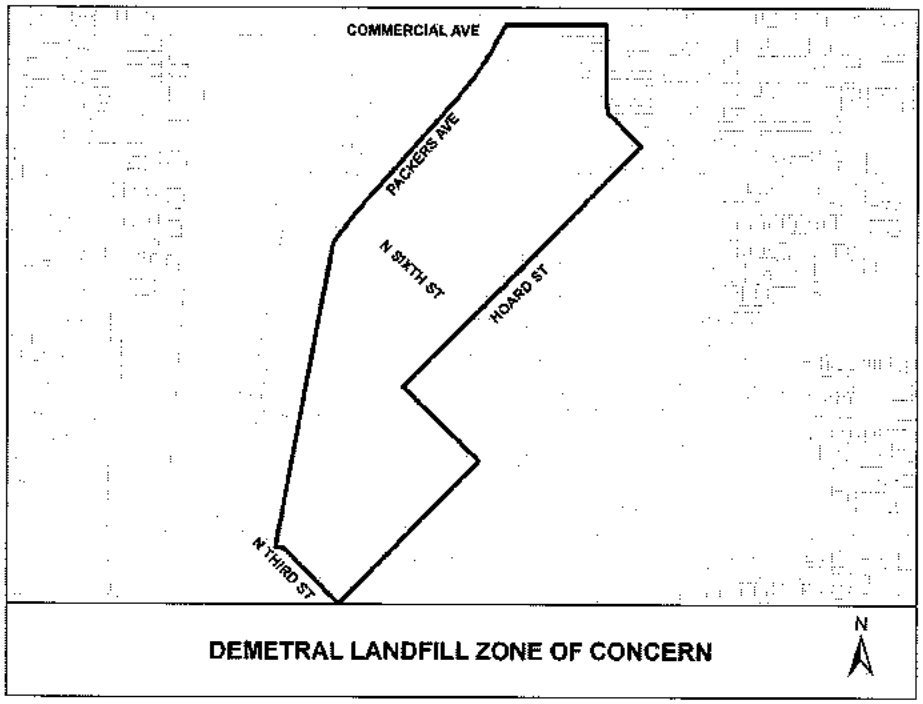
Figure 4



e. Demetral Landfill. The zone of concern for Demetral Landfill is as follows: Part of the Northeast, Northwest and Southwest 1/4's of Section 6, Town 7 North, Range 10 East, and part of the Southeast ¼ of Section 31, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the point of intersection of the North right-of-way of Commercial Avenue and the centerline of Schofield Street extended; thence Southerly along the said extension and centerline of Schofield Street to the intersection with the centerline of Eighth Street; thence Southeasterly along the centerline of Eighth Street to the point of intersection with the centerline of Hoard Street; thence Southwesterly along said centerline of Hoard Street to the point of intersection with the centerline of Fifth Street; thence Southeasterly along said centerline of Fifth Street to the point of intersection with the centerline of East Johnson Street; thence Southwesterly along said centerline of East Johnson Street to the point of intersection with the centerline of Third Street; thence Northwesterly along said centerline of Third Street to the point of intersection with the Northwesterly right-of-way line of Pennsylvania Avenue; thence Northeasterly along said Northwesterly right-of-way line of Pennsylvania Avenue and the Northwesterly right-of-way line of Packers Avenue to the point of intersection of the Northwesterly

right-of-way line Packers Avenue and the North right-of-way of Commercial Avenue; thence Easterly along said North right-of-way of Commercial Avenue to the point of beginning. (Figure 5)

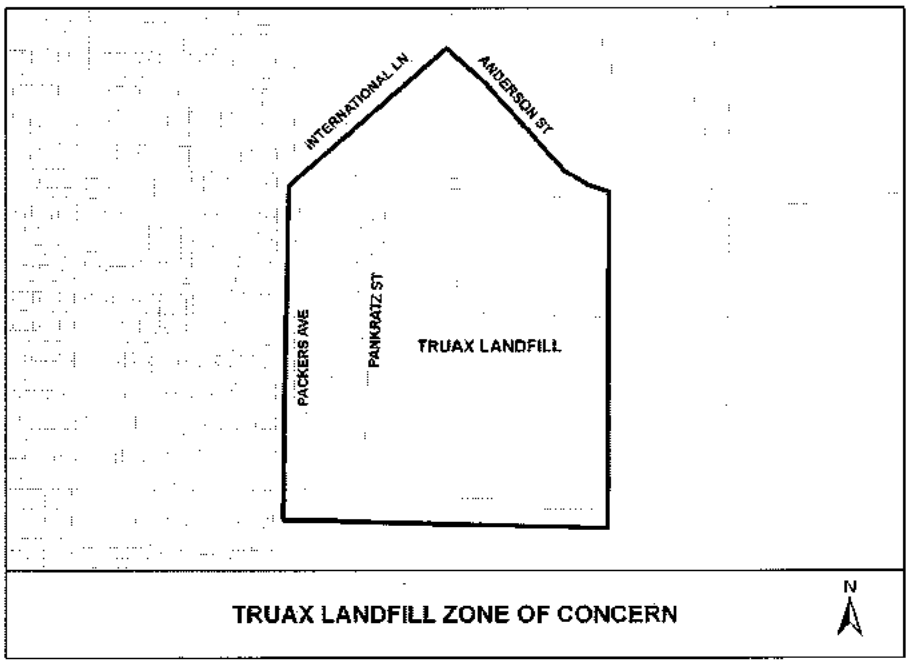
Figure 5



f. Truax Landfill. The zone of concern for Truax Landfill is as follows: Part of the Southeast 1/4 of Section 30 and the Northeast 1/4 of Section 31, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

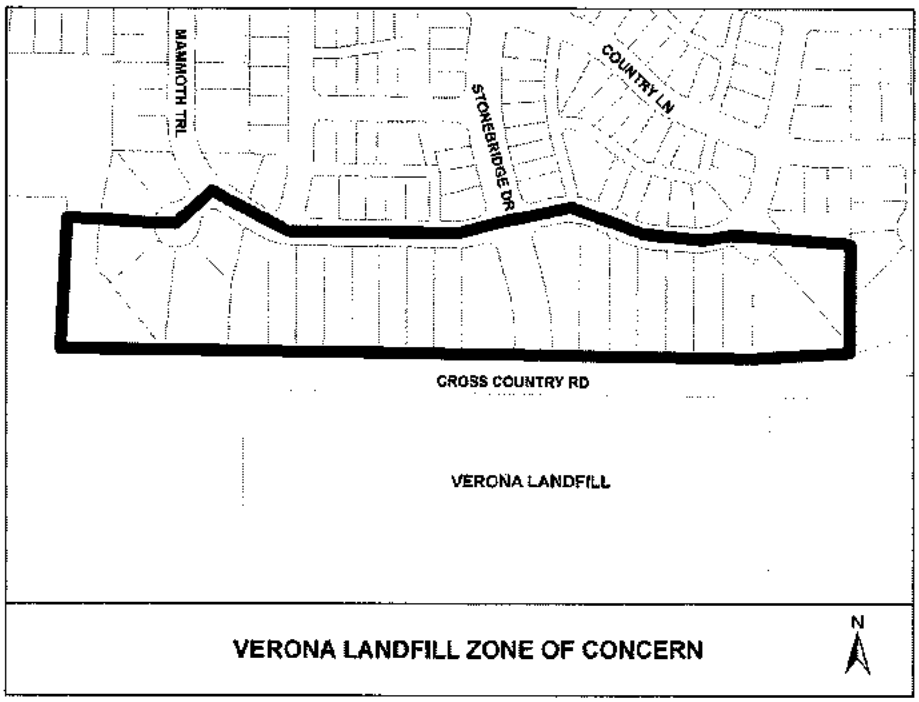
Beginning at the point of the intersection of the centerline of International Lane and the West line of the Northeast 1/4 of said Section 31; thence Southerly on said West line to the point of intersection with a line parallel to and 470 feet North of the South line of the Northeast 1/4 of said Section 31; thence Easterly on said line to the point of intersection with the East right-of-way line of Grim Street extended Southerly; thence Northerly on said Southerly extension and said East right-of-way line to a point on the East right-of-way line of Grim Street 500 feet North of the South line of the Southeast 1/4 of said Section 30; thence West on a line that is parallel to and 500 feet North of, measured at right angles to, said South line to the point of intersection with the centerline of Anderson Street; thence Northwesterly on said centerline to the intersection with the centerline of International Lane; thence Southwesterly on said centerline to the point of beginning. (Figure 6)

Figure 6



g. Verona Landfill. The zone of concern for Verona Landfill is as follows: Part of the Southeast 1/4 of Section 11, Town 6 North, Range 8 East, City of Madison, Dane County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 11, thence Northerly, along the East line of the Southeast 1/4 of said Section 11, 83.46 feet, to the Northerly right of way line of Cross Country Road as presently located and the point of beginning; thence Westerly, along said Northerly right of way, to the point of intersection with the South corner of Lot 423, also being the Southeast corner of Outlot 11, Heather Glen Addition to the Crossing; thence continuing Westerly, along said Northerly right of way, 229.23 feet, to a Westerly line of said Outlot 11; thence Northerly, along the said Westerly line, 292 feet, more or less, to the point of intersection with the Westerly prolongation of the North line of Lot 422, Heather Glen Addition to the Crossing; thence Easterly, along the said Westerly prolongation and North line and its Easterly prolongation, 242 feet, more or less, to the point of intersection with the centerline of Mammoth Circle; thence Northeasterly, along the said centerline, 111 feet, more or less, to the point of intersection with the centerline of Mammoth Trail; thence Easterly, along the said centerline of Mammoth Trail and centerline of Drumlin Lane, to the point of intersection with the Westerly prolongation of the North line of Lot 131, Heather Glen; thence Easterly, along the said Westerly prolongation and North line, 276 feet, more or less, to the Northeast corner of said Lot 131, also being a point on the East line of the Southeast 1/4 of said Section 11; thence Southerly, along said East line, 240.32 feet, to the point of beginning. (Cr. by Ord. 12,465, 9-23-99) (Figure 7)

Figure 7



4. It is the City of Madison's policy that the owner/operator of a solid waste disposal site shall be required to undertake, to the maximum extent technically and economically feasible, such measures as may be determined by the City Engineer to be necessary to control underground methane gas migration and contain said gas within said site's zoning lot.

5. These building code requirements shall apply to any closed former waste disposal sites which are designated herein by the City Engineer and to all operating waste disposal sites and to all new waste disposal sites licensed after adoption of the original ordinance on December 4, 1984. The following sites are the only closed Solid Waste Disposal Sites designated by the City Engineer to which this section shall apply:
   a. Sycamore Landfill, 4603 Sycamore Avenue.
   b. Demetral Landfill, 2301 Pennsylvania Avenue.
   c. Truax Landfill, 1801 Pankratz Avenue.
   d. Olin Landfill, 121 East Olin Avenue.
   e. Mineral Point Landfill, 120 South Yellowstone Drive.
   f. Greentree Hills Landfill, 6750 Hammersley Road.
   g. Rodefeld Landfill, 7102 East Broadway.
   h. Verona Landfill, 6718 East Verona Avenue. (Cr. by Ord. 12,465, 9-23-99)

(Sec. 29.20(20)(a) Am. by Ord. 10,550, Adopted 11-24-92)

(b) Construction Practices and Safety Precautions.

1. Subject to Paragraphs 2., 3. and 4. following, the building construction practices and safety precautions described in Paragraph 5. below shall be implemented by the owner of any building located within the limits of a solid waste disposal site described in paragraphs (a)2. and 3. above. These precautions are in addition to measures taken by an owner/operator of an

adjacent disposal site. The owner and any subsequent owner of any such building shall thereafter maintain the gas-resistant integrity of such building as so modified during any period of ownership.

2. A building permit application for new construction subject to this ordinance shall include on the building plans a description of the approved construction practices to be used to make such building more resistant to underground landfill gas intrusion.

3. A building permit application for all below-grade additions and alterations subject to this ordinance, in excess of fifty percent (50%), shall state on the building plans a description of the approved construction practices to be used to make such building more resistant to underground landfill gas intrusion. The building plans shall also include a description of the building construction practices described in Subparagraphs b., c., d. and e. of Paragraph 5. below. Said building construction practices (where building foundation cracks, joints and exterior walls are accessible) shall be concurrently completed for the existing below-grade building structure. (Am. by Ord. 10,550, Adopted 11-24-92)

4. All building permit applications for restoration of damaged buildings subject to Section 28.194 of the Madison General Ordinances are not subject to these provisions except when below-grade restorations are undertaken. When below-grade restorations are planned the building plans shall include a description of the building construction practices in Subparagraphs b., c., d. and e. in Paragraph 5. below. Said building construction practices (where building foundation cracks, joints and exterior walls are accessible) shall be concurrently completed for the existing below-grade building structure. (Am. by ORD-12-00134, 1-2-13)

5. The approved construction practices and safety precautions shall include a sub-slab depressurization system (passive or active) that includes the following components:

   a. Gravel. A layer of clean, coarse gravel or alternative shall be placed below the foundation. Alternatives include perforated piping or a collection mat.

   b. Plastic Sheeting or Vapor Retarder. A heavy duty plastic sheeting (6 mil. polyethylene or equivalent) or a vapor retarder shall be placed on top of the gravel to inhibit potential landfill gas from entering the building.

   c. Vent Pipe. A three-inch or four-inch (3" - 4") solid PVC schedule forty (40) vent pipe shall run vertically through the building's conditioned space and roof to safely vent potential landfill gas outside above the house. The pipe shall be labeled "Sub-Slab Depressurization System." For residential buildings with three units or more and for commercial buildings over 2,500 square feet, the schedule 40 PVC should be sized to accommodate a larger capacity fan.

   d. Sealing and Caulking. All openings, cracks, and crevices in the concrete foundation floor and walls shall be sealed and caulked with flexible caulk to prevent potential landfill gas from entering the building. This includes but is not limited to all floor openings, concrete joints, condensate drains, sumps, foundation walls, slab perimeter cracks, clean-outs, and backflow devices. All foundation walls shall also be treated with hand-applied foundation sealing material or an equivalent treatment.

e. Junction Box. An electrical junction box (outlet) shall be installed in the attic for use with a vent fan, should one be required in the future. Activation of the system with an adequately sized vent fan is required for residential buildings with three units or more and for commercial buildings over 2,500 square feet. Smaller buildings are not required to activate the system at the time of installation unless noted by the City.

f. Clay Cutoff. A clay cutoff shall be installed as near to the property line as feasible in utility trenches which emanate from the direction of the zoning lot of the current or former disposal site.

g. Other measures deemed advisable by a building design professional may be used to accomplish the above-stated purposes. The design professional's report, if any, shall be submitted to the Building Inspection Superintendent and the City Engineer for approval prior to the issuance of a building permit.

In general, meeting the requirements of the Appendix F of the 2009 International Residential Code, Radon Control Methods, shall satisfy the requirements of this ordinance.

(c) Annual Disposal Site Monitoring Report. The owner of all landfills listed in subdivision (a), Paragraph 5. above, shall submit annually to the City Engineer a Landfill Environmental Assessment Report unless comparable documents have already been prepared for the Wisconsin Department of Natural Resources, as determined by the City Engineer. The Landfill Environmental Assessment Report shall include, but shall not be limited to the following:

1. A tabulation of the previous year's landfill gas monitoring data.
2. An assessment of data monitored during the reporting period.
3. An outline of the planned gas monitoring program for the upcoming year.

(Sec. 29.20(20)(c) Am. by Ord. 10,550, Adopted 11-24-93)

(Section 29.20(20) Cr. By Ord. 8487, 12-21-84; Am. By ORD-12-00002, 1-10-12; ORD-12-00035, 3-28-12)

ONE- AND TWO-FAMILY DWELLINGS

29.21 CLASSIFICATION.

It is the intention to include under the classification of one- and two-family dwellings all buildings or portions of buildings used for sleeping or lodging purposes which are not included within the scope of Wis. Admin. Code ch. SPS 362. (Am. by Ord. 11,392, Adopted 11-7-95; Ord. 13,124, 8-28-02; ORD-12-00035, 3-28-12)

29.22 RESERVED FOR FUTURE USE. ("One- and Two-Family Building" Code R. by Ord. 11,392, Adopted 11-7-95)

29.23 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.24 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.25 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.26 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.27 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.28 RESERVED FOR FUTURE USE. (R. by Ord. 6956, 4-11-80)

29.29 SIZE OF DWELLING AND ROOMS.

(1) Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.

(2) Size of Rooms.

(a) Apartments. The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.

(b) Lodging Rooms. The floor area of a lodging room shall provide not less than eighty (80) square feet of floor area for one (1) occupant and sixty (60) square feet for each additional occupant.

(3) The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Section 29.29(2).

(4) Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.

29.30 PRIVATE SWIMMING POOLS.

(1) In-the-ground Pool. A wall or fence at least forty-eight (48) inches high and not more than six (6) feet of such construction as will make access difficult, shall completely enclose all private combination, diving, swimming, and limited purpose pools, except, that an entrance may be provided through a bathhouse or gate. The gate shall be equipped with a locking device and shall be kept locked when pool is not in use. (Am. by Ord. 7682, 4-2-82)

(2) Portable Pools. The enclosure may be omitted where portable pools are installed aboveground. Where pool ladders are provided, they shall be a type that can be removed when pool is not in use.

(Sec. 29.30 R. by Ord. 6956 and Sec. 29.22(4) Renumbered to 29.30 by Ord. 6955, 4-11-80)

29.31 RESERVED FOR FUTURE USE. (R. by Ord. 7575, 11-27-81)

29.32 PRIVATE GARAGES.

(1) Classification - Detached Garages. A detached private garage shall mean a private garage entirely separated from the principal building.

(2) Footings and Foundations. Footings and foundations shall be provided for all private garages, except that private garages of frame or noncombustible frame construction may be provided with foundation walls of concrete or masonry not less than three (3) feet six (6) inches below the adjoining grade, including overhead door openings, or with an approved continuous floating foundation slab of concrete not less than four (4) inches in thickness for detached garages. Such walls and exterior wall curbs shall be not less than eight (8) inches above the adjoining grade and eight (8) inches in thickness.

(3) Floor Surface. The floor in all private garages shall be of approved noncombustible material. No openings or pits in the floor shall be permitted.

(4) Construction. Private garages shall be constructed as follows:

(a) Load bearing foundation walls, masonry walls, and partitions shall be constructed as regulated herein except as stated above.

(b) Detached private garages of wood frame construction shall be constructed as regulated in this chapter, with the following exceptions:

1. Studs may have a maximum spacing of twenty-four (24) inches on centers. Doubling of studs shall not be required at jambs of openings less than forty (40) inches.
2. Diagonal corner bracing may be applied on the inside surface of studs.
3. Corner posts may consist of two (2) two by four (2 × 4) studs or a single four by four (4 × 4) stud.
4. Top plates may be single, provided the rafters are placed over the studs and plates are lapped to provide ties.

5. Horizontal bracing and collar beams may be two by fours (2 × 4's) with a maximum spacing of six (6) feet on centers.
6. All framing walls shall be securely anchored to the foundation with one-half by six (½ × 6) inch bolts placed four (4) feet on center.

(5) Roof Construction. All roof framing shall comply with the span tables as set forth by the National Forest Products Association or be approved manufactured trusses. (Cr. by Ord. 8379, 7-25-84)

(Sec. 29.32 Am. by Ord. 6959, 4-11-80)

AWNINGS AND OTHER PROJECTIONS

29.33 CANOPIES AND HOODS. No permanent hood or canopy shall be constructed unless in the manner herein provided.

(1) (R. by Ord. 9324, 11-13-87)

(2) The owner or occupant of any building erecting such canopy or hood shall furnish annually a public liability bond with sureties to be approved by the Director of the Building Inspection Division, in an amount equal to one hundred dollars ($100) per square foot, based on the area of the underside of such canopy or hood, but in no case shall any bond be less than five thousand dollars ($5,000), provided further that if the owner or occupant of such building shall carry public liability insurance in an amount equal to or in excess of the amount of the bond hereinbefore required, then and in that event said person shall be exempted from furnishing a bond as hereinabove required. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(3) There shall be a height of not less than ten (10) feet in the clear between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any canopy or hood extending from any building to the public street.

(4) The projection of permanent hoods or canopies shall not extend over the street to a distance of nearer than three (3) feet from the outside face of the curb.

(5) The overall height of such canopies or hoods including all projections, ornamentations, accessories or appurtenances shall not exceed six (6) feet, and there shall not be added after the original erection of such canopy or hood any sign, poster or other thing extending beyond six (6) feet above the ten (10) foot clearance required of said canopy. The maximum distance to the top of any canopy including all projections, ornamentations, appurtenances, signs or any other part of the canopy shall not exceed sixteen (16) feet from any point of the sidewalk.

(6) Any accessory, appurtenance, or sign of a temporary or permanent installation shall be rigidly attached to the hood or canopy in a manner satisfactory to the Director of the Building Inspection Division. Swinging signs or accessories of any nature whatever are prohibited. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(7) Where projecting signs are erected above canopies or hoods, they shall in no manner be attached to any accessory, ornament or other thing of a temporary or permanent nature. Such signs shall be hung independently of the canopy and shall not project more than four (4) feet.

(8) All hoods and canopies shall have gutters and conductors connected with the sewer at the buildings, and such canopies or hoods shall be so drained as not to discharge any water on the sidewalk or public highway, except as provided in the Plumbing Code (Chapter 18).

(9) Canopies and hoods shall be built of incombustible materials throughout, and shall be capable of resisting a superimposed load of eighty (80) pounds per square foot, and shall extend from the lot line toward the curb at a height in the clear of not less than ten (10) feet, and to slope and drain toward the building, and shall be provided with conductors connected with the sewer of the building in accordance with Chapter 18 (Plumbing Code) of these ordinances.

(10) Such canopies or hoods must be suspended from the building with no supports resting upon the sidewalk or public highway, and all canopies must have the approval of the Director of the Building Inspection Division as regards design and materials of construction. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(11) Before a permit can be issued for the erection of canopies and hoods, the Common Council must grant permission for the privilege of occupying the public area as outlined in Section 66.0425 of the Wisconsin Statutes.

(12) Any person violating the provisions of this section shall be subject to forfeiture of not less than ten dollars ($10) nor more than fifty dollars ($50), and each day that such violation is permitted to exist shall constitute a separate offense.

29.34 SUN SHADES. No permanent sun shade shall be constructed unless in the manner herein provided.

(1) (R. by Ord. 9324, 11-13-87)

(2) The owner or occupant of any building erecting such sun shade shall furnish annually a public liability bond with sureties to be approved by the Director of the Building Inspection Division in an amount equal to one hundred dollars ($100) per square foot, based on the area of the underside of such sun shade, but in no case shall any bond be less than five thousand dollars ($5,000); provided further that if the owner or occupant of such building shall carry public liability insurance in an amount equal to or in excess of the amount of the bond hereinbefore required, then and in that event said person shall be exempted from furnishing a bond as hereinabove required. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(3) There shall be a height of not less than ten (10) feet in the clear between the grade of the sidewalk at any point and the lowest point of any appendage or projection of any sun shade extending from any building to the public street.

(4) The projection of permanent sun shades shall not extend over the street more than four (4) feet from the property line.

(5) The overall height of such sun shades including all projections, ornamentations, accessories or appurtenances shall not exceed one (1) foot and there shall not be added after the original erection of such sun shade any sign, poster or other advertising.

(6) Where projecting signs are erected above sun shades they shall in no manner be attached to any accessory, ornament or other thing of a temporary or permanent nature. Such signs shall be hung independently of the sun shade and shall not project more than four (4) feet.

(7) Sun shades shall be built of incombustible material throughout and shall be capable of resisting a superimposed load of eighty (80) pounds per square foot, and shall extend from the lot line toward the curb at a height in the clear of not less than ten (10) feet, and to slope and drain toward the building and shall be provided with conductors connected with the sewer of the building in accordance with Chapter 18 (Plumbing Code) of these ordinances. Gravel stops shall be provided of sufficient height so no water can drain or blow on any sidewalk or public highway.

(8) Such sun shades must be suspended from the building with no supports resting upon the sidewalk or public highway, and all sun shades must have the approval of the Director of the Building Inspection Division as regards design and materials of construction. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(9) Before a permit can be issued for the erection of sun shades, the Common Council must grant permission for the privilege of occupying the public area as outlined in Section 66.0425 of the Wisconsin Statutes.

(10) Any person violating the provisions of this section shall be subject to a penalty of not less than ten dollars ($10) nor more than fifty dollars ($50), and each day that such violation is permitted to exist shall constitute a separate offense.

29.35 AWNINGS OVER STREET OR SIDEWALK.

(1) No person shall erect, repair or maintain any awning over any sidewalk or street within the City of Madison contrary to any of the provisions of this section.

(2) No person shall erect or repair any awning over a public sidewalk or street without first obtaining a building permit from the Director of the Building Inspection Division except that if the portion repaired is less than twenty-five percent (25%) of the total canvas cover, the permit requirement is waived. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(3) Any awning hereafter erected over any sidewalk or street within the City of Madison shall be constructed of adjustable iron frame, firmly secured in place, and covered with canvas or other suitable material, and the frame shall be at least seven and one-half (7½) feet in height above the highest point of the walk; and the lowest point of flap or fringe of such awning shall at no point be less than six and one-half (6½) feet above the sidewalk immediately beneath it.

(4) Wood or metal awnings when installed must be so placed that no accumulation of snow, ice or any other loose material can fall upon public property, or would hamper the Fire Department in erecting of ladders. Wooden awnings not to be installed in General and Capitol Fire Limits.

(5) Any person who shall erect, repair, or maintain any awning contrary to the provisions of this section, or who shall refuse or neglect after written notice by the Superintendent of Streets, or Director of the Building Inspection Division forthwith to remove any awning or parts thereof maintained contrary to the provisions of this section, shall be subject to a fine of not less than five dollars ($5) nor more than ten dollars ($10) for each day during which any such awning or part thereof shall be maintained after such notice. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

29.355 USE OF TENTS FOR MERCHANDISING AND DISPLAY, LICENSE THEREFORE.

(1) Any Dane County resident selling farm produce or other person or persons in the City of Madison who operates and conducts a retailing, wholesaling, jobbing, manufacturing or processing business in a permanent building or structure conforming to the codes of the City of Madison and as an adjunct to the normal business or as an approved conditional use who shall use and utilize one or more freestanding tent, awning or canopy for merchandising or the display of merchandise of a seasonal or promotional nature on a limited term basis, shall be subject to the conditions of this ordinance. (Am. by Ord. 9161, 4-13-87 and 4-16-87)

(2) Such tent, awning or canopy shall have the canvas treated with a flame retardant chemical that is certified not to wash out of the canvas. (Am. by Ord. 9161, 4-13-87 and 4-16-87)

(3) Unless approved as a conditional use, no tent, awning or canopy shall be placed closer than twenty-five (25) feet to any building, structure or lot line, and the location shall be approved by the Director of the Building Inspection Division and the Chief of the Fire Department, and shall conform to all other codes and ordinances. (Am. by Ord. 9161, 4-13-87 and 4-16-87; ORD-08-00109, 10-7-08)

(4) Any person, firm or corporation desiring to use a tent, awning or canopy in the manner and for the purpose herein stated shall obtain a permit therefor from the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 9161, 4-13-87 and 4-16-87; ORD-08-00109, 10-7-08)

(5) Lighting.

(a) Lighting shall be installed not less than eight (8) feet from the floor, and the method used may be "Tin" type or "Pigtail" type sockets on single conductor building wire or brewery cord, not less than fourteen (14) gauge AWG mounted on approved insulators and supported at intervals not to exceed thirty (30) feet, in instances where the distance between poles exceeds thirty (30) feet, a suitable messenger cable shall be installed to support the wiring.

(b) All wiring less than eight (8) feet from the floor shall be enclosed in rigid metal conduit, properly grounded.

(c) No portable lamps or appliances may be used except when all noncurrent carrying metal parts are adequately grounded.

(d) Convenience outlets when installed must be three (3) wire grounding type.

(6) No flame producing equipment or gasoline operated motors shall be demonstrated in any tent.

(7) On the basis of such a permit, the City Clerk shall issue a term license to the applicant for a period not to exceed six (6) consecutive weeks, unless a longer period is approved as a conditional use or used for the seasonal sale of farm produce, upon the payment of a fee for each week requested, for each tent, awning or canopy or one cent ($.01) per square foot of floor space.

When a permit has been issued to a nonprofit civic, religious, or charitable organization, the majority of whose members are residents of the City of Madison, and it is so stated under oath in its application for license hereunder, the provisions of this subsection relating to fees shall not be applicable.
(Am. by Ord. 10,209, 2-28-91)

(8) No person or persons shall be granted an extension of any license nor shall more than two (2) licenses be granted for any location in any calendar year.

AIR CONDITIONING

29.36 AIR CONDITIONING UNITS OVER PUBLIC AREAS.

(1) No person shall install any air conditioning unit over any public area within the City of Madison, without first obtaining from the Director of the Building Inspection Division a permit therefor, for which a fee of one dollar ($1) shall be charged; provided, however, that where repairs do not disturb the structural mountings of the unit to the building no permit shall be required. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(2) The mountings shall be constructed of noncorrosive material and anchored with at least one-fourth (1/4) inch lag bolts capable of supporting four hundred (400) pounds.

(3) The air conditioning unit shall be designed so the fan will dissipate the condensate into the air. Other type units must pipe the condensate to the building drainage system.

(4) Any person who shall erect, repair, or maintain any air conditioning unit contrary to the provisions of this section, or who shall refuse or neglect after written notice by the Superintendent of Streets, or Director of the Building Inspection Division, forthwith to remove any air conditioning unit or part thereof maintained contrary to the provisions of this section, shall be subject to a forfeiture of not less than five dollars ($5) nor more than ten dollars ($10) for each day during which any such air conditioning unit or part thereof shall be maintained after such notice. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

FIRE DISTRICTS

29.37 CAPITOL FIRE DISTRICT AND BUILDING RESTRICTIONS.

(1) Intent and Purpose.

(a) This ordinance is adopted for the purpose of preserving and promoting the public health, safety and general welfare of the people of the City and environs.

(b) It is recognized that there is an area of the City which contains a mix of residential and nonresidential buildings, structures, yards or vacant areas of various ages, construction materials and uses. This area poses a greater threat of vulnerability to fire damage because of the proximity and combination of structures which are old and new, structures constructed of a variety of materials and structures housing a

mixture of uses. To preserve and promote the public health, safety and welfare, it is necessary to identify this area and establish special construction standards for new and substantially remodeled buildings and structures therein.

(2) Capitol Fire District.

(a) District Defined. There is hereby created a fire district to be known as the Capitol Fire District, which includes the properties on and surrounding the Capitol Square and circumscribed by the outer ring streets (Webster, Doty, Fairchild and Dayton) and the properties fronting on or in close proximity to State Street from North Park Street to the Capitol Square. The district shall be bounded as follows:

All that part of the City of Madison located in portions of the Southwest 1/4 of Section 13, the Southwest 1/4 and the Southeast 1/4 of Section 14, the Northeast 1/4 and the Northwest 1/4 of Section 23, and the Northwest 1/4 of Section 24, all in Range 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, being more particularly described as follows:

Beginning at the point of intersection of the centerlines of North Hamilton Street, East Dayton Street and North Webster Street; thence Southeasterly along the centerlines of North Webster Street and South Webster Street to the point of intersection of the centerlines of South Webster Street, King Street and East Doty Street; thence Southwesterly along the centerlines of East Doty Street and West Doty Street to the point of intersection of the centerlines of West Doty Street, South Hamilton Street and South Fairchild Street; thence Northwesterly along the centerlines of South Fairchild Street and North Fairchild Street to the point of intersection of the centerline of North Fairchild Street and the centerline of West Mifflin Street; thence Southwesterly along the centerline of West Mifflin Street to the point of intersection of the centerline of West Mifflin Street and the centerline of North Henry Street; thence Northwesterly along the centerline of North Henry Street to the point of intersection of the centerline of North Henry Street and the centerline of West Dayton Street; thence Southwesterly along the centerline of West Dayton Street to the point of intersection of the centerline of West Dayton Street and the Southeasterly prolongation of the Southwesterly line of Lot 12, Block 54, Original Plat of the City of Madison (hereafter referred to as City of Madison); thence Northwesterly along said prolongation and Southwesterly line of said Lot 12 to the Westerly corner of said Lot 12 which point is also the Easterly corner of Lot 6 in said Block 54; thence Southwesterly along the Southeasterly line of said Lot 6 to the Southerly corner of the Northeasterly half of said Lot 6; thence Northwesterly along the Southwesterly line of the Northeasterly half of said Lot 6 to the Westerly corner of the Northeasterly half of said Lot 6; thence Northwesterly across West Johnson Street along a line which extends from said Westerly corner of the Northeasterly half of Lot 6 to the Easterly corner of that part of Lot 9, Block 55, City of Madison which is located Southwesterly of an alley way in said Block 55; thence Northwesterly along the Northeasterly line of said part of Lot 9 to the Northerly corner of said part of Lot 9; thence Southwesterly along the Northwesterly line of said part of Lot 9 and the Northwesterly line of that part of Lot 10 in said Block 55 which is located Southerly of said alley way to the Northerly corner of Lot 11 in said Block 55; thence Southwesterly along the Northwesterly lines of Lots 11, 12, 13 and 14 in said Block 55 and the Southwesterly prolongation of the Northwesterly line of said lot 14 to the point of intersection of said prolongation and the centerline of North Broom Street; thence Northwesterly along the centerline of North Broom Street to the point of intersection of the centerline of North Broom Street and the Northeasterly prolongation of the Southeasterly line of Lot 9, Block 39, City of Madison; thence Southwesterly along said prolongation and the Southeasterly lines of said Lot 9 and Lot 8 in said Block 39, to the Southerly corner of said Lot

8; thence Northwesterly along the Southwesterly line of said Lot 8 and its Northwesterly prolongation to the point of intersection of said prolongation and the centerline of West Gilman Street; thence Southwesterly along the centerline of West Gilman Street to the point of intersection of the centerline of West Gilman Street and the Southeasterly prolongation of the Southwesterly line of the Northeasterly 16.67 feet of Lot 14, Wells Subdivision of Block 9 of University Addition to Madison; thence Northwesterly along said prolongation and said Southwesterly line of the Northeasterly 16.67 feet of said Lot 14 to the Westerly corner of the Northeasterly 16.67 feet of said Lot 14; thence Southwesterly along the Northwesterly line of said Lot 14, which line is also the Southeasterly line of Lot 19, Wells Subdivision of Block 9 of University Addition to Madison, to a point on said Southeasterly line of Lot 19 which is the point of intersection of said line and a line which is perpendicular to the Westerly line of said Lot 19 and which is 102 feet, more or less, Northerly of the Southerly corner of said Lot 19 and 90 feet, more or less, Southerly of the Westerly corner of said Lot 19 as measured along the Westerly line of said Lot 19; thence Westerly on said line and the Westerly prolongation of said line to the point of intersection of said prolongation and the centerline of North Frances Street; thence Northerly along the centerline of North Frances Street to the point of intersection of the centerline of North Frances Street and the Easterly prolongation of the Southerly line of Lot 4, Block 8, University Addition to Madison; thence Westerly along said prolongation and the Southerly lines of said Lot 4 and Lot 3 of said Block 8 to the Southwesterly corner of said Lot 3; thence Westerly across Hawthorne Court on a line which extends from the Southwesterly corner of said Lot 3 to the Southeasterly corner of Lot 2, Block 8, University Addition to Madison; thence Westerly along the Southerly lines of said Lot 2 and Lot 1 of said Block 8 to the Southwesterly corner of said Lot 1; thence Westerly across North Lake Street on a line which extends from the Southwesterly corner of said Lot 1 to the Southeasterly corner of Lot 4, Block 5, University Addition to Madison; thence Westerly along the Southerly lines of said Lot 4 and Lot 3 in said block 5 and the Westerly prolongation of the Southerly line of said Lot 3 to the point of intersection of said prolongation and the centerline of Fitch Court; thence Southerly along the centerline of Fitch Court to the point of intersection of the centerline of Fitch Court and the Easterly prolongation of the Southerly line of Lot 14, Block 5, University Addition to Madison; thence Westerly along said prolongation and the Southerly line of said Lot 14 and the Westerly prolongation of the Southerly line of said Lot 14 to the point of intersection of said prolongation and the centerline of North Murray Street; thence Southerly along the centerline of North Murray Street to the point of intersection of the centerline of North Murray Street and the centerline of University Avenue; thence Westerly along the centerline of University Avenue to the point of intersection of the centerline of University Avenue and the centerline of North Park Street; thence Northerly along the centerline of North Park Street to the point of intersection of the centerline of North Park Street and the centerline of Langdon Street; thence Easterly along the centerline of Langdon Street to the point of intersection of the centerline of Langdon Street and the centerline of North Lake Street; thence Southerly along the centerline of North Lake Street to the point of intersection of the centerline of North Lake Street and the Westerly prolongation of a line which is 88 feet, more or less, Southerly of and parallel to the Northerly lines of Lot 1 and Lot 2, Block 7, City of Madison; thence Easterly along said prolongation and said line for a distance of 99.6 feet, more or less, to a point; thence Southerly along a line which is at right angle, more or less, to said line for a distance of 44.9 feet, more or less, to a point on the Northerly line of Lot 13, Block 7, City of Madison; thence Easterly along the

Northerly lines of Lots 13, 12, 11, 10, 9 and 8 in said Block 7 to the Northeasterly corner of said Lot 8; thence across North Frances Street on a line which extends from the Northeasterly corner of said Lot 8 to the Northwesterly corner of Lot 10, Block 8, City of Madison; thence Easterly along the Northerly lines of Lots 10, 9, 8, 7 and 6 in said Block 8 to the Northeasterly corner of said Lot 6, which corner point is on the Westerly line of Lot 24, Block 59, City of Madison; thence Northerly along the Westerly line of said Lot 24 to the Northerly corner of said Lot 24; thence Southeasterly along the Northeasterly line of said Lot 24 to a point on the Northeasterly line of said Lot 24 which is the point of intersection of the Northeasterly line of said Lot 24 and the Northwesterly line of Lot 23 in said Block 59, which point is also the Westerly corner of said Lot 23; thence Northeasterly along the Northwesterly line of said Lot 23 to the point of intersection of said line and a line which is 7 feet, more or less, Southwesterly of and parallel to the Northeasterly line of said Lot 23; thence Southeasterly along said line and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Gilman Street; thence Northeasterly along the centerline of West Gilman Street to the point of intersection of the centerline of West Gilman Street and the Northwesterly prolongation of a line which is 36 feet, more or less, Southwesterly of and parallel to the Northeasterly line of Lot 4, Block 58, City of Madison; thence Southeasterly along said prolongation and said line to the point of intersection of said line and the Southeasterly line of said Lot 4 which point is also on the Northwesterly line of Lot 13 in said Block 58; thence Northeasterly along the Northwesterly lines of Lot 13 and Lot 12 in said Block 58 to the Northerly corner of said Lot 12; thence Southeasterly along the Northeasterly line of said Lot 12 and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Gorham Street; thence Northeasterly along the centerline of West Gorham Street to the point of intersection of the centerline of West Gorham Street and the centerline of North Henry Street; thence Southeasterly along the centerline of North Henry Street to the point of intersection of the centerline of North Henry Street and the Southwesterly prolongation of a line which is 0.5 feet, more or less, Southeasterly of and parallel to the Northwesterly line of Lot 18, Block 63, City of Madison; thence Northeasterly along said prolongation and said line to the point of intersection of said line and the Northeasterly line of said Lot 18; thence Northwesterly along the Northeasterly line of said Lot 18 for a distance of 0.5 feet, more or less, to the Northerly corner of said Lot 18 which point is also the Westerly corner of Lot 17 in said Block 63; thence Northeasterly along the Northwesterly line of said Lot 17 to the Northerly corner of said Lot 17; thence Southeasterly along the Northeasterly line of said Lot 17 and the Southeasterly prolongation of said line to the point of intersection of said prolongation and the centerline of West Johnson Street; thence Northeasterly along the centerline of West Johnson Street to the point of intersection of the centerline of West Johnson Street and the centerline of North Carroll Street; thence Southeasterly along the centerline of North Carroll Street to the point of intersection of the centerline of North Carroll Street and the centerline of West Dayton Street; thence Northeasterly along the centerlines of West Dayton Street and East Dayton Street to the point of intersection of the centerline of East Dayton Street and the centerlines of North Hamilton Street and North Webster Street which is the point of beginning.

(b) General Requirements. All new buildings and additions to existing buildings, except private residences, hereafter constructed in the Capitol Fire District shall be of fire resistive construction, as specified in Wis. Adm. Code ch. SPS 362, unless exempted by the Fire Marshall and the Director of Building Inspection.

All roof repair or replacement shall be of Class A rated material or equal.

Rooms or groups of rooms used for the housing of heating equipment, fuel storage, storage of oils, waste paper or volatile flammable liquid, or similar use shall be separated from the rest of the building by permanent, fire-rated walls and ceiling complying with Wis. Adm. Code chs. SPS 362 and SPS 310, with openings protected by means of approved standard fire windows and doors, complying with Wis. Adm. Code ch. SPS 362. (Am. by Ord. 13,124, 8-28-02)

(c) Map of District. An official map of the Capitol Fire District is on file in the City Department of Planning and Community and Economic Development.

(Sec. 29.37 Am. by Ord. 11,181, Adopted 2-21-95; ORD-12-00035, 3-28-12)

RENTAL DWELLINGS

29.38 INSPECTION OF NON-OWNER OCCUPIED RENTAL DWELLINGS.

(1) The Director of the Building Inspection Division shall inspect non-owner occupied buildings containing dwelling units according to the procedures of the Building Inspection Division of the Department of Planning and Community and Economic Development and pursuant to the following schedule of minimum standards:

(a) If such building contains one (1) through four (4) dwelling units, two (2) randomly selected units shall be inspected.

(b) If such building contains five (5) through eight (8) dwelling units, three (3) randomly selected units shall be inspected.

(c) If such building contains nine (9) through thirty (30) dwelling units, five (5) randomly selected units shall be inspected.

(d) If such building contains more than thirty (30) dwelling units, eight (8) randomly selected units shall be inspected.

(Am. by ORD-08-00109, 10-7-08)

(2) The inspection of properties shall be done only after proper notification of occupants. Respect for privacy should be maintained at all times in accordance with Sec. 32.05, Madison General Ordinances.

(Sec. 29.38 Am. by Ord. 11,343, 9-12-95)

29.39 RESERVED FOR FUTURE USE.

(EDITOR'S NOTE: Section 29.39, "Post-Sale Inspection Program" was automatically repealed by a sunset provision that was effective 6-30-91, but was not deleted from the books until 8-15-92.)

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HEATING, VENTILATING AND AIR CONDITIONING CODE

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30.01 ADMINISTRATION.

(1) Purpose and Scope of This Code.

(a) The purpose of this code is to provide minimum regulations, provisions, and requirements in the City of Madison to insure safety and adequacy to persons and property wherever heating, ventilating, and/or air conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to heating, ventilating, and/or air conditioning

(b) The provisions of this code shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use. The provisions of this code shall be binding alike upon the owner of a building or premises, every person in charge of or responsible for or who causes the construction, repair alteration or improvement of any heating, ventilating and/or air conditioning devices, fixtures or equipment. (Am. by Ord. 11,783, 2-17-97)

(c) Wis. Admin. Code ch. SPS 323 and all subsequent amendments, additions and recodifications thereto are hereby adopted, by reference, and shall apply to all new one- and two-family residential buildings as well as additions and alterations to all existing one- and two-family residential buildings, accessory buildings, and to new portions of moved buildings. If there are sections of this code that are more restrictive than Wis. Admin. Code ch. SPS 323, then Wis. Admin. Code ch. SPS 323 shall apply. If there are subjects covered in this code that are not covered in Wis. Admin. Code ch. SPS 323, then this code shall apply. (Am. by Ord. 9298, 10-29-87)

(d) Wis. Admin. Code ch. SPS 364 and all subsequent amendments, additions and recodifications thereto are hereby adopted by reference for all buildings and structures other than one (1) and two (2) family residential dwellings. (Am. by Ord. 9298, 10-29-87)

(e) Sections in this code that are more restrictive or not covered in Wis. Admin. Code ch. SPS 364 shall be enforced over Wis. Admin. Code ch. SPS 364. (Am. by Ord. 9298, 10-29-87)

(Am. by ORD-12-00035, 3-28-12)

(2) Heating, Ventilating and Air Conditioning Inspector.

(a) To enforce the provisions of this code there is hereby authorized and established the position of Heating, Ventilating and Air Conditioning Inspector who shall be under the direction of the Director of the Building Inspection Division, and be responsible for the inspection of heating, ventilation, and smoke abatement problems as prescribed by this code. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(b) The Heating, Ventilating and Air Conditioning Inspector shall have the power and authority at all reasonable times, for any proper purpose to enter upon any public or private premises and make inspections thereof, and to require the productions of the permit for any building, electrical, plumbing, heating or ventilation or to require license therefore. Any person interfering with or refusing entrance to said Inspector while in the performance of his/her prescribed duties shall be punished as provided in Section 30.01(14). (Am. by ORD-10-00058, 6-11-10; ORD-14-00012, 1-14-14)

(3) Classes of Licenses.

(a) A person who holds a valid certification under Sec. 101.178(3)(a) of Wisconsin Statutes may obtain a license under this ordinance without taking the examination established by Subsection (5).

(b) There shall be five (5) classes of licenses issued pertaining to heating in the City of Madison.

1. Class B license shall be issued to a person desiring to install gas, oil, or coal conversion automatic equipment and controls in existing heating plants, and service, clean, and repair above-mentioned equipment, but shall not alter or repair any part of the distribution system.
2. Class A-1 license shall be issued to a person desiring to enter into the business of installing, altering, or repairing warm air space heating equipment utilizing all types of energy.
3. Class A-2 license shall be issued to a person desiring to enter into the business of installing, altering, or repairing steam or hot water equipment utilizing all types of energy.

   Exception. Gas-fired unit heaters not connected to ductwork may be installed by a Class A-2 license holder.
4. Class A-3 license shall be issued to a person licensed with the City of Madison as a Class A or AA Electrical Contractor as defined in Section 19.06 of the Madison General Ordinances who desires to enter into the

business of installing, altering, or repairing electrical space heating equipment (of the electric resistance type installed in the zone of its occupancy).

5. Class A-4 license shall be issued to a person desiring to enter into the business of installing, altering or repairing active solar heating equipment. This license is not required if the person has a North American Board of Certified Energy Practitioners (NABCEP) certification. (Am. by ORD-08-00122, 11-22-08)

(Sec. 30.01(3) R., (4) Renumbered to (3) and Am. by Ord. 11,611, Adopted 5-21-96)

(4) License Fees.

(a) The fee for a new applicant for Class B license shall be seventy-five dollars ($75). Renewal fee for each succeeding year shall be sixty dollars ($60). (Am. by Ord. 9366, 12-21-87)

(b) The fee for a new applicant for Class A-1 license shall be one hundred twenty-five dollars ($125). Renewal fee for each succeeding year shall be sixty dollars ($60).

(c) The fee for a new applicant for Class A-2 license shall be one hundred twenty-five dollars ($125). Renewal fee for each succeeding year shall be sixty dollars ($60).

(d) The fee for a new applicant for Class A-3 license shall be seventy-five dollars ($75). Renewal fee for each succeeding year shall be sixty dollars ($60). (Am. by Ord. 9366, 12-21-87)

(e) The fee for a new applicant for Class A-4 license shall be seventy-five dollars ($75). Renewal fee for each succeeding year shall be sixty dollars ($60). (Am. by Ord. 9366, 12-21-87)

(Renum. from (5) by Ord. 11,611, Adopted 5-21-96)

(5) Licenses-How Obtained.

(a) Examinations for heating licenses shall be given by the Building Inspection Division of the Department of Planning and Community and Economic Development on the second Monday in January, April, July and October. An examination may be given at any time upon a finding that there be a hardship involved and that a delay in writing the exam will result in an injustice to the applicant.

(b) An application shall be filed with the Heating, Ventilating and Air Conditioning Inspector thirty (30) days prior to the date on which an examination is to be held. An application fee of sixty dollars ($60) shall accompany application for Class B, Class A-3 and Class A-4 licenses. An application fee of one hundred twenty-five dollars ($125) shall accompany application for Class A-1 and A-2 licenses. Application shall be made on forms furnished by the Building Inspection Division of the Department of Planning and Community and Economic Development, City of Madison, Municipal Building, Madison, Wisconsin.

Persons who are engaged in solar system installation shall hold an A-4 license or an NABCEP certification for solar thermal installers. The applicant must furnish evidence that s/he is engaged in such installation. Upon finding that the applicant is engaged in the solar system installations, if the applicant is not NABCEP certified, an A-4 license will be issued after the appropriate fee is paid and the bond has been furnished. (Am. by ORD-08-00122, 11-22-08)

(c) The Director of the Building Inspection Division of the Department of Planning and Community and Economic Development, upon being satisfied as to the competency of the applicant, shall issue to the applicant a license authorizing the applicant to conduct a heating business for that branch of heating for which s/he has applied. The examination application fee shall constitute payment for the balance of the license year.

If the applicant for a license fails in her/his examination, one-half (½) of the application fee shall be refunded to the applicant. The applicant may write the examination the next time it is given, but if s/he fails to pass again, s/he must wait one (1) year before making application to again take the examination.

(d) A person either individually, as a member of a firm, or as an officer or employee holding a license may apply for an inactive status if the following conditions are satisfied:

1. The person qualifies by examination or by state certification and pays the required fee for one (1) year on the basis of an active license.
2. After holding a license for one (1) year, the licensee may establish an inactive status if not actively engaged in the business of heating equipment or where more than one (1) person holds an active license for the firm.
3. The inactive licensee shall pay a renewal fee of fifteen dollars ($15) per year to maintain inactive status.
4. The inactive status cannot be renewed for more than a period of four (4) successive years.

(Sec. 30.01(6) Renum. to (5) and Am. by Ord. 11,611, 5-21-96; ORD-08-00109, 10-7-08)

(6) Prohibitions.

(a) It shall be unlawful for any person with a Class A-1, A-2, A-3 or A-4 license to allow the use of her/his license directly or indirectly for others, except that a person with a Class A-1, A-2, A-3 or A-4 license may lawfully obtain permits for corporations or firms who are actively engaged in the heating contracting business with a recognized business location if said person is gainfully and regularly employed by such corporation or firm on a full-time basis in a supervisory position. The licensee and the contractor shall be jointly held responsible for the design, supervision, installation and performance of the system.

(b) In the event that any person holding a heating license shall sever her/his connection with a heating firm and there is no other person who is licensed under the provisions of this code to conduct a heating business, the heating firm shall, within a period of forty-five (45) days, either employ a person licensed in their branch of heating or apply to the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development for the required license according to the provisions of this code. Upon such application, an examination of the applicant shall be conducted under the hardship provisions of Section 30.01(5)(a) of the Madison General Ordinances. In the event that such applicant fails to obtain such license, then said firm shall employ a person licensed in their branch of heating within a period of forty-five (45) days after said applicant for license has been notified of her/his failure to meet the license requirements. If any work done by such firm pursuant to permits issued by the Heating, Ventilating and Air Conditioning Inspector shall fail to meet all requirements of the City ordinances and the regulations contained in Wis. Admin. Code ch. SPS 364, the Heating, Ventilating and Air Conditioning Inspector shall not issue further permits to such firm, until some member or employee of such firm shall have obtained a license to conduct a heating business in accordance with the provisions of this code. (Am. by ORD-12-00035, 3-28-12)

(c) No person either individually, as a member of a firm, or as an officer or employee of a corporation shall install, alter or repair any space heating equipment except those employees working for an authorized licensee, hereunder, unless such person shall have a license as required by this code. The Director of the Building Inspection Division, however, may issue a permit to the owner of a single-family residence only which the owner and the owner's immediate family solely occupies, for work to be done within said residence, if the person desiring such permit can prove (by oral examination conducted by the Building Inspection Division of the Department of Planning and Community and Economic Development) that s/he

is competent to do such work, in conformity with all rules and regulations governing the installation of heating equipment in residences and such person shall pay the same fee as is required in the fee schedule.

(New Sec. 30.01(6) Cr. by Ord. 11,611, 5-21-96; ORD-08-00109, 10-7-08)

(7) Renewal of Licenses. Every license shall expire on the thirtieth (30th) day of June following the date of its issue and may be renewed upon payment to the City Treasurer, the renewal fee pertaining to that class of license not later than the first day of July of the year in which the license expires. After July 1, the license will not be renewed and the licensee will be required to make application for and take the examination for a new license in the same manner as a new applicant before being issued a new license. Temporary licenses shall not be issued. (Am. by Ord. 11,611, Adopted 5-21-96)

(8) Licensee Required to Give Bond. Every person licensed as an active Class A-1, A-2, A-3, A-4 or B heating contractor shall pay an additional seventy-five dollars ($75) for which the City will guarantee in the amount of one thousand dollars ($1,000) that such person shall comply with the Ordinances and laws relating to space heating and will pay costs and expenses that may be caused by the negligence of such person or her/his servants occasioned by her/his or their failure to comply with said laws and Ordinances up to the $1,000 limit or give a bond to the City of Madison in the sum of one thousand dollars ($1,000) at the time of license renewal with such sureties as the City attorney shall approve. Provided further that the person who holds the license for the corporation, the license shall indicate both the name of the licensee and the corporation. Persons with an A-1, A-2 or A-4 license need not file an additional bond. Persons licensed as Class A or AA Electrical Contractors need not file an additional bond to carry an A-3 Heating License. (Am. by Ord. 9995, 4-12-90)

(9) Permits, Plans, Specifications and Data.

(a) It shall be unlawful for a person, firm, or corporation to construct, install, alter, or repair any heating, ventilating or exhaust system (and appurtenance), replace boiler and furnace, install stoker and conversion units in or for any building before securing a permit, except in cases of emergency the contractor may proceed with the work and file the application for a permit within twenty-four (24) hours (Sundays and holidays excepted). A heating permit will not be required for the installation of electric baseboard or bathroom heaters when installed as auxiliary heat; that is, to supplement the existing heating system designed and installed to satisfy the load requirements of the space to be heated. The reference to appurtenances shall include direct heaters, cooling coils, central residential air conditioning (cooling) and similar devices affecting the safety or operation of the heating system.

(b) Permit Applications and Permit Card.

1. The application for a permit shall be made on forms provided by the Building Inspection Division of the Department of Planning and Community and Economic Development. The applicant shall be a qualified installer. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
2. The Heating, Ventilating and Air Conditioning Permit Card shall be posted in a conspicuous place near the heating plant before starting work and shall not be removed until the final heating inspection has been made and the installation does conform with the requirements of this code. The permit card for electric space heating shall be posted near the electric service panel before work is started and shall not be removed until the final heating inspection has been made and the installation does conform with the requirements of the code.

(c) Data Required as Part of the Permit Application. All drawings submitted for approval shall be accompanied by sufficient data and information for the Building Inspection Division of the Department of Planning and Community and Economic

Development to determine if the capacity of the equipment and the performance of the equipment will satisfy the requirements of the ordinance. The following data shall be submitted.

1. Submit heat loss calculation in BTU per hour for each room to be heated.
2. Include calculations for ventilation requirements.
3. Submit one (1) or more copies of complete drawings. When the heating and ventilating drawings require approval of the Department of Safety and Professional Services, one (1) or more approved copies shall be submitted with the application. (Am. by Ord. 12,322, Adopted 2-2-99; ORD-12-00035, 3-28-12)
4. Summation of heating and ventilating load requirements.
5. Installations shall be made to conform to approved drawings.
6. Plot plan showing the location of the condensing unit for air conditioning.
7. For solar systems, furnish an estimate of the amount of energy in BTU's to be delivered by the system on an annual basis, which estimate shall be based on an "F" chart analysis or another method appropriate to the system considered, and collector performance data as is determined by a recognized testing lab. (Cr. by Ord. 8348, 5-25-84)
8. For solar systems, furnish the collector tilt and azimuth angle and a solar path shading diagram for the proposed collector location indicating the shading between the hours of 9:00 A.M. and 3:00 P.M. CST for the entire year. (Cr. by Ord. 8348, 5-25-84)
9. For solar systems, furnish a detailed drawing showing anchorage and bearing of collector supports. (Cr. by Ord. 8348, 5-25-84)

(Secs. 30.01(9)(c)9. & 11. R. and Sec. 30.01(9)(c)10. Renum. to 9. by ORD-08-00122, 11-22-08)

(d) Design Standards. The heating and ventilating design shall conform to methods and standards approved by the Building Inspection Division of the Department of Planning and Community and Economic Development when not in conflict with the Department of Safety and Professional Services.

Note: The Building Inspection Division of the Department of Planning and Community and Economic Development will accept the method and standards recommended by American Society of Heating, Refrigeration, and Air Conditioning Engineers; National Warm Air Heating and Air Conditioning Association; Sheet Metal and Air Conditioning Association (SMACNA); and National Electrical Manufacturers' Association. (See Appendix No. 1 for acceptable standards).

1. Minimum design standards for all rooms in living quarters shall be seventy (70) degrees Fahrenheit except bathrooms, which shall be seventy-five (75) degrees Fahrenheit. The minimum outside design temperature shall be minus fifteen (-15) degrees Fahrenheit.
2. The total heat loss of a building including the basement shall be used in sizing heating units or electrical service for electrical space heating.
3. The proper "U" factors shall be selected and shall reflect the additional heat loss in areas located over unheated areas.

(Am. by Ord. 12,322, Adopted 2-2-99; ORD-12-00035, 3-28-12)

(e) Supplemental Permits. The license holder responsible for the work shall complete any supplemental permit mailed to her/him and return it to the Director of the Building Inspection Division prior to commencing work. Failure to return the supplemental permit prior to commencing work shall be deemed to be working without a permit. (Am. by Ord. 10,255, Adopted 5-7-91)

(Sec. 30.01(9)R.; (10) Renum. to (9) by Ord. 11,611, 5-21-96; Am. by ORD-08-00109, 10-7-08)

(10) Permit Fees. To be collected with building permit fees. Penalty for failure to obtain a permit before starting work shall be double the fees except as provided for emergencies as stated in Section 30.01(10)(a). (Am. by Ord. 11,946, 10-14-97)

HEATING, VENTILATING, AND AIR CONDITIONING PERMIT FEE SCHEDULES

SCHEDULE 1 NEW CONSTRUCTION		
Group I	The use group shall include new and additions to residential buildings in which families or households live or in which sleeping accommodations are provided for individuals with or without dining facilities excluding hotels, motels, and institutional buildings	$.075 per sq. ft. of new building or addition. Minimum Fee $20.00
Group II	The use group shall include new and additions to taverns, restaurants, cafeterias, retail establishments under 10,000 sq. ft. where manufactured products are bought and sold, repair garages, service stations taverns, restaurants, cafeterias, retail establishments under 10,000 sq. ft. where manufactured products are bought and sold, repair garages, service stations, churches, assembly halls, theaters, exhibition buildings, educational institutions, hospitals, nursing homes, places of detention, gymnasiums, arenas, laboratories, lodge halls, funeral homes, libraries, skating rinks, dance halls, and armories	$.10 per sq. ft. of new building or addition. Minimum Fee $20.
Group III	The use group shall include new and additions to warehouses, freight terminals, storage buildings, vehicle storage garages, refrigeration storage, factories, machine shops, electric substations, sewage treatment plants, heating plants, steam and electric generating plants, transformer vaults, and other buildings not classified in Groups I, II, III and IV, except one story but not limited to accessory buildings such as tool sheds, storage buildings having a floor area of less than eighty (80) square feet are exempt.	$.05 per sq. ft. Minimum Fee $20.00
	Residential Central Air Conditioning	$32.00

NOTE: The air conditioning fee is in addition to the calculated fee for the heating plant installation. The air conditioning fee is applicable to one and two family dwelling installations. The heating plant fee covers all heating units and distribution system installations.

When an application is submitted for a property where only the shell of the property is to be completed, the fee will be calculated at 50% of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group. (Sec. 30.01(11) Schedule I Am. by Ord. 11,796, Adopted 2-18-97; Ord. 12,566, 5-3-00; Ord. 13,743, 12-15-04; ORD-12-00008, 1-24-12)

SCHEDULE 2
REPLACEMENT HEATING PLANTS AND CONVERSION BURNERS

BTUH	Replacement
Up to 60,000	$21.00
60,001 - 165,000	27.00
165,001 - 300,000	30.00
300,001 - 500,000	62.00
500,001 - 3,000,000	85.00

Over 3,000,000 BTUH Loss - Additional fifteen dollars ($15.00) per 1,000,000 BTUH for new systems.

Note: Replacement is intended to mean that the heating unit is being replaced and there will be no work performed on the distribution system beyond the plenums or beyond the immediate connections to the boiler.

In no case shall the fee exceed those as calculated for new construction as listed in Schedule 1.

(Title Am. by Ord. 11,392, Adopted 11-7-95)

SCHEDULE 3
ADD-ON AIR CONDITIONING

$25.00 regardless of size

Note: This schedule is not intended to cover window units. The fee in this schedule is intended to cover add-on installations for one- and two-family dwellings.

(Am. by Ord. 11,392, Adopted 11-7-95)

SCHEDULE 4
HEATING, COOLING, INDUSTRIAL OR COMMERCIAL EXHAUST VENTILATION SYSTEMS

For any heating, cooling, industrial or commercial exhaust ventilation systems, the Fee Schedule will be based on the dollar value of the installation as listed.

$10.00 per $1,000 of estimated cost. $25.00 minimum fee.

Note: This schedule is intended to cover the repair or replacement of any heating work and any work not covered by other schedules. It also covers cooling systems which use the distribution system to satisfy required ventilation. The schedule is intended to cover all required exhaust systems installations.

(Schedule 4 Am. by Ord. 11,392, Adopted 11-7-95)

SCHEDULE 5
OIL TANKS

Oil Tanks - Each Tank $35.00

(Sched 6 Renumb to 5 and Am. by Ord. 11,392, Adopted 11-7-95)

SCHEDULE 6
MISCELLANEOUS FEES

Oil or Wood Burning Stoves (Free Standing) $16.00

If ductwork is added—add fee for ductwork as indicated in Schedule 4.

Chimney - installed with wood burning equipment $15.00

Chimney - installed separately $16.00

Solar equipment used in conjunction with primary distribution system (use Fee Schedule 4 based on ductwork installation cost).

Active Solar Collectors: $.12 per square foot of Collector Area. Minimum fee ... $50.00

(Sched 7 Renumb to 6 and Am. by 11,392, Adopted 11-7-95; ORD-12-00008, 1-24-12)

(Sec. 30.01(11) Renum. to (10) by Ord. 11,611, Adopted 5-21-96)

(11) Inspection.

(a) In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the Heating, Ventilating and Air Conditioning Inspector on forms furnished by the Building Inspection Division of the Department of Planning and Community and Economic Development that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The Heating, Ventilating and Air Conditioning Inspector shall have the right and authority to order the removal of all such lath, plaster, or other covering which may have been placed

over such work as has not been inspected. The Heating, Ventilating and Air Conditioning Inspector shall make inspections within two (2) working days after notice.

Final inspection on new installations is to be made upon completion of such work.

Inspection of repairs, replacement or conversion work is to be made upon completion of such work. The heating contractor shall notify the Heating, Ventilating and Air Conditioning Inspector as soon as the installation is complete and ready for inspection. A heating contractor who calls for an inspection and the work is not completed may be assessed twenty-five dollars ($25) per inspection. Pursuant to Section 29.09, Madison General Ordinances, it is unlawful to occupy a building or permit a building to be occupied until final inspections have been made and a Certificate of Occupancy has been issued.
(Am. by ORD-08-00109, 10-7-08)

(b) Failure or neglect to comply with the provisions of the Heating, Ventilating and Air Conditioning Code and of the permit issued under this code shall be considered a violation of this code.

(c) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for inspection services rendered. If the fees are not paid within the specified time, the Department shall fail to renew the contractor's license.

(Sec. 30.01(11) R., (12) Renum. to (11) and Am. by Ord. 11,783, 2-17-97)

(12) Signs on Vehicles. Every heating and air conditioning contractor vehicle in use for the sale or service of heating and air conditioning equipment in the City of Madison shall display a sign of 225 square inches. The company name letters shall be at least two inches high. Failure to comply will subject the company to penalties in Madison General Ordinances Section 30.01(15). All existing legible vehicle signs will be allowed to remain as of the effective date of this ordinance. (Sec. 30.01 (13) Renum. to (12) by Ord. 11,783, 2-17-97)

(13) Compliance Inspection Fees.

(a) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar ($35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection. (Am. by ORD-11-00057, 4-7-11)

(b) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

(14) Penalty. Any person who shall violate any of the provisions of this chapter or who shall neglect or refuse to comply with a lawful order of the Director of the Building Inspection Division or her/his designee, issued pursuant to the provisions of this chapter, shall be fined not less than $10 nor more than $100 for each and every violation thereof. Each day of violation shall constitute a separate offense. These penalties are pursuant to Wis. Stat. § 101.02(13), for building code violations.

Madison General Ordinances violations bear the following penalties for violations in a twelve-month period: First offense, fifty dollars ($50) to three hundred dollars ($300);

second offense, three hundred dollars ($300) to six hundred dollars ($600); third offense, six hundred dollars ($600) to one thousand dollars ($1000). The offenses covered under this section are: Performing heating work without a license; performing heating work without a permit; failure to call for a heating inspection and failure to have a proper sign on vehicle. (Sec. 30.01 (14) Renum. to (13) by Ord. 11,783, 2-17-97; Ord. 13,760, 12-14-04; ORD-08-00109, 10-7-08; Renum. to (14) by ORD-10-00058, 6-11-10)

30.02 DEFINITIONS.

Active Solar Collector. An active solar collector is a device that transforms light energy from solar radiation into heat energy. (This definition does not include passive solar devices or installations.) (Cr. by Ord. 8348, 5-25-84)

Active Solar Thermal System. An active solar thermal system is an auxiliary heating system using solar collectors to augment the building's primary heat source for space or water heating. (This definition does not include passive solar greenhouses.) (Cr. by Ord. 8348, 5-25-84)

Air Conditioner, Unitary. A unitary air conditioner consists of one (1) or more factory-made assemblies which normally include an evaporator, or cooling coil, a compressor and condenser combination, and may include a heater function as well; where such equipment is provided in more than one (1) assembly, the separated assemblies are described to be used together.

Air Conditioning. The simultaneous control of the temperature, humidity, air motion, and air distribution within an enclosure, where human comfort and health are involved. A reasonable air purity with regard to dusts, bacteria, and odors is also included.

Air Infiltration. The leakage of air into a house through cracks and crevices and through doors, windows and other openings, caused by wind pressure and/or temperature difference.

Boiler. A closed vessel in which a liquid is heated or vaporized and built in conformance with the A.S.M.E. Boiler Construction Code.

Boiler, High Pressure. A boiler furnishing steam at pressure in excess of fifteen (15) pounds per square inch gauge.

Boiler Hot Water and Low Pressure Steam. A boiler furnishing hot water at pressure not more than thirty (30) pounds per square inch gauge or steam at pressures not more than fifteen (15) pounds per square inch gauge.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Central Heating Equipment. Equipment used to generate heat which is distributed by means of pipes or ducts to furnish heat to areas other than those in which the equipment is located.

Coefficient of Heat Transmission (Overall) -U-. The amount of heat transmitted from air to air in one (1) hour per square foot of the wall, floor, roof, or ceiling for a difference in temperature of one (1) degree Fahrenheit between the air on the inside and outside of the wall, floor, roof or ceiling.

Conduction (Thermal). The transmission of heat through and by means of matter.

Convection. The transmission of heat by circulation (either natural or forced) of a liquid or gas such as air. If natural, it is caused by the difference in weight of hotter and colder fluid.

Convector. A concealed radiator. An enclosed heating unit located (with enclosure) either within, adjacent to, or exterior to the room or space to be heated, but transferring heat to the room or space mainly by the process of convection. A shielded heating unit is also termed a convector. If the heating unit is located exterior to the room or space to be heated, the heat is transferred through one (1) or more ducts or pipes.

Conversion Oil Burner. A burner for field installation in heating appliances such as boilers, furnaces, etc. It may be furnished with or without a primary safety control. Under special circumstances it may be installed for firing ovens, water heaters, ranges, special furnaces, and the like. A burner of this type may be a pressure atomizing gun type, a horizontal or vertical rotary type or a mechanical or natural draft vaporizing type.

Converter. A piece of equipment for heating water with steam without mixing the two. It may be used for supplying hot water for domestic purposes or for a hot water heating system.

Draft Regulator. A device which functions to maintain a desired draft in the fired appliance by automatically reducing the chimney draft to the desired value.

Furnace Room. A room in which heat generating equipment is installed.

One-Pipe System (Hot Water). A hot water heating system in which one (1) pipe serves both as a supply main and also as a return main. The heating units have separate supply and return pipes but both are connected to the same main.

One-Pipe System (Steam). A steam heating system consisting of a main circuit in which the steam can condensate flow in the same pipe. There is but one connection to each heating unit which must serve as both the supply and the return.

Panel Heating Systems. A heating system in which heat is transmitted by both radiation and convection from panel surfaces to both air and surrounding surfaces.

Radiant Heating. A heating system in which the heating is by radiation only. Sometimes applied to panel heating system.

Radiation. The transmission of heat in a straight line through space.

Radiator. A heating unit located within the room to be heated and exposed to view. A radiator transfers heat by radiation to objects "it can see" and by conduction to the surrounding air which in turn is circulated by natural convection.

Register. A grille with a built-in damper or shutter.

Square Foot of Heating Surface. Equivalent direct radiation (EDR). By definition that amount of heating surface which will give off two hundred forty (240) BTU per hour when filled with a heating medium at two hundred fifteen (215) degrees Fahrenheit and surrounded by air at seventy (70) degrees Fahrenheit. The equivalent square foot of heating surface may have no direct relation to the actual surface area.

Steam Heating System. A heating system in which the heating units give up their heat to the room by condensating the steam to them by a boiler or other source.

Steam Trap. A device for allowing the passage of condensate and air but preventing the passage of steam. See Thermostatic Trap.

Thermostat. An instrument which responds to changes in temperature and which directly or indirectly controls the room temperature.

Thermostatic Trap. A steam trap which opens by a drop in temperature such as when cold condensate or air reaches it and closes it when steam reaches it. The temperature sensitive element is usually a sealed bellows or series of diaphragm chambers containing a small quantity of volatile liquid.

Two-Pipe System (Steam or Water). A heating system in which one (1) pipe is used for the supply main and another for the return main. The essential feature of a two-pipe hot water system is that each heating unit receives a direct supply of the heating medium which cannot have served a preceding heating unit.

Unit Heater. A direct-heating, factory-made, encased assembly including a heating element, fan and motor, and directional outlet.

Vacuum Heating System (Steam). A one (1) or two (2) pipe system equipped with the necessary accessory apparatus to permit the pressure in the system to go below atmospheric.

Vapor Heating System (Steam). A two-pipe heating system which operates under pressure at or near atmospheric and which returns the condensation to the boiler or receiver by gravity.

Ventilation. Air circulated through a room for ventilating purposes. It may be mechanically circulated with a blower system or it may be natural circulation through an open window, etc.

Vent Valve (Steam). A device for permitting air to be forced out of a heating unit or pipe and which closes against water and steam.

Vent Valve (Water). A device permitting air to be pushed out of a pipe of heating unit but which closes against water.

Wet Return (Steam). That part of a return main of a steam heating system which is completely filled with water of condensation.

30.03 GENERAL CONDITIONS.

(1) Space heaters shall not be installed in any living quarters unless the combustion air supply is taken from the outside directly to the unit. Space heaters which are presently installed without an outside combustion air supply directly to the unit must be removed by June 1, 1975, or shall be provided with an outside combustion air supply directly to the unit by the above specified time. The above subsection shall be enforced over the Wis. Admin. Code Sec. SPS 364.21. All other provisions of Wis. Admin. Code Sec. SPS 364.21 shall apply where applicable. (Am. by Ord. 9298, 10-29-87; ORD-12-00035, 3-28-12)

(2) For isolation of fire hazards, refer to the Madison General Ordinances, Sec. 29.20(15)(b). (R. & Recr. by Ord. 4891, 2-13-75)

(3) In addition to the requirements contained in the manuals and pamphlets listed in Appendix No. 1 which shall be classed as minimum standards of this code, the installation of all heating equipment and piping shall conform to the requirements set forth in the following sections of this code.

(4) Poor workmanship, design or methods of installation likewise shall be sufficient cause for the condemnation of the whole or any part of the system.

(5) Combustion Air.

(a) One and Two-Family Residences. The provisions herein apply to appliances installed in buildings and which require air for combustion, ventilation, and dilution of flue gases from within the building. They do not apply to (1) sealed combustion system appliances which are installed so that all air for combustion is obtained from the outside atmosphere and all flue gases are discharged to the outside atmosphere, or (2) enclosed furnaces which incorporate an integral total enclosure and use only outside air for combustion and dilution of flue gases.

Appliances shall be installed in a location in which the facilities for ventilation permit satisfactory combustion of gas, proper venting and the maintenance of ambient temperature at safe limits under normal conditions of use. Appliances shall be located so as not to interfere with proper circulation of air within the confined space. When buildings are so tight that normal infiltration does not provide the necessary air, outside air shall be introduced.

While all forms of building construction cannot be covered in detail, air for combustion, ventilation and dilution of flue gases for gas appliances vented by natural draft normally may be obtained by application of one of three methods listed below:

All air from inside buildings.

All air from outdoors.

Ventilation air from inside buildings - combustion and draft hood dilution air from outdoors.

1. Appliances Located in Unconfined Spaces. In unconfined spaces in buildings of conventional frame, masonry, or metal construction, infiltration normally is adequate to provide air for combustion, ventilation, and dilution of flue gases.

If the unconfined space is within a building of unusually tight construction, air for combustion, ventilation, and dilution of flue gases shall be obtained from outdoors or from spaces freely communicating with the outdoors. A permanent opening or openings having a total free area of not less than one (1) square inch per five thousand (5,000) BTU per hour of total input rating of all appliances shall be provided. Ducts may be used to convey make-up air from the outdoors and shall be of the same cross-section area as the free area of the openings to which they connect. The ducts may be connected to the cold air return of the heating system only if they connect directly to the outside air. The minimum dimension of rectangular air ducts shall be not less than three (3) inches.

2. Appliances Located In Confined Spaces.

a. All Air From Inside Buildings. The confined space shall be provided with two (2) permanent openings, one (1) commencing within twelve (12) inches of the top and one (1) commencing within twelve (12) inches of the bottom of the enclosure. Each opening shall have a minimum free area of one (1) square inch per one thousand (1,000) BTU per hour of the total input rating of all appliances in the enclosure. The openings must freely communicate with interior areas having in turn adequate infiltration from the outside.

b. All Air From Outdoors. The confined space shall be provided with two (2) permanent openings, one (1) commencing within twelve (12) inches of the top and one (1) commencing within twelve (12) inches of the bottom of the enclosure. The openings shall communicate directly, or by ducts, with outdoors or spaces (crawl or attic) that freely communicate with outdoors.

When directly communicating with the outdoors each opening shall have a minimum free area of one (1) square inch per four thousand (4,000) BTU per hour of total input rating of all appliances in the enclosure.

When communicating with the outdoors through vertical ducts each opening shall have a minimum free area of one (1) square inch per four thousand (4,000) BTU per hour of total input rating of all appliances in the enclosure.

When communicating with the outdoors through horizontal ducts, each opening shall have a minimum free area of one (1) square inch per two thousand (2,000) BTU per hour of total input rating of all appliances in the enclosure. When ducts are used, they shall be of the same cross-sectional area as the free area of the openings to which they connect. The minimum dimension of rectangular air ducts shall be not less than three (3) inches.

c. Ventilation Air From Inside Buildings - Combustion and Draft-hood Dilution Air From Outdoors. The confined space shall be provided with two 2) openings located and sized as in Section 30.03(5)(a)2.a. In addition, there shall be one (1) opening directly communicating with outdoors or spaces (crawl or attic) that freely communicate with outdoors. This opening shall have a minimum free area of one (1) square inch per five thousand (5,000) BTU per hour of total input of all appliances in the enclosure. Ducts may be used to convey make-up air and shall be of the same cross-section area as the free area of the openings to which they connect. The ducts may be connected to the cold air return of the heating system only if they connect directly to outside air. The minimum dimension of rectangular air ducts shall not be less than three (3) inches.

(b) (R. by Ord. 10,255, Adopted 5-7-91)

(6) Where kitchen and bathroom exhaust ventilation is provided, ductwork shall extend to the exterior of the building. The termination of the ductwork shall be into an approved weatherproof hood.

30.04 ELECTRIC SPACE HEATING. The construction, arrangement, installation, alteration, repair and servicing of equipment which directly converts electrical energy into heat energy shall be governed by the provisions set forth, when such equipment is installed as a heating system intended to heat any space, room, or building for the comfort, health, or welfare of the occupants.

(1) Requirement for Equipment.

(a) All heat generating and emission units, and all control devices shall be in accordance with the Standard for Safety of Electric Heating Appliances established by Underwriters' Laboratories, Incorporated, or any other nationally recognized inspection board or laboratory.

(b) The total rating (or adjusted rating) of heat emission devices in each room or space to be heated shall equal or exceed the calculated heat loss of such room or space.

(c) The total rating (or adjusted rating) of the heat emission devices shall equal or exceed the calculated aggregate heat loss of all rooms or spaces heated where used as living quarters. The output of each heat generating and emission unit shall be computed at the location where the electrical energy is converted to heat energy. The conversion of electrical energy to heat energy shall be considered at not greater than 3413 BTU kilowatt hour.

(d) All heat generating and emission units are to be considered as constant loads and the conductor shall be capable of carrying one hundred twenty-five percent (125%) of the rated current. Where the labeled voltage of a heat generating or emission unit is greater or less than five percent (5%) of the service voltage, an adjusted rating of the heat generating or emission unit shall be used in determining the output.

$$\text{Adjusted} = \frac{(\text{Service Voltage})^2}{(\text{Label Voltage})^2} \times \text{Nameplate Rating}$$

(2) Electrical Service Capacity.

When the primary or exclusive source of energy for space heating is electrical, and the energy is converted directly from electrical energy, the minimum installed electrical service for heating shall equal in kilovolt ampere capacity the total calculated heat loss of the living quarters of the building design conditions. This will require that service conductors and service equipment capacity be provided to supply the total equivalent kilovolt ampere necessary to effect the calculated heat loss, regardless of whether heating devices are installed in all rooms or spaces regarded as living quarters in the initial installation. The service capacity shall be designed to accommodate the heating load in addition to the normal connected load of the building.

Load Limitations of Circuits.

1. No single heating unit (except floor furnaces or forced air heaters) of more than five (5) kilowatts shall be installed in any one room of a building. Where the calculated heat loss of room exceeds the equivalent capacity of a five (5) kilowatt heating unit (except floor furnaces and forced air heaters) there shall be installed two (2) or more heating units per room.

2. All electric heating units of more than one thousand six hundred fifty (1,650) watts rated capacity shall be equipped with two hundred thirty-two (232) forty (40) volt single phase elements, except in areas where the nominal standard is two hundred eight (208) volts. Heating units served at one hundred twenty (120) volts shall not exceed one thousand six hundred fifty (1,650) watts each or an aggregate capacity of three thousand three hundred (3,300) watts.

3. Receptacles installed in electric heating units shall not be connected to the heating circuit.

(3) Nameplate Required (All Systems). The manufacturer's nameplate shall be attached to the heating unit in a location which is accessible when the unit is in the installed position. The nameplate shall indicate the manufacturer's name, and the rating in amperes or watts and the voltage of the unit.

(4) General Installation Requirements.

(a) All appliances shall be located in such a manner that continuous operation of the appliance will not raise the temperature of surrounding combustibles more than ninety (90) degrees above normal room temperature, when measured with mercury thermometers or conventional bead-type thermocouples.

(b) All stationary or fixed electric heaters shall be permanently connected.

(c) Every electrical heating device shall have a manual means for disconnecting all ungrounded conductors. A branch circuit switch pullout, or circuit breaker may be used as the disconnecting means if readily accessible to the user. Thermostats which are an integral part of the heater may not be used as the sole disconnect. One of the following disconnecting means shall be required in addition to such switch.

1. Single-family dwelling - the main switch may be used as the primary means of disconnect.
2. Two-family dwelling - same conditions apply as single-family residence.
3. Three (3) apartments or more - the circuit disconnect must be in the apartment or on the same floor.
4. Commercial or industrial - the branch circuit switch or breaker where readily accessible to the user or an approved thermostat is used as described below.
5. Thermostat used as disconnecting means - a thermostat or combination thermostat and switch will qualify as a disconnecting means provided it contains an identified "off" position, will not energize any conductors while in the "off" position, without being manually moved from said "off" position, and opens all ungrounded conductors simultaneously.

(d) Portable electric heaters shall not be used in lieu of central heating systems. A central heating system shall mean "Equipment used to generate heat which is distributed by means of pipes, ducts or any other permanently connected source of heat used to furnish heat to an area".

Exception: Portable electric heaters may be used during the time the central heating system is being repaired or replaced providing the portable electric heaters comply with Sec. 30.04(12) and the use of portable heaters will not exceed 72 hours excluding weekends and holidays.

(Cr. by Ord. 4830, 1-16-75)

(5) Thermostat Requirements. Each space to be heated shall be controlled by one (1) or more thermostats and must meet the requirements of Sec. 30.04(4)(c)5. Maximum load of each thermostat shall be five (5) kilowatts.

(6) Radiant Glass Heaters - Wall Type.

(a) Heaters shall be installed on exterior walls where practical. Radiant type heaters shall not be installed on partitions which will cause such heaters to face an exposed outside wall, unless such installation is approved by the Heating, Ventilating, and Air Conditioning Inspector.

(b) Radiant glass heaters shall not be installed in floors.

(c) Radiant glass heaters shall not be installed on ceilings unless approved for ceiling mounting, in which case they shall comply with the requirements of prefabricated panels, where mounted tightly against the ceiling.

(7) Convection, Resistance, and Fan-Forced Units.

(a) Baseboard, wall, and standard fan-forced units shall be installed on exterior walls where practical.

(b) Floor drop-in units shall be installed in close proximity to exterior walls.

(c) Reverse flow fan-forced units shall be installed on interior partitions.

(8) Electric Panel Heating Resistance - Cable Type.

(a) Resistance cable shall not be installed in walls.

(b) Cables may be installed in ceilings or poured masonry floors. Cables shall not be extended beyond the room in which they originate. Cables shall not be installed in closets, over cabinets, under walls or partitions, or over walls or partitions where embedded. This requirement shall not prohibit low temperature heat sources in closets to control relative humidity.

(c) Cables shall be separated at least eight (8) inches from lighting fixtures, outlet and junction boxes, and two (2) inches from ventilating openings and other such openings in room surfaces. Sufficient area shall be provided to assure that no heating cables will be covered by surface-mounted lighting units.

(d) Cables must not be plastered over until the Electrical Inspector has inspected the installation.

(9) Electric Panel - Prefabricated Conductive Materials.

(a) Prefabricated conductive panels shall not extend beyond the room in which they originate.

(b) Panels shall not be installed on walls unless approved by the Electrical Inspector.

(c) Panels shall be separated at least eight (8) inches from lighting fixtures, outlets, and junction boxes, and two (2) inches from ventilating openings and other such openings in room surfaces. Sufficient area shall be provided to assure that no heating panels will be covered by surface-mounted lighting areas.

(10) Electric Central Heating Systems. Central heating systems of the forced warm air, gravity warm air, steam or hot water type, shall be installed in accordance with the applicable sections of the Heating, Ventilating and Air Conditioning Code.

Resistance electric heating elements shall be controlled so that not more than five (5) kilowatts can be switched on simultaneously.

(11) Electric Floor Furnaces. Self-contained heating units in the form of electric floor furnaces shall be installed in accordance with applicable sections of the Heating, Ventilating and Air Conditioning Code.

Thermostatic control shall be provided within the heated space, except that no thermostatic control shall switch any combination of heating elements totaling more than five (5) kilowatts simultaneously.

(12) Electrical Heaters, Portable. All portable electric heaters shall be provided with a three (3) wire cord and grounding type cap. The entire unit shall be in accordance with the Standards for Safety of Electrical Heating Appliances established by Underwriters' Laboratories, Incorporated, in their Bulletin No. UL 499, dated June, 1962, a copy of which is on file for inspection in the office of the Electrical Inspector.

A thermostatic control shall be provided in each heated space, except that no individual thermostat shall switch any combination of heaters totaling more than five (5) kilowatts.

(13) Other Permanently Placed Electric Heaters. Nothing in the regulations contained in Chapter 30 of the General Ordinances of the City of Madison shall prohibit the installation of other types of permanently placed electrical heat generating and emission units not presently covered herein when such units are approved by the Electrical Inspector and installed in a manner approved by such inspector, provided they meet the general provisions of Chapter 30 of the Madison General Ordinances of the City of Madison. No individual thermostatic control shall switch any combination of heaters totaling more than five (5) kilowatts.

30.05 ACTIVE SOLAR COLLECTOR SYSTEMS.

(1) Orientation Guidelines.

(a) For solar systems used only for winter space heating, the collector tilt angle measured from the horizontal shall be 55° to 90°, and the azimuth angle measured from due south shall be 25° or less.

(b) For solar systems which are not utilized during the months of November, December, January, or February, the collector tilt angle measured from the horizontal shall be 14° to 45°, and the azimuth angle measured from due south shall be 35° or less.

(c) For solar systems used the entire year for space heating or water heating, the collector tilt angle measured from the horizontal shall be 45° to 60°, and the azimuth angle measured from due south shall be 30° or less.

(d) Any variations from the orientation guidelines above must be consented to and acknowledged by the owner in writing prior to installation of the solar system. (Am. by ORD-08-00122, 11-22-08)

(2) (R. by ORD-08-00122, 11-22-08)

(3) Collector Mounting. Every solar collection system shall be securely anchored to prevent damage to the collector(s) and structure to which they are attached. Fully engineered mounting and rack details showing collector attachment and support anchorages shall be approved by the Department before installation. The collectors shall be installed according to the manufacturer's instructions.

(4) Roof Support. Every solar collection system installed on a roof shall be analyzed to determine if the roof system is strong enough to support the collector system and any anticipated snow loads. Details showing roof structure reinforcements shall be approved by the Department before installation.

(5) Corrosion. All materials used in the manufacturing and installation of active solar systems shall be of corrosion-resistant material. All connections shall be made with compatible materials.

(6) Sensors. All sensors and controllers installed in active solar systems shall be located to provide for servicing, be installed according to the control manufacturer's instructions and be protected from damage. All sensor wiring shall be securely attached and protected from damage and moisture.

(7) Liquid Systems - Piping and Penetration.

(a) When three (3) or more collectors are installed in any one system, a reverse flow piping configuration shall be used unless an alternate flow configuration is recommended by the manufacturer.

(b) No permanent piping shall connect the solar system with potable water.

(c) All piping used in the solar loop supply and return and within ten (10) feet of the collector shall be made and assembled of materials that can withstand antifreeze solution at temperatures of up to 350°F. The remaining solar loop piping shall be made and assembled of materials that can withstand antifreeze solution of 200° F.

Note: CPVC Piping has performed poorly in certain installations.

(d) All solar loop building penetrations shall be made using weatherproof devices which will allow for expansion and contraction. All penetrations into the building shall be weatherproofed to prevent leaks, insects and drafts from entering the building.

(e) All of the components of a closed loop solar collector system shall be sized to provide adequate flow to the collectors.

(f) The solar loop shall incorporate a check valve downstream of the heat exchanger if collectors are mounted above the storage tank.

(g) Automatic air vents shall be disconnected from the solar loop by a ball valve.

(Sec. 30.05(7) Am. by ORD-08-00122, 11-22-08)

(8) Air Systems: Ducting and Penetration.

(a) All ducts used in the solar loop shall be made and assembled of materials that will not distort or deteriorate from temperature, pressure, or exposure.

(b) All solar loop duct building penetrations shall be made using weatherproof devices which will allow for expansion and contraction. All penetrations into the building shall be weatherproofed to prevent leaks, insects and drafts from entering the building.

(c) All of the components of a solar collector duct system shall be sized to provide adequate airflow to the collectors.

(d) The solar loop ductwork from the mechanical equipment (i.e. risers to the collector(s), and manifold(s) if used) shall be leak tested with a calibrated blower and the recorded leakage at one-inch water column shall not exceed ten percent (10%) of the system design airflow rate.

Note: The City will accept silicone caulk, Hard Cast or equivalent as sealants for metal ducts and Sheet Metal and Air Conditioning Contractor's National Association (SMACNA) approved aluminum tape or approved equivalent as sealants for fiberglass ducts. All ducts in unconditioned spaces shall be sealed with one of the above. Duct tape is not approved for solar application.

(e) All ductwork shall be fabricated and installed to meet SMACNA standards.

(f) Back-draft dampers or motorized dampers shall be installed so as to prevent air passage through the collectors except when solar energy is being collected.

(g) The system shall be designed and installed to prevent cold airflow across the water heating coil. If mechanical dampers are used to meet this requirement, they shall meet a leakage test not to exceed five percent (5%) of the system design air flow rate at one-inch water column.

(h) All systems shall incorporate a secondary freeze protection system in case of mechanical failure. An electrical freeze sensor which activates the pump to circulate fluid through the domestic coil will meet this requirement.

(i) Systems incorporating domestic heating shall be equipped with a summer bypass to the solar storage during the non-heating season.

(j) All air systems used for space heating shall incorporate the use of a high efficiency air filter installed in the cold air riser duct to the collectors. The air filter shall have a minimum average efficiency of thirty percent (30%) as rated by the filter manufacturer.

(9) Liquid Systems - Pipe Insulation.

(a) All pipe insulation in the solar collection system shall be at least R-5 in insulating value.

(b) Exterior pipe insulation shall resist ultraviolet and environmental degradation and shall be covered by material providing weather resistance, UV protection and mechanical abuse protection. Exterior insulation joints, seams and connections shall be sealed to prevent entry of moisture. Fiberglass and elastomer insulation shall not be used for exterior solar application.

(c) Solar supply loop shall be insulated with three hundred degree (300°F) rated insulation approved for solar applications.

Note: One-inch thickness of urethane and phenolic foam, with appropriate cover will meet the requirements of Subsection (b) above.

(Sec. 30.05(9) Am. by ORD-08-00122, 11-22-08)

(10) Air Systems - Duct Insulation and Piping.

(a) Ductwork located in unheated spaces shall be insulated to a minimum value of R-7.

(b) Ductwork located in heated spaces shall be insulated to a minimum value of R-3.

Note: It is recommended that all duct chases be insulated to a minimum insulating value of R-11. Some acceptable materials for insulation include: fiberglass duct wrap, fiberglass duct liner, fiberglass duct board.

(c) A vapor barrier, if installed, shall not be located on the cold side of the ductwork.

(d) All domestic water piping used in conjunction with a solar air system shall meet the piping requirements for liquid systems.
Exception: The cold-water inlet to the storage tank need not be insulated beyond two (2) feet from the storage tank.

(11) Heat Transfer Fluids.

(a) Every solar collection system using fluids for heat transfer shall have a label attached to the storage/transfer tank indicating what fluid is contained in the collection system, its freezing point, Ph and installation date.

(b) The fluid contained in a non-drain down system shall be able to withstand temperatures of at least -30°F before freezing.

(c) Instructions shall be attached to the system indicating the fluid manufacturer's recommendations for proper checking and maintenance procedure.

(d) Only fluids recommended by the manufacturer for use in solar systems shall be used in solar systems. Ethylene glycol shall not be used for solar systems due to its toxicity.

(e) The heat transfer fluid used in the collectors shall be isolated from the potable water supply through the use of an approved double wall heat exchanger.

(12) Valves, Vents and Dampers.

(a) Adequately sized pressure relief valves shall be located on all storage tanks within the system. The pressure relief valve shall be piped to discharge fluids within ten (10) inches of the floor.

(b) All closed loop solar collector systems filled with antifreeze fluids shall be provided with a bleed valve installed at the highest point in the piping system.

(c) All closed loop solar collection systems shall be provided with a pressure relief valve in the solar loop piping. The relief valve shall be piped to a safe location to avoid personal injury or damage to the building.

(d) All closed loop solar collector systems filled with antifreeze fluid shall be pumped from the bottom of the collector array to the top of the collector array during normal operation. A check valve shall be provided in the system to prevent flow in the opposite direction.

(e) Controls, dampers and valves shall be marked to identify their function.

(13) Storage Tanks - Liquid Systems.

(a) Storage tanks shall be located in heated (+50°F) areas whenever possible.

(b) Storage tanks located in unheated areas (+49°F or less) shall be insulated to an overall value of R-20 or greater. The insulation shall be permanently fastened in place.

(c) Storage tanks installed in heated spaces shall be insulated to an overall value of R-11 or greater. The insulation shall be permanently fastened in place.

(d) Heat traps shall be included on all supply and discharge lines for the storage tank. (Cr. by ORD-08-00122, 11-22-08)

(e) Storage tanks shall be located to provide for proper servicing.

(f) All storage tanks shall be designed and installed to withstand all anticipated loads and environmental conditions.

(g) All air vented tanks shall be covered.

(Sec. 30.05(13)(d)-(f) Renum. to (e)-(g) by ORD-08-00122, 11-22-08)

(h) Storage tanks shall have a tempering valve adjustable to 120°F downstream from the regular water heater and heat trap. (Cr. by ORD-08-00122, 11-22-08)

(14) Storage - Air Systems.

(a) Storage systems shall be located in heated (+50°F) areas whenever possible.

(b) Storage systems located in unheated areas (+49°F or less) shall be insulated to an overall value of R-38 or greater. The insulation shall be permanently fastened in place.

(c) Storage systems installed in heated spaces shall be insulated to an overall value of R-11 or greater. The insulation shall be permanently fastened in place.

(d) All storage systems shall be designed and installed to withstand all anticipated loads and environmental conditions.

(e) If rock is utilized for thermal storage, it shall be washed before it is placed into the storage area.

(f) If phase change storage materials are utilized in an air storage system, the storage materials shall be placed in sealed containers.

(g) When a rock storage system is utilized, an inlet plenum and an outlet plenum shall be provided.

(15) Monitoring and Manuals.

(a) Every active liquid solar system shall have a thermometer installed on the storage tank, to measure the temperature of the fluid in the storage tank. A single tank system would not be considered as having a storage tank.

(b) A pressure gauge shall be installed in the solar loop. (Cr. by ORD-08-00122, 11-22-08)

(c) The solar loop supply and return and the discharge line of the tempering valve shall have thermometers. (Cr. by ORD-08-00122, 11-22-08)

(d) Arrows shall be placed on the piping/ducting of the solar collector loop to indicate the direction of the fluid/air flow. (Renum. by ORD-08-00122, 11-22-08)

(e) Suppliers and installers of solar systems shall supply manuals to the owner explaining the operation and maintenance of the installed solar equipment. The manufacturer's name and model number of all major components shall be furnished to the owner. (Renum. by ORD-08-00122, 11-22-08)

(16) Site Built and Non-Standard Systems. The intent of this code is not to inhibit or discourage site built and non-standard systems but to insure that they are adequately designed and installed. Site built collectors shall conform to the provisions of this code, except 30.01(10)(c)7.b.

(Sec. 30.05 Cr. by Ord. 8348, 5-25-84; Sec. 30.05(5) Rep., Secs. 30.05(6) through (17) Renum. (5) through (16) by ORD-08-00122, 11-22-08)

30.06 WARM AIR.

(1) Selection of Furnace or Rooftop Unit Size. The furnace or rooftop unit shall be selected to satisfy the maximum hourly BTU requirement of the building and shall have a register delivery rating determined by a recognized authority. If the manufacturer's rating is given as a rating at the bonnet, the rating at the register shall be determined by the following method:

To obtain the register rating on a gravity furnace, the BTU rating at the bonnet shall be reduced by twenty-five percent (25%); on forced warm air furnaces, bonnet rating shall be reduced by fifteen percent (15%).

(2) Selection of Blower Capacity. The blower shall be selected to furnish the required CFM air delivery against the total static pressure of the system, equal to or greater than the sum or the CFM requirements of all spaces to be heated.

(3) Selection of Ducts, Registers, Intakes.

(a) Gravity system less than one hundred fifty thousand (150,000) BTU per hour. The system of branches, risers, fittings, registers, intakes and trunk ducts to be installed shall meet the minimum requirements resulting from the use of Manual No. 5, of the N.W.A.H.A.C. Association, as listed in Appendix No. 1.

(b) Forced warm air system not in excess of one hundred twenty thousand (120,000) BTU per hour. The system of branches, risers, fittings, registers, intakes and trunk ducts to be installed shall meet the minimum requirements resulting from use of Manual No. 7, of N.W.A.H.A.C. Association, as listed in Appendix No. 1.

(c) Forced warm air system in excess of one hundred twenty thousand (120,000) BTU per hour. The system of branches, risers, fittings, registers, intakes and trunk ducts to be installed shall meet the minimum requirements resulting from the use of Tables of Manual No. 9, N.W.A.H.A.C. Association as listed in Appendix No. 1.

(d) Individual return air intakes in new residential construction shall be installed from each room excepting bathrooms, kitchens and utility rooms. This shall include all heated recreation and playrooms. In kitchens with a dining area, return air intake shall be installed. However, in the case of one (1) story dwellings with either a crawl space or a full basement, and where baseboard warm air heating is used, direct return airs may be eliminated from the bedrooms providing:

1. Air is transferred at the floor level to a return air grille located in the connecting hall or corridor.
2. The free area of the said return air grilles shall be sized to equal one hundred percent (100%) of the required area of the supply ducts.
3. The said grille to be located at the floor level with a velocity not to exceed five hundred ninety-nine (599) feet per minute.
4. Air shall not be transferred from one habitable room through another habitable room.

(e) Selection of the return air ducts size shall be sized for at least one hundred percent (100%) of the area of the supply duct system. Where return air is taken from more than one (1) story and where high sidewall returns are used, at least fifty percent (50%) of those located on the lowest story must be located at the floor level.

(4) Furnace Location and Mounting.

(a) Accessibility. Furnaces shall be so located that all parts which require periodical service or replacement are easily accessible with a minimum clearance of twenty-four (24) inches, except for a closet installation, a door or access panel which will open the full size of equipment may be used.

(b) Pipeless Furnaces.

Placement. Locate so that no door, drapery, or similar object can be nearer than twelve (12) inches to any portion of the floor, furnace or register.

(c) Floor Furnaces.

1. Placement. Locate so that no door, drapery, or similar object can be nearer than twelve (12) inches to any portion of the floor, furnace or register.
2. Bracing. The floor around the furnace shall be braced and headed with a framework of material not lighter than the joists. The inside dimensions of the framework shall be approximately one-half (½) inch longer and one-half (½) inch wider than the furnace to be installed.
3. Support. Means shall be provided to support the furnace when the floor grille is removed.
4. Clearance. The bottom of the floor furnace shall have at least a six (6) inch clearance from the ground, obtained, when necessary, by excavating the ground below and to the sides to form a "basin-like" pit under the furnace so that there is a six (6) inch clearance beneath the furnace and a twelve (12) inch clearance on all sides, except the control side, which shall have an eighteen (18) inch clearance.
5. Seepage Pan. Whenever the excavation exceeds twelve (12) inches and water seepage is apparent under the house, a water-tight copper pan, concrete pit, or other suitable material shall be used. If of copper, it shall be made of not less than sixteen (16) ounces sheet copper. The pan shall extend at least four (4) inches above the ground level, with a twelve (1) inch clearance from the furnace on all sides, except the control side, which shall have an eighteen (18) inch clearance.

6. Access. Adequate provision shall be made for easy access to the furnace under the house by means of an opening in the foundation wall or through a trap door of at least thirty by thirty (30 x 30) inches, located at some convenient point in the house, and a clear, unobstructed passageway to the furnace at least thirty by thirty (30 x 30) inches.

7. Appliance Alterations. All gas floor furnaces, including those having single or dual wall register outlets, shall be installed without alterations, extensions, or changes of any kind in the furnace.

8. Upper Floor Installations. Gas floor furnaces may be installed in an upper floor provided the furnace assembly projects below into a utility room, closet, garage, or similar nonhabitable space. In such installations, the furnace shall be enclosed completely, with provisions for service, with furnace clearances of six (6) inches on all sides and bottom, and with the enclosure constructed of Portland cement plaster on metal lath or material of equal fire resistance. Sufficient air for combustion must be supplied.

(d) Recessed Heaters.

1. Installation. Recessed heaters shall be installed in accordance with Sections 30.18, 30.19, 30.20 and 30.21 of the Madison General Ordinances.

2. Location. Recessed heaters shall be located so as not to cause a hazard to walls, floors, curtains, furniture, doors, etc. Recessed heaters installed between bathroom and adjoining rooms shall not circulate air from bathroom to other parts of the building.

(e) Mounting Furnaces.

1. For Incombustible Floor. Furnaces shall be mounted on a firm, level base of brick, cement or other incombustible material; tightly sealed at the bottom of the casing, or suspended or supported in a rigid manner. Said base shall be directly on the ground or adequately supported.

2. High Boy, Forced Air Furnace on Combustible Floor. Automatically fired, forced warm air furnaces may be mounted on a combustible floor provided they are so arranged that the fan and fan chamber occupies the entire area beneath the firing chamber and forms a well ventilated air space between the firing chamber and the floor.

3. Furnaces With Legs on Combustible Floor. Warm air furnaces and heaters which have four (4) inches or more of open space under the base of the appliance may be mounted on combustible floors, provided the appliance is such that flame or hot gases do not come in contact with its base, and further provided, the floor under the appliance is protected with not less than one-fourth (¼) inch of asbestos mill board or equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than the clearances specified in Section 30.06(4)(f) 2, 3, and 4 of the Madison General Ordinances.

4. Downflow Furnace on Combustible Floor. A downflow furnace installed in a combustible floor must be set over a plenum of proper size, and both the furnace and the plenum must be supported by a base of one (1) inch thick asbestos mill board, building tile or cinder block. The plenum must be suspended from the top of the noncombustible base, and a clearance of at least one (1) inch must be provided between the outer sides of the plenum and the wood framing around the opening in the floor. This one (1) inch space must be filled with noncombustible insulation.

When oil-fired equipment is to be installed, the floor protection must extend beyond the burner and must be covered with a drip pan at least one (1) inch deep to prevent oil saturation of the combustible floor.

On all downflow furnaces there shall be installed an additional high limit control to close down the burner if there should be blower failure.

(f) Installation Clearances.

1. Furnace Clearances, by Temperature. Locate furnace so as to maintain a clearance sufficient to prevent surface temperatures of adjacent combustible materials, not to exceed one hundred seventy-five (175) degrees Fahrenheit.

2. Furnace Clearance, by Inches. No Protection. Except as otherwise provided, warm air furnaces and heat exchangers shall be installed to provide a clearance to woodwork or other combustible material, whether plastered or unplastered, not less than as shown in Table 1.

Note 1. Front clearance shall be sufficient for servicing the burner and furnace.

Note 2. Listed limit control that cannot be set higher than two hundred fifty (250) degrees Fahrenheit installed not more than ten (10) inches above the top surface of heat exchanger in a supply plenum that extends at least twelve (12) inches above the top surface of the heat exchanger.

Note 3. Barometric draft control operated by draft intensity and permanently set to limit the draft to a maximum intensity of thirteen-hundredths (0.13) inches of water gauge.

Note 4. Clearance above supply ducts within three (3) feet of the plenum shall be not less than one (1) inch. See Section 30.06(4)(f)5. of the Madison General Ordinances.

Note 5. Clearance above supply ducts within six (6) feet of the plenum shall be not less than that specified above the bonnet or plenum. See Section 30.06(4)(f)5. of the Madison General Ordinances.

Note 6. Clearance above horizontal supply ducts within three (3) feet of the plenum shall be not less than eighteen (18) inches, and beyond six (6) feet, not less than one (1) inch.

3. Furnaces in Closets, etc. Furnaces shall not be installed in a confined space such as an alcove or closet unless specifically approved for such installation and then only when installed in compliance with the approval and with the clearance from the walls and ceiling of the alcove or closet, not less than specified regardless of the type of construction.

TABLE NO. 1

		Minimum Clearance, Inches Above and Sides of Bonnet or Plenum	Jacket Sides and Rear	Front Note 1
I.	Listed or unlisted automatically fired, forced air or gravity system, equipped with 250 degrees Fahrenheit temperature limit control installed in accordance with Note 2.			24
	Burning Liquid Fuel (See Note 4)	1	6	24
	Burning Gas Fuel (See Note 4)	1	6	18
	Utilizing Electricity (See Note 4)	1	6	18

		Minimum Clearance, Inches Above and Sides of Bonnet or Plenum	Jacket Sides and Rear	Front Note 1
II.	Listed automatically fired, forced air or gravity system, equipped with limit control not conforming to Note 2, but that will limit outlet air temperature to 250 degrees Fahrenheit (See Note 5).			
	Burning Liquid Fuel	2	6	24
	Burning Gas Fuel	2	6	18
	Utilizing Electricity	2	6	18
III.	Steam or Hot Water Heat Exchanger. Steam not over 15 pounds gauge pressure and hot water not more than 250 degrees Fahrenheit.	1	1	1
IV.	Automatically stoker fired, forced air system equipped with 250 degrees Fahrenheit temperature limit control installed in accordance with Note 2 and barometric draft control (See Notes 3 and 5).			
	Burning Solid Fuel	6	6	48
V.	Furnaces other than above (See Note 6)			
	Burning Liquid Fuel	18	18	48
	Burning Gas Fuel	18	18	18
	Burning Solid Fuel	18	18	48

TABLE NO. 2
REDUCTION OF CLEARANCES WITH SPECIFIED FORMS OF PROTECTION

Type of protection applied to & covering all surfaces of combustible material w/in distance specified as required clearance w/no protection (See Figs. 7, 8, 9)	Where required clearance w/no protection from appliance, vent connector, or single wall metal pipe is:									
	36"		18"		12"		9"		6"	
	Allowable Clearances w/Specified Protection, inches									
	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear
a) 3½" thick masonry wall w/out ventilated air space	—	24	—	12	—	9	—	6	—	5
b) ½" insulation board over 1" glass fiber or mineral wool batts	24	18	12	9	9	6	6	5	4	3

Type of protection applied to & covering all surfaces of combustible material w/in distance specified as required clearance w/no protection (See Figs. 7, 8, 9)	Where required clearance w/no protection from appliance, vent connector, or single wall metal pipe is:									
	36"		18"		12"		9"		6"	
	Allowable Clearances w/Specified Protection, inches									
	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear
c) 0.024 (24 gauge) sheet metal over 1" glass fiber or mineral wool batts reinforced w/wire on rear face w/ventilated air space	18	12	9	6	6	4	5	3	3	3
d) 3½" thick masonry wall w/ventilated air space	—	12	—	6	—	6	—	6	—	6
e) 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	2
f) ½" thick insulation board w/ventilated air space	18	12	9	6	6	4	5	3	3	3
g) 0.024 (24 gauge) sheet metal w/ventilated air space over 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	3
h) 1" glass fiber or mineral wool batts sandwiched between two sheets 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	3

NOTES APPLICABLE TO TABLE 2

1. Reduction of clearances from combustible materials shall not interfere with combustion air, draft hood clearance and relief, and accessibility of servicing.
2. All clearances shall be measured from the outer surface of the combustible material to the nearest point on the surface of the appliance, disregarding any intervening protection applied to the combustible material.
3. Spacers and ties shall be of noncombustible material. No spacer or tie shall be used directly opposite appliance or connector.
4. With all clearance reduction systems using a ventilated air space, adequate provision for air circulation shall be provided as described. (See Figures 7 and 8.)

5. There shall be at least 1 inch between clearance reduction system and combustible walls and ceilings for reduction systems using ventilated air space.
6. If a wall protector is mounted on a single flat wall away from corners, adequate air circulation may be provided by leaving only the bottom and top edges or only the side and top edges open with at least 1 inch air gap.
7. Mineral wool batts (blanket or board) shall have a minimum density of 8 lb/ft^3 and a minimum melting point of 1500/F.
8. Insulation material used as part of clearance reduction system shall have a thermal conductivity of 1.0 (Btu-in)/(sq ft-hr-F) or less.
9. There shall be at least 1 inch between the appliance and the protector. In no case shall the clearance between the appliance and the combustible surface be reduced below that allowed in the table.
10. All clearances and thicknesses are minimum; larger clearances and thicknesses are acceptable.

(Sec. 30.06(4)(f)3. Table 2 R. & Re-Cr. by Ord. 10,255, Adopted 5-7-91)

4. Furnace Clearances - By Inches - With Protection. Warm air furnaces may be installed with clearances to woodwork or other combustible material, as shown in Table 2, where the combustible material or the appliance is protected as described in Table 2.

5. Duct Clearances. All parts of the supply system exposed to radiated heat from a furnace or surface, the temperature of which may be higher than two hundred fifty (250) degrees Fahrenheit, shall be constructed, insulated, shielded, or otherwise arranged, so that the temperature of the combustible construction adjacent to the supply system is not raised above one hundred seventy-five (175) degrees Fahrenheit.

Horizontal Supply Duct Clearances. Within a distance of three (3) feet of the plenum of systems classified under Items I and III of Table 1, the clearance shall be not less than one (1) inch. Beyond three (3) feet, no clearance is required.

Within a distance of six (6) feet of the plenum of a system classified under Items II, IV, and V of Table 1, the clearances shall be not less than specified above the bonnet of plenum. Beyond six (6) feet, no clearance is required.

From ducts of furnaces classified under Item IV of Table 1, the clearance shall be not less than six (6) inches out to six (6) feet and one (1) inch beyond six (6) feet to a point where there is a change of direction equivalent to ninety (90) degrees or more.

Where a horizontal supply duct passes through or pierces a partition or enclosure constructed of combustible material, the clearance shall be not less than specified in this section.

The ends of the space providing this clearance may be closed with a thimble and collar or the wall surfaces extended to the duct with incombustible building material such as plaster on metal lath.

Vertical Supply Ducts, Risers, Boots and Register Box Clearance. Where a duct, riser, boot or box in a system that does not require an eighteen (18) inch clearance above the supply plenum or bonnet enters a floor, partition or enclosure constructed of combustible material within the distance from the plenum specified in this section, the clearance from such duct, riser or boot shall be not less than the distance required above the furnace bonnet of plenum (See Table 1) or the duct shall change

direction equivalent to at least ninety (90) degree turns before entering such floor, partition or enclosure. The above does not apply to pipeless furnaces covered hereinafter in this section.

Where a supply duct enters the floor of the first story above that in which the furnace is located, the space around the duct at such points shall be sealed with asbestos cement or other incombustible material.

Pipeless Furnace Registers. Where registers are installed in the floor over the furnace (as in the "pipeless" furnace) the register box shall be constructed double with an air space not less than four (4) inches between except where the warm air passage is surrounded by a cold air passage.

Where warm air ducts are exposed in closets, they shall be covered with not less than one-fourth (¼) inch air seal asbestos or its equivalent in approved fire-resistive insulating covering, properly protected against injury.

30.07 GAS-FIRED UNIT HEATERS.

(1) Support. Suspended type gas-fired heaters shall be safely and adequately supported with due consideration given to their weight and vibration characteristics.

(2) Clearances. Listed gas-fired heaters shall be installed with minimum clearances of six (6) inches between the appliance, projecting flue box or draft hood and combustible construction. The control side of a unit heater shall be spaced not less than eighteen (18) inches from any wall or partition.

Unlisted unit heaters shall be installed with clearances to combustible construction of not less than eighteen (18) inches, or in accordance with Section 30.06(4)(f)2. of the Madison General Ordinances. Combustible floors under unlisted floor mounted heaters shall be protected in an approved manner.

(3) Negative Pressure. The location of any unit heater or the ductwork attached thereto, shall be such that a negative pressure will not be created in the room in which the unit heater is located.

(4) Ductwork. A unit heater shall not be attached to a warm air duct system unless listed for such installation.

30.08 SETTING AND ASSEMBLING OF FURNACES.

(1) Assembly. Warm air furnaces shall be located on a solid foundation or support and in a workmanlike manner. All sections and joints shall be properly fitted and sealed gas tight.

(2) Casings. Warm air furnaces shall be enclosed in metal casings or equivalent noncombustible material.

Sheet metal casings, including plenums or bonnets shall be made of metal sheets not lighter than No. 26 U.S. Standard Gauge, or equal. They shall fit the casings and casing rings closely, so as to be dust tight and shall be securely fastened to the front. The casing shall be lined from the top of the casing down to a line on a level with the grate.

When side collars are used, the casing top or bonnet must be of sufficient height so that the largest warm air pipe can be taken from side without ovalling. In no case shall a distance less than eight (8) inches be maintained between the top of the furnace and the top of the bonnet or plenum.

30.09 WARM AIR SUPPLY DUCTS.

(1) Materials. All gravity and forced warm air ducts shall be constructed entirely of noncombustible material equivalent in structural strength and durability to the following:

(a) Metal Gauges; Ducts Not Enclosed in Partitions.

ROUND DUCTS

Diameter Inches	Minimum Wt. of Tin	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
Less than 12 or more	121C (107 lb.)	30	26
	1X (135 lb.)	28	26

RECTANGULAR DUCTS

Width Inches	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
Less than 14	28	26
14 or more	26	24

(b) Metal Gauges: Ducts Enclosed in Partitions.

Width	Minimum Weight of Tin	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
14 or less	1C (107 lb.)	30	26
Over 14	1X (135 lb.)	28	26

(2) Supply Ducts in Concrete Slab. All supply ducts shall be completely encased in not less than two (2) inches of concrete. Where the slab is less than two (2) feet below grade, edge insulation consisting of at least one (1) inch thickness of waterproof insulation shall be installed to a depth of at least two (2) feet. Insulation shall be placed in back of all boots.

(3) Vibration Isolation. Vibration isolation connectors in duct systems shall be made of woven asbestos or approved flameproofed fabric or shall consist of sleeve joints with packing of rope asbestos or other approved incombustible material. Vibration isolation connectors of fabric shall not exceed ten (10) inches in length.

(4) Cross Braking. All gravity or forced warm air ducts, eighteen (18) inches or wider, and forty-eight (48) inches or over in length, shall be cross braked on top and bottom and shall have standing seams or angle iron braces.

(5) Ducts Through Masonry. No warm air duct, round or rectangular, shall come in tight contact with cold masonry walls.

(6) Duct Linings. Linings used inside of ducts shall be fire-resistive.

Note: The use of flameproof fabric of metal or mineral and listed in Building Materials List published by Underwriters' Laboratories, Inc. is acceptable.

(7) Joints and Seams. Joints and seams of all ducts shall be securely fastened and made substantially air tight. Slip joints shall have a lap of at least one (1) inch, and be individually fastened. Tape used for sealing joints shall be no more combustible than approved flameproof fabric. All joints shall be s and drive cleat or snap lock.

(8) Duct and Riser Supports. All ducts and risers shall be securely supported by metal hangers, straps, lugs or brackets. No nails shall be driven through the duct or riser walls and no unnecessary holes shall be cut therein.

(9) Riser Installation. All risers shall be tightly fitted and supported in a proper manner so as not to obstruct the flow of air, but to retain the full capacity throughout. Warm air baseboard risers shall extend through the finished floor at least three-eighths (3/8) inch and shall be securely fastened into baseboard section.

(10) Removal of Firestopping for Ducts. Where the installation of ducts in walls, floor or partitions require the removal of any fire-stopping, the spaces around the duct at such points where fire-stopping was removed shall be tightly filled or sealed with incombustible materials.

(11) Insulation of Warm Air Ducts for Gravity and Forced Air. Ducts located in cold attic spaces, garages with rooms above or adjacent to it, or other equivalent cold spaces, shall be insulated with at least one (1) inch thickness of insulation, and an inspection shall be made of the insulation before the work is concealed.

(12) Insulation of Warm Air Ducts for Gravity and Forced Air. Ducts located in cold spaces, garages with rooms above or adjacent to it, or other equivalent cold spaces, shall be insulated with at least one (1) inch thickness of insulation and an inspection shall be made of the insulation before the work is concealed.

(13) Volume Dampers - Forced Air Systems. Volume dampers of locking type shall be placed in each forced warm air run. Where warm air runs are concealed, the dampers will not be required but volume control dampers will be required in each branch duct and a damper shall be installed in each register or baseboard section. Outside air intake ducts shall be equipped with volume dampers.

30.10 RETURN AIR DUCT CONSTRUCTION.

(1) Materials, Return Air Ducts. All return air ducts, except as required by Section 30.10(8) may be constructed of metal or one (1) inch (nominal) wood boards, or other suitable material, provided that no material more flammable than one (1) inch wood boards shall be used.

(2) Return Air Ducts Within Two (2) Feet of Furnace. Portions of return air ducts within two (2) feet horizontal distance of the outer jacket shall be constructed of incombustible material.

(3) (a) Return Air Ducts in Floors, Walls, Partitions. Where return air ducts are installed in walls, floors or partitions, their installation shall comply with the provisions of Section 30.10(8) regarding firestopping.

(b) Insulation of Return Air Ducts Located in or Adjacent to Cold Spaces. Where return air ducts are located in or adjacent to cold spaces, they shall be insulated with at least one (1) inch thickness of insulation and an inspection shall be made of the insulation before the work is concealed.

(Sec. 30.10(3) Am. by Ord. 6278, 6-15-78)

(4) Joist Spaces Used as Return Air Ducts. Where spaces between joists in floors are used as ducts, the portions of such spaces so used shall be cut off from all remaining unused portions by tight fitting stops of sheet metal or of wood not less than a two (2) inch thickness.

(5) Combustible Return Air Duct Space Linings. The interior of combustible ducts shall be lined with incombustible material at points where there might be danger from incandescent particles dropped through the register or heater, such as directly under floor registers and the bottom of vertical ducts or directly under a heater having a bottom return.

(6) One Grille to Each Stack. No vertical stud space shall have openings to receive return air from more than one (1) level, except where high sidewall returns for air conditioning are required, then a low sidewall or baseboard return air grille with a damper shall be installed.

(7) Underfloor Return Air Plenums. Return air shall be conducted to the heater through continuous ducts, except that underfloor spaces may be used as ducts for return of air from rooms directly above, provided such spaces are not over two (2) feet in height to bottom of floor joists and are cleaned of all combustible material and are tightly and substantially enclosed.

(8) Bridging and Panning in Return Air Joist Spaces. Whenever the space between joists is used to convey return air overhead, all bridging shall be removed and a dustproof bottom shall be constructed. If more area is required, two (2) or more spaces may be used or a pan may be constructed to extend below the joist to obtain the required area.

(9) Gravity Return Air Grille Height Above Floor. Where a vertical gravity return air face is used, the open work or face must extend to within at least one (1) inch of the floor line and not more than fourteen (14) inches high.

30.11 AIR FILTERS.

(1) Requirements. All forced warm air heating systems installed in residences shall have air filters.

(2) Fire Resistance. Air filters shall be a type that will not burn freely or emit large volumes of smoke or other objectionable products of combustion when attacked by flames.

(3) Coating Flash Point. Liquid adhesive coatings used on filters shall have a flash point of three hundred twenty-five (325) degrees Fahrenheit, Cleveland open cut tester, or higher.

30.12 DESIGN OF A GRAVITY WARM AIR SYSTEM. For one (1) and two (2) family structures with a BTU requirements NOT in excess of one hundred fifty thousand (150,000) BTU per hour, the furnace shall be selected and installed according to Manual 5 of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

30.13 DESIGN OF A FORCED WARM AIR SYSTEM.

(1) For one (1) and two (2) family structures with a BTU requirement NOT in excess of one hundred twenty thousand (120,000) BTU per hour, the furnace shall be selected and installed according to Manual 7 of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

(2) For one (1) and two (2) family structures having a BTU requirement in excess of one hundred twenty (120,000) BTU per hour, the furnace shall be selected and installed according to Manual 9 of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

(3) In the design of warm air perimeter heating systems, the furnace shall be selected and installed according to Manual 4 of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

(4) In the design of a small pipe, warm air, perimeter system, the furnace shall be selected and installed according to Manual 10 of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

(5) Design of a Warm Air Ceiling Panel System.

(a) Selection and Installation of Furnace. The furnace shall be selected and installed according to Manual 7-A of the N.W.A.H.A.C. Association as listed in Appendix No. 1.

(b) Use.

1. Temperature Limit. Heating panels shall be used only with automatically fired, gas or oil burning, forced warm air systems equipped with temperature limit controls that cannot be set above two hundred (200) degrees Fahrenheit.

2. Combination Systems. Heating panels may be used with forced warm air systems equipped with heat exchangers utilizing steam which cannot exceed fifteen (15) pounds gauge pressure or hot water which cannot exceed a temperature of two hundred (200) degrees Fahrenheit.

(c) Construction.

1. Panel Construction. Where warm air supply is from a warm air furnace, heating panels shall be enclosed on all sides with material which is wholly incombustible or which possesses a flame spread classification of not over

twenty (20), as determined in accordance with the Method for Fire Hazard Classification of Building Materials, NFPA No. 255, ASTM E84-50T, Underwriters' Laboratories, Inc. Standard.

This enclosing material shall be securely attached to the building structure; joints and seams shall be substantially air tight. Braces and hangers inside the chamber shall be incombustible.

2. Combination System Panel. Where warm air supply is from a steam or hot water heat exchanger, heating panels shall either comply with Section 30.13(5)(c) or shall be enclosed on all sides with material not more flammable than one (1) inch wood boards.

This enclosing material shall be securely attached to the building structure; joints and seams shall be substantially air tight. No single vertical heating panel shall serve more than one (1) story.

30.14 STEAM AND HOT WATER HEATING SYSTEMS.

(1) Definitions. For the purpose of Section 30.14, the following definitions shall govern as to the meaning of the several terms and expressions therein defined, wherever said terms and expressions are employed in this Code.

(a) A gravity system is one in which the condensate is returned to the boiler by gravity due to the static heat of water in the return mains. The elevation of the boiler water line must consequently be sufficiently below the lowest heating units and steam main and dry return mains to permit the return to condensate by gravity. The water line difference must be sufficient to overcome the maximum pressure drop in the system and when radiator and drip traps are used as in two-pipe vapor systems, the operating pressure of the boiler. This applies only to closed circuit systems where the condensation is returned to the boiler. If the condensation is wasted, no water line difference is required.

(b) A mechanical return system is one in which the condensate flows to a receiver and is then forced into the boiler against the boiler pressure. The lowest parts of the supply side of the system must be kept sufficiently above the water line of the receiver to insure adequate drainage of water from the system, but the relative elevation of the boiler line is unimportant in such cases except that the discharge head on the mechanical return device becomes greater as the height of the boiler water line above the pump increases.

There are three (3) general types of mechanical returns in common use, namely:

1. The mechanical return trap, 2 The condensation return pump, and
3. The vacuum return pump.

(c) Service Mains.

1. Supply service mains shall be defined as those pipes through which the steam flows from the boiler or pressure reducing valve and to which the radiator supply branches are connected.
2. Return service mains shall be defined as those pipes which carry condensate to the boiler or mechanical return device, and to which the radiator return branches are connected.

(d) Down-feed or overhead systems shall be defined as those in which the supply mains are above the level of the radiation which they serve.

(e) Up-feed systems shall be defined as those in which the supply mains are below the level of the radiation which they serve.

(f) One-pipe systems shall be defined as those in which the steam supply to the radiation and the return of condensation flow are in opposition to each other.

(g) Two-Pipe systems shall be defined as those in which one pipe is used for the supply of steam to the radiator and another for the return of condensation.

(h) Dry returns shall be defined as those returns through which both water and air are being passed.

(i) Wet returns shall be defined as those returns through which water only is being passed.

(j) Vacuum returns shall be defined as those returns through which both water and air are being passed and upon which a vacuum is maintained at all times through the medium of a vacuum producer.

(k) Equivalent length of run shall be defined as the actual distance in feet from source of steam supply, boiler or pressure reducing valve, to the farthest radiator in system, and then back along return line to boiler or mechanical return device, plus resistance of all fittings and valves as expressed in terms of straight pipe.

(l) Transmission mains shall be defined as those pipes which though not actually a part of the heating system proper, are connected to the service mains of the system and act as sources of supply to same.

(m) Gravity Hot Water Systems. Gravity hot water heating systems shall be defined as those in which the water is circulated through the radiation and connecting piping by virtue of the difference in density of the water in the flow and return risers.

(n) Forced Hot Water Systems. Forced hot water heating systems shall be defined as those in which the water is circulated through the radiation and connection piping principally by means of a pump.

(o) Open Gravity Systems. Open gravity hot water heating systems shall be defined as those in which expansion tanks are used, installed above the level of the highest radiator of the system which they serve and vented directly to the atmosphere.

(p) Closed Gravity Systems. Closed gravity hot water heating systems shall be defined as those in which some device enables the system to be operated at a pressure in excess of the pressure corresponding to the static head of the system.

(q) Supply or Flow Mains. The supply or flow mains of a hot water heating system shall be defined as those pipes through which the water flows from the boiler and to which the radiator supply branches are connected.

(r) Return Mains. The return mains of a hot water heating system shall be defined as those pipes through which the water flows on its return to the boiler and to which the radiator return branches are connected.

(2) Steam. Minimum Requirements for Determining Amount of Direct Steam Radiation to be Installed.

(a) The amount of equivalent direct radiation to be installed in a given room where unenclosed radiators are to be employed shall be determined by dividing the heat loss of the room in BTU per hour by two hundred forty (240).

(b) Convectors and Baseboard Used on Steam. All convectors used with steam as the heating medium shall be piped as a two-pipe system unless the convector is specifically designed for use on a one-pipe system. All baseboard radiation shall be piped as a two-pipe system and shall be installed according to the manufacturer's recommendations.

(c) Enclosed Radiators. If cast iron direct radiators are to be recessed or enclosed in a cabinet, proper allowance shall be made for capacity loss or gain incurred by this type of installation.

(d) Selection of convectors and baseboard ratings used in selecting convectors and baseboards shall be those as published by the Mechanical Contractor's Association of America, or any other nationally recognized rating authority.

(3) Hot Water. Minimum Requirements for Determining Amount of Direct Hot Water Radiation to be Installed.

(a) The amount of equivalent direction radiation to be installed in a given room where unenclosed radiators are to be employed shall be determined by dividing the heat loss of the room in BTU per hour by the BTU heat emission of the radiation at the design average water temperature as given by the manufacturer of the radiation.

(b) Design Water Temperature.

1. Gravity Hot Water. Gravity hot water systems shall be designed on the basis of one hundred seventy (170) degrees average water temperature. Only radiation designed for gravity hot water shall be used.

2. Forced Hot Water. The average water temperature to be used in designing forced hot water systems shall not be higher than one hundred eighty (180) degrees average hot water temperature.

(4) Minimum Capacity and Installation Requirements for Low Pressure System and Hot Water Boilers; Ratings for Such Boilers, How Determined; High Pressure Source of Steam Supply. The manner of installation of all low pressure steam and hot water boilers hereafter installed for use in connection with heating systems, the minimum required capacities thereof and the ratings to be assigned thereto shall conform to the following provisions.

(a) Boiler Foundation.

1. Each steam or hot water boiler hereafter installed in any basement for use in connection with space heating plants shall be supported on a level concrete foundation.

Where installed on any floor above the basement, each such boiler shall rest upon concrete or other fireproof floor, construction having no wooden or other combustible finish.

Provided, however, that where any such boiler is to be installed on any floor above the basement in any building constructed prior to the passage of this ordinance, the method of supporting such boiler, both as to fireproofing and construction, shall be subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development.

2. Boiler Capacity to be Installed. All boilers not rated by a recognized testing laboratory shall have a net rating equal to sixty percent (60%) of fuel input.

Note: The Building Inspection Division of the Department of Planning and Community and Economic Development accepts net ratings as listed by Mechanical Contractor's Association of America, Inc., Steel Boiler Institute, Inc., Institute of Boiler and Radiator Manufacturers, and American Gas Association.

3. It shall be unlawful for any person, firm, corporation, or their agent, to sell or install any boiler for use in the City of Madison that has not been rated by any of the above-mentioned organizations until the boiler has been approved by the Building Inspection Division of the Department of Planning and Community and Economic Development. The application for approval shall include name of boiler, manufacturer's name, complete literature giving all physical dimensions and manufacturer's recommended net load.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(b) Steam Supply, Where Taken From High Pressure Boilers. In every case where steam supply for a low pressure heating plant is taken from a high pressure boiler or boilers from which steam may or may not be furnished for other purposes, the capacity of such boiler or boilers shall be adequate to meet the demand to be

placed upon them under peak load conditions, and a proper reducing valve or valves, with bypasses, capable of maintaining a reduced pressure of not to exceed fifteen (15) pounds per square inch on the heating system shall be installed between said high pressure boiler or boilers and the heating system. A relief valve of proper capacity set at not to exceed fifteen (15) pounds per square inch shall be installed on the low pressure side.

(5) Minimum Requirements for Pipe Sizes of Low Pressure Steam Vapor and Vacuum Heating Systems.

(a) Pipe sizes of all low pressure steam, vapor and vacuum heating systems shall be as hereinafter provided for in this section of this code.

(b) Service Main Design. All supply and return mains in heating systems shall be designed for a low initial pressure and a reasonable small pressure drop. The total pressure drop shall never exceed one-half (½) of the initial pressure when condensate is flowing in the same direction as the steam. Where condensate must flow counter to the steam, the governing factor is the velocity permissible without interfering with condensate flow.

Capacity Tables as shown in the American Society of Heating, Refrigeration and Air Conditioning Engineers' Guide, as listed in Appendix No. 1, shall be used when designing steam supply and return mains. It shall be noted that these tables show the capacity of pipe per one hundred (100) feet of equivalent length of run. In using these tables allowance shall be made for fittings and length of run.

All steam supply and return mains shall be pitched not less than one-fourth (¼) inches in ten (10) feet.

(c) Steam Riser and Runout Design. The size of all risers and runouts shall be taken from the tables in the American Society of Heating, Refrigeration and Air Conditioning Engineers' Guide, or Part 3, Pipe Sizes and Design of Heating, Piping and Air Conditioning of the Contractors' National Association as per Appendix No. 1. Radiator runouts over eight (8) feet long shall be increased one pipe size. Pitch of horizontal runouts to risers and radiators shall be not less than one-half (½) inch in ten (10) feet. Supply mains, branches to risers or risers, shall be dripped where necessary. Where necessary, supply main, supply riser, or branches to supply riser should be dripped separately into a wet return.

(6) Piping and Piping Connections and Equipment for Low Pressure Steam, Vapor and Vacuum Heating Systems and Hot Water Systems.

(a) Piping and piping connections and equipment hereafter installed for all steam and hot water heating plant installations, or portions of such installations, shall conform to the following requirements:

1. Pipe. All pipe used shall be not less in weight and strength than that known to the trade as "Standard Wrought Pipe". Provided, however, that brass pipe and copper tubing may be so used where desired, the weight of all such pipe and tubing to be subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development.

The weight of all such pipe and tubing to be Type M or heavier for aboveground and Type L or heavier for underground. No pipe or tubing shall be so used that is not in sound condition.
(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

2. Reaming. All pipe, after cutting shall be reamed to full internal diameter.

3. Fittings and Joints. Piping may be joined together by welding or by the use of fittings. Such welds shall be made in a neat workmanlike manner and shall be as strong as base metal. Fittings shall be of cast or malleable iron or of brass, and of standard weight, and clean-cut threads and free from blow-holes or other defects.

4. Expansion and Contraction, Allowance For. In all piping systems which are subject to expansion and contraction, provision shall be made for adequate anchorage and protection against damage to piping from such expansion and contraction. All risers shall be so anchored and safeguarded that the difference in length, when hot, from the length when cold, shall not disarrange the necessary provisions for drainage of the branches or distort, damage or displace radiators.

5. Piping to be Securely Supported. Piping installed under ceilings shall be securely supported by substantial metal hangers, so spaced that there will be no sag in piping between points of suspension, and where run on walls shall be securely supported by metal brackets or pipe supports similarly spaced. Supports shall be so arranged that there will be no undue strain on the threads of any pipe or fittings.

6. Drips. All points at which accumulations of water or condensation are liable to occur in steam supply pipes shall be properly dripped, the method of such dripping to be subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development.

No steam main shall be dripped into a dry return which carries radiator or unit heater condensate without either sealing or trapping such drip. The seal shall be of adequate depth to compensate for pressures involved.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

7. Radiator and Boiler Connections. Supply and return connections to radiators and boilers shall be in accordance with the following provisions.

8. Radiator Connection. In two-pipe steam systems, the return connection for each radiator shall be made at the bottom of the radiator by means of either an eccentric bushing turned down or a water-leg section and the supply connection shall be made at the opposite end of the radiator either at top or bottom.

9. Boiler Connections. Steam boiler outlets shall not be bushed. Steam boilers with multiple outlets shall have at least two (2) of these outlets connected to a header the area of which shall be at least equal to the combined areas of the steam supply mains connected to it. All steam boilers used in connection with systems having gravity returns shall be provided with a Hartford return connection. Equalizer shall be taken from the bottom of the horizontal header. No return lines shall be connected together above the waterline of the boiler.

Note. Steam boilers with multiple outlets may use one (1) outlet if the area of the outlet is equal to or greater than the steam main and is recommended by the boiler manufacturer.

(b) Condensation Pumps, Vacuum Pumps, Boiler Feed Pumps and Combination Thereof, Etc. Capacity and Installation Requirements. The following provisions shall govern the capacities and manner of installation of all condensation pumps, vacuum pumps, boiler feed pumps and combinations thereof, traps, etc. hereafter installed in connection with steam heating plants.

Capacities. In all cases where condensation pumps or vacuum pumps or boiler feed water pumps, or any combination of such devices, or traps, etc., are used in connection with steam heating plants, the capacity of each such device or combination of devices shall be subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development.

Pipe connections shall be independently supported in such manner as to prevent undue stresses in pumps or traps, due either to weight or expansion.

All equipment shall be installed in accordance with the manufacturer's recommendations, subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(c) Sizes of Mains, Risers and Radiator Connections for Hot Water Systems.

1. Sizes of mains, risers, and radiator connections shall be selected from capacity tables as shown in the American Society of Refrigeration and Air Conditioning Engineers' Guide as listed in Appendix No. 1. Piping systems shall include an expansion tank of proper size.

2. Forced Hot Water System. Sizes of mains, risers and radiator connections shall be selected according to the method and data given in the American Society of Refrigeration and Air Conditioning Engineers' Guide as listed in Appendix No. 1.

The amount of water required in gallons per minute shall be determined by the following formula:

G.P.M. equals Total BTU per hour divided by the Temperature drop times sixty (60) times eight (8).

Where sixty (60) equals Minutes Per Hour and eight (8) equals Pounds Per Gallon of Water.

A maximum temperature drop of twenty (20) degrees shall be used in determining G.P.M. requirements for forced hot water system.

3. Selection of Pumps. Pumps shall be selected from manufacturer's pump capacity charts. The minimum allowable head pressure shall be two and one-half (2½) feet.

4. Size of Pipe to be Installed. Having determined the equivalent length of pipe in the longest circuit and the total gallons per minute for the entire system, the sizes of pipe to be used for mains and risers shall be selected from the American Society of Refrigeration and Air Conditioning Engineers' Guide, as listed in Appendix No. 1. The friction loss per foot of pipe shall be between one hundred (100) and five hundred (500) mil-inches.

(7) Piping and Piping Connections and Equipment for Hot Water Heating Systems. Piping and piping connections and equipment hereafter installed for all hot water heating plant installations or portions of such installation, shall conform to the following requirements:

(a) Pipe, reaming, fittings and joints, expansion and contraction and piping supports for hot water heating systems shall conform to Section 30.13(4)(a)1, 2, 3, 4, and 5.

(b) Pitch. All piping shall be pitched either up or down so that all gases which are liberated from the water can move freely to a vented section of the system. Whenever practicable, the pipe line shall be the same direction as the water when a pipe system cannot be installed without creating air pockets, that is, sections in the system from which liberated gases cannot escape, such sections shall be provided with air relief valves which may be operated manually when necessary.

(c) Drainage. All piping shall be arranged so that the entire system can be drained, either to permit alterations or repairs, or to prevent freezing if the system is not to be operated during a cold period.

(d) Friction Head to be Equalized. The piping system shall be installed so that each circuit has its correct friction head. This shall be accomplished by making the pipe line as short as possible and providing as few fittings as possible where it is necessary to minimize the friction, and by increasing the length of pipe and

number of fittings where necessary to increase the friction. Where the correct balance cannot be obtained by use of pipe and fittings, balancing cocks or orifices shall be used.

Whenever two (2) or more heating circuits are connected to the same source of supply, balancing cocks shall be installed in each branch circuit.

(e) Expansion Tanks and Relief Valves. Expansion tanks and relief valves shall be installed in accordance with the following provisions:

1. Expansion Tanks for Open Systems. Each open hot water system shall be provided with an expansion tank which meets the following minimum requirements:

The minimum contents of an open tank should be six-hundredths (.06) of the volume of the water in the system, including that in the boiler, heat transmitters, pipes, etc. They shall be located at least three (3) feet above the highest radiator. Provisions must be made to prevent freezing of the water in the tank as well as in the pipe leading to the tank.

In gravity circulation systems, the pipe to the open expansion tank shall be connected to the supply riser from the boiler, so that air liberated from water in the boiler will enter the expansion tank.

In forced circulation systems, the pipe of an open expansion tank should be connected on the suction side of the circulating pump.

2. Closed Expansion Tanks. Minimum contents of a closed expansion tank must be such that, the expansion of the water due to the increase in temperature, will be cushioned against a reservoir of compressed air above the water level in the expansion tank. Manufacturers' ratings of expansion tanks, or method for selecting expansion tanks as given in Section V of Bell & Gosset Co. Engineering Manual—1954 Edition, may be used in selecting the expansion tank.

3. Relief Valves. All boilers shall have an A.S.M.E. approved pressure relief valve rated at the full gross rating of the boiler output. There shall be no valves between the boiler and the relief valve. The discharge from the relief valve and the discharge from the low water cutoff shall be piped full size to within eighteen (18) inches of the floor.

When water feed valves are used, a minimum size of one-half (½) inch shall be used and a valved bypass shall be installed. Valves shall be installed upstream and downstream from the feed valve.

(R. & Recr. by Ord. 4438, 1-7-74)

(8) Minimum Requirements for the Design and Installation of Hot Water and Radiant Panel Heating Systems.

(a) Hot Water Radiant Panel Heating System. All hot water radiant panel heating systems shall be designed according to standards set forth in American Society of Refrigeration and Air Conditioning Engineers' Guide or Part VI, Panel Heating Contractors - National Association Mechanical Contractors Association of America as listed in Appendix No. 1.

(b) Panel Surface Temperature. The maximum surface temperature for floor panels shall be eighty-five (85) degrees and for ceiling panels one hundred twenty (120) degrees.

Screw threads will not be permitted in coils or grids embedded in concrete slabs or in plaster. Ferrous fabrication shall be all welded except in equipment room above floor or in boxes or covered recesses in slabs where flow adjusting cocks are installed.

(c) Piping or Tubing Located in Concrete Slabs. Where nonferrous pipe or tubing is used in concrete slabs or in plaster, solder sweat fittings shall be used throughout and no ferrous to nonferrous connections shall be embedded in concrete, in plaster

or concealed in the construction, nor shall nonferrous pipe or tubing come in contact with steel reinforcing in slabs. Threaded pipe and fittings may be used in equipment room above floor or in accessible recess boxes where adjusting flow cocks are installed in slabs.

A balancing cock or valve shall be installed in each individual coil branch, either on the supply side or on the return side.

(9) Requirements for Concealed Piping for Hot Water and Steam Systems. Concealed or embedded pipe or tubing shall be tested before being covered to a hydrostatic or compressed air pressure of not less than one hundred (100) pounds gauge for a period of not less than four (4) hours.

30.15 OIL BURNER INSTALLATIONS FOR DRAFT BURNERS. The construction, arrangement and manner of installation of all oil burners and oil burner equipment hereafter installed for use in connection with heating systems, and the alteration and repair hereafter of all oil burners and oil burner equipment used or to be used in connection with heating systems, shall conform to the following provisions:

(1) Oil Burners and Oil Burner Equipment Defined. For the purpose of this ordinance, the term "oil burner" shall mean any device for use in connection with a system designed to burn fuel oil having a flash point of one hundred (100) degrees Fahrenheit, or higher, as determined by the Tag Closed Tester in accordance with the method of test adopted by the American Society for Testing Materials (A.S.T.M. Designation D56-21), and having a fuel tank or container with a capacity of more than ten (10) gallons connected thereto. The term "oil burner equipment" shall include oil burners, as above defined, and all tanks, piping, pumps, control devices and accessories, connected to the burners.

(2) Approval of Oil Burner.

(a) It shall be unlawful for any person, firm, corporation or their agents, to install any oil burner which has not been approved by the National Board of Fire Underwriters' Laboratory or any other nationally recognized inspection board or laboratory. Any burner which does not meet the above requirements shall not be installed until a certificate of approval has been issued.

(b) Application for approval shall give the following information: Name of burner, name and address of manufacturer, fuel recommended for burner, past history of company and burner, furnish detailed drawings and specification sheets.

(3) Installation of Oil Burners.

(a) All oil burners shall be installed according to the recommendations of the manufacturer. Combustion chambers shall be of proper size and design to meet requirements of firing rate of boiler or furnace.

(b) Where oil burners are installed in furnaces, originally designed for solid fuel, the ash door of the furnace shall be removed or bottom ventilation otherwise provided to prevent the re-accumulation of vapors in the ash pit, unless the burner is of a type which mechanically purges the ash pit.

(c) Rooms in which oil burners are located shall be provided with adequate ventilation to assure continuous, complete combustion of the oil.

(4) Gravity Feed to Burners. Gravity feed shall be used only with burners arranged to prevent abnormal discharge of oil at the burner by automatic means specifically approved for the burner with which it is used.

30.16 OIL TANKS AND PIPING.

(1) Gravity supply tanks shall not exceed two hundred seventy-five (275) gallons individual capacity. Each tank shall be valved independently.

Where oil is supplied to the burner by gravity and a constant level device is not incorporated in the burner assembly or in an auxiliary tank used in connection with an automatic pump, an approved constant level device shall be installed in the oil feed line at

the gravity tank or as close thereto as practicable. The vent openings of such constant level device shall be connected by piping or tubing to outside the building unless the constant level device is provided with an approved anti-flooding device. Vent pipes or tubing of constant level devices shall not be connected to tanks or tank vents.

(2) Pressure tank feed shall be used only with burners arranged to prevent abnormal discharge of oil at the burner by automatic means specifically approved for the burner with which it is used.

Pressure tanks shall not exceed a capacity of sixty (60) gallons and shall not be operated at pressure exceeding fifty (50) pounds per square inch. They shall be equipped with a reliable pressure gauge and with an automatic relief valve piped to discharge outside of buildings.

(3) Installation of Underground Tanks. All underground tanks shall comply with SPS 38 Wisconsin Flammable and Combustible Liquids Code. Tank owners must also comply with the U.S. Environmental Protection Agency, Regulations for Underground Storage Tanks Systems. (R. & Re-Cr. by Ord. 10,255, Adopted 5-7-91; Am. by ORD-12-00035, 3-28-12)

(4) Installation of Tanks Inside Buildings. Oil supply tanks larger than sixty (60) gallons capacity shall not be located in buildings above the lowest story, cellar or basement.

Unenclosed inside storage tanks and auxiliary tanks shall not be located within five (5) feet, horizontally, of any fire or flame.

Inside storage and auxiliary tanks shall be securely supported by substantial incombustible supports to prevent settling or sliding.

Oil supply tanks located inside buildings shall not exceed two hundred seventy-five (275) gallons individual capacity or five hundred fifty (550) gallons aggregate capacity.

Tanks exceeding two hundred seventy-five (275) gallons individual capacity or one thousand one hundred (1,100) gallons aggregate capacity in an individual building or in a section of a building separated by fire walls shall be installed in an enclosure constructed as follows:

The walls of the enclosure shall be constructed of reinforced concrete at least six (6) inches thick or of brick at least eight (8) inches thick. Such enclosures shall be installed only on concrete or other fire-resistive floors and shall be bonded to the floors. Enclosures shall have tops of reinforced concrete at least five (5) inches thick or equivalent fire-resistive construction, except that where floor or roof construction above the enclosure is concrete or other fire-resistive construction, the walls may be extended to and bonded to the underside of the construction above, in lieu of the provision of a separate top. Any openings to such enclosures shall be provided with fire doors or other approved closures and six (6) inch, noncombustible liquid-tight sills or ramps.

(5) *Construction of Tanks.* Underground tanks and tanks inside buildings shall be constructed of steel or wrought iron of a minimum gauge (U.S. Standard) in accordance with the following table, except that for tanks of one hundred eighty-one (181) to two hundred seventy-five (275) gallons capacity, installed in buildings, and without masonry enclosure, the minimum gauge shall be No. 14.

Capacity Gals.	Minimum Thickness	Vent Size	Minimum Distance to Lines of Adjoining Property or Nearest Building
1 to 300	14 Gauge	1¼"	1 Foot
301 to 560	14 Gauge	1¼"	1 Foot
561 to 1,100	14 Gauge	1¼"	1 Foot

Joints shall be riveted and caulked, brazed, welded or made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear without injury, the most severe strains to which they may be subjected in practice. Shells of tanks shall be properly reinforced where connections are made. All connections to underground tanks,

outside tanks aboveground, and tanks inside buildings shall be made through the top of the tank above the liquid level, except that tanks of not over two hundred seventy-five (275) gallons capacity may have one bottom connection for gravity feed and one opening for an approved key stem gate valve to facilitate cleaning or for a scavenging line to be run to the outside and capped oil tight when not in use.

Pressure tanks shall be designed for at least six (6) times the maximum working pressure.

Tanks shall be thoroughly coated on the outside with tar, asphaltum, or other suitable rust-resisting paint. Where placed in corrosive soil, special protection may be required.

Note. Tanks labeled by Underwriters' Laboratories have been tested and examined for compliance with these regulations and detailed standards covering their design and construction. The construction and installation of all tanks having a capacity of five thousand (5,000) gallons and larger shall be submitted to the Department of Safety and Professional Services for approval (SPS 310.1). This information shall be forwarded to the Fire Prevention Bureau.

For fuel oil heavier than thirty-five (35) degrees A.P.I., tanks may be made of concrete, in accordance with the regulations of the National Board of Fire Underwriters for the Construction of Concrete Fuel Oil Storage Tanks as recommended by the National Fire Protection Association. (Am. by Ord. 12,322, Adopted 2-2-99; ORD-12-00035, 3-28-12)

(6) Tank Vents. Storage tanks shall be equipped with an open vent or an approved automatically operated vent, arranged to discharge to the open air. Vent openings and vent pipes shall be of ample size to prevent abnormal pressure in the tank during filling but not smaller than one and one-fourth (1¼) inches pipe size. See table under Section 30.16(5).

Vent pipes shall be arranged to drain to the tank. The lower end of the vent pipe shall not extend through the top into the tank for a distance of more than one (1) inch.

Vent pipes shall terminate outside of buildings at a point not less than two (2) feet distant from any window or other building opening and not less than twenty-four (24) inches above the ground. Outer ends of vent pipes shall be provided with a weatherproof hood with screen. Vent pipes of tanks containing heaters shall be extended to such a height that oil vapors discharging from the vent will be readily diffused without danger of ignition. Provided, however, that combination fill and vent fittings approved by the Building Inspector may be used if located not less than two (2) feet distant from any window or other building opening and less than twenty-four (24) inches above the ground.

Vent pipes shall not be cross-connected with fill pipes or return lines from burners.

Fill and vent pipes shall not be run through windows or coal chutes unless such openings are totally enclosed with masonry to prevent oil from entering building during filling operations.

(7) Tank Fill and Overflow Pipes. Underground tanks and storage tanks inside the buildings shall be filled only through fill pipes terminating outside of buildings at a point at least two (2) feet from any building opening at the same or lower level. Fill terminals shall be closed tight, when not in use by a metal cover designed to prevent tampering. The fill pipe shall be located below the vent pipe.

Auxiliary tanks shall be filled by pumping from storage tanks.

Auxiliary tanks other than vacuum tanks shall be equipped with an overflow pipe draining to the storage tank, at least one (1) size larger than the supply pipe.

Overflow pipes of auxiliary gravity tanks shall have no valves or obstructions. Overflow pipes of auxiliary pressure tanks shall be provided with interconnected valves or other means for automatically venting the tank during filling.

(8) Oil Gauging. All tanks in which a constant oil level is not maintained by an automatic pump shall be equipped with an approved method of determining the oil level.

Test wells shall not be installed inside buildings and where permitted for outside services, shall be closed tight when not in use by a metal cover designed to prevent tampering.

Gauging devices such as liquid level indicators or signals shall be installed so that oil or vapor will not be discharged into the building from the fuel supply system.

No glass gauge or any gauge, the breaking of which will permit oil to escape from the tank, shall be used.

(9) Oil Pumps. Oil pumps shall be of an approved type, secure against leaks, and shall be rigidly fastened in place.

Automatic pumps not an integral part of the burner, shall be arranged to stop automatically in case of total breakage of the supply line to the burner.

In isolated locations, where fire protection equipment is dependent upon a heating plant fired by an oil burner, oil pumps supplying the burner shall be installed in duplicate.

(10) Piping. All piping shall be standard full weight wrought iron, steel or brass pipe with standard fittings or approved brass or copper tubing with approved fittings, except that an approved flexible metal hose may be used for reducing the effects of jarring and vibration or where rigid connections are impracticable. No sweat joints shall be used on any oil lines including vent and fill pipe.

(11) Oil Lines. Domestic and Commercial Fuels. Any oil line for burners using a catalytic or universal fuel oil of No. 3 grade or lighter, drawing from an outside tank may use three-eighths (⅜) or one-fourth (¼) O.D. copper tubing or equal on runs of forty (40) feet or less. For fuel lines longer than forty (40) feet, one-half (½) inch O.D. copper shall be used.

Oil lines to an outside underground tank shall consist of one (1) suction line and one (1) return line.

Oil supply lines to burners shall be provided with approved filter. Where pumping from a tank on multiple burner installations, each burner must have its own suction line but may be connected to a common return line.

All oil lines shall be carefully protected against mechanical injury in a manner satisfactory to the Director of the Building Inspection Division.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(12) Valves. Readily accessible shut-off valves of approved type shall be installed in oil supply line near each burner and close to gravity and pressure supply tanks. Shut-off valves of approved type shall be installed on the discharge and suction side of oil pumps which pump directly to the burner but which are not a part of the burner unit.

Where a shut-off valve is installed in the discharge line of an oil pump, an approved pressure relief valve shall be connected into the discharge line between the pump and the shut-off valve and arranged to return surplus oil to the storage tank or to bypass it around the pump.

(13) Gas Pilots on Oil Burner. Line supplying gas pilots for oil burning appliances shall be accessible and not less than one-half (½) inch standard wrought iron or steel pipe size and shall not be exposed to extreme temperature.

30.17 STOKER INSTALLATION. The arrangement, equipment and manner of installation of all stokers hereafter installed for use in connection with heating plants, in or for buildings in the City of Madison, and the alterations hereafter of such stoker installations, shall conform to the following provisions.

(1) Stoker Defined. The term "stoker" shall, for the purposes of this Code, be taken to mean a mechanical device for feeding solid fuel into the combustion chamber of a boiler or furnace used in connection with a heating plant, whether automatically or manually controlled.

(2) Maximum Peak Load. The maximum peak load requirements of the plant must be determined in BTU per hour. The selection of the stoker should be based on the use of the lowest BTU value coal generally available and used at the point of consumption.

(3) Heat Release. Heat release is the quantity of heat expressed in BTU per hour released in a combustion chamber for each cubic foot of furnace volume, computed with the following formula:

Heat Release equals Pounds of coal burned per hour times BTU per pound of coal divided by Furnace Volume in cubic feet.

(4) Combustion Volume. The combustion volume of the firing device shall be at least one (1) cubic foot for each sixty thousand (60,000) BTU of heat release for coal with twelve thousand (12,000) BTU. Use the following factors for coal of other than twelve thousand (12,000) BTU.

BTU/Pound	Factor	BTU/Pound	Factor
9,000	.75	11,500	.96
9,500	.79	12,500	1.04
10,000	.83	13,000	1.08
10,500	.87	13,500	1.12
11,000	.92	14,000	1.17

(5) Setting Height. The following formula shall be used in determining setting height for stokers:

For burning rates up to one hundred (100) pounds coal per hour—H equals 0.1125B plus 15.75

For burning rates from one hundred (100) to twelve hundred (1,200) pounds of coal per hour—H equals 0.03B plus 24.

Where H equals minimum setting height, inches, measured from dead plates to crown sheet for steel boilers. For cast iron boilers, height may be 7/8 H.

B equals Burning Rate coal per hour, pounds.

(6) Ash Storage Space. Ash storage space (hearth area) shall be determined as follows: All stokers up to and including fifty (50) pounds per hour coal feed rate should have minimum depth of three (3) inches of flat hearth on all sides of the retort.

(7) Grates for Stokers Over Two Hundred (200) Pounds. Per Hour Capacity.

All stokers of two hundred (200) pounds per hour coal feed capacity and over should be installed with dead plates or dump grates. Under no circumstances shall they be installed with refractory hearths immediately adjacent to the tuyeres.

(8) Clinker Removal Door Spacing. All stokers must be so installed that the maximum distance from the bottom of the lowest clinker removal door to the top of the hearth will not exceed eighteen (18) inches.

(9) Pit Set Stoker. Where a stoker is pitted to a greater depth than eighteen (18) inches below the original floor of an installation, the pit shall be made large enough so that a minimum clearance from the furthermost extending part of the stoker on each side and the side wall of the pit will be eighteen (18) inches.

(10) Hopper Clearance. In the case of a hopper model stoker, the minimum distance between the furthermost rear part of the stoker and the nearest wall or obstruction shall be twenty-four (24) inches.

(11) Automatic Draft Control. On all stokers, some means of automatic draft control shall be installed.

(12) Controls. (Refer to Control Section 30.25)

30.18 MINIMUM REQUIREMENTS FOR THE INSTALLATION OF GAS-FIRED HEATING EQUIPMENT AND PIPING. In addition to the requirements contained in the manuals and pamphlets listed in Appendix No. 1, which shall be classed as minimum standards of this code, the installation of gas heating equipment shall conform to the requirements set forth in the following subsections of this section and Section 30.07.

(1) Scope. The provisions of this code, unless otherwise indicated herein, shall apply only to utilization pressure (not in excess of one-half (½) pound per square inch) gas pumping systems extending from the gas meter outlet connection to the inlet connections of appliances. They are intended to cover the design fabrication, installation and test of gas piping systems for fuel gases such as natural gas, liquefied petroleum gas, liquefied petroleum air, gas or mixtures thereof. They are not intended to cover systems or portions of systems supplying equipment engineered, designed and installed for specific manufacturing, production processing, large power generating application, melting and treating furnaces, production ovens and similar applications.

Exception. Gas piping and control equipment requirements for systems using gas pressures in excess of one-half (½) pound per square inch.

The use of gas in excess of one-half (½) pound per square inch may be used if the following requirements are met:

1. Generally, the valving arrangement shall conform to the American Standards Association (ASA-Z 21.33 - 1950). The Board will recognize as approved valving, arrangements and designs approved by any other nationally recognized approved agency.
2. A safety relief valve shall be placed downstream from a gas pressure regulator where gas is supplied at pressures in excess of one-half (½) pound per square inch. The discharge from the relief valve shall be piped to a safe location outside the building. (Valve setting not to exceed four (4) pounds.)
3. Provide a suitable pressure gauge in the gas line located downstream from the pressure regulator.
4. Where a gas supply pressure is higher than that at which the burners are designed to operate, a gas pressure regulator shall be provided to reduce pressure to satisfy design conditions.
5. Where the gas supply pressure is in excess of one-half (½) pound per square inch, the piping system shall be identified indicating the maximum line pressure. It is recommended that the legend "Gas _____ P.S.I." be applied on gas piping near and downstream from pressure regulator at intervals of fifty (50) feet in every room or area which is less than fifty (50) feet.
6. Submit two (2) copies of drawings (schematic is acceptable) and specifications to the Building Inspection Division of the Department of Planning and Community and Economic Development for review and approval. (Am. by ORD-08-00109, 10-7-08)

(Am. by Ord. 8081, 7-29-83)

(2) Work on Gas Piping Containing Unmeasured Gas. Disconnecting inlet of gas meter, changing meter location or making connection to gas service pipe, shall be done only by gas company employees or others authorized by gas company to do such work. A pipefitter shall connect or disconnect the building piping from outlet meter connection when necessary. No person, unless in employ of gas company or having permission from gas company shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered.

It shall further be unlawful to turn on or supply gas on or at any premises unless at least one (1) gas appliance is connected to the gas piping system and all outlets are properly and securely connected to appliances or capped or plugged with screw joint fittings.

(3) Authority to Disconnect. The Building Inspection Division of the Department of Planning and Community and Economic Development or the gas utility is hereby authorized to disconnect or have disconnected, any gas space heating equipment or gas piping, which shall be found not to conform to the requirements of this code, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment or gas piping which shall state that the same has been disconnected, together with a reason therefore and such notice shall not be removed nor shall the equipment or gas be reconnected until authorized by the Building Inspection Division of the Department of Planning and Community and Economic Development to do so. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(4) General Precautions.

(a) Installation of Gas Piping. Installation of gas piping shall be performed with the gas turned off to eliminate hazards from leakage of gas. Connection of new piping system to existing system shall be done, if practical, with gas turned off.

(b) Burner and Pilot Valves. Before turning off the gas at the meter, except in cases of emergency, all burner and pilot valves on the premises supplied with gas through the meter, shall be turned off and the meter test hand observed for a sufficient length of time to ascertain that there is no gas passing through the meter. When there is more than one meter on the premises, precaution shall be exercised to assure that the proper heater is turned off.

(c) Checking for Gas Leakage. No matches, candles, flame or other source of ignition shall be employed to check for gas leakage from meters, piping or appliances. Check for gas leakage with a soap and water solution.

(d) Artificial Illumination. Artificial illumination used in connection with a search for gas leakage shall be restricted to electric hand flashlights, fixed electric lights controlled only by explosion-proof safety switches or switches remote from the area of the leakage, or approved safety lamps.

(e) Smoking Not Permitted. When connecting or disconnecting pipe which contains gas, smoking shall not be permitted.

(f) Electrical Circuits Grounded to Gas Piping. Except for appliance controls requiring a ground electrical system including low voltage, circuits shall not be grounded to gas piping.

(5) Piping to Meter Location.

(a) Piping Extended to Meter Location. Gas building piping shall be extended to the meter location specified by the gas company. The meter location and gas piping connections shall be such that the meter connections are easily accessible in order that the meter may be read or changed.

(b) Piping Marked. Piping from multiple meter installations, (four (4) or more meters) shall be plainly marked near outlet connection with a permanent tag by the installer so that the piping systems supplied through them can be readily identified.

(c) Meters Supplied by Single Service Pipe. Unless otherwise approved in writing by gas company, all meters supplied by a single service pipe shall be at the same location.

(d) Piping Systems not Interconnected. Unless otherwise approved, where two (2) or more meters are installed on the same premises but supply separate consumers, the piping systems shall not be interconnected on the outlet side of the meters.

(e) Pipe Capacity Table 1.

CAPACITY—CUBIC FEET PER HOUR WITH A 67 S.P. 970 BTU SP. GR. GAS AND PRESSURE DROP OF 0.3 INCH WATER COLUMN							
Length of Pipe in Ft	Nominal Diameter of Pipe in Inches						
	¾	1	1¼	1½	2	3	4
15	158	319	694	1130	2300	6000	12900
30	111	223	495	790	1640	4350	9000
45	92	184	403	650	1360	3600	7300
60	80	160	352	565	1200	3200	6300
75	71	144	317	500	1040	2775	5550
90	65	131	287	455	925	2500	5100
105	60	123	264	415	850	2250	4700
120		111	250	390	795	2125	4450
150		101	224	350	720	1925	4050
180		93	208	325	670	1800	3700
210			190	295	610	1650	3400
240			176	280	570	1550	3200
270			165	265	535	1450	3000
300			158	250	500	1375	2750
450			130	210	415	1150	2300
600			110	180	360	950	1975

(6) Size of Piping to Gas Appliances.

(a) Piping shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance or appliances. The minimum gas pipe shall be not less than three-fourths (¾) inch. This does not apply to water heaters, space heaters, and unit heaters with inputs of less than fifty thousand (50,000) input.

The size of the gas pipe to be used depends upon the following factors:

1. Allowable loss in pressure to be provided for.
2. Maximum gas consumption to be provided for.
3. Length of pipe and number of fittings.
4. Specific gravity of the gas.
5. Diversity factor.

(b) Pressure Loss. The pressure loss in any gas piping system from the gas meter to any appliance for the maximum demand shall not exceed 0.3 inch water column. The minimum size of piping required to comply with 0.3 inch pressure loss limitation shall be determined by procedure given in Subsection (c) below or by standard engineering methods including use of gas flow computers.

(c) Size of Piping. To determine the size of any section of gas pipe in a system, proceed as follows:

1. Measure the length of pipe from the gas meter to the most remote outlet in the building on that piping system. Where separate or individual fuel lines are extended from meter to one or more appliances, such as individual gas line to heating plant, each separate fuel line from meter shall be considered as separate piping system.
2. In Table No. 1, select the horizontal line showing that distance, or the next longer distance if the table does not give the exact length.
3. Use this horizontal line so selected to locate all gas demand figures for this particular system of gas piping.

4. Starting at the most remote outlet, find in the horizontal line just selected, the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure in the same horizontal line.
5. Above this demand figure in the first line at the top of Table No. 1 will be found the correct size of pipe required to serve such an outlet.
6. Proceed in a similar manner for each outlet and each section of pipe. For each section of pipe, determine the total gas demand supplied by that section and use the length indicated by Section 30.18(5)(e) above, which length is at all times taken as total distance from meter to most remote outlet.
7. The hourly volume of gas required at each outlet shall be taken as not less than the maximum hourly rating specified by the manufacturer of the appliance or appliances to be connected to each such outlet. Where the manufacturer's rating of an appliance is given in British Thermal Units (BTU) per hour, this rating shall be divided by nine hundred seventy (970) to obtain the corresponding gas demand in cubic feet per hour for natural gas. Where BTU rating of gas appliances to be installed has not been definitely specified, estimate of approximate requirements may be based on current typical appliances.

(d) Extensions to Existing Piping. Extensions to existing piping shall conform to Section 30.18(6)(a). Existing piping, if extended, shall be converted to the proper size of pipe where necessary. In no case shall extensions be made to existing pipe which is smaller than permitted by Section 30.18(6)(a).

(7) Materials for Pipe and Fittings. All piping systems shall be installed according to NFPA 54 - National Fuel Gas Code (1987). (R. & Re-Cr. by Ord. 10,255, Adopted 5-7-91)

(8) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

(9) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

(10) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

(11) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

(12) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

(13) Reserved for Future Use. (R. by Ord. 10,255, Adopted 5-7-91)

30.19 MINIMUM REQUIREMENT FOR GAS-FIRED EQUIPMENT AND INSTALLATION OF GAS-FIRED EQUIPMENT.

(1) All gas design space heating equipment to be installed in the City of Madison shall conform with regulations governing the minimum standards of construction and performance of gas space heating equipment as shall be determined by the American Gas Association, or any other nationally recognized testing agency adequately equipped and competent to perform such services, and shall be evidenced by attachment of its seal or label to such gas space heating equipment. This agency shall be one which maintains a program of National Inspection of Production Models of all types of gas space heating equipment.

(2) On all gas-fired space heating units which are not approved as a complete design unit, the gas-firing equipment shall be considered as a conversion unit and shall conform to the requirements for the installation of gas conversion burners.

30.20 INSTALLATION REQUIREMENTS FOR GAS CONVERSION BURNERS.

(1) Preparation of Existing Heating Appliance. Thoroughly clean the ash pit, flue passage and combustion chamber of the furnace or boiler, removing all adhering tars, scale or dirt.

(2) Reconditioning the Existing Heating Appliance.

(a) If cracks or fractures, especially above the grate level are found in any of the castings after they have been cleaned, the casting shall be replaced. Cracks or fractures in other materials shall be repaired or the parts replaced and the appliance made gas tight as shown by smoke bomb test or equivalent.

(b) All joints between sections shall be properly cemented and the ash pit tightly grouted to the floor. Openings for grate shaker bars, cracks around door frames, and cracks such as under clinker doors, shall be tightly sealed with furnace cement.

(c) Firing door catches shall be filed or otherwise altered so that the firing door will open easily to relieve pressure. Positive latches shall be removed from the appliance and replaced by either light sheet metal catches, a spring placed on the hinge pin to keep the door closed or an equivalent arrangement which will permit the door to open and relieve any excessive pressure which may occur in the furnace. Latches on firing doors shall hold such firing doors close to the frame without exposing or forming any cracks.

(d) Where revertible or diving flue type furnaces or boilers are converted to gas firing, it is required that small opening or passage, not less than one (1) inch pipe, be provided between the top of the highest point in the flue passage of the appliance and its vertical flue pipe. If there is a bypass, open the bypass slightly and lock it in position.

(e) Where the burner is installed at approximately grate level and the furnace is lined with a refractory material, this material shall be removed down to the level of the burner except where the refractory material forms the only wall between the combustion chamber and the furnace front shield.

(f) When inshot type conversion burners are installed in dry base boilers or gravity warm air furnaces, the ash pit shall be lined for protection in accordance with the manufacturer's installation instructions, or as follows:

1. With at least two (2) inches of insulating fire brick which covers the ash pit bottom.
2. With at least two (2) inches of insulating fire brick along the sidewalls of the ash pit up to the level of the water back surface of a boiler or sufficiently high to protect the grate lugs of a furnace.

(g) Where inshot type conversion burners are installed, the floor area of a combustion chamber shall be in accordance with the burner manufacturer's instructions or recommendations; however, in the absence of such instructions, it shall be at least one and one-half (1½) square inches per one thousand (1,000) BTU per hour input of the burner.

(h) The water column and gauge glass on a steam boiler shall be clean, with the water level plainly visible. The connections from gauge glass to boiler shall be free and unobstructed.

(i) The chimney shall be examined and thoroughly cleaned, if necessary, before installation is made.

(j) Every conversion burner, upon completion of its installation, shall not be left in operation unless the burner has been properly adjusted so that the products of combustion shall contain not more than (.04%) of carbon monoxide. Samples of the gas shall be taken from breeching at a point as near to the furnace or boiler as possible. In no case shall the samples be taken from a point between the draft hood or barometric draft control and the chimney, or through the relief openings of the draft hood or barometric draft control.

(3) Installation of Burner and Controls.

(a) The installation of gas conversion burners having inputs not exceeding four hundred thousand (400,000) BTU per hour shall be installed in accordance with the following provisions:

Every conversion gas burner installed in the City of Madison shall bear the symbol of a recognized testing agency certifying compliance with the American Standard Listing Requirements for Domestic Gas Conversion Burners. It shall consist of a factory assembled and factory inspected unit supplied with an automatic pilot, automatic gas control valve, including, when necessary, proper

transformer to operate the gas valve, gas pressure regulator, (except on burners certified for use on liquefied petroleum gases), manual mainline shutoff calve, pilot shutoff valve, tubing or piping for pilot gas supply tubing for bleedline from diaphragm valves when employed.

Installation of burner shall be so planned that it and all its controls will be readily accessible for inspection, cleaning, adjustment and repairs.

(b) Installing the Burner.

1. The burner shall be solidly supported on fireproof material, both front and rear, and shall be level in both directions. No portion of the combustion air door opening of the burner shall be closed off by the seal covering the ash pit opening. Care shall be exercised when installing the burner to avoid undue strain on, or distortion of, duct or other components which would impair the fit, alignment or mechanical functioning of parts, such as pilots, positions of orifices with respect to venturi, combustion air door, etc.
2. For drilled port of multi-jet upshot type conversion burners installed in boilers, the burner ports shall be at least one (1) inch above grate level. For single port upshot burners, the above dimension shall apply to the bottom of the flame spreader.
3. For drilled port of multi-jet upshot type conversion burners installed in warm air furnaces, the burner ports shall be set above the grate level but not more than one-third (⅓) the distance between the grate and the bottom level of the firing door. For single port upshot burners, the above dimension shall apply to the bottom of the flame spreader. If the level of the burner port is below the highest point of the return air connection to the furnace casing, provisions shall be made to assure against counter circulation.
4. Burners shall be so placed with respect to the firebox dimensions as to uniformly distribute the heat over as much of the available heating surface as possible. Where the burner is appreciably shorter than the firebox, it shall be placed at the end of the firebox which will insure the longest flue travel. In some instances, it may be necessary to install air directing baffles to insure proper distribution of combustion air within the flame zone and to thereby prevent floating flame conditions on one side of the burner.
5. Firing door (fuel door) type burners shall be installed in accordance with the burner manufacturer's instructions. The burner ports shall be located with respect to the side walls of the combustion chamber so as to provide the longest travel for the products of combustion and to avoid direct flame impingement.
6. After the supply line has been connected to the burner, close the space between the ash pit opening and the air duct (and/or air door shield) in a permanent manner which will preclude entrance of combustion air except through the air duct. The use of sheet metal or hard asbestos board, neatly fitted, will facilitate servicing at a later date.
7. All gas burners installed in the revertible flue type of equipment, exceeding a twelve (12) inch down draft, shall be provided with a complete shutoff type automatic pilot unless equipped with adequate bleeder connections.

(c) Union for Connecting Burner to House Piping. A union shall be installed in the gas line downstream from the manual main shutoff valve.

(d) Controls. (Refer to Section 30.25)

(4) Installation Requirements for Conversion Burners Having Inputs Exceeding 400,000 BTU Per Hour.

(a) Approval of Gas Burner.

1. It shall be unlawful for any person, firm, corporation or their agents, to install any gas burner which has not been approved by the National Board of Fire Underwriters' Laboratory, or any other nationally recognized inspection board or laboratory. Any burner which does not meet the above requirements shall not be installed until a certificate of approval has been issued.
2. Application for approval shall give the following information:
   a. Name of burner.
   b. Name and address of manufacturer.
   c. Past history of company and burner.
   d. Furnish detailed drawings and specification sheets.
3. Every gas burner fired in excess of four hundred thousand (400,000) BTU per hour input shall be equipped with electronic combustion safeguard.

(b) Main Burner.

1. A burner shall be installed so that fuel and air will be completely mixed to assure efficient combustion within the combustion chamber, without injurious flame impingement on heating surfaces or refractories, vibration or pulsation, formation of soot, and without flame leaving any part of the burner throughout the entire range of operation. Burners shall be installed firmly in place to maintain correct alignment and shall be readily accessible for cleaning and inspection. All burner intake air louvers for manual operation shall be equipped with a mechanical locking device to prevent accidental closure, or if louvers are to be operated automatically, they shall be weighted to open in the event of linkage failure.
2. Load requirements of every job shall be satisfied by equipment within proper range of manufacturers' ratings.
3. The burner or burners and their component parts shall be installed according to the manufacturer's instructions and shall be properly and firmly secured in place to maintain correct alignment in normal use.
4. The burner or burners shall be so installed and adjusted that there will be no injurious flame impingement on walls or heating surfaces in a manner that will cause incomplete combustion or damage to boiler or furnace parts.
5. Means shall be provided to permit ready observation of the pilot, safety device and main burner while firing.

(c) Manual Shutoff Valves.

1. Pilots shall be independently controlled by means of a manually operated pilot shutoff valve. In multiple installations, a manually operated pilot firing valve shall be provided for each pilot.
2. On burners with inputs exceeding five million (5,000,000) BTU per hour, each burner unit, except those utilizing a zero governor inspirator mixer, shall be equipped with a manual firing valve downstream of all other valves and as close as practicable to the burner so that the flame can be observed during manipulation of this valve.
3. On multiple burner installations, a manual shutoff valve shall be installed ahead of all other valves and controls for each burner.
4. A manually operated shutoff valve of an approved type shall be installed in the main line to each burner. It shall be readily accessible and shall clearly indicate the "ON" and "OFF" positions with stops at the open and closed positions.

5. On installations requiring inputs exceeding one million (1,000,000) BTU per hour, the main shutoff valve shall be of a pressure rating no less than the gas pressure in the street main.

(d) Control Valves, Pressure Rating.

1. All safety and input control valves (automatic recycling or manual reset) shall be capable of withstanding the gas main pressure and shall be installed upstream of all other control valves.
2. The gas supply pressure to the pilot or group of pilots shall be controlled independently of the burner supply.

(e) Combustion Control. Uptake dampers shall be counterbalanced to open in the event of breakage or failure of their operating means. Counter-balancing arms, weights, etc. shall be so located or shielded as to prevent personal injury to the operator or damage to equipment in case of breakage.

1. For automatically lighted burners, automatically operated dampers, where used, shall be interlocked to prevent lighting of the main burner unless sufficient draft is available.
2. All combustion control systems shall be so installed as to assure stable, safe and approved proper standards of combustion and efficiency with a minimum of seventy percent (70%) for the required range of operation.
3. When air louvers, dampers or other air controls are automatically operated, such operation shall be in conjunction with gas input control valves, either by mechanical linkage or changes in furnace pressure and/or change in fuel flow to maintain proper fuel/air ratio over the entire required range of operation. The operating medium may be electrical, pneumatic or hydraulic. Arrangements shall be provided for shutting off the fuel supply in the event of failure of the control medium.
4. An approved draft regulator having a minimum free area of three-fourths (¾) of the area of the boiler or furnace breeching outlet may be used in lieu of a draft hood. Where barometric dampers are used they shall furnish positive and effective protection against back drafts. Barometric dampers shall be installed in accordance with the manufacturer's instructions.

(f) Limiting Devices.

1. Automatically operated gas burners in connection with vapor, hot water, steam or warm air heating systems shall be equipped with approved devices to shut down the burner in the event of undue pressure in a steam boiler or overheating within a hot water boiler or warm air furnace. Each steam boiler shall be equipped with a low water cutoff.
2. On all installations, where operation of the burner is controlled by an aquastat or furnace stat, another aquastat or furnace stat shall be installed in the one hundred ten (110) volt line ahead of all other controls, as a high limit or safety control. The high limit on hot water heating systems shall be of the immersion type installed in the boiler. On all installations, where the operation of the burner is controlled by a pressure stat, this control shall be installed in the one hundred ten (110) volt line ahead of all other controls.
3. Limiting devices shall not depend upon the closing of an electrical circuit to shut off the fuel supply.
4. All limiting devices shall shut off fuel to all main burners.
5. Shutoff valves shall not be installed in the piping between the boiler and pressure and/or water temperature limiting devices.

(g) Flues and Flue Connections. The chimney or stack shall be preinspected and tested, if necessary, to determine whether or not it is in suitable condition. If not in suitable condition, as determined by the Building Inspection Division of the

Department of Planning and Community and Economic Development, any defects shall be corrected subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(h) Combustion Chamber. Refractory combustion chambers to be used for inshot or horizontal type burners shall be constructed and sized to burner manufacturer's recommendations.

(i) Installation Requirements for Dual Fuel Burning.

1. In addition to the requirements set forth in Sections 30.18, 30.19, and 30.20, inclusive, of this code, together with their subsections, gas burners installed in conjunction with other combustion equipment shall conform to the following requirements.
2. Gas burners shall be of the inshot type and shall be installed to fire directly into the combustion chamber. Angle or corner installations will not be permitted without special permission of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83)
3. The installer shall be responsible for the proper functioning of both the gas equipment and the existing combustion equipment.
4. Proper protection of the gas and other combustion equipment shall be provided from the effects of each other. Such protection to be approved by the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83)
5. Controls may be common to both fuels or may be independent. Transfer from one fuel to the other shall be by a manual interlock system to prevent the gas and other fuel being used simultaneously.
6. Where it is necessary that both fuels are to be used simultaneously, special approval must be obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83)
7. The installer shall file with the Building Inspection Division of the Department of Planning and Community and Economic Development, drawings showing electric wiring, gas piping of the gas burner and controls, method of mounting burner and operating instructions. (Am. by Ord. 8081, 7-29-83)

(Am. by ORD-08-00109, 10-7-08)

30.21 VENTING REQUIREMENTS.

(1) General. The venting of all boilers, furnaces or appliances shall conform to the requirements as hereinafter set forth inclusive of this section, together with their subdivisions. Conditions not specifically mentioned in this section shall be governed by the current A.S.H.R.A.E. Guides or Section V of the standards of the National Fire Protection Association for the installation of gas appliances and gas piping. N.F.P.A. 54 as listed in Appendix No. 1.

(2) Types of Chimneys or Vents Defined. For the purpose of this section, the following definitions shall govern as to the meaning of the several terms or expressions herein defined, whenever said terms and expressions are employed in this code.

(a) Chimneys.

1. Factory Built Chimneys. Chimneys that are factory made, listed by a nationally recognized testing agency, for venting gas appliances, gas incinerators, and solid or liquid fuel burning appliances.
2. Masonry Chimneys. Field constructed chimneys built in accordance with the City of Madison Building Code (Chapter 29).

3. Metal Chimneys. Chimneys made of metal of adequate thickness properly galvanized or properly welded or riveted and built in accordance with nationally recognized codes or standards.

(b) Gas Vents.
1. Type B Gas Vents. Factory made gas vents listed by a nationally recognized testing agency for venting listed or approved appliances equipped to burn only gas.
2. Type B/W Gas Vents. Factory made gas vents listed by a nationally recognized testing agency for venting listed or approved gas-fired recessed heaters.
3. Type C Gas Vents. Vents constructed of sheet copper not less than twenty-four (24) ounces per square foot or galvanized iron of not less than No. 20 U. S. Standard gauge or other approved noncombustible corrosion-resistant material.

(c) Chimney Liner. A vent pipe or flue liner inserted within a chimney for the purpose of flue products and preventing such condensation from contact with the interior of the chimney in which it is inserted.

(d) Chimney Flue. The flue gas conveying passageway in a chimney.

(e) Vent. A conduit or passageway, vertical or nearly so, for conveying vent gases to the outer air.

(f) Chimney Connector. (Use in place of smoke pipe or flue pipe.) The pipe which connects a solid or liquid fuel burning appliance to a chimney.

(g) Vent Connector. The pipe which connects a gas appliance to a gas vent or chimney.

(h) Draft Hood. A device built into an appliance, or made a part of the vent connector from an appliance which is designed to (1) assure the ready escape of the flue gases in the event of no draft, back draft, or stoppage beyond the draft hood; (2) prevent a back draft from entering the appliance; and (3) neutralize the effect of stack action of the chimney or gas vent upon the operation of the appliance.

(3) Draft Hoods; Use of. (See Section 30.25)

(4) Barometric Dampers. Barometric dampers shall be constructed and installed in accordance with the manufacturer's instructions.

(5) Types of Chimneys or Vents, Use of. It shall be the duty of the owner of any building in which it is hereafter proposed to install any furnace, boiler or appliance to provide a properly constructed chimney or vent.

(a) Gas vents or chimney systems shall be engineered and constructed so as to develop a positive flow adequate to remove all flue gases to the outside atmosphere.

(b) Chimneys. Chimneys shall be used for venting the following types of appliances.
1. Incinerators, except that metal pipe not less than No. 20 U.S. Standard gauge galvanized iron or other equivalent noncombustible, corrosion-resistant material may be used for venting incinerators installed in locations such as open sheds, breezeways or carports, provided the metal pipe is exposed and readily examinable for its full length and suitable clearance (eighteen inches from combustible) are maintained.
2. Appliances which may be converted readily to the use of solid or liquid fuels.
3. Combination gas-oil burning appliances.
4. Appliances listed for use with chimneys only.

(c) Type B Gas Vents.
1. Type B gas vents may be used to vent listed gas appliances except as provided in 30.21(5)(b) and (d) and 30.21(7)(a).
2. For the purpose of this section, listed gas appliances shall refer to appliances which are shown in a list published by an approved, nationally recognized testing agency, qualified and equipped for experimental testing

and maintaining an adequate periodic inspection of current production of listed models and whose listing states either that the appliance complies with nationally recognized safety requirements or has been tested and found safe for use in a specific manner. Listed gas appliances are considered to be equipped with draft hoods and to produce flue gas temperatures not in excess of five hundred fifty (550) degrees Fahrenheit at the outlet of the draft hood when operating at the manufacturer's normal input rating.

3. Listed Type B vents shall be installed in accordance with their listings and the manufacturer's instructions.

4. Type B vents installed outside a building, or which pass through unheated portions of a building except that portion above the roof line, shall be equipped with a capped tee with provision for a condensate drain, so arranged that excessive condensation may be disposed of without damage to the foundation, floor, walls or footings.

5. Any shape listed gas vent may be used provided its venting capacity is equal to the capacity of round pipe for which it is substituted and the minimum internal dimension of the gas vent is not less than two (2) inches.

6. The gas vent or chimney should extend high enough above the building or other neighboring obstruction so that wind from any direction will not create a positive pressure in the vicinity of the gas vent or chimney termination. Gas vents shall extend at least two (2) feet above the highest point where they pass through a roof or a building and at least two (2) feet higher than any portion of a building with ten (10) feet except that gas vents need not comply with this provision when equipped with an approved device and proper and effective venting is accomplished. Gas vents or chimneys shall not terminate less than four (4) feet in vertical height above the highest connected appliance draft hood outlet or flue collar.

7. Gas vents and factory built chimneys shall extend above the roof surface and through the flashing and shall terminate in a top or listed room assembly with a venting capacity not less than that of the gas vent or chimney. The top shall be of a design to prevent rain and debris from entering the gas vent or chimney.

8. All portions of gas vents and chimneys shall be adequately supported for the weight and design of the materials employed. Listed gas vents and factory built chimneys shall be supported and spaced in accordance with their listings and the manufacturer's instructions.

9. Size of Gas Vent or Chimney. The gas vent or chimney, when connected to a single appliance, shall be not less than the size of the draft hood outlet, or as provided in Section 30.21. When more than one (1) appliance is connected to a gas vent or chimney, the area of the passageway shall be not less than the area of the largest vent connector, plus fifty percent (50%) of the areas of additional vent connectors or as provided in Subsection (8) hereof.

(d) Marking of Type B Vents. Gas vent systems shall be plainly and permanently identified by a label reading:

"This gas vent is for appliances which burn gas only. Do not connect to incinerators or solid or liquid fuel burning appliances."

This label shall be attached to the wall or ceiling at a point near where the gas vent system enters the wall, ceiling or chimney.

(e) Type BW Gas Vents.

1. Type BW gas vents shall be used with listed vented recessed heaters when installed with combustible two by four (2 x 4) wall construction.
2. Listed Type BW gas vents shall be installed in accordance with their listings and the manufacturer's instructions.
3. Type BW gas vents serving a vented recessed heater shall not terminate less than twelve (12) feet in vertical height above the bottom of the heater.
4. Type C Gas Vents.
   a. Type C gas vents shall be used only for runs directly from the space in which the appliance is located through the roof to the outer air. Such gas vents shall not originate in any unoccupied attic or concealed space, and shall not pass through any attic, inside wall, concealed space, or through any floor.
   b. When a Type C gas vent passes through a roof constructed of combustible material, it shall be guarded at the point of passage by a method described in 30.21(6)(n) or by a noncombustible nonventilating thimble not less than four (4) inches larger in diameter than the vent pipe and extending not less than eighteen (18) inches above and six (6) inches below the roof with annular space open at the bottom and closed only at the top.

(6) Vent Connectors.

(a) Materials. Vent connectors used for gas appliances having draft hoods and for listed conversion burners having draft hoods, shall be constructed of materials having resistance to corrosion and heat not less than that of No. 24 U.S. Standard gauge galvanized steel except that Type B vent material may be used as the connector between the draft hood and the chimney.

(b) Clearance. Vent connectors shall be located in such a manner that continued operation of the appliance will not raise the temperature of surrounding combustible construction more than ninety (90) degrees Fahrenheit above normal room temperature when measured with mercury thermometers or conventional bead type thermocouples. Minimum clearances of vent connectors to combustible material shall be in accordance with Table No. 1 of this section.

(c) Avoid Unnecessary Bends. The vent connector shall be installed so as to avoid excessive turns or other construction features which create unnecessary resistance to flow of vent gases.

(d) Joints. Vent connectors shall be firmly attached to draft hood outlets by sheet metal screws or other approved means. Vent connectors using listed Type B gas vent material shall be securely assembled, using the method shown in the listing and the manufacturer's instructions. Joints of other than listed Type B gas vent material shall be securely fastened by sheet metal screws or other approved materials.

(e) Pitch. Vent connectors attached directly to side outlet draft hoods, such as on floor furnaces, shall be pitched upward from the appliance at least one-fourth (¼) inch per foot. Vent connectors attached to top outlet draft hoods by means of a ninety (90) degree elbow may be horizontal or pitched upward from the appliance. No portion of any vent connector shall be run downward from the appliance nor shall there be any dips or sags.

(f) Length. The horizontal run of the vent connector shall be as short as possible and the appliance shall be located as near to the gas vent or chimney as practicable. The maximum length of an uninsulated horizontal run of vent connector shall not exceed seventy-five percent (75%) of the height of the gas vent or chimney.

TABLE NO. 1
VENT CONNECTOR CLEARANCES FOR GAS APPLIANCES

Appliance	Minimum Distance from Combustible Material	
	Listed Type B Gas Vent Material	Vent Connectors of Other than Type B Material
Listed Boiler	1" or as listed*	6"
Listed Warm Air Furnace	1" or as listed*	6"
Listed Water Heater	1" or as listed*	6"
Listed Room Heater	1" or as listed*	6"
Listed Floor Furnace	1" or as listed*	6"
Listed Incinerator	Not Permitted	18"
Listed Conversion Burner (with draft hood)	6"	9"
Unlisted Appliances (having draft hoods)	6"	9"
Unlisted Appliances (without draft hoods)	Not Permitted	18"

*Where listing by national agency calls for greater distance, that distance shall apply.

The clearances from vent connectors to combustible materials may be reduced when combustible material is protected as specified in Table No. 2.

TABLE NO. 2
REDUCTION OF CLEARANCES WITH SPECIFIED FORMS OF PROTECTION

Type of protection applied to & covering all surfaces of combustible material w/in distance specified as required clearance w/no protection (See Figs. 7,8,9)	Where required clearance w/no protection from appliance, vent connector, or single wall metal pipe is:									
	36"		18"		12"		9"		6"	
	Allowable Clearances w/Specified Protection, inches									
	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear
a) 3½" thick masonry wall w/out ventilated air space	—	24	—	12	—	9	—	5	—	5
b) ½" insulation board over 1" glass fiber or mineral wool batts	24	18	12	9	9	6	6	5	4	3
c) 0.024 (24 gauge) sheet metal over 1" glass fiber or mineral wool batts reinforced w/wire on rear face w/ventilated air space	18	12	9	6	6	4	5	3	3	3
d) 3½" thick masonry wall w/ventilated air space	—	12	—	6	—	6	—	6	—	6

Type of protection applied to & covering all surfaces of combustible material w/in distance specified as required clearance w/no protection (See Figs. 7,8,9)	Where required clearance w/no protection from appliance, vent connector, or single wall metal pipe is:									
	36"		18"		12"		9"		6"	
	Allowable Clearances w/Specified Protection, inches									
	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear	Above	Sides and Rear
e) 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	2
f) ½" thick insulation board w/ventilated air space	18	12	9	6	6	4	5	3	3	3
g) 0.024 (24 gauge) sheet metal w/ventilated air space over 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	3
h) 1" glass fiber or mineral wool batts sandwiched between two sheets 0.024 (24 gauge) sheet metal w/ventilated air space	18	12	9	6	6	4	5	3	3	3

NOTES APPLICABLE TO TABLE NO. 2

1. Reduction of clearances from combustible materials shall not interfere with combustion air, draft hood clearance and relief, and accessibility of servicing.
2. All clearances shall be measured from the outer surface of the combustible material to the nearest point on the surface of the appliance, disregarding any intervening protection applied to the combustible material.
3. Spacers and ties shall be of noncombustible material. No spacer or tie shall be used directly opposite appliance or connector.
4. With all clearance reduction systems using a ventilated air space, adequate provision for air circulation shall be provided as described. (See Figures 7 and 8.)
5. There shall be at least 1 inch between clearance reduction system and combustible walls and ceilings for reduction systems using ventilated air space.
6. If a wall protector is mounted on a single flat wall away from corners, adequate air circulation may be provided by leaving only the bottom and top edges or only the side and top edges open with at least 1 inch air gap.
7. Mineral wool batts (blanket or board) shall have a minimum density of 8 lb/ft3 and a minimum melting point of 1500°F.
8. Insulation material used as part of clearance reduction system shall have a thermal conductivity of 1.0 (Btu-in)/(sq ft-hr-F) or less.
9. There shall be at least 1 inch between the appliance and the protector. In no case shall the clearance between the appliance and the combustible surface be reduced below that allowed in the table.

10. All clearances and thicknesses are minimum; larger clearances and thicknesses are acceptable.

(Sec. 30.21(6)(f)Table 2 R. & Re-Cr. by Ord. 10,255, Adopted 5-7-91)

(g) Support. Vent connectors shall be securely supported for the weight and design of the materials employed to maintain proper clearances to prevent physical damage and to prevent separation of the joints. Support shall be accomplished by means of metal hangers spaced not more than six (6) feet on centers. Wire hangers will not be permitted.

(h) Provide Vertical Run. Vent connectors shall have the greatest possible rise consistent with head room available between the draft hood outlet and the start of the horizontal run.

(i) Location. When the vent connector used for an appliance having a draft hood must be located in, or pass through a crawl space or other area difficult of access which may be cold, that portion of the vent connector shall be of listed Type B gas vent material or material having equivalent insulation qualities. Type C gas vent material used as a vent connector shall not pass through any floor or ceiling.

(j) Chimney Connection. When an existing chimney wall is to be pierced for a chimney connection, approval shall be obtained from the Building Inspection Division of the Department of Planning and Community and Economic Development before the opening is cut. An inspection shall be made and approved before the connection is made to the opening. In entering a passageway in a masonry or metal chimney, the vent connector shall be installed above the extreme bottom to avoid stoppage. Means shall be employed which will prevent the vent connector from entering so far as to restrict the space between its end and the opposite wall of the chimney. A thimble or slip joint may be used to facilitate removal of the vent connector. The vent connector shall be firmly attached or inserted into the thimble or slip joint to prevent it from falling out. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(k) Fireplace. A vent connector shall not be connected to a chimney serving a fireplace unless the fireplace opening is permanently sealed.

(l) Size, Height and Length of Interconnected Vent Connectors. Two (2) or more vent connectors may be joined through a gas vent manifold or to a gas vent provided that:

1. Vent connectors carrying the gases of a single appliance shall have the greatest possible rise consistent with the head room available between the draft hood outlet and the points of its interconnection to manifold or to common vent.
2. Size of vent connector shall be equal to or greater than the size shown in Table No. 3 of this section for the allowable heat input.
3. When Table No. 3 indicates that a vent connector must have a larger size than the draft hood, the size increase shall be made at the draft hood outlet.

TABLE NO. 3
ALLOWABLE INPUT TO VENT CONNECTORS BEFORE INTERCONNECTION

Connector Size in Inches	Maximum Appliance Input — In BTU Per Hour
3	30,000
4	55,000
5	80,000
6	125,000
7	180,000
8	245,000
9 and above	5,000 BTU per square inch of cross-sectional area.

(m) Dampers. Manually operated dampers shall not be placed in the vent connector from any gas appliance except an incinerator. Fixed baffles ahead of draft hoods are not classified as dampers.

(n) Use of Thimbles.

1. When passing through combustible walls or partitions, vent connectors built of listed Type B gas vent material shall be installed so that the clearances required by the listing are maintained.

2. Vent connectors made of other than Type B vent material shall not pass through any combustible walls unless they are guarded at the point of passage by ventilated thimbles not smaller than the following:

   For listed appliances, except incinerators - four (4) inches larger in diameter than the vent connector, unless there is a run of not less than six (6) feet of vent connector in the open, between the draft hood outlet and the thimble in which case the thimble may be two (2) inches larger in diameter than the vent connector.

   For unlisted appliances having draft hoods - six (6) inches larger in diameter than the vent connector.

   For incinerators and unlisted appliances - twelve (12) inches larger in diameter than the vent connector.

3. In lieu of thimble protection, all combustible material in the wall shall be cut away from the vent connector a sufficient distance to provide the clearance required from such vent connector to combustible material. Any material used to close up such opening shall be noncombustible.

(o) Size. Vent connectors shall not be smaller than the size of the flue collar or the draft hood outlet. When the appliance has more than one (1) draft hood outlet and in the absence of the appliance manufacturer's specific instructions, the vent connector shall equal the combined area of the draft hood outlets for which it acts as a common connector to the gas vent chimney.

(7) Special Venting Arrangements.

(a) Appliances With Sealed Combustion Chamber. The provisions of draft hoods in Section 30.21 (1) through (6), do not apply to listed appliances having sealed combustion chambers and which are so constructed and installed that all air for combustion is derived from outside the space being heated and all flue gases are discharged to the outside atmosphere. Such appliances, having integral venting, shall be considered as being properly vented when they are installed in accordance with their listing and the manufacturer's instructions.

(b) Gas Vent and Chimney Exhausters. Forced venting and exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the Director of the Building Inspection Division. However, when used, the following regulations shall apply:

1. When an exhauster is used with gas appliances requiring venting, provisions shall be made to prevent the flow of gas to the main burner in the event of failure of the exhaust system.
2. A vent connector serving a gas appliance vented by natural draft shall not be connected into the discharge side of a power exhauster.
3. Induced Draft. Where an induced draft or forced draft fan is used with gas, oil or solid fuel, it shall be equipped with a control that will not allow burner to start until proper draft has been established.

(Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(8) Engineered Vent Systems. The size of chimneys, gas vents or vent connectors specified in this section shall not necessarily govern where standard engineering methods have been used to design the vent system.

(9) Flues or Vents. This section applies only to natural draft venting. Forced venting or exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the Director of the Building Inspection Division. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(a) Check Flue or Vent. Before connecting a flue or vent connector, the flue or vent shall be examined to ascertain that it is properly constructed, clear, and will freely conduct the products of combustion to the outer air.

(b) Size. For conversion burners not exceeding four hundred thousand (400,000) hourly BTU input, the internal cross-sectional area of the vent connector and the vent flue shall be such as to provide not less than one (1) square inch of flue area per six thousand five hundred (6,500) BTU combined input of all gas appliances connected to such flue pipe as set forth in Table No. 3. In no case shall this flue pipe be less than five (5) inches in diameter.

For conversion burners exceeding four hundred thousand (400,000) hourly BTU input, where the chimney or vertical flue is of such height as to provide a high draft intensity, the area of the chimney or vertical flue may be based on an input of greater than six thousand five hundred (6,500) BTU per square inch of cross-sectional area, subject to the approval of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by ORD-08-00109, 10-7-08)

TABLE NO. 4
MINIMUM PERMISSIBLE FLUE SIZES FOR GAS CONVERSION BURNER INSTALLATIONS

Input Rating BTU Per Hour	Area of Flue Outlet - Sq. In.	Diameter of Flue Pipe - Inches
120,000	19.6	5
160,000	28.3	6
250,000	38.5	7
320,000	50.3	8
410,000	63.6	9

(Sec. 30.21(9) (Am. by Ord. 8081, 7-29-83)

(10) Insufficient Draft or Down-Draft to be Provided Against. In the event conditions at the time of installation are such that the chimney or vertical flue has insufficient natural draft to properly carry away the products of combustion, provision shall be made to rectify existing conditions or provide mechanical means of maintaining constant up-drafting during appliance operation. The draft must be proved before the burner may be operated.

(11) Smoke Pipes.

(a) Required Weight of Metal Smoke Pipes Used With Solid and Liquid Fuels. For each and every steam or hot water boiler, warm air furnace or incinerators hereafter installed under the provisions of this code, the area of the breeching or smoke pipe shall not be less than the area of the smoke collar of the boiler or furnace to which it is connected, and each such breeching or smoke pipe shall be made of material equal in durability to galvanized iron of thicknesses (U.S. Standard Gauge), for the various breeching or smoke pipes, not less than the following:

For areas from 13 to 113 square inches - No. 24 Gauge.

For areas from 114 to 177 square inches - No. 18 Gauge.

For areas from 178 to 314 square inches - No. 16 Gauge.

For areas from 315 to 616 square inches - No. 14 Gauge.

For areas from 617 to 1,017 square inches - No. 12 Gauge.

For areas from 1,018 to 2,827 square inches - No. 10 Gauge.

(b) Smoke Pipes, How Installed. Each such breeching or vent connector or smoke pipe shall be lock seamed or riveted, with all joints lapped not less than one and one-half (1½) inches or be rigidly secured, and shall have proper construction for making tight connection to chimney flue the full thickness of masonry, and shall not extend more than one-fourth (¼) inch beyond liner.

The smoke pipe shall extend full size of the chimney flue for not less than one and one-half (1½) diameters nor more than two (2) diameters so that additional appliances may be properly vented into the manifold.

Smoke pipes shall be supported by means of strap hangers spaced not less than six (6) feet on centers. Wire hangers will not be permitted.

Each such breeching or smoke pipe shall be as short and direct to the chimney flue as possible, and shall be installed with a pitch upward of not less than one-fourth (¼) inch per running foot.

(c) Multiple Smoke Pipe Connections. Two (2) or more smoke pipes shall not be jointed for a single flue connection unless the smoke pipe and flue are of sufficient size to serve all the appliances so connected. The manifold for multiple smoke pipe connections shall be designed and installed so that the inlet connections enter so as not to cause opposed venting.

(d) Clearances. No part of any smoke pipe shall be placed nearer to any combustible ceiling than one and one-half (1½) times the diameter of the pipe; or nearer to any combustible wall than one (1) diameter of the pipe; but the above distances may be reduced by one-half (½) if the wall or ceiling is covered with one-fourth (¼) inch asbestos paper and a metal shield so fastened so that an inch space exists between this shield and the combustible material.

(12) Dampers. All smoke pipes on hand-fired coal equipment shall be provided with a check damper placed on the side of the smoke pipe or at the end of a tee. Where cast iron smoke pipe dampers are used, they must be placed between the check damper and the heating equipment and supported on both sides of pipe. The smoke pipe on all incinerators that are not fired by auxiliary fuel shall have a cast iron damper to control the draft.

Automatically operated dampers shall be of approved type designed to maintain a safe damper opening at all times and arranged to prevent starting of the burner unless the damper is opened, at least twenty percent (20%) of the internal cross-section area.

(13) Draft Regulators. A draft regulator or draft hood shall be provided for all fired appliances, unless the burner is listed for use without one. (Refer to Section 30.25.)

30.22 - 30.24 RESERVED FOR FUTURE USE.

30.25 CONTROL SYSTEMS FOR AUTOMATIC FIRING EQUIPMENT.

(1) General. All systems shall have one (1) operating control to control temperature for furnace or pressure for boilers. Each system shall have, in addition, one (1) high limit control. These controls shall be one hundred twenty (120) volts, one (1) side grounded and shall be wired into the ungrounded line (except where self-generating controls are used). In addition, all steam boilers shall have a low water cutoff and all hot water boilers over two hundred thousand (200,000) BTU input shall be equipped with a low water cutoff. The above-mentioned control shall be wired into the circuit ahead of all other controls or relays.

All motors of one-eighths (⅛) HP and larger used in conjunction with any heating, ventilating, or air conditioning equipment shall be on its own circuit. Each motor shall be protected by a proper Type S time delay fuse, except that fractional horse power motors for circulating pumps, unit ventilators, etc. may be grouped on a motor branch circuit. If the motors for the circulating pumps, unit ventilators, etc. are provided with integral thermal overload protection, external over-current protection will not be required.

All heating, ventilating, and air conditioning units shall have an electrical disconnect located within ten (10) feet and in sight of the unit.

(2) Relief Valves. All boilers shall have an A.S.M.E. approved pressure relief valve rated at the full gross rating of the boiler input. There shall be no valves between the boiler and the relief valve. The discharge from the water relief valve and the discharge from the low water cutoffs shall be piped full size to within eighteen (18) inches of the floor.

(3) Draft Controls. All automatically fired natural draft equipment shall have either barometric or mechanical draft control equipment installed in the boiler breeching. Gas-fired boilers or furnaces may use approved draft hoods, mechanical draft control or barometric draft regulators. Barometric draft regulators used on gas-fired equipment must be free-swinging with no stops within one hundred eighty (180) degrees from the pivot point. No barometric damper, draft hood or sensor for mechanical draft control shall be located in any space other than where the burner is drawing combustion air.

(4) Stoker Controls. Stoker-fired steam boilers with zone valves shall have a reverse acting pressure control or aquastat to open one of the zone valves at a pressure or temperature below the setting of the high limit control. On water boilers, there shall be reverse acting submerged type aquastat to open the zone valve and/or start a circulating pump below the setting of the high limit control. On a furnace with zone control or fan system, there shall be a reverse acting airstat to open a zone damper and/or turn on the fan below the setting of the high limit control. All stokers shall be equipped with a timing device to operate the stoker a minimum of one (1) minute every thirty (30) minutes during the off period.

All bin feed type stokers shall have out-fire control.

(5) Retrofit Controls and Devices. Controls or devices installed on all gas fired heating equipment shall be certified by American Gas Association (A.G.A.) or any other nationally recognized testing laboratory and be used for the certified purposes only.

The installation shall be performed by a licensed heating contractor, and it shall be the responsibility of the installing contractor to make the installation according to the manufacturer's instructions.

(Sec. 30.25(5) Am. by Ord. 6576, 3-21-79)

30.26 COMMERCIAL AND INDUSTRIAL BURNERS OVER TEN (10) GALLONS PER HOUR OR 1,500,000 BTU PER HOUR.

(1) General. Flame safeguard equipment on all gas and/or oil burning equipment shall be two (2) wire, one hundred twenty (120) volt, one side grounded and approved for the equipment it is to be installed with.

On commercial gas or combination gas-oil burners, a hi-lo gas pressure switch shall be provided and wired so that the main fuel valve cannot open if the gas pressure is above or below the rating of the equipment.

On pressure type burners, forced draft burners or induced draft burners, an air flow switch shall be provided so that the main fuel valve cannot open unless all fans are running. Natural draft burners must have a prepurge period of a minimum of ninety (90) seconds after the burner motor starts and all dampers are wide open before opening the fuel valve.

Forced or induced draft burners must have a prepurge period of at least four (4) air changes after the motor starts and all dampers are wide open before opening the fuel valve. Oil burners shall be equipped with low fire start.

Gas burners shall be equipped with slow opening gas valves.

Where gas pressures exceed fourteen (14) inches W.C. piped to a burner, an applicable gas pressure regulator shall be installed at each burner. The automatic gas valve shall be slow opening motorized with positive shutoff in case of power failure.

(2) Continuous Pilot Burning. Gas burners using continuous pilots shall be equipped with U.L. or A.C.A. approved safety pilot and automatic shutoff valve.

(3) Location of Pilot Valves. The gas supply to the pilot or group of pilots on all burners shall be controlled independently of the main gas burner including independent manual shutoff valve.

30.27 RESERVED FOR FUTURE USE.

30.28 RESIDENTIAL AIR CONDITIONING.

(1) Scope. This section is intended to insure safety of operation and the location of the components in conjunction with the heating and cooling or cooling systems of one (1) and two (2) family residences where central air conditioning is employed.

(2) Central Air Conditioning Systems (Existing System). When air conditioning is added to an existing heating system, the air volume shall be maintained so the BTU room requirement will be satisfied during the heating cycle.

(3) Controls. On all heating and cooling systems, the fan and limit switch shall be located between the heat exchanger and the cooling coil.

(4) Wiring. All wiring shall comply with the City of Madison Electrical Code, Chapter 19, of the Madison General Ordinances.

(5) Manufacturer's Name and Rating Plate. Manufacturer's name and rating plate shall be affixed to all units.

(6) Location of Condensing Unit. A plot plan shall be submitted with application for a permit showing the location of the condensing unit. The condensing unit shall not be located in the required front or side yards.

(7) Foundation for Condensing Unit. All units shall be placed on a level waterproof and fireproof base and on well-tamped earth.

(8) Refrigerants. ARI Group 2 refrigerants shall not be used for residential air conditioning (ammonia, dischloroethylene, methyl or ethyl chloride, methyl formate and sulphur dioxide). Substitutes of refrigerants shall not be made.

(9) Piping. Joints are to be made by braising or by mechanical joints. Joints to be made by soldering shall be made only with materials that melt at temperatures above four hundred (400) degrees Fahrenheit.

Soft annealed copper tubing used for refrigerant piping erected on the premises shall not be used in sizes larger than one and three-eighths (1⅜) inches Standard Size (1.375 outside diameter). Mechanical joints shall not be used on soft annealed copper tubing on sizes larger than seven-eighths (⅞) inch Standard Size (0.875 outside diameter). It shall conform to ASTM Specifications B280-62.

(10) Installation of Piping. All pipe shall be strapped to the ceiling and free of kinks. The unused portion of precharge or factory furnished pipe shall be strapped to the ceiling in a workmanlike manner. All holes to the exterior shall be sealed tightly.

(11) Location of Evaporator. The evaporator coil shall be located upstream of the heating equipment.

(12) Condensate Drain. The condensate drain shall be installed according to City of Madison Plumbing Code, Chapter 18, of the Madison General Ordinances.

30.29 APPENDIX NO. 1.

(1) Heating, Ventilating and Air Conditioning Code (Wisconsin Administrative Code, Chapter 64). (Am. by Ord. 5599, 9-13-76)

(2) American Society of Heating, Refrigerating and Air Conditioning Engineers Guide and Data Book (ASHRAE) 1970 Systems; 1969 Equipment; 1968 Applications; and 1967 Fundamentals.

(3) Manual J. - Load Calculation, 2nd Edition.

(4) Manual 4 - Warm Air Perimeter Heating, Ninth Edition - National Warm Air Heating and Air Conditioning Association.

(5) Manual 5 - Code and Manual for Gravity Systems, Fifth Edition - National Warm Air Heating and Air Conditioning Association.

(6) Manual 6 - Adjusting Winter Air Conditioning Systems for Maximum Comfort - Third Edition - National Warm Air Heating and Air Conditioning Association.

(7) Manual 7A - The Design and Installation of Warm Air Ceiling Panel Systems. Third Edition 1950 - National Warm Air Heating and Air Conditioning Association.

(8) Manual 8 - Application Guide for Residential Central Air Conditioning Systems (Winter and year-round) - Fifth Edition - National Warm Air Heating and Air Conditioning Association.

(9) Manual 9 - Code and Manual for the Design and Installation of Warm Winter Air Conditioning Systems and Year-Round Air Conditioning Systems - Seventh Edition - National Warm Air Heating and Air Conditioning Association.

(10) Manual 9-S - Perimeter Warm Air Heating and Ventilation of Industrial, Commercial and Public - First Edition - National Warm Air Heating and Air Conditioning Association.

(11) Manual 10 - Four Inch Pipe Warm Air Perimeter Heating - Fourth Edition - National Warm Air Heating and Air Conditioning Association.

(12) National Fire Code, Volume 1, Flammable Liquids and Gases, 1956.

(13) NFPA No. 54 - Standards of the National Fire Protection Association for the Installation of Gas Piping and Gas Appliances, 1969.

(14) American Standards for Installation of Gas Piping and Gas Appliances in Buildings Z-21.30, 1964.

(15) American Standard Requirements for Installation for Domestic Gas Conversion Burners Z-21.8.

(16) American Standard Requirements for Installation of Gas Equipment in Large Boilers Z-21.33.

Part 1, Engineering Standards Heat Loss Calculations, 6th Edition, 1950. Heating, Piping and Air Conditioning Contractors National Association.

Part 2, Engineering Standards. Net Load Recommendations for Heating Boilers Book - Issue Heating, Piping and Air Conditioning Contractors National Association Mechanical Contractors Association of America.

Part 3, Engineering Standards - Pipe Sizes and Design, 4th Edition - Heating, Piping and Air Conditioning Contractors - National Association.

Part 4, Engineering Standards. Comfort Air Conditioning, 6th Edition - Heating, Piping and Air Conditioning Contractors - National Association.

Part 5, Engineering Standards, Graphical Symbols for Use on Drawings and Scheme for the Identification of Piping Systems, 5th Edition 1950, Heating, Piping and Air Conditioning Contractors - National Association.

Part 6, Engineering Standards. Panel Heating, 1st Edition - Heating, Piping and Air Conditioning Contractors - National Association Mechanical Contractors Association of America.

Part 7, Engineering Standards. Standard Procedure Specifications for Welding of Pipe, Fittings and Flanges, 5th Edition - Heating, Piping and Air Conditioning Contractors - National Association.

Part 8, Engineering Standards - Residential Air Conditioning - 1st Edition - Heating, Piping and Air Conditioning Contractors - National Association Mechanical Contractors Association of America.

(17) Manual for Electric Comfort Heating (NEMA) National Electric Manufacturer's Association.

Note. All of the above, as amended to date, are used for reference purposes.

30.30 INCINERATORS.

(1) Application. The provisions of this Code shall apply to all direct-fed incinerator installations as defined in the I.I.A. Incinerator Standards, dated November, 1968.* Further, this Code shall apply to all buildings where incinerators are required to be installed by Section and to any other incinerator installation of the direct-fed type. (Am. by Ord. 8081, 7-29-83; ORD-10-00083, 9-15-10)

*Available for review in Building Inspection Division of the Department of Planning and Community and Economic Development, Suite 100, Madison Municipal Building, Madison, Wisconsin, and may be ordered from I.I.A., 60 E. 42nd Street, New York, New York 10017. (Am. by ORD-08-00109, 10-7-08)

(2) Standards - Adopted by Reference. The I. I. A. Incinerator Standards, dated November, 1968, is hereby adopted by reference as a standard for all direct-fed incinerators.

(3) Out-of-Doors Burning. All out-of-doors burning shall comply with the requirements as set forth in Section 34.307. (Am. by ORD-10-00083, 9-15-10)

(4) Definitions. Definitions and incinerator terminology shall be that as defined in I. I. A. Incinerator Standards, dated November, 1968.

(5) Permit. There shall be a permit secured for each incinerator hereafter installed in the City of Madison.

Note: Incinerators burning 1,000 pounds per hour or more shall be required to obtain a permit from the Wisconsin Department of Natural Resources.

(6) Permit Fee. A permit fee of ten dollars ($10) will be paid by the installer for each incinerator installed and an additional fee of five dollars ($5) per floor will be paid for a multi-floor charge chute incinerator installation.

(7) Plan Approval. Plans for all job-assembled incinerators shall be submitted to the Building Inspection Division of the Department of Planning and Community and Economic Development for approval before a permit may be issued. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(8) Penalty. The penalty provisions of Section 30.01(14) shall apply. (Am. by ORD-10-00058, 6-11-10)

(9) Incinerator Design and Capacity.

(a) The incinerator shall be of a design and size large enough to incinerate the amount of trash or combustible waste accumulated daily by the occupancy.

(b) Incinerators shall be designed according to the type of waste to be incinerated.

(c) Incinerators shall be of a design and size approved by the Building Inspection Division of the Department of Planning and Community and Economic Development. Installations meeting the standards of "NFPA #82", "Incinerators, Rubbish Handling, 1972" or "Incinerator Standards of the Incinerator Institute of America" will be accepted. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(10) Inspections. Inspections of all multi-floor charging chute incinerator installations shall be called for and made on each floor as soon as the charging chute opening is installed.

(11) Chimneys and Flues.

(a) Chimneys serving an incinerator shall be used for no other purpose and shall be constructed to comply with the Building Code (Chapter 29) requirements, except that incinerators used in a one or two-family residence may be manifolded into the breeching serving other appliances, providing the chimney and breeching are sized to handle the additional load.

(b) The chimney shall not be smaller than the outlet of the incinerator, but in no case less than eight by eight (8 × 8) inches or sixty-four (64) square inches. The flue serving the incinerator shall have its top equipped with a copper or equal basket of fourteen (14) gauge wire and having openings of no more than one-half (½) inch.

(c) All incinerator flue stacks under two hundred sixty (260) square inches shall have clay fire flue liners surrounded with four (4) inches of solid masonry. All flue stacks over two hundred sixty (260) square inches shall be constructed within the requirements of IBC Section 2113. (Am. by ORD-12-00149, 12-5-12)

(12) Class II Incinerators Prohibited.

(a) No incinerators defined in I. I. A. Incinerator Standards, dated November, 1968, as Class II incinerators, shall be used after the publication of this ordinance.

(b) All Class II incinerators shall be either removed or permanently sealed so that there will be no possibility of them being reactivated.

(Section 30.30 R. & Recr. by Ord. 4319, 9-20-73)

30.31 RESERVED FOR FUTURE USE. (R. by Ord. 10,255, Adopted 5-7-91)
[EDITOR'S NOTE: See SPS 323.045(8), Supplemental solid-fuel burning units connected to a furnace for installation requirements. (Am. by ORD-12-00035, 3-28-12)]

30.32 RESERVED FOR FUTURE USE. (R. by Ord. 10,255, Adopted 5-7-91)

30.33 - 30.49 RESERVED FOR FUTURE USE.

30.50 AIR POLLUTION.

(1) The office of Smoke and Emissions Control is herein created. The Heating Inspector shall be responsible for the enforcement of this ordinance. The Inspector shall work under the direction and be responsible to the Director of the Building Inspection Division. (Am. by ORD-08-00109, 10-7-08)

(2) The Heating Inspector shall see that this section relating to smoke abatement is enforced.

(3) Emission of Dense Smoke. The emission of dense smoke within the corporate limits of the City of Madison, and one (1) mile there from the smokestack or chimney of any building or premises, or from any open fire, or from any portable boiler, portable crane, derrick, hoist, tar or asphalt kettle or any other similar machine or contrivance, except for a period of or periods aggregating nine (9) minutes or less of a density of No. 2 smoke as defined by the Ringelmann Chart is prohibited and is hereby declared to be a nuisance and may be summarily abated by the Smoke and Heating Plant Inspector in charge or by anyone whom the Smoke and Heating Plant Inspector may duly authorize for such purpose. Such abatement may be in addition to the fine hereinafter provided. (Am. by ORD-14-00012, 1-14-14)

(4) Grading the Smoke Density. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this ordinance by reference shall be the standard.

Smoke shall be considered dense when it is equal to or of greater density than No. 2 of said chart.

(5) Soot, Noxious Gases, Flyash, Etc.

(a) No person or persons, firm or corporation, shall cause, permit or allow to escape into the open air, such quantities of flyash, soot, or smoke, which are equal to or

greater in density than as defined by No. 2 of the Ringelmann Chart for a period of or periods aggregating six (6) minutes or more, in any sixty (60) minute period, or from the stack of any locomotive after it is in or ready for service for a period of or periods in excess of one (1) continuous minute in any sixty (60) minute period. Dust or flyash emission shall not be in excess of eighty-five-hundredths (0.85) lbs. per one thousand (1,000) lbs. of stack gases adjusted to twelve percent (12%) carbon dioxide (CO2).

(b) No person, or person, firm or corporation, shall cause, permit or allow the escape into the open air of noxious gases, acids, dust or other material, except material identified in Section 30.50(5)(a), in such places or manner and quantity as to cause injury, detriment or nuisance to the public or to endanger the health or safety of the public or in such manner as to cause physical damage to property.

(c) Any person, or persons, firm, or corporation, violating any of the provisions of this section shall forfeit not more than two hundred dollars ($200) for each offense. Each day during which the provisions of this section shall be violated shall be deemed a separate offense.

(6) Any person violating any of the provisions of this section for which a penalty is not specifically provided shall be subject to a forfeiture of not more than two hundred dollars ($200).

(Sec. 30.50 Am. by Ord. 10,255, Adopted 5-7-91)

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CHAPTER 38

ALCOHOL BEVERAGES REGULATED

Adopted April 23, 1985

Published by direction of the Common Council of the City of Madison, in accordance with Section 66.0103, Wisconsin Statutes.

(Cr. by Ord. 8575, 5-6-85)

Section

38.01 Strict Compliance Required.
38.02 Definitions.
38.03 License Classifications.
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38.045 Underage Alcohol Consumption and Illegal Use of a Controlled Substance at Lodging Establishments. (Cr. by ORD-12-00124, 10-10-12)
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38.12 Habitually Intoxicated Persons. (Cr. by ORD-10-00065, 7-13-10)
38.13 Enforcement. (Renum. by ORD-10-00065, 7-13-10)

38.01 STRICT COMPLIANCE REQUIRED. It shall be unlawful for any person, firm, association, corporation or limited liability company to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the City of Madison, any alcohol beverages or soft drink except in strict accordance with the provisions of this chapter. Any person who violates this provision shall pay a forfeiture not to exceed $500. (Am. by Ord. 10,883, Adopted 4-5-94)

38.02 DEFINITIONS. Whenever the following terms are used in this section, they shall be construed as follows:

"Alcohol beverages" means fermented malt beverages and intoxicating liquor.

"Barroom" means a room that is primarily used for the sale or consumption of alcohol beverages. (Cr. by Ord. 12,530, 2-10-00)

"Brewer" means any person who manufactures fermented malt beverages for sale or transportation.

"Brewery premises" means all land and buildings used in the manufacture or sale of fermented malt beverages at a brewer's principal place of business.

"Campus" has the meaning given under Wis. Stats. Sec. 36.05(3).

"Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

"Department" means the department of revenue, State of Wisconsin.

"Dwelling" means a building, or portion thereof, used exclusively for human habitation, including single-family, two-family and multiple-family dwellings, but not including hotels, motels or lodging houses.

"Fermented malt beverages" means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

"Federal or state public accommodation discrimination" means a finding of a violation of 42 USC Sec 2000a by the U.S. EEOC or duly designated referral agencies or of Sec. 101.22(9), Wis. Stats., by the State of Wisconsin Equal Rights Division of the Department of Workforce Development or duly designated referral agencies. (Cr. by Ord. 11,183, Adopted 2-21-95; Am. by Ord. 12,322, Adopted 2-2-99)

"Hotel" means a hotel as defined in Wis. Stats. Sec. 254.61(3), provided with a restaurant. (Am. by Ord. 11,329, 8-11-95)

"Intoxicating liquor" means all ardent, spiritous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include 'fermented malt beverages' which contain less than 5% of alcohol by weight.

"Legal drinking age" means twenty-one (21) years of age. The "legal drinking age" first applies to persons who attain the age of nineteen (19) years after August 31, 1986. (Am. by Ord. 8940, Adopted 8-19-86, Effective 9-1-86, and Ord. 8954, 9-12-86)

"License" means an authorization to sell alcohol beverages issued by a municipal governing body under this chapter.

"Manufacturer" means a person, other than a rectifier, that ferments, manufacturers or distills intoxicating liquor.

"Municipality" means a city, village or town.

"Painting studio" means an establishment that is primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers the opportunity to purchase food and beverages for consumption while they paint. (Cr. by ORD-15-00125, 11-11-15)

"Peace officer" means a sheriff, undersheriff, deputy sheriff, police officer, constable, marshal, deputy marshal or any employee of the department or of the department of justice authorized to act under this chapter.

"Permit" means any permit issued by the department under this chapter.

"Person" means a natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity under Chapter 71, Wis. Stats. (Am. by Ord. 12,068, 3-27-98)

"Premises" means the area described in a license or permit.

"Primary American source of supply" means the manufacturer, the rectifier, the owner of intoxicating liquor at the time it becomes a marketable product or the exclusive agent of any such person who, if the product cannot be secured directly from the manufacturer by American wholesalers, is the source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers, or who, if the product can be secured directly from the manufacturer by American wholesalers, is the manufacturer.

"Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight. (Cr. by Ord. 10,178, Adopted 1-8-91)

"Public Library" shall mean any library established under the regulations of Madison General Ordinances Section 8.12. (Am. by ORD-07-00118, 9-22-07)

"Rectifier" means any one of the following:

(a) A person that rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete.

(b) A person who possesses any still or leach tub or keeps any other apparatus for refining distilled spirits.

(c) A person who after rectifying and purifying distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale.

(d) A distiller or any person under substantially the same control as a distiller who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of 'whiskey', 'brandy', 'gin', 'rum', 'spirits', 'cordials' or any other name.

(e) A person who places intoxicating liquor in bottles or other containers.

"Regulation" means any rule or ordinance adopted by a municipal governing body.

"Restaurant" has the meaning as defined in Wis. Stats. Sec. 254.61(5) and whose sale of alcohol beverages accounts for 50% or less of the establishment's gross receipts. This definition is effective January 1, 2004. (Am. by Ord. 11,329, 8-11-95; Ord. 13,442, 11-7-03)

"Retailer" means any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or a license under this chapter.

"Sell", "sold", "sale" or "selling" means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.

"Soft drink" shall mean any liquid capable of being used for beverage purposes containing any degree of alcohol less than one-half (½) of one percent (1%) by volume.

"Tavern" shall mean any place in which fermented malt beverages are sold for consumption upon said premises.

"Under the influence" means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages and which tends to deprive a person of the clearness of intellect and control of himself or herself which he or she would otherwise possess. (Cr. by Ord. 8894, 6-12-86)

"Underage person" means a person who has not attained the legal drinking age.

"Wholesaler" means a person, other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

"Wine" means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

38.03 LICENSE CLASSIFICATIONS.

(1) Class A License. A Class A license shall permit its holder to keep, sell, deal and traffic in alcohol beverages within the City of Madison, for consumption elsewhere than on the premises where sold.

(2) Class B Licenses.

(a) A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises, provided that only

fermented malt beverages in original packages or container and fermented malt beverages in hand-capped or sealed containers may be removed from the premises where sold. (Am. by ORD-14-00116, 7-11-14)

(b) A "Class B" license authorizes the retail sales of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four (4) liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.
(R./ReCr. by Ord. 11,641, 7-29-96)

(c) A reserve Class B license means a license that is not granted or issued on December 1, 1997 and is counted under Sec. 125.51(4)(br), Wis. Stats., which authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four (4) liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises. (Cr. by Ord. 12,142, 6-1-98)

(d) (R. by ORD-14-00025, 2-18-14)

(3) Class C License.

(a) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(b) A "Class C" license may be issued to a person qualified under Section 38.05(4) for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50% of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A "Class C" license may be not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

(c) A "Class C" license shall particularly describe the premises for which it is issued.

(d) The fee for a "Class C" license shall be $100.00. (Sub. (3) Cr. by Ord. 12,604, 3-3-00)

(4) Wholesaler's License. A Wholesaler's license shall permit its holder to sell and keep for sale, within the City of Madison, alcohol beverages in their original packages or containers to dealers to be consumed elsewhere than on the premises where stored or sold. (Renum. by Ord. 12,604, 3-3-00)

(5) Operator's or Manager's License. An Operator's or Manager's license shall permit its holder to serve or sell alcohol beverages. (Renum. by Ord. 12,604, 3-3-00)

(6) (R. by Ord. 13,565, 4/21/04)

(7) Provisional Retail License. A provisional retail license for Class "A", Class "B", "Class A", "Class B", or "Class C" establishments may be issued by the Madison City Clerk only to a person who has applied and been approved for by the Alcohol License Review Committee, for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes. The fee for a provisional retail license is fifteen dollars ($15). (Cr. by ORD-07-00013, 2-2-07)

38.031 WISCONSIN STATUTES, CHAPTER 125 INCORPORATED BY REFERENCE.

Chapter 125 of the Wisconsin Statutes is hereby adopted and incorporated by reference in Chapter 38, Madison General Ordinances, so far as applicable, except as otherwise provided by this Section. Any future amendments, revisions or modifications of Chapter 125, Wis. Stats., incorporated herein by reference, are intended to be made a part of this chapter in order to secure uniform statewide regulation of the sale of alcoholic beverages. Provisions of Chapter 38,

Madison General Ordinances, that are not contained in Chapter 125, Wis. Stats., are intended as additional regulations for the sale of alcohol beverages, not in conflict with Chapter 125, Wis. Stats. (Cr. by ORD-07-00118, 9-22-07)

38.04 UNDERAGE AND INTOXICATED PERSONS, PRESENCE ON LICENSED PREMISES; POSSESSION; MISUSE OF IDENTIFICATION; PENALTIES.

(1) Intoxicated Persons.

(a) Restrictions.

1. No person may procure for, sell, dispense, or give away alcohol beverages to a person who is intoxicated.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

3. No licensee or permittee may permit an intoxicated person to be on a licensed premises.

(b) Penalties. Any person who violates Subdivision (a) shall be fined not less than $100 nor more than $500.

(Am. by Ord. 11,627, 6-28-96)

(2) Sale of Alcohol Beverages to Underage Persons.

(a) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(c) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(d) No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(e) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under sub. 2., the thirty-(30) month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

2. A person who commits a violation may be:

a. Required to forfeit not more than five hundred dollars ($500) if the person has not committed a previous violation within thirty (30) months of the violation.

b. Fined not more than five hundred dollars ($500) or imprisoned for not more than thirty (30) days or both if the person has committed a previous violation within thirty (30) months of the violation.

c. Fined not more than one thousand dollars ($1,000) or imprisoned for not more than ninety (90) days or both if the person has committed two (2) previous violations within thirty (30) months of the violation.

d. Fined not more than ten thousand dollars ($10,000) or imprisoned for not more than 9 months or both if the person has committed three (3) or more previous violations within thirty (30) months of the violation.

3. A court shall suspend any license or permit issued under this chapter to a person for:
   a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one previous violation;
   b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
   c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to sub. 3. but is not subject to sub. 2. or Wis. Stat. § 125.11.
6. Only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

(Sec. 38.04(2) Cr. by ORD-13-00203, 12-10-13)

(3) Presence of Underage on Licensed Premises. (Title Am. by ORD-13-00203, 12-10-13)

(a) Restrictions. An underage person, not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
2. An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
3. Hotels, drug stores, grocery stores, bowling centers, billiards centers having on the premises 12 or more billiard tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums, public facilities as defined in Wis. Stats. 125.51(5)(b)1.d. which are owned by a county or municipality, or centers for the visual or performing arts. (Am. by Ord. 12,143, 6-1-98)
4. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.

5. Ski chalets, golf courses and golf clubhouses, racetracks licensed under Ch. 562, Wis. Stats., curling clubs, private soccer clubs, and private tennis clubs.
6. Premises operated under both a Class 'B' or 'Class B' license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class 'B' or 'Class B' license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
7. An underage person who enters or remains on a Class 'B' or 'Class B' premises for the purpose of transacting business at an auction or market if the person does not enter or remain in a room where alcohol beverages are sold, furnished, or possessed.
8. A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
9. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a limited liability company, or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision. Such notification shall be in writing and must be received in the office of the Chief of Police not less than 48 hours prior to the start of the scheduled nonalcohol event. (Am. by Ord. 10,883, Adopted 4-5-94)
10. An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall, and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present. When such a dance hall is designated or used so as to lawfully allow the presence of underaged persons, notification in writing must be received by the Chief of Police at least 48 hours prior to the use.

(b) Penalties.

1. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of subdivision (a) is subject to a forfeiture of not more than $500.
2. Any person who engages in activity which requires a license or permit pursuant to Chap. 125, Wis. Stats., and who permits directly or indirectly an underaged person onto the premises where said activity is occurring is subject to a forfeiture of not more than $500. This prohibition is subject to the exceptions contained in Sec. 38.04(3)(a) above.

(4) Defenses. In determining whether or not a licensee or permittee has violated Sub. (3)(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under subdiv. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section.

(a) That the purchaser falsely represented that she or he had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under subdiv. (a) with documentation that she or he had attained the legal drinking age.

(5) Book Kept by Licensees and Permittees.

(a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (4). The licensee or permittee or her or his employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that she or he has attained the legal drinking age if the person's age is in question.

2. A person who alleges that she or he is the underage person's parent, guardian or spouse and that she or he has attained the legal drinking age, if the licensee or permittee or her or his employee suspects that she or he is not the underage person's parent, guardian or spouse or that she or he has not attained the legal drinking age.

(b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

(6) Proof of Age.

(a) Definition. In this section, "official identification card" means a valid operator's license issued under Wis. Stat. ch. 343, that contains the photograph of the holder, an identification card issued under Wis. Stat. § 343.50 or an identification card issued under Wis. Stat. 1987 § 125.08.

(b) Use. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. In place of an official identification card, documentary proof under Wis. Stat. § 125.07(7) may be substituted.

(c) No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person. Except as provided in subdivisions (d) and (e), any person who violates this subsection may forfeit not less than $300 nor more than $1,250. (Am. by Ord. 12,068, 3-27-98)

(d) Any person who violates subdivision (c) for money or other consideration may forfeit not more than $10,000.

(e) Subdivisions (c) and (d) do not apply to a person who is authorized to make an official identification card under Wis. Stat. ch. 343.

(Sec. 38.04 Am. by Ord. 10,178, Adopted 1-8-91; Am. by ORD-07-00118, 9-22-07; Secs. 38.04(2) - (5) Renum. & Am. by ORD-13-00203, 12-10-13)

38.045 UNDERAGE ALCOHOL CONSUMPTION AND ILLEGAL USE OF A CONTROLLED SUBSTANCE AT LODGING ESTABLISHMENTS.

(1) Definitions.

"Controlled substance" has the meaning given in Wis. Stat. § 961.01(4).

"Controlled substance analog" has the meaning given in Wis. Stat. § 961.01(4m).

"Lodging establishment" has the meaning given in Wis. Stat. § 106.52(1)(d).

(2) Any person who procures lodging in a lodging establishment and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment is subject to the penalties provided in sub. (4):
  (a) Consumption of an alcohol beverage by any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
  (b) Illegal use of a controlled substance or controlled substance analog.

(3) An owner or employee of a lodging establishment may deny lodging to an adult if the owner or employee reasonably believes that consumption of an alcohol beverage by an underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or illegal use of a controlled substance or controlled substance analog, may occur in the area of the lodging establishment procured.

(4) A person who violates sub. (2) shall forfeit:
  (a) Not more than five hundred dollars ($500) if the person has not committed a previous violation within twelve (12) months of the violation; or
  (b) Not less than two hundred dollars ($200) nor more than five hundred dollars ($500) if the person has committed a previous violation within twelve (12) months of the violation.

(Sec. 38.045 Cr. by ORD-12-00124, 10-10-12)

38.05 GENERAL LICENSING REQUIREMENTS.

(1) License or Permit, When Required. No person may sell, manufacture, rectify, brew or engage in any other activity for which Wis. Stat. ch. 125, provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization issued under this chapter.

(2) Licenses or Permits Issued in Violation of This Chapter. No license or permit may be issued to any person except as provided in this chapter. Any license or permit issued in violation of this chapter is void.

(3) Application for Licenses.
  (a) Contents. The City Clerk shall provide an application form for each kind of license issued under this chapter. Said application shall be in duplicate, if the application be for a Class A or Class B license, signed by the applicant and containing the following information which shall be verified by oath of the applicant. The application shall be filed with the City Clerk.
    1. Address of the building for which the license is desired and description including overall dimensions, seating arrangements, capacity and bar size of the premises therein where fermented malt beverages are to be sold. The licensed premises as described shall not be expanded or changed during the license year without the approval of the Common Council, except that no prior approval is required for a hotel which does not involve a change or expansion of any bar or restaurant. No prior Common Council approval is required if the only change to the premises is to the exterior facade or any other exterior construction or reconstruction not affecting interior floor space or layout. (Am. by Ord. 9719, 3-2-89)
      a. The fee for filing an application for a change in licensed premises during the license year shall be $25.00. (Cr. by ORD-10-00038, 5-1-10)
    2. If the application be for a Class A, Class B, or wholesaler's license a statement that the applicant is an individual or a domestic corporation. If the applicant is a limited liability company, the identity of the company members, managers and agent. (Am. by Ord. 10,883, Adopted 4-5-94)
    3. If the application be for a Class A, Class B or wholesaler's license a statement that the applicant has resided continuously in Wisconsin for not less than ninety (90) days prior to the date of such application, except that

such statement shall not be required in the case of applicants for Class A or wholesaler's licenses which are domestic corporations or limited liability companies. If the application be for an operator's license, a statement that the applicant is a resident of Wisconsin.

In the event the holder of an operator's license ceases to be a resident of Wisconsin then such operator's license shall be revoked by the Common Council of the City of Madison after due notice to the applicant and after a hearing by the Alcohol License Review Committee.
(Am. by Ord. 10,883, Adopted 4-5-94)

4. A statement as to whether applicant has ever been convicted of a felony or of a violation of any Federal or State act, or ordinance of the City of Madison, regulating or prohibiting the sale of intoxicating or nonintoxicating liquor, and if so, the number and dates of such convictions and the penalty imposed.
5. If the application be for a Class A or Class B license, a statement as to whether the applicant holds or has applied for any other Class A or Class B licenses for any other location within the State and, if so, the number of such licenses held or applied for by such applicant.
6. A statement as to whether any other business other than the sale of alcohol beverages as herein defined is to be conducted on the premises sought to be licensed, and if so a description of the nature of such business, but such information shall not be required in an application for an operator's license.
7. If the application be for a Class A or Class B license, a statement that the applicant is not acting as agent for or in the employ of another.
8. If the application be for an operator's license, it shall state the age and sex of the applicant.
9. If the application be for a Class B license, a statement as to whether any brewer, bottler, wholesaler, or corporation, a majority of whose stock, or if the entity is a limited liability company, a majority of which is owned by any brewer, bottler or wholesaler, has or intends to supply, furnish, lease, give, pay for, or take any chattel mortgage on any furniture, fixture, fittings, or equipment to be used in or about the premises covered by the application. (Am. by Ord. 10,883, Adopted 4-5-94)
10. If the application be made for a Class B license, a statement as to whether any brewer, bottler or wholesaler has advanced, paid or furnished the money for license fee, or intends to do so.
11. If the application be for a Class B license, a statement as to whether any brewer, bottler, or wholesaler is financially interested in, directly or indirectly, the license for which application is made.

Such application shall also contain such other reasonable and pertinent information as the Common Council may from time to time require. Any false statement contained in such application shall automatically nullify any license issued pursuant thereto. Such application shall be referred by the City Clerk to the Alcohol License Review Committee which shall thereupon make any investigation as to the advisability of granting such license as it may deem necessary or desirable, and shall within a reasonable time make a recommendation to the Common Council as to whether or not such application should be granted. In case the application be for a Class B license, a notice shall be referred by the City Clerk to the Director of the Building Inspection Division, the Chief of the Police Department, the Chief of the Fire Department and the Director of Public Health Madison and Dane County and each department shall designate

representatives who shall forthwith inspect the premises sought to be licensed and shall report in writing to the Common Council as hereinafter required. The Director of the Building Inspection Division is not required to inspect the premises if the application be for an annual renewal of the license. (Am. by Ord. 10,048, 7-20-90; ORD-08-00109, 10-7-08; ORD-15-00009, 1-28-15)

12. Statement of Intent. The applicant shall sign a statement of intent on a form to be provided by the City Clerk. This statement shall include a provision that the applicant intends to operate under the license within ninety (90) days of its granting by the Common Council and that the license shall be considered surrendered if the license is not issued within ninety (90) days of the granting of the license. This time may be extended by the Common Council when granting the license upon a finding that construction activities will delay the issuance. The applicant shall provide proof of such construction activities upon application. Upon such a finding, the Common Council shall set a time limit for the issuance of such license, and the license shall be considered surrendered if the license is not issued within such time. (Cr. by ORD-16-00072, 8-13-16)

(b) Public Notification Fee. The applicant for a license shall, at the time of filing the application with the City Clerk, deposit a fee of one hundred dollars ($100), for a new license application or forty dollars ($40.00) for a renewal application. This fee shall cover the costs of publication as required by sub. (d) and as such fee is set forth in Wis. Stats. §§ 125.04(3)(g) and 985.08. This fee shall also include the costs of providing further public notification as set forth in subs. (e), (g) and (h) below. If the costs of providing the public notification required under subs. (d), (e), (g) and/or (h) exceeds one hundred dollars ($100), the City Clerk shall bill the applicant for that portion of the cost that is in excess of one hundred dollars ($100). No application may be processed unless such fee has been posted with the City Clerk and such fee is non-refundable. (Cr. by ORD-15-00125, 11-11-15; Am. by ORD-17-00009, 2-20-17)

(c) Required Contacts and Informational Session. No less than seven (7) days prior to the date the Alcohol License Review Committee first considers the application, the applicant shall contact the Alder for the district in which the premises is located. The applicant shall discuss their business plan and concept of operations with that Alder. No less than seven (7) days prior to the date the Alcohol License Review Committee first considers the application, the applicant shall also hold or attend an informational session with or host an open house for the local community to discuss their business plan and concept of operations. Members of the local community shall have the opportunity to ask questions of the applicant and state any concerns that they have with the application. (Cr. by ORD-15-00125, 11-11-15)

(d) Publication of Alcohol Beverage Application. No license to sell alcohol beverages except Class B picnic beer and wine licenses shall be granted until after the expiration of fifteen (15) days from the filing of the application therefor and before any such license may be granted there shall be published in the official paper at least three (3) times successively a notice of such application, containing the name and address of the applicant, the kind of license applied for, and the location of the premises to be licensed. (Am. by Ord. 10,178, Adopted 1-8-91; ORD-12-00023, 3-5-12; ORD-15-00125, 11-11-15)

(e) Sign. An applicant for a new license or for a change in licensed premises or for a sidewalk cafe shall post a sign, obtained from the City Clerk, on the property for which the license is desired. The sign shall list the times and locations of public hearings before the Alcohol License Review Committee and Common Council to

consider the application. The sign shall also list the times and location of any public information presentations as required by sub. (c). For a change in licensed premises, the sign shall list the times and locations of the meetings of the ALRC and Common Council at which the application will be considered. The sign shall be posted no later than three (3) days after the filing of the license application and shall remain posted until the Common Council renders a final decision on the license application. The sign shall be posted in a conspicuous place where it can be readily observed at or near the entrance of the premises to be licensed; or if the property is a vacant lot, it shall be posted on a post or stake of permanent material at the midpoint of the boundary fronting the public right of way and no more than ten (10) feet from the sidewalk or public right of way. If the sign is posted outdoors, it shall be the responsibility of the applicant to take precautions necessary to protect the sign against vandalism, weather damage or other destruction. If the sign is vandalized, damaged or destroyed, the applicant shall be responsible for obtaining a new sign and posting it within three (3) days. An applicant failing to post or maintain a sign in a manner consistent with the requirements of this Subdivision shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than two hundred dollars ($200) per day. If it is determined that the sign was not posted as provided herein, it may be considered sufficient cause for refusal to issue the license to the applicant or deny the application. This subdivision shall not apply to applicants for a Class B picnic beer or wine license. (Cr. by ORD-08-00135, 12-23-08; Am. by ORD-09-00142, 10-22-09; ORD-15-00125, 11-11-15)

(f) Schools, Churches, Hospitals and Libraries. No Class A or Class B license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital, church or public library, except that this prohibition may be waived by a majority vote of the Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, hospital or library to the main entrance of the premises covered by the license. The prohibition in this paragraph does not apply to any of the following:

1. Premises covered by a license on June 30, 1947;
2. Premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital, church or library building.
3. A restaurant located within 300 feet of a church, school. This subdivision applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

(g) Public Hearings Required. The City Clerk shall schedule public hearings before the Alcohol License Review Committee and the Common Council on:

1. The granting or transfer of Class A or Class B licenses and shall notify all property owners and residents situated in the block of the site for which the license is sought and all property owners and residents within a radius of three hundred (300) feet of the proposed site of the dates of the hearings. The notice shall be given at least ten (10) days before the hearing and shall be given by mail. (Am. by Ord. 12,530, 2-10-00)
2. The application for a Sidewalk Café with a Class B liquor license and shall notify all property owners and residents within a radius of three hundred (300) feet of the proposed site of the dates of the hearings. The notice shall be given at least ten (10) days before the hearing and shall be given by mail. (Cr. by Ord. 12,706, 11-9-00)

(Am. by ORD-09-00141, 10-22-09)

3. (Rep. by ORD-15-00125, 11-11-15).

(Cr. by ORD-12-00023, 3-5-12)

(h) Notice of Meeting. In the case of the granting or license or transfer of a Class A or B license or the granting of the modification of a sidewalk café with a Class B license, notice of the time and a date of the meeting of the Alcohol License Review Committee shall be sent by the Clerk to the alderperson of the district in which the licensed premises will be located and to the recognized neighborhood association or business association representing the area in which the licensed premises will be located, if any.
(Sec. 38.05(3)(g) Cr. by ORD-09-00141, 10-22-09)

(i) Time of Filing and Acting on Applications. All applications to be acted upon at the first meeting in June of each year must be filed on or before April 15 of each year. The Clerk may conditionally accept renewal applications offered for filing notwithstanding the deadline provided in this subsection but shall not forward to the Alcohol License Review Committee or the Common Council any application for which there is a deficiency or lack of compliance with any requirement in the application process. A late filing fee of two hundred fifty dollars ($250) shall be required paid prior to the Common Council granting the license for each of the following:

1. Each renewal application received by the City Clerk after April 15; and
2. Each application for which deficiencies in the application process are corrected after April 15.

The late-fee charge is imposed to recover the cost of processing the noncomplying application. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
(Sec. 38.05(3)(f) Am. by Ord. 9431, 3-11-88; ORD-09-00168, Pub. 12-31-09, Eff. 4-15-10)

(j) Application for Corporate License. All applications for corporate licenses shall contain the following information, as stated in the last annual report of the corporation:

1. A copy of the Articles of Incorporation, unless such application is for renewal of existing license, and a copy of any amendments to the Articles of Incorporation that have been filed with the Secretary of State and have not previously been filed with the City Clerk.
2. A list of the officers and directors of the corporation with their residences.
3. A list of the stockholders of the corporation together with the extent of their ownership, and their residences.
4. A statement by the applicant showing whether any corporate officers, directors or stockholders of the applicant hold any office or stock in a corporation holding a Class A or Class B beer or liquor license in any part of the state of Wisconsin.

(k) Application for Limited Liability Company License. All applications for limited liability company licenses shall contain the following information:

1. A copy of the Articles of Organization, unless such application is for renewal of an existing license, and a copy of any amendments to the Articles of Organization that have not previously been filed with the City Clerk.
2. A list, kept in alphabetical order, of each past and present member and, if applicable, manager. The list shall include the full name and last-known mailing and residence address of each member or manager, the date on which the person became a member or manager and the date, if applicable, on which the person ceased to be a member or manager.
3. A copy of the operating agreement and all amendments to the operating agreement.

4. Unless set forth in the operating agreement, the value of each member's contribution to the limited liability company as determined under Wis. Stat. § 183.0501(2).
5. A statement by the applicant showing whether any members or managers of the applicant hold any office or stock in a corporation or limited liability company or are members or managers of any limited liability company holding a Class A or Class B beer or liquor license in any part of the state of Wisconsin.
6. For purposes of this subparagraph, the term manager is defined as in Wis. Stat. § 183.0102.

(Sec. 38.05(3)(h) Cr. by Ord. 10,883, Adopted 4-5-94)

(l) Application for Approval of Transfer of Ownership or Control of License.

1. No license, or any rights thereunder, or ownership or control of any license, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation or limited liability company holding such license, except upon application to and approval of the Common Council.
2. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. A change in corporation or limited liability company name only shall not be construed as a change in ownership or control but such licensee shall file with the City Clerk a copy of the amended Articles of Incorporation or Articles of Organization within 30 days of filing with the appropriate agency of the State of Wisconsin.
(Am. by Ord. 11,940, 9-26-97)
3. Any time a licensee changes the "doing business as" name of the establishment or reorganizes the business entity from a sole proprietorship to a different entity or a business entity that reorganizes as a sole proprietorship or other entity, shall, within five (5) business days of making such change, file with the City Clerk a Business Name Change/ Entity Reorganization form for the Alcohol License Review Committee's consideration. Failure to comply with this provision shall be a ground for suspension or revocation of licensee's alcohol beverage license after a hearing pursuant to the provisions set forth in Sec. 38.10 of these ordinances. Each Business Name Change/Entity Reorganization form filed with the Clerk shall be accompanied by a twenty-five dollar ($25) filing fee. (Cr. by ORD-13-00058, 4-24-13)
4. Application to the Common Council made pursuant to paragraph 1. above, shall be made at least forty-five (45) days prior to the contemplated date of said transfer in cases where the transfer is to be made to a corporation or limited liability company not previously licensed pursuant to this section, except that if reports are received from the various departments the application may be acted upon sooner than the forty-five (45) days, and at least fifteen (15) days prior to the contemplated date of said transfer in cases where the transfer is to be made to a corporation or limited liability company which has been previously licensed pursuant to this section within the prior two (2) license years, and shall include:
   a. The name and address and state of incorporation of the corporate licensee or the name and address and state of organization of the limited liability company licensee.
   b. A listing of the present stockholders, officers and directors of a corporate licensee or a listing of the present members and managers of a limited liability company licensee; the extent of their

interest and/or control, if any, in any other Class A or Class B fermented malt beverage or intoxicating liquor license in the state of Wisconsin.

c. A listing of the proposed transferee or transferees; assignee or assignees; or the recipient of any other form of their interest and/or control, if any, in any other Class A or Class B fermented malt beverage or intoxicating liquor license in the state of Wisconsin.

d. The name of the present licensed agent for said corporate or limited liability company licensee.

e. The name of the proposed licensed agent for said corporate or limited liability company licensee.

f. The date any proposed transfer of ownership or control of a corporate or limited liability company licensee is contemplated to become effective.

(Renum. by ORD-13-00058, 4-24-13)

5. In applying the provisions of paragraph 3. to the stockholders of a corporation which has more than fifty (50) voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own one percent (1%) or more of the outstanding voting stock. (Renum. by ORD-13-00058, 4-24-13)

6. Failure of the licensee to comply with the provisions of this subdivision shall result in the revocation of said licensee's alcohol beverages license after a hearing pursuant to the provisions of Sec. 38.10 of these ordinances. (Am. by Ord. 9485, 6-1-88; Renum. by ORD-13-00058, 4-24-13)

7. The fee for filing an application for a change of control of any corporation or limited liability company holding such a license shall be $25.00. (Cr. by ORD-10-00038, 5-1-10; Renum. by ORD-13-00058, 4-24-13)

(Sec. 38.05(3)(h) Renumbered to (i) and Am. by Ord. 10,883, Adopted 4-5-94)

(m) Training Course. No Class A, Class B, or operator's, licenses shall be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board or unless the applicant fulfills one of the following requirements;

1. The person is renewing an operator's license.
2. Within the past 2 years, the person held a Class "A", Class "B", "Class A", or "Class B" license or permit or an operator's license.
3. Within the past 2 years, the person has completed such a training course.

Those who complete such program shall have an appropriate endorsement recorded and placed on their licenses. No operator's license shall be issued or renewed to any person who failed to complete the program during any previous period during which such person held an operator's license without first successfully completing the program.

Where application is made for a Class A or Class B license on behalf of a sole proprietorship, the sole proprietor shall have successfully completed the Beverage Server Training Course. Where such application is made on behalf of a partnership, all partners shall have successfully completed the Beverage Server Training Course. Where such application is made on behalf of a corporation or a limited liability company, the agent appointed pursuant to Sec. 38.05(5)(a), Madison General Ordinances, shall have successfully completed the Beverage Server Training Course.

(Am. by Ord. 12,068, 3-27-98; Ord. 13,565, 4-21-04)

[EDITOR'S NOTE: The Beverage Server Training Course ordinance became effective 7-1-91.]

(n) Provisional Operator's License. The City Clerk shall have authority to issue a provisional operator's license subject to the limitations contained in Sec. 38.05(9)(b) and (n) which shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. A provisional license may not be issued to any person who has been denied an operator's license by the Common Council or who has had her/his operator's or manager's license revoked or suspended with the preceding 12 months. A provisional license may not be issued to any person who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program. A provisional license may not be renewed.

The City Clerk shall provide an appropriate application form to be completed in full by the applicant. The City Clerk may revoke the provisional license issued if s/he discovers that the holder of the license made a false statement on the application. The fee for a provisional license shall be $15.00.
(Renumbered by Ord. 10,883, Adopted 4-5-94)

(o) Provisional Retail License.

1. The City Clerk may issue a provisional retail license to an applicant for a Class "A", Class "B", "Class A", "Class B", or "Class C" license, which authorizes only the activity allowed by the type of license applied for, if the Alcohol License Review Committee approves the applicant's regular license application and that applicant meets all licensing requirements set forth in this section. A provisional retail license may be issued only upon the Clerk's determination that the applicant qualifies for the type of license applied for and upon payment of both the fee for the provisional retail license and the cost of publication for the type of retail license applied for.

2. Only one provisional retail license may be issued to an applicant per calendar year for each type of license.

3. The Clerk may revoke a provisional license at any time if he or she discovers the license holder made a false statement on the application. Otherwise, the provisional license expires sixty (60) days after issuance or upon issuance or denial by the Common Council of the Class "A", Class "B", "Class A", "Class B", or "Class C" license, whichever occurs sooner. A provisional license may not be renewed.

4. The Clerk may not issue a provisional "Class B" license if the municipality's quota under Wis. Stat. § 125.51(4), prohibits the municipality from issuing a "Class B" license.

5. Exception. The Clerk may issue a provisional license, prior to approval by the Alcohol License Review Committee of a regular retail license application, which authorizes only the activity allowed by the type of license applied for under the following circumstance: if the applicant has applied and paid for the cost of publication for the type of retail license applied for, has paid the license fee for both the provisional and the regular license, is qualified to hold the type of license applied for, and is applying for the provisional license to maintain continuity of an existing business that held a retail liquor license issued by the City of Madison Clerk. The applicant must provide the Clerk with proof of control and/or occupancy of the premises at which the provisional license will be issued before the Clerk will issue the provisional license.

(New Subdivision (l) created by ORD-07-00013, 2-2-07)

(p) Refusals to Issue New License or Permit. If the Common Council decides not to issue a new license or permit under this chapter, such denial shall include a reason. The City Clerk shall transmit to the applicant by first class mail, the decision of the Common Council and shall state the reason therefore.
(Renumbered by Ord. 10,883, Adopted 4-5-94; Renumbered by ORD-07-00013, 2-2-07)

(Sec. 38.05(3)(d)-(m) Renum. to (e)-(n) by ORD-08-00135, 12-23-08; Sec. 38.05(3)(g)-(n) Renum. to (h)-(o) by ORD-09-00141, 10-22-09; Secs. 38.05(3)(c)-(o) Renum. to (d)-(p) by ORD-15-00125, 11-11-15)

(4) Qualifications for Licenses and Permits.

(a) Natural Persons. Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who fulfill all of the following requirements.

1. Do not have an arrest or conviction record, subject to Wis. Stat. §§ 111.321, 111.322, 111.335, and 125.12(1)(b). No violations of Section 38.04(1)(a) may be considered under this Paragraph unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this Paragraph. (Am. by Ord. 12,068, 3-27-98)
2. Have been residents of this state continuously for at least ninety (90) days prior to the date of filing the application.
3. Have attained the legal drinking age.
4. Have submitted proof under Wis. Stat. § 77.61(11).
5. Have successfully completed within the two (2) years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board. This subdivision does not apply to an applicant who held, or was an agent appointed and approved under Subsection (5) of a corporation or a limited liability company that held, within the past two years, a Class A, Class "B", "Class B" or "Class C" license or a manager's or operator's license. (Am. by Ord. 12,068, 3-27-98)

(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to Wis. Stat. §§ 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

(c) Corporations and Limited Liability Companies. No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a)1. and 4. and (b) above, unless the agent of the entity appointed under Subsection (5) below and the officers and directors, or members or managers of the entity meet the qualifications of paragraphs (a)1. and 3. and (b) above, and unless the agent of the entity appointed under subsection (5) below meets the qualifications under par. (a)2. and 5. The requirement that the entity meet the qualifications under pars. (a)1. and (b) does not apply if the entity has terminated its relationship with all the individuals whose actions directly contributed to the conviction. (Am. by Ord. 11,180, 3-3-95)

(d) Operators' Licenses.

1. Paragraph (a)2. above does not apply to applicants for operators' licenses issued under Wis. Stat. § 125.17. (Am. by Ord. 13,565, 4-21-04)

2. Paragraph (a)3. above does not apply to applicants for operators' licenses under Wis. Stat. § 125.17. Operators' licenses may be issued only to applicants who have attained the age of 18. (Sec. 38.05(4) Am. by Ord. 10,178, 1-8-91)

(5) Licenses to Corporations and Limited Liability Companies; Appointment of Agents.

(a) Agent. No corporation or limited liability company organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless:

1. The entity first appoints an agent in the manner prescribed by the department. In addition to the qualifications under Subsection (4) above, the agent must, with respect to character, record and reputation, be satisfactory to the department.

2. The entity vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person. In order to insure that the agent has a current working knowledge of the operation of the premises, the agent shall be an individual who regularly is involved in the actual conduct of the business of the licensee or one who has a direct financial interest in the business of the licensee. The proposed agent shall disclose the interest held in the business on the application.

In addition to the above requirements such agent shall continue to be a resident of Wisconsin during the term of such license. In the event the agent ceases to be a resident of Wisconsin then the Common Council shall revoke the appointment of such agent upon due notice to the corporation and after a full hearing on the matter before the Alcohol License Review Committee.

In addition, the entity shall file with the application the names of one or more persons having full responsibility, each of whom shall be operators licensed pursuant to these ordinances, any of whom shall be on the licensed premises during business hours. Such named persons may be changed from time to time as is required by business needs but the agent shall in writing notify the City Clerk of such change within ten (10) days of its occurrence. This paragraph shall not apply to Class A Fermented Malt Beverage and Class A Liquor and Fermented Malt Beverage licenses nor to fraternal organizations.

(b) Successor Agent. A corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent to act in the agent's place, for the remainder of the license year or until another agent is appointed, as follows:

1. The successor agent shall meet the same qualifications required of the first appointed agent.

2. The entity shall immediately notify the department, and the issuing authority if a license is held, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.

(c) Authority of Successor. A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the entity until the next regular or special meeting of the issuing authority if a license is held. However, the license of the corporation or limited liability company shall cease to be in force if, prior to the next regular or special meeting of the issuing authority, the clerk of the licensing authority receives notice of disapproval of the successor agent by the department or a peace officer of the municipality issuing the license.

(d) Approval of Successor. The license of the corporation or limited liability company shall not be in force after the next regular or special meeting of the licensing authority unless and until the successor agent or another qualified agent is appointed and approved by the licensing authority and the department.

(e) Fee. The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the licensing authority and the department, pay to the licensing authority a fee of $10.

(f) Resignation. If an agent appointed under this subsection resigns, he or she shall notify in writing the corporation or limited liability company and the authority issuing the license or permit within 48 hours of the resignation.

(Sec. 38.05(5) Am. by Ord. 10,883, Adopted 4-5-94)

(6) Expiration Dates. Except as otherwise provided in this chapter:

(a) Licenses and Retail Permits. Licenses and retail permits to sell alcohol beverages shall expire on June 30 of each year.

(b) (R. by ORD-09-00169, 12-31-09)

(7) License Framed and Posted. Licenses for the sale of alcohol beverages shall be enclosed in a frame having a transparent front which allows the license to be clearly read. All licenses shall be conspicuously displayed for public inspection at all times in a room or place where the activity subject to licensure is carried on.

(8) Transfer of Licenses and Permits.

(a) From Place to Place. Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. Transfers shall be made by the issuing authority upon payment of a fee of ten dollars ($10). No retail licensee or retail permittee is entitled to more than one transfer during the license year. This Subdivision does not apply to a license issued under Wis. Stat. § 125.51(4)(v), or its ordinance counterpart or to a reserve Class B license, as defined in Wis. Stat. § 125.51(4)(a) or its ordinance counterpart. (Am. by Ord. 12,068, 3-27-98)

(b) From Person to Person.

1. Licenses to sell alcohol beverages may be transferred to persons other than the licensee if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse may hold a license under Wis. Stat. § 125.04(5) and complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place.

2. Upon the happening of any of the events under paragraph 1 above, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business.

3. Businesses may be continued under paragraph 2 above only if the personal representative or surviving spouse is a U.S. citizen.

4. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:

a. He or she complies with the requirements applicable to original applicants; and

b. He or she is acceptable to the issuing authority and consent to the transfer is given by the issuing authority.

(9) Limitation Upon Issuance of Licenses.

(a) Class A License. No Class A license shall be granted except to a person who is of good moral character and who has resided in the State of Wisconsin continuously for not less than ninety (90) days prior to the date of filing the application for license. No such license shall be issued to any person acting as agent for or in the employ of another. The individual licensee of a Class A license shall continue to be a resident of Wisconsin during the term of her/his license. The Common Council may revoke such license when such individual applicant ceases to be a resident of Wisconsin during the term of her/his license but such revocation shall only be had following the giving of proper notice to the licensee and a proper hearing before the Alcohol License Review Committee. (Am. by Ord. 10,178, Adopted 1-8-91; ORD-14-00012, 1-14-14)

(b) Operator's License. If the application be for an operator's license a statement that the applicant is a resident of Wisconsin; also a statement that the applicant understands that a check will be made of her/his past record (civilian and military) and that the record so determined shall become a part of her or his application. No operator's license shall be granted to any person who has not attained the age of eighteen (18), or to any person afflicted with a contagious or venereal disease, "or to anyone not qualified". (Am. by Ord. 12,027, 2-16-98; ORD-14-00012, 1-14-14)

(c) Wholesaler's License.

1. A wholesaler's license may be issued to any person qualified under Sec. 38.05(4) of these ordinances except a person acting as an agent for, or in the employ of, another person.

2. Except as provided in Par. 3. below and Wis. Stat. § 125.29, beginning on the effective date of this paragraph, a wholesaler's license may not be issued to any of the following:

a. A person holding one or more of the following licenses or permits:

i. A Class A license.

ii. A Class B license.

iii. A Class "B" permit issued under Wis. Stat. § 125.27.

iv. An industrial fermented malt beverages permit issued under Wis. Stat. § 125.275.

b. A person who has a direct or indirect ownership interest in a premises operating under one or more of the licenses or permits listed in Par. (c)2.a.i. - iv. above.

3. a. A person who holds a wholesaler's license and a license or permit specified in Par. 2.a., all of which licenses or permits were issued before the effective date of this paragraph, may, subject to Sections 38.05 and 38.10, Madison General Ordinances, renew and continue to hold all of the licenses or permits.

b. If a person holding a wholesaler's license and a license or permit under subpar. a. fails to renew a license or permit, is denied renewal of a license or permit under Sec. 38.10 or has one of the licenses or permits suspended or revoked under Sec. 38.10, the person is subject to Par. 2 with respect to holding a license or permit of that type after the failure or denial of renewal or the revocation or suspension of the license or permit.

4. Each corporation or limited liability company shall appoint an agent in the same manner and under the same conditions as set forth in Subsec. (5)

pertaining to liquor licenses, shall supply the same additional information as is required by that section and shall complete such forms as are supplied by the City Clerk for such purpose.

(Sec. 38.05(9)(c) Am. by Ord. 11,180, 3-3-95)

(d) Class B License.

1. No Class B license shall be issued except to persons of good moral character, who have resided in Wisconsin continuously for not less than ninety (90) days prior to the date of filing application for license. (Am. by Ord. 10,178, 1-8-91)
2. No Class B license shall be issued hereunder for the sale of alcohol beverages in any dwelling.
3. No Class B license shall be issued hereunder for any premises in any district where forty percent (40%) or more of the property fronting on both sides of the same street in the same block is used for residence purposes if a written objection shall be filed with the City Clerk signed by owners of more than eighty percent (80%) of such residence property.
4. No Class B license shall be issued hereunder for the sale of alcohol beverages on any premises unless such premises comply with and conform to all ordinances, health, sanitation, building and fire regulations of the City and of the State.
5. No Class B license shall be issued hereunder for the sale of alcohol beverages on any premises unless such premises shall first have been inspected by the Director of the Building Inspection Division, the Zoning Administrator, the Chief of Police, the Chief of the Fire Department, the Director of Public Health Madison and Dane County, or their designees, and unless such officers have filed with the Common Council or with the City Clerk if the application be for a picnic beer license, a written report stating that the said premises comply with the two (2) foregoing paragraphs. The Director of the Building Inspection Division is not required to inspect the premises if the application is for an annual renewal of the license. (Am. by Ord. 10,989, 10-10-94; ORD-08-00109, 10-7-08; ORD-15-00009, 1-28-15)
6. No retail Class B license may be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class B license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter and Chapter 125, Wis. Stats. (Am. by Ord. 9482, 5-10-88)
7. a. Limitations on Other Business; Class B Premises. No Class B license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class B license is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class B premises. No other business may be conducted on premises operating under a Class B license. These restrictions do not apply to any of the following:
   i. A hotel.
   ii. A restaurant, whether or not it is part of or located in any mercantile establishment.

iii. A combination grocery store and tavern.
iv. A combination novelty store and tavern.
v. A bowling center or recreation premises. (Am. by Ord. 10,344, 12-12-91)
vi. A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class B license.
vii. A movie theater. (Cr. by ORD-15-00125, 11-11-15)
viii. A painting studio. (Cr. by ORD-15-00125, 11-11-15)

b. i. In this Sec. 38.05(9)(d)7.b. "market" means the retail sale of secondhand or antique merchandise or art or the retail sale of coins or stamps.
ii. Notwithstanding Sec. 38.05(9)(d)7.a., a market or an auction may be conducted on premises for which a Class B license has been granted, if the number of days on which a market is held and the number of days on which an auction is held on the premises do not exceed a combined total of four (4) days each month. A day on which both an auction and a market are held shall be counted as two (2) days for the purpose of computing the total number of days on which auctions or markets are held.
iii. No Class B license may be granted for premises on which an auction or the retail sale of secondhand or antique merchandise or art or the retail sale of coins or stamps has been conducted within one year before the date of filing the application. This Sec. 38.05(9)(d)7.b.iii. does not apply if the retail sales occurred in the ordinary course of business authorized under Sec. 38.05(9)(d)7.a. above or if the auction or market was authorized under Sec. 38.05(9)(d)7.b.ii.
iv. No person may consume, sell, give away or furnish alcohol beverages on Class B licensed premises if an auction or market authorized under Sec. 38.05(9)(d)7.b.ii. is being conducted except in a room in which no activity related to the auction or market is being conducted.

(Am. by Ord. 9482, 5-10-88)

8. Notwithstanding any of the provisions contained in Paragraphs 4 or 5 of Sec. 38.05(9)(d) of this ordinance, a license for the sale of fermented malt beverages for any premises on which the requirements of any of said paragraphs have not been complied with, may nevertheless be issued and the privileges of such license may be enjoyed by the licensee thereof provided that the licensee file with the City Clerk a performance bond in such sum as shall be determined by the Director of the Building Inspection Division conditioned for the full compliance and performance of the requirements contained in said paragraphs or any or either of them, within sixty (60) days from the granting of said license. In case of the failure of the licensee to perform the conditions of said bond and the requirements of said paragraphs within such sixty (60) days the bond shall be forfeited and the licensee shall surrender the license to the City Clerk. Failure to comply with the requirements of this subsection or the refusal of the licensee to surrender her/his license as aforesaid shall be cause for revocation of the license by the Common Council. (Am. by ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

9. Where an application for a fermented malt beverage license and/or intoxicating liquor license is made for premises on which no building exists at the time of the application but on which it is proposed to erect a building in which the business covered by the application is proposed to be conducted, then notwithstanding any of the provisions contained in Paragraphs 5, 6, 7 or 8 of Sec. 38.05(9)(e) of these ordinances, the license for the sale of alcohol beverages for said premises may nevertheless be issued and the privileges of such license may be enjoyed by the licensee thereof under the following conditions:
Such license shall be issued by the Clerk but held by the City Clerk in his/her possession until the Director of the Building Inspection Division shall file with the City Clerk a certificate evidencing compliance and performance of the requirements contained in Paragraphs 5, 6, 7 and 8 of Sec. 38.05(9)(e), which said compliance shall be within six (6) months from the date of the granting of the license or by the following thirtieth (30th) of June, whichever date shall occur first. Further provided that the licensee shall file with the City Clerk a performance bond in such sum as shall be determined by the Director of the Building Inspection Division conditioned for the full compliance and performance of the requirements contained in said paragraphs or any or either of them. In case of the failure of the licensee to perform the conditions of said bond and the requirements of said paragraphs within the time or times above limited the bond shall be forfeited and the license shall be cancelled by the City Clerk. (Am. by ORD-08-00109, 10-7-08)

10. Seasonal Licenses. Class B licenses may be issued at any time for a period of six (6) months in any calendar year, for which fifty percent (50%) of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued. (Cr. by ORD-17-00042, 4-27-17)

(e) Class B License (Picnic).

1. Temporary Application Without Concurrent Street Use Permit. Class B licenses that are applied for without a concurrent application for or a previously issued Sec. 10.056, MGO, Street Use Permit may be issued by the City Clerk or designee to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months prior to the date of application and to posts of veterans' organizations, authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such application shall be filed with the City Clerk at least seven (7) working days prior to the granting of the license if the event is to be indoors or three (3) working days if outdoors. The Clerk is under no obligation to consider an application that is not timely filed, but may, in his or her discretion, consider such an application if other conditions for a license are met. Failure to timely file an application shall not relieve the City Clerk of jurisdiction to issue a license if all agency approvals are received before the applied-for event. If the Clerk does not receive an approval from an agency pursuant to Sec. 38.05(9)(d)5. of these ordinances, the Clerk shall not issue a license. However, each agency shall respond to the Clerk within fourteen (14) days of receipt of the application by the agency. If an agency recommends approval with conditions, each condition shall be part of such license and the Clerk shall state such conditions on the license or append them thereto. If the applicant requests a waiver of conditions printed on the license application, such waiver may be obtained

in writing from the Chief of Police or designee. Any applicant refused a license or aggrieved by any condition on the license may request a de novo review by the Alcohol License Review Committee. Any applicant aggrieved by the action of the Alcohol License Review Committee may appeal such decision to the Common Council. Any applicant aggrieved by the action of the Common Council may seek review in Circuit Court pursuant to Wis. Stat. § 753.04. (Am. by Ord. 10,178, Adopted 1-8-91)

2. Application With Street Use Permit. Temporary Class B licenses that are applied for with a concurrent application for or which are intended to be utilized in conjunction with an issued Street Use Permit pursuant to Sec. 10.056, MGO, may only issued by the Common Council upon the recommendation of the Alcohol License Review Committee. Such licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months prior to the date of application and to posts of veterans' organizations, authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. Such application shall be filed with the City Clerk at least forty-five (45) working days prior to the granting of the license. The Clerk shall refer the application to those agencies set forth in Sec. 38.05(9)(d)5. and the Parks Division. Each agency, including the Parks Division, shall respond to the Clerk within fourteen (14) days of receipt of the application. The Clerk shall forward all agency and Parks Division approvals of the application to the Alcohol License Review Committee and the Common Council. The Clerk shall schedule public hearings before the Alcohol License Review Committee and the Committee shall thereafter make a recommendation to the Common Council. The Common Council is under no obligation to consider an application that is not timely filed, but may, in its discretion, consider such an application if other conditions for a license are met. If the Common Council does not receive an approval from an agency as set forth herein, the Common Council may not issue a license. If an agency recommends approval with conditions, each condition shall be part of such license unless the Common Council, in its actions approving the license, otherwise explicitly remove such condition from the approved license, and the Clerk shall, upon approval of the license by the Common Council, state such conditions on the license or append them thereto. Any applicant refused a license or aggrieved by any condition on the license may seek review in Circuit Court pursuant to Wis. Stat. § 753.04.

3. Applicants Convicted of Chapter 38 Violations. If the applicant organization has been convicted of any violation of Chapter 38 which violation occurred within one (1) year of the date of application, such application shall be filed with the City Clerk at least forty-five (45) days prior to the granting of the license. Such an application shall be referred by the City Clerk to the Alcohol License Review Committee for determination and recommendation to the Common Council. In making its decision and recommendation, the Committee shall consider the seriousness of the violation(s), the culpability of the license holder in the violation(s), and the measures the license holder agrees to undertake to avoid further violations. Any applicant refused a license or aggrieved by any condition on the license may seek review in Circuit Court pursuant to Wis. Stat. § 753.04.

4. Required Availability of Non-Alcoholic Beverages. For the event covered by the license, the licensee shall make available to the participants

non-alcohol beverages other than water in total volume not less than ten percent (10%) of the total volume of beer made available. The licensee shall provide participants substantially equal access to alcohol and non-alcohol beverages at each service area.

5. Term of License. The license shall be issued upon approval, and for such time as shall be designated by the issuing body and shall be subject to such restrictions as imposed by the issuing body.

(Sec. 38.05(9)(e) Am. by ORD-11-00118, 9-12-11)

(f) A Retail Class A and Class B liquor license shall not both be issued for the same premises or connecting premises except in the case of hotels maintaining twenty-five (25) or more sleeping rooms for the accommodation of transient guests.

(g) No license for the sale of intoxicating liquor shall be issued for any premises within any district established as a no-license district pursuant to the provisions of Section 125.05 of the Wisconsin Statutes.

(h) No Retail Class B liquor license shall be issued to any person who does not have, or to whom is not issued, a Class B license to sell fermented malt beverages under this chapter, and the limitations upon issuance of Class B licenses under such section shall be applicable to Retail Class B liquor licenses hereunder. No Retail Class A liquor license shall be issued to any person who does not have, or to whom is not issued, a Class A license to sell fermented malt beverages under this chapter, and the limitations upon issuance of Class A licenses under such section shall be applicable to Retail Class A liquor licenses hereunder.

(i) No Retail Class A or Class B liquor license shall be issued to any person who has not attained the legal drinking age. (Am. by Ord. 9314, 11-13-87)

(j) Separate License for Each Place of Business. A separate license shall be required for each place of business, and each license shall particularly describe the premises for which issued.

(k) License Void - How Validated. If any license shall be issued in violation of any part of the foregoing provisions, said license shall be valid if the licensee within thirty (30) days thereafter shall comply with all lawful orders of the Director of the Building Inspection Division, Chief of Police, Chief of Fire Department, and representative of the Director of Public Health Madison and Dane County issued pursuant to the inspection herein provided. If any such licensee shall fail to comply with such provisions or orders within such thirty (30) days, her/his license shall be automatically null and void and she or he shall be deemed guilty of a violation of this section. It is provided, however, that any license issued in violation of Section 38.05(9)(a), (b), (c) or (m), or Section 38.05(9)(d)1, 4, 9 or 10 shall be null and void. (Am. by ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14; ORD-15-00009, 1-28-15)

(l) Police Record and Report. Before any Class A, Class B, or Operator's license shall be issued or granted under this section, the Chief of Police shall first file a complete written report with the Common Council showing the applicant's complete police record if any, and likewise showing for the previous three (3) year period, the complete police record if any, of any licensee during such three (3) year period of the premises or business as to which application is being made, both reports to include arrests, complaints, prosecutions, and other proceedings. Said complete written report shall not be required for operator license renewals. (Am. by Ord. 9770, 5-12-89; Ord. 13,565, 4-21-04)

(m) (R. by Ord. 11,183, Adopted 2-21-95)

(n) Good Moral Character. No Operator's or Manager's license shall be granted to any person who is not of good moral character.

1. A license shall not be denied on the grounds that applicant lacks good moral character unless there is evidence that the applicant would, if granted the license, pose a threat to the safety or welfare of patrons of the establishment in which he or she would be employed.
2. Only the following will be considered grounds for a determination that an applicant lacks good moral character:
   a. Suspension or revocation of a Class A, Class B, or Operator's License, or dismissal from a bartending job if:
      i. There is a relationship between the reasons for the suspension, revocation or dismissal and the applicant's ability to competently tend bar without endangering the safety or welfare of the patrons of such bar, and
      ii. The suspension, revocation or dismissal occurred within a year of the date of the application, or there has been more than one such suspension, revocation or dismissal within three (3) years of the date of the application.
   b. Conduct exhibiting the use (within the past three (3) years of the date of the application) of alcoholic beverages, to an extent or in a manner dangerous to any other persons, or to an extent that such use would impair his or her ability to competently tend bar.
   c. A criminal conviction for which the applicant has not received a full or conditional pardon, if:
      i. There is a relationship between the nature of the crime involved and the applicant's ability to competently tend bar without endangering the safety and welfare of the patrons of such bar; and
      ii. The applicant was convicted, fined or confined in a correctional institution, within two (2) years of the date of the application, or the applicant was convicted on more than one occasion within three (3) years of the date of the application; and
      iii. The applicant was convicted of selling a controlled substance within one (1) year of the date of application.
3. Before the Alcohol License Review Committee recommends denial of an Operator's License on the basis provided herein, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.
4. If the license is recommended for denial by the Alcohol License Review Committee, the applicant shall have the right to file an appeal with the City Clerk within thirty (30) days, and appear and be represented before the Common Council, to be heard, to present evidence in favor of the granting of the license, and to rebut the evidence presented in opposition to the granting of the license, at a hearing held within forty (40) days of the filing of such appeal. Notice of the time and place of such hearing shall be mailed by the City Clerk to the applicant by certified mail at least ten (10) days before the date of such hearing. If the Alcohol License Review Committee either refuses the granting of any such license without recom-

mendation, or recommends the granting of such license, the applicant shall have the right to appear, be represented and be heard as set forth above at her or his request. (Am. by ORD-14-00012, 1-14-14)

(o) (Rep. by ORD-15-00125, 11-11-15)

(10) Inspections and Financial Audits of Licensed Premises. Application for a license hereunder shall be deemed as consent to this provision. Any refusal to permit such inspection or financial audit shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section. In addition to the foregoing remedies, any person who violates any provision of this section shall be subject to a penalty of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000).

(a) Premises Inspections. It shall be a condition of any license issued hereunder that the licensed premises, delivery vehicles and any of the business' books of account, bank statements, billings, invoices and any other documents relating specifically to the licensed business may be entered and inspected at any reasonable hour by any police officer of the City of Madison without any warrant for the purpose of determining whether the taxes imposed by Wis. Stat. §§ 139.01 to 139.25, has been fully paid and whether Wis. Stat. ch. 125 and Chapter 38, MGO, are being complied with.

(b) Financial Audits. It shall be a condition hereunder of any license issued to a licensee whose operations must qualify as a "restaurant" as that term is defined in Sec. 38.02, MGO, that the Alcohol License Review Committee or the Common Council may order the Finance Department to conduct a financial audit to determine whether a licensee is in fact operating as a "restaurant." Such order may issue upon either sworn oral testimony, affidavit or complaint establishing a reasonable basis to believe that the licensee's operations do not qualify as a "restaurant" as that term is defined in Sec. 38.02, MGO. The following factors, without limitation by enumeration, may be considered in determining whether to order an audit:

1. Observations that patrons are consuming mostly alcohol with little or no food consumption;
2. Capacity or large crowds on the premises at or near the closing time for non- restaurant Class B premises;
3. Menus, literature, signage or advertising that promotes the alcoholic beverages more so than food offerings;
4. A food menu that contains exclusively traditional bar fare or frozen "heat and eat" foods;
5. Bar space that is significantly larger in square footage than the kitchen/ food preparation area;
6. A disproportionate number of calls for police/fire services than other restaurants;
7. The use of security officers/ bouncers/ door checkers;
8. The advertising, promotion or sale of "drink specials";
9. Any other factors reasonably indicative of the status of the licensed premises.

The licensee shall cooperate fully with the Finance Department and shall provide access, without delay, to any of the business' books of account, bank statements, billings, invoices and any other documents relating specifically to the licensed business as may be requested by the Finance Department. The Finance Department shall promptly report the results of such an audit to the body that ordered the audit and to the Office of the City Attorney. If the audit establishes that the licensee's operations are not those of a restaurant, the Office of the City Attorney

may, within forty-five (45) days of the receipt of the audit results, file a complaint with the Alcohol License Review Committee seeking suspension or revocation of the license.

(Sec. 38.05(10) Am. by ORD-12-00125, 10-10-12; ORD-15-00125, 11-11-15)

(11) Time of Granting Licenses. No licenses shall be granted hereunder until and unless the Common Council shall by a vote of the majority of the members elect of the Council have authorized the same. The Common Council shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of acting upon such applications for licenses as may be presented to them on or before April 15 and all applications for licenses so filed shall be granted or denied not later than June 15 for the ensuing license year. (Am. by Ord. 9431, 3-11-88)

(12) Catering Service Requirements. In any case where the licensee operates or conducts a business in which the licensee provides food for consumption off the licensed premises, commonly known as a catering service, the following shall apply to the providing of alcohol beverages as part of the catering services, in addition to all other laws:

(a) The licensee shall deliver alcohol beverages to an event only when licensee supplies full food catering service for all guests of or participants in the event. No licensee shall deliver alcohol beverages for an event that is held on the premise of another alcohol beverage licensee, including the premise of a temporary Class "B" Beer (picnic) license or a temporary "Class B" Wine "picnic" license.

(b) No licensee shall sell, deal or traffic in alcohol beverages except on the licensed premises of the licensee. This provision shall not prevent nor prohibit the licensee from delivering goods to the buyer as accommodation.

(c) The licensee may supply personnel to dispense alcohol beverages at a catered event. No person shall engage in the individual sale of alcohol beverages to be consumed by the glass at a catered event ("cash bar"), when the alcohol beverages have been supplied by a retail licensee.

(Section 38.05(12) Cr. by Ord. 9171, 5-6-87; Am. by ORD-10-00074, 8-12-10)

(13) Video Surveillance Equipment. Video surveillance equipment in licensed establishments shall be subject to the following restrictions:

(a) The ALRC may impose video surveillance as a condition on a new license if the nature of the license proposal or the character of the immediate area in which the establishment will be located clearly demonstrates that video surveillance is consistent with maintaining the health, safety and welfare of the community. Factors which would support the

ALRC's imposing this condition would include, but are not limited to: physical layout of the establishment, capacity, venue, history of the applicant in operating previous licensed establishments, history of the establishment itself and character of the surrounding area of the establishment.

(b) If a licensed establishment has video surveillance imposed as a license condition, the ALRC record shall clearly state the basis for imposing the condition.

(c) Any video surveillance license condition imposed by the Common Council, Alcohol License Review Committee or Madison Police Department shall be limited to two (2) years, after which time such condition may be reviewed at the request of the licensee.

(d) All licensed establishments having video surveillance in use at their establishment shall post the following signage:

VIDEO SURVEILLANCE EQUIPMENT IN USE
YOU MAY BE RECORDED

Such signage shall be conspicuously posted at all entrances/exits (excluding emergency exits and employee-only entrances). The signage lettering shall be in bold and the lettering shall be a minimum of two (2) inches in height.

(e) All tapes/discs used to record and/or store video as part of a license condition shall be kept for at least thirty (30) days.

(f) Any video surveillance equipment installed as a license condition shall be in operation during normal business hours.

(g) Any licensed establishment voluntarily implementing video surveillance shall notify the City Clerk's Office of such use and shall comply with the requirements of Subdivision (c).

Violation of any provision of this subsection shall result in a forfeiture of not less than $25 nor more than $100 plus court costs and fees. This section will become effective July 1, 2004. (Cr. by Ord. 13,564, 4-21-04; Am. by ORD-07-00118, 9-22-07)

38.06 GENERAL PROVISIONS AND HOURS.

(1) No License Where Pending Violation. No Class A or Class B license shall be issued or granted hereunder to any person, firm, corporation, limited liability company or organization for any premises consequent upon the sale or transfer of the business, stock in trade or furnishings of said premises, to a new applicant while there is pending against the former licensee thereof any proceedings for the violation of any provisions of the general ordinances of the City of Madison conviction of which would result in automatic forfeiture of said license. (Am. by Ord. 10,883, Adopted 4-5-94)

(2) Licensee, Agent or Operator on Premises at All Times. There shall be upon premises operated under a Retail Class A or Retail Class B license, at all times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who shall have an Operator's license and who shall be responsible for the acts of all persons serving, as waiters or in any other manner, any alcohol beverages to customers. No person other than the licensee, or the agent named in the license if the licensee is a corporation or limited liability company, shall serve alcohol beverages in any place operated under a Retail Class A or Class B liquor license unless he/she shall possess such Operator's license, or unless he/she shall be under the immediate supervision of the licensee or a person holding an Operator's license who shall be at the time of such service upon said premises. No person may manage premises operating under a Class B license or permit, unless the person is the licensee or permittee, an agent of the corporation or limited liability company or the holder of an Operator's license. (Am. by Ord. 10,883, Adopted 4-5-94; Ord. 13,565, 4-21-04)

(3) View From Sidewalk Required. All premises for which a Class B license shall have been issued shall be so arranged as to furnish a clear view from the sidewalk, and no curtains, pictures, signs and other obstructions which interfere with such clear view shall be maintained. The provisions of this paragraph, however, shall not apply to bona fide clubs, hotels and restaurants.

(4) Licensed Premises to be Sanitary. Each premise shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Director of Public Health Madison and Dane County of the City of Madison is authorized and empowered to make reasonable rules for the sanitation of all places of business possessing licenses under this ordinance. All such rules and regulations shall have the same force as this ordinance and infraction thereof may be punished as a violation of this ordinance. (Am. by ORD-15-00009, 1-28-15)

(5) Sign to be Posted. A sign bearing the words "Bar closed after 2:00 a.m. on weekdays and 2:30 a.m. on Saturday and Sunday" shall be conspicuously displayed over the bar in all premises for which a fermented malt beverage Class B license shall have been issued. (Am. by Ord. 9350, 12-21-87)

(6) Class A Hours.

(a) Premises Hours. No premises for which a Class A alcohol beverage license shall have been issued shall be permitted to remain open for the sale or dispensing of

alcohol beverages between the hours of 9:00 p.m. and 8:00 a.m. but shall be permitted to stay open for the conduct of their regular business. (Am. by Ord. 9505, 6-23-88)

(b) Regulation of Closed Retail Space. Only the permitted, licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on Class A premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 9:00 p.m. (Am. by Ord. 10,178, Adopted 1-8-91)

(c) (R. by Ord. 9596, 10-14-88)

(d) (R. by Ord. 9596, 10-14-88)

(e) No-Carryout Law. Between 9:00 p.m. and 8:00 a.m., no seller shall permit nor shall any person carry out or remove from the "Class A" licensed premises, any alcohol beverages in an original unopened package, container or bottle or for consumption away from the premises. (Am. by Ord. 9505, 6-23-88)

(f) No On-Premises Consumption. It shall be unlawful for any person to possess or drink from any open container which contains alcohol beverages within a Class A licensed premises at any time unless said premises also holds a Class B license. (Cr. by Ord. 9315, 11-13-87)

(7) Class B Hours.

(a) Alcohol Beverages Hours. No alcohol beverages shall be sold or served on any premises for which a Retail Class B license shall be issued, between the hours of 1:45 a.m. and 6:00 a.m. on week days, and between the hours of 2:15 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1 alcohol beverages may be sold or served on any such premises at any time.

(b) Premises Hours. No premises for which a Retail Class B license shall be issued shall be permitted to remain open between the hours of 2:00 a.m. and 6:00 a.m. on week days and between the hours of 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays, except that on January 1 the premises are not required to close. (Am. by Ord. 10,080, 8-14-90)

(c) Hotel and Restaurant Exemption. Hotels and restaurants the principal business of which is the furnishing of food and/or lodging to patrons, and bowling centers, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business, but shall not sell, serve, give away or in any way deal or traffic in alcohol beverages in violation of Subdivision (a) above. (Am. by Ord. 10,344, 12-12-91)

(d) Regulation of Closed Retail Space. Only the permittee, licensee, employees, salespersons, employees of wholesalers licensed under Wis. Stat. § 125.28(1) or 125.54(1), or service personnel may be present on Class B premises during hours when the premises are not open for business if those persons are performing job-related activities. All other employees and patrons shall vacate the premises at 2:00 a.m. except that on Saturday and Sunday patrons and employees shall vacate the premises at 2:30 a.m. Under no circumstances shall the consumption of alcohol beverages be permitted after 2:00 a.m. and on Saturday and Sunday after 2:30 a.m. On January 1, consumption is permitted at all times. (Am. by Ord. 10,178, Adopted 1-8-91)

(e) (R. by Ord. 9596, 10-14-88)

(f) (R. by Ord. 9596, 10-14-88)

(g) No-Carryout Law. Between 9:00 p.m. and 8:00 a.m., no seller shall permit nor shall any person carry out or remove from the "Class B" licensed premises, any alcohol beverages in an original unopened package, container or bottle or for consumption away from the premises. (Am. by Ord. 9505, 6-23-88)

(h) No After-Hours Consumption. Except on January 1, it shall be unlawful for any person to possess or drink from any open container which contains alcohol beverages within a Class B licensed premises between 2:00 a.m. and 6:00 a.m. on week days, or between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays.

(Sec. 38.06(7) Am. by Ord. 9350, 12-21-87)

(8) It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed premises. (Cr. by Ord. 8894, 6-12-86)

(9) Licenses for Less Than One Year.

(a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for six (6) months may be issued at any time. The fee for the license shall be fifty percent (50%) of the annual license fee. The license may not be renewed during the calendar year in which issued.

(Cr. by Ord. 8940, Adopted 8-19-86, Effective 9-1-86)

(10) Unruly Patron. It is unlawful for any person who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance and who has been ordered by a Madison Police Officer not to enter or remain on a licensed premises to so enter or remain during any period after having been ordered not to enter or remain by a Madison Police Officer. Such order prohibiting entry may be for up to six months. Upon conviction, the person is subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Cr. by Ord. 10,638, 4-30-93; Am. by Ord. 13,760, 12-14-04; ORD-05-00019, 2-15-05)

(11) 21 + Entertainment License. (Title Am. by ORD-07-00070, 6-26-07)

(a) Entertainment License Required. No holder of a "Class B" and/or Class "B" intoxicating liquor or fermented malt beverage license shall offer or allow live entertainment without first obtaining an Entertainment License from the City Clerk. (Am. by ORD-09-00174, 12-31-09; ORD-13-00136, 8-14-13)

(b) Temporary Entertainment License. A licensed establishment may obtain an entertainment license on an event basis. Such license shall authorize live entertainment during a particular 24 hour period. No such license shall be required for New Year's Eve and live entertainment will be permitted in all licensed establishments on New Year's Eve. No more than five (5) Temporary Entertainment Licenses shall be issued for the same premises in any license year.

1. Temporary Entertainment licenses shall be issued by the City Clerk. The issuance and review provisions contained in Sec. 38.05(9)(e) shall govern the issuance and review of this event entertainment license.
2. The fee for each Temporary Entertainment license shall be fifty dollars ($50.00).

(c) Live Entertainment Defined. A licensed establishment shall be deemed to offer or allow live entertainment if any of the following activities are offered, permitted or allowed:

1. live music performances;
2. disc jockeys;
3. the establishment has a designated dance floor area.

Live entertainment does not include non amplified or acoustic music performed by a single artist, or performances where an uncompensated patron sings along with a machine that plays pre recorded music, commonly known as "karaoke. (Am. by ORD-09-00174, 12-31-09)

(d) Designated Dance Area Defined. An identified area of at least 200 square feet that is devoted to dancing at times when entertainment is the principal business of the establishment. No dancing shall be permitted on top of a bar at which patrons are directly served.

(e) Under Age On Premise. An establishment that does not meet the definition of a restaurant as defined in Sec. 38.02, MGO, may not allow patrons under the age of 21 on their premise unless they do so pursuant to any of the circumstances enumerated in Sec. 38.04(3) & (4), MGO. An establishment holding a Class "B" and/or "Class B" license and a restaurant permit and who meets the definition of a "restaurant" in Sec. 38.02, Madison General Ordinances, shall, for times when its primary business is entertainment, submit a plan to the Madison Police Department and the Alcohol License Review Committee that details the establishments plan for identifying patrons under the age of twenty-one (21) and a specific plan as to how they will enforce drinking-age requirements. When the establishment's principal business, as that term is defined in Wis. Stat. § 125.02(15m), is entertainment, no patrons under the age of eighteen (18) shall be allowed on the licensed premises unless they are accompanied by a parent, legal guardian, or spouse who is of legal drinking age. (Am. by ORD-07-00070, 6-26-07; ORD-10-00114, 12-8-10; ORD-13-00203, 12-10-13)

(f) Identification of Patrons 21 Years Of Age And Older. Any licensed establishment that meets the exceptions contained in Section 125, Wisconsin Statutes and Chapter 38 of the Madison General Ordinances for allowing underage patrons on the licensed premise, must have a means of visually and conspicuously identifying patrons who are twenty-one (21) years of age and older. It shall be the sole responsibility of the license holder to determine whether any of the exceptions contained in Wis. Stat. § 125, and Chapter 38 MGO, apply to their establishment. An establishment whose principal business is that of a tavern may not have underage patrons on the premise at any time unless an exception contained in Wis. Stat. § 125 and/or Chapter 38 MGO applies to their situation.

(g) Security and Door Personnel. All security personnel and door personnel (e.g. ID checkers) shall wear clothing that readily identifies them as security personnel or door personnel.

(h) Security/Operational Plan. All entertainment license applicants shall submit a security/operational plan at the time of application. The plan shall indicate what type of live entertainment the establishment will offer. The plan shall indicate the number of security personnel the applicant will employ and how they will be utilized. The security plan shall also set forth how the applicant will handle issues regarding: control and clearance of the parking lot during hours of operation and at closing time; unruly patrons; patrons who are intoxicated; patrons presenting false ID's; control and supervision of patrons under the age of twenty-one (21); the circumstances under which the police should be called and how physical disturbances (including fights) will be handled. The security plan shall also identify by name and date of birth, individuals who are employed by the establishment in a management capacity.

(i) Control of Premises. At no time may licensee relinquish control of the licensed premises or the service of alcohol to any other person or entity. The licensee must remain in control of the premises and must continue to be in control of the alcohol and service thereof through the licensee's own employees, including but not limited to checking identification of patrons, providing security within the licensed premises and at the door, collecting money or tickets from patrons for food, drinks, or for charges for entry to the establishment or any area within the establishment, during all events, including private parties. The licensee and its employees will be held responsible for all conduct taking place on its premises at all times including

conduct taking place during private parties. Notwithstanding the limitations of this subdivision, a licensee may contract with an agency that is licensed by the State of Wisconsin as a supplier of uniformed private security personnel to engage in private security activities. (Am. by ORD-09-00174, 12-31-09)

(j) Application. Upon application to the City Clerk, the City Clerk shall refer the entertainment license application to the ALRC for a public hearing pursuant to Sections 38.05(3)(b), (c), (d), (e), (g), and (h), MGO. The ALRC shall make a determination and recommendation to the Common Council regarding the issuance of the entertainment license. The ALRC may recommend, and the Common Council may impose, restrictions on the entertainment license hours relating to presentation of live entertainment if the information or evidence available to and considered by the ARLC and/or Common Council reasonably establish that such restriction is necessary to protect the health, safety and welfare of the designated neighborhood or necessary to prevent underage patrons from purchasing, possessing or consuming alcohol beverages on the licensed premise. (Am. by ORD-17-00009, 2-20-17)

1. If the ALRC denies a 21+ Entertainment License application, the applicant is prohibited from reapplying for another entertainment license for a period of twelve (12) months from the date the application is denied. (Cr. by ORD-13-00059, 4-24-13)

(k) Fee. The annual license fee shall be three hundred dollars ($300.00) plus the applicable publication fee, if applicable, as set forth in Sec. 38.05(3)(b), MGO, and the license shall expire on June 30 following its issuance. (Am. by ORD-12-00023, 3-5-12; ORD-17-00009, 2-20-17)

(l) Renewal. Entertainment licenses shall be obtained on or before June 30 of each year or be subject to a late filing of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to obtain the license.

(m) Change In Operation. If, after the license has been granted or issued, the licensee wishes to make any substantial deviations from its original plan of operation, the licensee shall file a written request with the City Clerk which states the nature of the change. No change shall take place until the request has been considered by the ALRC and approved by the Common Council.

(n) Revocation/Suspension or Non-renewal. A Complaint for revocation, suspension or non-renewal of an entertainment license may be made by; An Alderperson; The Police Chief; The City Attorney; and/or any resident of the City of Madison. Complaints shall be made in writing and filed with the City Clerk who shall then refer the Complaint to the ALRC for a hearing. The ALRC may recommend to the Common Council that an entertainment license be suspended for cause after notice to the licensee and a hearing. If an entertainment license is revoked, no other entertainment license shall be issued to the same person for the same premises for at least twelve (12) months. Entertainment licenses may be suspended or revoked for any of the following causes:

1. Violation of any conditions or restrictions placed on the license by the Common Council;
2. Repeated violations of any provisions of Chapter 38, MGO;
3. The licensed premises is operated in such a manner that it has a substantial adverse effect upon the health, safety and welfare of the immediate neighborhood;
4. Any other reasonable cause which shall be in the best interests and good order of the City.

The licensee shall be notified in writing of the charges against her or him at least ten (10) days prior to the hearing. At the hearing, the complainant and the

licensee will have an opportunity to produce witnesses, cross-examine witnesses and be represented by counsel. The proceedings shall be tape-recorded. Within ten (10) days of the hearing, the ALRC shall issue a written decision and recommendation stating the reasons therefor and forward such decision to the Common Council. If the Common Council rejects the recommendation of the ALRC, the matter shall be dismissed without costs to either party. If ordered, suspension shall be for a period not to exceed six (6) months; revocation shall be for a period of one (1) year.

(o) Judicial Review. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(p) Penalty. In addition to suspension, revocation or non-renewal of the entertainment license, licensee may be subject to a forfeiture of not less than $500 nor more than $1,000 plus costs for violation of any provision of this section.

(q) This section shall become effective on June 30, 2005.

(Sec. 38.06(11) Cr. by 13,765, 12-14-04; Am. by ORD-07-00070, 6-26-07)

(12) 18+ Centers For Visual And Performing Arts. (Title Am. by ORD-07-00069, 6-26-07)

(a) Findings. The Wisconsin state statutes create the designation "centers for the visual and performing arts" and exempts them from certain restrictions relating to the presence of underage persons on licensed Class B alcohol beverage premises. The statutes do not define "centers for visual and performing arts." The Common Council recognizes the importance of preventing the underage consumption of alcohol by underage persons. The Common Council also recognizes that due to the statutory restrictions regarding underage persons not being allowed on a licensed premise, the City of Madison has few venues available to underage patrons in which they can enjoy live music performances. In the interest of providing safe, supervised opportunities for underage patrons to enjoy live music events, the Common Council finds it necessary to define "centers for the visual and performing arts". The intent is that a "visual and performing arts" designation will be given only after careful consideration, review and deliberation and only upon a licensed establishment meeting all the criteria set forth in the ordinance.

(b) License Required.

1. No premise shall be deemed a Center For Visual and Performing Arts without first obtaining a license as required in this section. Premises designated as Centers For Visual and Performing Arts prior to the effective date of this ordinance shall comply with the terms and conditions of this section within ninety (90) days of the effective date.
2. Exceptions. Performance venues holding theater licenses pursuant to Section 9.04 of the Madison General Ordinances shall not be required to obtain a center for the visual and performing arts license.

(c) Definitions.

"Center For Visual and Performing Arts" means a licensed premises that meets all of the following criteria and will be allowed to have patrons eighteen (18) years of age and older on the premises during live entertainment performances only in accordance with provisions of this section:

1. Pays a fee to performers or an agreed-upon designee.
2. Provides live entertainment as that term is defined in this subsection.

Patrons eighteen (18) years of age and older may be allowed onto the premises one half hour before the scheduled performance time and must be off the premises within one half hour after the performance ends.

"Live Entertainment" means a live music or disc jockey performance being heard and/or viewed at the time of performance and in the physical

presence of a live audience. Live entertainment does not include non amplified or acoustic music performed by a single artist, or performances where an uncompensated patron sings along with a machine that plays pre recorded music, commonly known as "karaoke".

3. The license issued under this subsection shall be known as an "18+ Center for the Visual and Performing Arts license." (Am. by ORD-07-00069, 6-26-07; ORD-09-00174, 12-31-09)

(Am. by ORD-13-00136, 8-14-13)

(d) Application.

1. Application for a Center For Visual and Performing Arts license shall be filed with the City Clerk. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation or limited liability corporation, and sworn to by the applicant. The application shall require:

   a. The name and permanent address of the applicant.

   b. The name and address of the premise for which the license is to be granted, including the aldermanic district in which it is situated.

   c. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and address of each of its officers, directors and designated managers, if any.

   d. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and each partner shall verify the application. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

   e. All convictions, including ordinance violations with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.

   f. Applicant's date of birth.

   g. A completed plan of operation which shall include: planned hours of operation for the premises; legal occupancy limit of the premises; the number of off-street parking spaces available at the premise; whether or not the premises will make use of sound amplification equipment and, if so, what kind; a written, detailed security plan for the premises, which includes: the number of security personnel the applicant will employ and how they will be utilized; detail regarding how the applicant will handle issues regarding control and clearance of the parking lot during hours of operation and at closing time; unruly patrons; patrons who are intoxicated; patrons presenting false ID's; control and supervision of patrons under the age of twenty-one (21) (if applicable); the circumstances under which police should be called and how physical disturbances, including fights, will be handled; the security plan shall also identify by name and date of birth, individuals who are employed by the establishment in a management capacity; how applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise; any other licenses held by the applicant or attached to the premises; such other reasonable and pertinent information the ALRC or common council may from time to time require. (Am. by ORD-07-00069, 6-26-07)

h. If the ALRC denies a 18+ Centers For Visual and Performing Arts license application, the applicant is prohibited from reapplying for another entertainment license for a period of twelve (12) months from the date the application is denied. (Cr. by ORD-13-00060, 4-24-13)

2. Applications shall be referred to the ALRC for a public hearing in accordance with Sections 38.05(3)(b), (c), (d), (e), (g), and (h), MGO. The recommendation of the committee shall be based upon information presented at the public hearing and contained in the application and accompanying documents. The ALRC shall also consider the following factors in making its recommendation: (Am. by ORD-17-00009, 2-20-17)
   a. Whether the applicant meets the criteria set forth in Subdivision (c);
   b. The appropriateness of the location and premises where the Center For Visual and Performing Arts is to be located and whether the location will create undesirable neighborhood problems.
   c. Applicants record in operating similarly licensed premises.
   d. Whether the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.
   e. Any other factors which reasonably relate to the public health, safety and welfare.

(e) Fee. The annual fee for a Center For Visual and Performing Arts license shall be three hundred dollars ($300.00) and the publication fee, if applicable, as set forth in Sec. 38.05(3)(b), MGO. (Am. by ORD-12-00023, 3-5-12; ORD-17-00009, 2-20-17)

(f) Renewal. Centers For Visual and Performing Arts licenses shall be renewed annually following the same procedure as liquor license renewals in Sec. 38.05(3)(i), MGO. Late filing shall result in a fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to obtain the license. (Am. by ORD-15-00125, 11-11-15)

(g) Patron Regulations. Any establishment with a Visual and Performing Arts license which admits patrons under the age of twenty-one (21) years of age on the premises of the establishment when alcoholic beverages are being sold, served or permitted on the premises shall, during the time the patrons are permitted on the premises:

1. Require one form of identification. The identification shall contain the bearer's photograph and must be one of the following: state driver's license, US military identification, state issued identification card, or passport, from every person claiming to be twenty-one (21) years of age or older;
2. Identify patrons over twenty-one (21) years of age with both an identifiable hand stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before purchasing an alcoholic beverage;
3. Sell not more than one alcoholic beverage to an eligible patron in a single transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a bar or drink dispensing location;

(Am. by ORD-05-00154, 9-20-05)

(h) Revocation/Suspension or Non-renewal. A Complaint for revocation, suspension or non-renewal of a Center For Visual and Performing Arts license may be made by; An Alderperson; The Police Chief; The City Attorney; and/or any resident of the City of Madison. Complaints shall be made in writing and filed with the City

Clerk who shall then refer the Complaint to the ALRC for a hearing. The ALRC may recommend to the Common Council that a Center For Visual and Performing Arts license be suspended for cause after notice to the licensee and a hearing. If a Center For Visual and Performing Arts license is revoked, no other Center For Visual and Performing Arts license shall be issued to the same person for the same premises for at least twelve (12) months. Center For Visual and Performing Arts licenses may be suspended or revoked for any of the following causes:

1. Violation of any conditions or restrictions placed on the license by the Common Council;
2. Repeated violations of any provisions of Chapter 38 of the Madison General Ordinances;
3. The licensed premises is operated in such a manner that it has a substantial adverse effect upon the health, safety and welfare of the immediate neighborhood;
4. Any other reasonable cause which shall be in the best interests and good order of the City.

The licensee shall be notified in writing of the charges against her or him at least ten (10) days prior to the hearing. At the hearing, the complainant and the licensee will have an opportunity to produce witnesses, cross-examine witnesses and be represented by counsel. The proceedings shall be tape-recorded. Within ten (10) days of the hearing, the ALRC shall issue a written decision and recommendation stating the reasons therefor and forward such decision to the Common Council. If the Common Council rejects the recommendation of the ALRC, the matter shall be dismissed without costs to either party. If ordered, suspension shall be for a period not to exceed six (6) months; revocation shall be for a period of one (1) year.

(i) Judicial Review. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.

(j) Penalty. In addition to suspension, revocation or non-renewal of the Center For Visual and Performing Arts license, licensee may be subject to a forfeiture of not less than $500 nor more than $1,000 plus costs for violation of any provision of this section.

(Sec. 38.06(12) Cr. by ORD-05-00121, 7-12-05)

38.07 GENERAL RESTRICTIONS.

(1) Public Place. No owner, lessee or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, churches, premises in a state fair park or clubs.

(2) Possession of Alcohol Beverages on School Grounds Prohibited. Pursuant to the provisions of Wis. Stat. § 125.10, the City of Madison does hereby adopt and incorporate into this Subsection the provisions of Wis. Stat. § 125.09(2), inclusive of all future amendments to any provisions of this section of the Wisconsin Statutes. (Am. by Ord. 11,624, 6-28-96; Rep. & Rec. by ORD-07-00118, 9-22-07)

(3) Restrictions on Delivery of Beer, Wine and Intoxicating Liquor.

(a) No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(b) For delivery of beer, wine, and intoxicating liquor, payment or payment arrangements shall be made in person at the licensed establishment prior to delivery. (Am. by ORD-10-00073, 8-12-10)

(c) The person paying for the keg/beer/wine coolers/intoxicating liquor must be at least 21 years of age and shall provide the licensed establishment with two forms of identification. The types of identification and identifying factors (e.g. driver's license number, physical descriptors, address, etc.) shall be recorded by the licensed establishment. The identifying information shall be retained by the retailer for at least two years from the date of sale and must be made available at the request of law enforcement or the Alcohol License Review Committee, pursuant to an active investigation by the Madison Police Department, City Attorney, or ALRC regarding alleged Chapter 38 MGO/ Wis. Stat. ch. 125 violation(s). (Am. by ORD-10-00073, 8-12-10)

(d) When purchasing kegs of beer, the person paying for the keg(s) must sign a receipt indicating how many kegs are being purchased and where they will be delivered.

(e) Delivery of any alcoholic beverage shall not be made unless the person who provided the identification is at the point of delivery and signs for receipt of the alcohol. The licensed establishment shall retain the signed delivery receipt for at least two years from the date of sale and make it available at the request of law enforcement or the Alcohol License Review Committee, pursuant to an active investigation by the Madison Police Department, City Attorney, or ALRC regarding alleged Chapter 38 MGO/ Wis. Stat. ch. 125 violation(s).

(f) Any person who violates this subsection is subject to a forfeiture of not more than $1,000.

(g) Transactions under this subsection shall comply with Sec. 38.07(16), MGO. (Cr. by ORD-10-00073, 8-12-10)

(Sec. 38.07(3) Am. by Ord. 12,942, 12-24-01)

(4) City Parks After Hours. It shall be unlawful for any person to drink or possess any alcohol beverages in any City park after the hour of 10:00 p.m. unless the Park Commission approves a later time for an authorized event in which case the prohibition becomes effective after such later time. (Am. by Ord. 11,268, 5-30-95)

(5) Person May Not Leave Licensed Premises. It shall be unlawful for any person to whom a license has been granted to permit any person to leave the licensed premises with an open container containing any alcohol beverages.

(6) Sell or Serve on Public Street. It shall be unlawful for any person to sell or serve, or offer to sell or serve any alcohol beverages upon any public street within the City of Madison, except in areas holding a sidewalk cafe permit pursuant to Sec. 9.13 of these ordinances, and for which the sidewalk is part of the licensed premises as that term is used in Sec. 38.02 of these ordinances.

(7) Possess Open Container on Street. It shall be unlawful for any person to possess an open container which contains alcohol beverages or consume any alcohol beverages upon any public street (including sidewalks and alleys) within the City of Madison except when such street or portion thereof is included within an area for which the Street Use Staff Commission has granted a Street Use Permit pursuant to Sec. 10.056 of these ordinances and a temporary Class B License (Picnic) has been approved by the Common Council under Sec. 38.05(9)(e)2., and except in areas holding a sidewalk cafe license pursuant to Sec. 9.13 of these ordinances, and for which the sidewalk is part of the licensed premises as that term is used in Sec. 38.02 of these ordinances. (Am. by Ord. 8894, 6-12-86; ORD-11-00118, 9-12-11)

(8) Unlawful Devices for Sale of Alcohol Beverages. It shall be unlawful for any person, firm, corporation or limited liability company to use or operate, or cause to be used or operated, in any public street or place, or from any aircraft or in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street or place, any device,

apparatus or instrument for the amplification of the human voice or any sound or noise, or other sound making or sound reproducing device for the purpose of advertising the sale of alcohol beverages. (Am. by Ord. 10,883, Adopted 4-5-94)

(9) Off-Street Parking Facilities. Effective with licenses issued for the period commencing July 1, 1965, no license shall be issued to any club, society or lodge unless such organization has provided off-street parking stalls equal in number to twenty percent (20%) of the number of members of such club, society or lodge. This restriction shall not apply in the case of renewal licenses issued to clubs, societies and lodges holding licenses as of the date of the enactment of this subsection (April 22, 1965).

(10) Lighting Standard. The following areas shall be properly illuminated in accordance with the following minimum requirements:

Hallways and passageways - five (5) foot candles;
Dance halls and taverns - three (3) foot candles;
Stairways and washrooms - ten (10) foot candles.

The above standards refer to the general illumination of the areas set forth above. All illumination shall be measured on a plane thirty (30) inches above the floor at any point in the areas indicated.

(11) Gambling Prohibited. It shall be unlawful to permit gambling or devices used for gambling upon any premises licensed under this chapter. This subsection shall not apply to any gaming activity operated by a recognized Indian tribe or any gaming activity on Indian lands as defined and authorized under the Indian Gaming Regulatory Act, 25 U.S.C. § 201, et seq., as may be amended. (Cr. by Ord. 8643, 8-2-85; Am. by ORD-16-00057, 6-17-16)

(12) Illegal Postering. It shall be unlawful for the holder of a Class B Alcohol Beverage License to fail to include in any contract or agreement with any entertainment group, individual or entity, a clause prohibiting the entertainment group, individual or entity or agent or agents thereof from advertising or postering in the manner prohibited in Sec. 23.02(1) of the Madison General Ordinances. The Class B Alcohol Beverage license holder shall also provide a copy of Sec. 23.02(1) of these ordinances to each entertainment group, individual or entity or agent thereof. (Cr. by Ord. 8643, 8-2-85)

(13) Security Plan.

(a) In addition to any conditions placed upon a license by the Common Council at the time of approval, renewal or after a suspension/revocation or non-renewal hearing pursuant to Sec. 38.10 of these ordinances, the Chief of Police is hereby authorized to impose additional conditions on such license. The Clerk is directed to issue a new license which includes such additional conditions when notified in writing of such additional conditions by the Chief of Police. The previously issued license is declared void upon the Clerk's preparation of the new license.

(b) Limits on Authority. The Chief of Police is only authorized to formulate additional conditions which comprise a security plan. No condition which is part of a security plan may be contrary to or inconsistent with any statute or ordinance regulating alcohol beverages or any other condition authorized to be placed upon the license by the Common Council.

(c) Elements of Plan. A security plan may only include the following elements:

1. Provision for licensed security guards.
2. Monitoring of interior and exterior areas by licensee.
3. Regulating traffic flow in parking areas.
4. Exterior and interior lighting.
5. Regular meetings with Police Department personnel.
6. The posting of regulatory signage to aid enforcement efforts.
7. Limitations on the number of patrons allowed on the premises at certain times.
8. Any other reasonable security measures not enumerated above.

(d) Procedures. The Chief of Police is encouraged to meet with license holders to develop a security plan but the elements of the plan are to be solely determined by the Chief of Police or designee. The Chief shall provide notice of the contents of the security plan in writing to the licensee.

(c) Appeal. If the licensee objects to the security plan, the licensee shall so notify the City Clerk and the Chief of Police within ten (10) days of the date of the plan. If no such notice is received, the Clerk shall amend the license to include the plan as an additional condition on the license and forward said amended license to the licensee. If the Clerk receives an objection from the licensee, the Clerk shall notify the ALRC who shall schedule a hearing. The Chief of Police and the licensee shall both be allowed to present evidence and make arguments. The Committee may consider any probative evidence without regard to the rules of evidence. The hearing shall be tape recorded. The Committee may accept, reject or modify the security plan as presented by the Chief of Police or designee. If the licensee is aggrieved by the action of the ALRC, the licensee has ten (10) days from the date of the decision by the ALRC to seek review by the Common Council. Review before the Common Council shall be upon a transcript of the proceeding before the ALRC. The Common Council may accept, reject or modify the decision of the ALRC.

(Cr. by Ord. 10,759, 11-1-93)

(14) Public Library. It shall be unlawful for any person to possess an open container which contains alcohol beverages or consume any alcohol beverages upon any property owned or operated by a public library except when said possession or consumption has been authorized by the Madison Public Library Board. (Cr. by ORD-07-00118, 9-22-07)

(15) Establishments Selling Motor Vehicle Fuels. (Am. by ORD-16-00105, 12-2-16)

(a) Policy. The City of Madison finds that it is appropriate to prohibit the sale of intoxicating liquors, other than wine, at retail establishments that also sell gasoline or diesel fuel because the availability of intoxicating liquors to the motoring public at locations where fuel is purchased could encourage or facilitate alcohol related driving offenses. Intoxicating liquors are a particular problem when trying to identify those who engage in drinking and driving. The package sizes of intoxicating liquors are also smaller and easier to conceal than other alcohol beverages.

(b) No new "Class B" license or "Class A" license authorizing the retail sale of intoxicating liquors shall be issued to any establishment which also sells motor vehicle fuels, unless the licensee agrees to the license condition that the establishment will limit sales of intoxicating liquors to wine. This subsection (15) does not apply to any full service grocery store that sells motor fuels from a separate, non-contiguous location or to any license originally issued prior to July 1, 2009.

(Cr. by ORD-09-00153, 11-20-09)

(16) Face-to-face Retail Sales. Except as provided in Wis. Stat. § 125.26(2m), 125.26(2s), 125.51(3)(bm) and 125.51(bs), and except with respect to caterers, a retail alcohol license issued under this chapter authorizes only face-to-face sales to consumers at the premises described in the retail license.

(Cr. by ORD-09-00169, 12-31-09)

(17) Failure to Comply With a Lawful Order of the Madison Police Department, Fire Department or Building Inspection Unit.

(a) A licensee shall immediately comply with all lawful orders of the Madison Police Department, Madison Fire Department or the Building Inspection Unit regarding any immediate threat involving death or great bodily harm.

(b) Police Orders. If, in the determination of the police department, the number of persons on the premises exceeds the limitations set on the official placard, the

police department shall order the number reduced to the permitted number. The police department may also order the establishment closed until it complies with this section.

(c) The Madison Police Department shall have to power to order closure of a licensed establishment, when such closure is necessary because of an immediate threat involving death or great bodily harm.

(18) No retail licensee shall purchase alcohol beverages from any source other than a licensed wholesaler, except as permitted by state law.

(19) Conditions on License. A licensee shall comply with all conditions placed upon its license by action of the Common Council.

(20) Restaurant Condition. A license that is required as a condition of its license to operate and maintain its business as a restaurant shall meet the definition of a restaurant contained in Sec. 38.02.

(Sec. 38.07(17) - (20) Cr. by ORD-10-00044, 5-12-10)

(21) Exceeding Lawful Occupancy Capacity.

(a) No licensee or person shall permit or allow occupancy of the licensed premise in excess of the lawfully established occupancy capacity. Occupancy capacity includes all staff and persons on the premise.

(b) Exceeding lawful occupancy capacity by more than thirty percent (30%) shall result in an enhanced penalty.

(c) Penalty. Any licensee or person who violates sub. (a) shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than five hundred dollars ($500). Any person violating sub. (b) shall be subject to a forfeiture of no less than five hundred dollars ($500) nor more than one thousand five hundred dollars ($1500).

(Sec. 38.07(21) Cr. by ORD-13-00201, 12-10-13)

38.08 FERMENTED MALT BEVERAGES.

(1) Restrictions Applicable to Class A Licenses. No person shall sell or keep for sale or permit to be sold or kept for sale in or about any premises for which a Class A license has been issued any fermented malt beverage except in original unopened packages, containers or bottles, not to be consumed in or about the premises where sold. (Am. by Ord. 9316, 11-13-87)

(2) Restrictions Applicable to Wholesaler's License. No person, corporation or limited liability company holding a wholesaler's license and no person as an agent or employee of such licensee shall sell or keep for sale any fermented malt beverage except in original packages or containers and in quantities of not less than four and one-half (4½) gallons at any one time, and it shall be unlawful for any such licensee or any agent or employee of such licensee to sell or dispense any fermented malt beverage for consumption on the premises of such licensee. (Am. by Ord. 10,883, Adopted 4-5-94)

(3) Restrictions Applicable to Class B Licenses.

(a) Fermented Malt Beverages to be Sold in Only One Room - Booths to be Open on One Side. No fermented malt beverage may be sold or dispensed under a Class B license in more than one room upon the same premises, and there shall be no booths or similar enclosures in such room unless one side of any such booths or enclosures is open and unobstructed.

1. This subsection shall not prohibit a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest's room which is not a part of the Class B premises. Fermented malt beverages furnished under this subsection shall be furnished in original packages or containers and stored in a cabinet or refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The

cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room, when the room is not occupied and when fermented malt beverages are not being furnished under this subsection. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the fermented malt beverages in the hotel room. Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of the fermented malt beverage is considered to occur at the time and place that the guest pays for the fermented malt beverages. Notwithstanding Sec. 38.06(7), MGO, the guest may pay for the fermented malt beverages at any time if s/he pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverage under this subsection shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager's or operator's license or be supervised by one of those individuals.

2. This subsection shall not prohibit such beverages in additional rooms on the same premises when such rooms are open to the public for the service of meals.

(Sec. 38.08(3)(a) Am. by Ord. 10,883, Adopted 4-5-94)

(b) Fermented Malt Beverages to be Sold Only in Room Authorized. No fermented malt beverages may be sold or dispensed under a Class B license in any portion of the building or premises not authorized in said license.

(c) Brand of Beer Drawn From Tap to be Indicated - Penalty. Every holder of a Class B license selling or offering for sale draught fermented malt beverages shall display a sign on or near each tap or faucet disclosing the brand of fermented malt beverage drawn from the tap or faucet and the name of its brewer. No such licensee may substitute any other brand of fermented malt beverages in place of the brand designated on the sign with intent to defraud or deceive the customer. (Am. by Ord. 10,178, Adopted 1-8-91)

(4) Fees.

(a) The fee for a Class A license shall be shall be five hundred fifty dollars ($550) per year. The fee for a Class A fermented malt beverage license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 10,178, Adopted 1-8-91; Am. by Ord. 13,601, 5-11-04; Am. by ORD-09-00167, 12-31-09; ORD-14-00025, 2-18-14)

(b) The fee for a wholesaler's license shall be twenty-five dollars ($25) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9711. 2-14-89)

(c) The fee for a Class B license shall be one hundred dollars ($100) per year. The fee for a Class B fermented malt beverage license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the

license is issued. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 10,178, Adopted 1-8-91)

(d) The fee for a Class B permit as provided for in Section 38.05(9)(e) hereof shall be ten dollars ($10). (Am. by Ord. 8643, 8-2-85)

(e) The fee for an operator's license shall be forty-five dollars ($45) per year. Beginning on July 1, 2014, the fee for an operator's license shall be eighty dollars ($80) for two years. Operator's licenses shall expire on June 30 of the even-numbered year. A person who applies for an operator's license after June 30 of an odd-numbered year shall pay a license fee of forty-five dollars ($45) for the remaining license period. Renewal licenses shall be obtained on or before June 30 of the even-numbered year or be subject to a late filing fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by Ord. 9367, 12-21-87; Ord. 13,565, 4-21-04; ORD-09-00166, 12-31-09; ORD-14-00025, 2-18-14)

(f) Brewers may, without license therefore, furnish fermented malt beverages free of charge to customers, visitors and employees on the brewery premises and no license fee shall be required of any such brewer, if such fermented malt beverage so furnished shall be consumed on the brewery premises and if fermented malt beverages shall not be furnished or consumed in or about any room or place where intoxicating liquors, as defined by Section 38.02, are sold. (Am. by Ord. 8896, 6-26-86)

(g) (R. by Ord. 13,565, 4-21-04)

(Sec. 38.08(4) Am. by Ord. 8940, Adopted 8-19-86, Eff. 9-1-86; ORD-09-00168, Pub. 12-31-09, Eff. 4-15-10)

38.09 INTOXICATING LIQUOR.

(1) Restrictions Applicable to Both Class A and Class B Licenses. The provisions of Sec. 38.05(3)(l), MGO, shall apply to this Subsection. (Am. by ORD-15-00125, 11-11-15)

(2) Restrictions Applicable to Class A Liquor Licenses.

(a) It shall be unlawful for any holder of a Retail Class A intoxicating liquor license to sell, vend, serve, give away or in any way deal or traffic in intoxicating liquor in any other manner than in the original package or container.

(b) Reserved for future use. (R. by Ord. 12,033, 3-2-98)

(3) Restrictions Applicable to Retail Class B Liquor Licenses.

(a) It shall be unlawful for any holder of a Class B intoxicating liquor license to sell, vend, serve, give away, or in any way deal or traffic in intoxicating liquor in any other manner than by the glass to be consumed on the premises or in the original package or container.

(b) The rules and regulations made by the State Board of Health governing sanitation in restaurants, and the rules and regulations made by the Board of Health of the City of Madison governing sanitation in taverns shall apply to all Class B liquor licenses and a violation of any or either of such rules shall be deemed a violation of this section.

(c) This subsection shall not prohibit a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest's room which is not a part of the Class B premises. Intoxicating liquor furnished under this subsection shall be furnished in original packages or

containers and stored in a cabinet or refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating liquor shall be removed from the room, when the room is not occupied and when intoxicating liquor is not being furnished under this subsection. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the intoxicating liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of the intoxicating liquor is considered to occur at the time and place that the guest pays for the intoxicating liquor. Notwithstanding Sec. 38.06(7), MGO, the guest may pay for the intoxicating liquor at any time if she or he pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this subsection shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager's or operator's license or be supervised by one of those individuals. (Cr. by Ord. 10,883, Adopted 4-5-94)

(d) This subsection shall not prohibit such beverages in additional rooms on the same premises when such rooms are open to the public for the service of meals. (Cr. by Ord. 10,883, Adopted 4-5-94)

(4) Temporary Class B Licenses.

(a) Notwithstanding Sec. 38.05(3)(f), MGO, temporary Class B licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee shall be ten dollars ($10) except that no fee may be charged to a person who at the same time applies for a temporary Class "B" license under § 38.05(9)(e), MGO, for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. The issuance and review provisions contained in Sec. 38.05(9)(e) shall govern the issuance and review of this temporary license. (Am. by Ord. 12,656, 8-10-00; ORD-15-00125, 11-11-15)

(b) Wis. Stat. § 125.51(3)(f), 125.68(3) and (5) and 125.69, do not apply to licenses issued under this subdivision.

(5) Fees.

(a) The fee for a Retail Class A liquor license shall be five hundred dollars ($500) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by ORD-09-00168, Pub. 12-31-09, Eff. 4-15-10)

1. Notwithstanding sub. (a), there is no annual fee or initial issuance fee for a "Class A" license issued under par. 2. a.

2. In this paragraph, "cider" means any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not

less than one-half (½) of one percent (1%) alcohol by volume and not more than seven percent (7%) alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider.

a. Notwithstanding Wis. Stat. § 125.68(3), upon application and public hearing, the City governing body shall grant and issue a "Class A" license to the applicant if all of the following apply:

i. The application is made for a "Class A" license containing the condition that retail sales of intoxicating liquor are limited to cider.

ii. The applicant holds a Class "A" license issued by the City for the same premises for which the "Class A" license application is made.

3. Notwithstanding sub. (a) and Wis. Stat. § 125.06(13), a person issued a "Class A" license under sub. 2. may not make retail sales, or provide taste samples, of any intoxicating liquor other than cider. Wis. Stat. § 125.51(2)(am) does not apply to a person issued a "Class A" license under sub. 2.a.

4. Notwithstanding that the State has removed the City's discretion over whether to issue licenses under sub. 2.a., no such license may be issued without complying with Chapter 38's public notice requirements, public hearing provisions and Common Council approval of said application.

(Sec. 38.09(5)(a)1.-4. Cr. by ORD-15-00125, 11-11-15)

(b) The fee for a Retail Class B liquor license shall be five hundred dollars ($500) per year. Renewal license fees shall be paid no later than 15 days prior to the date the license is to be issued or be subject to a late payment fee of 25% of the license fee, unless the fees are paid more than 30 days after the due date, in which case the late fee shall be 50% of the license fee. Payment of the late fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. (Am. by ORD-09-00168, Pub. 12-31-09, Eff. 4-15-10)

(c) The fee for a Class B permit as provided for in Section 38.09(4) hereof shall be ten dollars ($10).

(d) The fee for a reserve Class B liquor license shall be $10,000 for initial issuance except that the fee for the initial issuance of a reserve Class B license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established in Subdivision (b) for such a club or lodge. The fee established in this Subdivision is in addition to any other fee required under this chapter. The annual fee for renewal of a reserve Class B license is the fee established in Subdivision (b).

1. (Rep. by ORD-17-00056, 6-19-17)

2. (Rep. by ORD-17-00056, 6-19-17)

(e) The initial annual fee for a Class B license for a full-service restaurant or hotel as described in Section 125.51(4)(v) is $10,000. Thereafter, the annual renewal fee is $500. (Cr. by Ord. 12,142, 6-1-98)

(Sec. 38.09 Am. by Ord. 10,178, Adopted 1-8-91)

38.10 REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE.

(1) The following provision shall apply to the revocation, suspension or nonrenewal of any license issued pursuant to Chapter 38 of these Ordinances, except as provided in Secs. 38.06(11)(n)and 38.06(12)(h), MGO, notwithstanding any other provision of Chapter 38 except those providing for revocation or suspension of any license by the court. (Am. by ORD-12-00058, 5-9-12)

(a) Complaint. Except as provided in Subdivision (ag), any resident of the City may file a sworn written complaint with the City Clerk alleging one or more of the following about any person or other entity licensed pursuant to this chapter:

1. The person has violated any provision of this chapter.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.
3. The person has sold or given away any intoxicant to any underage person, or to persons intoxicated or bordering on intoxication, or to known habitual drunkards.
4. The person has failed to maintain the premises according to standards prescribed for sanitation by Public Health Madison and Dane County, or in whose premises persons are permitted to loiter for purposes of prostitution. (Am. by ORD-15-00009, 1-28-15)
5. The person has not observed and obeyed any lawful order of the Common Council or police officers of the City.
6. The person does not possess the qualifications required under this chapter to hold the license.
7. The person has been convicted of manufacturing or delivering a controlled substance under Wis. Stat. § 941.41(1); of possessing, with intent to manufacture or deliver, a controlled substance under Wis. Stat. § 941.41(1m); or of possessing, with intent to manufacture or deliver, or of manufacturing or delivering a controlled substance under a substantially similar federal law or a substantially similar law of another state. (Am. by ORD-09-000135, 10-01-09)
8. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture or deliver, or to manufacture or deliver a controlled substance.
9. The licensee has violated a condition included on its license.
10. The person has made any material false statement in any application for a license.
11. The person has failed to operate the licensed establishment in accordance with the floor plan and plan of operation submitted to the City as part of the licensing process.
12. The licensed premises has been operated in such a manner that it constitutes a public or private nuisance or that conduct on the licensed premises, including but not limited to raucous noise, has had a substantial adverse effect upon the health and safety of the immediate neighborhood.
13. The violation of any of the excise laws of this state.

(Secs. 38.10(1)(a)9. through 13. Cr. by ORD-09-00135, 10-01-09)

(Sec. 38.10(1)(a) Am. by Ord. 12,068, 3-27-98)

(ag) No violations of Section 38.04(1)(a) may be considered under this Subsection unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this Subsection. (Cr. by Ord. 12,068, 3-27-98)

(ar) Summons. Upon the filing of the complaint, the Common Council or the Alcohol License Review Committee shall issue a summons, signed by the Clerk and directed to any peace officer in the municipality. If the complaint is filed by the City Attorney, the City Clerk is authorized to and shall issue and sign a summons, on behalf of the Common Council, directed to any peace officer in the municipality. The Clerk shall notify the Common Council and the Alcohol License Review Committee of the filing of a complaint under this section by the City Attorney and the issuance of any summons pursuant to it. The summons shall command the licensee complained of to appear before the Alcohol Licensee Review Committee or a special committee designated by the Common Council on a day and time and at a place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not

be revoked or suspended. The City and the licensee may mutually agree to waive the time limits relating to the date and time of the initial hearing, except that such waiver shall not delay the initial hearing more than thirty (30) days, without the consent of the Alcohol License Review Committee. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stat. ch. 801, for service in civil actions in circuit court. (Cr. by Ord. 10,883, Adopted 4-5-94; Am. by ORD-09-00097, 6-20-09; ORD-11-00119, 9-12-11)

(b) Procedure on Hearing.

1. The Alcohol License Review Committee (hereinafter Committee) shall serve as the hearing agency for the Common Council. The Initial Appearance on the Complaint shall be before the Committee.
   a. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Committee finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.
   b. If the licensee appears as required by the summons and denies the complaint then the Committee shall appoint a three member ad hoc subcommittee, one of whom must be an alderperson, hereinafter referred to as the Hearings Subcommittee, to conduct the evidentiary hearing and to make a licensing recommendation to the Committee. The Committee shall also schedule such dates for the conduct of the evidentiary hearings as it sees fit. To the extent possible these hearings should be held in as expedient a fashion as is practicable. Whenever possible the hearing should be conducted on a single date. (Am. by ORD-16-00110, 12-14-16)
   c. Either party or any Committee member may move to hold the hearing before the full committee rather than the Hearings Subcommittee. The decision whether to grant such a motion shall be at the discretion of the Committee.
2. Conduct of Hearings.
   a. The Alcohol License Review Committee chairperson, or in the Chairperson's absence, the most senior non-alder member of the committee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stat. § 227.45, shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence. (Am. by ORD-16-00110, 12-14-16)
   b. Both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, City staff shall make the necessary arrangements, but the expense shall be borne by the requesting party. The secretary to the Committee shall mark and receive all exhibits admitted into the record.
   c. Within twenty (20) days of the completion of the hearing, the Hearings Subcommittee shall submit a report, accompanied by the complete record of the evidentiary hearings, to the Committee,

including recommended findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Hearings Subcommittee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Committee. The Committee shall determine whether the arguments shall be represented orally or in writing or both. The Committee may decide the objection only upon the record produced by the Hearings Subcommittee. The Committee may grant or deny the objection and may make any order consistent with its disposition of the objection.

d. If the Committee, after considering the Hearings Subcommittee's report, the record of the evidence and testimony and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the Committee shall within twenty (20) days of the completion of the hearing shall either return the matter to the Hearings Subcommittee for further evidentiary hearings as specified by the Committee or the Committee shall either issue its own findings and recommendations, or adopt or amend the Subcommittee's report and forward such report to the Common Council. Such report shall include findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be represented orally or in writing or both.

If the Common Council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to the report recommending suspension or revocation, the license shall be suspended for not less than three (3) days nor more than ninety (90) days or revoked, except that, if a complaint under Subdivision (a)6., above, is found to be true with respect to a license issued under Wis. Stat. § 125.51(4)(v), the license shall be revoked.

If the Common Council rejects or modifies the report, the Common Council shall adopt appropriate findings of fact and conclusions of law. If the recommendation of the Alcohol License Review Committee is based upon a stipulation of the parties, the Common Council may accept or reject the recommendation by a simple majority vote. If the Common Council rejects the recommendation, the matter shall be referred back to the Committee for a full fact-finding hearing. If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the Common Council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the Common Council.

The decision of the Common Council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the City the actual cost of the proceedings.

(Sec. 38.10(1)(b)2. Am. by Ord. 12,068, 3-27-98)

3. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

4. If the Common Council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Common Council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Common Council or committee may require the complainant to provide security for such costs before issuing the summons under Section 38.10(1)(ar). (Am. by Ord. 10,883, Adopted 4-5-94)

(Sec. 38.10(1)(b) R. & Re-Cr. by Ord. 9242, 8-14-87; Am. by ORD-11-00119, 9-12-11)

(c) Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the City Clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation. (Cr. by Ord. 9242, 8-14-87)

(d) Judicial Review. The action of the Common Council in granting or failing to grant, suspending or revoking any license, or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the Common Council in the manner provided in Wis. Stat. ch. 801, for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The Common Council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals. (Cr. by Ord. 9242, 8-14-87)

(e) Nonrenewal of License. The City Attorney may, after investigation, commence an action before the Alcohol License and Review Committee to hear evidence and make a recommendation to the Common Council that a license issued pursuant to this chapter not be renewed. The Chairperson shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (a) and (b) shall apply. The commencement of this action shall stay action by the Common Council on the licensee's application until the Committee makes its recommendation, notwithstanding Sec. 38.05(11). (Renumbered from (c) to (e) by Ord. 9242, 8-14-87)

(f) Unused Licenses. Notwithstanding Sec. 38.10, MGO, the City may revoke, suspend or refuse to renew a license authorized under this Chapter that has not been issued by the City Clerk or a license that has been issued by the City Clerk but

the licensed premise for which it has been issued has not been open for business for a period of at least fifteen (15) consecutive days, pursuant to the procedures in Wis. Stat. § 125.12. Prior to the time for renewal of the license, the City Clerk on behalf of the Alcohol License Review Committee, shall notify the licensee in writing of the City's intention not to renew the license and the Alcohol License Review Committee shall provide the licensee with the opportunity for a hearing. The notice shall state the reasons for the intended action. The Alcohol License Review Committee shall be authorized to issue the notice under this subsection. The hearing shall be conducted as provided in Wis. Stat. § 125.12(2)(b), and judicial review shall be as provided in Wis. Stat. § 125.12(2)(d). The hearing shall be held before the Alcohol License Review Committee and the Committee shall make a report and recommendation as provided in Wis. Stat. § 125.12(2)(b)3, and the Common Council shall follow the procedure specified under that subdivision in making its determination. Any license revoked under this paragraph shall be immediately eligible for reissue to a qualified new applicant subject to the standard application process and Alcohol License Review Committee and Common Council approval. A license revoked under this paragraph is exempt from the posting requirements in Sec. 38.10(1)(h). (Cr. by ORD-08-00137, 12-23-08; Am. by ORD-09-00134, 10-01-09; ORD-09-00147, 11-6-09; ORD-13-00057, 4-24-13)

(g) Other Provisions.

Any license issued pursuant to Chapter 38 of the Madison General Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Madison by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee. (Renum. from (d) to (f) by Ord. 9242, 8-14-87; Am. and Renum. from (f) to (g) by ORD-08-00137, 12-23-08)

(h) Display of Sign. When a license is suspended, revoked or nonrenewed under this section, the licensee shall post at each entrance to the licensed premise, a sign or signs, obtained from the City Clerk, that inform the public that the establishment has been closed as a result of a license suspension, revocation or nonrenewal. A licensee who fails to post or maintain a sign in a manner consistent with the requirements of this subdivision shall be subject to a forfeiture of not less than one hundred dollars ($100) nor more than ($200) per day, for each day of violation. (Cr. by ORD-10-00008, 2-4-10)

(2) Search Warrants.

(a) When complaint shall be made to the judge of the Circuit Court that alcohol beverages are being sold or kept for sale in any particular building or premises in the City of Madison in violation of this section, said judge, if s/he be satisfied that there is reasonable cause for such belief, shall issue her/his warrant to search for such alcohol beverage.

(b) Such warrants shall be directed to any police officer of the City of Madison commanding such officer to search the building or premises designated and described therein, and to bring before the said judge of the County Court any such alcohol beverages, found being kept, sold, or kept for sale in violation of the provisions of this section, and the person in whose possession the same are found.

(c) When any officer, in the execution of a search warrant shall seize any alcohol beverages for which a search is authorized by this subsection, all such property or things shall be safely kept by the direction of the court so long as shall be necessary

for the purpose of being produced as evidence on any trial and as soon as may be afterward returned to the owner, destroyed, or otherwise disposed of as the judge of said court may direct.

(Am. by ORD-09-00169, 12-31-09)

(3) Exceptions.

(a) No license shall be required for the use of intoxicating liquor in hospitals or in bona fide institutions for the aged and infirm where such liquor is used for medicinal, mechanical, or scientific purposes only, or for one licensed to practice surgery or medicine in using alcohol in any form in the bona fide treatment of the sick or in using or prescribing such alcohol for such bona fide treatment.

(b) No provision of this chapter shall apply to alcohol intended for use and used in the manufacture and sale of any of the following when unfit for beverage purposes, namely:

1. Denatured alcohol produced and used pursuant to acts of Congress and regulations promulgated thereunder;
2. Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;
3. Flavoring extracts, syrups, and food products;
4. Scientific chemical, mechanical and industrial products.

(c) Any person who shall knowingly sell any of the products enumerated in the preceding subdivision for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which she or he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be guilty of a violation of this section. (Am. by ORD-14-00012, 1-14-14)

(d) Nothing in this section shall be construed to prevent any person from manufacturing wine or beer of any alcoholic content at her or his home or place of residence to be consumed by herself/himself, her/his family, and guests without compensation. (Am. by ORD-14-00012, 1-14-14)

(4) Alcohol Beverage License Demerit Point System.

(a) Purpose. The purpose of this subsection is to provide an alcohol license demerit point system as a nonexclusive method of identifying habitually troublesome liquor licensees who repeatedly violate state statutes and/or the Madison General Ordinances ("MGO") and to take consistent action against such licensees. The number of demerit points is assigned according to the type of violation. This point system shall serve as a guide to the Alcohol License Review Committee ("Committee") in determining when suspension and/or revocation of a liquor license is warranted.

(b) The City uses a system of progressive discipline when dealing with law violations and disorderly house issues associated with liquor license establishments. When an establishment has issues which pose an immediate and substantial risk to the health, safety and welfare of the immediate neighborhood and/or community, the progressive discipline system may not be utilized because of the need to take more immediate action. The goal of the City in dealing with law violations and operational issues associated with licensed establishments is first and foremost to abate the issues and the City attempts to do this through a series of efforts. The first step is informal counseling by the Madison Police Department and/or the City Attorney's Office. If issues continue, an ALERT ("Alcohol License Emergency Response Team) meeting will be scheduled. The goal of the ALERT meeting is to efficiently and proactively resolve problems and issues in an informal setting before the problems and issues become chronic. The informal counseling and the ALERT meeting do not preclude prosecution in court for alcohol code violations nor does it preclude the Committee from assessing demerit points for violations for which a licensee has been convicted. If problems and issues become chronic, the

City will evaluate the situation and determine the most appropriate disciplinary action which may include imposition of a Chief of Police Security Plan, separation of a license at renewal for placement of conditions, and/or suspension or revocation.

(c) Demerit Point System. Use of the following demerit point schedule by the City is not an exclusive remedy and does not preclude the City from seeking other remedies, including immediate suspension, revocation or nonrenewal of a license pursuant to Chapter 38, MGO. The City may seek such suspension, revocation or nonrenewal notwithstanding the fact that the licensee has accumulated less than one hundred (100) demerit points.

Ordinance Section Number	Type of Violation	Point Value
24.04(2)	Unreasonable Noise	5
38.04(2)(a-d)	Traffic to Underage Person	25
38.04(3)(b)1.	Permit Underage Person on Premise	10
38.04(1)(a)2.	Traffic to Intoxicated Person	25
38.04(1)(a)3.	Permit Intoxicated Person On Premise	10
38.04(2)(a)9.	No Alcohol Night Violations (Underage)	25
38.05(1)	Failure to be Licensed	100
38.05(3)(a)1.	Altering Premises or Changing Location without Permission	50
38.05(3)(a)11.; 38.13(1)(a)	False Statement on Application (Class B)	200
38.05(5)(a-f)	Corporation and Agent Responsibility Violations	20
38.05(7)	Failure to Frame and Post License	10
38.05(9)	Failure to Maintain Wisconsin Residency (Class A)	20
38.05(9)(d)7.	Conducting Unlawful Business	50
38.05(10)	Failure to Permit Inspection of Licensed Premises and/or Financial Audit	50
38.05(12)	Catering Service Violations	25
38.06(2)	No Licensed Bartender	50
38.06(6)(a), (7)(a)	Sell or Dispense After Hours	50
38.06(6)(a), (7)(b)	Open After Hours	50
38.06(6)(b), (7)(d)	Regulation of Closed Retail Space	50
38.06(6)(e), (7)(g)	No Carryout After Hours	25
38.06(6)(f)	On-premise Consumption - Class A	20
38.06(7)(h)	After Hours Consumption - Class B	50
38.06(8)	Intoxicated Employee or Licensee	50
38.07(3)	Delivery Violations	25
38.07(5)	Permit or Fail to Prevent Patron Leaving with Open Container	10
38.07(6)	Sell or Serve on Public Street	25
38.07(8)	Unlawful Sale Device (Amplification)	10
38.07(11)	Gambling	10
38.07(12)	Illegal Postering	10
38.07(13)	Violate Chief's Security Plan	50
38.07(17)	Failure to Comply with Lawful Order of MPD, MFD or Building Inspection	100
38.07(18)	Failure to Purchase From Licensed Wholesaler	50

Ordinance Section Number	Type of Violation	Point Value
38.07(20)	Failure to Meet Restaurant Condition	25
38.07(21)	Exceeding Lawful Occupancy Exceeding Lawful Occupancy by more than 30%	25 50
38.08(2)	Wholesalers Restrictions	25
38.08(3)(a)	One Room Only and Booths	25
38.10	Failure to Comply with any Condition Imposed as Part of License Suspension, Revocation or Nonrenewal Action	100
38.11	Violation of Adult Entertainment Tavern Ordinance	25
38.13(1)(a)	Violation of License Condition other than Restaurant Status	25
Chapter 39, MGO	Ordinance Violation for Public Accommodation Violation	100
Chapter 34, MGO	Fire Code Violations Dealing with Health, Safety or Welfare	50
Chapter 29, MGO	Building Code Violations Dealing with Health, Safety or Welfare	50
Chapter 7, MGO	Health Code Violations—Critical	25
Chapter 39, MGO	Commission Finding of Public Accommodation Discrimination	100
Chapter 39, MGO	Failure to Comply with Lawful Order of the EOC	100
	Any Other Non-enumerated Violations of Chapter 38, MGO	25
	Penalty Enhancer For Severe Offenses Enhanced penalty for conduct which: 1. Results in bodily harm to any individual; 2. Creates a substantial risk of death or serious bodily harm; 3. Involves the use of a firearm or other dangerous weapon; or 4. Demonstrates an ongoing disregard for the requirements of state law and municipal ordinances.	100

(d) Calculating Violations.

1. In determining the accumulated demerit points against a licensee, the points shall be counted within a twelve-(12) month period. The date of the violation shall be used as the basis for assigning demerit points. For violations continuing for more than one calendar day, each day shall constitute a separate violation. Points shall be assigned only after conviction in a court of law for such violations.
2. Demerit points may not be assessed for multiple ordinance and/or statute violations resulting from a single incident. For violations that are contrary to more than one ordinance section or statute, penalty shall be based only upon the ordinance or statute violation that carries the higher demerit point assessment.
3. Demerit points shall be assessed after entry of a judgment of conviction in a federal, state or municipal court for violation of any statute or ordinance provision listed under the types of violations in Section 38.10(1)(b), above. The Committee may take notice of any such conviction without the need for further evidence to establish the violation.

(e) Suspension and Revocation of License. The City Attorney's office shall notify the Committee of any conviction for violations which may result in the assessment of demerit points against any licensee. The Committee shall have the discretion under the demerit point system to suspend or revoke the liquor license of any licensee based upon a notice of conviction without holding an evidentiary hearing to

further establish the underlying violations. Prior to suspension or revocation the Committee shall give the licensee at least ten (10) days written notice of its intent to suspend or revoke and the licensee's opportunity for a hearing before the ALRC Hearing Subcommittee. The notice shall include the conviction report and demerit points the Committee has assessed based upon the conviction report. The licensee shall have twenty (20) days from the date of the Notice to file a request for a hearing. If the licensee fails to timely file a hearing request, the Committee may take the underlying charges in the conviction report as true and suspend or revoke the license. Notice of the suspension or revocation shall be provided to the licensee within five (5) days of the determination. If a hearing is timely requested, a hearing shall be held within ten (10) days of the request before the ALRC Hearing Subcommittee. If the Committee chooses to have an evidentiary hearing based upon the conviction report, the Subcommittee shall use the hearing procedure found in Section 38.10(1)(b)2., MGO.

1. The Committee shall use (1) through (3) below as a guide to determine the appropriate sanction for the license holder who has accumulated demerit point violations:

   a. For demerit points totaling fifty (50) to one hundred fifty (150) within a twelve- (12) month period, the Committee may mail a notice by First Class Mail to the licensee commanding licensee to appear before the Committee for a Formal Expression of Concern. In the alternative, the Committee may issue a formal written warning to the licensee of the consequences of additional violations. The warning letter shall be signed by the Committee Chairperson.

      i. If the licensee appears for the Formal Expression of Concern, no discussion of the alleged facts may be permitted unless the licensee requests such discussion and only after the licensee has been advised that any statements made by him or her and/or his or her representatives regarding the alleged underlying facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the Formal Expression of Concern.

      ii. The Notice shall be mailed via First Class Mail to the licensee if an individual, any partner if the licensee is a partnership or to the liquor/beer agent if the licensee is a corporation. If the notice is returned as "undeliverable", the notice may be left with any employee found on the licensed establishment at least twenty-four (24) hours before the date and time for the scheduled appearance before the Committee.

      iii. If the licensee appears for the Formal Expression of Concern, the Committee shall have the discretion to not assess points for the alleged violations that triggered the Formal Expression of Concern, up to one hundred (100) points. Waiver of a demerit point assessment may only occur once within a one year period.

      iv. If the licensee fails to appear for the Formal Expression of Concern, the matter shall be scheduled for a suspension/ revocation hearing.

b. For demerit points totaling one hundred fifty (150) to two hundred fifty (250) within a twelve- (12) month period, suspension of the license for a period of not less than ten (10) days nor more than ninety (90) days.

c. For demerit points totaling two hundred fifty (250) or more within an 18-month period, revocation of the license. Whenever any license is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation and no other license shall be granted to the same premises for a period of six (6) months from the date of revocation.

Any suspension or revocation recommendation by the ALRC Hearing Subcommittee pursuant to this subsection shall be forwarded to the Committee and the Committee's recommendation shall then be forwarded to the Common Council.

2. The Committee shall have the discretion to reduce a demerit point assessment in circumstances where the licensee has cooperated with the City in addressing the violations associated with his or her establishment. Evidence of such cooperation includes, but is not limited to:

a. Licensee and all staff attending Tavern Safety Training.

b. Participating in a responsible retailer training or other program/ initiative that evidences an intent to be a responsible liquor establishment.

3. Judicial Review. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within twenty (20) days after the date of the final determination.

(f) Demerit Points and License Renewal. The City Attorney's Office shall forward a report to the Committee by March 1 of each year listing all licensees who have received demerit points in the current licensing year. The report will include the liquor/beer agent's name, the name of the licensed establishment, a list of the point violations by title and the point value of each violation, and whether there had been an ALERT meeting during the current licensing year. The Committee shall evaluate this report to determine whether an application for a renewal alcohol beverage license should be separated out for the following potential actions:

1. Nonrenewal hearing;
2. Placement of conditions;
3. Expression of concern.

If a license is separated for nonrenewal, the procedure set forth in Sec. 38.10(1)(e), MGO shall be followed.

(g) Scope. Nothing in this section shall be construed to conflict with, abridge or modify, the rights or procedures established for revocation or suspension of licenses in W.S.A. § 125.12. Notwithstanding the requirements of this section, the Alcohol License Review Committee may require the appearance before it of any licensee at any time.

(h) Transfer or Sale of Licensed Business. Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:

1. The new licensee is related to the former licensee by blood, adoption or marriage;
2. The new licensee held a business interest in the previous licensed business, real estate or equipment;

3. The former licensee or an individual related to the former licensee by blood, adoption or marriage retains an interest in the business, real estate or equipment used by the business;
4. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in this subsection.

(Sec. 38.10 R. & Rec. by ORD-13-00202, 12-10-13)

38.11 ADULT ENTERTAINMENT TAVERN LICENSE.

(1) License Require, Application.

(a) License.

No establishment licensed to sell alcohol beverages pursuant to these ordinances shall be operated or conducted as an adult entertainment tavern as defined in Section 28.211 without an adult entertainment tavern license. (Am. by ORD-12-00134, 1-2-13)

(b) Application.

1. Application for an adult entertainment tavern license shall be filed with the City Clerk following the procedures set forth in Sec. 9.05(3), MGO.
2. Public Hearing.

Applications shall be referred to the ALRC for a public hearing in accordance with Sections 38.05(3)(b), (c), (d), (e), (g) and (h), MGO. The recommendation of the committee shall be based upon information presented at the public hearing and contained in the application and accompanying documents. The ALRC shall consider the factors set forth in Sec. 9.05(4), MGO, in making its recommendation.

(Am. by ORD-17-00009, 2-20-17)

(2) The City Clerk shall issue an adult entertainment tavern license to any holder of a license to sell alcohol beverages pursuant to these ordinances upon recommendation by the Alcohol License Review Committee to grant the license, a determination by the Clerk that the applicant meets the standards set forth in Sec. 9.05 and payment of the appropriate license fee in Sec. 9.05. (Am. by Ord. 13,601, 5-11-04; ORD-05-00096, 5-24-05)

(3) The license holder shall comply with the following conditions on the license:

(a) No nude or seminude entertainer or employee shall be visible from outside the licensed premises.

(b) There shall be a sign that conforms with Chapter 31 (Sign Control Ordinance) of these ordinances at the entrance to the premises advising potential patrons of the nature of the entertainment or employment practices of the establishment so far as they relate to nudity.

(c) There shall be no photograph or other visual representation depicting or displaying the genitals, pubic area, buttocks, or anus of any person or the vulva or breasts below the top of the areola of a female or of any activity contained in Subdivisions (f) and (g) hereof visible from outside the tavern.

(d) No employee of the tavern shall in any manner orally encourage or solicit any other person to come into the tavern on the basis of the entertainment or service policies of the tavern.

(e) The adult entertainment tavern license shall be prominently displayed along with the license to sell fermented malt beverages.

(f) No patron shall be permitted to touch the sexual or genital parts as defined in Sec. 9.33(2)(b) of these ordinances of any employee or of any entertainer in the establishment.

(g) No entertainer or employee shall perform acts of or acts which simulate erotic touching, sexual intercourse, masturbation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, flagellation, or any sexual acts which are prohibited by Wis. Statutes.

(h) Advertisements in any public media shall be limited to the name and address of the establishment and the words "Adult Entertainment."

(4) Any license holder who shall violate the terms of this section shall be subject to the forfeiture provisions of Sec. 9.05(15) and in addition thereto, a violation may be grounds for suspension or revocation of the alcohol beverages licenses pursuant to Sec. 38.10 of these ordinances. (Am. by Ord. 10,872, 3-31-94)

(5) Severability. The provisions of these regulations are severable. If any provision hereof or the application thereof to any person or circumstances, is held invalid, the other provisions of these regulations to other persons or circumstances shall not be affected thereby. It is declared to be the intent of these regulations that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Sec. 38.11 Am. by Ord. 12,826, 6-6-01)

38.12 HABITUALLY INTOXICATED PERSONS.

(1) Declaration of Policy. Wis. Stat. § 125.12(2)3. provides procedures for the suspension, revocation or nonrenewal of a retail alcohol beverage license, when the licensee "has sold or given away alcohol beverages to known habitual drunkards." A person who is habitually intoxicated may lack self -control as to the use of alcohol beverages and use such beverages to the extent that their health is substantially impaired or endangered and their social or economic functioning is substantially disrupted. Such conduct is dangerous to the individual and to others. It is in the interest of the health, welfare and safety of the residents of the City of Madison to prohibit the harmful conduct of habitually intoxicated persons, and it is a reasonable exercise of the City's police powers to enforce those provisions of state law that prohibit a retailer from selling alcohol beverages to these habitually intoxicated persons. (Am. by ORD-17-00030, 3-8-17)

(2) Definition of a Known Habitually Intoxicated Person. A Known Habitually Intoxicated Person is a person who, within the past one hundred eighty (180) days:

(a) Has been convicted of six (6) or more civil or criminal offenses, in which the police reports or other evidence indicate that the police officer who made the arrest determined, based upon the training and experience of the officer, that the person was under the influence of alcohol at the time of the commission of the offense, or

(b) Has been transported and admitted six (6) or more times to an approved public treatment facility under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment, or

(c) Has been subject to any combination of arrests and convictions under sub. (1) and admissions to an approved public alcohol treatment facility under sub. (2), that equals or exceeds six (6) times.

(d) Where a person from the same incident has been both convicted of a civil or criminal offense, as defined in sub. a., and has been admitted to an approved public alcohol treatment facility under sub. b., both the arrest and the admission may be counted separately for the calculation provided in sub c.

(e) A person may voluntarily request that their name be added to the list of Known Habitually Intoxicated Persons. Such a request shall be made in writing and shall be submitted to the Madison Police Department.

(3) Maintenance of List.

(a) The Madison Police Department shall maintain a list of Known Habitually Intoxicated Persons and shall, in its judgment, determine the format and content of the list. The Department shall periodically review the format of the list. Whenever the Department determines that a person meets the definition of a

Known Habitually Intoxicated Person, as provided in sub. (2), the Department shall cause the name of that person to be placed on said list, as provided in this Section, along with a photograph of the person, which reasonably represents the likeness of the person.

(b) Petition for Removal. If one hundred and eighty (180) days have passed from the time the name of a person has been placed on the list, and the person has not either been convicted of an offense under sub. (2)(a), or has not been admitted to an approved public alcohol treatment facility during that one hundred eighty (180) day period, that person may petition the Madison Police Department to remove their name from the list, pursuant to this Section, by filing a written request with the City Clerk, stating that they qualify for removal from the list. Upon verification that within the past one hundred eighty (180) days the person has not either been convicted of an offense under sub. (2)(a), or has not been admitted to an approved public alcohol treatment facility during that one hundred eighty (180) day period, the Madison Police Department shall remove the name of the person from the list.

(c) Removal by Police Department. On or about January 1 of each year, the Madison Police Department shall review the list of Known Habitually Intoxicated Persons and shall remove the names of all persons who during the prior six (6) months, has not been convicted of an offense under sub. (2)(a) and who has not been transmitted to an approved public alcohol treatment facility by the Department. (Am. by ORD-13-00072, 5-14-13)

(4) Notice. When the Madison Police Department determines that a person meets the definition of a Known Habitually Intoxicated Person, the Department shall provide the person with a written notice, prepared by the Department, that their name will be placed on the list of Known Habitually Intoxicated Persons. The notice shall inform the person of their right to appeal the determination of the Department as provided in sub. (5). The Department shall keep a record of the date and time that the person was provided with such written notice.

(5) Appeals.

(a) A person who has been informed in writing by the Madison Police Department that their name will be placed on the list of Known Habitually Intoxicated Persons, may appeal the determination of the Department by filing a written objection with the City Clerk within 5 (five) business days of receiving the notice from the Department. The content of an appeal shall be liberally construed so that, as long as the person appealing provides timely written notice that states that he or she objects to being placed on the list of Known Habitually Intoxicated Persons, the appeal shall be deemed to be in proper form.

(b) Hearing Examiner. The Chair of the Alcohol License Review Committee, or his or her designee, shall serve as Hearing Examiner for Appeals under this Section, and shall have the authority to conduct hearings upon the filing of a written objection as provided under sub. (5)(a).

(c) Authority of Hearing Examiner. The hearing examiner shall have the authority to administer oaths and shall be responsible for the fair, orderly and impartial conduct of the hearing and the preservation of the exhibits and record therein.

(d) Procedure. All proceedings and testimony shall be recorded on tape. A copy of the tape recordings shall be supplied to anyone requesting the same at the requester's expense. If either party requests a stenographic recording and transcription, the hearing examiner shall make the necessary arrangements, but the expense shall be borne by the requesting party.

(e) Standard of Proof. In the hearing, the Madison Police Department shall have the burden of proving to a reasonable certainty by the greater weight of the credible evidence, i.e. by the preponderance of the evidence, that the person has been

convicted of six (6) or more civil or criminal offenses, where the police reports or other evidence indicate that the person was under the influence of alcohol at the time of the commission of the offense; or that the person has been transported and admitted six (6) or more times to an approved public treatment facility under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment; or has been subject to any combination of convictions and admissions that equals or exceeds six (6) times. If after the hearing, the hearing examiner finds that there is not a preponderance of evidence of any combination of six (6) convictions or admissions, as provided in sub. (2), the hearing examiner shall enter an order granting the appeal and the Department shall remove the person's name from the list of Known Habitually Intoxicated Persons. If after the hearing, the hearing examiner finds that there is a preponderance of the evidence that the person has been subject to any combination of six (6) or more convictions or admissions, the hearing examiner shall deny the appeal and the Department shall retain the person's name on the list of Known Habitually Intoxicated Persons.

(f) Finality of Appeal. All orders of the Hearing Examiner shall be final administrative determinations and shall be subject to review in court as by law may be provided. Any party to the proceeding may seek review thereof within thirty (30) days of service by mail of the final determination of the Hearing Examiner. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding before the Hearing Examiner, with said notice to be sent by first class mail to each party's last known address. The institution of the proceeding for judicial review shall not stay the decision and order of the Hearing Examiner; however, the reviewing court may order a stay upon such terms as it deems proper.

(6) Distribution of List. The Alcohol Policy Administrator shall distribute the list of Known Habitually Intoxicated Persons to each retail Class "A" or "Class A" alcohol beverage licensee in the City on a semi-annual basis. If the position of Alcohol Policy Administrator is vacant, the Mayor shall designate a member of the Mayor's staff to distribute the list under this subsection. (Am. by ORD-13-00072, 5-14-13; ORD-15-00116, 10-28-15)

(7) Retailers Prohibited. It shall be unlawful for any Class "A" or "Class A" retail establishment or any person employed by a Class "A" or "Class A" retail establishment, to sell, dispense or give away alcohol beverages to a person whose name and photograph appears on the list of Known Habitually Intoxicated Persons. If the Alcohol Policy Administrator has provided a copy of the most current list to the licensee, at the address of the licensee as listed by the Madison City Clerk, it shall not be a defense that the licensee did not have a copy of the most current list. (Am. by ORD-15-00116, 10-28-15)

(a) If a licensee has no prior convictions for violations of sub (7), and has not previously received a warning, the Madison Police Department shall formally warn the licensee that any future violations will result in issuance of a citation. The Madison Police Department shall be responsible for maintaining a list of those licensees who have received warnings under this subsection.

(8) Nothing in this section shall be construed to limit a licensee's or permitee's duties under Sec. 38.04(1), MGO.

(9) Review. The Alcohol License Review Committee shall annually review Section 32.12 to determine the efficacy of the Section in deterring alcohol consumption by habitually intoxicated persons.

(10) Sunset. Section 32.12 shall expire on July 13, 2015, unless extended by the Common Council prior to the expiration date. (Am. by ORD-13-00072, 5-14-13)

(New Sec. 38.12 Cr. by ORD-10-00065, 7-13-10)

38.13 ENFORCEMENT.

(1) Penalty.

(a) Any person violating any provision of this chapter or any condition included on a license application or on the license itself or who provides any false or inaccurate information on a written application shall be subject to a penalty of not more than one thousand dollars ($1,000), unless a greater maximum penalty is specifically provided for in this chapter, except that where a lower maximum penalty shall be provided by Chapter 125 of the Wisconsin Statutes for any specific offense such maximum penalty shall prevail for the same offense committed in violation of this ordinance. (Am. by Ord. 10,178, Adopted 1-8-91)

(b) Nothing in this subsection shall in any way diminish the authority of the Common Council to suspend, revoke or nonrenew any license issued pursuant to this chapter for any violation of this chapter or grounds enumerated in section 38.10, Madison General Ordinances. (Am. by Ord. 8894, 6-12-86)

(c) When a license is held in the name of a partnership, corporation, limited liability company, association or the owner of a single owner entity that is disregarded as a separate entity under Wis. Stat. ch. 71m, the City may also jointly cite or bring an action against the registered agent of the license holder. (Cr. by ORD-10-00044, 5-12-10)

(Am. by Ord. 8643, 8-2-85; Renum. Sec. 38.12 to Sec. 38.13 by ORD-10-00065, 7-13-10)

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CHAPTER 39

DEPARTMENT OF CIVIL RIGHTS

Cr. By ORD-06-00078, 6-30-06

Section

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39.01 DIRECTOR OF THE DEPARTMENT OF CIVIL RIGHTS.

(1) Mission of the Department of Civil Rights. There is hereby created a Department of Civil Rights that shall be managed and directed by a Department Director. The Department of Civil Rights is responsible for management, development and implementation of Chapter 39 of the Madison General Ordinances. The Department of Civil Rights is responsible for ensuring that the rights of all people are respected and that all persons are given the equal opportunities to succeed based upon their personal merits. To this end, the Department of Civil Rights is created to vigorously pursue the policies and principles embodied in this Chapter both within the City as an employer and within the City as a community of people who respect the rights and the contributions of every community member.

(2) Director of the Department of Civil Rights.

(a) The position of the Director of the Department of Civil Rights as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The Mayor shall consider the recommendation of the Disability Rights Commission, the Equal Opportunities Commission and the Affirmative Action Commission in the selection of the Director. The Director shall be a person who possesses demonstrated experience in the promotion of civil rights, equal opportunities and affirmative action for all persons. The Director shall perform duties and exercise authority in accordance with City Ordinances, State and Federal statutes together with such additional duties as the Mayor and/or Common Council may from time to time prescribe. The Equal Opportunity Division Head, the Affirmative Action Division Manager and the Disability Rights and Services Program Coordinator are to perform any duties assigned by these ordinances under supervision, direction and control of the Director of the Department of Civil Rights. The Director of Civil Rights shall have the overall responsibility and authority for implementing and promoting Chapter 39 of the Madison General Ordinances. (Am. by ORD-14-00173, 12-10-14; ORD-15-00086, 8-12-15)

(3) Equal Opportunity Division Head. There is hereby created a Division of Equal Opportunities that shall be managed and directed by a Division Head. The Equal Opportunities Division Head shall report to, be supervised by and perform the duties of his/ her office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of Sec. 39.03, MGO, the Madison Equal Opportunities Ordinance. The Director of the Department of Civil Rights may designate the Equal Opportunities Division Head as an ex officio non-voting member of the Madison Equal Opportunities Commission. The Division Head shall have a background demonstrative of

a commitment to the policies set forth in Sec. 39.03, MGO, the Madison Equal Opportunities Ordinance. In performing his/her duties the Division Head may delegate his/her authority to a subordinate employee within the division.

(4) Affirmative Action Division Manager. There is hereby created a Division of Affirmative Action that shall be managed and directed by a Division Manager. The Affirmative Action Division Manager shall report to, be supervised by and perform the duties of his/ her office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of Sec. 39.02, MGO, the City's Affirmative Action Ordinance. The Director of the Department of Civil Rights may designate the Affirmative Action Division Manager to serve as an ex officio non-voting member of the Affirmative Action Commission. The Division Manager shall have a background of demonstrated commitment to the policies embodied in this ordinance. In performing his/her duties the Division Manager may delegate his/ her authority to a subordinate employee within the division. (Am. by ORD-12-00041, 4-19-12)

(5) Disability Rights and Services Program Coordinator. There is hereby created the position of Disability Rights and Services Program Coordinator who shall work under the supervision of the Director of the Department of Civil Rights. This person shall assist the Director of the Department of Civil Rights in carrying out his/her responsibilities under Sec. 39.05, MGO, shall serve as staff to the Disability Rights Commission, and shall perform such other duties as the Director of the Department of Civil Rights may direct. (Am. by ORD-15-00086, 8-12-15)

39.02 AFFIRMATIVE ACTION ORDINANCE.

(1) Declaration of Policy. It is the official policy of the City of Madison to provide equal employment and promotional opportunities and equal access to public services for all persons from all segments of the Madison community without regard to their race, religion, color, age, marital status, disability, sex, national origin, sexual orientation or gender identity, hereinafter referred to as affected or under-represented groups. The Council finds that the practice of unfair discrimination in access to public services, employment and contracting adversely affects the general welfare of the City. Because such practices have existed throughout Madison's history, the mere passive prohibition of discriminatory practices is not sufficient to effectuate this principle of equal opportunity in contracting, employment and promotional opportunity and equal access to public services. Affirmative and direct action is required to make equal employment, access to public service, and promotional opportunities a reality and correct the effects of past patterns of inequality.

To implement this policy, therefore, the City of Madison hereby adopts this Affirmative Action Ordinance designed to increase the number and representation of affected and/or other under-represented groups, in all departments, job classifications and salary categories throughout the City employment. All City of Madison agencies shall adhere to principles of equal opportunity in service delivery. The City of Madison in developing its Affirmative Action Program shall require similar efforts from vendors, contractors and firms with which it does business. The Council finds that it is not in the public interest for the City to purchase goods and services from vendors and contractors unless they demonstrate that they have taken affirmative action to ensure equal employment and sub-contracting opportunities. Nothing in this ordinance is intended to alter or impair the City's or contractors' obligation to comply with Section 39.03 of these ordinances.

It is also the official policy of the City of Madison that as an overall goal, ten percent (10%) of the City's public works funds shall be expended with certified small business enterprises. The term "certified small business enterprises" is defined in the City's

small business enterprise program, as approved by the Common Council. The Council finds that this policy will stimulate economic growth, promote the establishment of new businesses and provide employment opportunities.

In addition, when the City expends funds provided to it by federal agencies, the City shall require that contractors comply with applicable federal regulations governing the participation of minority business enterprises, women business enterprises and disadvantaged business enterprises.

(Sec. 3.58(1) Am. by Ord. 11,929, 9-12-97; Ord. 13,104, 7-6-02; ORD-13-00149, 9-11-13)

(2) Affirmative Action Division. There is hereby created a Division of Affirmative Action within the Department of Civil Rights. The Division of Affirmative Action shall be managed and directed by a an Affirmative Action Division Manager as that position is established and set forth in Sec. 39.01(4), MGO, who shall have responsibility and authority for the development and implementation of the City's Affirmative Action Program. (Am. by ORD-06-00078, 6-30-06)

(3) Affirmative Action Commission.

(a) Composition. The Mayor, subject to confirmation by the Common Council, shall appoint an Affirmative Action Commission consisting of eleven (11) members, one of whom shall be an alderperson. One member shall be designated chairperson by the members of the Commission. Members shall be appointed from the entire City, and at no time shall the total of women, persons with disabilities, and ethnic minority members constitute less than a majority. All of the members shall be committed to the extension of equal employment opportunities and shall be representative of the affected and/or under-represented groups of the Madison community. They shall receive no compensation for their services. The Director of the Department of Civil Rights may appoint the Affirmative Action Division Manager to serve as an ex officio nonvoting member of this Commission. The Commission shall make its own rules and regulations for the carrying out of its duties. (Am. by ORD-05-00203, 1-3-06; Ord-06-00078, 6-30-06; ORD-07-00103, 9-22-07)

(b) The Commission members shall be appointed for terms of three (3) years and their terms shall run until their successors are confirmed. (Am. by Ord. 11,904, 7-29-97; ORD-09-00140, 10-22-09)

(c) The Affirmative Action Commission shall have the following duties:

1. To annually review, approve and recommend the Citywide Affirmative Action goals and timetables as proposed by the Affirmative Action Division Manager. (Am. by Ord-06-00078, 6-30-06)
2. To advise affected and/or other under-represented groups of their rights under the Affirmative Action Program.
3. To disseminate information and to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected and/or other under-represented groups.
4. To render from time to time, but not less than once a year, written reports of its progress, activities and recommendations to the Mayor and Common Council.
5. To recommend and review such rules and regulations as may be necessary to promulgate the City's Affirmative Action Program.
6. To develop and review the contract compliance requirements of the City of Madison and to develop a policy with respect to vendors and contractors.
7. To make specific recommendations to the Common Council so as to bring all appropriate ordinances into conformity with the policies of this ordinance if necessary.
8. To provide administrative review of decisions of the Affirmative Action Division Manager to grant, deny or revoke certifications as a Minority

Business Enterprise (MBE), Women Business Enterprise (WBE), or Disadvantaged Business Enterprise (DBE) as these are defined in Sec. 39.02(9)(a)9.-11. of these ordinances and in the City of Madison Disadvantaged Business Enterprise/Minority Business Enterprise Program as approved by the Common Council; and a Small Business Enterprise (SBE) as defined in the Small Business Enterprise Program approved by the Common Council. The Commission shall adopt procedural rules for the conduct of such appeals. (Am. by ORD-09-00034, 3-14-09)

9. To approve a City of Madison Civil Rights Compliance Plan, in order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended. The Affirmative Action Division Manager shall coordinate the preparation of the Plan for the Commission's approval. Every City department which receives funds covered by Title VI shall cooperate with and assist the Affirmative Action Division Manager in the preparation of the Plan. (Am. by Ord-06-00078, 6-30-06)

10. To provide administrative review of decisions of the Affirmative Action Division Manager or CDGB staff regarding compliance with Section 3 Plans, as required by 24 CFR Part 135. (Cr. by ORD-12-00041, 4-19-12)

(Sec. 3.58(3)(c) Am. by Ord. 11,929, 9-12-97)

(Sec. 39.02(3) Am. by ORD-13-00093, 5-29-13)

(4) Departmental Affirmative Action Plans.

(a) The Affirmative Action Division Manager in concert with the head of each department, board, commission or committee shall develop a written Affirmative Action Plan. Each department head in concert with the Affirmative Action Division Manager, shall develop a written Affirmative Action Plan. The plan, to be updated annually, is to be developed pursuant to the federal guidelines found in Part 60-2 of Chapter 60 of Title 41 of the Code of Federal Regulations as amended from time to time, which are hereby incorporated by reference and is to further reflect reasonable goals and timetables for achieving substantially increased employment of affected and/or other under-represented groups. In addition to the above guidelines, the plan should include but not be limited to the following employment and career development information concerning the department.

1. The available job slots.
2. Recruitment policies.
3. Selection and placement procedure.
4. Testing programs.
5. Training programs.
6. Promotion policies and procedures.
7. Transfer policies.
8. Compensation programs.
9. Available facilities.
10. Layoff and recall policies.
11. Procedure for disciplinary action.
12. Harassment-free work atmosphere for affected and/or other under-represented groups.

(b) In preparation of the departmental affirmative action plans, the Division of Affirmative Action shall have the full cooperation of the department head, board, commission or committee and access to all departmental policies and procedures, administrative rules and regulations, personnel files and other documents or information relating to the employment, training, promotion, transfer, termination or discipline of personnel in the City employ. However, no records are to be used in any manner that would divulge the identity of the parties involved. Provided further that if the employee or applicant was assured by the City that any

of the aforementioned documents were to be held in strict confidence, the permission of the applicant or employee must be obtained prior to the release of these documents to the Division of Affirmative Action.

(Am. by ORD-06-00058, 06-30-06)

(5) Citywide Affirmative Action Program.

(a) The Division of Affirmative Action shall incorporate the individual departmental plans into a composite Citywide Affirmative Action Program which shall be submitted to the Affirmative Action Commission. This program shall reflect the reasonable goals and timetables for achieving equal employment opportunities and requirements for affected and/or other under-represented groups at all levels and/or job classifications. (Am. by ORD-06-00058, 06-30-06)

(b) Upon approval by the Affirmative Action Commission, the program shall be submitted to the Mayor and Common Council for approval. Once adopted, the program shall be distributed to all department heads who shall adhere to the goals, timetables and procedures prescribed therein.

(6) Implementation. Implementation of the City's Affirmative Action Program shall include but not be limited to the following:

(a) Recruitment. Every effort shall be made to recruit applicants from under-utilized categories to provide employment lists of qualified candidates that will facilitate the implementation of departmental and Citywide affirmative action goals. The Human Resources Department, with the assistance of the Division of Affirmative Action, shall expand the recruitment programs to include but not be limited to the following:

1. Inform members of affected and/or other under-represented groups of this Affirmative Action Program and seek their support in attracting applicants.
2. Include information about the Affirmative Action Program on all job and contract announcements.
3. Prepare a specific brochure summarizing the Affirmative Action Program and disseminate it throughout the community.
4. Work with appropriate community resources to develop techniques, models and strategies that will maximize the recruitment of affected and/or other under-represented groups.

(b) Testing, Selection and Placement.

1. The Human Resources Department, in conjunction with the Division of Affirmative Action, shall review all testing, selection and placement policies of the City to determine that they are free of cultural bias, develop other evaluation methods that are task related and that are in accord with the guidelines promulgated by the Federal Equal Employment Opportunity Commission.
2. The Human Resources Department, in conjunction with the Division of Affirmative Action, shall develop procedures to establish visible career ladders or bridges between entry level, nonmanagement and management positions for all City employees with specific emphasis on affected and/or other under-represented groups.

(c) Education and Training. The Division of Affirmative Action shall, with the cooperation of the Organization Development and Training Unit of the Human Resources Department, develop education and training programs designed to develop the knowledge and skills essential to compensate for the past education and opportunity deficiencies. These programs shall be designed to develop each employee's fullest potential and to upgrade the employee's position in the City employ. The Division of Affirmative Action shall work with the Equal Opportunities Division to develop and provide all employees with relevant training to increase their awareness in the areas of cultural perception and human relations.

(d) Analysis of Job Turnover. The Division of Affirmative Action shall maintain statistics and institute research to identify the reasons for job turnover among all City employees especially among affected and/or other under-represented groups which may have affirmative action ramifications.

(e) Complaints. The Citywide Affirmative Action Plan shall contain an informal complaint procedure. The procedure shall permit applicants and employees to bring complaints of prohibited discrimination to the Division of Affirmative Action for investigation and informal problem-solving and resolution. Department and Division heads shall cooperate with the Affirmative Action Division Manager in carrying out the informal complaint procedure, but nothing contained in the informal complaint procedure may relieve an appointing authority of responsibility for selection, discipline and discharge decisions. The Affirmative Action Division Manager shall provide every person who makes a complaint with information, in writing and in accessible format, on filing formal complaints with local, state and federal agencies empowered to receive such complaints. Such information shall include applicable time limits. (Cr. by Ord. 11,004, 10-12-94)

(Am. by Ord-06-00078, 6-30-06)

(7) Accountability and Reports.

(a) The Division of Affirmative Action shall be responsible for the successful implementation and coordination of the Citywide Affirmative Action Program. In turn, each department head shall be accountable to the Division of Affirmative Action for the successful implementation of the departmental affirmative action plans.

(b) The Division of Affirmative Action shall at least annually file a written progress report with the Affirmative Action Commission, the Mayor and Council indicating the progress toward achieving the affirmative action goals. The report shall include but not be limited to the following:

1. A summary of departmental and City affirmative action goals as well as any special projects tied to this program.
2. Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed and/or rejected, indicating affected and/or under-represented groups. Waivers of hiring priority and reasons therefore shall also be provided.
3. A description of the recruitment and training programs instituted to achieve the objectives of this affirmative action plan.
4. A summary of survival counseling and other supportive programs provided to resolve and prevent problems.
5. A review of contract compliance status.
6. A summary of informal complaints.

(Am. by Ord. 11,004, 10-12-94)

(Am. by Ord-06-00078, 6-30-06)

(8) Civil Rights Compliance Plan.

(a) In order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended, the Division of Affirmative Action shall coordinate the development and implementation of individual department plans for civil rights compliance. Department plans shall be incorporated into a composite, citywide Civil Rights Compliance Plan which includes policies and procedures governing equal access to public services and the City of Madison informal resident complaint procedure. The Civil Rights Compliance Plan shall be submitted to the Affirmative Action Commission for approval. (Am. by Ord-06-00078, 6-30-06; ORD-17-00030, 3-8-17)

(b) Upon approval by the Affirmative Action Commission, the Civil Rights Compliance Plan shall be submitted to the Mayor and Common Council for approval,

and upon approval by the Mayor and Common Council, the Compliance Plan shall be incorporated into the citywide Affirmative Action Plan. Once adopted, the Compliance Plan shall be distributed to all department heads who shall be responsible for effective implementation, to include information dissemination and training for employees and members of commissions, boards and committees. Department heads shall also be responsible for complaint processing consistent with the Civil Rights Compliance Plan policies and procedures.

(New Sec. 3.58(8) Cr. by Ord. 11,929, 9-12-97)

(9) Contract Compliance Provisions.

(a) Definitions. For the purposes of this subsection, the following definitions shall apply.

1. Affirmative Action Plan. A plan that is designed to insure that the contractor provides equal employment opportunity to all and takes affirmative action in its utilization of applicants and employees who are women, minority or persons with disabilities. Such a plan must be completed by each nonexempt contractor and be approved by the Affirmative Action Division Manager. The Affirmative Action Division Manager shall approve affirmative action plans which meet standards established by the Common Council.

2. Contract. Any lease, contract or agreement required or permitted under the laws of the State of Wisconsin and the City to which the City of Madison is a contracting party and which shall hereafter be entered into or renewed, including, but not limited to, purchase orders; public works contracts; contracts for the lease of real property; contracts for the lease or purchase of goods, supplies, and/or services; redevelopment contracts; revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103; contracts with developers or other entities authorized by Wis. Stat. § 66.1333(5) and 66.1105(3)(e), unless otherwise exempted; and subdivision improvement contracts under Sec. 16.23(9)(c) of these ordinances. It is the intention of the Common Council to include agreements which may not be reduced to writing, such as agreements for the purchase of public utility services and services provided by the City's depository banks. The following contracts shall be exempt, however, from the requirements of this ordinance.

a. Contracts for goods, supplies or services necessitated by or resulting from an emergency situation as duly determined by the Mayor with the advice of the Council where possible, including those executed as an emergency services contract under Sec. 4.26(4)(c). (Am. by ORD-13-00150, 9-11-13)

b. Contracts with contractors who employ fewer than fifteen (15) employees.

c. Contracts with contractors whose aggregate annual business with the City for the calendar year in which the contract takes effect is less than twenty-five thousand dollars ($25,000).

d. Contracts under which the City receives net cash, including, but not limited to contracts where the City leases real property, and sells or leases goods or services for cash; except contracts with the City's depository banks, which shall not be exempt.

e. Agreements with bond underwriters, financial institutions, and credit rating agencies, where the agreement relates to the City's borrowing. (Am. by ORD-15-00035, 4-8-15)

f. Contracts for the sale or purchase of real property and relocation-related contracts. Relocation-related contracts are contracts for

city payment of the costs of the relocation or modification of another person's facilities required when the City acquires a real property interest or modifies a railroad crossing, usually arising out of a relocation order, transportation project plat, or order of the Commissioner of Railroads. (Am. by ORD-10-00057, 6-11-10)

g. Contracts with other municipalities. For purposes of this exemption, "municipality" shall mean any unit of government listed in Wis. Stat. § 66.0301(1)(a) (2009-10) other than the state or a department or agency thereof. (Am. by ORD-11-00137, 10-27-11)

h. Contracts with the State of Wisconsin, the University of Wisconsin, and the Area Board of any Vocational, Technical and Adult Education District.

(Am. by Ord. 10,386, 2-27-92)

i. Contracts with the United States of America and individual agencies of the U.S. government. (Cr. by ORD-07-00146, 11-02-07)

j. Contracts with electric public utilities that provide for interruptible electric service or distributed generation interconnection or another Public Service Commission approved program that results in a lower rate tariff or other cost savings to the City. (Cr. by ORD-16-00071, 8-13-16)

3. Contractor. Any individual, partnership, corporation, association, or other entity including a contractor, vendor, or supplier, which enters into a contract with the City. This term shall not include local City employee bargaining units which shall be governed by the requirements of the other subsections of this ordinance, nor shall it include City employees with written employment contracts with the City. Notwithstanding the exemptions listed in subparagraphs b.-d. above, all developers (or other parties) who enter into subdivision improvement contracts under Sec. 16.23(9)(c), or developer contracts for the construction of public improvements that will be accepted by the City, and their contractors, shall submit an approved Affirmative Action plan and the contract between the City and the developer/party shall contain the Articles of Agreement; all redevelopment contracts and all revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103, shall contain the Articles of Agreement prescribed in Sec. 39.02(9)(e)2. and all such eligible participants or authorized developers, their contractors and subcontractors shall submit an approved Affirmative Action plan; and all contracts authorized by Wis. Stat. § 66.1333(5) and 66. 1105(3)(e), shall contain the Articles of Agreement prescribed in Sec. 39.02(9)(e)2. and all such developers or other entities, their contractors and subcontractors, shall submit an approved Affirmative Action plan. All Affirmative Action plans required by this subsection shall be submitted within thirty (30) days after the effective date of the contract. (Am. by Ord. 10,386, 2-27-92; ORD-07-000146, 11-02-07)

4. Contractor Association. Any not-for-profit organization of construction employers who employ members of trade unions, co-sponsor joint apprenticeship committees, and provide for public representation of the construction industry employer for the common and public good.

5. Labor Union. The term labor union means any organization of any kind, any agency or employee representation committee, group, association or plan so engaged in which employees participate which exists for the purpose in whole or in part of dealing with employers concerning

grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment and any conference, general committee, joint or system board or joint council so engaged which is subordinate to a national or international labor organization. This shall not include local City employee bargaining units which shall be governed by the requirements of other subsections of this ordinance.

6. Joint Apprenticeship Committee. The jointly administered labor and management advisory committee which selects, qualifies, and trains apprentices through the Wisconsin Department of Workforce Development, Division of Apprenticeship and Training, and the Wisconsin Vocational Technical and Adult Education System. (Am. by Ord. 12,322, Adopted 2-2-99)

7. Minority. "Minority" includes:
   a. Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
   b. Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race);
   c. Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
   d. American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

8. A person with a disability is a person who either:
   a. Has a physical or mental impairment which substantially limits one or more of such person's major life activities; or
   b. Has a record of such an impairment; or
   c. Is regarded as having such an impairment.

9. Minority Business Enterprise (MBE). An independent and valid business concern that is owned and controlled by minority person(s). A minority person or persons must own fifty-one percent (51%) of the business and control the management and daily operations of the business.

10. Disadvantaged Business Enterprise (DBE). A small business concern:
   a. Which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
   b. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

11. Women Business Enterprise (WBE). An independent and valid business concern that is owned and controlled by women. A woman or women must own fifty-one percent (51%) of the business and must control the management and daily operations of the business.

12. Small Business Enterprise (SBE). A small business enterprise is an independent and bona fide business concern, in good standing with the State of Wisconsin if such registration is required for the business concern, that has averaged no more than four million dollars ($4.0 million) in annual gross receipts over the prior three- (3) year period, and the

principal owner(s) of which does not have a personal net worth in excess of one million three hundred twenty thousand dollars ($1.32 million). (Cr. by ORD-12-00107, 9-13-12)

(b) Notwithstanding the provisions of Sec. 39.02(9)(a)2., providing for certain exemptions from the provisions of this ordinance, every contract to which the City of Madison is a party shall contain the following language, except for contracts with the State of Wisconsin, another state government, the United States of America or individual agencies of the U.S. government, and written employment contracts between the City and City employees:

In the performance of the services under this Agreement the Contractor agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, political beliefs, or student status. Contractor further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin. (Am. by ORD-07-00146, 11-02-07; ORD-13-00149, 9-11-13)

(c) Every contract to which the City of Madison is a party, except those exempted by Sec. 39.02(9)(a)2.a., b., d., e., f., g., h., i., and j. shall contain the following language:

The contractor agrees that, within thirty (30) days after the effective date of this agreement, the contractor will provide to the City of Madison Division of Affirmative Action certain workforce utilization statistics, using a form to be furnished by the City.

If the contract is still in effect, or if the City enters into a new agreement with the contractor, within one year after the date on which the form was required to be provided, the contractor will provide updated workforce information using a second form, also to be furnished by the City. The second form will be submitted to the City Division of Affirmative Action no later than one year after the date on which the first form was required to be provided.

The contractor further agrees that, for at least twelve (12) months after the effective date of this contract, it will notify the City of Madison Division of Affirmative Action of each of its job openings at facilities in Dane County for which applicants not already employees of the contractor are to be considered. The notice will include a job description, classification, qualifications, and application procedures and deadlines, shall be provided to the City by the opening date of advertisement and with sufficient time for the City to notify candidates and make a timely referral. The contractor agrees to interview and consider candidates referred by the Division of Affirmative Action or an organization designated by that Division if the candidate meets the minimum qualification standards established by the contractor, and if the referral is timely. A referral is timely if it is received by the contractor on or before the date stated in the notice.
(Am. by Ord. 10,971, 8-29-94; ORD-06-00078, 6-30-06; ORD-09-00147, 11-6-09; ORD-15-00005, 1-14-15; ORD-16-00027, 3-9-16; ORD-16-00071, 8-13-16)

(d) Small Business Enterprise Program. A detailed small business enterprise program shall be submitted to the Council for its approval. The program shall include procedures for certification of small business enterprises, shall establish a mechanism for setting small business enterprise participation goals for all public works projects with an estimated cost of $100,000 or more, and shall establish other necessary and appropriate procedures. Applicable requirements of the program shall be incorporated into City contracts. The Division of Affirmative Action shall

study the effect of the small business enterprise program on participation by affected and underrepresented groups in city contracting and shall provide a full report to the Common Council on or before January 1, 1993, and every two years thereafter. (Am. by Ord. 10,386, 2-27-92; ORD-06-00078, 6-30-06)

(e) Compliance Requirements.

1. Submission of Affirmative Action Plans.

a. Public Works Projects. The award of any public works contract, except those exempted by Sec. 39.02(9)(a)2.a., shall be subject to and contingent upon the lowest responsible bidder submitting in writing to the Division of Affirmative Action, an Affirmative Action Plan for Public Works Contractors on a form approved by the Affirmative Action Division Manager. Such Affirmative Action Plan shall be submitted with the contractor's bid prequalification documents. Should any contractor fail or refuse to submit an Affirmative Action Plan as required by this section, such contractor shall not be qualified to bid on any City Public Works contracts until said contractor has complied. Any bid submitted by a contractor who has failed to submit an Affirmative Action Plan as required by this section shall be rejected. All such contractors shall require their subcontractors to file an approved Affirmative Action Plan prior to the subcontractor being allowed to start work on any City project.

No public works contractor may be prequalified by the City Engineer for work advertised after April 1, 1991, unless the contractor submits an Affirmative Action Plan approved by the Division of Affirmative Action. If such a contractor submits an Affirmative Action Plan and the contractor is conditionally prequalified by the City Engineer, the contractor's Affirmative Action Plan must be approved by the Affirmative Action Division Manager prior to the bid opening. The Board of Public Works shall not award any contract to a contractor unless the Affirmative Action Division Manager has approved the Affirmative Action Plan submitted by the contractor no later than the time of the bid opening. (Am. by ORD-09-00012, 2-6-09)

b. Other City Contracts. Within thirty (30) days from the effective date of a contract with the City or effective date of a purchase order, and prior to release of payment by the City, all nonexempt contractors are required to have on file an affirmative action plan which is a model affirmative action plan approved by the Common Council or which meets the requirements of Federal Revised Order No. 4, 41 CFR Part 60-2, as established in 43 FR 51400, November 3, 1978, and which includes, in addition, the following appendices:

i. A work force utilization analysis and goals and timetables for applicants and employees with disabilities. This document shall either meet the criteria found in 41 CFR Parts 60-2.11 and 60-2.12, as established in 43 FR 51400, November 3, 1978, or shall follow the format contained in the model affirmative action plan for vendors as approved by the Madison Common Council.

ii. The applicable provisions for MBE, DBE, WBE, and SBE utilization which are contained in the model affirmative action plan for vendors as approved by the Madison Common Council.

Should any contractor fail or refuse to comply with this section and the contract with the City, the Affirmative Action Division Manager shall recommend appropriate action under Article VII of the contract Articles of Agreement and other provisions of this ordinance.
(Am. by Ord. 10,971, 8-29-94; Ord. 13,104, 7-6-02)

2. Contract Conditions.

Contracts - Contents. All contracts hereafter executed by the City shall contain the following language assuring the contractor's compliance with the intent of this ordinance:

ARTICLES OF AGREEMENT

ARTICLE I

The contractor shall take affirmative action in accordance with the provisions of this contract to insure that applicants are employed, and that employees are treated during employment without regard to race, religion, color, age, marital status, disability, sex, sexual orientation, gender identity or national origin and that the employer shall provide harassment-free work environment for the realization of the potential of each employee. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship insofar as it is within the control of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants notices to be provided by the City setting out the provisions of the nondiscrimination clauses in this contract. (Am. by ORD-13-00149, 9-11-13)

ARTICLE II

The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractors state that all qualified or qualifiable applicants will be employed without regard to race, religion, color, age, marital status, disability, sex, sexual orientation, gender identity or national origin. (Am. by ORD-13-00149, 9-11-13)

ARTICLE III

The contractor shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided by the City advising the labor union or workers representative of the contractor's equal employment opportunity and affirmative action commitments. Such notices shall be posted in conspicuous places available to employees and applicants for employment.

ARTICLE IV

(This article applies only to non-public works contracts.)

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison including the contract compliance requirements. The contractor warrants and certifies that, one of the following paragraphs is true (check one):

A. It has prepared and has on file an affirmative action plan that meets the format requirements of Federal Revised Order No. 4, 41 CFR part 60-2, as established by 43 FR 51400 November 3, 1978, including appendices required by City of Madison ordinances or it has prepared and has on file a model affirmative action plan approved by the Madison Common Council.

B. Within thirty (30) days after the effective date of this contract, it will complete an affirmative action plan that meets the format requirements of Federal Revised Order No. 4, 41 CFR Part 60-2, as established by 43 FR 51400, November 3, 1978, including appendices required by City of Madison ordinance or within thirty (30) days after the effective date of this contract, it will complete a model affirmative action plan approved by the Madison Common Council.

C. Contractor believes it is exempt from filing an Affirmative Action Plan because it has fewer than fifteen (15) employees and has filed, or will file within thirty (30) days after the effective date of this Contract, a form required by the City to confirm exempt status based on number of employees. If the City determines that Contractor is not exempt, the Articles of Agreement will apply.

D. Contractor believes it is exempt from filing an Affirmative Action Plan because its annual aggregate business with the City for the calendar year in which the contract takes effect is less than twenty-five thousand dollars ($25,000), or for another reason listed in Sec. 39.02(9)(a)2. If the City determines that Contractor is not exempt, the Articles of Agreement will apply.

(Am. by ORD-15-00005, 1-14-15)

ARTICLE V

(This article applies only to public works contracts.)

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison, including the contract compliance requirements. The contractor agrees to submit the model affirmative action plan for public works contractors in a form approved by the Affirmative Action Division Manager.

ARTICLE VI

The contractor will maintain records as required by Section 39.02(9)(f) of the Madison General Ordinances and will provide the City's Division of Affirmative Action with access to such records and to persons who have relevant and necessary information, as provided in Section 39.02(9)(f). The City agrees to keep all such records confidential, except to the extent that public inspection is required by law.

ARTICLE VII

In the event of the contractor's or subcontractor's failure to comply with the Equal Employment Opportunity and Affirmative Action Provisions of this contract or Sections 39.03 and 39.02 of the Madison General Ordinances, it is agreed that the City at its option may do any or all of the following:

1. Cancel, terminate or suspend this contract in whole or in part.
2. Declare the contractor ineligible for further City contracts until the Affirmative Action requirements are met.
3. Recover on behalf of the City from the prime contractor 0.5 percent of the contract award price for each week that such party fails or refuses to comply, in the nature of liquidated damages, but not to exceed a total of five percent (5%) of the contract price, or five thousand dollars ($5,000), whichever is less. Under public works contracts, if a subcontractor is in noncompliance, the City may recover liquidated damages from the prime contractor in the manner described above. The preceding sentence shall not be construed to prohibit a prime contractor from recovering the amount of such damage from the noncomplying subcontractor.

ARTICLE VIII

The contractor shall include the above provisions of this contract in every subcontract so that such provisions will be binding upon each subcontractor. The contractor shall take such action with respect to any subcontractor as necessary to enforce such provisions, including sanctions provided for noncompliance. (This article applies to public works contracts only.)

ARTICLE IX

The contractor shall allow the maximum feasible opportunity to small business enterprises to compete for any subcontracts entered into pursuant to this contract and shall document all good faith efforts. (In federally funded contracts the terms "DBE, MBE, and WBE" shall be substituted for the term "small business" in this article.) (Am. by Ord. 13,104, 7-6-02)
(Sec. 3.23(9)(e) Am. by ORD-06-00078, 6-30-06)

3. Appeal. Any person aggrieved by a determination not to approve an Affirmative Action Plan shall have a right of appeal to the Affirmative Action Commission. The person shall institute the appeal by delivering a written notice of appeal, requesting a hearing before the Affirmative Action Commission, to the Manager of the Affirmative Action Division within five (5) business days of the determination. Upon receipt of such a notice, the Manager of the Affirmative Action Division shall follow the procedures for hearing set out in Sec. 32.09(9)(g)6-8, MGO, except that the Affirmative Action Commission shall, in addition to issuing a written decision as provided therein, render a decision orally immediately after the hearing. An appeal by certiorari to Circuit Court must be taken within 30 days of the written decision of the Affirmative Action Commission. (Cr. by ORD-09-00012, 2-6-09)

(f) Record-Keeping Requirements.

1. Maintenance of Records. All contractors shall keep full and accurate records of the minority group status and the sex of all employees and whether or not they are persons with disabilities, as well as dates of hire, termination, recall and/or layoff, reasons for termination or layoff, and job duties or job description for each employee. In addition, every contractor subject to any applicable prevailing wage law shall keep records of the name and trade or occupation of every employee, and an accurate record of hours worked by each employee as are required to be kept pursuant to those regulations.

   All contractors shall also maintain such records as may be required by the Common Council in the Affirmative Action Plan as defined in Sec. 39.02(9)(a)1. of this ordinance. Contractors requesting exempt status under this ordinance shall furnish all information requested by the Division of Affirmative Action in order to determine exempt status. (Am. by Ord 13,104, 7-6-02; ORD-17-00011, 2-20-17)

2. Production of Records. Contractors shall provide such records at the office of the Division of Affirmative Action within ten (10) days of the date requested in writing and shall permit the Affirmative Action Division Manager or designee access during normal business hours to all of the above records, as well as access to persons who may have information relevant and necessary to ascertain compliance with this section within ten (10) days of the date requested in writing. Such request may be made:

   a. Once every twelve (12) months. (Am. by Ord. 13,104, 7-6-02)

   b. At any time when an employee, former employee, or applicant for employment of the contractor has filed a formal complaint of discrimination with the Division of Affirmative Action or with a local, state or federal agency.

   c. At any time when the Division of Affirmative Action finds substantial deficits or questionable or inconsistent information in the affirmative action plan submitted by the contractor.

d. At any time when a contractor reports no progress toward achieving a balanced work force and the Affirmative Action Division Manager deems it necessary to examine documented good-faith efforts.

The Division Manager's written request for access shall inform the contractor of the basis for the request.

3. Public Inspection of Records. All contract-related records in the custody of the Division of Affirmative Action shall be open for public inspection and copying, as provided in Sec. 3.70 of these ordinances, except the following:

a. Records which are exempt from disclosure under Wis. Stat. § 19.36 or any other provision of Wis. Stat. §§ 19.31 through 19.39 (the Wisconsin Public Records laws) adopted through Sec. 3.70(1) of these ordinances. (Am. by Ord. 11,538, 3-1-96; ORD-14-00012, 1-14-14)

b. Records provided in connection with compliance investigations and compliance investigation files; except that compliance reports shall be open to inspection and copying, and all minutes, proceedings, evidence, findings and orders of the Affirmative Action Commission shall be open to inspection and copying.

c. Names and other information identifying individual complainants.

d. Those portions of affirmative action plans which constitute information on staffing patterns and pay scales, if release for public inspection could reasonably be expected to affect the competitive or financial position of the contractor, would constitute a release of confidential or salary information of an employee or would constitute an unwarranted invasion of privacy of an employee.

e. Tests used by contractors for selection purposes.

(Sec. 3.23(9)(f) Am. by ORD-06-00078, 6-30-06)

(g) Enforcement. The Department of Affirmative Action may review contractors' compliance with affirmative action plans, contract provisions and provisions of this ordinance at any time up to one (1) year after the expiration of the contract. A contractor is in compliance with this ordinance when it adheres to the provisions of this ordinance, its contract, and its affirmative action plan.

The Department of Affirmative Action shall review the compliance status of each contractor at least once every two (2) years and shall use the following compliance review procedure:

1. The Affirmative Action Division Manager or designee shall give each contractor at least five (5) days written notice of the commencement of a compliance review, and shall examine the contractor's affirmative action plan and supporting documents, as well as other documents and records furnished by the contractor under Sec. 39.02(9)(f).

2. The Affirmative Action Division Manager or designee may schedule an on-site review, as provided in Sec. 39.02(9)(f)2., by notifying the contractor in writing no less than ten (10) days in advance.

3. After a compliance review, the Affirmative Action Division Manager shall provide the contractor with a written compliance report, which shall either state that the contractor is in compliance, or if the contractor is found not

to be in compliance, the report shall list specifically the facts on which such finding is based, and what remedial actions should be taken by the contractor in order to achieve compliance.

The Division of Affirmative Action shall provide technical assistance where feasible and appropriate to assist the contractor in achieving compliance.

4. Within thirty (30) days after receipt of a report of noncompliance, or such longer period as the Affirmative Action Division Manager may permit in writing, the contractor shall submit an amended affirmative action plan, specifying and agreeing to take such remedial actions as will achieve compliance.

5. If the contractor fails or refuses to submit such an amended affirmative action plan, or refuses to comply with the provisions thereof, the Affirmative Action Division Manager, after consultation with the City Attorney and the City department or division responsible for the administration of the contract, shall send the contractor by certified mail a Demand to Cure Default. The Demand shall specify the factual basis for the finding of noncompliance and what remedial actions are demanded.

   The Demand shall also set a date certain by which the contractor must either offer to comply or request a hearing. An offer to comply shall consist of a proposed amended affirmative action plan, specifying and agreeing to take such remedial actions as will achieve compliance. If the Affirmative Action Division Manager approves the proposed amended affirmative action plan, the contractor's default is cured. If the proposed amended affirmative action plan is not approved, the Affirmative Action Division Manager shall specify in writing the reasons for disapproval.

6. If the contractor requests a hearing, the Affirmative Action Commission shall schedule a hearing within five (5) working days after receiving the request. The initial date of the hearing shall be not more than forty-five (45) calendar days after the request is filed with the Affirmative Action Division Manager. (Am. by ORD-09-00034, 3-14-09; ORD-11-00040, 3-23-11)

7. At the hearing, the Affirmative Action Division Manager shall have the burden to persuade the Affirmative Action Commission of the facts supporting his/her findings. Each party shall have the right to appear in person and by counsel, to call and examine all witnesses, and to introduce exhibits. The Affirmative Action Commission shall have the power to compel by subpoena the attendance of and examine under oath or affirmation, persons, whether as parties or as witnesses, and to compel by subpoena duces tecum the production before it of books, records, papers or other evidence which may relate to the subject matter of the hearing. In the admission of evidence, the Affirmative Action Commission shall abide by the provisions of Wis. Stat. § 227.45. The Commission shall make written findings of fact and conclusions of law on the following issues:

   a. Whether the finding of noncompliance should be sustained.

   b. If the finding of noncompliance is sustained, the Affirmative Action Commission shall decide whether the contract should be cancelled, terminated, or suspended, in whole or in part; whether the contractor should be found ineligible for further City contracts, and if so, what measures taken by the contractor will restore such eligibility; and whether liquidated damages should be sought

under the provisions of the contract. The Commission may decide to allow the contractor additional time in which to take the necessary remedial action.

8. The Affirmative Action Commission shall provide written findings and conclusions and a written order within thirty (30) calendar days after the conclusion of the hearing and shall serve copies thereof upon the contractor by certified mail. The Commission's findings and conclusions shall constitute final administrative determinations and shall be subject to review in court as by law may be provided. (Am. by ORD-11-00040, 3-23-11)

9. If the Affirmative Action Commission orders the contract to be cancelled, terminated or suspended, the receipt by the contractor of such order shall constitute a written notice of termination under the termination procedures provided in the contract.

10. If the Commission orders that a contractor shall be ineligible for further City contracts, no bids or proposals of the contractor may be opened or considered, or contracts entered into, until the Affirmative Action Division Head certifies that the contractor has taken the measures specified by the Commission to restore eligibility, or until the expiration of two (2) years from the date of the order, whichever is sooner.

11. If the Affirmative Action Commission, after consultation with the City Attorney, determines that liquidated damages should be sought, the City Attorney shall institute court action to recover such damages.

12. If the contractor fails to comply with the Demand to Cure Default and fails to request a hearing, the contract shall be terminated. In addition, the Affirmative Action Division Head may request the Affirmative Action Commission to order additional remedies. Such a hearing shall be held according to the procedures in Section 39.02(9)(g)7.-12. above.

(Sec. 3.23(9)(g) Am. by ORD-06-00078, 6-30-06)

[EDITOR'S NOTE: At its meeting of February 10, 2009, the Affirmative Action Commission established an Appeals Subcommittee, and delegated the authority to hear appeals under this section of the ordinances to that Subcommittee. The Commission also adopted Rules for hearings before the Subcommittee. Those Rules are available from the Affirmative Action Division.]

(h) Complaints. The Division of Affirmative Action shall investigate complaints filed by employees or applicants for employment with nonexempt contractors, when such complaints allege violation of this ordinance or of the Affirmative Action Articles of Agreement contained in the contract. Such complaints shall not be investigated unless they are in writing and are filed not more than sixty (60) days after the alleged violation occurred, or not more than one (1) year after the expiration of the contract, whichever is sooner. The Division of Affirmative Action shall refer complainants to the Madison Equal Opportunities Commission, the Equal Rights Division of the Wisconsin Department of Workforce Development, the U.S. Equal Employment Opportunities Commission, the U.S. Office of Federal Contract Compliance Programs, and other appropriate agencies.

Within ten (10) working days of the receipt of such a complaint, the Division of Affirmative Action shall either:

1. Initiate a compliance review, following the procedures set forth in Subsection (9)(g) of this ordinance; or

2. Determine that the complaint does not warrant a compliance review. If the Division of Affirmative Action determines that the complaint does not warrant a compliance review, he/she shall inform the complainant in writing, listing the reasons for the determination. A complainant may

appeal the determination to the Affirmative Action Commission by filing a written letter of appeal with the Division of Affirmative Action within ten (10) working days after receiving the determination.

The Affirmative Action Commission shall consider the appeal at the next regularly scheduled meeting or within twenty (20) days, whichever is sooner. The contractor involved shall be notified at least ten (10) days in advance of the meeting at which the appeal is to be considered.

In considering the appeal, the Commission shall not be bound by the rules of evidence, but shall consider any evidence which is reasonably probative, and shall allow, but not require the contractor to participate. The Commission shall exercise its discretion to determine whether or not the complaint warrants investigation. The Commission may order the Affirmative Action Officer to initiate a compliance review, or it may dismiss the complaint.

(Sec. 3.23(9)(h) Am. by ORD-06-00078, 6-30-06)

(i) No Private Cause of Action. The Common Council does not intend by this ordinance to create a private right of action by or on behalf of any employee or applicant for employment based upon a claim or complaint that the contractor's agreement with the City or the contractor's affirmative action plan has not been complied with. This provision is not intended either to expand or to limit rights provided by other local, state or federal equal employment laws.

(Sec. 3.58(8) Renumbered to (9) by Ord. 11,929, 9-12-97; Am. by Ord. 12,322, Adopted 2-2-99)

(10) Severability. The provisions of this ordinance shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin or of the United States by a court of competent jurisdiction, the validity of the rest of the ordinance shall not be affected. It is hereby declared to be the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provision, if any, not been included herein.(Sec. 39.02(9) Renumbered to (10) by Ord. 11,929, 9-12-97)

(Sec. 39.02 Am. by ORD-12-00041, 4-19-12)

39.03 EQUAL OPPORTUNITIES ORDINANCE.

(1) Declaration of Policy. The practice of providing equal opportunities in housing, employment, public accommodations and City facilities is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Discrimination against any of Madison's residents or visitors endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community.

Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary to maintain the standards of living consistent with their abilities and talents.

The practice of providing equal opportunities in employment to persons without regard to sex, race, religion or atheism, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, credit history, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partner status, receipt of rental assistance, the fact that the person declines to disclose their social security number, homelessness or unemployment status is a desirable goal of the City of Madison and a matter of legitimate concern to its government. As a proper function of City government the City of Madison has provided in Sec. 39.02 for affirmative action in City employment to safeguard against discrimination.

Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled.

The practice of providing equal opportunities in housing to persons without regard to sex, race, religion or atheism, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partner status, receipt of rental assistance, homelessness, unemployment or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the City of Madison and a matter of legitimate concern to its government.

Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and creates distress and unrest within the community. The practice of providing equal opportunities in public accommodations to persons without regard to sex, race, religion or atheism, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partner status, receipt of rental assistance, the fact that the person declines to disclose their social security number, homelessness, or unemployment status is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Provision for adequate safeguards against such discrimination is a proper and necessary function of City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of Madison to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to gainful employment, housing, and the use of City facilities and public accommodations.

To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in its own employment, housing, and public accommodation practices and in the use of City facilities. By adopting Sec. 39.05 of these ordinances, the Common Council has attempted to make sure that City facilities and programs that receive City financial assistance are accessible to all persons, including persons with disabilities. The City will deal positively and constructively with all claims of discrimination filed against it through utilization of the procedures outlined in this ordinance. (Am. by Ord. 10,556, Adopted 12-15-92; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12; ORD-13-00211, 12-10-13; ORD-15-00010, 1-28-15; ORD-15-00039, 4-8-15; ORD-15-00062, 6-24-15)

(2) Definitions.

Age. The prohibition against discrimination because of age shall not apply to any person less than eighteen (18) years of age.

Arrest record includes, but is not limited to, information indicating that a person has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.

Citizenship Status means the immigration status and/or citizenship of any person.

City facilities includes all property owned and services rendered by the City for the welfare of its inhabitants.

Commercial facilities means facilities that are intended for nonresidential use and whose operation will affect commerce use. The term "commercial facilities" does not include buildings or parts of buildings not open to and not reasonably expected to be open to the public, railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in 42 U.S.C. 12162 and covered under 42 U.S.C. 12181 et seq., railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under Sec. 39.03(4) of the Madison General Ordinances, and types of facilities that are specifically exempted under Sec. 101.13(2) of the Wisconsin Statutes.

Conviction record includes, but is not limited to, information indicating that a person has been convicted of a felony, misdemeanor or other offense, placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority. (Am. by Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00; Am. by ORD-12-00108, 9-13-12)

Covered multifamily dwellings means

1. Buildings consisting of three (3) or more units if such buildings have one or more elevators; and
2. Ground floor portions of units in other buildings consisting of three (3) or more units.

Credit history information provided in a consumer report as defined in 15 USC 1681a(d).

Dependent means one who lives with a domestic partnership and is:

1. A biological child of a domestic partner; or
2. A dependent as defined under IRS regulations; or
3. A ward of a domestic partner as determined in a guardianship proceeding; or
4. A person adopted by a domestic partner.

Disability means, with respect to a person,

1. A physical or mental impairment which substantially limits one or more of such person's major life activities; or
2. A record of having such an impairment; or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
4. The term also includes the term "handicap" as used in local, state and federal statutory, administrative or judicial case law.

Domestic partner means those adults in a domestic partnership.

Domestic partnership means two adults and their dependents, if any, which satisfy the following requirements:

1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship in the immediate future; and
2. They are not married (unless they are married to each other) or legally separated and, if either party has been a party to an action or proceeding for divorce or annulment, at least six (6) months have elapsed since the date of the judgment terminating the marriage; and
3. Neither domestic partner is currently registered in a domestic partnership with a different domestic partner and, if either partner has previously been registered as a domestic partner in a domestic partnership, at least six (6) months have elapsed since the effective date of termination of that registration; and
4. Both are 18 years of age or older; and
5. Both are competent to contract; and
6. They are occupying the same dwelling unit as a single, nonprofit housekeeping unit, whose relationship is of permanent and distinct domestic character; and
7. They are not in a relationship that is merely temporary, social, political, commercial or economic in nature.

Employees does not include any individual employed by her/his parents, spouse, or child.

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with

1. A parent or another person having sole or joint legal custody or physical placement, as defined in Wis. Stat. § 767.001, of such individual(s); or
2. The designee of such parent or other person having such custody or physical placement, with the written permission of such parent or other person; or
3. A foster parent or other person with whom a person under the age of 18 years is placed by court order.

   The protections afforded against discrimination based on familial status shall apply to any person who is pregnant or is in the process of securing sole or joint legal custody or physical placement of any individual who has not attained the age of 18 years.
4. The domestic partner of a parent or another person having sole or joint legal custody or physical placement, as defined in Wis. Stat. § 767.001 of such individual(s).

Gender identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth; 3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous. (Cr. by Ord. 12,686, 10-9-00)

Genetic identity means the genetic information unique to the individual, including information regarding:

1. such individual's genetic tests,
2. the genetic tests of family members of such individual,
3. the manifestation of a disease or disorder in family members of such individual, and
4. any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.
5. The term 'genetic identity' shall not include information about the sex or age of any individual.

The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes. The term 'genetic test' does not mean:

1. an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or
2. an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved; or
3. any genetic testing, to include DNA testing, conducted specifically for law enforcement agencies investigative purposes or for the purpose of determining paternity.

Homelessness means the status of lacking housing (without regard to whether the individual is a member of a family). This includes those individuals whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, and an individual who is a resident in transitional housing. (Cr. by ORD-15-00062, 6-24-15)

Housing means any building, structure, or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in Section 66.0435 of the Wisconsin Statutes and a trailer as defined in Section 9.23 of the Madison General Ordinances and any land for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in Section 66.0435 of the Wisconsin Statutes and a trailer camp as defined in Section 9.23 of the Madison General Ordinances. Such definition of "housing" is qualified by the exceptions contained in Section 39.03(4)(a).

Labor organization includes any collective bargaining unit composed of employees.

Less than honorable discharge means any general, undesirable, clemency, bad conduct or dishonorable discharge from the military service.

Marital status includes being married, separated, divorced, widowed, or single.

Mutual support means that the domestic partners contribute mutually to the maintenance and support of the domestic partnership throughout its existence.

Nonreligion means atheism, agnosticism, or other disbelief or lack of belief in the existence of God or gods. (Cr. by ORD-15-00039, 4-8-15)

Person means one or more individuals, labor unions, partnerships, associations, corporations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers or other fiduciaries, and shall include the City of Madison, and the agent or agents of any of the foregoing.

Physical appearance means the outward appearance of any person, irrespective of sex, with regard to hairstyle, beards, manner of dress, weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

Political beliefs means one's opinion, manifested in speech or association, concerning the social, economic and governmental structure of society and its institutions. This ordinance shall cover all political beliefs, the consideration of which is not preempted by state or federal law.

Public place of accommodation or amusement includes those accommodations, facilities and services that a person holds out to be open to the common and general use, participation and enjoyment of the public for any purpose. The term "public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods or services are available either free or for a consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin and of the United States.

Public place of accommodation or amusement does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event at which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

1. Members of the organization or institution.

2. Guests named by members of the organization or institution.
3. Guests named by the organization or institution.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

1. The nature and cost of the action needed under this Ordinance;
2. The overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
3. The overall financial resources of the person who owns or operates the facility; the overall size of the business with respect to the number of its employees; the number, type and location of its facilities; and
4. The type of operation or operations of the person who owns or operates the facility, including the composition, structure, and functions of the workforce of such person; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question.

Receipt of rental assistance means receipt of rental assistance under Title 24 Code of Federal Regulations, Subtitle B, Chapter VII (commonly known as the Section 8 program), or any other rental assistance that is not considered household income. (Cr. by ORD-12-00108, 9-13-12)

Religion includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates inability to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. (Renum. by ORD-12-00108, 9-13-12)

"Sexual harassment" means unwelcome sexual advances; unwelcome requests for sexual favors; unwelcome physical contact of a sexual nature; or unwelcome verbal or physical conduct of a sexual nature which shall include, but not be limited to, deliberate or repeated unsolicited gestures, verbal or written comments, or display of sexually graphic materials which is not necessary for business purposes. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. (Renum. by ORD-12-00108, 9-13-12)

Sexual orientation is the sexual or loving attraction to another person or the complete absence thereof to any other person. This attraction can span a non-static continuum from same-sex attraction at one end to opposite-sex attraction to an absolute lack of attraction to any gender. (Am. by Ord. 12,686, 10-9-00; Renum. by ORD-12-00108, 9-13-12)

Source of income includes, but shall not be limited to, moneys received from public assistance, pension, and Supplementary Security Income (SSI). Source of income shall be limited to legally derived income. (Renum. & Am. by ORD-12-00108, 9-13-12)

Student means a person who is enrolled in a public or private high school, college, university, technical college, accredited trade school, or apprenticeship program. (Renum. by ORD-12-00108, 9-13-12)

Transfer does not apply to the transfer of property by will or gift. (Renum. by ORD-12-00108, 9-13-12)

Protected class membership means a group of natural persons, or a natural person, who may be categorized because of their ability to satisfy the definition of one or more of the following groups or classes: sex, race, religion or nonreligion, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student, domestic partner, or receipt of rental assistance. (Renum. & Am. by ORD-12-00108, 9-13-12; ORD-15-00039, 4-8-15)

Victim of domestic abuse, sexual assault or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stat. § 813.12(1)(am); sexual assault as defined in Wis. Stat. § 940.225, 948.02, or 9148.015; or stalking as defined in Wis. Stat. § 940.32 or of a crime prohibited by Wis. Stat. ch. 948. (Renum. by ORD-12-00108, 9-13-12)

Unemployment means the status of not having a job or employment. It does not mean, nor is it unlawful discrimination to inquire into or to consider or act upon, the facts and circumstances leading to the status or condition of unemployment. (Cr. by ORD-13-00211, 12-10-13)

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, 2-17-98; ORD-10-00096, 10-14-10; ORD-15-00039, 4-8-15)

(3) Reserved For Future Use. (Am. by Ord-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(4) Housing. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person having the right of ownership or possession or the right of transfer, sale, rental or lease of any housing, or the agent of any such person:

(a) To refuse to transfer, sell, rent or lease, to refuse to negotiate for the sale, lease, or rental or otherwise to make unavailable, deny or withhold from any person such housing because of such person's protected class membership, homelessness or status as a victim of domestic abuse, sexual assault, or stalking. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section; (Am. by Ord. 13,708, 10-12-04; ORD-07-00016, 2-22-07; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12; ORD-15-00062, 6-24-15)

(b) To make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law or; (Am. by Ord. 10,605, 3-19-93)

(c) To falsely represent that a dwelling is not available for inspection, sale, or rental because of such person's protected class membership, homelessness or status as a victim of domestic abuse, sexual assault, or stalking; or other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety and welfare. A person who has received written notice from the Madison Police Department that a drug nuisance under Wis. Stat. § 823.113, exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section. (Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12; ORD-15-00062, 6-24-15)

(d) To discriminate against any person because of such person's protected class membership, homelessness or status as a victim of domestic abuse, sexual assault, or stalking; in the terms, conditions or privileges pertaining to the transfer, sale, rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, or in any other manner. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section.

1. A person who has received written notice from the Madison Police Department that a drug nuisance under Wis. Stat. § 823.113, exists on property for which the person is responsible as owner may take action to

eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance.

2. No Private Cause of Action. Except for claims by or on behalf of individuals protected from prohibited discrimination hereunder, the Common Council does not intend this Subdivision, 39.03(4)(d), to create a private right of action based upon a claim of personal injury or property damage arising from a landlord's good faith compliance with this Subdivision. This provision is not intended either to expand or to limit rights provided by local, state or federal equal opportunities laws. (Am. by Ord. 12,637, 7-7-00)

(Sec. 3.23(4)(d) Am. by Ord. 11,224, 4-13-95; Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00; Am. by ORD-12-00108, 9-13-12; ORD-15-00062, 6-24-15)

(e) Nothing in this ordinance shall affect any person's decision to share occupancy of a lodging room, apartment or dwelling unit with another person or persons. For purposes of this subdivision, the terms lodging room, apartment, and dwelling unit have the meaning contained in Sec. 27.03 of these ordinances.

(f) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(g) For any person to post, print, broadcast or publish or cause to be posted, printed, broadcast or published, any notice or advertisement relating to the transfer, sale, rental or lease of any housing which expresses preference, limitation, specifications or discrimination as to any protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. (Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-15-00062, 6-24-15)

(h) For any person, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking.

In establishing a discriminatory housing practice under this section, it is not necessary that there was in fact profit as long as profit was a factor for engaging in the blockbusting activity. (Sec. 3.23(4)(h) R. and (i) Renumbered to (h) by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-15-00062, 6-24-15)

(i) For any person to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation on account of the person's protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. (Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-15-00062, 6-24-15)

(j) For any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not

compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. As used in this subdivision the term "residential real estate related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance
   a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
   b. Secured by residential real estate.
2. The selling, brokering, or appraising of residential real property.

   Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault or stalking.

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-15-00062, 6-24-15)

(k) In this subsection, prohibited discrimination includes discrimination because of the protected class membership, homelessness, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking of:

1. The buyer, renter, or applicant; or
2. A person residing in or intending to reside in a dwelling after it is sold, rented, or made available.

(Am. and Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-15-00062, 6-24-15)

(l) For purposes of this subsection, discrimination includes:

1. A refusal to permit, at the expense of the person with a handicap/disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; provided:
   a. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the conditions that existed before the modification, reasonable wear and tear excepted; but only if the modifications limit usability of the premises by future tenants. The landlord may not increase, for persons with a handicap/disability, any customarily required security deposit.
   b. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; or
   c. Landlords may require escrow accounts where it is necessary in order to insure, with reasonable certainty, that funds will be available to pay for the restorations at the end of the tenancy. The landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account over a reasonable period (not to exceed the length of the lease), a reasonable amount of money, not to exceed the cost of restorations. The interest in any such account shall accrue to the benefit of the tenant. Failure by the landlord to utilize escrow

funds for restoration of the premises within ninety days of the termination of the tenancy constitutes a forfeiture of the escrow fund, which shall revert to the tenant.

d. A landlord may not require further restoration if the modifications satisfy either Uniform Federal Accessibility Standards or Wis. Admin. Code SPS 352.04. (Am. by ORD-12-00035, 3-28-12)

e. No landlord may require the restoration of modifications made to public and common use portions of the premises if the modification was necessary to make those portions readily accessible to and usable by persons with handicaps/disabilities.

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a handicap/disability equal opportunity to use and enjoy a dwelling; or

3. In connection with the design and construction of covered multifamily dwellings as defined in 24 C.F.R. Sec. 100.201 for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;

b. With respect to dwellings with a building entrance on an accessible route:

i. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped/ disabled persons with disabilities;

ii. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and

iii. All premises within such dwellings contain the following features of adaptive design:

A. An accessible route into and through the dwelling;

B. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

C. Reinforcements in bathroom walls to allow later installation of grab bars; and

D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(Am. by ORD-06-00099, 8-2-06)

4. Paragraph 3. applies to covered multi-family dwellings, as defined in Subsec. (2)(g) of this ordinance, designed and constructed for first occupancy after thirty (30) months after the date of enactment of this ordinance.

5. Compliance with either the Uniform Federal Accessibility Standards, or Wis. Admin. Code § SPS 352.04, whichever standard provides the greater degree of accessibility, shall constitute compliance with paragraph 3. (Am. by ORD-12-00035, 3-28-12)

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(m) The prohibition in this section against protected class membership discrimination based on age and familial status does not apply to housing for older persons.

1. As used in this subdivision, housing for older persons means housing

a. Provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

b. Intended for, and solely occupied by, persons 62 years of age or older; or

c. Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons under this paragraph shall contain at least the following factors:

i. Significant facilities and services specifically designed to meet the physical or social needs of older persons, as those are defined in Sec. 101.22(1m)(u) Wis. Stats. (1991-92).

ii. All of the units are occupied by at least one person 55 years of age or older; provided that, if the qualifying tenant ceases to reside in the unit, the remaining occupants may not be required to vacate the unit, as long as at least 80% of all the units are occupied by at least one person 55 years of age or older.

iii. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

2. Housing shall not fail to meet the requirements for housing for older persons by reasons of:

a. Persons residing in such housing as of September 13, 1988, who did not meet the age requirements of Paragraph 1.b. or c. above, provided that new occupants of such housing meet the age requirements of Paragraph 1.b. or c.; or

b. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Paragraph 1.b. or c. above.

(Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-10-00096, 10-14-10)

(n) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with handicaps/disabilities or to provide housing for older persons as such housing is defined above.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(o) It is the intention of the Common Council that this subsection be interpreted consistently with Title VIII of the Civil Rights Act of 1968 (42 USC Sec. 3601-3619) as amended, and with regulations applicable thereto (24 CFR Parts 100, 103, 109, 110, 115, and 121) except where the language of this subsection clearly requires a different interpretation.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(Sec. 3.23(4) Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98)

(5) Public Place of Accommodation or Amusement. All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation or amusement, as defined in this ordinance, without discrimination or segregation as to the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or

federal law or upon the basis of a person's protected class membership (other than a person's genetic identity). It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(a) For any person to deny to another, or charge another a different price from the rate charged others for the full and equal enjoyment of any public place of accommodation or amusement because of the person's protected class membership (other than a person's genetic identity), homelessness or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. Organizations which operate public accommodations and which sell memberships based on family status shall provide the same benefits to domestic partnerships as are provided to other families. (Am. by Ord, 10,039, 6-14-90; ORD-15-00062, 6-24-15)

(b) For any person to directly or indirectly publish, circulate, display, mail or otherwise disseminate any written communication which s/he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of her/his protected class membership (other than a person's genetic identity), homelessness or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law, or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons. (Am. by Ord. 10,039, 6-14-90; ORD-15-00062, 6-24-15)

(c) Subsection (5) does not prohibit special services, rates or benefits provided to any person because she or he is fifty (50) years old or older. (Sec. 3.23(c) R. and (d) Renumbered to (c) by Ord. 12,039, Adopted 2-17-98)

(Sec. 3.23(5) Am. by Ord. 12,039, Adopted 2-17-98; Ord. 13,708, 10-12-04; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(6) Access by Persons with Disabilities to Public Accommodations and Commercial Facilities.

(a) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to another), or operates a place of public accommodation.

1. Denial of Participation. It shall be prohibited discrimination to subject an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

2. Participation in Unequal Benefit. It shall be prohibited discrimination to afford an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

3. Separate Benefit. It shall be prohibited discrimination to provide an individual, on the basis of a disability or disabilities of such individual, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(b) Integrated Settings. Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(c) Opportunity to Participate. Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(d) Administrative Methods. A person shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration:

1. that have the effect of discriminating on the basis of disability; or
2. that perpetuate the discrimination of others who are subject to common administrative control.

(e) Specific Prohibitions. For purposes of Subdivision (a) above, prohibited discrimination includes:

1. The imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;
2. A failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantage, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;
3. A failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;
4. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities where such removal is readily achievable; and
5. Where an entity can demonstrate that the removal of a barrier under Paragraph 4. is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

(f) New Construction and Alterations in Public Accommodations and Commercial Facilities. Except as provided in Subdivision (h), as applied to public accommodations and commercial facilities, discrimination for purposes of Subsection (6)(a) of this ordinance includes:

1. A failure to design and construct facilities for first occupancy later than ninety (90) days after the date of enactment of this ordinance that are readily accessible to and usable by individuals with disabilities, except where a respondent can demonstrate that it is structurally impracticable to meet the requirements of such Subsection.
2. With respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the

facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Where the entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope.

(g) Elevator. Subdivision (f) above shall not be construed to require the installation of an elevator for facilities that are less than three stories or have less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider.

(h) Exemptions for Private Clubs and Religious Organizations. The provisions of this Subsection (6) of this ordinance shall not apply to private clubs or organizations exempted from coverage under Sec. 39.03(2) above or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate state or federal law. (Am. by ORD-15-00039, 4-8-15)

(Cr. by Ord. 12,039, Adopted 2-17-98)

(7) City Facilities. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission or committee of the City of Madison to deny any person, the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's protected class membership or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law.

(Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(8) Employment Practices. It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(a) For any person or employer individually or in concert with others to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to her/his compensation, terms, conditions, or privileges of employment, because of such individual's protected class membership, unemployment, homelessness or credit history or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. Provided, that an employer who is discriminating with respect to compensation in violation of this subsection, shall not, in order to comply with this subsection, reduce the wage rate of any employee. (Am. by ORD-13-00211, 12-10-13; ORD-15-00062, 6-24-15)

(b) For any person or employer individually or in concert with others to limit, segregate, or classify his or her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's protected class membership, unemployment, homelessness or credit history; or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. (Am. by ORD-13-00211, 12-10-13; ORD-15-00062, 6-24-15)

(c) For any employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual on the basis of his or her protected class membership, unemployment, homelessness or credit history; or the fact that a

person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. (Am. by ORD-13-00211, 12-10-13; ORD-15-00062, 6-24-15)

(d) For any labor organization:

1. To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his or her protected class membership, unemployment, homelessness or credit history or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law.
2. To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of such individual's protected class membership, unemployment, homelessness or credit history or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law.
3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(Am. by ORD-13-00211, 12-10-13; ORD-15-00062, 6-24-15)

(e) For any person or employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on any protected class membership, unemployment, homelessness or credit history or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion or nonreligion, sex, age, handicap, arrest or conviction record or national origin when religion or nonreligion, sex, age, handicap, or national origin is a bona fide occupational qualification for employment or when an employer may lawfully consider or rely upon such arrest or conviction record pursuant to Sections 39.03(8)(i)3. through 39.03(8)(i)6., MGO. (Sec. 3.23(7)(e) R. and (f) Renumbered to (e) by Ord. 8297, 4-5-84; Am. by Ord. 13,339, 6-7-03; Am. by ORD-13-00211, 12-10-13; ORD-15-00039, 4-8-15; ORD-15-00062, 6-24-15)

(f) 1. For any person or employer, employment agency or labor organization to request an applicant, employee, member or any other person, on an application form or otherwise, to supply information regarding any credit history; or arrest record, except a record of a pending charge, of the applicant, employee or member; except that it shall not be discrimination to request such information of applicants for employment as law enforcement officers, or when an employer may lawfully consider or rely upon such arrest or conviction record pursuant to Secs. 39.03(8)(i)3. through 39.03(8)(i)6., MGO.

2. For any person or employer, or employment agency or labor organization to request an applicant, employee, member or any other person, on an application form or otherwise, to supply any information regarding the applicant, employee or person's Social Security Number, when such disclosure is not compelled by state or federal law. (Renumbered by Ord. 8297, 4-5-84; Am. by Ord. 13,339, 6-7-03)

(g) For any person or employer, employment agency or labor organization to refuse to reasonably accommodate an employee's or prospective employee's handicap unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business. (Cr. by Ord. 8297, 4-5-84)

(h) Religion or Nonreligion; Exceptions and Special Cases.

1. Employment discrimination because of religion or nonreligion includes, but is not limited to, refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

2. It is not employment discrimination because of religion or nonreligion for a religious or nonreligion association not organized for private profit or an organization or corporation which is primarily owned or controlled by such religious or nonreligion association to give preference to an applicant or employee who is a member of the same or a similar religious denomination or nonreligion association, in hiring or promotion to an instructional or policy-making position, including but not limited to the position of chaplain or counselor.

3. It is not employment discrimination because of religion for a fraternal as defined in Sec. 614.01(1) Wisconsin Statutes, to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal, with respect to hiring to or promotion to the position of officer, administrator or salesperson.

(Cr. by Ord. 8297, 4-5-84; Am. by ORD-15-00039, 4-8-15)

(i) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer or a labor organization to admit or employ any individual in those certain instances where sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. (Am. by Ord. 8297, 4-5-84)

1. It shall not be unlawful age discrimination to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.

2. Discrimination because of an individual's disability is not prohibited if the employer, labor organization, or employment agency can show that the individual's disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment. It is prohibited discrimination for an employer to contribute a lesser amount to the fringe benefits, including life or disability insurance coverage, of an employee because of he/she has a disability. (Am. by ORD-06-00099, 8-2-06)

3. Discrimination because of arrest record or conviction record is not prohibited if the employer, licensing authority, labor organization, or employment agency can show that the employee or applicant

a. Is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the particular job;

b. Has been within the past three (3) years placed on probation, paroled, released from incarceration, or paid a fine, for a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; (Am. by Ord. 13,339, 6-7-03)

c. Is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state, federal or local law, administrative regulation or previously established business practice of the employer.

d. Is not eligible for licensing or a permit under state, federal or local law or administrative regulation due to a pending criminal charge or conviction for which the employee or applicant has not been pardoned, and where such license or permit is required for the position the employee holds or for which the applicant is applying. (Cr. by Ord. 13,339, 6-7-03)

4. It is not employment discrimination because of conviction record to deny or to refuse to issue a license or permit under the Madison General Ordinances if the person applying for or holding the license or permit has a pending criminal charge the circumstances of which substantially relate to the circumstances of the licensed activity or permit; or has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity, and has not been pardoned for that felony, misdemeanor, or other offense. (Cr. by Ord. 13,339, 6-7-03)

5. It is not employment discrimination because of conviction record to refuse to employ a person in a business licensed under Wis. Stat. § 440.26, or as an employee specified in Wis. Stat. § 440.26(5)(b), if the person has been convicted of a felony and has not been pardoned for that felony. (Cr. by Ord. 13,339, 6-7-03)

6. It is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned. (Cr. by Ord. 13,339, 6-7-03)

7. Discrimination because of credit history is not prohibited if the employer, licensing authority, labor organization, or employment agency can show that:

a. The circumstances of an individual's credit history are substantially related to the circumstances of a particular job or licensed activity;

b. Employment, membership, or licensing depends on the bondability of the individual under a standard fidelity bond or when an equivalent bond is required by the state or federal law, administrative regulation, or established business practice of the employer and the individual may not be bondable due to his or her credit history;

(Sec. 3.23(7)(h) Renumbered to (i) by Ord. 8297, 4-5-84)

(j) Nothing contained in this section shall be interpreted to prohibit any employer from considering an individual's less than honorable discharge in cases where the circumstances of the discharge are substantially related to the circumstances of the particular job. However, in no case may an employer consider a less than honorable discharge that was made administratively and not pursuant to a court martial.

(Renumbered by Ord. 8297, 4-5-84)

(k) No employer, labor organization or employment agency shall engage in sexual harassment and employers shall ensure that all of their employees work in an environment free of sexual harassment.

1. An employer, labor organization or employment agency violates this ordinance when (1) an employee's acquiescence in or submission to sexual harassment is made either explicitly or implicitly a term or condition of his/her employment, (2) an employee's acquiescence in or submission to sexual harassment is used as the basis or any part of the basis for employment decisions affecting the employee other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph, or (3) sexual harassment has the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment. (Am. by Ord. 12,039, Adopted 2-17-98)

2. Substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment. (Cr. by Ord. 12,039, Adopted 2-17-98)

3. An employer, employment agency or labor organization is presumed responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized by the employer. (Renumbered by Ord. 12,039, 2-17-98)

4. An employer, employment agency or labor organization is responsible for acts of sexual harassment of its employees by persons other than its agents or supervisory employees, including, but not limited to, acts by customers and co-workers, (1) if the act occurs while the complaining employee is performing service growing out of and incidental to his/her employment and (2), if the employer or its agents or supervisory employees knew or should have known of the conduct. (Renumbered by Ord. 12,039, 2-17-98)

5. It is the intent of this ordinance that timely filed complaints of sex discrimination in employment based on acts occurring before adoption of these provisions and based on conduct similar or identical to "sexual harassment" as defined above not be barred by the adoption of these provisions. (Renumbered by Ord. 12,039, 2-17-98)

(l) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity, or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of protected class memberships or unemployment, or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law.

(Renumbered by Ord. 8297, 4-5-84; Am. by ORD-13-00211, 12-10-13)

(m) Nothing contained in this section shall be interpreted to require any employer, employment agency or labor organization to grant preferential treatment to any individual or to any group because of the protected class membership or

unemployment of any person or the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law. (Renumbered by Ord. 8297, 4-5-84; Am. by ORD-13-00211, 12-10-13)

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)

(n) Equal Opportunities Commission Employment Subcommittee. The EOC Employment Committee shall consist of 15 maximum voting members including one member of the Equal Opportunities Commission. Additional persons may participate as non-voting members. Membership of the Employment Committee is open to a City of Madison company, business or non-profit designee and to individual representatives. Members may be non-residents of the City of Madison. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(Am. by ORD-10-00096, 10-14-10)

(9) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(a) For any person to aid, abet, incite, compel or coerce the doing of any act which violates this ordinance or obstructs or prevents any person from complying with the provisions of this ordinance; and for any person or employer, employment agency or labor organization, whether individually or in concert with others, to discharge, harass, intimidate, or otherwise discriminate against any person because he or she has opposed any discriminatory practices under this ordinance or because he or she has made a complaint, testified or assisted in any proceeding under this ordinance.

(Am. by Ord. 10,556, Adopted 12-15-92)

(b) For any person to intimidate, threaten, harass, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance.

(c) For any person or entity subject to regulations under this ordinance to engage in any acts prohibited in Sec. 39.03 et seq of the Madison General Ordinances against any individual because of the person's association with any member of any protected class membership. (Cr. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-10-00096, 10-14-10)

(Renumbered and Am. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)

(10) Equal Opportunities Commission and Equal Opportunities Division. The Mayor, subject to confirmation by the Common Council, shall appoint an Equal Opportunities Commission, consisting of thirteen (13) members, one of whom shall be designated President by the members of the Commission. At least one, and no more than two, such members shall be an Alderperson, who shall be a member only as long as she/he shall continue to hold office as Alderperson. Members shall be appointed from among the residents of the entire City, shall be representative of the rich diversity of our community and include as many protected class memberships as is possible and shall be persons committed to the principle of equal opportunities. They shall receive no compensation for their services. There shall also be an Equal Opportunities Division established within the Department of Civil Rights, headed by an Equal Opportunity Division Head as that position is established and set forth in Sec. 39.01(2), MGO. (Am. by Ord. 12,244, 11-3-98; Ord. 12,933, 12-11-01; ORD-05-00204, 1-3-06; ORD-06-00078, 6-30-06; ORD-07-00114, 9-22-07)

(a) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(b) The Equal Opportunities Commission shall have the following powers and duties:

1. To study the existence, character, causes and extent of the denial of equal opportunity because of biases, prejudices, social or institutionalized passive and active forms of discrimination or harassment that occurs

either in favor of or to the detriment of any protected class or other unfair classification in the greater Madison community. (Am. by ORD-13-00211, 12-10-13)

2. To informally recommend solutions to individual problems that may arise which involve the denial of equal opportunities because of protected class or other class memberships. (Am. by ORD-06-00099, 8-2-06; ORD-07-00029, 3-15-07; ORD-13-00211, 12-10-13)
3. To disseminate information and provide technical assistance, consultation, training programs and other techniques to educate the people of the City of Madison and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.
4. To receive and initiate complaints alleging violation of this ordinance and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education, litigation, or any other means, to make the complainant whole again.
    a. In case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and approved by the President of the Equal Opportunities Commission. The signed conciliation agreement shall have the effect of a Commission order.
    b. Except as provided in Wis. Stat. § 904.08, and in 24 CFR Sec. 103.330, nothing that is said or done in the course of conciliation proceedings may be made public or used as evidence in a subsequent administrative hearing or civil action under this ordinance, under Title VIII of the Civil Rights Act of 1968, or under Wis. Stat. § 101.22 et seq, (1991-92), without the written consent of the parties.
    c. Any conciliation agreement is a public record and subject to inspection as provided in Wis. Stat. § 19.35, and Sec. 3.42 of these ordinances, unless the parties to the agreement request that the record be exempt from disclosure and the Equal Opportunities Division Head determines in accordance with the Wisconsin Public Records Laws that it would be clearly contrary to the public's interests to disclose such conciliation agreement. (Am. by ORD-06-00078, 6-30-06)

(Sec. 3.23(10)(b)4. Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98)

5. Notwithstanding the provisions of Sec. 39.03(10)(c)1. to the contrary, to test and investigate for the purpose of establishing violations of Section 39.03 of these ordinances and, if appropriate, to make, sign, and file complaints alleging violations thereof. (Cr. by Ord. 12,039, 2-17-98)
6. To render from time to time, but not less that once a year, written report of its activities and recommendations to the Mayor and the Common Council.
   (Renumbered by Ord. 12,039, 2-17-98)
7. To adopt such rules and regulations as may be necessary to carry out the purpose and provisions of this ordinance. (Renumbered by Ord. 12,039, 2-17-98)
8. To issue subpoenas pursuant to Wis. Stat. § 885.01 to assist in the execution of its duties. (Renumbered by Ord. 12,039, 2-17-98)
9. The Commission may, from time to time, designate Commissioners and/or Equal Opportunities Division staff to carry out its duties.
   (Renumbered by Ord. 12,039, 2-17-98; Am. by ORD-06-00078, 6-30-06)

(c) Except as provided in Sec. 39.03(10)(d), the Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination:

1. Limitations, Copies of Rules and Affirmative Defense.

a. The Commission shall not accept any complaint filed more than three hundred (300) days after the alleged discrimination occurred, except that complaints of housing discrimination may be filed up to one (1) year after the alleged discrimination occurred. The Commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint is sent to the person or persons complained of, hereinafter referred to as respondent.

b. Upon receipt of a verified complaint, both the complainant and the respondent shall be advised that copies of the Commission rules governing hearing procedures and the processing of complaints are available at the office of the Director of the Department of Civil Rights.

c. It shall be an affirmative defense to any alleged violation of any provision of this ordinance that compliance with any provision herein would constitute a violation of a State or Federal statute, regulation or executive order. Any person asserting such an affirmative defense shall maintain upon their premises a copy of the State or Federal statute, regulation or order they are relying upon to establish this affirmative defense and shall make the same available upon request to the Commission and to any person whom has been affected by such person's reliance upon such State or Federal statute, regulation or executive order.

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

2. Hearings.

a. If the Commission finds probable cause to believe that any discrimination has been or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure so to eliminate the discrimination, the Commission shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten (10) days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than thirty (30) days after service of the notice of hearing. The testimony at the hearing shall be recorded.

b. If, after hearing, the Commission finds that the respondent has engaged in discrimination, it shall make written findings and order such action by the respondent as will redress the injury done to complainant in violation of this ordinance, bring respondent into compliance with its provisions and generally effectuate the purpose of this ordinance. Such remedies may include, but are not limited to, out of pocket expenses, economic and noneconomic damages including damages for emotional injuries and, in regard to discrimination in employment, both front and back pay. In regard to discrimination in public accommodations by the holder of an alcohol beverage license issued pursuant to Chapter 38 of these ordinances, the Commission shall relay its findings to the City

Attorney who shall commence a proceeding pursuant to Sec. 38.10 of these ordinances. The Commission may not order punitive damages.

Back pay liability shall not accrue from a date more than two (2) years prior to the filing of a complaint with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against, shall operate to reduce back pay otherwise allowable. Amounts received by the person as unemployment benefits or welfare payments shall not reduce the back pay allowable, but shall be withheld from the person discriminated against and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment.

The amendments to this subparagraph b. shall apply to all proceedings pending on or commenced after the effective date of this ordinance, ID No. 22735 in furtherance of the remedial purposes of the Equal Opportunities Ordinance, 39.03 et seq. of the Madison General Ordinances. (Am. by Ord. 12,039, Adopted 2-17-98)

c. The Commission shall serve a copy of its findings and order on the respondent.
(Am. by Ord. 12,039, Adopted 2-17-98)

d. If the Commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a copy of its findings on the complainant together with an order dismissing the complaint.

e. The Commission shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.

(Sec. 3.23(10)(c)(2) Am. By Ord. 12,039, 2-17-98)

3. Judicial Enforcement of Orders.

a. Whenever in the judgment of the Commission, the judicial enforcement of the ordinance is necessary, the Commission shall in writing request the City Attorney to enforce the ordinance in the name of the City of Madison.

b. Upon receipt of such request, the City Attorney shall have the power and duty to seek enforcement of the ordinance in a court of competent jurisdiction.

4. Judicial Review of Orders. Only those orders that explicitly state therein that they are final orders of the Equal Opportunities Commission shall be final administrative determinations for the purposes of appeal. Such orders shall be subject to certiorari review in court pursuant to the time limits and procedures set forth in Wis. Stat. § 68.13, which procedures are adopted and incorporated by reference. Such decisions are not reviewable under Sec. 9.49, MGO. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding, with said notice to be sent by first class mail to each party's last known address. (Am. by Ord. 12,039, Adopted 2-17-98)

5. Housing Discrimination Complaint Procedures. The following special procedures shall apply to complaints of housing discrimination:

a. If the Commission finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under Section 39.03(4) of these ordinances, the Commission shall make written

findings and shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the complainant, and injunctive or other equitable relief.

(Sec. 3.23(10)(c)5. Am. by Ord. 12,039, Adopted 2-17-98)

(d) The Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination filed against the City of Madison and the Community Development Authority.

1. Upon the receipt of a written, verified complaint naming the City of Madison or the Community Development Authority as a respondent, a copy of such complaint shall be served on the City Attorney, the Mayor, and the City Clerk.
2. If the Equal Rights Division of the Wisconsin Department of Workforce Development or the U.S. Department of Housing and Urban Development (HUD) has jurisdiction over the complaint, the Equal Opportunities Commission shall take no action, but shall refer the complaint to the Equal Rights Division or HUD for appropriate action as provided by law. If the U.S. Equal Employment Opportunity Commission or HUD has jurisdiction, a copy of the complaint shall be forwarded to that agency. The complainant shall be informed of all such referrals.
3. If state and federal agencies are without jurisdiction, the Equal Opportunities Commission shall follow the procedure provided in Sec. 39.03(10)(c) of this ordinance.

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,322, 2-2-99)

(Sec. 3.23(10)(e) R. by ORD-06-00078, 6-30-06)

(Sec. 39.03(10) Am. by ORD-10-00096, 10-14-10)

(11) Clerk to Register Domestic Partnerships.

(a) The City Clerk shall register as domestic partnerships all those persons who state, in an application, which shall be verified, that they meet the requirements contained in Sec. 39.03(2) of this ordinance, and pay a registration fee of twenty-five dollars ($25) to cover record keeping and other costs related to such registration. (Am. by ORD-15-00039, 4-8-15)

(b) The application shall include the applicants' agreement to notify the City Clerk of any change in the status of their domestic partner relationship.

(c) The Clerk shall provide each domestic partnership with a registration certificate, but no registration shall be made nor certificate issued, before the third working day after the date of the application.

(d) Registration as a domestic partnership is terminated on the 30th day after the Clerk receives and files written notice of termination from one or both domestic partners.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(12) Title. This ordinance shall be known as the Equal Opportunities Ordinance.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(13) At any time after a complaint is filed, the Director of the Department of Civil Rights may request the City Attorney to file an appropriate action before any city or state administrative agency with jurisdiction over offenses or violations set forth in such complaint and/or may request that the City Attorney file a civil action in the circuit court for Dane County, seeking appropriate temporary relief against the respondent, pending final action by the Commission under this section. Such relief may include an order or decree restraining the respondent from performing an act tending to render ineffectual an order the Commission may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper. (Am. by ORD-10-00096, 10-14-10)

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

(14) Penalty.

(a) Any person violating any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(b) Any person who shall fail or neglect to comply with any lawful order of the Equal Opportunities Commission issued pursuant to the provisions of this section shall be deemed guilty of a violation of this section, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense. (Am. by Ord. 11,183, Adopted 2-21-95; ORD-06-00078, 6-30-06; Renum. and Am. by ORD-10-00096, 10-14-10)

(Renumbered by Ord. 12,039, Adopted 2-17-98)

39.04 DISABILITY RIGHTS COMMISSION. (Am. by ORD-15-00086, 8-12-15)

(1) Organization. There is hereby created a Disability Rights Commission. (Am. by Ord. 12,880, 8-24-01; ORD-15-00086, 8-12-15)

(2) Membership. The Commission shall consist of thirteen (13) members. Twelve (12) resident members and one alderperson shall be appointed by the Mayor, subject to confirmation by the Common Council. Resident members shall be residents of the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of residents with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates. (Am. by ORD-05-00168, 11-8-05; ORD-07-00195, 12-20-07; ORD-17-00030, 3-8-17)

(3) (a) Terms. All members shall serve terms of three (3) years, commencing May 1, and expiring April 30, except that the term of the Alderperson member of the Commission shall expire with the expiration of her/his term as Alderperson. At the first regular Common Council meeting in April of each year, the Mayor shall appoint persons to fill terms which expire the following May 1. The Common Council shall either reject or confirm the appointments. Should the Council reject any appointment, the Mayor shall submit an alternative appointment as soon as possible. All members shall serve until a successor is appointed and qualifies. Vacancies shall be filled in the manner prescribed for original appointments but the vacancies shall be filled for the unexpired term only.

(b) (Repealed by ORD-05-00168, 11-8-05)

(Am. by Ord. 10,978, 9-14-94; Ord. 12,880, 8-24-01)

(4) Duties. The Disability Rights Commission shall have the following responsibilities:

(a) Recommend policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families. (Am. by Ord. 10,498, Adopted 8-18-92; Am. by ORD-06-00078, 6-30-06)

(b) Study and make recommendations to all City departments, committees, and commissions on proposals to provide better access to facilities and services for people with disabilities and their families.

(c) The Commission shall monitor and report violations of city ordinances and state laws pertaining to residents with disabilities to the appropriate agency.

(d) The Commission shall solicit comments and suggestions from residents and organized groups regarding the concerns of residents with disabilities.

(e) The Commission shall establish close working relationships with other City Boards, Commissions and Committees whose activities may affect people with disabilities.

(Am. by Ord. 12,880, 8-24-01; ORD-15-00086, 8-12-15; ORD-17-00030, 3-8-17)

(5) Meetings. The Commission shall meet at least once each month and shall conduct its business in accordance with rules which it may establish.

(6) Executive Committee. Each year the Commission shall meet as soon after May 1 as possible to elect a Chair and Vice-Chair and such other officers as the Commission may

determine. The Commission Chair shall appoint a Commission member as Chair of any other committees. The Executive Committee shall consist of all Commission officers, committee Chairs and other commission members as appointed by the Chair. The Executive Committee shall have responsibilities as assigned by the Commission. (Am. by Ord. 12,880, 8-24-01)

(7) Staff. The Commission shall receive staff services from the Department of Civil Rights. (Am. by Ord. 10,498, Adopted 8-18-92; ORD-06-00078, 6-30-06)

(Sec. 3.62 R. & Re-Cr. by Ord. 10,246, 4-26-91; Am. by Ord. 12,880, 8-24-01; ORD-15-00086, 8-12-15)

39.05 NONDISCRIMINATION BASED ON DISABILITY IN CITY FACILITIES AND CITY-ASSISTED PROGRAMS AND ACTIVITIES.

(1) Nondiscrimination. No qualified person with a disability shall, by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by City facilities, or under any program or activity which receives or benefits from City financial assistance.

(2) Declaration of Policy. It is the intention of the Mayor and Common Council to impose upon City facilities and upon recipients of City financial assistance, nondiscrimination requirements which are the same as, and consistent with, the nondiscrimination requirements which are imposed upon recipients of federal funding by the Rehabilitation Act of 1973, as amended, and applicable federal regulations.

The Council intends that the complaint procedure provided in Subsections (10) to (13) of this ordinance shall constitute the grievance procedure required by applicable federal regulations, and further intends that any time limits required by applicable federal regulations for complaints to federal agencies be tolled when a complainant pursues the complaint procedure provided in this ordinance, provided the complaint is timely under Subsection (10). Subsections (11) to (17) shall not apply to complaints filed with federal agencies. Subsections (14) to (17) shall not apply to complaints filed with the Department of Affirmative Action against federally funded City facilities.

(3) Definitions.

(a) "City facilities" includes all property owned or leased by the City, all operations of City departments and divisions, and all services rendered by the City for the welfare of its inhabitants, except that it does not include City employment.

(b) "City financial assistance" means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance, in the form of

1. Funds
2. Services of City personnel
3. Real and personal property or any interest in or use of such property, including:
    a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
    b. Proceeds from a subsequent transfer or lease of such property if the City's share of its fair market value is not returned to the City.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and

5. Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.

(c) "Program or activity" includes any program, project, or activity for the provision of facilities or services, financial aid, or other benefits to individuals (including education or training, health, welfare, cultural activities, rehabilitation, housing, or other services), whether provided through an employee of the grantee or provided by others through contracts or other arrangements with the grantee, and including the provision of facilities, for furnishing services, financial aid, or other benefits to individuals, but not including employment.

(d) "A Person with a Disability" is a person who either:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

(e) "Qualified Person with a Disability" means a person with a disability who, with or without reasonable modifications to rules, policies, and practices, the removal of architectural, communication, and transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities or facilities provided by the City, or by a recipient of City financial assistance.

(f) "Recipient" means any public or private agency, institution, organization, or other entity, or any person to which City financial assistance is extended for any program or activity, directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(Sec. 3.72(4) Renumbered to (3) by ORD-06-00078, 6-30-06)

(4) Discriminatory Actions Prohibited.

(a) The City, in its facilities, and recipients in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:

1. Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
2. Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service, or the City facility, that is not equal to that afforded others;
3. Provide a qualified person with a disability with a City facility or an aid, benefit, or service that is not as effective as that provided to others;
4. Provide different or separate City facilities, or aid, benefits, or services to persons with a disability or to any class of persons with disabilities unless such action is necessary to provide qualified persons with a disability with City facilities, aid, benefits, or services that are as effective as those provided to others;
5. Aid or perpetuate discrimination against a qualified person with a disability by providing significant assistance to any agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipient's program;
6. Deny a qualified person with a disability the opportunity to participate as a member of planning or advisory boards; or
7. Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service from a recipient, or by others using City facilities.

(b) For purposes of this ordinance, City facilities, aids, benefits, and services, to be equally effective, are not required to produce the identical result for persons with disabilities and without disabilities, but must afford persons with a disability an equal opportunity to obtain the same result, or to gain the same benefit. In choosing among available methods for meeting the requirements of this ordinance, the City facility or recipient of City financial assistance shall give priority to those methods that offer programs and activities to qualified persons with disabilities in the most integrated setting appropriate to the person's needs. (Am. by ORD-06-00099, 8-2-06)

(c) Despite the existence of separate or different programs or activities provided in accordance with this ordinance, recipients and City facilities may not deny a qualified person with a disability the opportunity to participate in such programs or activities that are not separate or different.

(d) A recipient or City facility may not, directly or through contractual or other arrangements, utilize criteria or methods of administration

1. That have the effect of subjecting qualified persons with a disability to discrimination because of such disability.
2. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the City facility or the recipient's program with respect to persons with a disability, or
3. That perpetuate the discrimination of another recipient if both recipients are subject to common administrative control.

(e) In determining the site or location of a facility, the City, or an applicant for City financial assistance or a recipient may not make selections

1. That have the effect of excluding persons with a disability from, denying them the benefits of, or otherwise subjecting them to discrimination under any City facility or any program or activity that receives or benefits from City financial assistance or
2. That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the City facility or of the program or activity with respect to persons with a disability.

(f) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from City financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with City financial assistance for the period during which the facility is used for a purpose for which the City financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

(g) Nothing in this ordinance is to be construed as affecting any landmark, as that term is defined in Section 41.02 of these ordinances or as affecting wilderness areas. (Am. by ORD-15-00072, 7-29-15)

(h) Programs limited to persons with a disability. The exclusion of persons without disabilities from the benefits of a program limited to persons with disabilities, or the exclusion of a specific class of persons with a disability from a program limited to a different class of persons with a disability is not prohibited by this ordinance.

(i) Recipients and City facilities shall post notices in an accessible format to applicants, beneficiaries and other persons, describing the applicable provisions of this ordinance, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 USCA sec. 2000e-10).

(Sec. 3.72(5) Renumbered to (4) by ORD-06-00078, 6-30-06)

(5) Program Accessibility and Existing Facilities.

(a) City facilities and recipients of City financial assistance shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. This paragraph does not:

1. Necessarily require the City facility or recipient of City financial assistance to make each of its existing facilities accessible to and usable by persons with disabilities;

2. Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where a City department head or the Board of Directors of a recipient of City financial assistance believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Department head or recipient has the burden of proving that compliance with this ordinance would result in such alterations or burdens.

(b) The City facility or recipient of City financial assistance may comply with the requirement of this ordinance through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to clients, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making its programs or activities readily accessible to and usable by persons with disabilities. The City facility or recipient of City financial assistance is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this ordinance.

(Sec. 3.72(6) Renumbered to (5) by ORD-06-00078, 6-30-06)

(6) Standards. A building or structure is readily accessible to and usable by persons with disabilities if it fulfills the applicable standards, guidelines and requirements issued by the federal Architectural and Transportation Barriers Compliance Board, including such amendments as the Board may issue from time to time.

(Sec. 3.72(7) Renumbered to (6) by ORD-06-00078, 6-30-06)

(7) Assurances Required. Applicants for City financial assistance shall submit a written assurance of compliance with this subsection on a form specified by the Director of the Department of Civil Rights or her/his designee. The assurance shall be incorporated into any contract between the recipient and the City. No City financial assistance shall be granted unless such an assurance is provided by the applicant or recipient prior to the granting of the City financial assistance. The foregoing requirement does not apply to City financial assistance provided without a written contract, but all of the other provisions of this ordinance do apply to such financial assistance.

(Sec. 3.72(8) Renumbered to (7) & Am. by ORD-06-00078, 6-30-06)

(8) Compliance Reviews. The City's Director of the Department of Civil Rights or his/her designee may periodically review the practices of recipients to determine whether they are complying with this ordinance, and may require recipients to provide relevant information.

(Sec. 3.72(9) Renumbered to (8) & Am. by ORD-06-00078, 6-30-06)

(9) Complaints. Any person who believes this section has been violated by a City facility or a recipient of City financial assistance may bring the alleged violation to the attention of the Director of the Department of Civil Rights or his/her designee. Such complaints shall be filed within three hundred (300) days of the alleged violation. The Director of the Department of Civil Rights or his/her designee shall post notices in accessible format of the complaint procedure. Any complaint shall be a public record available to any person for inspection and copying.

(Sec. 3.72(10) Renumbered to (9) & Am. by ORD-06-00078, 6-30-06)

(10) Investigation. The Director of the Department of Civil Rights or his/her designee shall promptly investigate whenever a compliance review or complaint indicates a possible violation of this section. The Disability Rights Commission shall establish rules governing complaint processing and compliance review procedures, and such rules shall be approved by the Common Council.

(Sec. 3.72(11) Renumbered to (10) & Am. by ORD-06-00078, 6-30-06)

(11) Determination. After investigating, the Director of the Department of Civil Rights or his/her designee shall issue a written determination of compliance or noncompliance and shall provide copies of the determination to the Disability Rights Commission, to the recipient or City Department or Division head responsible for the City facility and to the complainant, if any. Any determination of noncompliance shall contain a proposal for a reasonable remedy, and a reasonable deadline for compliance with the remedy. The written determination shall be a public record available to any person for inspection and copying.

(Sec. 3.72(12) Renumbered to (11) & Am. by ORD-06-00078, 6-30-06)

(12) Voluntary Compliance. If, after investigation, the Director of the Department of Civil Rights or his/her designee has found the recipient or the City facility not to be in compliance with this Section, the Director of the Department of Civil Rights and the recipient, or, in the case of a City facility, the responsible Department head, may agree upon an informal resolution of the matter by a voluntary compliance agreement. Informal resolutions shall remedy any violation of the rights of a complainant and shall assure elimination of the violation and the prevention of its recurrence. Such voluntary compliance agreements shall be in writing, and shall be approved by the Disability Rights Commission. The agreement shall be signed by the recipient and by the Mayor, or, in the case of a City facility, by the Mayor and the responsible Department head. It shall be available for public inspection and copying.

(Sec. 3.72(13) Renumbered to (12) & Am. by ORD-06-00078, 6-30-06)

(13) Enforcement Procedure. If a recipient, after receiving a written determination of noncompliance, fails to meet the deadline established for compliance and remedy, and fails to enter into a voluntary compliance agreement, or fails to comply with such an agreement, the Director of Department of Civil Rights or his/her designee shall notify the City Attorney. The City Attorney shall proceed to terminate and, if she/he deems it necessary and appropriate, to recoup the recipient's financial assistance. The City Attorney may also seek other remedies. The City Attorney shall inform the recipient of the action proposed to be taken, the matters of fact and law asserted as the basis for the action, and shall inform the applicant that a hearing may be requested by notifying the City Clerk within fifteen (15) days. The City Attorney shall also attempt to negotiate a voluntary compliance agreement. Such an agreement shall remedy any violation of the rights of a complainant and shall assure elimination of the violation and the prevention of its recurrence. Such a voluntary compliance agreement shall be in writing, shall be signed by the Mayor, approved by the Disability Rights Commission, and shall be reported to the Common Council.

(Sec. 3.72(14) Renumbered to (13) & Am. by ORD-06-00078, 6-30-06)

(14) Hearing Committee. If a hearing is requested, the City Clerk shall notify the Mayor and a Hearing Committee shall be constituted. The Hearing Committee shall consist of three (3) members of the Common Council, designated by the Mayor; three (3) persons designated by the Chair of the Disability Rights Commission; and the Chair of the Equal Opportunities Commission, or her/his designee. The Mayor shall establish rules governing hearing procedures.

(Sec. 3.72(15) Renumbered to (14) by ORD-06-00078, 6-30-06)

(15) Hearing. At the hearing, the Director of the Department of Civil Rights or her/his designee shall have the burden to persuade the Committee that the recipient has violated this Section, or the provisions of a voluntary compliance agreement. Each party shall have the right to appear in person and by counsel, to call and examine all witnesses, and to introduce exhibits. The Committee shall determine both fact and law, and shall issue a

written decision and order, including, in case it finds that the recipient has violated this Section, an appropriate remedy. The Committee's decision shall be a final administrative determination, subject to appeal as by law may be provided. The City Attorney may institute court action to enforce the Committee's order.

(Sec. 3.72(16) Renumbered to (15) and Am. by ORD-06-00078, 6-30-06)

(16) Enforcement Procedure for City Facilities. If a Department head, after receiving a written determination that a City facility for which she/he is responsible is not in compliance with this ordinance, fails to meet the deadline for compliance and remedy, fails to enter into a voluntary compliance agreement, or fails to comply with such an agreement, the Director of the Department of Civil Rights or her/his designee shall notify the Disability Rights Commission, and the Mayor. The Disability Rights Commission shall submit to the Finance Committee a written report on the noncompliance, and such report shall contain a recommendation for action. The Mayor shall convene a special meeting of the Finance Committee to consider the issue, and shall publish a notice at least twenty-one (21) days prior to the meeting. At the meeting, the Finance Committee shall hear the Department head, other City officials and employees, and members of the public. The meeting may be adjourned and reconvened as the Finance Committee may deem appropriate.

The meeting shall be considered legislative and not quasi-judicial and shall be conducted in open session. The Finance Committee shall recommend a resolution of the issue to the Common Council for its approval.

(Sec. 3.72(17) Renumbered to (16) and Am. by ORD-06-00078, 6-30-06; ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(17) Enforcement Procedure for Federally Funded City Facilities. If a Department head, after receiving a written determination that a federally funded City facility for which s/he is responsible is not in compliance with this ordinance, fails to meet the deadline for compliance and remedy, fails to enter into a voluntary compliance agreement with the Director of the Department of Civil Rights or his/her designee, or fails to comply with such an agreement, the Director of the Department of Civil Rights or her/his designee shall promptly notify the federal agency, from which the funds are provided, of the complaint. The complaint will then be addressed in accordance with the federal agency's Rehabilitation Act of 1973 complaint procedure.

(Sec. 3.72(18) Renumbered to (17) and Am. by ORD-06-00078, 6-30-06)

(Sec. 3.72 Am. by Ord. 10,498, Adopted 8-18-92)

(Sec. 39.05 Am. by ORD-15-00086, 8-12-15)

39.06 REVEREND DOCTOR MARTIN LUTHER KING, JR. HUMANITARIAN AWARD.

(1) There is created the Reverend Doctor Martin Luther King, Jr. Humanitarian Award or Awards to be presented annually to the person or persons who have made outstanding and significant contributions in the spirit of sisterhood, brotherhood, and harmony toward making Madison and Dane County an ideal place in which to live. The award or awards shall be presented at the annual celebration of the birth of Dr. King. (Am. by Ord. 8989, 10-15-86; ORD-05-00169, 11-8-05)

(2) The Mayor and the County Executive shall appoint a Commission consisting of nine (9) voting members. The Mayor shall appoint the City's voting members, which shall consist of the Community Development Division Director or her/his designee and one delegate from each of the following commissions/ committees: the Madison Equal Opportunities Commission, the Affirmative Action Commission, and the Committee on People with Disabilities. The County Executive shall appoint four (4) voting members to represent Dane County. The Mayor and the County Executive shall jointly appoint one (1) member to serve as the ninth (9th) committee member. This Commission shall annually seek candidates and select the recipient or recipients of this award. (Am. by Ord. 10,498, Adopted 8-18-92; Ord. 13,340, 6-7-03; ORD-06-00078, 6-30-06; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(3) The Mayor shall convene the Commission on or before March 15 of each year. The Commission shall select a chairperson and may establish rules and procedures.

(Am. by Ord. 8397, 7-25-84; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-09-00118, 8-11-09)

39.07 EQUAL BENEFITS.

(1) Statement of Purpose, Findings. The purpose of this ordinance is to ensure that contractors doing business with the City under certain public works contracts, service contracts, and contracts for financial assistance provide benefits for their employees in domestic partnerships that are equal to the benefits provided for similarly-situated employees who are married. The Common Council of the City of Madison finds that the use of City funds should support employers that offer equal compensation, including benefits, to all employees, including employees in a domestic partnership. The Council finds that the equal benefit requirements of this ordinance ensure that City funds are used responsibly and with contractors who reflect values that the City shares while also meeting requirements that public construction contracts be awarded to the lowest responsible bidder. The requirements of this ordinance are for the protection and welfare of the public in the performance of all public contracts.

(2) Definitions. In this section:

(a) "Benefit" means any plan, program or policy provided or offered by a contractor to its employees as part of the employer's total compensation package. This includes, but is not limited to, bereavement leave, family medical leave, sick leave, health insurance or other health benefit, dental insurance or other dental benefit, disability insurance, life insurance, membership or membership discounts, moving expenses, pension and retirement benefits, and travel benefits; and is intended to include benefits that are provided directly to an employee (such as bereavement leave) and to the employee's spouse or domestic partner (such as health insurance coverage for the spouse or domestic partner).

(b) "Cash equivalent" means an amount equal to the actual cost to the employer for providing the benefit in question to the spouse of a married employee.

(c) "City financial assistance" for purposes of this ordinance means any grant, cooperative agreement, loan contract or any other arrangement by which the City provides or otherwise makes available assistance in an amount exceeding twenty-five thousand dollars ($25,000) in the form of:

1. Funds;
2. Services of City personnel;
3. Leases of real property for less than the fair market value, or for reduced consideration;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis) other City property (other than real property) or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient;
5. "City financial assistance" includes, but is not limited to, capital revolving fund loans, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103, contracts with developers or other entities authorized by Wis. Stat. § 66.1105(3)(e).
6. "City financial assistance" does not include public works contracts, supply procurement contracts, professional service or other service contracts as defined herein, contracts of insurance or guaranty, or collective bargaining agreements.

7. Subcontractors and Employees of Recipients of Financial Assistance. The equal benefit requirement of this ordinance shall apply to all employees employed in work performed under a contract funded by City Financial Assistance, or employed by a contractor of a City Financial Assistance recipient and who expends at least twenty (20) hours a week at the project site funded by City financial assistance, or employed by a recipient of City financial assistance in work performed at a project site funded by City Financial Assistance.

(d) "Contractor," for purposes of this ordinance, means a Service Contractor as defined herein, a contractor who has entered into a Public Works contract as defined herein, or a recipient of City Financial Assistance, as defined herein.

(e) "Employee" means any individual, who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to or work or be at any time in any place of employment. "Employee" includes individuals whose work is permanent or temporary, or on a full-time or part-time basis.

(f) "Domestic partner" means an individual in a domestic partnership.

(g) "Domestic partnership" means two adults and their dependents, if any, that are currently registered as a domestic partnership (or equivalent) in any governmental jurisdiction offering a domestic partnership or similar registry, or who satisfy the following requirements:

1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship in the immediate future; and
2. They are not married (unless they are married to each other) or legally separated and, if either party has been a party to an action or proceeding for divorce or annulment, at least six (6) months have elapsed since the date of the judgment terminating the marriage; and
3. Neither domestic partner is currently registered in a domestic partnership with a different domestic partner and, if either partner has previously been registered as a domestic partner in a domestic partnership, at least six (6) months have elapsed since the effective date of termination of that registration; and
4. Both are eighteen (18) years of age or older; and
5. Both are competent to contract; and
6. They are occupying the same dwelling unit as a single, nonprofit housekeeping unit, whose relationship is of permanent and distinct domestic character; and
7. They are not in a relationship that is merely temporary, social, political, commercial or economic in nature.

(h) "Person" means any individual, partnership, joint venture, corporation, limited liability company or partnership, trust, association, or other entity that may employ individuals or enter into contracts.

(i) "Public Contract" means any contract meeting the definition of "public contract" in Wis. Stat. § 66.0901(1), if the value of such contract requires it to be let to the lowest responsible bidder under Wis. Stat. § 62.15. (Am. by ORD-14-00012, 1-14-14)

(j) "Recipient of City Financial Assistance" means any person, including that person's subcontractors if required by Sec. 39.07(2)(c)7. herein, successors, assignees and transferees, who enters into a contract with the City to receive City Financial Assistance as defined in this ordinance.

(k) "Service Contract," for purposes of this ordinance, means: any contract with the City for the provision of services to any City department or agency with a budget under the control of the Common Council, that has a value exceeding twenty-five

thousand dollars ($25,000); this includes but is not limited to standard "Purchase of Services" contracts and contracts for purchase of human services administered by the Office of Community Services under the Community Resources Program with a value exceeding twenty-five thousand dollars ($25,000).

(l) "Service Contractor" means any person who enters into a Service Contract with the City, including that person's subcontractors (if the subcontractor is performing $25,000 or more in work), successors, assignees, or transferees.

(3) Equal Benefits Requirement.

(a) Applicability. This ordinance shall apply to the following types of contracts: Service Contracts, contracts for City Financial Assistance, and Public Works Contracts, as defined herein, subject to the exemptions in Sec. 39.07(3)(c).

(b) Requirement to Provide Equal Benefits. All Service Contractors, their subcontractors if the value of the subcontracted work is $25,000 or more, Recipients of City Financial Assistance (as defined herein), and contractors under a public works contract and their subcontractors if the value of a subcontractor's work exceeds the single-trade minimum set forth in Sec. 33.07(7)(b)5., (hereafter, "Contractors"), shall offer and provide benefits to employees with domestic partners that are equal to the benefits offered and provided to married employees with spouses. If a benefit would be available to the spouse of a married employee or to the employee based on his or her status as a spouse, the benefit shall also be made equally available to a domestic partner of that employee, or to the employee based on his or her status as a domestic partner. If, after making a reasonable effort to provide an equal benefit as required by this paragraph, the contractor is unable to provide the benefit, the contractor shall provide the employee with the cash equivalent of the benefit.

(c) Exemptions. The following contracts shall be exempt from the requirements of this ordinance:

1. Contracts for the purchase of goods or supplies only.
2. Contracts necessitated by or resulting from an emergency and thus will not permit the delay required to assure compliance with this ordinance including contracts executed as an emergency services contract under Sec. 4.26(4)(c). (Am. by ORD-13-00150, 9-11-13)
3. A contract with a contractor whose employees are under a collective bargaining agreement that was in effect prior to the effective date of this ordinance, however, the contractor must agree to propose to the applicable collective bargaining unit(s) that an equal benefit requirement consistent with this ordinance be incorporated into the next collective bargaining agreement or into the existing agreement upon amendment, extension or other modification that occurs after the effective date of this ordinance.
4. Contracts for donations to the City.
5. Contracts With Other Municipalities. For purposes of this ordinance, "municipalities" shall include all units of government listed in Wis. Stat. § 66.0301, inclusive of future amendments.
6. Contracts with the State of Wisconsin, the University of Wisconsin, and the Area Board of any Vocational, Technical and Adult Education District.
7. Contracts with the United States of America and individual agencies of the U.S. government.
8. Contracts for the sale or purchase of real property, and relocation-related contracts, except those that fall under the definition of City Financial Assistance herein. Relocation-related contracts are contracts for City payment of the costs of the relocation or modification of another person's

facilities required when the City acquires a real property interest or modifies a railroad crossing, usually arising out of a relocation order, transportation project plat, or order of the Commissioner of Railroads.

9. Contracts under which the City receives net cash, including, but not limited to contracts where the City leases real property, and sells or leases goods or services for cash; except contracts with the City's depository banks, which shall not be exempt.

10. Agreements with bond underwriters, financial institutions, and credit rating agencies, where the agreement relates to the City's borrowing. (Am. by ORD-15-00128, 11-25-15)

11. "Sole Source" Service Contracts. A contract may be exempt from this ordinance if the services are determined to be available from only one person or firm under Sec. 4.26(4)(a)2., MGO, or a consultant who has provided services in this past under Sec. 4.26(4)(a)7. and the procedures in Sec. 4.26(4)(b) are followed.

12. No Bidders Can Comply. If a competitive selection process was used for a contract to which this ordinance applies (or applications sought for city financial assistance) and the responses demonstrate that none of the bidders or applicants can comply with this ordinance, and one or more of the bids or applications would have been responsive if compliance with this section was not required, the contract may be re-bid or new applications sought without the requirements of this ordinance. If a contract is awarded as a result of a re-bid (or call for new applications) under this paragraph, that contract will be exempt from the requirements of this ordinance.

13. Pre-Existing Contracts. Contracts to which this ordinance would apply that were in effect prior to the date this Sec. 39.07 first takes effect.

14. Renewals. A renewal or extension of a contract to which this ordinance applies that was executed prior to the date this Sec. 39.07 first takes effect, if the contractor is providing an essential service or work that, in the opinion of the Purchasing Division or City Engineer, is not available from any other contractor. Examples include but are not limited to renewal of a support or maintenance contract for proprietary software that was purchased prior to the date this ordinance first takes effect, or an extension of time or change order on a public works contract signed prior to the date this ordinance first took effect.

(4) Proof of Domestic Partner Status. Contractors with employees who reside in Wisconsin may require those employees to sign and file a Declaration of Domestic Partnership in conformance with Wis. Stat. ch. 770 and register accordingly with their local County Clerk, as a prerequisite to providing equal benefits under this ordinance. Contractors with employees who reside outside of Wisconsin may require those employees to provide proof of an equivalent registration or other procedure in the jurisdiction where the employee resides, if available. If none is available in the jurisdiction where the employee resides, the Contractor shall recognize a domestic partnership meeting the definition of domestic partnership in this ordinance.

(5) Mandatory Contract Language. All contracts to which this ordinance applies shall include the following language:

"Equal Benefits Requirement (Sec. 39.07, MGO). For the duration of this Contract, the Contractor agrees to offer and provide benefits to employees with domestic partners that are equal to the benefits offered and provided to married employees with spouses, and to comply with all provisions of Sec. 39.07, Madison General Ordinances (MGO). If a benefit would be available to the spouse of a married employee, or to the employee based on his or her status as a spouse, the benefit shall also be made available to

a domestic partner of an employee, or to the employee based on his or her status as a domestic partner. "Benefits" include any plan, program or policy provided or offered to employees as part of the employer's total compensation package, including but not limited to, bereavement leave, family medical leave, sick leave, health insurance or other health benefits, dental insurance or other dental benefits, disability insurance, life insurance, membership or membership discounts, moving expenses, pension and retirement benefits, and travel benefits.

Cash Equivalent. If after making a reasonable effort to provide an equal benefit for a domestic partner of an employee, the contractor is unable to provide the benefit, the contractor shall provide the employee with the cash equivalent of the benefit.

Proof of Domestic Partner Status. The Contractor may require an employee to provide proof of domestic partnership status as a prerequisite to providing the equal benefits. Any such requirement of proof shall comply with Sec. 39.07(4), MGO.

Notice Posting, Compliance. The Contractor shall post a notice informing all employees of the equal benefit requirements of this Contract, the complaint procedure, and agrees to produce records upon request of the City, as required by Sec. 39.07, MGO.

Subcontractors (Public Works Contracts Only). Contractor shall require all subcontractors, the value of whose work exceeds the single-trade minimum set forth in Sec. 33.07(7)(b)5., MGO, to provide equal benefits in compliance with Sec. 39.07, MGO.

Subcontractors (Recipients of City Financial Assistance Only). This requirement also applies to employees of contractors hired by the Recipient who expend at least twenty (20) hours a week at the project site funded by City financial assistance.

Subcontractors (Service Contracts Only). Contractor shall require all subcontractors, the value of whose work is twenty-five thousand dollars ($25,000) or more, to provide equal benefits in compliance with Sec. 39.07, MGO."

(6) Monitoring and Enforcement.

(a) Posting of Notice. While the contract is in effect, all contractors or recipients of City financial assistance to which this ordinance applies shall post notices explaining the equal benefits requirement under the contract and the procedure for filing a complaint under this ordinance, in prominent locations at the workplace where it can be viewed by all employees.

(b) Complaints. Any person may file a complaint with the City of Madison Department of Civil Rights that a contractor is in violation of the terms of the contract or this ordinance. The Department of Civil Rights shall receive complaints and investigate the merits of such complaints, with assistance from the Human Resources Department.

(c) Record-Keeping and Production of Records. All contractors and recipients of City financial assistance shall keep full and accurate records of benefits provided or cash equivalents paid to employees under this ordinance. If a complaint is filed with the City under sub. (b), the Contractor shall provide upon the City's request access to all records relevant to compliance with this ordinance and shall require their subcontractors to allow the same access. Contractors shall provide such records to the office of the Department of Civil Rights within ten (10) business days of the date requested in writing and shall permit the City access during normal business hours to the above records, as well as access to persons who may have information relevant and necessary to ascertain compliance with this ordinance, within ten (10) business days of the date requested in writing.

(d) Violation, Remediation and Sanctions. The City shall inform the contractor if a complaint has been filed under this ordinance or a violation has been determined to exist, and in addition to examining the contractor's records, the City may discuss the violation with the contractor. The purpose of the discussion is to encourage the contractor to change its practices to achieve compliance. The City may at its sole option prescribe appropriate measures for the contractor to take in

order to comply with the Ordinance and may agree, in writing, to a compliance plan which shall be incorporated as an amendment to the contract. If the Contractor or subcontractor fails to comply with this ordinance as made applicable through the contract, the City at its option may do any or all of the following:

1. Cancel, terminate, suspend or non-renew the contract in whole or in part.
2. Declare the contractor ineligible for further City contracts and/or disqualify the contractor from bidding or submitting proposals on City contracts or applying for city financial assistance.
3. Recover on behalf of the City from the prime Contractor 0.5 percent of the contract award price for each week that such party fails or refuses to comply, in the nature of liquidated damages, but not to exceed a total of five percent (5%) of the contract price, or five thousand dollars ($5,000), whichever is less. Under public works contracts, if a subcontractor is in noncompliance, the City may recover liquidated damages from the prime Contractor in the manner described above. The preceding sentence shall not be construed to prohibit a prime Contractor from recovering the amount of such damage from the non-complying subcontractor.

(e) Submission of False Information. Any person who has been found by the City to have submitted any false, misleading or fraudulent information to the City regarding compliance with this ordinance during the term of this contract or an investigation of a complaint under this ordinance may be subject to any of the above sanctions.

(f) No Waiver. Nothing in this subsection shall be construed as a waiver or limitation of the City's remedies under an existing contract or other remedies available at equity or at law.

(7) Effective Date and Applicability to Existing Contracts. This ordinance shall take effect on July 1, 2012, and apply to contracts executed, extended, or renewed by the City on or after that date. No existing contract to which this ordinance applies shall be extended or renewed on or after July 1, 2012, unless the requirements of this ordinance are incorporated into the contract or the contract is determined to be exempt under Sec. 39.07(3)(c).

(8) Penalty. In addition to any of the sanctions set forth elsewhere in this ordinance, any person who violates any portion of this ordinance or fails to comply with any of its requirements shall, upon conviction hereof, be subject to a forfeiture of not less than one-hundred dollars ($100) and not more than one thousand dollars ($1,000), plus applicable costs. Each day or portion thereof that such violation continues shall be considered a separate offense. Prosecution of a forfeiture action for a violation of this ordinance shall not preclude imposition of other sanctions listed above, nor shall the imposition of such sanctions be construed as a limitation on prosecution.

(Sec. 39.07 Cr. by ORD-12-00022, 3-5-12)

39.08 "BAN THE BOX" IN CITY CONTRACTING.

(1) Statement of Purpose. The purpose of this ordinance is to ensure that contractors doing business with the City of Madison provide equitable opportunities for qualified applicants to be considered for job openings without being prematurely eliminated from consideration based on a history of arrest or conviction which may be irrelevant to the job position. The Common Council of the City of Madison finds that the use of City funds should support employers who make hiring decisions based on relevant work qualifications consistent with this ordinance. Among other things, the Council finds that the ability to be considered for a job, receive an interview, and to be offered a job will improve access to family-supporting employment and assist in reducing recidivism in the criminal justice system. The Council finds that the requirements of this ordinance will ensure that City

funds are used responsibly with contractors who reflect values that the City shares while also meeting requirements that public construction contracts be awarded to the lowest responsible bidder. The requirements of this ordinance are for the protection and welfare of the public in the performance of all public contracts.

(2) Definitions. In this section:

"Applicant" means any person who completes and submits the necessary information to an employer to apply for a job or an unpaid internship, apprenticeship, trainee or similar position.

"Application form" means the initial paperwork or information form, whether in paper or electronic format, required by an employer to commence the process of applying for a job or an unpaid internship, apprenticeship, trainee or similar position.

"Arrest and conviction record" For purposes of this ordinance, "arrest record" shall have the meaning given in Sec. 39.03(2), MGO and "conviction record" shall have the meaning given in Sec. 39.03(2).

"Background check" means the process of checking an applicant's arrest and conviction record, through any means.

"Ban the Box" is the phrase used to describe the concept of removing questions regarding arrest and conviction record from job applications and the job interview process. For purposes of this section, the phrase refers only to the requirements of this section.

"City financial assistance" for purposes of this ordinance means any grant, cooperative agreement, loan contract or any other arrangement by which the City provides or otherwise makes available assistance in an amount exceeding twenty-five thousand dollars ($25,000) in the form of:

1. Funds;
2. Services of City personnel;
3. Leases of real property for less than the fair market value, or for reduced consideration;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis) other City property (other than real property) or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient;
5. "City financial assistance" includes, but is not limited to, capital revolving fund loans, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103, contracts with developers or other entities authorized by Wis. Stat. § 66.1105(3)(e).
6. "City financial assistance" does not include public works contracts, supply procurement contracts, professional service or other service contracts as defined herein, contracts of insurance or guaranty, or collective bargaining agreements.

"Conditional offer of employment" is an offer of employment made to the final candidate, conditioned upon the outcome of a background check. "Offer of employment" shall also include an offer for an unpaid internship, apprenticeship, trainee or similar position.

"Developer" means any person who has entered into a contract for the construction of public improvements that will be accepted by the City, or a subdivision agreement under Sec. 16.23, MGO.

"Person" means any individual, partnership, joint venture, corporation, limited liability company or partnership, trust, association, or other entity that may employ individuals or enter into contracts.

"Pre-qualified" means a contractor or subcontractor who has met the applicable prequalification requirements of Sec. 33.07(7), MGO.

"Pre-qualified Public Works Subcontractor" means a subcontractor on a Public Works Contract who is required to meet prequalification requirements prior to commencing work by Sec. 33.07(7)(l).

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

"Recipient of City Financial Assistance" means any person, including that person's successors, assignees and transferees, who enters into a contract with the City to receive City Financial Assistance as defined in this ordinance.

"Service Contract," for purposes of this ordinance, means: any contract with the City for the provision of services to any City department or agency with a budget under the control of the Common Council, that has a value exceeding twenty-five thousand dollars ($25,000); including but not limited to "Contracts for Purchase of Services" and contracts administered by the Community Development Division (CDD) with a value exceeding twenty-five thousand dollars ($25,000).

"Service Contractor" means any person who enters into a Service Contract with the City, including any successors, assignees, or transferees.

(3) "Ban the Box" Requirements.

(a) Applicability. This ordinance shall apply to the following types of contracts and contractors:

1. Types of Contracts. Service Contracts (including CDD contracts), contracts for City Financial Assistance, Public Works Contracts, and any other city contract that requires the use of prequalified contractors or subcontractors; subject to the exemptions in Sec. 39.08(3)(c) herein.
2. Contractors. Service Contractors (including CDD contractors); Recipients of City Financial Assistance, their contractors, and any subcontractors if required to be prequalified; Public Works contractors and Pre-qualified Public Works Subcontractors; contractors or subcontractors under a Developer agreement if required to be prequalified; and any other prequalified contractor or subcontractor of a party who has a contract with the city.

(b) Requirements. All contractors listed in sub. (3)(a).2. above ("Contractors"), shall:

1. Remove from all job application forms any questions, check boxes, or other inquiries regarding an applicant's arrest and conviction record, as defined herein.
2. Refrain from asking an applicant in any manner about their arrest or conviction record until after a conditional offer of employment is made to the applicant in question; and city contract form as the base and attached the West order form.
3. Refrain from conducting a formal or informal background check or making any other inquiry using any privately or publicly available means of obtaining the arrest or conviction record of an applicant until after a conditional offer of employment is made to the applicant in question.

(c) Exemptions. The following contracts are exempt from the requirements of this ordinance:

1. Contracts for the purchase of goods or supplies only.
2. Contracts necessitated by or resulting from an emergency and thus will not permit the delay required to assure compliance with this ordinance including contracts executed as an emergency services contract under Sec. 4.26(4)(c).

3. Contracts With Other Municipalities. For purposes of this ordinance, "municipalities" shall include all units of government listed in Wis. Stat. § 66.0301, inclusive of future amendments.
4. Contracts with the State of Wisconsin, the University of Wisconsin, and the Area Board of any Vocational, Technical and Adult Education District.
5. Contracts with the United States of America and individual agencies of the U.S. government.
6. Contracts for the sale or purchase of real property, and relocation-related contracts, except those that fall under the definition of City Financial Assistance herein. Relocation-related contracts are contracts for City payment of the costs of the relocation or modification of another person's facilities required when the City acquires a real property interest or modifies a railroad crossing, usually arising out of a relocation order, transportation project plat, or order of the Commissioner of Railroads.
7. Contracts under which the City receives net cash, including, but not limited to contracts where the City leases real property, and sells or leases goods or services for cash; except contracts with the City's depository banks, which shall not be exempt.
8. Agreements with bond underwriters, financial institutions, and credit rating agencies, where the agreement relates to the City's borrowing.
9. "Sole Source" Service Contracts. A contract may be exempt from this ordinance if the services are determined to be available from only one person or firm under Sec. 4.26(4)(a)2., MGO, or a consultant who has provided services in this past under Sec. 4.26(4)(a)7. and the procedures in Sec. 4.26(4)(b) are followed.
10. Contracts Mandated by Law. A contract the City must make as a requirement of a statute, regulation or other law.
11. Pre-Existing Contracts. Contracts to which this ordinance would apply that were in effect prior to the date this Sec. 39.08 first takes effect.
12. Renewals. A renewal or extension of a contract to which this ordinance applies that was executed prior to the date this Sec. 39.08 first takes effect, if the contractor is providing a service or work that in the opinion of the Mayor is essential to the operations of the City and not available from any other contractor or is not feasible to award to another contractor due the timing of the renewal. Examples include renewal of a support or maintenance contract for proprietary software that was purchased prior to the date this ordinance first takes effect, or an extension of time or change order on a contract signed prior to the date this ordinance first took effect.

(4) Exempt Job Positions. The requirements of this ordinance shall not apply when:

(a) Hiring for a position where certain convictions or violations are a bar to employment in that position under applicable law.

(b) Hiring a position for which information about criminal or arrest record, or a background check is required by law to be performed at a time or in a manner that would otherwise be prohibited by this ordinance, including a licensed trade or profession where the licensing authority explicitly authorizes or requires the inquiry in question.

(c) The contractor is identified by the City as being subject to the Vulnerable Populations Resolution adopted by the Common Council on May 21, 1996 (Substitute Resolution No. 53, 279.) Such contractors are exempt from the entirety of this ordinance.

To be exempt under subs. (a) or (b), the contractor has the burden of demonstrating that there is an applicable law or regulation that requires the hiring practice in question, if so, the contractor is exempt from all of the requirements of this ordinance for the position(s) in question.

(5) Mandatory Contract Language. All contracts to which this ordinance applies shall include the following language:

"Ban the Box - Arrest and Criminal Background Checks (Sec. 39.08, Madison General Ordinances). For purposes of this section, "Arrest and Conviction Record" includes, but is not limited to, information indicating that a person has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority. "Conviction record" includes, but is not limited to, information indicating that a person has been convicted of a felony, misdemeanor or other offense, placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority. "Background Check" means the process of checking an applicant's arrest and conviction record, through any means.

For the duration of this Contract, the Contractor shall:

1. *Remove from all job application forms any questions, check boxes, or other inquiries regarding an applicant's arrest and conviction record, as defined herein.*
2. *Refrain from asking an applicant in any manner about their arrest or conviction record until after a conditional offer of employment is made to the applicant in question.*
3. *Refrain from conducting a formal or informal background check or making any other inquiry using any privately or publicly available means of obtaining the arrest or conviction record of an applicant until after a conditional offer of employment is made to the applicant in question.*
4. *Make information about this ordinance available to applicants and existing employees and post notices in prominent locations at the workplace with information about the ordinance and complaint procedure, using language provided by the City.*
5. *Comply with all other provisions of Sec. 39.08, MGO."*

(6) Monitoring and Enforcement.

(a) Notice. While the contract is in effect, all contractors shall make information about this ordinance available to applicants and existing employees and post notices in prominent locations at the workplace. The information shall be in a format provided by the City and shall include the requirements of this ordinance, the complaint procedure, and obligation to produce records upon request of the City.

(b) Complaints. Any person may file a complaint with the City of Madison Department of Civil Rights that a contractor is in violation of the terms of the contract or this ordinance. The Department of Civil Rights shall receive complaints and investigate the merits of such complaints, with assistance from the contracting city agency.

(c) Record-Keeping and Production of Records. All contractors shall keep full and accurate records sufficient to determine compliance with this ordinance and shall provide upon the City's request access to all records relevant to compliance with this ordinance. Contractors shall provide such records to the office of the Department of Civil Rights within ten (10) business days of the date requested in writing and shall permit the City access during normal business hours to the above records, as well as access to persons who may have information relevant and

necessary to ascertain compliance with this ordinance, within ten (10) business days of the date requested in writing. The City's request for records shall inform the contractor of the basis for the request.

(d) Violation, Remediation and Sanctions. The City shall inform the contractor if a complaint has been filed under this ordinance or a violation has been determined to exist, and in addition to examining the contractor's records, the City may discuss the violation with the contractor. The purpose of the discussion is to encourage the contractor to change its practices to achieve compliance. The City may at its sole option prescribe appropriate measures for the contractor to take in order to comply with the Ordinance and may agree, in writing, to a compliance plan which shall be incorporated as an amendment to the contract. If the Contractor fails to comply with this ordinance as made applicable through the contract, the City at its option may do any or all of the following:

1. Cancel, terminate, suspend or non-renew the contract in whole or in part.
2. Declare the contractor ineligible for further City contracts and/or disqualify the contractor from bidding or submitting proposals on City contracts or applying for city financial assistance.
3. Recover on behalf of the City from the contractor 0.5 percent of the contract award price for each week that such party fails or refuses to comply, in the nature of liquidated damages, but not to exceed a total of five percent (5%) of the contract price, or five thousand dollars ($5,000), whichever is less.

(e) Submission of False Information. Any person who has been found by the City to have submitted any false, misleading or fraudulent information to the City regarding compliance with this ordinance during the term of this contract or an investigation of a complaint under this ordinance may be subject to any of the above sanctions.

(f) No Waiver. Nothing in this subsection shall be construed as a waiver or limitation of the City's remedies under an existing contract or other remedies available at equity or at law.

(g) No Private Cause of Action. This ordinance does not create a private right of action by or on behalf of any employee or applicant for employment based on a complaint that the Contractor has violated this ordinance or the contractor's agreement with the City. This ordinance is not intended either to expand or to limit rights provided by other local, state or federal equal employment or employment discrimination laws, including Sec. 39.03. Any claim for employment discrimination must be pursued through the appropriate, separate proceeding with the authority having jurisdiction over such claims.

(7) Effective Date and Applicability to Existing Contracts. This ordinance shall take effect on January 1, 2016, and apply to contracts executed, extended, or renewed by the City on or after that date. No existing contract to which this ordinance applies shall be extended or renewed on or after January 1, 2016, unless the requirements of this ordinance are incorporated into the contract, or it is exempt hereunder. This ordinance will not apply to Pre-qualified Public Works Subcontractors and any other contactor or subcontractor required to ban the box based on pre-qualified status under this ordinance, until the first time they seek or renew pre-qualification status under Sec. 33.07(7)(l) after January 1, 2016. However, the ordinance will apply to prime contractors on City Public Works contracts entered into on or after January 1, 2016.

(8) Penalty. In addition to any of the sanctions set forth elsewhere in this ordinance, any person who violates any portion of this ordinance or fails to comply with any of its requirements shall, upon conviction hereof, be subject to a forfeiture of not less than one-hundred dollars ($100) and not more than one thousand dollars ($1,000), plus applicable costs. Each day or portion thereof that such violation continues shall be

considered a separate offense. Prosecution of a forfeiture action for a violation of this ordinance shall not preclude imposition of other sanctions listed above, or elsewhere in these ordinances, nor shall the imposition of such sanctions be construed as a limitation on prosecution.

(Sec. 39.08 Cr. by ORD-15-00128, 11-25-15)

CHAPTER 40

CONVEYANCE CODE

Section

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40.04 Definitions.
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40.08 Permits to Operate.
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40.10 Orders.
40.11 Fees.
40.115 Conveyance Maintenance.
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40.15 City's Right to Relinquish Plan Examination and Inspection Authority.
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40.01 STATEMENT OF PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the public and employees by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of conveyances installed in the City of Madison.

40.02 EFFECTIVE DATE OF CHAPTER. This chapter is effective April 1, 2009 and upon the City receiving from the Wisconsin Department of Safety and Professional Services a designation as an agent municipality, granting the Fire Chief and the Chief's designees the authority to review and approve conveyance plans and specifications, conduct inspections and issue permits to operate for those types of installations to be located within the City of Madison, pursuant to the Wis. Admin. Code § SPS 318.1016. (Am. by ORD-12-00035, 3-28-12)

40.03 ADOPTION OF STANDARDS. The most current edition and any subsequent editions of the following are adopted by reference and made a part of this chapter:

(1) Wis. Admin. Code ch. SPS 318 (SPS 318).

(2) Wis. Admin. Code chs. SPS 361 to 365.

(3) The Safety Code for Elevators and Escalators, ASME A17.1 and referenced codes and standards, as adopted and modified by SPS 318 and Sec. 40.035, MGO. (Am. by ORD-10-00083, 9-15-10)

(4) The Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1 and referenced codes and standards, as adopted and modified by SPS 318.

(Am. by ORD-12-00035, 3-28-12)

40.035 CHANGES, ADDITIONS OR OMISSIONS TO ASME A17.1.

(1) The following language is in addition to the requirements in ASME A17.1: In each elevator an audible signaling device shall be provided. It shall be operable from the emergency stop switch, where required, and from a switch identified as "ALARM", which shall be provided in or adjacent to each car operating panel. The "ALARM" switch of

visual identification shall illuminate when the "ALARM" switch is actuated. One audible signaling device shall be permitted to be used for a group of elevators. The audible signaling device shall:

(a) Have a rated sound pressure rating of not less than 80dBA and no more than 90dBA at 3 m (10 feet);

(b) Respond without delay after the switch has been activated;

(c) Be located inside the building and audible inside the car and outside the hoistway; and

(d) For elevators with a travel greater than 30 m (100 ft), be duplicated as follows:

1. One device shall be mounted on the car; and

2. A second device shall be placed at the designated level.

(Sec. 40.035 Cr. by ORD-10-00083, 9-15-10)

40.04 DEFINITIONS. To the extent the terms in this section and any other terms used in this chapter are defined by Wis. Stat. ch. 101 and SPS 318, such definitions shall apply to this chapter. In the event any definition contained in Wis. Stat. ch. 101 is modified by SPS 318, the definition in the Administrative Code shall apply. (Am. by ORD-12-00035, 3-28-12)

For purposes of this chapter, the following definitions apply:

(1) "Alteration" means any change to equipment, including its parts, components, or subsystems, other than maintenance, repair, or replacement.

(2) "ANSI" means the American National Standards Institute.

(3) "ASME" means the American Society of Mechanical Engineers.

(4) "Chief" means the Madison Fire Department Chief and the Chief's designees.

(5) "Conveyance" means an elevator, an escalator, a dumbwaiter, a belt manlift, a moving walkway, a platform lift, a personnel hoist, a material hoist and a stairway chair lift, and any other similar device, such as an automated people mover, used to elevate or move people or things, as provided in the rules of the Department of Safety and Professional Services. "Conveyance" does not include a grain elevator, a ski lift or towing device or an amusement or thrill ride. (Am. by ORD-12-00035, 3-28-12)

(6) "Dwelling Unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

(7) "Elevator" means a hoisting or lowering machine, other than a dumbwaiter, equipped with a compartment or platform that moves in guides and serves two or more floors or landings of a building or structure.

(8) "Elevator contractor" means an individual holding an elevator contractor's license from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.985(1).

(9) "Elevator inspector" means an employee of the Madison Fire Department that holds an elevator inspector license from the Wisconsin Department of Safety and Professional Services pursuant to Wis. Stat. § 101.985(3).

(10) "Elevator mechanic" means an individual holding an elevator mechanic's license from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.985(2).

(11) "Equipment" means any of the equipment covered by this chapter as defined in Sec. 40.05 of this chapter.

(12) "Escalator" means a power-driven, moving stairway used for raising and lowering people.

(13) "Material lift" means a lift, other than a personnel lift, that is used to raise or lower materials during construction, alteration, or demolition of a building or structure.

(14) "Personnel lift" means a lift that is installed inside or outside a building or structure during the construction, alteration, or demolition of the building or structure and that is used to raise and lower individuals and materials which the lift is designed to carry.

(15) "Power Dumbwaiter" means a power-driven hoisting and lowering mechanism that satisfies all of the following conditions:

(a) Is equipped with a compartment that moves in guides in a substantially vertical direction and has a floor area of not more than nine (9) square feet.

(b) Has a maximum lifting and lowering capacity of not more than five hundred (500) pounds.

(c) Is used exclusively for carrying materials.

40.05 AUTHORITY OF THE FIRE CHIEF.

(1) The Fire Chief shall have the authority, as a designated municipal agent of the Department of Safety and Professional Services pursuant to Wis. Admin. Code § SPS 318.1016, to review and approve conveyance plans and specifications, including plans to construct, install, or alter any equipment covered by this chapter, to conduct inspections, and issue permits to operate for devices located with the City of Madison requiring approval and inspection under this chapter. (Am. by ORD-12-00035, 3-28-12)

(2) The Chief may delegate authority and duties under this chapter to individuals who hold the necessary licenses and qualifications for performing duties under this chapter as specified by Wis. Admin. Code § SPS 35.64 and § SPS 318.1016. The activities of such individuals shall be construed as a valid activity of the Chief. (Am. by ORD-12-00035, 3-28-12)

(3) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises containing equipment subject to this chapter for the purpose of making any inspection or investigation which, under the provisions of this chapter, s/he may deem necessary.

(4) The Chief may obtain a special inspection warrant under Wis. Stat. § 66.0119 when necessary for the purpose of making an inspection of any building or premises containing equipment subject to this chapter where the owner or occupant has refused admission to the Chief.

(5) No person, having been duly informed of the existence of a warrant pursuant to sub. (4) to inspect the building or premises owned or occupied by that person, shall refuse to permit such search to be made. Each day or portion thereof during which such refusal continues shall be deemed a separate offense.

40.06 APPLICATION

(1) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building, a place of employment, or a dwelling unit within the City of Madison:

(a) Passenger elevators

(b) Freight elevators

(c) Limited-use/limited application elevators

(d) Inclined elevators

(e) Power sidewalk elevators

(f) Rooftop elevators

(g) Special purpose personnel elevators

(h) Private residence elevators installed in public buildings or places of employment prior to July 1, 2002

(i) Escalators

(j) Moving walks

(k) Stage and orchestra lifts

(l) Type B material lifts

(m) Vertical platform lifts within the scope of ASME A18.1a

(n) Inclined platform lifts within the scope of ASME A18.1a

(2) Covered Equipment. This chapter applies to any of the following equipment installed in or at a public building or a place of employment within the City of Madison:

(a) Power dumbwaiters

(b) Stairway chairlifts

(3) Except as otherwise specified in Subchapter VII of Chapter 101 of the Wisconsin Statutes and SPS 318, all new and existing installations and alterations of equipment covered by this chapter shall conform to the provisions in this chapter. Existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Fire Chief. (Am. by ORD-12-00035, 3-28-12)

(4) In the event of a conflict between any provisions of this chapter and the Wisconsin Administrative Code, the Safety Code for Elevators and Escalators, ASME A17.1, or the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1a, the code or chapter containing the strictest provision shall apply.

(5) A copy of the codes and standards incorporated by references shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.

40.07 PLAN REVIEW AND PERMITS FOR CONSTRUCTION, INSTALLATION, AND ALTERATION.

(1) General Requirements. An elevator contractor shall submit plans and permit applications for the installation of any new or altered conveyance to the Chief for approval. Such application shall be submitted on a permit form as required by the Chief. No work shall commence before the plans and permit application for conveyances are approved by the Chief in writing and the appropriate plan examination and permit fees have been paid. The Chief will authorize commencement of work by means of a written approval letter, issued by the Chief. Such approval letter shall be posted prior to construction at or near the equipment space at the construction site and shall remain posted until the final inspection determines compliance with this chapter. The approval letter shall be considered a permit specified by Wis. Stat. § 101.983(1).

(2) New Installations.

(a) Number of Plans. An elevator contractor shall submit all of the following to the Chief for plan review and approval for the proposed installation of any new conveyance:

1. At least three (3) copies of bound equipment layout plans and specifications.
2. At least three (3) copies of the permit application.

(b) Information on Equipment Plans or Specifications. Information on equipment plans or specifications shall conform to the applicable sections in ASME A17.1 and ASME A18.1a and include all of the following:

1. A plan of the car, hoistway, and machine room, control room or control space showing all clearances, including all inside car or platform dimensions specified in this chapter and in Wis. Admin. Code chs. SPS 361 to 365. (Am. by ORD-12-00035, 3-28-12)
2. A cross-section drawing through the hoistway, pit, car and machine room, control room or control space that shows all applicable dimensions. Landings shall be shown, indicating types of hoistway doors or gates.
3. A complete dimensioned layout of the machine room, control room, or control space showing working clearances around machine, controller and disconnecting means.
4. The size and weight per foot of guiderails and details of the guiderail supports, including reinforcements where required.

5. Sufficient data and information to determine if the conveyance and machine room, control room or control space comply with the requirements of this chapter.
6. For conveyances serving public buildings and places of employment, at least one copy of the equipment plans and specifications containing the original shop drawing stamp of the supervising building designer.

(c) Building Plan Approval. Building plan approval, where applicable, shall be included with the conveyance plan submittal.

(3) Alterations.

(a) Equipment Plans and Application Required.

1. A permit application form provided by the Chief and at least three (3) copies of equipment plans and specifications complying with sub. (2) shall be submitted for examination to the Chief for the proposed alteration of conveyances as specified in Tables SPS 318.1013-1 through 18.1013-7, Wis. Admin. Code § SPS 318.1013.
2. Evidence of building plan approval, where applicable, shall be included with the conveyance plan submittal.

(b) Application Required. At least three (3) copies of the completed permit application form shall be submitted to the Chief for examinations for the alterations, repairs, and replacements specified in Tables SPS 318.1013-4 to 318.1013-7.

(Am. by ORD-12-00035, 3-28-12)

(4) Plan Review Actions.

(a) Review of Plans. All approvals of permit application and plans for installation, repair, replacement, or alteration of equipment covered by this chapter in the City of Madison shall be performed by the Chief.

(b) Conditional Approval. If, upon examination, the Chief determines that the permit application and plans for installation, repair, replacement, or alteration substantially comply with the provisions of this chapter, a condition approval, in writing, shall be granted. All conditions that do not comply with this chapter shall be stated in the conditional approval and shall be corrected prior to completion of installation. A conditional approval issued by the Chief shall not be construed as an assumption of any responsibility or liability for the design or construction of the equipment.

(c) Revocation of Approval. The Chief may revoke any approval, issued under this chapter if the Chief determines any of the following:

1. Information provided in the application or the permit contains false statements of material fact or misinterpretations of material fact.
2. That the approval was issued in error.
3. That the work performed is not consistent with the approval or is in violation with this chapter.

(d) Denial of Approval. If the Chief determines the plans or permit application do not substantially comply with the provisions of this chapter, the permit application for approval shall be denied in writing.

(e) Processing Time. The Chief shall review and make a determination on a permit application for approval of an installation or an alteration of a conveyance within fifteen (15) business days. If a permit application has been submitted with inadequate information or fees, the application will be placed on hold and the Chief will notify the applicant of the information needed to process the application. Upon receipt of the complete information, the Chief will process the permit. The length of the processing time shall begin the day after the receipt of the completed permit or application, additional information or fees. The ending date, which shall be used to assess whether the permit was timely processed, shall be the date the Chief made a determination to approve, deny or withhold the permit.

(f) Expiration of Approval. An approval issued under this chapter expires under any of the following circumstances:

1. If the work authorized under the approval is not commenced within six (6) months after the date on which the approval is issued.
2. If the work authorized under the approval is suspended or abandoned for sixty (60) consecutive days at any time following the commencement of the work.

(g) Resubmittal. When an approval expires under sub. (f), plans shall be resubmitted in accordance with this section.

(h) Chief's Option to Waive Jurisdiction. The Chief may waive jurisdiction for plan review and approval of any project at the Chief's discretion, in which case such plan review and approval shall be conducted by the Department of Safety and Professional Services.

40.08 PERMITS TO OPERATE.

(1) Issuance. No owner may use or operate a conveyance in the City of Madison until an acceptance inspection, periodic inspection, or test of equipment covered by this chapter has been performed by the Chief and the conveyance is found to be in compliance with the provisions of this chapter. Upon finding a conveyance to be in compliance with this chapter, the Chief shall issue a permit to operate within thirty (30) business days of the inspection by the Chief provided such inspection demonstrates to the satisfaction of the Chief the equipment complies with the provisions of this chapter. (Am. by ORD-09-00096, 6-20-09)

(2) Display. The owner of a building in which a conveyance is located shall display the permit to operate issued under this section applicable to the conveyance on or in the conveyance, or, if applicable, in the machinery room or space. No owner may operate or use any conveyance without displaying the permit to operate as required by this subsection.

(3) Term. The term of any permit to operate shall be for one year, the expiration date shall be established by the Chief. (Am. by ORD-09-00096, 6-20-09)

(4) Renewal. Upon performing the inspection, the Chief shall give the owner notice of relevant conveyance safety requirements that must be complied with and shall instruct the owner as to the procedure for obtaining periodic inspections and reviewing the permit under which the conveyance is operated. (Am. by ORD-09-00096, 6-20-09)

(5) Revocation. The Chief may revoke a permit to operate if the equipment is found to be in non-compliance with the applicable safety standard. Upon revocation of the permit to operate, the Chief shall notify the owner, in writing, of the non-complying items and the appeal rights outlined in Sec. 40.13.

40.09 INSPECTION RESPONSIBILITIES.

(1) General.

(a) All inspections of conveyances required by this chapter and SPS 318 shall be conducted by the Chief who is licensed in accordance with Wis. Admin. Code § SPS 35.64. (Am. by ORD-12-00035, 3-28-12)

(b) The Chief shall prepare an inspection report that identifies items of noncompliance. Items listed on the inspection report as being out of compliance with this chapter shall be corrected on or before the compliance date stated on the report.

(2) Inspection Procedures.

(a) The Chief shall be notified at least seven (7) days from when work covered by Section 40.07 is complete and ready for an inspection to be scheduled.

(b) If the equipment is not complete and ready at the time of the scheduled inspection, the inspection will not be made and a fee as specified in Sec. 40.11(3) shall be assessed and a reinspection will be scheduled.

(c) Unless the Chief receives in writing a cancellation of a scheduled inspection at least seven (7) days prior to the scheduled inspection date, a fee as specified in Sec. 40.11(3) will be assessed for the cancellation.

(d) Equipment found to be in noncompliance must be reinspected as determined by the Chief to obtain compliance with the provisions of this chapter.

(3) Types of Inspection or Tests.

(a) Acceptance of Inspection or Tests. The Chief shall conduct acceptance inspections and tests as specified in ASME A17.1 section 8.10, and ASME A18.1a section 10.1.3.

(b) Periodic or Routine Inspections. The Chief shall conduct periodic or routine inspections as specified in ASME A17.1 section 8.11, and ASME A18.1a sections 10.2 and 10.3.

(c) Periodic Tests.

1. Periodic tests as specified in ASME A17.1 section 8.11 and ASME A18.1a section 10.3 shall be conducted by persons licensed or registered as specified by Wis. Admin. Code § SPS 35.991. (Am. by ORD-12-00035, 3-28-12)

2. Reports containing complete information for these tests shall be kept on site in a conspicuous location adjacent to the conveyance controller on Madison Fire Department test form. Within thirty (30) days of testing, results shall be reported electronically via the City of Madison electronic reporting system. Incomplete tests or failed tests shall be submitted within three (3) business days to the Madison Fire Department for review. (Am. by ORD-10-00083, 9-15-10)

3. Periodic tests or retests may be required to be witnessed by the Chief.

40.10 ORDERS. Pursuant to the authority granted under this chapter, whenever the Chief shall find any equipment covered by this chapter in a condition deemed by the Chief to constitute a danger to health, safety, or well-being, the Chief shall order such condition(s) to be immediately corrected.

(1) Stop Work Orders. The Chief has authority under this chapter to order the stoppage of work on any equipment covered by this chapter when such work is not authorized by the Chief or when such work is in violation of this chapter.

(2) Stop Use Orders. The Chief has authority under this chapter to order the stoppage of use of any equipment covered by this chapter which the Chief deems necessary due to the imminent hazard to the life, safety, and well-being of the public.

(3) Notice. The notice of orders shall be made upon the owner or occupant of the building in which the equipment is contained, either by personal service of such order upon the owner or occupant or by mailing such orders to the owner, occupant, or other responsible person.

40.11 FEES. Fees for plan review, permit applications, inspection, permits to operate, and other services performed by the Chief pertaining to conveyances shall be submitted as follows:

(1) Plan Examination, Application and Initial Inspection Fees. Fees for the initial inspection of plans or for an application for installation or alteration, submitted in accordance with the requirements of Wis. Admin. Code § SPS 318.1013 shall be determined as shown in the table below. A reinspection fee as specified in the table below shall be charged for each inspection conducted until the installation or alteration qualifies for a permit to operate: (Am. by ORD-12-00035, 3-28-12)

Plan Examination and Inspection Fees for Conveyances

Type of Unit	Plan Examination		Type of Inspection		
			Acceptance or Acceptance Re-inspection		
	New Installations	Alterations, Repairs and Remodeling	New Installations	Alterations, Repairs and Remodeling	Periodic or Periodic Re-inspection
1. Traction elevator, other elevator driving machines	$400.00	$200.00	$800.00	$400.00	$320.00
2. Hydraulic elevator	$320.00	$160.00	$720.00	$360.00	$240.00
3. Dumbwaiter, platform lift, stair chair lift, special application elevator	$320.00	$160.00	$640.00	$320.00	$160.00
4. Escalator, moving walk	$320.00	$160.00	$800.00	$400.00	$320.00

(2) Periodic Inspection and Reinspection Fees. Fees for periodic inspections and reinspections of all classes of conveyance devices within the scope of this chapter shall be determined in accordance with the fee table in sub. (1). An inspection fee shall be charged for each reinspection of an elevator in accordance with the fee table in sub. (1) until the installation qualifies for a permit to operate.

(3) Fee for Failure to Have Equipment Ready for Inspection. A fee equal to fifty percent (50%) of the applicable inspection fee shall be assessed for failure to have the conveyance ready for inspection on the date specified, unless the Chief is notified, in writing, seven (7) business days prior to the specified inspection date.

(4) Miscellaneous Fees. Inspections outside of normal work hours (Monday through Friday 7:00 a.m. to 5:00 p.m.) whether required or requested shall be subject to a fee of eighty dollars ($80) per hour in addition to the applicable fees as specified in this section.

(5) Fee for Permit to Operate. The fee for a permit to operate under this chapter shall be fifty dollars ($50) effective January 1, 2012. Such fee shall be paid with any inspection fees due and owing to the Clerk of the City of Madison. The City shall retain the inspection fee and forward the permit fee to the Department of Safety and Professional Services. (Am. by ORD-11-00150, 11-8-11)

(6) Unpaid Fees. The Chief shall keep an accurate account of all unpaid fees incurred for plan examinations, inspections, reinspections, failure to have equipment ready under this chapter, permits to operate, and any other fees for services rendered under this chapter, and report the same to the Finance Director, who shall annually prepare a statement of these unpaid fees as a special charge at each lot or parcel of land and shall report such statement of unpaid fees to the City Clerk, and the amount charged therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

40.115 CONVEYANCE MAINTENANCE.

All conveyances, required under this chapter or Chapter 29 of the Madison General Ordinances, shall be maintained and operational at all times. Exceptions:

1. When the conveyance is undergoing routine testing.
2. When the conveyance is undergoing routine maintenance.

(Sec. 40.115 Cr. by ORD-11-00056, 4-7-11)

40.12 PETITION FOR VARIANCE. Any variance from the provisions of the SPS 318, ASME 17.1,

ASME 18.1, or ANSI Codes must be submitted to the Wisconsin Department of Safety and Professional Services.

40.13 APPEALS. The owner of conveyance subject to this chapter or any other person directly affected by a decision of the Chief under this subsection may appeal such decision to the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals, as provided in Sec. 29.18, MGO. Such appeal must be commenced by filing a written notice of appeal with the City Clerk and upon payment of fifty dollars ($50) payable to the City of Madison within thirty (30) days of the Chief's decision to be appealed. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. Nothing in this section shall limit an owner's authority under the Wis. Admin. Code § SPS 318.1009(2) to challenge a local order as unreasonable and in conflict with the rules of the Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12; ORD-12-00042, 4-19-12)

40.14 SEVERABILITY. If any section, paragraph, sentence, or word of this chapter hereby adopted by the Common Council of Madison should be declared for any reason to be invalid, it is the intention of said Council that other sections, provisions, or applications of such chapter to other persons or circumstances shall not be affected thereby. It is the stated intention of the Council that this chapter would have been adopted had such invalid portions, if any, not been adopted.

40.15 CITY'S RIGHT TO RELINQUISH PLAN EXAMINATION AND INSPECTION AUTHORITY.

The City of Madison maintains the right to relinquish any and all responsibility for plan examination and inspection under this chapter by providing written notice to the Department of Safety and Professional Services no less than ninety (90) days prior to the date upon which the City intends to relinquish such authority.

40.16 PENALTIES.

Any person violating a provision of this chapter may be subject to a forfeiture of not less than ten dollars ($10) nor more than one thousand dollars ($1000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Chap. 40 Cr. by ORD-09-00019, 3-14-09)

CHAPTER 41

HISTORIC PRESERVATION

Section

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SUBCHAPTER 41A: GENERAL PROVISIONS

41.01 POLICY AND PURPOSE. The Common Council recognizes that the City of Madison contains buildings, structures, signs, features, improvements, sites, and areas that have significant architectural, archaeological, anthropological, historical, and cultural value. The Common Council further recognizes that these historic resources represent the City's unique heritage, contribute to the health, prosperity, safety and welfare of the City's residents, and serve as a source of great interest to the City's residents and visitors. Therefore, the Common Council hereby finds that it is in the public interest to identify, protect, preserve, promote, conserve and use historic resources within the City. The purpose of this chapter is therefore to:

(1) Accomplish the identification, protection, promotion, preservation, conservation and use of the City's historic resources, as embodied and reflected in the city's historic districts and landmarks.

(2) Ensure that the City's growth sensitively incorporates the City's historic resources.

(3) Enhance the visual and aesthetic character of the City by ensuring that new design and construction, when it happens, complements the City's historic resources.

(4) Provide a framework for appropriate reinvestment in the City's landmarks and historic districts that ensures new design and construction, when it happens, complements the City's historic resources and conforms to the standards of the historic district.

(5) Safeguard the City's historic resources and investment in them by establishing an obligation to maintain them, and encouraging the vigorous enforcement of this ordinance.

(6) Recognize that the city's historic resources are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.

(7) Foster civic pride in the beauty and noble accomplishments of the past.

(8) Promote the use of and investment in historic districts and landmarks for the education, pleasure and welfare of the people of the City.

(9) Provide a clear regulatory framework for implementing, balancing, and accomplishing the public policy announced in this chapter.

41.02 DEFINITIONS. In this chapter:

Alteration means any change, addition or modification to an improvement or grading (see improvement).

Architectural Feature means the distinguishing exterior elements of a building or structure including shape, size, design, style, fenestration, materials and decorative details.

Building means any structure having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind (See structure.).

Building Inspector means the Director of the Building Inspection Division or designee.

Bulk means the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another.

Certificate of Appropriateness means an official form issued by the Preservation Planner stating that the proposed work on a designated landmark or on a building in a historic district is in accord with the requirements of this ordinance and that (1) the proposed work may be completed as specified in the certificate; and (2) that the Building Inspector may issue any permits needed to do the work specified in the certificate.

Character (of a Building and a Historic District) means the sum of all physical attributes in a historic place which can include setting, property types, form, proportion, architectural style, construction methods, and materials.

Commission or Landmarks Commission means the Landmarks Commission created under Sec. 33.19, MGO.

Construction means the erection of any new structure or the alteration of any existing structure (See structure and alteration.).

Demolish means the act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition by Neglect means the process of allowing landmarks, landmark sites or improvements in historic districts to decay, deteriorate, become structurally defective, or otherwise fall into disrepair.

Development means any improvement or alteration to an existing improvement.

Guideline means a principle put forward to help determine a course of action. Under this ordinance, guidelines adopted in a historic district shall serve as a collective set of principles to promote architectural compatibility of new construction and exterior alterations in a historic district.

Gross Volume means the entire volume measured in cubic feet enclosed by a structure including attached structures, dormers, attics, crawl spaces, or penthouses. Gross volume is measured from the outside surface of the exterior walls including any portions above existing grade to the roof line. It does not include courtyards with no roof, balconies, canopies, or portions below grade. Decorative or structural features that extend beyond the plane of the outside face of the exterior wall such as trim, cornices, pilasters, buttresses and overhangs are not included.

Height (of a Building) means the vertical distance in feet measured from the arithmetic mean ground level adjoining the structure to the highest point of the roof or parapet of a building, whichever is higher, or to the top of a structure.

Historic District means an area designated by the Common Council pursuant to Subchapter G of this ordinance.

Historic Resource means any building, structure, sign, feature, improvement, site, or area having significant architectural, archaeological, anthropological, historical, or cultural value. Historic Resources include properties designated as landmarks or historic resources in a historic district ordinance.

Improvement means any structure, landscape feature or object intended to enhance the value or utility of a property (See structure, landscape feature and object.)

Landmark means

(a) Any improvement which has architectural, cultural, or historic character or value reflecting the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a landmark pursuant to the provisions of this chapter, or

(b) Any land of historic significance due to a substantial value in tracing the history of humankind, or upon which an historic event has occurred, and which has been designated as a landmark pursuant to the provisions of this chapter.

Landmark Site means the lot or parcel identified in the official landmark designation maintained by the City Planning Division. If a landmark designation does not identify a lot or parcel, landmark site means any lot, or part thereof, on which is situated a landmark, and any abutting lot, or part thereof, used as and constituting part of the premises on which the landmark is situated.

Landscape means the improvements, topography, plants and open spaces in an area and their arrangement and patterns (See improvement.).

Landscape Feature means any improvement to the natural landscape including plants, gardens, parks, greenways and landscaping around structures (See improvement.).

Lot means a tract of land, designated by metes and bounds, land survey, minor land division or plat recorded with the Dane County Register of Deeds.

Master means an architect or designer of recognized greatness who is responsible for a body of published work or structures that are notable for their quality, innovation, or level of proficiency within their craft.

Natural Feature means any native plant community, geological feature, or other natural element. Examples include prairies, oak savannas, water elements, topography, or rock outcroppings.

Object means any improvement that is of relatively small scale or of simple construction for primarily ornamental or artistic purposes including fountains, monuments, or sculptures (See improvement.).

Owner means any person having legal possession, custody, or control of an improvement on a landmark site or in an historic district.

Period of Significance means the duration of time between beginning and ending years during which a historic district is associated with the important events, activities, persons, or attained characteristics which qualify it for historic district status. Specific periods of significance are identified for each historic district in Subchapter G.

Person means an individual, corporation, partnership, limited liability company, cooperative, trust, association or business entity. For purposes of repeated violations of the provisions of this chapter, any corporation, partnership, limited liability company, cooperative, trust, association or business entity is considered the same as another corporation, partnership, limited liability company, cooperative, trust, association or business entity if they share at least one (1) officer.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property or historic resource.

Preservation Planner means the person designated under Sec. 41.05.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its architectural and cultural values.

Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Secretary of the Interior's Standards for the Treatment of Historic Properties means the principles developed by the National Park Service (36 C.F.R. 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for Treatment of Historic Properties may also be referred to in this ordinance as "Secretary of the Interior's Standards."

Site means any location of an event, a prehistoric or historic occupation or activity where the location itself maintains value or significance. Examples include Indian trails, effigy mounds, battlegrounds, or locations of former structures.

Standard means a rule that is required. Under this ordinance, all standards adopted in a historic district must be complied with in every instance of development in that district.

Structure means any building or improvement attached to land (See building and improvement.).

Visually Compatible means harmonious with location, context, setting and character.

41.03 GENERAL ADMINISTRATIVE PROVISIONS.

(1) Computing Time Periods. In computing any period of time prescribed by this ordinance, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period so computed shall be included. When the period of time prescribed or allowed is less than eleven (11) days, Saturdays, Sundays and holidays shall be excluded from the computation.

(2) Conflicting Regulations. Where the regulations imposed by this ordinance are either more or less restrictive than regulations in other ordinances or laws, including Chapter 28, MGO, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.

(3) Separability. A court decision invalidating any provision or application of this chapter does not invalidate any other provision or application of this chapter, except as specifically provided by law or court order.

(4) Imminent Threat to Life, Health or Property. This chapter does not limit, or require Landmarks Commission approval for, any construction, reconstruction, alteration or demolition that is specifically ordered by a court or governmental agency to prevent an imminent threat to life, health or property.

(5) Measuring 200 Feet Around Properties. Certain provisions of this chapter reference properties that are within two hundred (200) feet of a subject property. Under this chapter, measurements around properties shall be taken from the lot lines of the subject property two hundred (200) feet in all directions. Any improvements located on lots that fall within this measurement shall be considered within two hundred (200) feet of the subject property.

(6) Transition Rule. The comprehensive revision of the Historic Preservation ordinance is happening in two phases, best described as Subchapters A-F (Phase I) and Subchapter G (Phase II), with the formal adoption of Phase I happening before the formal adoption of Phase II. The revision of Subchapters A-F was not intended to change the substance of the historic district ordinances contained in Subchapter G. If conflicts exist between standards contained in Subchapters A-F and standards contained in Subchapter G, the standards in Subchapter G shall prevail. Upon the formal adoption of Phase II, this transition rule shall no longer apply and staff shall ensure that this transition rule is removed from the chapter.

SUBCHAPTER 41B: LANDMARKS COMMISSION

41.04 LANDMARKS COMMISSION. The Landmarks Commission shall do all of the following with advice and assistance from the Preservation Planner.

(1) Administer this chapter.

(2) Carry out its responsibilities under Secs. 28.144, 28.185, and 33.19(2), MGO.

41.05 PRESERVATION PLANNER. The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development. The Preservation Planner shall staff the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under this chapter. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise, consistent with this chapter and subject to general oversight by the Landmarks Commission.

41.06 PUBLIC HEARINGS AND HEARING NOTICES.

(1) Hearings, General. The Landmarks Commission shall hold a public hearing whenever a hearing is required by this chapter, and may hold other hearings as necessary to carry out its responsibilities under Sec. 41.04 and Sec. 33.19.

(2) Hearing Notices, General. Notice of the time, place and purpose of the hearing shall be given by a Class 2 Notice in the official City newspaper or as otherwise allowed under Wis. Stat. § 985.07, for all of the following:

(a) Any hearing on the proposed designation of a landmark under Sec. 41.07 or the proposed rescission of a landmark designation under Sec. 41.08.

(b) Any hearing on a proposed certificate of appropriateness under Subchapter F.

(c) Any hearing on a proposed variance under Sec. 41.19.

(d) Any hearing on the proposed creation or amendment of a historic district under Subchapter D.

(e) Any hearing on a Notice of Demolition by Neglect under Sec. 41.15. (Cr. by ORD-16-00082, 9-15-16)

(3) Additional Notice; When Required. In addition to notice provided under sub. (2) above, the Commission shall in the following cases provide additional notice to the following persons at least ten (10) days prior to the hearing date:

(a) If the hearing pertains to a specific site or structure:

1. Each owner of record of the lot on which that site or structure is located.
2. Each owner of record of each lot located within two hundred (200) feet, measured according to Sec. 41.03(5) of any lot on which the site or structure is wholly or partially located.

(b) If the hearing pertains to the creation or amendment of a historic district:

1. All owners of record of lots located wholly or in part within the historic district.
2. The alder of each aldermanic district in which any part of the historic district is located.

(c) If the hearing pertains to a proposed certificate of appropriateness or variance, to the alder in whose aldermanic district the affected site or structure is located.

SUBCHAPTER 41C: LANDMARKS

41.07 DESIGNATING LANDMARKS.

(1) Designation. The Common Council, after considering the recommendation of the Landmarks Commission under sub. (5) below, may designate a landmark according to this section.

(2) Standards. A site, improvement, or site with improvements may be designated as a landmark if the proposed landmark meets any of the following:

(a) It is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.

(b) It is associated with the lives of important persons or with important event(s) in national, state or local history.

(c) It has important archaeological or anthropological significance.

(d) It embodies the distinguishing characteristics of an architectural type inherently valuable as representative of a period, style, or method of construction, or of indigenous materials or craftsmanship.

(e) It is representative of the work of a master builder, designer or architect.

(3) Nomination. Any person may nominate a site, improvement, or site with improvements for designation as a landmark. The person shall submit the nomination to the City Planning Division, to the attention of the Preservation Planner, on a nomination form approved by the Landmarks Commission. The nomination shall clearly identify the proposed landmark, landmark site, and document why it qualifies under sub. (2). The Preservation Planner may ask the person to submit additional information and documentation as needed to complete or clarify the nomination. When the Preservation Planner determines that the nomination is complete, the Preservation Planner shall refer the nomination to the Landmarks Commission.

(4) Landmarks Commission Review and Public Hearing. Whenever the Landmarks Commission receives a complete, accurate nomination under sub. (3), the Commission shall review the nomination. As part of its review, the Commission shall publish a hearing notice according to Sec. 41.06 and hold a public hearing on the nomination. The Commission may also conduct its own investigation of the facts, as it deems necessary.

(5) Landmarks Commission Action. After the Landmarks Commission holds a public hearing and completes its review under sub. (4), the Commission shall report to the Common Council a recommendation supporting or opposing the proposed landmark designation. The Commission may recommend landmark designation subject to terms and conditions that are consistent with this chapter. The Commission shall send a notice of the recommendation to each owner of record of each lot on which the proposed landmark is located at least ten (10) days before any meeting at which the Common Council may act on the Commission's recommendation.

(6) Common Council Action. After considering the Landmarks Commission's report recommendation under sub. (5), and based on the standards under sub. (2), the Common Council shall vote to designate or decline to designate the property as a landmark. The City Clerk shall promptly notify the Building Inspector and the City Assessor of each landmark designation. The City Clerk shall record the designation with the Dane County Register of Deeds at the City's expense.

(7) Voluntary Supplemental Restrictions. The Common Council may at any time supplement the terms of a landmark designation, pursuant to an agreement between the landmark owner and the Landmarks Commission, to enhance the preservation and protection of the landmark.

(8) Recognition of Landmarks. Whenever the Common Council designates a landmark under sub. (6), the Landmarks Commission shall affix a plaque identifying the property as a landmark to the landmark or landmark site. The plaque shall be placed so that it is easily visible to passing pedestrians. In the case of a landmark structure, the plaque shall include

the accepted name of the landmark, the date of its construction, and other information that the Landmarks Commission considers appropriate. In the case of a landmark that is not a structure, the plaque shall include the common name of the landmark and other information that the Commission considers appropriate. If the Commission determines that because the landmark is ecologically or culturally sensitive a plaque would be inappropriate, no plaque is required. No person may remove or modify a plaque without approval of the Preservation Planner.

(9) Amending a Landmark Designation. Any person may petition the Landmarks Commission to amend a Landmark Designation. The process for amending a landmark shall be the same as for designating a landmark under subsections (1)-(7) above.

41.08 RESCINDING A LANDMARK DESIGNATION.

(1) Common Council May Rescind. The Common Council, after considering the recommendation of the Commission under sub. (5) below, may rescind a landmark designation.

(2) Requesting Rescission.

(a) Any person who is listed as the owner of record of a landmark at the time of its designation who has held continuous ownership since designation, and any person who has inherited the landmark from such a person may petition for rescission of the designation. The request shall explain the grounds for the proposed rescission, and shall include documentation to show that the proposed rescission satisfies the standards under sub. (3)(a) below.

(b) Any person who is listed as the owner of record may petition for rescission of the designation. The request shall explain the grounds for the proposed rescission, and shall include documentation to show that the proposed rescission satisfies the standards under sub. (3)(b) below.

(c) The Preservation Planner may ask the landmark owner to submit additional information, as needed, to complete or clarify the request.

(3) Standards.

(a) A request to rescind a landmark designation under sub. (2)(a) above shall be approved only if the owner of record at the time of designation demonstrates that he or she is unable to find a buyer willing to abide by the regulations to which the project is subject, even though he or she has made reasonable attempts in good faith to find and attract such a buyer. Such attempts must be supported by evidence including but not limited to the following:

1. Comparable real estate listings showing current market values.
2. Current real estate listing including disclosure statement.
3. Dates of real estate agent showings.
4. Original listing date.
5. Original listing amount and dates of subsequent changes.
6. Value of improvements made to the property during ownership.
7. Current assessed value.
8. Whether the owner has received a fair and reasonable offer to purchase the structure.
9. List of routine maintenance and associated costs during ownership.

(b) A request to rescind a landmark designation under sub. 2(b) above shall be approved only when the physical appearance of the site has changed substantially such that the site no longer meets the standards set forth for designation in Sec. 41.07 of this ordinance, provided that such change was not due to the owner of record's failure to maintain the property as required by this ordinance.

(4) Landmarks Commission Review and Public Hearing. When the Preservation Planner finds that a request under sub. (2) above is complete, the Preservation Planner shall refer the request to the Landmarks Commission. The Commission shall review and hold a public hearing on the request for rescission. The Commission shall give prior notice of the

hearing as provided in Sec. 41.06. The Commission may gather other information, in addition to hearing testimony and evidence, which may be relevant to its evaluation of the request.

(5) Landmark Commission Action. After holding a public hearing and completing its review under sub. (4) above, the Landmarks Commission shall determine whether the requested rescission meets applicable standards under sub. (3) above. The Commission shall report its finding, along with reasons for it, to the Common Council. The Commission shall send written notice of its findings to each owner of record of each lot on which the landmark is located at least ten (10) days before any meeting at which the Common Council may act on the Commission's findings.

(6) Common Council Action. After considering the Commission's report under sub. (5) and applying the standards under sub. (3) above, the Common Council may rescind a landmark designation. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor of each rescission. The City Clerk shall record the rescission with the Dane County Register of Deeds at the City's expense.

41.09 ALTERING OR DEMOLISHING LANDMARKS. No person may do any of the following without a certificate of appropriateness issued under Subchapter F:

(1) Add a new structure to a landmark or landmark site.
(2) Materially alter a landmark or the exterior of a landmark.
(3) Demolish or relocate a landmark or any part of a landmark.
(4) Install a sign on the exterior of a landmark or on a landmark site.
(5) Divide any lot comprising all or part of a landmark site, or voluntarily grant any easement on that lot if doing so may impair the preservation, maintenance, exterior appearance or historic character of the landmark or landmark site.

SUBCHAPTER 41D: HISTORIC DISTRICTS

41.10 CREATING AND AMENDING HISTORIC DISTRICTS.

(1) Authority. The Common Council, after considering the recommendations of the Landmarks Commission and the City Plan Commission under this section, may do any of the following:

(a) Create a new historic district.

(b) Amend an existing historic district. An amendment may include a boundary adjustment or an amendment of standards specific to that historic district, provided that the amendment complies with this chapter.

(c) Reject a proposed historic district designation.

(2) Criteria. A historic district shall be of particular historic, architectural, or cultural significance to the City of Madison, as indicated by at least one of the following criteria:

(a) The district is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.

(b) The district is associated with the lives of important persons, and/or with important events in national, state or local history.

(c) The district encompasses an area of particular archaeological or anthropological significance.

(d) The district embodies the distinguishing characteristics of an architectural type inherently valuable for its representation of a period, style, or method of construction, or of indigenous materials or craftsmanship.

(e) The district is representative of the work of a master builder, designer or architect.

(3) Process.

(a) Request. Any person, including the Preservation Planner, may request the creation or amendment of a historic district. The person shall submit the request to the City Planning Division, to the attention of the Preservation Planner, on a form approved by the Landmarks Commission. The request shall clearly describe the proposed historic district or amendment, and shall clearly explain and document why the request should be approved. The Preservation Planner shall promptly notify the Landmarks Commission of each request and shall review the request for completeness. The Preservation Planner may ask the requester to submit additional information and documentation as needed. When the Preservation Planner finds that the request is complete, the Preservation Planner shall refer the request to the Landmarks Commission.

(b) Review by Landmarks Commission. Whenever the Landmarks Commission receives a complete and accurate request under sub (3)(a) above, the Commission shall publish a hearing notice under Sec. 41.06 and hold a public hearing on the request. Following the public hearing, the Landmarks Commission shall recommend approval, disapproval, or approval subject to changes specified by the Commission. The Landmarks Commission shall forward its recommendation to the City Plan Commission and the Common Council. If the Commission recommends the creation or amendment of a historic district, the Commission's recommendation shall be accompanied by a proposed historic district ordinance pursuant to Sec. 41.11 to implement the recommendation.

(c) Review by City Plan Commission. Whenever the Landmarks Commission recommends the creation or amendment of a historic district under sub. (3)(b) above, the City Plan Commission shall review the proposed ordinance creating or amending the historic district and make its recommendation to the Common Council. The City Plan Commission shall make its recommendation within ninety (90) days after receiving the Landmarks Commission recommendation, and at least thirty (30) days before the Common Council holds a public hearing on the proposal under sub. (3)(d) below.

(d) Action by Common Council. Whenever the Landmarks Commission recommends the creation or amendment of a historic district under sub. (3)(b) above, the Common Council shall do all of the following after considering that recommendation and the recommendation of the City Plan Commission under sub. (3)(c) above:

1. Hold a public hearing on the ordinance proposed by the Landmarks Commission.
2. Adopt, adopt with modifications, or reject the ordinance proposed by the Landmarks Commission.

41.11 HISTORIC DISTRICT ORDINANCE REQUIREMENTS.

(1) General. An ordinance creating a historic district under Sec. 41.10 shall do all of the following:

(a) Clearly delineate the boundaries of the historic district.

(b) Specify the rationale for creating the historic district.

(c) Identify historic resources in the historic district, including landmarks, landmark sites, and properties constructed during the district's period of significance.

(d) Establish development standards and guidelines for reviewing development in the district, as provided in sub. (2) below.

(2) Development Standards and Guidelines. In any proposed ordinance under this section, the Landmarks Commission should consider including the following as standards or guidelines:

(a) Any new structure located on a lot that lies within two hundred (200) feet of a designated historic resource shall be visually compatible with that historic resource, particularly in regards to:

1. Bulk and massing.
2. In the street elevation of a structure, the facade's proportion of width to height.
3. The proportions and relationships between doors and windows in the street and publicly visible facade.
4. The proportion and rhythm of solids to voids, created by openings in the facades.
5. Colors and patterns used on all facades.
6. The design of the roof.
7. The landscape treatment.
8. The texture and materials used in all facades.

(b) The existing rhythm created by existing structure masses and spaces between them shall be preserved.

(c) The amount, shape, and pattern of open spaces shall be sensitive to the character of the district.

(d) The landscape plan shall be sensitive to the individual structure, its occupants and their needs.

(e) All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected.

(f) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the historic character of the district.

(g) Gross volume, height, and other quantitative measurements of the proposed structure shall be sensitive to similar quantitative measurements of historic resources within two hundred (200) feet of the proposed structure.

41.12 CONSTRUCTING, ALTERING, OR DEMOLISHING STRUCTURES IN HISTORIC DISTRICTS.

No person may do any of the following in a historic district without a certificate of appropriateness issued under Subchapter F:

(1) Construct a new structure.
(2) Materially alter the exterior of an existing structure.
(3) Demolish or relocate an existing structure.
(4) Install a sign.
(5) Divide any lot, consolidate any lot, or voluntarily grant any easement on any lot if doing so may distract from the historic character of the district.

SUBCHAPTER 41E: MAINTAINING LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS

41.13 PUBLIC INTEREST IN PRESERVATION AND MAINTENANCE. The Common Council finds that it is in the public interest to preserve and maintain landmarks, landmark sites, and improvements in historic districts, and to vigorously enforce this chapter and other City ordinances that have a related purpose.

41.14 MAINTENANCE OBLIGATION; ENFORCEMENT; PENALTIES.

(1) Maintenance Obligation. Every owner of a landmark, improvement on a landmark site, or improvement in a historic district shall do all of the following:

(a) Protect the improvement against exterior decay and deterioration.

(b) Keep the improvement free from structural defects.

(c) Maintain interior portions of the improvement, the deterioration of which may cause the exterior portions of such improvement to fall into a state of disrepair.

(2) Enforcement.

(a) The Building Inspector or designee is authorized to enforce the provisions of this chapter.

(b) The Building Inspector may issue an official written notice to a property owner, requiring the property owner to correct a violation of Sec. 41.14(1) above by a date specified in the notice.

(c) The Building Inspector shall notify the Preservation Planner of all official compliance notices issued to owners of landmarks or improvements in historic districts. The Building Inspector shall further notify the Preservation Planner whenever a property owner fails to correct a violation by the compliance date specified in an official notice.

(d) City agencies or commissions responsible for enforcing Chapters 18, 27, 29, 30 and 3, MGO, or, in the absence of such city agency or commission, the Building Inspector, may grant individual variances from those chapters to facilitate historic preservation and maintenance under this chapter, provided that such variance does not endanger public health or safety or vary any provisions of this chapter.

(3) Penalties. Violations of the provisions in this ordinance shall be subject to a minimum forfeiture of two hundred fifty dollars ($250) and a maximum forfeiture of five hundred dollars ($500) for each separate violation. A second violation within thirty-six (36) months shall be subject to a minimum forfeiture of five hundred dollars ($500) and maximum forfeiture of one thousand dollars ($1000) for each separate violation. A third violation within thirty-six (36) months shall be subject to a minimum forfeiture of one thousand dollars ($1000) and maximum forfeiture of two thousand dollars ($2000) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate violation. All fines imposed under this ordinance shall be tripled if the Court makes an additional finding that the subject property is undergoing demolition by neglect as defined by this ordinance. A finding of demolition by neglect by the Landmarks Commission as provided in Sec. 41.15 below shall be prima facie evidence of demolition by neglect for purposes of any civil court action.

41.15 DEMOLITION BY NEGLECT. The owner of a landmark, improvement on a landmark site, or improvement in a historic district, may not allow the landmark or improvement to undergo demolition by neglect.

(1) Notice of Demolition by Neglect. If the Building Inspector believes that a landmark or improvement is undergoing demolition by neglect, the Building Inspector shall give written notice of that belief to the owner of the landmark or improvement. The Building Inspector shall give a copy of the notice to the Preservation Planner and the Landmarks Commission.

(2) Public Hearing. Upon receiving a notice under Sec. 41.15(1), the Landmarks Commission shall issue a hearing notice under Sec. 41.06 and hold a public hearing to determine whether the landmark or improvement is undergoing demolition by neglect. The Commission shall hold the public hearing within ninety (90) days of receiving the notice under Sec. 41.15(1).

(3) Landmarks Commission Finding. If, after a public hearing, the Landmarks Commission finds that a landmark or improvement is undergoing demolition by neglect, it shall report its finding to the Common Council, the Building Inspector and the Office of the City Attorney. A Landmarks Commission finding of demolition by neglect is prima facie evidence of demolition by neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists under Sec. 27.05(3), MGO.

(4) Appeal of Landmarks Commission Finding.

(a) An appeal from a Landmarks Commission finding under Sec. 41.15(3) may be taken to the Common Council by the owner of the affected landmark or improvement, the alder of the district in which the subject property is located, or by the owners of twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the subject property, measured according to Sec. 41.03(5).

(b) An appeal under sub. (a) shall be filed with the City Clerk within ten (10) days after the Landmarks Commission makes its finding. The appeal shall include the name and address of each petitioner, and shall specify the grounds for appeal. The City Clerk shall forward the petition to the Common Council.

(c) The Common Council shall hold a public hearing regarding any appeal it receives under sub. (b).

(d) Following a public hearing, the Common Council may, by favorable vote of two-thirds (⅔) of its members, reverse or modify the Landmarks Commission finding, with or without conditions, or may refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to applicable standards under this subchapter.

(5) Abatement by the City. If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Building Inspector may proceed under the non-summary abatement procedures set forth in Sec. 27.05(3)(e), to repair the landmark or improvement to abate the nuisance. The cost of the required repairs shall be paid by the property owner, or shall be imposed as a special charge against the property and collected pursuant to the provisions of Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627.

(6) Acquisition by City. If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Common Council may authorize the City to acquire the property under Wis. Stat. § 66.1111(2), if necessary through the initiation of condemnation proceedings under Wis. Stat. § 32.06.

SUBCHAPTER 41F: CERTIFICATES OF APPROPRIATENESS—PROJECTS ON LANDMARKS, LANDMARK SITES AND IN HISTORIC DISTRICTS

41.16 CERTIFICATE OF APPROPRIATENESS REQUIRED.

A certificate of appropriateness is required for all of the actions identified under Secs. 41.09 and 41.12.

41.17 OBTAINING A CERTIFICATE OF APPROPRIATENESS.

(1) Application. A property owner may apply for a certificate of appropriateness for a proposed action under Sec. 41.16 related to that owner's property. The property owner shall file the application on a form approved by the Landmarks Commission. The property owner shall file the application with the City Planning Division, to the attention of the Preservation Planner. Every application shall include at least the following information unless otherwise indicated by the Preservation Planner:

(a) Completed Application document.

(b) Narrative Description of the project.

(c) Architectural drawings, which may include:

1. Scalable drawing set reduced to 11" x 17".
2. Floor plans.
3. Dimensioned site plans showing siting of structures, grading, landscaping, pedestrian and vehicular access, lighting, signage, and other features.
4. Elevations of all sides showing exterior features and finishes, subsurface construction, floor and roof.
5. Plan views of above- and below-grade levels and roof.
6. For proposals of more than two (2) commercial or residential or combination thereof units, a minimum of two (2) accurate street-view normal perspectives shown from a viewpoint of no more than five (5) feet above existing grade.

(d) Any other information requested by the Preservation Planner to convey the aspects of the project.

(e) Signature of the property owner.

(2) Review for Completeness. The Preservation Planner shall review each application under sub. (1) for completeness. When the Preservation Planner finds that an application is complete, the Preservation Planner shall stamp the application with the date of the completeness finding. The Preservation Planner shall promptly forward each complete application to the Landmarks Commission unless, under Sec. 41.17(4), the Commission has authorized the Preservation Planner to administratively grant or deny the application.

(3) Public Hearing; When Required. The Commission shall issue a notice under Sec. 41.06 and hold a public hearing on a complete application if the application proposes any of the following:

(a) Demolition or removal of all or part of a landmark.

(b) Demolition or removal of a structure in a historic district.

(c) Construction of a new principal structure in a historic district or on a landmark site. (Am. by ORD-16-00082, 9-15-16)

(d) Construction of an accessory structure with a footprint larger than one hundred (100) square feet, not including decks and open porches, in a historic district or on a landmark site. (Am. by ORD-16-00082, 9-15-16)

(e) Land divisions and combinations.

(f) Exterior alteration of a structure in a historic district that increases the footprint of the structure more than one hundred (100) square feet, not including decks and open porches.

(4) Administrative Approval. The Landmarks Commission may authorize the Preservation Planner to act on an application for certificate of appropriateness on projects that do not

require a public hearing, provided that the Commission shall first adopt written policies establishing which projects can be administratively approved by the Preservation Planner, and that the Preservation Planner follows the Commission's written policies when granting or denying applications under this provision.

(5) Granting or Denying an Application. Within sixty (60) days of a completeness finding under Sec. 41.17(2), the Preservation Planner or Landmarks Commission shall, based upon the applicable standards in Sec. 41.18, approve or deny the application for certificate of appropriateness. Failure to approve or deny an application within sixty (60) days of a completeness finding shall be deemed a denial of the application, effective on the last day of the determination period. The determination period may be extended an additional sixty (60) days with the applicant's written agreement.

(6) Issuance of a Certificate of Appropriateness. Upon approval of an application, the Preservation Planner shall issue a certificate of appropriateness to the property owner.

(7) Expiration of a Certificate of Appropriateness. A certificate of appropriateness shall expire two (2) years from the date of issuance unless a building permit is obtained within such period.

41.18 STANDARDS FOR GRANTING A CERTIFICATE OF APPROPRIATENESS. A certificate of appropriateness shall be granted only if the proposed project complies with this chapter, including all of the following standards that apply.

(1) New Construction or Exterior Alteration. The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if:

(a) In the case of exterior alteration to a designated landmark, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(b) In the case of exterior alteration or construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation.

(c) In the case of exterior alteration or construction on any property located in a historic district, the proposed exterior alteration or construction meets the adopted standards and guidelines for that district.

(d) In the case of any exterior alteration or construction for which a certificate of appropriateness is required, the proposed work will not frustrate the public interest expressed in this ordinance for protecting, promoting, conserving, and using the City's historic resources.

(2) Demolition or Removal. In determining whether to approve a certificate of appropriateness for any demolition or removal of any landmark or structure within a historic district, the Landmarks Commission shall consider all of the following, and may give decisive weight to any or all of the following:

(a) Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.

(b) Whether a landmark's designation has been rescinded.

(c) Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State.

(d) Whether demolition or removal of the subject property would be contrary to the policy and purpose of this ordinance and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council.

(e) Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.

(f) Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.

(g) The condition of the property, provided that any deterioration of the property which is self-created or which is the result of a failure to maintain the property as required by this chapter cannot qualify as a basis for the issuance of a certificate of appropriateness for demolition or removal.

(h) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the historic resources of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site.

Prior to approving a certificate of appropriateness for demolition, the Landmarks Commission may require the applicant to provide documentation of the structure. Documentation shall be in the form required by the Commission.

(3) Signs. The commission shall approve a certificate of appropriateness for signs unless it finds that any of the following are true:

(a) The size or design of the sign(s) would adversely affect the historic fabric of the structure or the district;

(b) The sign(s) fails to comply with Chapter 31, MGO;

(c) The sign(s) fails to comply with specific standards and guidelines for signs adopted in each historic district under this ordinance.

(4) Land Divisions and Combinations. The commission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district.

41.19 VARIANCES.

(1) General. A property owner who applies for a certificate of appropriateness under Subchapter F may request a variance from one or more standards under Sec. 41.18. The Landmarks Commission may vary one or more standards under Sec. 41.18 for any of the following reasons:

(a) Economic hardship under sub. (4) below.

(b) Historic design under sub. (5) below.

(c) Alternative design under sub. (6) below.

(d) Projects which are necessary for the public interest under sub. (7) below.

(2) Variance Request. A property owner shall make a variance request under sub. (1) above on a form approved by the Landmarks Commission. The request shall include:

(a) The name and address of the property owner.

(b) The location of the property to which the request pertains.

(c) The certificate of appropriateness application under Sec. 41.17 to which the variance request pertains.

(d) The type of variance requested under sub. (1).

(e) The specific standard or standards under Sec. 41.18 from which the owner requests a variance.

(f) The circumstances and supporting evidence that justify the requested variance.

(g) Any other materials requested by the Preservation Planner or Landmarks Commission.

(3) Hearing, Decision, and Appeal.

(a) The Landmarks Commission shall hold a public hearing on each variance request under sub. (1). The Commission shall give notice of the hearing as provided in Sec.

41.06. The Commission may combine the hearing with a hearing on the proposed certificate of appropriateness to which the variance request pertains, provided that the hearing notice identifies both items.

(b) After it holds a public hearing on a variance request, the Commission shall grant or deny the request.

(c) The Commission's decision under par. (b) may be appealed to the Common Council, as provided under Sec. 41.20.

(4) Economic Hardship Variance. The Landmarks Commission may grant a variance from a standard under Sec. 41.18 if all of the following apply:

(a) Strict literal application of the standard would deny the property owner a reasonable rate of return on investment, or would impose upon the property owner an unreasonable and unnecessary financial hardship.

(b) The circumstances justifying the variance are unique to the property in question, and,

1. Were not caused by the owner's failure to maintain the property as required by this chapter; and
2. Does not apply to a substantial portion of the historic district or historic resources within two hundred (200) feet of the subject property; and
3. Will not alter the historic character of the historic district or historic resources within two hundred (200) feet of the subject property.

(c) The property owner documents the circumstances justifying the variance. The Landmarks Commission may publish evidentiary guidelines to assist property owners, and to ensure the Commission receives adequate documentation for variances granted under this subsection. Required documentation includes:

1. Property purchase costs;
2. Rental income;
3. Real estate listings, disclosure statements, asking prices, and purchase offers;
4. Tax assessments and real estate listing for comparable properties;
5. Improvements made, and improvement costs incurred, during ownership;
6. Routine maintenance costs incurred during ownership;
7. Costs to comply with the standard from which a variance is requested;
8. Other documentation reasonably requested by the Landmarks Commission.

(5) Historic Design Variance. The Landmarks Commission may grant a variance allowing, as part of the alteration of an existing structure, elements otherwise prohibited under Sec. 41.18 if all of the following apply:

(a) The property owner provides photographic or other evidence to show that other local structures, of similar age and style, incorporated similar elements as part of the original design.

(b) The proposed alteration complies with all other applicable standards under Sec. 41.18.

(c) The alteration will not destroy significant architectural features on the building.

(6) Alternative Design Variance. The Landmarks Commission may grant a variance allowing, in a new or altered structure, elements that are otherwise prohibited under Sec. 41.18 if all of the following apply:

(a) The elements will enhance the quality of the design.

(b) The design complies with all other applicable standards under Sec. 41.18.

(c) The design does not allow material deviations from historic district standards and guidelines that would undermine the character or purpose of the historic district.

(d) The design will have a beneficial effect on the historic character of the area within two hundred (200) feet of the subject property.

(7) Public Interest Variance. The Landmarks Commission may grant a variance allowing the construction of a new structure, or the alteration, demolition or removal of an existing structure, which would otherwise be prohibited under Sec. 41.18, if the Commission finds that a variance is necessary in the public interest. A variance is necessary in the public interest if the Commission finds all of the following:

(a) The proposed building, object, site or structure provides unique, high priority benefits to the general public.

(b) The benefits to the general public under sub. (7)(a) above substantially outweigh the strong public interest in preserving historic resources expressed in this chapter.

(c) There are no reasonable alternatives to granting a variance that would allow the proposed project to occur in the city and satisfy the standards of this chapter.

41.20 APPEAL TO COMMON COUNCIL.

(1) The applicant, the alder of the district in which the subject property is located, or the owners of twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the subject property may appeal to the Common Council the decision of the Landmarks Commission to approve or deny a certificate of appropriateness or variance request.

(2) The appellant(s) shall file a petition of appeal with the City Clerk within ten (10) days of the Landmarks Commission's final decision. The petition shall indicate the identity and address of the petitioners and the specific grounds for appeal.

(3) Once a petition is filed, the City Clerk shall forward the petition to the Common Council. The Common Council shall set the appeal for a public hearing.

(4) After a public hearing, the Common Council may, by favorable vote of a majority of its members, reverse or modify the decision of the Landmarks Commission with or without conditions, or refer the matter back to the Commission with or without instructions, if it finds that the Commission's decision is contrary to the applicable standards under Secs. 41.18, 41.19, or any district-specific standards contained in Subchapter G. (Am. by ORD-16-00082, 9-15-16)

41.21 PENALTIES FOR FAILURE TO OBTAIN CERTIFICATE OF APPROPRIATENESS.

(1) Permits. The Building Inspector shall not issue a permit allowing alteration, construction, demolition, removal, or for any other action for which a certificate of appropriateness is required unless the certificate has been approved by the Commission and issued by the Preservation Planner or designee.

(2) Prohibition. No owner, operator, or person in charge of a landmark, landmark site or structure within an historic district shall cause or permit any painting of signs, alteration, construction, demolition or removal for which a certificate of appropriateness is required unless such Certificate has been approved by the Commission.

(3) Penalty for Work Done Without, or in Violation of, a Certificate of Appropriateness. In addition to any other penalty provided in this chapter, the Landmarks Commission, may order the removal or modification of any alteration, construction or other work that was performed without a required certificate of appropriateness, or that was not performed in compliance with the conditions of a lawfully issued certificate of appropriateness, when such work does not meet the applicable standards for a certificate under Subchapter F of this ordinance. Alternatively, the Commission may order renovation to make such work comply with those standards.

SUBCHAPTER 41G: DESIGNATED HISTORIC DISTRICTS, HISTORIC DISTRICT ORDINANCES

41.22 MANSION HILL HISTORIC DISTRICT.

(1) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the City be identified, designated, and protected because of its special character and historical interest. This area, to be called the Mansion Hill Historic District, shall be described in general by the map and specifically by the legal description on file in the City Clerk's office. The purpose and intent of this ordinance shall be to designate this area in accordance with Subchapter D of this chapter.

(2) Criteria for Creation of Mansion Hill Historic District. In that the Mansion Hill Historic District reflects a pattern in the broad social history of Madison, the State and the Nation, and in that elements within the District meet the other three designation criteria, namely that many of the structures in the District:

(a) Are identified with historic personages or with important events in national, state or local history;

(b) Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

(c) Are representative of the notable work of a master builder, designer or architect whose individual genius influences his age;

The area described by the map and legal description shall be designated a historic district.

(3) Historic Resources in the Mansion Hill Historic District.

(a) Designated Landmarks.

(b) Designated Landmark sites.

(c) Properties constructed during the period of significance, 1850-1930.

(4) Standards for Review of Development in the Mansion Hill Historic District.

(a) Any new structure located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

1. Height.
2. Gross Volume.
3. In the street elevation(s) of a structure, the proportion of width to height in the facade(s).
4. The proportions and relationships of width to height of the doors and windows in street facade(s).
5. The proportion and rhythm of solids to voids created by openings in the façade.

(b) All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant vertical or horizontal expression, this expression should be carried over and reflected.

(5) Reference to Plan. The requirements in this section derive from a plan entitled "The Mansion Hill Historic Preservation Plan and Development Handbook," City Planning Department, 1975.

41.23 THIRD LAKE RIDGE HISTORIC DISTRICT.

(1) It is hereby declared a matter of public policy that a specific area of the City be identified, designated, and protected because of its special character and historical interest and significance. This area, to be called the Third Lake Ridge Historic District, shall be described in general by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Subchapter D of this Chapter.

(2) Criteria for the Creation of the Third Lake Ridge Historic District.

In that the Third Lake Ridge Historic District area reflects a broad pattern of social history of Madison and the State and the Upper Midwest, and in that elements within the District meet other designation criteria in Sec. 41.10(2) of this chapter, namely that many of the structures and sites in the District:

(a) Are identified with historic personages or with important events in state or local history; and

(b) Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

The area described by the map and legal description shall be designated a historic district.

(3) Historic Resources in the Third Lake Ridge Historic District.

(a) Designated Landmarks.

(b) Designated Landmark Sites.

(c) Properties constructed during the period of significance, 1850-1929.

(4) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Employment Use. Any new structure on parcels zoned for employment use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

(a) Gross volume.

(b) Height.

(5) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Employment Use. Any exterior alterations on parcels zoned for employment use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

(a) Height.

(6) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Mixed-Use and Commercial Use. Any new structures on parcels zoned for mixed-use and commercial use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

(a) Gross Volume.

(b) Height.

(c) The proportion and rhythm of solids to voids in the street facade(s).

(d) The materials used in the street facade(s).

(e) The design of the roof.

(f) The rhythm of buildings masses and spaces.

(7) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Mixed-Use and Commercial Use.

(a) Any exterior alterations on parcels zoned for mixed-use and commercial use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:

1. Height

(b) Alterations of street façade(s) shall retain the original or existing historical proportion and rhythm of solids to voids

(c) Alterations of street facade(s) shall retain the original or existing historical materials.

(d) Alterations of roof shall retain its existing historical appearance.

(8) Standards for New Structures in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use. Any new structures on parcels zoned for mixed-use and residential use

that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways: (Am. by ORD-16-00082, 9-15-16)

(a) Gross Volume.
(b) Height.
(c) The proportion and rhythm of solids to voids in the street facades.
(d) Materials used in the street facades.
(e) The design of the roof.
(f) The rhythm of buildings and masses.
(g) Directional expression.
(h) Materials, patterns and textures.
(i) Landscape treatment.

(9) Standards for Exterior Alterations in the Third Lake Ridge Historic District - Parcels Zoned for Residential Use.

(a) Any exterior alterations on parcels zoned residential use that are located within two hundred (200) feet of other historic resources shall be visually compatible with those historic resources in the following ways:
1. Height.
2. Landscape treatment.
3. Rhythm of mass and spaces.

(b) Alterations of the street façade(s) of any existing structure shall retain the original or existing historical proportion and rhythm of solids to voids.
(c) Alterations of the street façade(s) of any existing structure shall retain the original or existing historical materials.
(d) Alterations of the roof of any existing structure shall retain its existing historical appearance.
(e) Alterations of the street facade(s) shall retain the original or existing historical proportional relationships of door sizes to window sizes.

(10) Reference to Plan. The public policy guidelines in this subsection derive from a plan entitled "Third Lake Ridge Historic District," City Planning Department, January, 1978.

41.24 UNIVERSITY HEIGHTS HISTORIC DISTRICT.

(1) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the City be identified, designated and protected because of its special character of historic interest and significance. This area, to be called University Heights Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance Subchapter D of this Chapter.

(2) Criteria for the Creation of the University Heights Historic District. In that the University Heights Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet the other three designation criteria in Sec. 41.10(2) of this chapter, namely that many of the structures in the district:

(a) Are identified with historic personages or with important events in national, state, or local history;
(b) Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; and,
(c) Are representative of the notable work of a master builder, designer, or architect whose individual genius influenced her/his age, the area described by the map and legal description shall be designated a historic district.

(3) Historic Resources in the University Heights Historic District.

(a) Landmarks.

(b) Landmark sites.

(c) Properties constructed during the period of significance, 1893-1928.

(4) Standards for the Review of New Structures in the TR-V1, TR-V2, TR-U1, TR-U2, TR-C2, TR-C3, TR-C4, MNX, TSS, and LMX Zoning Districts.

(a) Principal Structures.

1. Height. The maximum height in the TR-C2, TR-C3, TR-C4, TR-V1, and TR-V2 Zoning Districts shall be thirty-five (35) feet and shall not exceed two and a half (2½) stories except as provided in the height regulations for the district.

The maximum height in the TR-U1, NMX, TSS, and LMX Zoning Districts shall be forty (40) feet.

The maximum height in the TR-U2 Zoning District shall be fifty (50) feet. All new structures in all zoning districts within University Heights shall be no less than fifteen (15) feet high.

2. Materials. Materials for the exterior walls shall be the same as or similar to materials prevalent in the University Heights Historic District. Permitted materials include brick, narrow gauge horizontal clapboards four or less inches in exposed width, stone, stucco, smooth shingles or combinations of the above provided the combinations occur in a manner and location similar to the materials on existing structures in University Heights (e.g., brick on first floor with clapboard on second floor). Other materials, such as aluminum or vinyl must be visually compatible with structures within two hundred (200) feet of the subject property. The following materials are prohibited: concrete block, asbestos, wide clapboards over four inches in exposed width, diagonal boards, vertical boards, rough sawn wood, rough split shingles, shakes.

3. Visual Size. The gross area of the front facade, i.e., all walls facing the street, of a single-family, two-unit or commercial structure shall be no greater than one hundred twenty-five percent (125%) of the average gross area of the front facades of structures within two hundred (200) feet of the subject property. The gross area of the front facade of a multiple family dwelling shall be no more than one hundred twenty-five percent (125%) of the average gross area of the front facades of all structures within two hundred (200) feet of the subject property or variations in the setback shall be designed in the front facade of the structure to repeat the rhythm and proportions of structures to space between them within two hundred (200) feet of the subject property.

4. Roof Shape. The shapes and pitches of roofs shall be similar to the roof shapes and pitches on existing structures within two hundred (200) feet of the subject property.

5. Roof Materials. Roofing materials shall be similar in appearance to roofing materials used on structures within two hundred (200) feet of the subject property. Modern-style shingles, such as thick wood shakes, Dutch lap, French method and interlock shingles, that are incompatible with the historic character of the district are prohibited. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

6. Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.

(b) Accessory Structures. Accessory structures, as defined in Section 28.211, MGO, shall be compatible with the design of the existing structures on the zoning lot,

shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. No accessory structure shall be erected in any yard except a rear yard. Exterior wall materials shall be the same as those for construction of new principal structures as set forth in Sec. 41.24(4)(a)2.

(5) Standards for the Review of Exterior Alterations and Repairs in TR-C2, TR-C3, and TR-C4, Zoning Districts.

(a) Height. No alterations shall be higher than the existing structure; however, if the existing structure is already a nonconforming one, alteration shall be made thereto except in accordance with Section 28.192. Roof alterations resulting in an increased structure volume are prohibited unless they meet the requirements in Sec. 41.24(4)(a)5. and are permitted under Chapter 28, or approved as a variance pursuant to Sec. 28.184 or approved as a conditional use or as part of a planned residential development.

(b) Second Exit Platforms and Fire Escapes. Second exit platforms and fire escapes shall be invisible from the street, wherever possible, and shall be of a plain and unobtrusive design in all cases. In instances where an automatic combustion products detection and alarm system is permitted as an alternative to second exits, use of such a system shall be mandatory.

(c) Repairs. Materials used in exterior repairs shall duplicate the original building materials in texture and appearance, unless the Landmarks Commission approves duplication of the existing building materials where the existing building materials differ from the original. Repairs using materials that exactly duplicate the original in composition are encouraged.

(d) Restoration. Projects that will restore the appearance of a structure to its original appearance are encouraged and will be approved by the Landmarks Commission if such projects are documented by photographs, architectural or archeological research or other suitable evidence.

(e) Re-Siding. Re-siding with aluminum or vinyl that replaces or covers clapboards or nonoriginal siding on structures originally sided with clapboards will be approved by the Landmarks Commission provided that the new siding imitates the width of the original clapboard siding to within one (1) inch and provided further that all architectural details including, but not limited to, window trim, wood cornices and ornament either remain uncovered or are duplicated exactly in appearance. Where more than one layer of siding exists on the structure, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the new siding to the same extent it did with the original siding.

(f) Alterations Visible from the Street and Alterations to Street Facades. Alterations visible from the street, including alterations to the top of structures, and alterations to street facades shall be compatible with the existing structure in architectural design, scale, color, texture, proportion and rhythm of solids to voids and proportion of widths to heights of doors and windows. Materials used in such alterations shall duplicate in texture and appearance, and architectural details used therein shall duplicate in design, the materials and details used in the original construction of the existing structure or of other structures in University Heights of similar materials, age and architectural style, unless the Landmarks Commission approves duplication of the texture and appearance of materials and the design of architectural details used in the existing structure where the existing building materials and architectural details differ from the original. Alterations that exactly duplicate the original materials in composition are encouraged. Alterations that destroy significant architectural features are prohibited. Side alterations shall not detract from the design composition of the original facade.

(g) Additions and Exterior Alterations Not Visible from the Street. Additions and exterior alterations that are not visible from any streets contiguous to the lot lines upon which the structure is located will be approved by the Landmarks Commission if their design is compatible with the scale of the existing structure and, further, if the materials used are compatible with the existing materials in texture, color and architectural details. Additions and alterations shall harmonize with the architectural design of the structure rather than contrast with it.

(h) Roof Shape. The roof shape of the front of a structure shall not be altered except to restore it to the original documentable appearance or to add a dormer or dormers in a location and shape compatible with the architectural design of the structure and similar in location and shape to original dormers on structures of the same vintage and style within the district. Alterations of the roof shape of the sides or back of a structure shall be visually compatible with the architectural design of the existing structure.

(i) Roof Material.

1. If the existing roof is tile, slate or other material that is original to the structure and/or contributes to its historic character, all repairs thereto shall be made using the same materials. In addition, in all cases any such roof must be repaired rather than replaced, unless the documented cost of repair exceeds the documented cost of re-roofing with a substitute material that approximates the appearance of the original roofing material as closely as possible, in which case re-roofing with a material that approximates the appearance of the original roofing material as closely as possible will be approved by the Landmarks Commission.
2. If the existing roofing material is asphalt shingles, sawn wood shingles or a nonhistoric material such as fiberglass, all repairs shall match in appearance the existing roof material; however, if any such roof is covered or replaced, re-roofing must be done using rectangular sawn wood shingles or rectangular shingles that are similar in width, thickness and apparent length to sawn wood shingles, for example, 3-in-1 tab asphalt shingles. Modern style shingles, such as thick wood shakes, Dutch lap, French method and interlock shingles, that are incompatible with the historic character of the district are prohibited.
3. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

(j) Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.

(6) Standards for the Review of Exterior Alterations and Repairs in the TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS and LMX Zoning Districts.

(a) Height. No alterations shall be higher than the existing structure; however, if the existing structure is already nonconforming, no alteration shall be made thereto except in accordance with Sec. 28.192, MGO. In addition, all alterations, including alterations to the top of a structure, shall conform to the height restrictions for the zoning district in which the structure is located.

(b) Alterations. Alterations shall be compatible in scale, materials and texture with the existing structure.

(c) Repairs. Materials used in repairs shall harmonize with the existing materials in texture, color and architectural detail.

(d) Re-Siding. The standards for the review of re-siding are the same as the standards for review of re-siding in the TR-C2, TR-C3 and TR-C4 Zoning Districts set forth in Sec. 41.24(5)e.

(e) Roof Shape. Roof alterations to provide additional windows, headroom or area are prohibited unless permitted under Chapter 28, or otherwise approved pursuant thereto as a variance or as part of a conditional use. In addition, all roof alterations shall be visually compatible with the architectural design of the structure.

(f) Roof Materials. All repairs shall match in appearance the existing roofing materials; however, when a roof is covered or replaced, roofing materials shall duplicate as closely as practicable the appearance of the original materials. Thick wood shakes, French method, interlock and Dutch lap shingles are prohibited. Rolled roofing, tar and gravel and other similar roof materials are also prohibited except on flat or slightly sloped roofs which are not visible from the street.

(g) Parking Lots. No new parking lots will be approved unless they are accessory to and on the same zoning lot as a commercial structure or multiple family dwelling.

41.25 MARQUETTE BUNGALOWS HISTORIC DISTRICT.

(1) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the city be identified, designated and protected because of its special character of historic interest and significance. This area, to be called the Marquette Bungalows Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's office. The purpose and intent of this ordinance shall be to designate this area in accordance with Subchapter D of this Chapter.

(2) Criteria for the Creation of the Marquette Bungalows Historic District. In that the Marquette Bungalows Historic District reflects a pattern in the broad social history of Madison and in the state and the nation and in that elements within the district meet designation criteria in Sec. 41.10(2) of this chapter, specifically that many of the structures in the district embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, the area described by the map and legal description shall be designated a historic district.

(3) Historic Resources in the Marquette Bungalows Historic District.

(a) Landmarks.

(b) Landmarks sites.

(c) Properties constructed during the period of significance. 1924-1930.

(4) Standards for the Review of New Construction and Fences.

(a) Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Accessory structures shall be erected in the rear yard. If the structure on the lot is sided in wood or stucco, the siding on the accessory structure shall match the appearance of the siding on the structure. Imitation siding materials that approximate the look of the siding on the structure, such as vinyl, aluminum or applied stucco-like surfaces, may be approved. If the siding on the structure is brick, the garage may be sided in brick to match, clapboard, stucco, narrow-gauge vinyl or aluminum or applied stucco-like surfaces. Garage doors shall blend with the historic appearance of the neighborhood. Horizontally paneled doors and flat paneled doors are prohibited. Windows shall be either casements or double-hung units of a similar proportion to the windows on the structure. Alteration of existing accessory structures shall comply with this subdivision (e) and with subdivision (d) above. The roof shape may be a hip or gable of any pitch; single slope roofs are prohibited. The roof material shall match as closely as possible the color and appearance of the roof material on the structure.

(b) New Principal Structures. New principal structures shall match the design of other structures in the district in materials, roof shape, architectural details, the

proportion and rhythm of solids to voids, the proportion of widths to heights of doors and windows, the scale, height, setbacks, side yards and other visual features. The intention is to have new structures virtually duplicate the design of other structures in the neighborhood, since all parcels in the district are currently developed and any new construction would be replacing an existing structure.

(c) Fences. Chain link, metal mesh and other rustic style fences, such as rough sawn wood or split-rails, are prohibited in the front yard. Fences in the front yard shall not exceed three (3) feet in height.

(5) Standards for the Review of Exterior Alterations and Repairs. All exterior alterations and repairs must be compatible with the historic character of the structure and the Marquette Bungalows Historic District.

(a) Re-Siding. Re-siding with aluminum or vinyl that replaces or covers clapboards or non-original siding on structures originally sided with clapboards will be approved by the Landmarks Commission provided that the new siding imitates the width of the original clapboard siding to within one inch and provided further that all architectural details including, but not limited to, window trim, wood cornices and other ornament either remain uncovered or are duplicated exactly in appearance. All trim must continue to project out beyond the plane of the siding. Brick, stucco, and half-timber detailing shall match the original in appearance. Original wood shingle siding should be repaired or replaced to match the original in appearance, whenever possible; however, covering wood shingles with double-four vinyl or aluminum may be approved.

(b) Roof Materials. Reroofing shall be done with asphalt shingles, fiberglass shingles or other rectangular composition shingle similar in appearance to 3-in-1 tab asphalt shingles. Sawn wood shingles may also be approved. Modern style shingles, such as thick wood shakes, Dutch lap, French method and interlock shingles are incompatible with the historic character of the district and are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar and gravel and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs which are not visible from the ground.

(c) Skylights. Skylights on street-facing roof slopes are prohibited. Skylights may be permitted on side roof slopes provided the front edge of the skylight is at least ten (10) feet back from the front edge of the main roof. Skylights on any roof area not visible from the street may be permitted. The design should be as simple as possible, of the flat type (not bubble) and painted to blend with the color of the roof.

(d) Dormers and Other Roof Alterations. New dormers shall be greater than three (3) feet from the front edge of the roof. New dormers shall match original dormers on the structure (or original dormers on similar structures in the district) in roof shape and material, width of overhang, siding, window design and trim details. The ridge line of a new dormer shall not extend above the ridge line of the main roof of the structure. The dormer walls shall not extend beyond the line of the main structure wall below. Shed dormers behind existing dormers or gables on non-street sides of the structure may be approved provided that the roof material, siding, window design and trim details match the original features of the structure. Other roof alterations shall be compatible with the roof shape and other features of the structure, such as siding and trim details, and shall not extend above the ridge line of the structure.

(e) Chimneys. The exterior appearance of chimneys visible from the street shall be maintained in good repair. The removal of the exterior portions of such chimneys is prohibited. Chimneys not visible from the street may be removed. New chimneys shall be constructed of brick to match as closely as possible the brick on the

structure, or if there is no brick on the structure, chimneys may be made of brick similar in dimensions and color to brick on other in the neighborhood. New chimneys not visible from the street may also be constructed of metal or other non-historic material.

(f) Windows and Doors.

1. General Standards. The original appearance of leaded glass and other non-rectangular decorative windows (e.g., curved top windows) on any facade of the structure shall be retained. Replacement of such windows shall duplicate the original in size, configuration and appearance. Picture windows are prohibited. Trim on new or remodeled windows shall match the original window trim on the structure.
2. Street Facades. Windows and doors on the front or street facade of the structure and on side faces within ten (10) feet of the front facade of the structure shall retain their original or existing appearance, including true muntins where they exist. Replacement windows and doors may be approved if they match the original appearance.
3. Non-Street Side Facades. Retention of the original appearance of windows and doors on the sides of the structure is encouraged. However, if replacement or new windows are proposed, the muntin design of the original windows on the structure may either be replicated with true-divided lights or with exterior or interior applied grids or with grids applied between the panes of glass. New windows shall either be casement windows or double-hung windows. Sash on new windows over four (4) feet square shall be divided by muntins or mullions. Bay windows may be approved if they have sides perpendicular to the wall and if they do not extend beyond the eaves of the roof.
4. Rear Facade. Replacement, remodeling or installation of new doors and windows on the rear facade will not be restricted except as discussed under "General Standards" above.

(g) Porches. Porches and stairway railings shall match the original railings in appearance wherever possible. Wrought iron railings with vertical balusters at least one-half (½) inch in width, wood railings with vertical square balusters spaced no more than three (3) inches apart, and solid wall railings covered in siding to match the structure will be approved. Other designs may be permitted if they blend with the character of the structure and the district. Porches may be enclosed with windows or screens provided that new windows be casements or double-hung units similar in proportion to other windows on the structure. Steps may be constructed of wood, concrete or brick. If wood is used, steps shall have risers and be enclosed on the sides by lattice or a wing wall. Rear yard decks shall have a railing as described above, shall have the underside screened by lattice or evergreen shrubs, and all parts of the deck, except the flooring and steps, shall be painted or opaque-stained in a color to blend with the colors on the structure.

(h) Second Exits. Second exit platforms and stairways shall be as unobtrusive as possible. No second exit platforms or stairways shall be permitted on the front facade of a structure. When possible, second exit stairways shall be provided on the interior of the. When this is not possible, they shall be added onto the rear section of the structure. Railings and design shall follow the railing and deck standards listed under "Porches" above.

(i) Additions and Other Alterations. New additions on the front of the structure are prohibited. Additions on the sides or rear shall be permitted if they are compatible with the structure in architectural design, scale, color, texture, proportion and rhythm of solids to voids and proportion of widths to heights of doors and windows. Materials and architectural details used in additions and alterations

shall duplicate in texture, appearance, and design, the materials and details used in the original construction of the structure or of other structures in the district. The Landmarks Commission may approve an exception to this policy where the existing structure materials and architectural details differ from the original. Additions and exterior alterations that exactly duplicate the original materials in composition are encouraged. Additions or exterior alterations that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the original facade.

(j) Foundations. The original or existing finish on the foundation shall be retained. Brick or stone shall not be covered with a cementitious or other surface. Foundation insulation shall be applied only to the interior. Basement windows may be removed provided that the space is filled with a material to match as closely as possible the appearance of the surrounding foundation and provided that the new material is inset at least one inch from the plane of the wall.

(k) Tuckpointing and Brick Repair. Mortar and other materials used in brick repair shall match the original in color, hardness and appearance. Brick shall not be painted.

(l) Storm Windows and Doors. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface; raw aluminum is prohibited. Storm door designs of wood and glass to match the original design on the structure or on similar structures in the district is encouraged. Storm doors of simple design with no stylistic references (e.g., colonial cross-bars) may also be used. Storm doors with metal grilles may be approved provided that they blend with the style of the structure.

41.26 FIRST SETTLEMENT HISTORIC DISTRICT.

(1) Purpose and Intent. It is hereby declared a matter of public policy that a specific area of the city be identified, designated and protected because of its special character of historic interest and significance. This area, to be called the First Settlement Historic District, shall be described generally by the map and specifically by the legal description on file in the City Clerk's Office. The purpose and intent of this ordinance shall be to designate this area in accordance with Subchapter D of this chapter.

(2) Standards for the Creation of the First Settlement Historic District. In that the First Settlement Historic District reflects the broad cultural, political, economic and social history of Madison, the state and the nation and in that elements within the district meet designation criteria in Sec. 41.10(2) of this chapter, specifically that they are identified with historic personages or with important local historical events and/or that they embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous material or craftsmanship, the area described by the map and legal description shall be designated a historic district.

(3) Historic Resources in the First Settlement Historic District.
   (1) Landmarks.
   (2) Landmark sites.
   (3) Properties constructed during the period of significance, 1850-1920.

(4) Standards for the Review of New Principal Structures.
   (a) Structure Height, Scale, Proportion and Rhythm. New principal structures shall be similar in height to the structures directly adjacent to each side. If the structures directly adjacent to each side are different in height, the new structure shall be of a height compatible with the structures within two hundred (200) feet of the proposed structure. New principal structures shall be compatible with the scale, proportion, and rhythm of masses and spaces of structures within two hundred (200) feet of the proposed structure.

(b) Siding Materials. Narrow gauge clapboards made of wood, composite wood material, or concrete, and/or brick and stone may be permitted. Stucco and split-faced concrete block may be permitted only as trim, rather than the primary siding material. Stucco panels and pebble dash are prohibited. If the first two floors of a proposed structure are masonry, the Landmarks Commission may permit the use of artificial siding (i.e. vinyl or aluminum) on the upper floor or floors. In such circumstances, the artificial siding must conform to the following requirements:

1. The material shall be of the highest grade offered by the manufacturer.
2. The material shall have a minimum gauge of .042.
3. The color and sheen of the siding shall be consistent with those used in the era in which adjacent structures were constructed.
4. The siding shall not have a false wood grain.
5. The width of each apparent clapboard shall not exceed four (4) inches.
6. The use of visible j-channel trim and other prefabricated elements that differ in appearance from those used on historic structures in the neighborhood is prohibited.

(c) Roof Materials. Roofing materials shall be asphalt shingles; fiberglass or other composition shingles similar in appearance to multi-layered architectural shingles or 3-in-1 tab; or Dutch lap, French method or interlock shingles. Sawn wood shingles may also be approved. Thick wood shakes are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar-and-gravel, rubberized membranes and other similar roofing materials are prohibited except that such materials may be used on flat or slightly sloped roofs that are not visible from the ground.

(d) Roof Shape. If a principal structure does not have a flat roof, the pitch of the new roof shall be no less than 4-in-12.

(e) Façade Design. Street facades shall be modulated with setbacks incorporated into the design at the first floor level. The entrance shall either be inset or projecting from the plane of the main facade. Porches on main entrances are encouraged. Street facades shall reflect the rhythm and directional expression of pre-1930 structures within two hundred (200) feet of the subject property.

(f) Windows and Doors. The proportion of width to height of doors and windows and the proportion and rhythm of solids to voids in the front and side facade designs shall be similar to pre-1930 structures within two hundred (200) feet of the subject property. Windows trimmed with bead molds similar in design to other pre-1930 window trim in the district and windows and doors shall be inset at least one (1) inch from the exterior trim. The main entrance to the structure shall be on the front facade. Garage doors shall be located on the side or rear facades whenever feasible. If it is not feasible to locate the garage door on the sides or rear facades, one-car garage doors will be permitted on the front facade.

(5) Standards for the Review of Exterior Alterations and Repairs. All additions, exterior alterations and repairs must be compatible with the historic character of the structure and the First Settlement Historic District. The standards listed below are intended to maintain a historically accurate appearance. Modern materials that do not meet the exact requirements of the standards but which duplicate the historic appearance may be considered on an individual basis for a variance as listed in Sec. 41.19 of this chapter.

(a) Porches. Porches that are original to the structure, or that pre-date 1930 and blend with the historic character of the structure, shall be retained, rehabilitated or rebuilt to match the original in all details. Porches on street facades may be enclosed with wood-framed screens, on the condition that the railing must be retained or restored in a design compatible with the historic character of the structure. Porches on street facades shall not be enclosed as a heated space. If a

porch is on a street facade and the owner can demonstrate to the Landmarks Commission that it is beyond repair, then a new porch must be constructed in its place. Construction of new porches to approximate the dimensions of original porches is encouraged.

All porches shall present a finished appearance, e.g., all floor joists shall be hidden from view and all porches shall be finished with ceilings and frieze boards. Porch ceilings shall have the appearance of narrow beaded boards, unless another original material is approved by the Landmarks Commission. First floor porch flooring shall be tongue-in-groove boards; carpeting and two-by-four (2 × 4) decking are prohibited. All wood on exterior porches, except flooring and stair treads, shall be painted or opaque stained.

All railings on porches shall be constructed of wood, or another material that duplicates the appearance of wood, with top and bottom rails. Bottom rails shall be raised above the floor level and shall be no higher than three and one-half (3½) inches from the floor. All balusters on porch railings shall be square posts, unless the owner can demonstrate to the Landmarks Commission that a different design is original to the structure. If the building code requires a forty-two (42) inch high railing, the lower portion of the railing may be solid framed panels. Railings on stairways may be either wood to match the railings on the porch or wrought iron with one-by-one (1 × 1) plain vertical balusters. Twisted or other decorative wrought iron is prohibited. All balusters shall be constructed such that a four (4) inch ball may not pass through the railing at any point. All balusters shall be located in between the top and bottom rail and shall not extend across the face of either. Siding on porch rails is prohibited unless the existing rail is sided. Porch posts shall be trimmed with decorative molding at the top and bottom of the posts.

All porches and stairways shall be enclosed between the frieze under the first floor and the ground with a framed lattice of crisscross design, narrow vertical boards or other openwork design. The lattice shall be designed such that a three-(3) inch ball could not pass through any portion of the lattice. All stairways shall have solid wood risers.

Porches on street facades may be enclosed by storm windows. Storm windows on porches shall have the appearance of double-hung windows, with or without a transom, and shall fill the space between the top of the railing and the upper frieze board. When porches are enclosed, the railing area underneath may be filled in with solid framed panels. Porches on street facades shall not be enclosed as a four-season heated space.

(b) Decks. Decks in rear yards will be approved by the Landmarks Commission provided that the design complies with par. 1., except that tongue-in-groove flooring is not required. Decks in front and side yards may be permitted if they are not replacing an entrance porch, do not detract from the historic character of the structure and neighborhood, and if they comply with par. 1.

(c) Accessibility Ramps. It is the intent of this section to permit accessibility ramps wherever possible, especially when required by ADA provisions. Accessibility ramps shall be as inconspicuous as possible. Landscape screening shall be provided where possible. The details of such ramps shall conform to the requirements for porches in par. 1.

(d) Windows. On the front facade and on side facades within ten (10) feet of the front facade, all original windows or pre-1930 windows that are compatible with the historic character of the structure shall retain their existing historic size, appearance, and trim detail. If any of the original windows or pre-1930 windows that are compatible with the historic character of the structure have true divided lights (i.e., with small panes of glass between muntin bars), replacement sash shall duplicate

the existing appearance and have true divided lights. If windows have been altered in the past, restoration to the original appearance is encouraged. On side facades not within ten (10) feet of the front facade and on rear facades of the structure, the sills of original windows or pre-1930 windows that are compatible with the historic character of the structure may be raised to serve bathrooms and kitchens. In other respects, the design shall duplicate the original appearance of the existing window. On side facades more than ten (10) feet from the front facade and on rear facades, new windows in locations where no window previously existed may be approved, provided they retain a similar ratio of height to width as original windows on the structure, are the same type of window as others on the structure (e.g., double-hung or casement), and are trimmed and finished to match the appearance of the other windows.

(e) Entrance Doors. If the entrance door is original or is pre-1930 and blends with the historic character of the structure, it should be retained unless the owner can demonstrate to the Landmarks Commission that it is beyond repair. Metal doors may be approved, provided they blend with the historic appearance of the structure. Unpaneled, modern-style doors, and doors with a fake wood grain are prohibited. All doors shall be painted or varnished.

(f) Double or Multiple Doors. Double or multiple doors, such as doors leading onto patios or decks, may be permitted, provided they have frames similar to full view doors. Raw aluminum or other metallic finishes are prohibited. Patio doors shall be painted or finished with a material that resembles a painted finish. Such doors on street facades shall be hinged doors, rather than sliding doors.

(g) Storm Windows and Doors. Storm windows and doors shall be enameled, painted or otherwise coated with a colored surface to resemble a painted surface. Raw aluminum or other metallic finishes on storm windows and doors are prohibited. Painted or varnished storm doors of wood and glass to match the original design on the structure or on similar structures in the district are encouraged. Storm doors of simple design with no stylistic references may be used. Full view storm doors will be permitted. Storm doors with metal grills are prohibited.

(h) Skylights. Skylights on the roof slope over the main street facade are prohibited unless not visible from the street. Skylights may be permitted on rear roof slopes and on side roof slopes, provided the front edge of the skylight is at least ten (10) feet back from the front edge of the main roof and provided that the skylight is not so obtrusive as to detract from the general appearance of the structure. Skylights on any roof area not visible from the ground will be permitted. The design of new skylights shall be as simple as possible, of the flat (not bubble) type, and finished to blend with the color of the roof.

(i) Roof Materials. Reroofing shall be done with asphalt. Fiberglass or other rectangular composition shingles similar in appearance to 3-in-1- tab asphalt shingles. Sawn wood shingles also may be approved. Modern style shingles such as thick wood shakes, Dutch lap, French method, and interlock shingles are prohibited. Vents shall be located as inconspicuously as possible and shall be similar in color to the color of the roof. Rolled roofing, tar-and-gravel, rubberized membranes, and other similar roofing materials are prohibited, except that such materials may be used on flat or slightly sloped roofs that are not visible from the ground.

(j) Dormers and Other Roof Alterations. New dormers shall match the appearance of original dormers on the structure in roof shape and material, width of overhang, siding, window design, and trim details whenever feasible. If the original roof shape is not practical, another shape may be approved, provided that it does not detract from the historic character of the structure or the neighborhood. New dormers shall be no less than twelve (12) feet from the front edge of the roof. The

ridge line of a new dormer shall not extend above the ridge line of the main roof of the structure unless such higher roof line is not visible from the ground. Shed dormers behind existing dormers or gables on non-street sides of the structure may be approved, provided that the roof material, siding, window design and trim details match the original features of the structure. Other roof alterations shall be compatible with the roof shape and other historic features of the structure, such as siding and trim details, and shall not extend above the ridge line of the structure unless such extension is not visible from the ground.

(k) Chimneys. The exterior appearance of original or pre-1930 chimneys visible from the street shall be maintained in good repair. The removal of the exterior portions of such chimneys is prohibited. Chimneys not visible from the street may be removed. New chimneys shall be constructed of brick, stone, stucco, or other compatible material. Metal chimneys are prohibited.

(l) Siding. Original wood siding or pre-1930 siding that blends with the historic character of the structure shall be retained and restored as necessary, except that if the owner can demonstrate to the Landmarks Commission that the original siding is beyond repair, it may be replaced with wood, composite wood, or concrete clapboard siding to match the original or existing pre-1930 appearance. Restoration of original wood decorative details is encouraged. Soffits may be replaced or sided with wood or artificial materials, provided the appearance of the proposed material matches as closely as possible the original appearance.

Original brick, stone and stucco siding shall be retained. Installation of artificial siding on such structures is prohibited. Painting of unpainted brick is prohibited. Mortar and other materials used in brick repair shall match the original in color, hardness, and appearance.

(m) Foundations. All original foundation masonry, such as brick, stone, or rusticated concrete block, shall be retained unless the owner can demonstrate to the Commission that significant repairs are required, in which case replacement with materials to duplicate the original appearance is encouraged. If duplicating the original appearance is not practical, other materials may be approved, provided they blend with the historic character of the structure and the district.

(n) Additions. Additions on the front of the structure are prohibited, except for open porches. Additions on the sides or rear shall be permitted if they are compatible with the structure in architectural design, scale, color, texture, proportion and rhythm of solids to voids, and proportion of widths to heights of doors and windows. Additions that exactly duplicate the original materials in composition are encouraged. Additions that destroy significant architectural features are prohibited. Side additions shall not detract from the design composition of the main facade. Siding on new additions shall be the same as the structure, unless the structure is masonry, in which case narrow-gauge clapboards will be permitted. Foundation material on additions shall duplicate the original foundation material whenever practical. Other foundation materials may also be permitted, provided they do not detract from the historic character of the structure.

(o) Fire Escapes and Rescue Platforms. Fire escapes and rescue platforms shall be located such that they are as unobtrusive from the street as possible. No fire escapes or rescue platforms shall be permitted on the front facade of a structure unless the owner can demonstrate to the Landmarks Commission that no other location is practical. The design of fire escapes and rescue platforms shall comply with the requirements of par. 1., except that balusters on fire escapes and second exit platforms may be metal with one-by-one plain vertical balusters, painted to blend with the colors of the structure. Twisted or other decorative wrought iron is prohibited.

(p) Lighting Fixtures. Lighting fixtures that are visible from the street shall be of a design that is compatible with the historic appearance of the structure.

(q) Permanently Installed Air Conditioners. Permanently installed air conditioners shall be as inconspicuous as possible. Ground air conditioners shall be screened with landscaping where possible.

(r) Shutters. The installation of new shutters requires approval of the Landmarks Commission. Shutters will be permitted, provided they are compatible with the historic character of the structure and are of a size that, if the shutters were workable, would cover the window opening.

(s) Repairs. Repairs to structures shall either match the existing or the original appearance. Restoration to the original appearance is encouraged.

(t) Alterations to Post-1930 Structures. Alterations to structures that post-date 1930 shall be compatible with the original character of the structure and shall not detract from the historic character of older structures in the district. Alterations that bring the structure into compliance with the regulations of this section regarding siding, decks, foundations, porches, the proportion of windows and doors, and the proportion and rhythm of solids to voids of the street facades of such structures are encouraged. It is not the intent of this ordinance to create fake historic structures, but to allow modern style structures to retain their essential style while still blending with the appearance of historic structures in the district.

(6) Standards for the Review of Accessory Structures, Fences and Retaining Walls.

(a) Accessory Structures. Accessory structures shall be compatible with the design of the existing structure on the zoning lot, shall not exceed fifteen (15) feet in height and shall be as unobtrusive as possible. Garage doors shall either be entirely flat or shall have approximately square panels. Horizontally paneled doors are prohibited. Windows shall be either double or single-hung units of a similar proportion to the windows on the structure or shall be six-paned (three panes across and two panes high) units similar to those seen on 1920s era garages. Siding may either match the siding on the structure or be narrow-gauge clapboard, vertical board-and batten, or a smooth stucco or stucco-like applied material. The roof shape shall have a pitch and style similar to the roof shape on the structure. The roof material shall match as closely as possible the material on the structure. Alteration of existing accessory structures shall comply with this subdivision and with subdivision (d).

(b) Fences. Chain link and rustic style fences, such as rough sawn wood or split rails, are prohibited in the front yard.

(c) Retaining Walls in Front Yards. For retaining walls in front yards, railroad ties, landscape timbers, boulders, and concrete blocks are prohibited. Poured concrete walls with a smooth rubbed finish and under twenty-four (24) inches in height, flagstone and stone ashlar are permitted. Proposals to construct front yard retaining walls of other materials must be submitted to Landmarks Commission for approval prior to installation.

(7) Reference to Plan. The history of the First Settlement Historic District is derived from the Downtown Historic Preservation Plan, City of Madison Department of Planning and Community and Economic Development, 1998."

(Chapter 41 Cr. by ORD-15-00072, 7-29-15)

CHAPTER 45

REPEAL

Section

45.01 Repeal of Ordinances.
45.02 Ordinances Not Repealed.
45.03 Ordinances Repealed Not Reenacted.
45.04 Offenses Committed and Penalties Incurred Previous to Repeal.
45.05 Prosecutions Pending Not Affected.
45.06 Title of Ordinances—When to Take Effect.
45.07 Seventy-Seven Square Miles Ordinance. (Cr. by ORD-13-00005, 1-15-13)

45.01 REPEAL OF ORDINANCES. All ordinances adopted by the Common Council of the City of Madison prior to the adoption of these Madison General Ordinances are hereby repealed, except those ordinances and parts of ordinances mentioned in Section 45.02 hereof.

45.02 ORDINANCES NOT REPEALED. All ordinances or parts of ordinances relating to the following subjects are not repealed:

(1) The issuance of corporate bonds of the City of Madison of whatever name or description.
(2) The establishing of grades and curb lines in the public streets and alleys.
(3) The construction and repair of sidewalks on specified streets.
(4) The vacation and discontinuance of public streets and alleys.
(5) The fixing of salaries of public officials and employees.
(6) The granting of franchises to railroads, public utilities, and other companies.
(7) The lighting of streets.
(8) The construction of public works of the City of Madison.
(9) The annexation of territory to the City of Madison.
(10) The naming and changing of names of streets, alleys, public grounds and parks.
(11) The Zoning Ordinances of the City of Madison adopted by the Common Council on the 23rd day of November, 1945, and all amendments supplementary thereto, including the establishment of residential, commercial and industrial zones or districts.
(12) The creation and establishment of districts wherein all wires, cables, etc., are required to be located underground.
(13) All matters covered by and contained in charter ordinances.
(14) The creation of sewer districts.
(15) The creation of setback lines.
(16) Ordinances providing for crossing protection at various railroad crossings in the City of Madison.

45.03 ORDINANCES REPEALED NOT REENACTED. No ordinances or part of any ordinance heretofore repealed shall be considered as reordained or reenacted by virtue of the provisions of Section 45.01 of this chapter.

45.04 OFFENSES COMMITTED AND PENALTIES INCURRED PREVIOUS TO REPEAL. No offense committed and no penalty or forfeiture incurred previous to the time when any of the ordinances aforesaid shall be repealed shall be affected by such repeal, except that when any punishment, forfeiture, or penalty shall have been mitigated by the provisions of these general ordinances, such provision shall apply to and control any judgment to be pronounced after these general ordinances shall take effect, for any offense committed before that time.

45.05 PROSECUTIONS PENDING NOT AFFECTED. No prosecution for any offense, or the levy of any penalty or forfeiture, pending at the time when any of the ordinances aforesaid shall be repealed, shall be affected by repeal, but the right of action shall continue and the offender shall

be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time these general ordinances shall take effect, shall be conducted according to the provisions of these general ordinances, and shall be in all respects subject to said provisions.

45.06 TITLE OF ORDINANCES—WHEN TO TAKE EFFECT. These ordinances, published in two volumes, shall be known as "The Madison General Ordinances" and shall take effect and be in force from and after the passage and publication in book form.

45.07 SEVENTY-SEVEN SQUARE MILES ORDINANCE.

(1) Purpose. From time to time, ordinances of the City of Madison are rendered unenforceable. This may be due to state legislation removing the City's authority, the pre-emptive effect of federal legislation or judicial decision. In some instances, the City will repeal the ordinance at issue. In other cases, the City desires to keep the ordinance on the books in the event the law restricting the City's authority is changed in the future, so that the ordinance is again enforceable. In order to avoid confusion, any such ordinance will be removed from the other chapters of the Madison General Ordinances and renumbered to be a part of this section. Such ordinances will be given a subsection number in this ordinance.

(2) Prevailing Wage on Building or Work Financed in Whole or in Part with City Financial Assistance.

(a) Purpose and Intent. It is the policy of the City to assure equitable wages for all building or work which is financed in whole or in part with City financial assistance. The Common Council finds that extending prevailing wages to workers employed on such projects preserves and promotes the public health, safety, prosperity, and general welfare of the people of the City of Madison.

(b) On any projects for which the City contributes financial assistance and which are "public works," "building or work," or "erection, construction, remodeling, repairing" as those terms are defined in Sec. 23.01(1)(a) of these ordinances and such work is performed by "employees working on the project" or "laborers, workers, and mechanics" as those terms are defined in Sec. 23.01(1)(a), all employees shall be compensated at the rates established pursuant to Sec. 23.01(1) of these ordinances, Wis. Stat. § 66.0903, and Wis. Admin. Code § DWD 290 as therein provided. In the event of a difference in the required rates or provisions, the higher wage or more stringent provision established by the City or the State shall be required.

(c) "City financial assistance" means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance, in the form of

1. Funds.
2. Services of City personnel.
3. Real and personal property or any interest in or use of such property, including:
   a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
   b. Proceeds from a subsequent transfer or lease of such property if the City's share of its fair market value is not returned to the City.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration,

or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and

5. Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.

6. "City financial assistance" includes, but is not limited to, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103, contracts with developers or other entities authorized by Wis. Stat. § 66.1333(5) and 66.1105(3), and assistance provided under Wis. Stat. § 66.1109.

(d) All contracts or agreements for such projects shall include the following provision:

Prevailing Wages. The Contractor shall pay its employees the wage rates established by Sec. 4.23, Madison General Ordinances, and its referenced sections and shall require in its contracts and subcontracts for work on the project, adherence by those contractors, subcontractors and agents to the wage rates established by this Section 4.23 and its referenced sections. The contractor and its contractors, subcontractors and agents shall also adhere to the requirements of Madison General Ordinances Sec. 23.01(1)(d) "Payrolls and Records," Sec. 23.01(1)(j) "Evidence of Compliance by Contractor," and Sec. 23.01(1)(k) "Evidence of Compliance by Agent and Subcontractor" with the exception that the reference to "City Engineer" and "Department of Public Works" shall be to the City agency administering the project.

(e) Exceptions.

1. This ordinance does not apply to work or contracts which are governed by Sec. 23.01 of these ordinances.

2. This ordinance does not apply to wages of student learners or employees of licensed sheltered workshops, as those terms are defined in Wis. Stat. ch. 104.

3. This ordinance does not apply to any construction or rehabilitation project which involves fewer than eight residential units and which does not include commercial space.

4. This ordinance does not apply to projects funded in whole or in part by federal funds.

(3) Regulating of Public Work.

(a) Wage Rates for Employees of Public Works Contractors.

1. General and Authorization. Every contract for public works issued by the City of Madison shall contain Section 23.01(1) of these Ordinances and shall require the contractor to compensate its employees at the prevailing wage rate in accordance with Wis. Stat. § 66.0903, Wis. Admin. Code ch. DWD 290 and as hereinafter provided.

This ordinance shall apply to all contracts for public works regardless of the value of the contract. This ordinance shall not apply to: a project of public works in which the labor for the project is provided by unpaid volunteers; warranty work; or work under a supply or installation contract. Notwithstanding Wis. Stat. § 66.0903(5), this ordinance shall apply to bid public works contracts for minor services and maintenance work, as defined in such statute.

"Public works" shall include building or work involving the erection, construction, remodeling, repairing or demolition of buildings,

parking lots, highways, streets, bridges, sidewalks, street lighting, traffic signals, sanitary sewers, water mains and appurtenances, storm sewers, and the grading and landscaping of public lands.

"Building or work" includes construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work, except for the delivery of mineral aggregate such as sand, gravel, bituminous asphaltic concrete or stone which is incorporated into the work under contract with the City by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

"Erection, construction, remodeling, repairing" means all types of work done on a particular building or work at the site thereof in the construction or development of the project, including without limitation, erecting, construction, remodeling repairing, altering, painting, and decorating, the transporting of materials and supplies to or from the building or work done by the employees of the contractor, subcontractor, or agent thereof, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work, by persons employed by the contractor, subcontractor, or agent thereof.

"Employees working on the project" means laborers, workers, and mechanics employed directly upon the site of the work.

"Laborers, workers, mechanics and truck drivers" includes subjourneypersons and properly registered and indentured apprentices but excludes clerical, supervisory, and other personnel not performing manual labor.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

2. Establishment of Wage Rates. The City of Madison has been granted exemption from applying to the Wisconsin Department of Workforce Development (DWD) for determination of prevailing wage rates in accordance with Wis. Stat. § 66.0903(3). The Department of Public Works shall periodically obtain a current schedule of prevailing wage rates from DWD. The schedule shall be used to establish the City of Madison Prevailing Wage Rate Schedule for Public Works Construction (prevailing wage rate). The Department of Public Works may include known increases to the prevailing wage rate which can be documented and are to occur on a future specific date. Upon approval by the Common Council, the prevailing wage rate shall be included in public works contracts subsequently negotiated or solicited by the City. Except for known increases contained within the schedule, the prevailing wage rate shall not change during the contract.

3. Workforce Profile. The contractor shall, at the time of signature of the contract, notify the City Engineer in writing of the names and classifications of all the employees of the contractor, subcontractors and agents proposed for the work. In the alternative, the contractor shall submit in writing the classifications of all the employees of the contractor, subcontractors and agents and the total number of hours estimated in each classification for the work. This workforce profile(s) shall be reviewed by the City Engineer who may, within ten (10) days, object to the workforce profile(s) as not being reflective of that which would be required for the work. The contractor may request that the workforce profile, or a portion of the workforce profile, be submitted after the signature of the contract

but at least ten (10) days prior to the work commencing. Any costs or time loss resulting from modifications to the workforce profile as a result of the City Engineer's objections shall be the responsibility of the contractor.

4. Payrolls and Records. The contractor shall keep weekly payroll records setting forth the name, address, telephone number, classification, wage rate and fringe benefit package of all the employees who work on the contract, including the employees of the contractor's subcontractors and agents. Such weekly payroll records must include the required information for all City contracts and all other contracts on which the employee worked during the week in which the employee worked on the contract. The contractor shall also keep records of the individual time each employee worked on the project and for each day of the project. Such records shall also set forth the total number of hours of overtime credited to each such employee for each day and week and the amount of overtime pay received in that week. The records shall set forth the full weekly wages earned by each employee and the actual hourly wage paid to the employee.

The contractor shall submit the weekly payroll records, including the records of the contractor's subcontractors and agents, to the City engineer for every week that work is being done on the contract. The submittal shall be within twenty-one (21) calendar days of the end of the contractor's weekly pay period.

Employees shall be paid unconditionally and not less often than once per week. Employees shall receive the full amounts accrued at the time of the payment, computed at rates not less than those stated in the prevailing wage rate and each employee's rate shall be determined by the work that is done within the trade or occupation classification which should be properly assigned to the employee.

An employee's classification shall not be changed to a classification of a lesser rate during the contract. If, during the term of the contract, an employee works in a higher pay classification than the one which was previously properly assigned to the employee, then that employee shall be considered to be in the higher pay classification for the balance of the contract, receive the appropriate higher rate of pay, and she/he shall not receive a lesser rate during the balance of the contract. For purposes of clarification, it is noted that there is a distinct difference between working in a different classification with higher pay and doing work within a classification that has varying rates of pay which are determined by the type of work that is done within the classification. For example, the classification Operating Engineer provides for different rates of pay for various classes of work and the employer shall compensate an employee classified as an operating engineer based on the highest class of work that is done in one day. Therefore, an operating engineer's rate may vary on a day to day basis depending on the type of work that is done, but it will never be less than the base rate of an operating engineer. Also, as a matter of clarification, it is recognized that an employee may work in a higher paying classification merely by chance and without prior intention, calculation or design. If such is the case and the performance of the work is truly incidental and the occurrence is infrequent, inconsequential and does not serve to undermine the single classification principle herein, then it may not be required that the employee be considered to be in the higher pay classification and receive the higher rate of pay for the duration of the

contract. However, the contractor is not precluded or prevented from paying the higher rate for the limited time that an employee performs work that is outside of the employee's proper classification.

Questions regarding an employee's classification, rate of pay or rate of pay within a classification, shall be resolved by reference to the established practice that predominates in the industry and on which the trade or occupation rate/classification is based. Rate of pay and classification disputes shall be resolved by relying upon practices established by collective bargaining agreements and guidelines used in such determination by appropriate recognized trade unions operating within the City of Madison.

The contractor, its subcontractors and agents shall submit to interrogation regarding compliance with the provisions of this ordinance.

Mulcting of the employees by the contractor, subcontractor and agents on public works contracts, such as by kickbacks or other devices, is prohibited. The normal rate of wage of the employees of the contractor, subcontractors and agents shall not be reduced or otherwise diminished as a result of payment of the prevailing wage rate on a public works contract.

5. Hourly Contributions. Hourly contributions shall be determined in accordance with the prevailing wage rate and with Wis. Admin. Code § DWD 290.01(10).

6. Apprentices and Subjourneypersons. Apprentices and subjourneypersons performing work on the project shall be compensated in accordance with the prevailing wage rate and with Wis. Admin. Code §§ DWD 290.02 and DWD 290.025, respectively.

7. Straight Time Wages. The contractor may pay straight time wages as determined by the prevailing wage rate and Wis. Admin. Code § DWD 290.04.

8. Overtime Wages. The contractor shall pay overtime wages as required by the prevailing wage rate and Wis. Admin. Code ch. DWD 290.05.

9. Posting of Wage Rates and Hours. A clearly legible copy of the prevailing wage rate, together with the provisions of Wis. Stat. §§ 66.0903(10)(a) and (11)(a), shall be kept posted in at least one conspicuous and easily accessible place at the project site by the contractor and such notice shall remain posted during the full time any laborers, workers or mechanics are employed on the contract.

10. Evidence of Compliance by Contractor. Upon completion of the contract, the contractor shall file with the Department of Public Works an affidavit stating:

    a. That the contractor has complied fully with the provisions and requirements of Wis. Stat. § 66.0903(3), and Wis. Admin. Code ch. DWD 290, and Sec. 23.01, MGO; the contractor has received evidence of compliance from each of the agents and subcontractors; and the names and addresses of all of the subcontractors and agents who worked on the contract.

    b. That full and accurate records have been kept, which clearly indicate the name and trade or occupation of every laborer, worker or mechanic employed by the contractor in connection with work on the project. The records shall show the number of hours worked by each employee and the actual wages paid therefore; where these records will be kept and the name, address and telephone number of the person who will be responsible for keeping them. The records shall be retained and made available for a period of at least

three (3) years following the completion of the project of public works and shall not be removed without prior notification to the municipality.

11. Evidence of Compliance by Agent and Subcontractor. Each agent and subcontractor shall file with the contractor, upon completion of their portion of the work on the contract an affidavit stating that all the provisions of Wis. Stat. § 66.0903(3), and Sec. 23.01, MGO, have been fully complied with and that full and accurate records have been kept, which clearly indicate the name and trade or occupation of every laborer, worker or mechanic employed by the contractor in connection with work on the project. The records shall show the number of hours worked by each employee and the actual wages paid therefore; where these records shall be kept and the name, address and telephone number of the person who shall be responsible for keeping them. The records shall be retained and made available for a period of at least three (3) years following the completion of the project of public works and shall not be removed without prior notification to the municipality.

12. Failure to Comply with the Prevailing Wage Rate. If the contractor fails to comply with the prevailing wage rate or this ordinance, s/he shall be in default on the contract."

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

(4) Sale of Firearms. It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within five (5) days, excluding Saturdays, Sundays or holidays, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his/her designee, giving a complete description of the firearm so sold, given, traded or transferred including the caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark and the name, age, address and occupation of the recipient of said firearm.

(5) Handgun Transfer Waiting Period. To the extent that the sale of handguns is permitted within the City of Madison, no person shall transfer possession of any handgun to another person other than to a firearms dealer for seven (7) days following application for sale or transfer of such handgun.

(6) Possession of Short-Barreled Handguns Prohibited.

(a) Statement of Intent. The Common Council of the City of Madison finds and determines that handguns play a major role in the commission of homicide, aggravated assault, and armed robbery, and accidental injury and death; that the easy and convenient availability of certain types of handguns has increased the potential for firearm-related deaths and injuries; and that in order to promote and protect the health, safety and welfare of the public it is necessary to regulate the possession of certain handguns which because of their size are particularly easy to conceal on or about the person, thereby making them extremely dangerous to the health, safety and security of the citizens of Madison and particularly dangerous in the hands of criminals. It is the intent of the Common Council, therefore, to prohibit the possession of short-barreled handguns within the jurisdiction of the City of Madison.

(b) Definitions.

Antique firearm means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar

type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898, and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Handgun has the meaning given in Section 25.01(1) of the Madison General Ordinances.

Museum means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule.

Unserviceable firearm means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

Short-barreled handgun means a handgun that has a barrel length of less than 4 inches, measured as follows:

a. For a revolver, the barrel length is measured from the end of the muzzle to the forcing cone.

b. For a handgun other than a revolver, the barrel length is measured from the end of the barrel to the face of the closed breechblock or closed bolt.

(c) Possession Prohibited; Disposal. It shall be unlawful for any person to possess a short-barreled handgun whether loaded or unloaded in the City of Madison except as provided herein. Any short-barreled handgun possessed in violation of this section and any ammunition possessed or used in connection therewith is unlawful property and shall be seized by any peace officer. Upon conviction of the person for a violation of this section, all such property seized shall disposed of pursuant to Wis. Stat. § 968.20(3).

(d) Pre-Existing Handguns. Any person who, prior to the effective date of this section, was legally in possession of a handgun prohibited hereunder shall have thirty (30) days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

1. Remove said handgun from within the jurisdiction of the City of Madison.
2. Modify said handgun to render it permanently unserviceable.
3. Surrender said handgun to the City of Madison Police Department.

(e) Exceptions. This section shall not apply to the following:

1. Any peace officer whether on or off duty and any retired peace officer;
2. Any armed forces or National Guard personnel while on official duty;
3. Authorized employees of the State Crime Laboratory in the course of their official duties;
4. Any corrections personnel in the Department of Corrections while on official duty;
5. Possession of a prohibited handgun by a licensed importer, manufacturer or dealer or other authorized individual in connection with the manufacture, transportation, sale or repair of prohibited handguns to persons authorized by this section to possess them;
6. Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;
7. Licensed firearms collectors;
8. Antique firearms;
9. Unserviceable firearms.
10. Firearms carried in interstate commerce pursuant to Title 18 United States Code Sec. 926A.

11. Civilian students and instructors who are receiving or conducting law enforcement training certified by the Law Enforcement Standards Board as defined in Wis. Stat. § 165.85 while actually engaged in such training.
12. Short-barreled handguns in the collections of non-profit museums which collect such weapons for legitimate educational purposes.
13. A nonresident of the City of Madison in lawful possession of a prohibited handgun from outside the City of Madison while traveling directly through the City of Madison, provided such prohibited handgun so transported is at all times while within the City of Madison unloaded and lawfully encased.

(f) Penalty. Any person violating this section shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) upon conviction and, in addition, shall forfeit the firearm giving rise to the violation and any ammunition possessed or used in connection therewith.

(g) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(h) Subsection (3) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court.

(7) Possession Of Assault Weapons Prohibited.

(a) Statement of Intent. The Common Council of the City of Madison finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this City. Assault weapons are particularly dangerous in the hands of criminals and serve no necessary hunting and sporting purpose for law-abiding citizens. Assault weapons have such a high capacity for firepower that any function as sports or recreational firearms is substantially outweighed by the significant danger that they can be used to kill or injure human beings. It is the intent of the Common Council, therefore, to prohibit the possession of assault weapons within the jurisdiction of the City of Madison.

(b) Definitions.

1. "Assault weapon" means the following designated semiautomatic firearms:
   a. All of the following specified rifles:
      i. All AK series including, but not limited to, the models identified as follows:
         A. Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.
         B. Norinco 56, 56S, 84S, and 86S.
         C. Poly Technologies AKS and AK47.
         D. MAADI AK47 and ARM.
      ii. UZI and Galil.
      iii. Baretta AR-70.
      iv. CETME Sporter.
      v. Colt AR-15 series.
      vi. Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110C.
      vii. Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
      viii. MAS 223.
      ix. HK-91, HK-93, HK-94, HK-PSG-1.

x. The following MAC types:
   A. RPB Industries Inc. sM10 and sM11.
   B. SWD Incorporated M11.
xi. SIG AMT, PE-57, SG 550, SG 551.
xii. Springfield Armory BM59 and SAR-48.
xiii. Sterling MK-6.
xiv. Steyer AUG.
xv. Valmet M62S, M71S, and M78S.
xvi. Armalite AR-180.
xvii. Bushmaster Assault Rifle.
xviii. Calico M-900.
xix. J&R ENG M-68.
xx. Weaver Arms Nighthawk.

b. All of the following specified pistols or handguns:
   i. UZI.
   ii. Encom MP-9 and MP-45.
   iii. The following MAC types:
      A. RPB Industries Inc. sM10 and sM11.
      B. SWD Incorporated M-11.
      C. Advance Armament Inc. M-11.
      D. Military Armament Corp. Ingram M-11.
   iv. Intratec TEC-9.
   v. Sites Spectre.
   vi. Sterling MK-7.
   vii. Calico M-950.
   viii. Bushmaster Pistol.

c. All of the following specified shotguns:
   i. Franchi SPAS 12 and LAW 12.
   ii. Striker 12.
   iii. The Streetsweeper type S/S Inc. SS/12.

d. Any firearm which is identical to one of those listed in Subsection (2)(a)1.,2. or 3 above except for slight modifications or enhancements such as a folding or retractable stock, different sights, for example, adjustable sights; case deflector for left-handed shooters; shorter barrel; stock of different composition; larger clip, magazine or other ammunition feeding device providing increased ammunition capacity; different caliber provided the caliber exceeds .22 rimfire; or bayonet mount.

e. Any combination of parts designed or intended to be readily convertible into an assault weapon listed in Subsection (2)(a)1., 2., or 3. above if the parts are in the possession or under the control of the same person.

f. A duplicate of a semiautomatic firearm listed in Subsection (2)(a)1., 2., or 3. above.

g. Any rifle that is a semiautomatic firearm and was originally designed to accept or has been modified so as to be able to accept a detachable large-capacity magazine and has at least two of the following characteristics:
   i. A folding or telescoping stock.
   ii. A pistol grip that protrudes conspicuously beneath the action of the weapon.
   iii. A bayonet mount.

iv. A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

v. A grenade launcher.

h. A pistol or handgun that is a semiautomatic firearm and was originally designed to accept or has been modified so as to be able to accept a detachable large-capacity magazine and has at least two of the following characteristics:

i. An ammunition magazine that attaches to the pistol outside of the pistol grip.

ii. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer.

iii. A shroud that is attached to or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the second hand without being burned.

iv. A manufactured weight of 50 ounces or more when the pistol is unloaded.

v. A semiautomatic version of an automatic firearm.

i. A shotgun that is a semiautomatic firearm and has at least two of the following characteristics:

i. A folding or telescoping stock.

ii. A pistol grip that protrudes conspicuously beneath the action of the weapon.

iii. A fixed magazine capacity in excess of five (5) rounds.

iv. An ability to accept a detachable magazine.

2. "Firearm" has the meaning given in Sec. 25.01(1) of the Madison General Ordinances.

3. "Large capacity magazine" means a magazine, belt, drum, feed strip, or similar ammunition feeding device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or any combination of parts from which such device can be assembled; however, this term does not include an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.

4. "Museum" means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule.

5. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the firearm to be held and fired with one hand.

6. "Semi-automatic firearm" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet.

7. "Series" includes all other models that are only variations, with minor differences, of those models listed in Subsection (2)(a) 1., 2. or 3., regardless of the manufacturer.

8. "Type" means model or version.

(c) Possession Prohibited; Disposal. It shall be unlawful for any person to possess an assault weapon whether loaded or unloaded in the City of Madison except as provided herein. Any assault weapon possessed in violation of this section and any ammunition possessed or used in connection therewith is unlawful property and

shall be seized by any peace officer. Upon conviction of the person for violating this section, all such property seized shall be disposed of pursuant to Wis. Stat. § 968.20(3)(b).

(d) Pre-Existing Assault Weapons. Any person who, prior to the effective date of this section, was legally in possession of an assault weapon prohibited hereunder shall have thirty (30) days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

1. Remove said assault weapon from within the jurisdiction of the City of Madison.
2. Modify said assault weapon to render it permanently unserviceable.
3. Surrender said assault weapon to the City of Madison Police Department.

(e) Exceptions. This section shall not apply to the following:

1. Peace Officers if they have been authorized by their Chief to possess the prohibited assault weapon in the course of their employment.
2. Any armed forces or National Guard personnel while on official duty;
3. Authorized employees of the State Crime Laboratory in the course of their official duties;
4. Any corrections personnel in the Department of Corrections while on official duty;
5. Possession of a prohibited assault weapon by a licensed importer, manufacturer or dealer or other authorized individual in connection with the manufacture, transportation, sale or repair of prohibited firearms to persons authorized by this section to possess them;
6. Unserviceable firearms.
7. Assault weapons carried in interstate commerce pursuant to Title 18 United States Code Sec. 926A.
8. Civilian students and instructors who are receiving or conducting law enforcement training certified by the Law Enforcement Standards Board as defined in Wis. Stat. § 165.85 while actually engaged in such training.
9. Assault weapons in the collections of non-profit museums which collect such weapons for legitimate educational purposes.
10. A nonresident of the City of Madison in lawful possession of a prohibited assault weapon from outside the City of Madison while traveling directly through the City of Madison, provided such prohibited assault weapon so transported is at all times while within the City of Madison unloaded and lawfully encased.

(f) Penalty. Any person violating this section shall be subject to a forfeiture of not less than seven hundred fifty dollars ($750) nor more than one thousand five hundred dollars ($1500) upon conviction and, in addition, shall forfeit the assault weapon giving rise to the violation and any ammunition possessed or used in connection therewith.

(g) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(h) Subsection (3) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court.

(Sec. 45.07 Cr. by ORD-13-00005, 1-15-13)

APPENDIX

MAYORS OF CITY OF MADISON

Name	Years in Office	Born	Died
Jairus C. Fairchild	1856	1801	1862
Augustus A. Bird	1857	1802	1870
George B. Smith	1858-1860	1823	1879
Levi B. Vilas	1861	1811	1879
William T. Leitch	1860-1864	1808	1885
Elisha W. Keyes	1865-1866 & 1886	1828	1910
Alden S. Sanborn	1867	1820	1885
David Atwood	1868	1815	1889
Andrew Proudfit	1869-1870	1820	1883
James B. Bowen	1871	1815	1881
James L. Hill	1872	1834	1888
Jared C. Gregory	1873	1828	1892
Silas U. Pinney	1874-1875	1833	1899
John N. Jones	1876	1817	1898
Harlow S. Orton	1877	1817	1895
George B. Smith	1878	1823	1879
John R. Baltzell	1879	1827	1893
Philip L. Spooner, Jr.	1880	1847	1918
James Conklin	1881-1883 & 1887	1831	1899
Breese J. Stevens	1884	1834	1903
Hiram N. Moulton	1885	1818	1899
Moses R. Doyon	1888-1889	1845	1933
Robert M. Bashford	1890	1845	1911
William H. Rogers	1891-1892	1850	1935
John Corscott	1893-1894	1839	1926
Jabe Alford	1895	1850	1927
Albert A. Dye	1896	1845	1934
Matthew J. Hoven	1897 & 1899-1900	1850	1901
Charles E. Whelan	1898	1862	1928
Storm Bull	1901	1856	1907
John W. Groves	1902-1903	1844	1921
William D. Curtis	1904-1905	1857	1935
Joseph C. Schubert	1906-1911	1871	1959
John B. Heim	1912-1913	1848	1919
Adolf H. Kayser	1914-1915	1851	1925
George C. Sayle	1916-1919	1864	1951
I. Milo Kittleson	1920-1925	1880	1958
Albert G. Schmedeman	1926-1932	1864	1946
James R. Law	1932-1943	1885	1952
F. Halsey Kraege	1943-1947	1879	1962

Name	Years in Office	Born	Died
Leonard G. Howell (City Manager)	1947-1950	1894	1980
George J. Forster	1950-1955	1895	1988
Alfred W. Bareis	1955-1956	1893	1976
Ivan A. Nestingen	1956-1961	1922	1978
Harold E. Hanson	1961	1895	1978
Henry E. Reynolds	1961-1965	1906	1980
Otto Festge	1965-1969	1921	2007
William D. Dyke	1969-1973	1931	2016
Paul R. Soglin	1973-1979 & 1989-1997	1945	
Joel Skornicka	1979-1983	1937	
F. Joseph Sensenbrenner	1983-1989	1949	
Paul R. Soglin	1989-1997	1945	
Susan J. M. Bauman	1997-2003	1945	
David J. Cieslewicz	2003-2011	1959	
Paul R. Soglin	2011-	1945	

CHARTER ORDINANCES

Charter ordinances are used when amending, repealing or otherwise modifying an existing charter ordinance; or when a charter ordinance is required by State Statute; or when the Council elects not to be governed by a specific state law; or when a high degree of formality and permanence is desired. See also Wis. Stat. 61.01 & 66.01 and Madison General Ordinances Sec. 3.01.

1. Am. Sec. 62.13(9)(c)2 and (10)(a), Wis. Stats. — Firemen's Pension in case of death
   Adopted 11/13/30
2. Am. Sec. 62.16(1), Wis. Stats. — Street lighting as street improvement
   Adopted 11/13/30
3. Am. Secs. 27.08(2) and (6) and 27.10(2)(a) and (2)(b), Wis. Stats. — Public Parks Board
   Adopted 5/8/31
4. Am. Sec. 62.13(7), Wis. Stats. — Set new salary after Police or Fire vacancy
   Adopted 4/10/31
5. Am. Secs. 62.17(3)(d) and (3)(e), Wis. Stats. — Sidewalk repairs
   Approved 5/25/31
6. R/Recr. Sec. 62.08(3), Am. Secs. 62.08 and 62.09, Wis. Stats. — Redistricting of City to 20 Wards
   Adopted by Referendum Election 4/5/32
7. R/Recr. Sec. 62.13(9)(a)3 and 4, Wis. Stats. — Pensions
   Adopted 5/27/32
8. Am. Sec. 62.13(7), Wis. Stats. — Police & Fire compensation
   Adopted 1/13/33
9. Am. Sec. 62.13(9)(c), Wis. Stats., — 1931 Police & Fire Pension to be based on 1932 salary
   Adopted 3/10/33
10. Am. Sec. 62.12(8), Wis. — Claims against the City
    Adopted 10/27/33
11. Am. Sec. 62.13(9)(c), Wis. Stats. — 1934 Police & Fire Pension to be based on 1932 salary
    Adopted 2/9/34
12. Am. Sec. 62.14(1), Wis. Stats. — Board of Public Works - 5 Commissioners
    Adopted 8/10/34
13. Am. Sec. 62.13(9)(c), Wis. Stats.— 1935 Police & Fire Pension to be based on 1932 salary
    Adopted 2/8/35
14. Am. Sec. 67.05(7)(b)(c), Wis. Stats. — No Referendum on issuance of Bonds under $50,000
    Adopted 7/12/35
15. Am. 27.08(2), Wis. — Parks Commission - 7 members
    Adopted 2/28/36
16. Am. Sec. 62.23(a), Wis. Stats. — Plan Commission - Alderman member
    3/13/39
17. Am. Sec. 62.23(8)(a), Wis. Stats. — Zoning Board of Appeals - 7 members
    8/7/39
18. Am. Sec. 4.17 Madison General Ordinances — Create Municipal Reserve Fund
    Adopted 11/13/42
19. Cr. Sec. 3.20 Madison General Ordinances — Create Pension System for City employees
    Adopted 10/22/43
20. Am. Sec. 66.06(22)(a)(b)(j), Wis. Stats. — Sewer system, rent charges
    Adopted 9/14/45
21. Reorganize under Chapter 64, Wis. Stats. — Cr. City Manager, 7 Council members form of government
    Adopted by Referendum Election, 11/5/46
22. R. (c), Am. (b) of Sec. 67.05(7), Wis. Stats. — No Referendum for Issuance of Bonds under $200,000
    Adopted 1/24/47

23 Am. Sec. 67.05(7)(b), Wis. Stats. — No Referendum for Issuance of Bonds under $300,000
Adopted 7/25/47

24 R. Charter Ordinance 12 — Board of Public Works - 5 commissioners
Adopted 12/12/47

25 R. Charter Ordinance 15 — Board of Park Commissioners - 7 members
Adopted 12/12/47

26 Cr. Sec. 3.28 Madison General Ordinances — Primary for City Elections
Adopted 2/11/49

27 Repeal Charter Ordinance 1 — Firemen's Pension Fund - Case of Death
Adopted 8/17/49

28 Repeal Charter Ordinance 4 — Set new salary after Police or Fire vacancy
Adopted 8/17/49

29 Repeal Charter Ordinance 3 — Public Parks Board
Adopted 8/17/49

30 Repeal Charter Ordinance 7 — Pensions
Adopted 8/17/49

31 Repeal Charter Ordinance 8 — Police & Fire Compensation
Adopted 8/17/49

32 Repeal Charter Ordinance 9 — Police & Fire Pensions
Adopted 8/17/49

33 Repeal Charter Ordinance — Claims Against City
Adopted 8/17/49

34 Repeal Charter Ordinance 11 — Police & Fire Pensions
Adopted 8/17/49

35 Repeal Charter Ordinance 13 — Police & Fire Pensions
Adopted 8/17/49

36 Repeal Charter Ordinance 17 — Zoning Board of Appeals - 7 members
Adopted 8/17/49

37 Am. Sec. 67.05(7)(b), Wis. Stats. — Referendums for Issuance of Bonds
Adopted 8/17/49

38 Am. Sec. 3.08, Madison General Ordinances — City Treasurer Duties
Adopted 8/12/50

39 Reorganize under Secs. 62 and 64.14, Wis. Stats. — Return to Mayor - 20 Aldermen Form of Government
Adopted by Referendum Election 11/7/50

40 Am. Sec. 3.01 Madison General Ordinances — Election of Aldermen
Adopted 11/13/52

41 Am. Sec. 3.01 Madison General Ordinances — Increase Council to 22 Aldermen
Adopted 6/27/63

42 Am. Secs. 3.01 & 15.02-.23 — Ward Boundaries
Adopted 11/26/63

43 Repeal & Renumber Sec. 3.01 Madison General Ordinances — Abolish City-elected Supervisors for County Board
Adopted 1/13/66

44 Am. Sec. 3.30 Madison General Ordinances and Charter Ordinance No. 26 — Primary for City Elections
Adopted 10/26/67

45 Repeal/Recreate Sec. 3.10 Madison General Ordinances — Board of Public Works
Adopted 2/8/68

46 Am. Sec. 3.08(2) Madison General Ordinances — Board of Review - Secretary
Adopted 6/13/68

47 Am. Sec. 3.01 Madison General Ordinances — Aldermen all elected at one time for 1-year terms
Adopted 11/9/71

48 Am. Sec. 3.01 Madison General Ordinances — Aldermen all elected at one time for 2-year terms
Adopted 11/21/72

49 Am. Sec. 3.10 Madison General Ordinances — Board of Public Works membership
5/15/73

50 Am. Sec. 25.04(2) Madison General Ordinances — Fireworks Permit from Fire Chief
Adopted 5/22/73

51 Repeal/Recreate Sec. 3.15 Madison General Ordinances — City Attorney - 5-year term
Adopted 9/24/74

52 Cr. Sec. 3.35(1)(l) Madison General Ordinances — City Attorney exempt from Civil Service
Adopted 9/24/74

53 Cr. Sec. 3.35(1)(q) Madison General Ordinances — City Assessor exempt from Civil Service
Adopted 11/9/76

54 Am. Sec. 3.14(1) Madison General Ordinances — City Assessor - 5-year term
Adopted 11/9/76

55 Cr. Sec. 23.01(8) Madison General Ordinances — Combined Bids
Adopted 2/15/83
Resolution No. 43,063 amended Charter Ordinance 39 — 4-year term for Mayor, Sec. 3.01 Madison General Ordinances 4/7/87

56 Am. Sec. 3.14(1) Madison General Ordinances — Change Director of Administration Director of Revenue
Adopted 5/5/87

57 Repeal/Recreate Sec. 3.51(5) Madison General Ordinances — Transportation Commission
Adopted 5/19/87

58 R/Recreate Sec. 16.01(1)-(5) Madison General Ordinances — Plan Commission
Adopted 6/2/87

59 Amend Sec. 3.51(5)(a)-(e) Madison General Ordinances — Transportation Commission members
Adopted 4/5/88

60 Amend Sec. 3.14(1) Madison General Ordinances — City Assessor - Employment Contract
Adopted 3/21/89

61 Amend Sec. 3.15 Madison General Ordinances — City Attorney - Employment Contract
Adopted 3/21/89

62 Amend Sec. 3.51(4)(a)-(e) Madison General Ordinances — Transportation Commission members
Adopted 5/16/89

63 Amend Sec. 16.01(2) & (4) Madison General Ordinances — Plan Commission members
Adopted 10/16/90

64 Amend Sect. 16.01(2) & (4) Madison General Ordinances — Plan Commission members
Adopted 5/7/91

65 Create Sec. 8.35 Madison General Ordinances — Preservation of Shoreline Parks
Adopted by Referendum 4/7/92

66 Amend Sec. 3.51(4)(a)-(e) Madison General Ordinances — Transportation Commission - handicapped member
Adopted 6/2/92

67 Amend Secs. 3.01 & 3.55(1) Madison General Ordinances — 20 Alderpersons
Adopted 2/2/93

68 Amend Sec. 3.10 Madison General Ordinances — Board of Public Works members
Adopted 2/16/93

69 Amend Sec. 3.51(4)(a)-(e) Madison General Ordinances — Transportation Commission members
Adopted 3/30/93

70 Repeal/Recreate Sec. 3.51(4) and Sec. 16.01(2) Madison General Ordinances - Transportation Commission reorganized into three separate bodies
Adopted 2/18/97

71 Amend Sec. 3.10(2) Madison General Ordinances - Two alternates on the Board of Public Works
Adopted 10/3/00

72 Amend Sec. 3.29 Madison General Ordinances - Salaries of Mayor and Officials
Adopted 3/6/01

73 Create Sec. 4.071 Madison General Ordinances - Modified Reverse Mortgage Loan Program
Adopted 9/4/01

74 Repeal/Recreate Sec. 4.082 Madison General Ordinances - Qualified Loans for Payment of Special Assessments or Special Charges
Adopted 9/4/01

75 Amend Sec. 3.29 Madison General Ordinances — Salaries of Mayor and Officials
Adopted 1/21/03

76 Amend Sec. 16.01(3) Madison General Ordinances — Change membership term for Alderperson members of Plan Commission
Adopted 2/18/03

77 Amend Sec. 3.29 Madison General Ordinances — Reduce Mayor's salary for a two-year period
Adopted 4/15/03

—NO CHARTER ORDINANCES ADOPTED IN 2004 OR 2005—

CHA-06-00001 Repeal and recreate Sec. 3.12 - Establish office of City Clerk/Treasurer
Adopted 2/7/06

CHA-06-00002 Amending Sec. 3.14(1) - Modify supervision of the Assessor by Director of Revenue
Adopted 2/7/06

CHA-06-00003 Creating Sec. 3.77(1)(jj) - City Clerk/Treasurer exempt from Civil Service System.
Adopted 7/7/06

CHA-06-00004 Amending Sec. 16.01(4)(b) - Alternate members of Plan Commission may serve as representative on other City committees.
Adopted 5/2/06

CHA-06-00005 Repealing and recreating Sec. 3.12, creating Sec. 3.13, repealing Sec. 3.35(1)(jj), creating new Secs. 3.35(1)(jj) and (kk), and amending Sec. 3.38(6)(b) — Reorganization of City Clerk and City Treasurer.
Adopted 5/16/06

CHA-06-00006 Creating Sec. 31.04(6)(e)2. and 3.51(4)(i) — allow City to place signs or ads on Transit Utility bus shelters.
Adopted 10/17/06

CHA-07-00001 Repealing Section 23.01(4) - governing the City's ability to bid separately or jointly for work on public contracts.
Adopted 2/6/07

CHARTER ORDINANCES

CHA-07-00002	Amending Section 3.29 - provide for a salary increase for the Mayor and Alderpersons and to clarify the language that specifies the manner in which successive salary increases shall be calculated. Adopted 3/20/07
CHA-08-00001	Amending Section 3.50 - allow elected officials to refuse, in whole or in part, the salary to which they otherwise are entitled and directing procedures to do so. Adopted 6/17/08
CHA-09-00001	Creating Section 16.01(4)(c) - add a non-voting member to the Plan Commission. Adopted 3/3/09
CHA-10-00001	Amending Section 23.01(1)(a) - clarify the application of prevailing wage standards to certain public works projects. Adopted 1/19/10
CHA-11-00001	Creating Section 31.045(3)(c)4. and Section 31.07(5)(f) - allow Government Building Identification Signs and Decorative and Promotional Banners on a wall surface of a government building that projects into the highway right-of-way. Adopted 11/29/11

LIST OF OFFICERS OF THE CITY OF MADISON

[All footnotes can be found at the end of this list.]

1955

Mayor—George Forster
Finance Administrative Assistant—Hugh D. Ingersoll
President of Council—Alderman Lawrence J. McCormick
City Clerk—A. W. Bareis[1]
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Assessor—Leonard B. Krueger
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Auditor and Comptroller—John M. Stein
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Howard M. Buenzli
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Helen Farr
Motor Equipment Superintendent—Pershing J. Curran
Parks, Cemetery and Zoo Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief—Bruce Weatherly
Purchasing Agent—Bernard L. Gill
Sanitation Supervisor—Herbert H. Hanneman
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Traffic Engineer—John H. Bunch
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Waterworks and Sewerage Superintendent—L. A. Smith
Waterworks and Sewerage Superintendent (Assistant)—E. L. Nordness
Welfare Director—Elma Christianson

ALDERMEN

First Ward—Thomas W. Tallard
Second Ward—Lyle R. Andrews
Third Ward—A. William Johnson
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Carl H. Wilhelm
Sixth Ward—George H. Elder
Seventh Ward—George H. Reger
Eighth Ward—Melvin B. Bailey[2]

Ninth Ward—Joseph Genna
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—William W. Beeman
Twelfth Ward—William C. Sachtjen
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Norman H. Mill
Fifteenth Ward—Lloyd A. Severn
Sixteenth Ward—Lars M. Hanson
Seventeenth Ward—Buford J. Hernan
Eighteenth Ward—Robert E. Nuckles
Nineteenth Ward—James F. Spohn
Twentieth Ward—Carroll E. Metzner

1956

Mayor—Ivan A. Nestingen
Finance Administrative Assistant—Hugh D. Ingersoll
President of Council—Alderman George H. Reger
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Assessor—Leonard B. Krueger
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Auditor and Comptroller—John M. Stein
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Howard M. Buenzli
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Helen Farr
Librarian (Assistant)—Bernard Schwab
Motor Equipment Superintendent—Pershing J. Curran
Parks, Cemetery and Zoo Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief—Bruce Weatherly
Purchasing Agent—Bernard L. Gill
Sanitation Supervisor—Herbert H. Hanneman
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Traffic Engineer—John H. Bunch
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Richard W. Bardwell
Waterworks and Sewerage Superintendent—E. L. Nordness[3]
Welfare Director—Elma Christianson

LIST OF OFFICERS

ALDERMEN

First Ward—Thomas W. Tallard
Second Ward—Reno H. Forsythe, Jr.
Third Ward—A. William Johnson
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Carl H. Wilhelm
Sixth Ward—George H. Elder
Seventh Ward-George H. Reger
Eighth Ward—Wendell M. Phillips
Ninth Ward—Joseph Genna
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—William W. Beeman
Twelfth Ward—William C. Sachtjen
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—Lloyd A. Severn
Sixteenth Ward—Glenn L. Henry
Seventeenth Ward—Buford J. Hernan
Eighteenth Ward—Robert E. Nuckles
Nineteenth Ward—James F. Spohn
Twentieth Ward—Bruce M. Davidson

1957

Mayor—Ivan A. Nestingen
Administrative Assistant—Hugh D. Ingersoll
President of Council—Alderman William C. Sachtjen
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Assessor—Leonard B. Krueger
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Attorney (Assistant)—Richard C. Alexander
Auditor and Comptroller—John M. Stein
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson[4]
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Helen Farr
Librarian (Assistant)—Bernard Schwab
Motor Equipment Superintendent—Pershing J. Curran
Parks Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief—Bruce Weatherly

Purchasing Agent—Bernard L. Gill
Sanitation Supervisor—Herbert H. Hanneman
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Traffic Engineer—John H. Bunch
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Richard W. Bardwell
Waterworks and Sewerage Superintendent—E. L. Nordness
Waterworks and Sewerage Superintendent (Assistant)—Glenn A. Goldsmith
Welfare Director—Elma Christianson

ALDERMEN

First Ward—William H. Evans
Second Ward—Reno H. Forsythe, Jr.
Third Ward—Ronald V. Perkins
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Thomas H. Fitzpatrick[5]
Sixth Ward—George H. Elder
Seventh Ward—George H. Reger
Eighth Ward—Wendell M. Phillips
Ninth Ward—Franz G. Haas
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—John B. Secord
Twelfth Ward—William C. Sachtjen
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—Robert E. Hagan
Sixteenth Ward—Glenn L. Henry
Seventeenth Ward—Buford J. Hernan
Eighteenth Ward—Robert E. Nuckles
Nineteenth Ward—James F. Spohn
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—Werner A. Wilking[6]

1958

Mayor—Ivan A. Nestingen
Administrative Assistant—Lyle E. Schaller[7]
President of Council—Alderman George H. Elder
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Assessor—Leonard B. Krueger
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Attorney (Assistant)—Richard C. Alexander
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspetion Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson

Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Bernard Schwab[8]
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Parks Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief—Bruce Weatherly
Purchasing Agent—Bernard L. Gill
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Richard W. Bardwell
Waterworks and Sewerage Superintendent—E. L. Nordness
Waterworks and Sewerage Superintendent (Assistant)—Glenn A. Goldsmith
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William H. Evans
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Seventh Ward—George H. Reger
Eighth Ward—Wendell M. Phillips
Ninth Ward—Franz G. Haas
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—John B. Secord
Twelfth Ward—William C. Sachtjen
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—Robert E. Hagan
Sixteenth Ward—Lester K. Badeau
Seventeenth Ward—Buford J. Hernan
Eighteenth Ward—Howard W. Soderholm
Nineteenth Ward—James F. Spohn
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—Werner A. Wilking

1959

Mayor—Ivan A. Nestingen
Administrative Assistant—Lyle E. Schaller

LIST OF OFFICERS

President of Council—Alderman Harold E. Rohr
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Alcoholism Information & Referral Center, Exec. Sec'y.—Jerome S. Foy
Assessor—Leonard B. Kreuger
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Attorney (Assistant)—Richard C. Alexander
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Parks Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief (Acting)—Richard F. Gruber[9]
Purchasing Agent—Bernard L. Gill
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Richard W. Bardwell
Waterworks and Sewerage Superintendent—E. L. Nordness
Waterworks and Sewerage Superintendent (Assistant)—Glenn A. Goldsmith
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William H. Evans
Second Ward—Franklin P. Hall[10]
Third Ward—Ronald V. Perkins
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Thomas H. Fitzpatrick
Sixth Ward—George H. Elder
Seventh Ward—George H. Reger
Eighth Ward—Wendell M. Phillips

Ninth Ward—Gordon F. Reese
Tenth Ward—Mrs. Ethel Brown
Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—William C. Sachtjen
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—Robert E. Hagan
Sixteenth Ward—Lester K. Badeau
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Howard W. Soderholm
Nineteenth Ward—Robert O. Uehling
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—Werner A. Wilking

1960

Mayor—Ivan A. Nestingen
Mayor's Administrative Assistant—Robert E. Nuckles[11]
President of Council—Alderman Wendell M. Phillips
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Alcoholism Information & Referral Center, Exec. Sec'y.—Jerome S. Foy
Assessor—Norman D. Poorman[12]
Attorney—Harold E. Hanson
Attorney (Assistant)—Alton S. Heassler
Attorney (Assistant)—Henry B. Buslee
Attorney (Assistant)—Richard C. Alexander
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer— Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Park Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Walter K. Johnson
Police Chief—Wilbur H. Emery[13]
Purchasing Agent—Bernard L. Gill
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones

Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Richard W. Bardwell
Waterworks and Sewerage Superintendent—E. L. Nordness
Waterworks and Sewerage Superintendent (Assistant)—Glenn A. Goldsmith
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—Wlliam H. Evans
Second Ward—Franklin P. Hall
Third Ward—Ronald V. Perkins
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Thomas H. Fitzpatrick
Sixth Ward—George H. Elder
Seventh Ward—George H. Reger
Eighth Ward—Wendell M. Phillips
Ninth Ward—Gordon F. Reese
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—Leonard Porter
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—Robert E. Hagan[14]
Sixteenth Ward—Lloyd Foust
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—Robert O. Uehling
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—James A. Marks[15]

1961

Mayor—Henry E. Reynolds[16]
President of Council—Alderman Ethel L. Brown
City Clerk—A. W. Bareis
City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Alcoholism Information & Referral Center, Exec. Sec'y.—Jerome S. Foy
Assessor—Norman D. Poorman
Assessor (Assistant)—Kent T. Martin
Attorney (Acting)—Alton S. Heassler[17]
Attorney (Assistant)—Henry B. Buslee
Attorney (Assistant)—Richard C. Alexander
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)— W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham

Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Park Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark[18]
Police Chief—Wilbur H. Emery
Purchasing Agent—Bernard L. Gill
Redevelopment Authority, Exec. Director—Roger E. Rupnow
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Norman P. Mitby[19]
Waterworks and Sewerage Superintendent—E. L. Nordness
Waterworks and Sewerage Superintendent (Assistant)—Glenn A. Goldsmith
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William H. Evans
Second Ward—Franklin P. Hall
Third Ward—Andrew S. Herfel
Fourth Ward—Lawrence J. McCormick
Fifth Ward—Edward A. Wiegner
Sixth Ward—George H. Elder
Seventh Ward—Harry L. Milsted
Eighth Ward—Wendell M. Phillips
Ninth Ward—Gordon F. Reese
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—Leonard Porter
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James O. Pfefferle
Sixteenth Ward—Lloyd Foust
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—James A. Marks
Twenty-second Ward—Bert Hutchison[20]

1962

Mayor—Henry E. Reynolds
President of Council—Alderman William H. Evans
City Clerk—A. W. Bareis

LIST OF OFFICERS

City Clerk (Assistant)—Eldon L. Hoel
Airport Superintendent—Robert Skuldt
Alcoholism Information & Referral Center, Exec. Sec'y.—Sam S. Fried[21]
Assessor—Norman D. Poorman
Assessor (Assistant)—Kent T. Martin
Attorney (Acting)—Edwin C. Conrad[22]
Attorney (Assistant)—David A. Schuenke
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Edward J. Page
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles Kincaid
Health Commissioner (Assistant)—Dr. L. H. Fauerbach
Housing Authority Director—Robert C. Callsen
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Park Superintendent—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark
Police Chief—Wilbur H. Emery
Public Works Director—Edwin Duszynski
Purchasing Agent—Bernard L. Gill
Redevelopment Authority Executive Director—Roger F. Rupnow
School Superintendent—Philip H. Falk
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Norman P. Mitby
Waterworks and Sewerage Superintendent—Zenno Gorder[23]
Waterworks and Sewerage Superintendent (Assistant)—Robert T. Fuller
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William H. Evans
Second Ward—Lyle R. Andrews
Third Ward—Andrew S. Herfel
Fourth Ward—Lawrence J. McCormick Fifth Ward—Edward A. Wiegner
Sixth Ward—George H. Elder
Seventh Ward—Harry L. Milsted
Eighth Ward—Wendell M. Phillips
Ninth Ward—Gordon F. Reese
Tenth Ward—Mrs. Ethel L. Brown

Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—Leonard Porter
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James O. Pfefferle
Sixteenth Ward—Wilbur R. Carnes
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—James A. Marks
Twenty-second Ward—George R. Olp

1963

Mayor—Henry E. Reynolds
President of Council—Alderman Richard D. Kopp
Airport Superintendent—Robert Skuldt
Alcoholism Information & Referral Center, Exec. Sec'y.—Sam S. Fried
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Attorney (Deputy)—John H. Shiels
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Finance Director—John H. Shiels
Fire Department Chief—Ralph A. McGraw[24]
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Health Commissioner (Assistant)—Dr. Louis Fauerbach
Housing Authority Director—Robert C. Callsen
Libraran—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Park Superintendent (Parks, Forestry, Cemetery)—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Bernard L. Gill
Redevelopment Authority Executive Director—Roger F. Rupnow
Redevelopment Authority (Assistant Director)—Eugene Gangstad
School Superintendent—Robert D. Gilberts
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman

Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational and Adult School Director—Norman P. Mitby
Waterworks and Sewerage Superintendent—Zenno A. Gorder
Waterworks and Sewerage Superintendent (Assistant)—Robert T. Fuller
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William S. McCullough
Second Ward—Lyle R. Andrews
Third Ward—Robert L. Guerin
Fourth Ward—Lawrence J. McCormick
Fifth Ward—James F. Goulette
Sixth Ward—George H. Elder
Seventh Ward—George H. Reger
Eighth Ward—Ellsworth J. Swenson
Ninth Ward—Leo J. Cooper
Tenth Ward—Mrs. Ethel L. Brown
Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—Leonard Porter
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James O. Pfefferle
Sixteenth Ward—Wilbur R. Carnes
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—Bruce M. Davidson
Twenty-first Ward—James A. Marks
Twenty-second Ward—George R. Olp

1964

Mayor—Henry E. Reynolds
Mayor's Administrative Assistant—John H. Shiels[25]
President of Council—Alderman James O. Pfefferle
Airport Superintendent—Robert Skuldt
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Ralph A. McGraw

Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Housing Authority Director—Bjarne Romnes[26]
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Park Superintendent (Parks, Forestry, Cemetery)—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Bernard L. Gill
Purchasing Agent (Assistant)—Joseph P. O'Brien
Redevelopment Authority Executive Director (Acting)—Sol Levin[27]
Redevelopment Authority (Assistant Director)—Eugene Gangstad
School Superintendent—Robert D. Gilberts
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational, Technical and Adult School Director—Norman P. Mitby
Water Utility Manager—Zenno A. Gorder
Water Utility (Assistant Manager)—Robert T. Fuller
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—William S. McCullough
Second Ward—Robert C. McMurray
Third Ward—Robert J. Guerin
Fourth Ward—Lawrence J. McCormick
Fifth Ward—James P. Goulette
Sixth Ward—Pete Schmidt
Seventh Ward—George H. Reger
Eighth Ward—Ellsworth J. Swenson
Ninth Ward—Leo J. Cooper
Tenth Ward—Robert L. Reynolds, Jr.
Eleventh Ward—Thomas J. Stavrum
Twelfth Ward—Donald H. Smith
Thirteenth Ward—Harrison L. Garner
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James O. Pfefferle
Sixteenth Ward—John P. Connell
Seventeenth Ward—Lyle O. Johnson
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—James C. Gill
Twenty-first Ward—James A. Marks
Twenty-second Ward—George R. Olp

LIST OF OFFICERS

1965

Mayor—Otto Festge
Mayor's Administrative Assistant—Robert J. Corcoran[28]
Mayor's Administrative Assistant—A. David Gordon[29]
President of Council—Alderman William Bradford Smith
Airport Superintendent—Robert Skuldt
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—W. J. Peterson
Fire Department Chief—Ralph A. McGraw
Health Biochemist—Thayer W. Burnham
Health Commissioner—Dr. Charles K. Kincaid
Housing Authority Director—Bjarne Romnes
Librarian—Bernard Schwab
Librarian (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Parks Superintendent (Parks, Forestry, Cemetery)—J. G. Marshall
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Bernard L. Gill
Purchasing Agent (Assistant)—Joseph P. O'Brien
Redevelopment Authority Executive Director—Sol Levin[30]
Redevelopment Authority (Assistant Director)—Eugene Gangstad
School Superintendent—Robert D. Gilberts
Street Commissioner—James A. Brophy
Street Commissioner (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational, Technical and Adult School Director—Norman P. Mitby
Water Utility Manager—Zenno A. Gorder
Water Utility (Assistant Manager)—Robert T. Fuller
Welfare Director—Elma Christianson
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—Thomas L. Consigny
Second Ward—Robert C. McMurray
Third Ward—James O. Pfefferle

Fourth Ward—Lawrence J. McCormick
Fifth Ward—James P. Goulette
Sixth Ward—Pete Schmidt
Seventh Ward—George H. Reger
Eighth Ward—Ellsworth J. Swenson
Ninth Ward—Leo J. Cooper
Tenth Ward—Robert L. Reynolds, Jr.
Eleventh Ward—Milo G. Flaten
Twelfth Ward—Donald H. Smith
Thirteenth Ward—James T. Devine, Jr.
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James T. Crary
Sixteenth Ward—John P. Connell
Seventeenth Ward—Stanley Prideaux
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—James C. Gill
Twenty-first Ward—Walter J. Walsh
Twenty-second Ward—George R. Olp

1966

Mayor—Otto Festge
Mayor's Administrative Assistant—Robert J. Corcoran
Mayor's Administrative Assistant—A. David Gordon
President of Council—Alderman Leo J. Cooper
Airport Superintendent—Robert Skuldt
Alcoholism Information and Referral Center Director—Richard F. Buckley
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Auditor and Comptroller—John M. Stein
Auditor (Assistant)—Gordon H. Babcock
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Francis N. Charlson
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
City Sealer—Gerald C. Wade
Civil Defense Director—Richard C. Wilson
Engineer—John G. Thompson
Engineer (Assistant)—Donald E. Theobald
Finance Director—Andre Blum[31]
Fire Department Chief—Ralph A. McGraw
Health Biochemist—Thayer W. Burnham
Health, Director of Public—Dr. Charles K. Kincaid
Housing Authority Director—Bjarne Romnes
Library Director—Bernard Schwab
Library Director (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—James G. Marshall
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Officer—Max S. Lindemann
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer

Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Bernard L. Gill
Purchasing Agent (Assistant)—Joseph P. O'Brien
Redevelopment Authority Executive Director—Sol Levin
Redevelopment Authority (Assistant Director)—Eugene Gangstad
School Superintendent—Robert D. Gilberts
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter Treasurer (Assistant)—Fred C. Dettloff
Vocational, Technical and Adult School Director—Norman P. Mitby
Water Utility Manager—Zenno Gorder
Water Utility (Assistant Manager)—Robert P. Fuller
Welfare Director—Elma Christianson
Welfare (Assistant Director)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—Thomas L. Consigny
Second Ward—Robert C. McMurray
Third Ward—James O. Pfefferle
Fourth Ward—Lawrence J. McCormick
Fifth Ward—George F. Jacobs, Jr.
Sixth Ward—Pete Schmidt
Seventh Ward—George H. Reger
Eighth Ward—Ellsworth J. Swenson
Ninth Ward—Leo J. Cooper
Tenth Ward—Robert L. Reynolds, Jr.
Eleventh Ward—Milo G. Flaten
Twelfth Ward—Donald H. Smith
Thirteenth Ward—James T. Devine, Jr.
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James T. Crary
Sixteenth Ward—John P. Connell
Seventeenth Ward—Stanley Prideaux
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—William Bradford Smith
Twentieth Ward—James C. Gill
Twenty-first Ward—Thomas R. Stephens
Twenty-second Ward—George R.Olp

1967

Mayor—Otto Festge
Mayor's AdministrativeAssistant—Robert J. Corcoran
Mayor's Administrative Assistant—A. David Gordon
President of Council—Alderman Donald H. Smith
President Pro Tem—Alderman Lawrence J. McCormick
Airport Superintendent—Robert Skuldt
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Building Inspection Superintendent—R. F. Burt

Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
City Sealer—Gerald C. Wade
Comptroller—John M. Stein
Comptroller (Assistant)—Gordon H. Babcock
Engineer—John G. Thompson
Engineer (Assistant)—Donald E. Theobald
Finance Director—Andre Blum
Fire Department Chief—Ralph A. McGraw
Health Biochemist—Thayer W. Burnham
Health, Director of Public—Dr. Charles K. Kincaid
Housing Authority Director—Bjarne Romnes
Library Director—Bernard Schwab
Library Director (Assistant)—Mrs. Orrilla T. Blackshear
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—James G. Marshall
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Bernard L. Gill[32]
Purchasing Agent (Assistant)—Joseph P. O'Brien
Real Estate Officer—John A. Prescott
Real Estate Officer (Assistant)—Warren J. Kenney
Redevelopment Authority Executive Director—Sol Levin
Redevelopment Authority Executive Director (Assistant)—Eugene Gangstad
Safety and Training Officer—Richard C. Wilson
School Superintendent—Robert D. Gilberts[33]
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Vocational, Technical and Adult School Director—Norman P. Mitby
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Elma Christianson[34]
Welfare Director (Assistant)—Mrs. Mary E. Hurst

ALDERMEN

First Ward—Thomas L. Consigny
Second Ward—Robert C. McMurray
Third Ward—Terry A. Zimmerman
Fourth Ward—Lawrence J. McCormick
Fifth Ward—George F. Jacobs, Jr.
Sixth Ward—Pete Schmidt
Seventh Ward—Thomas H. Kassabaum
Eighth Ward—Ellsworth J. Swenson
Ninth Ward—Leo J. Cooper

Tenth Ward—Robert L. Reynolds, Jr.
Eleventh Ward—Milo G. Flaten
Twelfth Ward—Donald H. Smith
Thirteenth Ward—James T. Devine, Jr.
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James T. Crary
Sixteenth Ward—John P. Connell
Seventeenth Ward—Stanley Prideaux
Eighteenth Ward—Richard D. Kopp
Nineteenth Ward—John P. Morris
Twentieth Ward—James C. Gill
Twenty-first Ward—William C. Dries
Twenty-second Ward—George R. Olp

1968

Mayor—Otto Festge
City Administrator—Robert J. Corcoran
Assistant to Mayor—Owen D. Coyle
President of Council—Alderman James C. Gill
President Pro Tem—Alderman Harold E. Rohr
Airport Superintendent—Robert Skuldt
Assessor—Norman D. Poorman
Assessor (Assistant)—Ray F. Waterworth
Attorney—Edwin C. Conrad
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—John M. Stein
Comptroller (Assistant)—Gordon H. Babcock
Data Processing Manager (Acting)—Howard Sampson
Engineer—Donald E. Theobald
Engineer (Assistant)—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Fire Department Chief—Ralph A. McGraw
Health, Director of Public—Dr. Charles K. Kincaid
Health, Director of Public (Assistant)—Dr. William J. McAweeney
Housing Authority Director (Acting)—Sol Levin
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—James G. Marshall
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Personnel Director (Assistant)—Max S. Lindemann
Planning Director—Kenneth K. Clark
Planning Director (Assistant)—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—John A. Prescott
Real Estate Officer (Assistant)—Warren J. Kenney

Redevelopment Authority Executive Director—Sol Levin
Redevelopment Authority Executive Director (Assistant)—Eugene Gangstad
School Superintendent—Douglas Ritchie
Street Superintendent—James E. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Treasurer—Walter G. Hunter
Treasurer (Assistant)—Fred C. Dettloff
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Mrs. Mary E. Hurst

ALDERMEN

First Ward—Thomas L. Consigny
Second Ward—Gordon E. Harman
Third Ward—Terry A. Zimmerman[35]
Fourth Ward—R. Whelan Burke
Fifth Ward—George F. Jacobs, Jr.
Sixth Ward—Andrew L. Somers, Jr.
Seventh Ward—Thomas H. Kassabaum
Eighth Ward—Paul R. Soglin
Ninth Ward—Leo J. Cooper
Tenth Ward—Alicia Ashman
Eleventh Ward—Milo G. Flaten
Twelfth Ward—Ralph H. Hornbeck
Thirteenth Ward—James T. Devine, Jr.
Fourteenth Ward—Harold E. Rohr
Fifteenth Ward—James T. Crary
Sixteenth Ward—David H. Niemann
Seventeenth Ward—Stanley Prideaux
Eighteenth Ward—Jan S. Wheeler
Nineteenth Ward—John P. Morris
Twentieth Ward—James C. Gill
Twenty-first Ward—William C. Dries
Twenty-second Ward—Clarence W. Liddicoat

1969

Mayor—William D. Dyke
City Administrator—Robert J. Corcoran
Assistant to Mayor—Peter R. Dohr
President of Council—Alderman John P. Morris
President Pro Tem—Alderman Harold E. Rohr
Airport Superintendent—Robert Skuldt
Assessor (Acting)—Ray F. Waterworth
Assessor (Assistant, Acting)—James W. Bennett
Attorney—Edwin C. Conrad
Building Inspection Superintendent—R. F. Burt
Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller (Acting)—Howard W. Gallagher
Data Processing Manager (Acting)—John D. Saxton

Engineer—Donald E. Theobald
Engineer (Assistant)—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Finance (Assistant to Director)—Walter G. Hunter
Fire Department Chief—Ralph A. McGraw
Health, Director of Public—Dr. Charles K. Kincaid
Health, Director of Public (Assistant)—Dr. William J. McAweeney
Housing Authority Executive Director—Sol Levin
Housing Authority (Deputy Director)—Eugene Gangstad
Housing and Community Development Director—Sol Levin
Housing and Community Development (Deputy Director)—Eugene Gangstad
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Personnel Director (Assistant)—Max S. Lindemann
Planning Director—Charles R. Dinauer
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer (Acting)—Warren J. Kenney
Redevelopment Authority Executive Director—Sol Levin
Redevelopment Authority (Deputy Director)—Eugene Gangstad
School Superintendent—Douglas Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—John H. Bunch
Traffic Engineer (Assistant)—Floyd I. Jones
Transportation Director (Acting)—John H. Bunch
Treasurer-John M. Stein
Treasurer (Assistant)—Fred C. Dettloff
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Mrs. Mary E. Hurst

ALDERMEN

First Ward—James P. Goulette
Second Ward—Gordon E. Harman
Third Ward—William G. Hall
Fourth Ward—R. Whelan Burke
Fifth Ward—Eugene Parks
Sixth Ward—Andrew L. Somers, Jr.[36]
Seventh Ward—William C. Offerdahl
Eighth Ward—Paul R. Soglin
Ninth Ward—Leo J. Cooper
Tenth Ward—Alicia Ashman
Eleventh Ward—John H. Healy
Twelfth Ward—Ralph H. Hornbeck
Thirteenth Ward—Richard J. Landgraf, Sr.
Fourteenth Ward—Harold E. Rohr

Fifteenth Ward—Roger W. Staven
Sixteenth Ward—David H. Niemann
Seventeenth Ward—Harold F. Klubertanz
Eighteenth Ward—Jan S. Wheeler
Nineteenth Ward—John P. Morris
Twentieth Ward—James C. Gill
Twenty-first Ward—William C. Dries
Twenty-second Ward—Clarence W. Liddicoat

1970

Mayor—William D. Dyke
City Administrator—Robert J. Corcoran
Assistant to Mayor—Robert O. Heck
President of Council—Alderman Leo J. Cooper
President Pro Tem—Alderman James P. Goulette
Airport Superintendent—Robert Skuldt
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Edwin C. Conrad
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Data Processing Manager—Allen B. Russell
Engineer—Donald E. Theobald
Engineer (Assistant)—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Finance (Assistant to Director)—Walter G. Hunter
Fire Department Chief—Ralph A. McGraw
Fire Department Chief (Assistant)—Harold O. Muenkel
Health, Director of Public—Dr. Charles K. Kincaid
Health, Director of Public (Assistant)—Dr. William J. McAweeney
Housing and Community Development Director—Sol Levin
Housing and Community Development (Deputy Director)—Eugene Gangstad
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John Urich
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer (Acting)—Floyd I. Jones
Transportation Director (Acting)—John H. Bunch

Treasurer—John M. Stein
Treasurer (Assistant)—Fred C. Dettloff
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Lowell J. Messerschmidt

ALDERMEN

First Ward—James P. Goulette
Second Ward—Joseph I. Thompson
Third Ward—William G. Hall
Fourth Ward—Dennis McGilligan
Fifth Ward—Eugene Parks
Sixth Ward—Douglas J. Christenson
Seventh Ward—William C. Offerdahl
Eighth Ward—Paul R. Soglin
Ninth Ward—Leo J. Cooper
Tenth Ward—Alicia Ashman
Eleventh Ward—John H. Healy
Twelfth Ward—Loren M. Thorson
Thirteenth Ward—Richard J. Landgraf, Sr.
Fourteenth Ward—Edwin Hill, Jr.
Fifteenth Ward—Roger W. Staven
Sixteenth Ward—Robert L. Prideaux
Seventeenth Ward—Peter A. Peshek[37]
Eighteenth Ward—Michael Birkley
Nineteenth Ward—John P. Morris
Twentieth Ward—Jane Ruck
Twenty-first Ward—William C. Dries
Twenty-second Ward—Uclair W. Brandt

1971

Mayor—William D. Dyke
City Administrator—Robert J. Corcoran
Assistant to Mayor—Robert O. Heck
President of Council—Alderman William C. Dries
President Pro Tem—Alderman Paul R. Soglin
Airport Superintendent—Robert Skuldt
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Edwin C. Conrad
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Howard W. Gallagher
Data Processing Manager—Allen B. Russell
Engineer—Donald E. Theobald
Engineer (Assistant)—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Finance (Assistant to Director)—Walter G. Hunter
Fire Department Chief—Ralph A. McGraw

Fire Department Chief (Assistant)—Harold O. Muenkel
Health, Director of Public (Acting)—Thayer W. Burnham
Health, Director of Public (Assistant)—Dr. William J. McAweeney
Housing and Community Development Director—Sol Levin
Housing and Community Development (Deputy Director)—Eugene Gangstad
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John Urich
Police Chief—Wilbur H. Emery
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer (Acting)—Floyd I. Jones
Traffic Engineer (Assistant, Acting)—Warren O. Somerfeld
Transportation Director (Acting)—John H. Bunch
Treasurer (Acting)—Fred C. Dettloff
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Lowell J. Messerschmidt

ALDERMEN

First Ward—V. Paul Young
Second Ward—Joseph I. Thompson
Third Ward—Thomas T. George
Fourth Ward—Dennis McGilligan
Fifth Ward—Eugene Parks
Sixth Ward—Douglas J. Christenson
Seventh Ward—William C. Offerdahl
Eighth Ward—Paul R. Soglin
Ninth Ward—Susan Kay Phillips
Tenth Ward—Alicia Ashman
Eleventh Ward—John H. Healy
Twelfth Ward—Loren M. Thorson
Thirteenth Ward—Richard J. Landgraf, Sr.
Fourteenth Ward—Edwin Hill, Jr.
Fifteenth Ward—Roger W. Staven
Sixteenth Ward—Robert L. Prideaux
Seventeenth Ward—S. Michael Shivers
Eghteenth Ward—Michael Birkley
Nineteenth Ward—George Forster
Twentieth Ward—Jane Ruck
Twenty-first Ward—William C. Dries
Twenty-second Ward—Uclair W. Brandt

LIST OF OFFICERS

1972

Mayor—William D. Dyke
City Administrator—Robert J. Corcoran
Assistant to Mayor—Robert O. Heck
President of Council—Alderman Loren M. Thorson
President Pro Tem—Alderman Alicia Ashman
Airport Superintendent—Robert Skuldt
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Edwin C. Conrad
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—Norbert C. Bollenbach
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Howard W. Gallagher
Data Processing Manager—Allen B. Russell
Engineer—Donald E. Theobald
Engineer (Assistant)—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Finance (Assistant to Director)—Walter G. Hunter
Fire Department Chief—Ralph A. McGraw
Fire Department Chief (Deputy)—Harold O. Muenkel
Health, Director of Public—Karl Mohr
Health, Director of Public (Assistant)—Dr. William J. McAweeney
Housing and Community Development Director—Sol Levin
Housing and Community Development Director (Deputy)—Eugene Gangstad
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief (Acting)—Herman J. Thomas[38]
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer (Acting)—Floyd I. Jones
Traffic Engineer (Assistant, Acting)—Warren O. Somerfeld
Transportation Director (Acting)—John H. Bunch
Treasurer (Acting)—Fred C. Dettloff
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Lowell J. Messerschmidt

ALDERMEN

First District—V. Paul Young
Second District—Joseph I. Thompson
Third District—Thomas T. George
Fourth District—Dennis McGilligan
Fifth District—Eugene Parks
Sixth District—Richard A. Lehmann
Seventh District—William C. Offerdahl
Eighth District—Paul R. Soglin
Ninth District—Susan Kay Phillips
Tenth District—Alicia Ashman
Eleventh District—John H. Healy
Twelfth District—Loren M. Thorson
Thirteenth District—Richard J. Landgraf, Sr.
Fourteenth District—Andrew Cohn
Fifteenth District—Roger W. Staven
Sixteenth District—Timothy J. Kiefer
Seventeenth District—S. Michael Shivers
Eighteenth District—W. Michael Ley
Nineteenth District—George Forster
Twentieth District—Jane Ruck[39]
Twenty-first District—William C. Dries
Twenty-second District—J. Dale Wilson

1973

Mayor—Paul R. Soglin
City Administrator—Robert J. Corcoran
Assistant to Mayor—James Rowen
President of Council—Alderman Roger W. Staven
President Pro Tem—Alderman Eugene Parks
Airport Superintendent—Robert Skuldt
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Edwin Conrad
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Howard W. Gallagher[40]
Data Processing Manager—Allen B. Russell
Engineer—Arnold E. Milke
Equal Opportunities Commission Executive Director—James C. Wright
Finance Director—Andre Blum
Finance (Assistant to Director)—Walter G. Hunter
Fire Chief—Ralph A. McGraw[41]
Fire Chief (Assistant)—Harold O. Muenkel
Health, Director of Public—Karl Mohr
Housing and Community Development Director—Sol Levin
Housing and Community Development (Deputy Director)—Eugene Gangstad
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Madison Metro General Manager—Frank Mattone

Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—Floyd I. Jones
Traffic Engineer (Assistant)—Warren O. Somerfeld
Transportation Director (Interim)—Floyd I. Jones[42]
Treasurer—Fred C. Dettloff[43]
Water Utility Manager—Zenno A. Gorder
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Lowell J. Messerschmidt

ALDERMEN

First Ward—Ivan E. Imm
Second Ward—Joseph I. Thompson
Third Ward—Thomas T. George
Fourth Ward—Dennis McGilligan[44]
Fifth Ward—Eugene Parks
Sixth Ward—Michael Christopher
Seventh Ward—Jay M. Wexler
Eighth Ward—Raymond Davis
Ninth Ward—Susan Kay Phillips
Tenth Ward—Alicia Ashman
Eleventh Ward—Jerome P. Emmerich
Twelfth Ward—Loren M. Thorson
Thirteenth Ward—Michael Sack
Fourteenth Ward—Andrew Cohn
Fifteenth Ward—Roger W. Staven
Sixteenth Ward—Leonard L. Knutson
Seventeenth Ward—Thomas Parker
Eighteenth Ward—W. Michael Ley
Nineteenth Ward—Elizabeth W. Smith
Twentieth Ward—Roy A. Waldren
Twenty-first Ward—Patricia Zimmermann
Twenty-second Ward—Richard E. Disch

1974

Mayor—Paul R. Soglin
City Administrator—Robert J. Corcoran
Assistant to Mayor—James Rowen
President of Council—Alicia Ashman
President Pro Tem—W. Michael Ley
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter

Affirmative Action Officer—Rina Rosenberg[45]
Airport Superintendent—Robert Skuldt
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Edwin Conrad[46]
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Allen B. Russell
Data Processing Manager (Assistant)—Richard L. Hyland
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert H. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Eldon E. Maginnis
Fire Chief (Assistant, Acting)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Housing and Community Development Director—Sol Levin
Housing and Community Development Director (Deputy)—Eugene Gangstad[47]
Library Director—Bernard Schwab
Library Director (Assistant)—Ellen Ericksen
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Forrest W. Bradley
Parks, Forestry and Cemetery Superintendent (Assistant)—Scott L. Huston
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas S. Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer (Acting)—Warren O. Somerfeld[48]
Transportation Director (Acting)—Floyd I. Jones[49]
Treasurer—Howard W. Gallagher
Water Utility Manager—Zenno A. Gorder[50]
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Lowell J. Messerschmidt

ALDERMEN

First District—Ivan E. Imm
Second District—Joseph I. Thompson
Third District—Thomas T. George
Fourth District—Carol J. Wuennenberg
Fifth District—Eugene Parks
Sixth District—Michael Christopher
Seventh District—Jay M. Wexler
Eighth District—Raymond Davis

Ninth District—Susan Kay Phillips
Tenth District—Alicia Ashman
Eleventh District—Jerome P. Emmerich
Twelfth District—Loren M. Thorson
Thirteenth District—Michael Sack
Fourteenth District—Andrew Cohn
Fifteenth District—Roger W. Staven
Sixteenth District—Leonard L. Knutson
Seventeenth District—Thomas Parker
Eighteenth District—W. Michael Ley
Nineteenth District—Elizabeth W. Smith
Twentieth District—Roy A. Waldren
Twenty-First District—Patricia Zimmermann
Twenty-Second District—Richard E. Disch

1975

Mayor—Paul R. Soglin
Assistant to Mayor—James Rowen
Assistant to Mayor—James Thomas
President of Council—W. Michael Ley
President Pro Tem—Jay M. Wexler
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Bettye Latimer
Assessor—Ray F. Waterworth
Assessor (Assistant)—James W. Bennett
Attorney—Henry A. Gempeler
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Allen B. Russell
Data Processing Manager (Assistant)—Donald J. Ramig[51]
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert H. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Eldon E. Maginnis
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Housing and Community Development Director—Sol Levin
Library Director—Bernard Schwab
Library Director (Assistant)—Nathan A. Josel, Jr.
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Forestry and Cemetery Superintendent—Daniel R. Stapay
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Edwin J. Duszynski

Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas S. Ritchie
Street Superintendent—James A. Brophy
Street Superintendent (Assistant)—Herbert H. Hanneman
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen[52]
Water Utility Manager—Larry W. Russell
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Bruce Newton[53]

ALDERMEN

First District—Ivan E. Imm
Second District—Donald R. Murdoch
Third District—Frederick M. Arnold
Fourth District—Carol J. Wuennenberg
Fifth District—Roney L. Sorensen
Sixth District—Michael Christopher
Seventh District—Jay M. Wexler
Eighth District—Robert Weidenbaum
Ninth District—Richard Gross
Tenth District—Alicia Ashman
Eleventh District—Jerome P. Emmerich
Twelfth District—Loren M. Thorson
Thirteenth District—Michael Sack
Fourteenth District—Delmore Beaver
Fifteenth District—Roger W. Staven
Sixteenth District—Leonard L. Knutson
Seventeenth District—S. Michael Shivers
Eighteenth District—W. Michael Ley
Nineteenth District—Elizabeth W. Smith
Twentieth District—A. J. Amato
Twenty-First District—Patricia Zimmermann
Twenty-Second District—Richard E. Disch

1976

Mayor—Paul R. Soglin
Assistant to Mayor—James Rowen
Assistant to Mayor—James Thomas
President of Council—Michael Sack
President Pro Tem—Patricia Zimmermann
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Bettye Latimer
Assessor (Acting)—Ray F. Waterworth
Attorney—Henry A. Gempeler
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly

Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Allen B. Russell
Data Processing Manager (Assistant)—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Eldon E. Maginnis
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Housing and Community Development Director—Sol Levin
Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Nathan A. Josel, Jr.
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Foresty and Cemetery Superintendent—Daniel R. Stapay
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas S. Ritchie
Street Superintendent—Herbert H. Hanneman[54]
Street Superintendent (Assistant)—
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Larry W. Russell
Water Utility Manager (Assistant)—Robert P. Fuller
Welfare Director—Bruce C. Newton

ALDERMEN

First District—Ivan E. Imm
Second District—Donald R. Murdoch
Third District—Frederick M. Arnold
Fourth District—Carol J. Wuennenberg
Fifth District—Roney L. Sorensen
Sixth District—Michael Christopher
Seventh District—Jay M. Wexler
Eighth District—James D. Yeadon[55]
Ninth District—Richard Gross
Tenth District—Alicia Ashman
Eleventh District—Jerome P. Emmerich
Twelfth District—Loren M. Thorson
Thirteenth District—Michael Sack
Fourteenth District—Delmore Beaver
Fifteenth District—Roger W. Staven
Sixteenth District—Leonard L. Knutson
Seventeenth District—S. Michael Shivers

Eighteenth District—W. Michael Ley
Nineteenth District—Elizabeth W. Smith
Twentieth District—Anthony J. Amato
Twenty-First District—Patricia Zimmermann
Twenty-Second District—Richard E. Disch

1977

Mayor—Paul R. Soglin
Assistant to Mayor—James Rowen
Assistant to Mayor—James Thomas
President of Council—Betty W. Smith
President Pro Tem—Frederick M. Arnold
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Bettye Latimer
Assessor (Acting)—Ray F. Waterworth
Attorney—Henry A. Gempeler
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Allen B. Russell
Data Processing Manager (Assistant)—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Eldon E. Maginnis
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Housing and Community Development Director—Sol Levin
Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Nathan A. Josel, Jr.
Madison Metro General Manager—Frank Mattone
Motor Equipment Superintendent—Pershing J. Curran
Parks, Foresty and Cemetery Superintendent—Daniel R. Stapay
Parks, Forestry and Cemetery Superintendent (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Edwin J. Duszynski
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas S. Ritchie
Street Superintendent—Herbert H. Hanneman
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Larry W. Russell

Water Utility Manager (Assistant)—Robert P. Fuller

ALDERMEN

First District—Natalie Gingell Smith
Second District—Donald R. Murdoch
Third District—Frederick M. Arnold
Fourth District—John C. Mattes
Fifth District—Roney L. Sorensen
Sixth District—Michael Christopher
Seventh District—Jay M. Wexler
Eighth District—James D. Yeadon
Ninth District—Mark Koppelkam
Tenth District—Sheila M. Chaffee
Eleventh District—Michael J. Briggs
Twelfth District—Loren M. Thorson
Thirteenth District—Bonnie Gruber
Fourteenth District—Betty A. Sperstad
Fifteenth District—Warren E. Onken
Sixteenth District—Leonard L. Knutson
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—Betty W. Smith
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Richard E. Disch

1978

Mayor—Paul R. Soglin
Assistant to Mayor—James Rowen
Assistant to Mayor—Barbara Livingston[56]
President of Council—Frederick M. Arnold
President Pro Tem—Natalie Gingell Smith
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Bettye Latimer
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte[57]
Attorney—Henry A. Gempeler
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig[58]
Data Processing Manager (Assistant)—Dale A. Dull[59]
Engineer—Arnold E. Milke Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Eldon E. Maginnis
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Housing and Community Develop. Director (Acting)—James Burkholder[60]
Human Services Director—Bruce C. Newton

Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Nathan A. Josel, Jr.
Madison Metro General Manager—Frank Matone
Motor Equipment Superintendent—Pershing J. Curran
Parking Manager—Duane Hinz
Parks, Forestry and Cemetery Superintendent—Daniel R. Stapay
Parks, Forestry and Cemetery Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning Director—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Jerome D. Franklin[61]
Purchasing Agent—Joseph P. O'Brien Real Estate Officer—Warren J. Kenney
Real Estate Officer (Assistant)—M. N. Gawlik
School Superintendent—Douglas S. Ritchie
Street Superintendent —Lloyd Sarbacker[62]
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Larry W. Russell
Water Utility Manager (Assistant)—Robert P. Fuller

ALDERMEN

First District—Natalie Gingell Smith
Second District—Donald R. Murdoch
Third District—Frederick M. Arnold
Fourth District—John C. Mattes
Fifth District—Roney L. Sorensen
Sixth District—Michael Christopher
Seventh District—Jay M. Wexler
Eighth District—James D. Yeadon
Ninth District—Mark Koppelkam
Tenth District—Sheila M. Chaffee
Eleventh District—Michael J. Briggs
Twelfth District—Loren M. Thorson
Thirteenth District—Bonnie Gruber
Fourteenth District—Betty A. Sperstad
Fifteenth District—Warren E. Onken
Sixteenth District—Leonard L. Knutson
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—Betty W. Smith
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Richard E. Disch

1979

Mayor—Joel Skornicka
Assistant to Mayor—Lon Sprecher[63]
Assistant to Mayor—Susan A. Springman[64]
Assistant to Mayor—Kevin Upton

LIST OF OFFICERS

President of Council—Natalie Gingell Smith
President Pro Tem—Richard E. Disch
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer —Jerry Spann[65]
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
Building Inspection Superintendent—Robert W. Friess
Building Inspection Superintendent (Assistant)—William G. Bakken
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Civic Center Managing Director—Edgar Neiss
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin[66]
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Karl Mohr
Health, Director of Public-Designee—Patrick N. Kennedy[67]
Housing Director (Acting)—Jolene R. Birkelo
Human Services Director—Bruce C. Newton
Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Nathan A. Josel, Jr.
Madison Metro General Manager—Warren E. Robertson[68]
Motor Equipment Superintendent—Pershing J. Curran
Parking Manager—Duane Hinz
Parks, Forestry and Cemetery Superintendent—Daniel R. Stapay
Parks, Forestry and Cemetery Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning and Development Director (Acting)—Charles R. Dinauer
Planning Director (Assistant)—John A. Urich
Police Chief—David C. Couper
Public Works Director—Jerome D. Franklin
Purchasing Agent—Joseph P. O'Brien
Real Estate Officer—Warren J. Kenney
School Superintendent—Douglas S. Ritchie
Street Superintendent —Lloyd Sarbacker
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham[69]
Water Utility Manager (Assistant)—Robert P. Fuller

ALDERMEN

First District—Natalie Gingell Smith
Second District—Pamela Wrzeski

Third District—Frederick M. Arnold
Fourth District—John C. Mattes
Fifth District—Kathleen Kuester
Sixth District—Michael Christopher
Seventh District—Gary Gates
Eighth District—Iris Walker
Ninth District—Mark Koppelkam
Tenth District—Sheila M. Chaffee
Eleventh District—Michael J. Briggs
Twelfth District—Larry Olson
Thirteenth District—Nancy Coughlin Johnson
Fourteenth District—Nancy Cross
Fifteenth District—Warren E. Onken
Sixteenth District—Henry Lufler
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—James Holt
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Richard E. Disch

1980

Mayor—Joel Skornicka
Assistant to Mayor—Lon Sprecher
Assistant to Mayor—Susan A. Springman
Assistant to Mayor—Dan Wisniewski[70]
President of Council—Warren E. Onken
President Pro Tem—Judy A. Bowser
Administration Director—Andre Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer —Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Thomas J. Schwartz
Civic Center Managing Director—Edgar Neiss
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Development Assistance, Asst. Dir. for—Robert W. Friess
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Patrick N. Kennedy[71]
Human Resources Director—Russell Givens[72]
Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Irene Stoller
Madison Metro General Manager—Warren E. Robertson

Motor Equipment Superintendent—[73]
Neighborhood Revitalization, Asst. Dir. for—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Charles F. Reott, Jr.
Planning and Development Director (Acting)—Charles R. Dinauer
Police Chief—David C. Couper
Project Development, Asst. Dir. for—Warren J. Kenney
Public Works Director—Jerome D. Franklin
Purchasing Agent—Joseph P. O'Brien
School Superintendent—Donald Hafeman
Social Services Director—Bruce C. Newton
Strategy Planning, Asst. Dir. for—John A. Urich
Street Superintendent —Lloyd Sarbacker
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

ALDERMEN

First District—Natalie Gingell Smith
Second District—Pamela Wrzeski
Third District—Frederick M. Arnold
Fourth District—John C. Mattes
Fifth District—Kathleen Kuester
Sixth District—Michael Christopher
Seventh District—Gary Gates
Eighth District—Anne Monks[74]
Ninth District—Mark Koppelkam
Tenth District—Sheila M. Chaffee
Eleventh District—Michael J. Briggs
Twelfth District—Larry Olson
Thirteenth District—Nancy Coughlin Johnson
Fourteenth District—Nancy Cross
Fifteenth District—Warren E. Onken
Sixteenth District—Henry Lufler
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—James Holt
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Richard E. Disch

1981

Mayor—Joel Skornicka
Assistant to Mayor—Lon Sprecher
Assistant to Mayor—Susan A. Springman
Assistant to Mayor—Allan Zins[75]
President of Council—Henry S. Lufler, Jr.
President Pro Tem—Kathleen Kuester

LIST OF OFFICERS

Administration Director—Andrë Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Delores J. Meiller[76]
Civic Center Managing Director—Ralph Sandler[77]
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Development Assistance, Asst. Dir. for—Robert W. Friess
Employment and Training Director—James C. Thomas
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Patrick N. Kennedy
Health, Director (Assistant)—Helen Krause
Human Resources Director—Russel H. Givens, Jr.
Labor Relations Director—Timothy Jeffery
Library Director—Bernard Schwab
Library Director (Assistant)—Irene Stoller
Madison Metro General Manager—Warren E. Robertson
Motor Equipment Superintendent—Gordon L. Bethke[78]
Neighborhood Revitalization, Asst. Dir. for—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks[79]
Planning and Development Director (Acting)—Charles R. Dinauer
Police Chief—David C. Couper
Project Development, Asst. Dir. for—Warren J. Kenney
Public Works Director—Jerome D. Franklin
Purchasing Agent—Joseph P. O'Brien
School Superintendent—Donald Hafeman
Social Services Director—Bruce C. Newton
Strategy Planning, Asst. Dir. for—John A. Urich
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

ALDERMEN

First District—Elizabeth Monson
Second District—Pamela Wrzeski

Third District—Fred Arnold[80]
Fourth District—Douglas P. Kratsch
Fifth District—Kathleen Kuester
Sixth District—William Feitlinger
Seventh District—James F. Shunk
Eighth District—Anne Monks
Ninth District—Nicole Gotthelf
Tenth District—Eve Gallanter[81]
Eleventh District—Michael J. Briggs
Twelfth District—Larry C. Olson
Thirteenth District—Bonnie Gruber
Fourteenth District—Nancy D. Cross
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—E. Kendall Witte[82]
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Philip J. Blair

1982

Mayor—Joel Skornicka
Assistant to Mayor—Lon Sprecher
Assistant to Mayor—Susan A. Springman
Assistant to Mayor—Allan Zins
President of Council—Judith A. Bowser
President Pro Tem—Pamela Wrzeski
Administration Director—Andrë Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Delores J. Meiller
Civic Center Managing Director—Ralph Sandler
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Development Assistance, Asst. Dir. for—Robert W. Friess
Employment and Training Director—James C. Thomas
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Patrick N. Kennedy
Health, Director (Assistant)—Helen Krause
Human Resources Director—[83]
Labor Relations Director—Timothy Jeffery
Library Director—[84]

Library Director (Assistant)—Irene Stoller
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Gordon L. Bethke
Neighborhood Revitalization, Asst. Dir. for—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks
Planning and Development Director (Acting)—Charles R. Dinauer
Police Chief—David C. Couper
Project Development, Asst. Dir. for—Warren J. Kenney
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
School Superintendent—Donald Hafeman
Social Services Director—Bruce C. Newton
Strategy Planning, Asst. Dir. for—John A. Urich
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

COUNCIL MEMBERS

First District—Elizabeth Monson
Second District—Pamela Wrzeski
Third District—Patrick J. Fleming
Fourth District—Douglas P. Kratsch
Fifth District—Kathleen Kuester
Sixth District—William Feitlinger
Seventh District—James E. Shunk
Eighth District—Anne Monks
Ninth District—Nicole Gotthelf
Tenth District—Eve Gallanter
Eleventh District—Michael J. Briggs
Twelfth District—Larry C. Olson
Thirteenth District—Bonnie Gruber
Fourteenth District—Nancy D. Cross
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Douglas M. Onsager
Nineteenth District—E. Kendall Witte
Twentieth District—Jean P. Stewart
Twenty-First District—Judith A. Bowser
Twenty-Second District—Philip J. Blair

1983

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Michael Williamson
Assistant to Mayor—Nancy Leazer

LIST OF OFFICERS

Assistant to Mayor—David Chandler
Assistant to Mayor—David Miller
President of Council—William Feitlinger
President Pro Tem—Larry C. Olson
Administration Director—Andrë Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Delores J. Meiller
Civic Center Managing Director—Ralph Sandler
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Development Assistance, Asst. Dir. for—
Employment and Training Director—James C. Thomas
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Patrick N. Kennedy
Labor Relations Director—Timothy Jeffery
Library Director—Peter Niemi
Library Director (Assistant)—Irene Stoller
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Gordon L. Bethke
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Police Chief—David C. Couper
Real Estate Development Unit Director—Warren J. Kenney
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
School Superintendent—Donald Hafeman
Social Services Director—James Dalland[85]
Planning Unit Director—Charles R. Dinauer
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Howard W. Gallagher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

LIST OF OFFICERS

COUNCIL MEMBERS

First District—Gerald Born
Second District—Pamela Wrzeski
Third District—Robert W. Dye
Fourth District—Douglas P. Kratsch
Fifth District—Mark Binkley
Sixth District—William Feitlinger
Seventh District—James E. Shunk
Eighth District—Anne Monks
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith K. Olson
Twelfth District—Larry C. Olson
Thirteenth District—Bonnie Gruber
Fourteenth District—Nancy D. Cross
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Phillip W. Uekert
Nineteenth District—Judith A. Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Sue Magnuson

1984

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Michael Williamson
Assistant to Mayor—Nancy Leazer
Assistant to Mayor—David Chandler
Assistant to Mayor—David Miller
President of Council—Anne Monks
President Pro Tem—Jean P. Stewart
Administration Director—Andrë Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Eldon L. Hoel
City Clerk (Assistant)—Delores J. Meiller
Civic Center Managing Director—Ralph Sandler
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Data Processing Manager (Assistant)—Dale A. Dull
Employment and Training Director—James C. Thomas
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Edward D. Durkin
Fire Chief (Assistant)—Glenn A. Wilcox
Health, Director of Public—Patrick N. Kennedy
Labor Relations Director—Timothy Jeffery

Library Director—Peter Niemi
Library Director (Assistant)—Irene Stoller
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Gordon L. Bethke
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Planning Unit Director—Charles R. Dinauer
Police Chief—David C. Couper
Real Estate Development Unit Director—Warren J. Kenney
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
School Superintendent—Donald Hafeman
Social Services Director—James Dalland
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer, provisional—Ray Fisher[86]
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

COUNCIL MEMBERS

First District—Gerald Born
Second District—Pamela Wrzeski
Third District—Robert W. Dye
Fourth District—Douglas P. Kratsch
Fifth District—Mark Binkley
Sixth District—William Feitlinger
Seventh District—James E. Shunk
Eighth District—Anne Monks
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith K. Olson
Twelfth District—Larry C. Olson
Thirteenth District—Bonnie Gruber
Fourteenth District—Timothy Bruer[87]
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Phillip W. Uekert
Nineteenth District—Judith A. Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Sue Magnuson

1985

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Michael Williamson

Assistant to Mayor—Nancy Leazer
Assistant to Mayor—David Chandler
Assistant to Mayor—David Miller
President of Council—Gerald Born
President Pro Tem—Robert W. Dye
Administration Director—Andrë Blum
Administration (Assistant to Director)—Walter G. Hunter
Affirmative Action Officer—Jerry Spann
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk (Deputy)—Dolores J. Meiller
City Clerk (Deputy)—William Nelson
Civic Center Managing Director—Ralph Sandler
Community Development Unit Director—Dale Darrow
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts[88]
Fire Chief (Assistant)—Glenn A. Wilcox
Labor Relations Director—Timothy Jeffery
Library Director—Peter Niemi
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Gordon L. Bethke
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Planning Unit Director—Charles R. Dinauer
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
Real Estate Development Unit Director—Warren J. Kenney
School Superintendent—Donald Hafeman
Social Services Director—James Dalland
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer (Provisional)—Ray Fisher
Treasurer (Assistant)—Gary L. Hansen
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller

COUNCIL MEMBERS

First District—Gerald Born
Second District—David Wallner

Third District—Robert W. Dye
Fourth District—Michael Blumenfeld
Fifth District—Rosa H. Escamilla
Sixth District—William Feitlinger
Seventh District—Susan J. M. Bauman
Eighth District—Anne Monks
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith K. Olson
Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Phillip W. Uekert
Nineteenth District—Judith A. Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1986

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Michael Williamson
Assistant to Mayor—Nancy Leazer
Assistant to Mayor—David Chandler
Assistant to Mayor—David Miller
President of Council—Eve Galanter
President Pro Tem—Phillip W. Uekert
Administration Director—Andrë Blum
Project & Facilities Manager—Walter G. Hunter
Acting Affirmative Action Officer—Eugene Parks
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
City Clerk—Andrë Blum
City Clerk (Deputy)—Dolores J. Meiller
City Clerk (Deputy)—William Nelson
Civic Center Managing Director—Ralph Sandler
Community Development Authority Director—George Austin
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Fire Chief (Assistant)—Glenn A. Wilcox
Labor Relations Director—Timothy Jeffery
Library Director—Peter Niemi
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Christopher Roach[89]
Inspection Unit Director—William G. Bakken

Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Parks Supt. (Assistant)—Forrest W. Bradley
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Planning Unit Director—Charles R. Dinauer
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
Real Estate Development Unit Director—Warren J. Kenney
Risk Manager—Kevin Houlihan[90]
School Superintendent—Donald Hafeman
Street Superintendent—Lloyd Sarbacker
Street Superintendent (Assistant)—Rex L. Bell
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Treasurer—Andrë Blum[91]
Treasurer (Assistant)[92]
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Gerald Born
Second District—David Wallner
Third District—Robert W. Dye
Fourth District—Michael Blumenfeld
Fifth District—Joseph Szwaja[93]
Sixth District—William Feitlinger
Seventh District—Susan J. M. Bauman
Eighth District—James McFarland[94]
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith K. Olson
Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Phillip W. Uekert
Nineteenth District—Donn Eithun[95]
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1987

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Michael Williamson
Assistant to Mayor—Nancy Leazer
Assistant to Mayor—David Chandler
President of Council—Judith Plaenert-Olson

LIST OF OFFICERS

President Pro Tem—Nicole Gotthelf
Project & Facilities Manager—Walter G. Hunter
Affirmative Action Officer—Eugene Parks
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
Civic Center Managing Director—Ralph Sandler
Community Development Authority Director—George Austin
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Fire Chief (Assistant)—Charles DiRienzo
Labor Relations Director—Timothy Jeffery
Library Director—Peter Niemi
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Christopher Roach
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Planning Unit Director—Charles R. Dinauer
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
Real Estate Development Unit Director—Warren J. Kenney
Revenue, Director of—Andrë Blum
Risk Manager—Kevin Houlihan
School Superintendent—E. James Travis
Street Superintendent—Lloyd Sarbacker
Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Water Utility Manager—Gary A. Graham
Water Utility Manager (Assistant)—Robert P. Fuller
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Robert W. Dye
Fourth District—Michael Blumenfeld
Fifth District—Joseph Szwaja
Sixth District—Simon Karter
Seventh District—Susan J. M. Bauman
Eighth District—James McFarland
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith K. Olson

Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Scott Truehl
Nineteenth District—Donn Eithun
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1988

Mayor—F. Joseph Sensenbrenner, Jr.
Assistant to Mayor—Donna Jones
Assistant to Mayor—Peter Tropman
Assistant to Mayor—David Chandler
President of Council—Ronald Trachtenberg
President Pro Tem—Sally S. Miley
Project & Facilities Manager—Walter G. Hunter
Affirmative Action Officer—Eugene Parks
Assessor—Raymond Fisher
Assessor (Deputy)—Patrick Schulte
Attorney—Henry A. Gempeler
Civic Center Managing Director—Ralph Sandler
Community Development Authority Director—George Austin
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Engineer—Arnold E. Milke
Engineer (Assistant)—Herbert J. Hellen
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Fire Chief (Assistant)—Charles DiRienzo
Labor Relations Director—Timothy Jeffery
Library Director—Peter Niemi
Madison Metro General Manager—Ronald L. Barnes
Motor Equipment Superintendent—Christopher Roach
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Personnel Director—Marian Walluks
Planning and Development Director—George Austin
Planning Unit Director—Charles R. Dinauer
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
Community & Economic Development Unit Director—Warren J. Kenney
Revenue, Director of—Andrë Blum
Risk Manager—Kevin Houlihan
School Superintendent—E. James Travis
Street Superintendent—Lloyd Sarbacker

Traffic Engineer—Floyd I. Jones
Transportation Director—Warren O. Somerfeld
Water Utility Manager—Gary A. Graham
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Robert W. Dye
Fourth District—Michael Blumenfeld
Fifth District—Joseph Szwaja
Sixth District—Simon Karter
Seventh District—Susan J. M. Bauman
Eighth District—James McFarland
Ninth District—Nicole Gotthelf
Tenth District—Eve Galanter
Eleventh District—Judith Plaenert-Olson
Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—Warren E. Onken
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Scott Truehl
Nineteenth District—Donn Eithun
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1989

Mayor—Paul R. Soglin
Assistant to Mayor—Roberta Gassman
Assistant to Mayor—Anne Monks
Assistant to Mayor—James Thomas
Assistant to Mayor—Jane Richardson
President of Council—Susan J.M. Bauman
President Pro Tem—S. Michael Shivers
Affirmative Action Officer (Provisional)—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Henry A. Gempeler
Civic Center Managing Director—Ralph Sandler
Community Development Authority Director—George Austin
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Engineer—(Provisional) Herbert J. Hellen
Engineer (Assistant)—
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Human Resource Director—John C. Hamilton
Labor Relations—[96]
Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse

Motor Equipment Superintendent—Christopher Roach
Inspection Unit Director—William G. Bakken
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning Unit Director—Bradley J. Murphy[97]
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Jerome D. Franklin
Purchasing Agent—Kenneth A. Ringle
Community & Economic Development Unit Director—Warren J. Kenney
Revenue, Director of—Andrë Blum
Risk Manager—Kevin Houlihan
School Superintendent—E. James Travis
Street Superintendent—Lloyd Sarbacker
Traffic Engineer—
Transportation Director—Warren O. Somerfeld
Water Utility Manager—Gary A. Graham
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Warren Onken
Fourth District—Ricardo Gonzalez
Fifth District—Joseph Szwaja
Sixth District—Bert Zipperer
Seventh District—Susan J. M. Bauman
Eighth District—James McFarland
Ninth District—Andrew F. Heidt
Tenth District—Kenneth Golden
Eleventh District—Judith Plaenert-Olson[98]
Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider[99]
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Scott Truehl
Nineteenth District—Judy Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1990

Mayor—Paul R. Soglin
Assistant to Mayor—Roberta Gassman
Assistant to Mayor—Anne Monks
Assistant to Mayor—James Thomas
Assistant to Mayor—Jane Richardson
President of Council—Wayne Bigelow
President Pro Tem—Scott G. Truehl
Affirmative Action Officer (Provisional)—Kirbie G. Mack

LIST OF OFFICERS

Assessor—Raymond Fisher
Attorney—Henry A. Gempeler
Civic Center Managing Director—Robert D'Angelo[100]
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Schmidt
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment, Benefits & Records Employment Manager—Lorie Olsen
Engineer—Larry Nelson[101]
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—John C. Hamilton
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Gary Lebowich
Legislative Analyst—James O'Keefe
Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Motor Equipment Superintendent—Christopher Roach
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Herbert J. Hellen[102]
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Andrë Blum
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—E. James Travis
Senior Center Director—Christine Beatty
Street Superintendent—Lloyd Sarbacker
Traffic Engineer—
Transportation Director—Warren O. Somerfeld
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—Gary A. Graham
Worker's Compensation Coordinator—Mary Revels
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner

Third District—Warren Onken
Fourth District—Ricardo Gonzalez
Fifth District—Joseph Szwaja
Sixth District—Bert Zipperer
Seventh District—Susan J. M. Bauman
Eighth District—James McFarland
Ninth District—Andrew F. Heidt
Tenth District—Kenneth Golden
Eleventh District—Judith Plaenert-Olson
Twelfth District—Larry C. Olson
Thirteenth District—Sally S. Miley
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Scott Truehl
Nineteenth District—Judy Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Ronald M. Trachtenberg
Twenty-Second District—Carole McGuire

1991

Mayor—Paul R. Soglin
Assistant to Mayor—Sally Miley[103]
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland[104]
Assistant to Mayor—Jane Richardson
President of Council—Henry S. Lufler, Jr.
President Pro Tem—Kenneth Golden
Affirmative Action Officer (Provisional)—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson[105]
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Schmidt
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment, Benefits & Records Employment Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—James C. Wright
Fire Chief—Earle Roberts
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—John C. Hamilton
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Gary Lebowich
Legislative Analyst—James O'Keefe

Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Motor Equipment Superintendent—William Vandenbrook[106]
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Herbert J. Hellen
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Andrë Blum
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—E. James Travis
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin[107]
Traffic Engineer—
Transportation Director—Warren O. Somerfeld
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—Gary A. Graham
Worker's Compensation Coordinator—Mary Revels
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
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Fourth District—Ricardo Gonzalez
Fifth District—Joseph Szwaja
Sixth District—Bert Zipperer
Seventh District—Susan J. M. Bauman
Eighth District—Christine Larson
Ninth District—Andrew F. Heidt
Tenth District—Kenneth Golden
Eleventh District—Judith Plaenert-Olson
Twelfth District—Larry C. Olson
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Roberta Kiesow
Nineteenth District—Judy Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Susan A. Hamblin
Twenty-Second District—Carole McGuire

1992

Mayor—Paul R. Soglin

Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Jane Richardson
President of Council—David Wallner
President Pro Tem—David Schneider
Affirmative Action Director (Provisional)—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Schmidt
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment, Benefits & Records Employment Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director (Acting)—Bettye Latimer[108]
Fire Chief—Earle Roberts
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—John C. Hamilton
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Gary Lebowich
Legislative Analyst—James O'Keefe
Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Motor Equipment Superintendent—William Vandenbrook
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—David C. Couper
Public Health Director—Patricia Natzke
Public Works Director—Herbert J. Hellen
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of (Acting)—Ray Fisher[109]
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—E. James Travis
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Transportation Director—Warren O. Somerfeld
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—Gary A. Graham

Worker's Compensation Coordinator—Mary Revels
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Warren Onken
Fourth District—Ricardo Gonzalez
Fifth District—Joseph Szwaja
Sixth District—Bert Zipperer
Seventh District—Susan J. M. Bauman
Eighth District—Christine Larson
Ninth District—Andrew F. Heidt
Tenth District—Kenneth Golden
Eleventh District—Judith Plaenert-Olson
Twelfth District—Larry C. Olson
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Henry S. Lufler, Jr.
Seventeenth District—S. Michael Shivers
Eighteenth District—Roberta Kiesow
Nineteenth District—Judy Bowser
Twentieth District—Jean P. Stewart
Twenty-First District—Susan A. Hamblin
Twenty-Second District—Carole McGuire

1993

Mayor—Paul R. Soglin
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Jane Richardson
President of Council—Susan Hamblin
President Pro Tem—Napoleon Smith
Affirmative Action Director—Kirbie G. Mack[110]
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Schmidt
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment, Benefits & Records Employment Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director (Acting)—Paul Higginbotham[111]

LIST OF OFFICERS

Fire Chief—Earle Roberts
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—Mary Ann Mitchell[112]
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Gary Lebowich
Legislative Analyst—James O'Keefe
Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Motor Equipment Superintendent—William Vandenbrook
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams[113]
Public Health Director—Patricia Gadow
Public Works Director—[114]
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of (Acting)—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Transportation Director—Warren O. Somerfeld
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—Gary A. Graham
Worker's Compensation Coordinator—Mary Revels
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Warren Onken
Fourth District—Ricardo Gonzalez
Fifth District—Andrew Janssen[115]
Sixth District—Bert Zipperer
Seventh District—Tim Kehl
Eighth District—Matthew Connolly
Ninth District—Susan Hamblin
Tenth District—Kenneth Golden
Eleventh District—Jean MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Carole McGuire
Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow
Nineteenth District—Stacy King
Twentieth District—Susan J. M. Bauman

LIST OF OFFICERS

1994

Mayor—Paul R. Soglin
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Jane Richardson
President of Council—Susan Hamblin
President Pro Tem—Napoleon Smith
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Paul R. Reilly
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Schmidt
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment, Benefits & Records Employment Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown[116]
Fire Chief—Earle Roberts
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—Mary Ann Mitchell
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Gary Lebowich
Legislative Analyst—James O'Keefe
Library Director—Peter Niemi
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Motor Equipment Superintendent—William Vandenbrook
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Transportation Director—Warren O. Somerfeld

Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—Gary A. Graham
Worker's Compensation Coordinator—Mary Revels
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—David Wallner
Third District—Warren Onken
Fourth District—Ricardo Gonzalez
Fifth District—Merrill Miller
Sixth District—Bert Zipperer
Seventh District—Tim Kehl
Eighth District—Matthew Connolly
Ninth District—Susan Hamblin
Tenth District—Kenneth Golden
Eleventh District—Jean MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Carole McGuire
Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow
Nineteenth District—Stacy King
Twentieth District—Susan J. M. Bauman

1995

Mayor—Paul R. Soglin
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Jane Richardson
President of Council—Wayne Bigelow
President Pro Tem—Timothy Bruer
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Louise Droster
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—[117]
Comptroller (Deputy)—Gale Dushack
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Matzke
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown

Fire Chief—Debra Amesqua[118]
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—Mary Ann Mitchell
Inspection Unit Director—William G. Bakken
Labor Relations Manager—[119]
Legislative Analyst—James O'Keefe
Library Director—[120]
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Monona Terrace Director—Joan LeMahieu[121]
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer[122]
Transportation Director—[123]
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—David Denig-Chakroff[124]
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—Barbara Vedder
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Merrill Miller
Sixth District—Judy Olson
Seventh District—Ron Reif
Eighth District—Brent Sieling
Ninth District—Susan A. Hamblin
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Michael T. Ellestad
Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow

Nineteenth District—Steve Holtzman
Twentieth District—Susan J. M. Bauman

1996

Mayor—Paul R. Soglin
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Jane Richardson
President of Council—Timothy Bruer
President Pro Tem—Roberta Kiesow
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Gale Dushack[125]
Comptroller (Deputy)—Dean Brasser
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Matzke
Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua[126]
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—Mary Ann Mitchell
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Michael Dieters[127]
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick[128]
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator— Mikele Stillman
Monona Terrace Director—Joan LeMahieu[129]
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan

Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer[130]
Transportation Director—
Treasurer (Deputy)—Ellen M. Murphy
Water Utility Manager—David Denig-Chakroff[131]
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Wayne Bigelow
Second District—Barbara Vedder
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Andrew Janssen[132]
Sixth District—Judy Olson
Seventh District—Ron Reif
Eighth District—Brent Sieling
Ninth District—Susan A. Hamblin
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Napoleon Smith
Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Michael T. Ellestad
Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow
Nineteenth District—Steve Holtzman
Twentieth District—Susan J. M. Bauman

1997

Mayor—Susan J.M. Bauman
Assistant to Mayor—Judy Plaenert-Olson
Assistant to Mayor—Ryan Mulcahy
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Peter Munoz
President of Council—Jean MacCubbin
President Pro Tem—Susan A. Hamblin
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller—Gale Dushack
Comptroller (Deputy)—Dean Brasser
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Jill Matzke

Director of Nursing—Susan Zahner
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director—Gretchen Patey
Human Resource Director—Mary Ann Mitchell
Inspection Unit Director—William G. Bakken
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Mikele Stillman
Monona Terrace Director—Joan LeMahieu
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Transportation Director—
Treasurer (Deputy)—
Water Utility Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Barbara Vedder
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Tracey Lynn Amato
Sixth District—Judy Olson
Seventh District—Ron Reif
Eighth District—Michael L. Staude
Ninth District—Susan A. Hamblin
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Napoleon Smith

Fourteenth District—Timothy Bruer
Fifteenth District—David Schneider
Sixteenth District—Jacob C. Altwegg
Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow
Nineteenth District—Steve Holtzman
Twentieth District—Gary L. Poulson

1998

Mayor—Susan J.M. Bauman
Assistant to Mayor—Judy Plaenert-Olson
Assistant to Mayor—Ryan Mulcahy
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Peter Munoz
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Affirmative Action Director—Kirbie G. Mack
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Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Kelli Lamberty[133]
Monona Terrace Director—Joan LeMahieu
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Thomas Mosgaller
Parking Manager—Duane Hinz
Parks Superintendent—Daniel R. Stapay
Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams

Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
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Transportation Director—
Treasurer (Deputy)—
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COUNCIL MEMBERS

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Twentieth District—Gary L. Poulson

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Assessor—Raymond Fisher
Attorney—Eunice Gibson
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Clerk (Deputy)—Sharon Christensen
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Community Development Block Grant Coordinator—Hickory Hurie

Community Services Supervisor—Dorothy Conniff
Comptroller—Gale Dushack
Comptroller (Deputy)—Dean Brasser
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Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
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Parking Manager—Duane Hinz
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Planning and Development Director—George Austin
Planning & Operations Analyst (Health)—Gay Gross
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Police Chief—Richard K. Williams
Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—Kenneth A. Ringle
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Cheryl Wilhoyte
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Transportation Director—
Treasurer (Deputy)—
Water Utility Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Barbara Vedder
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Jose M. Sentmanat
Sixth District—Judy Olson
Seventh District—Cindy Thomas
Eighth District—Michael L. Staude

Ninth District—Susan A. Hamblin
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Matt Sloan
Fourteenth District—Timothy Bruer
Fifteenth District—Kent Palmer
Sixteenth District—Judy Compton
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2000

Mayor—Susan J.M. Bauman
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Assistant to Mayor—Ryan Mulcahy
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Peter Munoz
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Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—George Austin
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Comptroller —Dean Brasser[134]
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Tommye Schneider
Director of Nursing—Muriel Nagle
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director—Deborah Garrett Thomas
Human Resource Director—Mary Ann Stalcup
Inspection Unit Director—Linda Grubb
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Madison Metro General Manager—Paul J. Larrousse
Mall Coordinator—Kelli lamberty
Monona Terrace Director—Joan LeMahieu
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
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Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger

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Public Health Director—Patricia Gadow
Public Works Director—
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Transportation Director—
Treasurer (Deputy)—JoAnn Terasa
Water Utility Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Barbara Vedder
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Jose M. Sentmanat
Sixth District—Judy Olson
Seventh District—Cindy Thomas
Eighth District—Michael L. Staude
Ninth District—Susan A. Hamblin
Tenth District—Kenneth T. Golden
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Seventeenth District—Santiago Rosas
Eighteenth District—Roberta Kiesow
Nineteenth District—Steve Holtzman
Twentieth District—Gary L. Poulson

2001

Mayor—Susan J.M. Bauman
Assistant to Mayor—Judy Plaenert-Olson
Assistant to Mayor—Ryan Mulcahy
Assistant to Mayor—Enis Ragland
President of Council—Gary Poulson
President Pro Tem—Michael E. Verveer
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Eunice Gibson
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney

Community Development Authority Director—Mark A. Olinger
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller (Deputy)—Dean Brasser
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Tommye Schneider
Director of Nursing—Muriel Nagle
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director—vacant
Human Resource Director—Mary Ann Stalcup
Inspection Unit Director—Linda Grubb
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Madison Metro General Manager—Catherine Debo
Mall Coordinator—Kelli Lamberty
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—vacant
Parking Manager—Robin Williams
Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger
Planning & Operations Analyst (Health)—Gay Gross
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—vacant
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Treasurer (Deputy)—JoAnn Terasa
Water Utility Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Brenda K. Konkel
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—vacant
Sixth District—Judy Olson
Seventh District—Cindy Thomas

Eighth District—Todd M. Jarrell
Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Matt Sloan
Fourteenth District—Timothy Bruer
Fifteenth District—Kent Palmer
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
Eighteenth District—Paul J. Van Rooy
Nineteenth District—Steve Holtzman
Twentieth District—Gary L. Poulson

2002

Mayor—Susan J.M. Bauman
Assistant to Mayor—Judy Plaenert-Olson
Assistant to Mayor—Ryan Mulcahy
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Peter Munoz
President of Council—Matt Sloan
President Pro Tem—Linda Bellman
Affirmative Action Director—Kirbie G. Mack
Assessor—Raymond Fisher
Attorney—Larry W. O'Brien, Acting
Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—Mark A. Olinger
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller —Dean Brasser
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Tommye Schneider
Director of Nursing—Muriel Nagle
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director—Agustin Olvera
Human Resource Director—Mary Ann Stalcup
Inspection Unit Director—Linda Grubb
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Madison Metro General Manager—Catherine Debo
Mall Coordinator—Kelli Lamberty
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Karl Van Lith

Parking Manager—Robin Williams
Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger
Planning & Operations Analyst (Health)—Vacant
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director—Kathryn Vedder[135]
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Treasurer (Deputy)—JoAnn Terasa
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Brenda K. Konkel
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Thomas R. Powell
Sixth District—Judy Olson
Seventh District—Cindy Thomas
Eighth District—Todd M. Jarrell
Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Dorothy Borchardt
Thirteenth District—Matt Sloan
Fourteenth District—Timothy Bruer
Fifteenth District—Kent Palmer
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
Eighteenth District—Paul J. Van Rooy
Nineteenth District—Steve Holtzman
Twentieth District—Gary L. Poulson

2003

Mayor—David J. Cieslewicz
Assistant to Mayor—Janet L. Piraino
Assistant to Mayor—Melanie Conklin
Assistant to Mayor—Jeanne Hoffman
Assistant to Mayor—Mario D. Mendoza
President of Council— Michael E. Verveer
President Pro Tem —Cindy Thomas
Affirmative Action Director —Norman D. Davis
Assessor—Raymond Fisher
Attorney—James L. Martin[136]

LIST OF OFFICERS

Civic Center Managing Director—Robert D'Angelo
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Warren J. Kenney
Community Development Authority Director—Mark A. Olinger
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller (Deputy)—Dean Brasser
Data Processing Manager—Donald J. Ramig
Director of Env. Health & Lab—Tommye Schneider
Director of Nursing—Muriel Nagle
Employee Assistance Program Coordinator—Sandy Kohn
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director —Agustin Olvera
Human Resource Director—Mary Ann Stalcup
Inspection Unit Director—Linda Grubb
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe Library Director—Barbara Dimick
Madison Metro General Manager—Catherine Debo
Mall Coordinator—Kelli Lamberty
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Shelley Gaylord
Organizational Development & Training—Karl van Lith
Parking Manager—Robin Williams
Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger
Planning Unit Director—Bradley J. Murphy
Police Chief—Richard K. Williams
Public Health Director — Kathryn Vedder
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Treasurer (Deputy)—JoAnn Terasa
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Brenda K. Konkel
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Judy Olson

Seventh District—Zach Brandon
Eighth District—Austin King
Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Brian Benford
Thirteenth District—Matt Sloan
Fourteenth District—Timothy Bruer
Fifteenth District—Gregory Markle
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
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2004

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—Melanie Conklin
Assistant to Mayor—Jeanne Hoffman
Legislative Analyst—Mario D. Mendoza
President of Council— Brenda Konkel
President Pro Tem —Paul Van Rooy
Affirmative Action Director (Interim)—Enis Ragland
Assessor—Raymond Fisher
Attorney—Michael P. May
Clerk—Raymond Fisher
Clerk (Deputy)—Sharon Christensen
Community & Economic Development Unit Director—Vacant
Community Development Authority Director—Mark A. Olinger
Community Development Block Grant Coordinator—Hickory Hurie
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Comptroller —Dean Brasser
Director of Env. Health & Lab—Tommye Schneider
Director of Community Health—Muriel Nagle
Employee Assistance Program Coordinator—Vacant
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director—Anthony Brown
Fire Chief—Debra Amesqua
Housing Operations Unit Director —Agustin Olvera
Human Resource Director (Interim)—Roger Goodwin
Information Services Director—Richard A. Grasmick
Inspection Unit Director—Linda Grubb
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Daniel P. Koval
Organizational Development & Training—Karl van Lith
Parking Manager—Vacant
Parks Superintendent—James P. Morgan

Personnel Services Manager—Lorie Olsen
Planning and Development Director—Mark A. Olinger
Planning Unit Director—Bradley J. Murphy
Police Chief (Acting)—Noble Wray
Public Health Director — Kathryn Vedder
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Vacant
Traffic Engineer—David Dryer
Transit General Manager—Catherine Debo
Treasurer (Deputy)—Raymond Fisher
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Linda Bellman
Second District—Brenda K. Konkel
Third District—Warren Onken
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Judy Olson
Seventh District—Zach Brandon
Eighth District—Austin King
Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Jean M. MacCubbin
Twelfth District—Brian Benford
Thirteenth District—Matt Sloan
Fourteenth District—Timothy Bruer
Fifteenth District—Gregory Markle
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
Eighteenth District—Paul J. Van Rooy
Nineteenth District—Steve Holtzman
Twentieth District—Cindy Thomas

2005

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—George Twigg
Assistant to Mayor—Jeanne Hoffman
Legislative Analyst—Mario D. Mendoza
President of Council— Paul Van Rooy
President Pro Tem —Santiago Rosas
Affirmative Action Director (Interim)—Enis Ragland
Assessor—Raymond Fisher
Attorney—Michael P. May
Clerk (Deputy)—Sharon Christensen

Community & Economic Development Unit Director—Vacant
Community Development Authority Director—Mark A. Olinger
Community Development Block Grant Coordinator—Hickory Hurie
Community Services Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller (Deputy)—Dean Brasser
Director of Env. Health & Lab—Tommye Schneider
Director of Community Health—Muriel Nagle
Employee Assistance Program Coordinator—Tresa Fuchs-Martinez
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Equal Opportunities Commission, Executive Director (Interim)—Ariel Ford
Fire Chief—Debra Amesqua
Housing Operations Unit Director —Agustin Olvera
Human Resource Director (Interim)—Roger Goodwin
Information Services Director—Richard A. Grasmick
Inspection Unit Director—George Hank
Labor Relations Manager—Michael Dieters
Legislative Analyst—James O'Keefe
Library Director—Barbara Dimick
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Daniel P. Koval
Organizational Development & Training—Karl van Lith
Parking Operations Manager—Vacant
Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger
Planning Unit Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health Director — Kathryn Vedder
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Agent—David C. Johnson
Revenue, Director of—Ray Fisher
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Roger Goodwin
Traffic Engineer—David Dryer
Transit General Manager—Catherine Debo
Treasurer (Deputy)—JoAnn Terasa
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Brenda K. Konkel
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Judy Olson
Seventh District—Zach Brandon
Eighth District—Austin King

Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Tim Gruber
Twelfth District—Brian Benford
Thirteenth District—Isadore Knox, Jr.
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
Eighteenth District—Paul J. Van Rooy
Nineteenth District—Noel Radomski
Twentieth District—Cindy Thomas

2006

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—George Twigg
Assistant to Mayor—Jeanne Hoffman
Legislative Analyst—Mario D. Mendoza
President of Council— Austin King
President Pro Tem —Paul Skidmore
Assessor—Mark Hanson[137]
Attorney—Michael P. May
Civil Rights Director—Lucia Nuñez
Clerk (Deputy)—Maribeth Witzel-Behl[138]
Community & Economic Development Unit Director—Vacant
Community Development Authority Director—Mark A. Olinger
Community Development Grants Supervisor—Hickory Hurie
Community Services/Child Care Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller —Dean Brasser
Director of Communicable Disease and Health Promotion—Muriel Nagle
Director of Environmental Services Division—James Clark
Director of Operations for Public Health—Tommye Schneider
Employee Assistance Program Coordinator—Tresa Martinez
Employment Services Manager—Lorie Olsen
Engineer—Larry Nelson
Fire Chief—Debra Amesqua
Housing Operations Unit Director —Agustin Olvera
Human Resource Director (Interim)—Roger Goodwin
Information Services Director—Richard A. Grasmick
Inspection Unit Director—George Hank
Labor Relations Manager—Michael Dieters
Library Director—Barbara Dimick
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Daniel P. Koval
Organizational Development & Training—Karl van Lith
Overture Center Director (Interim)—Michael Goldberg; Tom Carto[139]
Parking Operations Manager—William R. Knobeloch
Parks Superintendent—James P. Morgan
Planning and Development Director—Mark A. Olinger
Planning Unit Director—Bradley J. Murphy

Police Chief—Noble Wray
Public Health Director for Madison and Dane County— Dr. Thomas Schlenker
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Supervisor—Randy Whitehead
Risk Manager—Kevin Houlihan
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer—David Dryer
Transit Manager—Catherine Debo[140]; Charles Kamp[141]
Treasurer (Deputy)—JoAnn Terasa
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—George C. Carran

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Brenda K. Konkel
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Judy Olson
Seventh District—Zach Brandon
Eighth District—Austin King
Ninth District—Paul E. Skidmore
Tenth District—Kenneth T. Golden
Eleventh District—Tim Gruber
Twelfth District—Brian Benford
Thirteenth District—Isadore Knox, Jr.
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Santiago Rosas
Eighteenth District—Paul J. Van Rooy
Nineteenth District—Noel Radomski
Twentieth District—Cindy Thomas

2007

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—George Twigg
Assistant to Mayor—Jeanne Hoffman
Assistant to Mayor—Enis Ragland
Legislative Analyst—Mario D. Mendoza
Fiscal Efficiency Auditor—Andrew Statz
Alcohol Policy Coordinator—Joel Plant
President of Council—Michael E. Verveer
President Pro Tem—Timothy Bruer
Assessor—Mark Hanson
Attorney—Michael P. May
City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl

LIST OF OFFICERS

Community & Economic Development Unit Director—Vacant
Community Development Authority Executive Director—Mark A. Olinger
Community Development Grants Supervisor—Hickory Hurie
Community Services/Child Care Supervisor—Dorothy Conniff
Compensation and Safety Manager—Larry Oaks
Comptroller—Dean Brasser
Director of Communicable Disease and Health Promotion—Muriel Nagle
Director of Environmental Services Division—James Clark
Director of Operations for Public Health—Tommye Schneider
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Larry Nelson
Event Coordinator/Street Use—Kelli Lamberty
Fire Chief—Debra Amesqua
Fleet Service Superintendent—William Vandenbrook
Housing Operations Division Director —Agustin Olvera
Human Resource Director (Interim)—Roger Goodwin[142]; Brad Wirtz[143]
Information Services Director—Richard A. Grasmick
Inspection Unit Director—George Hank
Labor Relations Manager—Michael Dieters
Library Director—Barbara Dimick
Monona Terrace Director—Jim Hess
Motor Equipment Superintendent—William Vandenbrook
Municipal Court Judge—Daniel P. Koval
Organizational Development & Training—Karl van Lith
Overture Center Director—Tom Carto
Parking Operations Manager—William R. Knobeloch
Parks Superintendent—James P. Morgan
Personnel Services Manager—Lorie Olsen
Planning & Community & Economic Development Director—Mark A. Olinger
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health Director for Madison and Dane County— Dr. Thomas Schlenker
Public Works and Transportation Team Leader—Larry D. Nelson
Purchasing Supervisor—Randy Whitehead
Risk Manager—Eric Veum
Safety Coordinator—David Rihn
School Superintendent—Art Rainwater
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David Dryer
Transit Manager—Charles Kamp
Treasurer (Interim)—JoAnn Terasa
Water Utility General Manager—David Denig-Chakroff
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Brenda K. Konkel
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Marsha Rummel
Seventh District—Zach Brandon

Eighth District—Eli B. Judge
Ninth District—Paul E. Skidmore
Tenth District—Brian Solomon
Eleventh District—Tim Gruber
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Julia Kerr
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Joe Clausius
Eighteenth District—Michael Schumacher
Nineteenth District—Mark Clear
Twentieth District—Thuy Pham-Remmele

2008

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—George Twigg
Assistant to Mayor—Ray Harmon
Assistant to Mayor—Joel Plant
Legislative Analyst—Mario D. Mendoza
Fiscal Efficiency Auditor—Andrew Statz
Alcohol Policy Coordinator—Katherine Plominski
President of Council— Timothy Bruer
President Pro Tem—Mark Clear
Assessor—Mark Hanson
Attorney—Michael P. May
City Sealer—William Sechrest
Civil Rights Director (Interim)—Larry Studesville
Clerk—Maribeth Witzel-Behl
Community Development Grants Supervisor—Mary Charnitz[144]
Community Services/Child Care Supervisor—Enis Ragland
Compensation and Benefits Manager—Michael Lipski[145]
Comptroller—Dean Brasser
Economic Development Division Director—Vacant
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Larry D. Nelson
Event Coordinator/Street Use—Kelli Lamberty
Fire Chief—Debra H. Amesqua
Fleet Service Superintendent—William Vandenbrook
Housing Operations Division Director —Agustin Olvera
Human Resources Director—Brad Wirtz
Information Technology Director—Richard A. Grasmick
Labor Relations Manager—Michael Dieters
Library Director—Barbara Dimick
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Jim Hess
Municipal Court Judge—Daniel P. Koval
Neighborhood Preservation & Inspection Division Director—George Hank
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown
Organizational Development & Training—Karl van Lith
Overture Center Director—Tom Carto

Parking Operations Manager—William R. Knobeloch
Parks Superintendent—Kevin Briski[146]
Personnel Services Manager—Lorie Olsen
Planning & Community & Economic Development, Director—Mark A. Olinger
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health—Madison and Dane County, Director—Dr. Thomas Schlenker
Risk Manager—Eric Veum
School Superintendent—Daniel Nerad
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda[147]
Water Utility General Manager—Tom Heikkinen[148]
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Brenda K. Konkel
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Robbie Webber
Sixth District—Marsha Rummel
Seventh District—Elizabeth Monson[149]
Eighth District—Eli B. Judge
Ninth District—Paul E. Skidmore
Tenth District—Brian Solomon
Eleventh District—Tim Gruber
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Julia Kerr
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Joe Clausius
Eighteenth District—Michael Schumacher
Nineteenth District—Mark Clear
Twentieth District—Thuy Pham-Remmele

2009

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—Ray Harmon
Assistant to Mayor—Joel Plant
Assistant to Mayor—Rachel Strauch-Nelson
Legislative Analyst—Mario D. Mendoza
Fiscal Efficiency Auditor—Andrew Statz
Alcohol Policy Coordinator—Katherine Plominski
President of Council—Timothy Bruer
President Pro Tem—Mark Clear
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank

City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Manager—William Clingan
Community Development Grants Supervisor—Pam Rood
Compensation and Benefits Manager—Michael Lipski
Comptroller—Dean Brasser
Economic Development Division Manager—Tim Cooley
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Larry D. Nelson
Event Coordinator/Street Use—Kelli Lamberty
Fire Chief—Debra H. Amesqua
Fleet Service Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Information Technology Director—Vacant[150]
Labor Relations Manager—Michael Dieters
Library Director—Barbara Dimick
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Jim Hess
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown
Organizational Development & Training—Karl van Lith
Overture Center Director—Tom Carto
Parking Operations Manager—William R. Knobeloch
Parks Superintendent—Kevin Briski
Personnel Services Manager—Lorie Olsen
Planning & Community & Economic Development, Director—Mark A. Olinger
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health—Madison and Dane County, Director—Dr. Thomas Schlenker
Risk Manager—Eric Veum
School Superintendent—Daniel Nerad
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Bridget Maniaci
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Bryon Eagon
Ninth District—Paul E. Skidmore
Tenth District—Brian Solomon

Eleventh District—Chris Schmidt
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Julia Kerr
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Joe Clausius
Eighteenth District—Michael Schumacher
Nineteenth District—Mark Clear
Twentieth District—Thuy Pham-Remmele

2010

Mayor—David J. Cieslewicz
Chief of Staff—Janet L. Piraino
Assistant to Mayor—Ray Harmon
Assistant to Mayor—Joel Plant
Communications Director—Rachel Strauch-Nelson
Legislative Analyst—Mario D. Mendoza
Fiscal Efficiency Auditor—Andrew Statz
Alcohol Policy Coordinator—Vacant
President of Council— Mark Clear
President Pro Tem—Lauren Cnare
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Director—William Clingan
Community Development Grants Supervisor—Pam Rood
Compensation and Benefits Manager—Michael Lipski
Comptroller—Dean Brasser
Economic Development Division Manager—Tim Cooley
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Fire Chief—Debra H. Amesqua
Fleet Service Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Information Technology Director—Paul Kronberger
Labor Relations Manager—Michael Dieters
Library Director—Barbara Dimick
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Jim Hess
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown
Organizational Development & Training—Karl van Lith
Overture Center Director—Tom Carto
Parking Operations Manager—William R. Knobeloch
Parks Superintendent—Kevin Briski
Personnel Services Manager—Lorie Olsen

Planning & Community & Economic Development, Director—Steven R. Cover
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health—Madison and Dane County, Director—Dr. Thomas Schlenker
Risk Manager—Eric Veum
School Superintendent—Daniel Nerad
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Jed Sanborn
Second District—Bridget Maniaci
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Bryon Eagon
Ninth District—Paul Skidmore
Tenth District—Brian Solomon
Eleventh District—Chris Schmidt
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Julia Kerr
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Judy Compton
Seventeenth District—Joe Clausius
Eighteenth District—Michael Schumacher
Nineteenth District—Mark Clear
Twentieth District—Thuy Pham-Remmele

2011

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor—Astra Iheukumere
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Government Relations Officer—Nicholas Zavos
Alcohol Policy Coordinator—Mark Woulf
President of Common Council—Lauren Cnare
President Pro Tem of Council—Shiva Bidar-Sielaff
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Director—William Clingan

Community Development Grants Supervisor—Pam Rood
Compensation and Benefits Manager—Michael Lipski
Comptroller—Dean Brasser[151]
Economic Development Division Director—Aaron Olver
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Finance Director[152]—David Schmiedicke[153]
Fire Chief—Debra H. Amesqua
Fleet Service Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer[154]
Library Director—Barbara Dimick
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Greg McManners[155]
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown
Organizational Development & Training—Karl van Lith
Overture Center Director—Tom Carto
Parking Operations Manager—William R. Knobeloch
Parks Superintendent—Kevin Briski
Personnel Services Manager—Lorie Olsen[156]
Planning & Community & Economic Development, Director—Steven R. Cover
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health—Madison and Dane County, Interim Director— Dr. Thomas Schlenker[157]
Risk Manager—Eric Veum
School Superintendent—Daniel Nerad
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Lisa Subeck
Second District—Bridget Maniaci
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Scott Resnick
Ninth District—Paul Skidmore
Tenth District—Brian Solomon
Eleventh District—Chris Schmidt
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Sue Ellingson

Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Jill Johnson
Seventeenth District—Joe Clausius
Eighteenth District—Anita Weier
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

2012

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor—Astra Iheukumere
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Government Relations Officer—Nicholas Zavos
Alcohol and Food Policy Coordinator—Mark Woulf
Neighborhood Resource Coordinator—Tariq Saqqaf
President of Common Council—Lauren Cnare
President Pro Tem of Council—Shiva Bidar-Sielaff
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Director—Jim O'Keefe
Community Development Grants Supervisor—Pam Rood[158]
Economic Development Division Director—Aaron Olver
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Finance Director—David Schmiedicke
Fire Chief—Steven Davis
Fleet Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Human Resources Services Manager—Michael Lipski
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer
Library Director—Gregory Mickells
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Greg McManners
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown
Organizational Development & Training—Karl van Lith
Parking Operations Manager—Thomas Woznick[159]
Parks Superintendent—Kevin Briski
Planning & Community & Economic Development, Director—Steven R. Cover
Planning Division Director—Bradley J. Murphy
Police Chief—Noble Wray
Public Health—Madison and Dane County, Interim Director—Janel Heinrich
Risk Manager—Eric Veum

School Superintendent—Daniel Nerad[160]
Senior Center Director—Christine Beatty
Street Superintendent—Al Schumacher
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Lisa Subeck
Second District—Bridget Maniaci
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Scott Resnick
Ninth District—Paul Skidmore
Tenth District—Brian Solomon
Eleventh District—Chris Schmidt
Twelfth District—Satya Rhodes-Conway
Thirteenth District—Sue Ellingson
Fourteenth District—Timothy Bruer
Fifteenth District—Larry Palm
Sixteenth District—Jill Johnson
Seventeenth District—Joe Clausius
Eighteenth District—Anita Weier
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

2013

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor—Astra Iheukumere
Assistant to Mayor—Sally Miley
Assistant to Mayor—Anne Monks
Government Relations Officer—Nicholas Zavos
Alcohol and Food Policy Coordinator—Mark Woulf
Neighborhood Resource Coordinator—Tariq Saqqaf
President of Common Council—Chris Schmidt
President Pro Tem of Council—Scott Resnick
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—William Sechrest
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Director—Jim O'Keefe
Community Development Grants Supervisor—Vacant
Economic Development Division Director—Aaron Olver
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips

Event Coordinator/Street Use—Kelli Lamberty
Finance Director—David Schmiedicke
Fire Chief—Steven Davis
Fleet Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Human Resources Services Manager—Michael Lipski
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer
Library Director—Gregory Mickells
Madison City Channel Station Manager—Brad Clark
Monona Terrace Director—Greg McManners
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Office of Economic Revitalization Manager—Percy Brown[161]
Organizational Development & Training—Karl van Lith
Parking Operations Manager—Thomas Woznick
Parks Superintendent—Kevin Briski
Planning & Community & Economic Development, Director—Steven R. Cover
Planning Division Director—Katherine Cornwell[162]
Police Chief—Noble Wray[163]
Public Health—Madison and Dane County, Interim Director—Janel Heinrich
Risk Manager—Eric Veum
School Superintendent—Jennifer Cheatham[164]
Senior Center Director—Christine Beatty
Street Superintendent—Chris Kelly
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Lisa Subeck
Second District—Ledell Zellers
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Scott Resnick
Ninth District—Paul Skidmore
Tenth District—Maurice Cheeks
Eleventh District—Chris Schmidt
Twelfth District—Larry Palm
Thirteenth District—Sue Ellingson
Fourteenth District—John R. Strasser
Fifteenth District—David Ahrens
Sixteenth District—Denise DeMarb
Seventeenth District—Joe Clausius
Eighteenth District—Anita Weier
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

LIST OF OFFICERS

2014

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor— Anne Monks
Assistant to Mayor— Astra Iheukumere
Assistant to Mayor—Enis Ragland
Government Relations Officer—Nicholas Zavos
Food and Alcohol Policy Administrator—Mark Woulf
Neighborhood Resource Coordinator—Tariq Saqqaf
President of Common Council—Chris Schmidt
President Pro Tem of Council—Denise DeMarb
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—Cindy Lease
Civil Rights Director—Lucia Nuñez
Clerk—Maribeth Witzel-Behl
Community Development Division Director—Jim O'Keefe
Community Development Grants Supervisor—Vacant
Economic Development Division Director—Aaron Olver[165]
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Finance Director—David Schmiedicke
Fire Chief—Steven Davis
Fleet Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Human Resources Services Manager—Michael Lipski
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer
Library Director—Gregory Mickells
Media Team (formerly City Channel) Leadworker—Boyce Johnson
Monona Terrace Director—Greg McManners
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Organizational Development & Training—Karl van Lith
Parking Operations Manager—Thomas Woznick
Parks Superintendent—Eric Knepp
Planning & Community & Economic Development, Director—Steven R. Cover
Planning Division Director—Katherine Cornwell
Police Chief—Michael Koval
Public Health—Madison and Dane County, Director—Janel Heinrich
Risk Manager—Eric Veum
School Superintendent—Jennifer Cheatham
Senior Center Director—Christine Beatty
Street Superintendent—Chris Kelly
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

LIST OF OFFICERS

COUNCIL MEMBERS

First District—Lisa Subeck
Second District—Ledell Zellers
Third District—Lauren Cnare
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Scott Resnick
Ninth District—Paul Skidmore
Tenth District—Maurice Cheeks
Eleventh District—Chris Schmidt
Twelfth District—Larry Palm
Thirteenth District—Lucas Daley[166]
Fourteenth District—John R. Strasser
Fifteenth District—David Ahrens
Sixteenth District—Denise DeMarb
Seventeenth District—Joe Clausius
Eighteenth District—Anita Weier
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

2015

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Gloria Reyes
Government Relations Officer—Nicholas Zavos
Food and Alcohol Policy Administrator—Mark Woulf
Neighborhood Resource Coordinator—Tariq Saqqaf
President of Common Council—Denise DeMarb
President Pro Tem of Council—Maurice Cheeks
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—Cindy Lease
Civil Rights Director—Lucia Nuñez[167]
Clerk—Maribeth Witzel-Behl
Community Development Division Director—Jim O'Keefe
Community Development Grants Supervisor—Susan Morrison
Economic Development Division Director—Matt Mikolajewski
Employee Assistance Program Coordinator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Finance Director—David Schmiedicke
Fire Chief—Steven Davis
Fleet Superintendent—William Vandenbrook
Housing Operations Division Director—Agustin Olvera
Human Resources Director—Brad Wirtz
Human Resources Services Manager—Michael Lipski
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer

Library Director—Gregory Mickells
Media Team (formerly City Channel) Leadworker—Boyce Johnson
Monona Terrace Director—Greg McManners
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Matt Mikolajewski
Organizational Development & Training—Karl van Lith
Organizational Health & Development Manager—Erin Stenson
Parking Operations Manager—Vacant
Parks Superintendent—Eric Knepp
Planning & Community & Economic Development, Director—Natalie Erdman
Planning Division Director—Katherine Cornwell
Police Chief—Michael Koval
Public Health—Madison and Dane County, Director—Janel Heinrich
Risk Manager—Eric Veum
School Superintendent—Jennifer Cheatham
Senior Center Director—Christine Beatty
Street Superintendent—Chris Kelly
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Barbara McKinney
Second District—Ledell Zellers
Third District—Amanda Hall
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel
Seventh District—Steve King
Eighth District—Zach Wood
Ninth District—Paul Skidmore
Tenth District—Maurice Cheeks
Eleventh District—Chris Schmidt
Twelfth District—Larry Palm
Thirteenth District—Sara Eskrich
Fourteenth District—Sheri Carter
Fifteenth District—David Ahrens
Sixteenth District—Denise DeMarb
Seventeenth District—Samba Baldeh
Eighteenth District—Rebecca Kemble
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

2016

Mayor—Paul R. Soglin
Assistant to Mayor—Katie Crawley
Assistant to Mayor—Anne Monks
Assistant to Mayor—Enis Ragland
Assistant to Mayor—Gloria Reyes
Government Relations Officer—Nicholas Zavos
Food and Alcohol Policy Administrator—George Reistad[168]

Neighborhood Resource Coordinator—Tariq Saqqaf
President of Common Council—Michael Verveer
President Pro Tem of Council—Marsha Rummel
Assessor—Mark Hanson
Attorney—Michael P. May
Building & Inspection Division Director—George Hank
City Sealer—Cindy Lease
Civil Rights Director—Norman Davis[169]
Clerk—Maribeth Witzel-Behl
Community Development Division Director—Jim O'Keefe
Community Development Grants Supervisor—Susan Morrison
Economic Development Division Director—Matt Mikolajewski
Employee Assistance Program Administrator—Tresa Martinez
Engineer—Rob Phillips
Event Coordinator/Street Use—Kelli Lamberty
Finance Director—David Schmiedicke
Fire Chief—Steven Davis
Fleet Superintendent—William Vandenbrook
Housing Operations Division Director—Vacant[170]
Human Resources Director—Brad Wirtz
Human Resources Services Manager—Michael Lipski
Information Technology Director—Paul Kronberger
Labor Relations Manager—Gregory Leifer
Library Director—Gregory Mickells
Media Team (formerly City Channel) Leadworker—Boyce Johnson
Monona Terrace Director—Greg McManners
Municipal Court Judge—Daniel P. Koval
Office of Business Resources Manager—Dan Kennelly[171]
Organizational Development & Training—Karl van Lith
Organizational Health & Development Manager—Erin Stenson
Parking Utility Assistant Manager—Sabrina Tolley
Parks Superintendent—Eric Knepp
Planning & Community & Economic Development, Director—Natalie Erdman
Planning Division Director—Heather Stouder[172]
Police Chief—Michael Koval
Public Health—Madison and Dane County, Director—Janel Heinrich
Risk Manager—Eric Veum
School Superintendent—Jennifer Cheatham
Senior Center Director—Christine Beatty
Street Superintendent—Chris Kelly
Traffic Engineer & Parking Manager—David C. Dryer
Transit General Manager—Charles Kamp
Treasurer—Dave Gawenda
Water Utility General Manager—Tom Heikkinen
Zoning Administrator—Matt Tucker

COUNCIL MEMBERS

First District—Barbara McKinney
Second District—Ledell Zellers
Third District—Amanda Hall
Fourth District—Michael E. Verveer
Fifth District—Shiva Bidar-Sielaff
Sixth District—Marsha Rummel

Seventh District—Steve King
Eighth District—Zach Wood
Ninth District—Paul Skidmore
Tenth District—Maurice Cheeks
Eleventh District—Tim Gruber[173]
Twelfth District—Larry Palm
Thirteenth District—Sara Eskrich
Fourteenth District—Sheri Carter
Fifteenth District—David Ahrens
Sixteenth District—Denise DeMarb
Seventeenth District—Samba Baldeh
Eighteenth District—Rebecca Kemble
Nineteenth District—Mark Clear
Twentieth District—Matt Phair

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[1] A.W. Bareis—Interim Mayor 10/16/55 to 4/17/56 - George Forster, resigned 10/16/55
[2] Melvin Bailey, elected 4/14/55 - Ivan A. Nestingen, resigned 1/1/55.
[3] E.L. Nordness, appointed 8/16/56 - Leon A. Smith, deceased 5/11/56.
[4] Richard C. Wilson, appointed 9/16/57 - Howard Buenzli resigned.
[5] Thomas H. Fitzpatrick, elected 1/10/57 - Carl H. Wilhelm, resigned 12/13/56.
[6] Werner A. Wilking, elected 9/12/57.
[7] Lyle E. Schaller, appointed 1/7/58 - Hugh D. Ingersoll, deceased.
[8] Bernard Schwab, appointed - Helen Farr, resigned.
[9] Richard Gruber, appointed 3/6/59 - Bruce Weatherly, dismissed 4/13/59.
[10] Franklin P. Hall, elected 5/28/59 - Reno H. Forsythe, Jr., resigned 5/14/59.
[11] Robert E. Nuckles, appointed - Lyle Schaller, resigned.
[12] Norman D. Poorman, appointed 1/1/60 - Leonard B. Krueger, retired 12/31/59.
[13] Wilbur Emery, appointed 11/1/59.
[14] Howard M. Robinson, elected 11/10/60 - Robert E. Hagan, resigned 11/22/60.
[15] James A. Marks, elected 1/12/60 - Werner A. Wilking, resigned 1/1/60.
[16] Harold E. Hanson, Interim Mayor - 2/3/61 to 4/18/61 - Ivan A. Nestingen, resigned 1/31/61.
[17] Alton S. Heassler, appointed 2/3/61 - Harold E. Hanson, leave of absence.
[18] Kenneth Clark, appointed 11/2/60 - Walter K. Johnson, resigned.
[19] Norman P. Mitby, appointed - Richard W. Bardwell, retired.
[20] Ben Hutchison, elected 7/28/60.
[21] Sam S. Fried, appointed 4/30/62 - Jerome Foy, resigned 12/6/61.
[22] Alton S. Heassler, City Attorney 9/14/61 to 3/30/62 - Harold E. Hanson retired 4/30/61 - Alton S. Heassler, deceased 3/30/62 - Edwin C. Conrad, City Attorney, 8/27/62.
[23] Glenn A. Goldsmith, appointed 10/1/61 - E.L. Nordless, retired 1/1/62 - Zenno Gorder, appointed 9/11/62 - Glenn A. Goldsmith, deceased 7/9/62.
[24] Ralph A. McGraw, appointed 7/1/63 - Edward J. Page, retired.
[25] John H. Shiels, resigned 9/18/64.
[26] Bjarne Romnes, appointed 12/1/64 - Robert c. Callsen, resigned 12/1/64.
[27] Sol Levin, appointed Acting Executive Director 11/13/64 - Rober F. Rupnow resigned 11/13/64.
[28] Robert J. Corcoran, appointed 4/20/65.
[29] A. David Gordon, appointed 7/28/65.
[30] Sol Levin, served as Acting Executive Director from 11/13/64 to 4/12/65; appointed Executive director 4/13/65.
[31] Andre Blum, appointed 8/15/66.
[32] Bernard L. Gill, retired 7/31/67 - Joseph P. O'Brien, appointed Purchasing Agent 10/15/67.
[33] Douglas Ritchie, appointed 7/27/67.
[34] Elma Christianson, leave of absence 12/4/67, deceased 1/3/68 - Mrs. Mary E. Hurst, appointed Acting Welfare Director 2/21/68.

[35] Terry A. Zimmerman, resigned 12/26/68 - Samuel T. Priola, appointed 1/9/69.
[36] Thomas H. Kassabaum, resigned 1/31/69.
[37] Harold F. Klubertanz, resigned 7/7/70 - Peter A. Peshek, appointed 7/14/70.
[38] Wilbur H. Emery, retired 8/16/72.
[39] Jane Ruck, resigned - Jay M. Wexler, appointed 10/31/72.
[40] Howard W. Gallagher appointed City Treasurer; Gale Dushack appointed Deputy Comptroller-6/73.
[41] Galph McGraw retired 2/10/74.
[42] Floyd I. Jones appointed Acting Transportation Director 2/24/74.
[43] Fred C. Dettloff retired 2/5/74, Howard W. Gallagher appointed City Treasurer 12/18/73 to be effective 2/4/74.
[44] Rina Rosenberg resigned 8/14/74, Bettye Latimer appointed 1/21/75.
[45] Rina Rosenberg resigned 8/14/74, Bettye Latimer appointed 1/21/75
[46] Edwin Conrad retired 3/8/75, Henry A. Gempeler confirmed as City Attorney 3/4/75 effective 3/9/75.
[47] Position delted by 1975 Budget effective 1/1/75.
[48] Floyd I. Jones appointed Traffic Engineer 1/14/75 effective 1/26/75.
[49] Warren O. Somerfeld appointed Transportation Director 1/14/75 effective 1/26/75.
[50] Zenno A. Gorder retired 12/31/74, Larry W. Russell appointed 1/7/75.
[51] Richard L. Hyland resigned 11/14/75; Donald J. Ramig assumed position 12/1/75.
[52] Assumed position 7/27/75.
[53] Appointed 11/25/75.
[54] James A. Brophy resigned 3/17/76; Herbert H. Hanneman appointed 8/10/76.
[55] Robert Weidenbaum resigned effective 9/21/76; James D. Yeadon appointed 10/12/76.
[56] James Thomas resigned 7/7/78; Barbara Livingston appointed effective 7/24/78.
[57] Assumed position 1/29/79.
[58] Allen B. Russell resigned 2/6/78; Donald J. Ramig appointed 7/18/78.
[59] Assumed position 9/5/78.
[60] Sol Levin resigned 7/10/78; James Burkholder appointed 7/18/78.
[61] Edwin J. Duszynski retired 6/23/78; Jerome D. Franklin appointed effective 6/26/78.
[62] Herbert H. Hanneman retired 1/26/79, Lloyd Sarbacker appointed 2/13/79.
[63] Appointed effective 8/20/79.
[64] Diane Oestreicher resigned 8/3/79; Susan Springman appointed effective 8/13/79.
[65] Appointment confirmed 8/14/79.
[66] Eldon E. Maginnis resigned 8/20/79; Edward D. Durkin appointed 8/20/79.
[67] Appointed effective 1/1/80.
[68] Frank Matone resigned 5/23/79; Warren E. Robertson appointed 8/6/79.
[69] Larry W. Russell resigned; Gary A. Graham appointed effective 11/12/79
[70] Kevin Upton resigned effective 9/26/80
[71] Karl Mohr resigned effective 6/30/80
[72] Russell Givens confirmed 11/18/80
[73] Pershing J. Curran, deceased 11/18/80
[74] Iris Walker resigned effective 10/7/80; Lynn A. Haanen-interim successor; Anne Monks confirmed 11/11/80.
[75] Dan Wisniewski resigned; Allan Zins appointed 12/5/81.
[76] Thomas J. Schwartz resigned effective 1/30/81; Delores J. Meiller appointed 8/16/81
[77] Edgar Neiss resigned 10/16/81; Ralph Sandler appointed 12/14/81
[78] Gordon Bethke appointed 8/11/81
[79] Dan Wisniewski resigned; Allan Zins appointed 12/5/81.
[80] Terry Fisher resigned effective 4/2/82; Fred Arnold confirmed eff. 4/13/82
[81] Sheila M. Chaffee resigned. Eve Galanter confirmed effective 7/1/81.
[82] Edwin C. Conrad deceased 1/6/82; Betty Smith confirmed interim successor 1/26/82; E. Kendall Witte confirmed effective 4/13/82
[83] Russel H. Givens, Jr. resigned 6/25/82
[84] Bernard Schwab retired effective 9/15/82

[85] James Dalland appointed effective 12/06/83
[86] Ray Fisher appointed provisional Treasurer by Mayor 3/15/84
[87] Timothy Bruer confirmed 5/15/84
[88] Edward D. Durkin retired 2/28/85; Earle Roberts appointed effective 10/1/85.
[89] Christopher Roach. 12/16/86
[90] Kevin Houlihan, 6/2/86.
[91] Andrë Blum, 12/31/85.
[92] Gary L. Hansen resigned, 3/7/86; Christine Brager, provisional, 3/23/86; resigned 11/13/86.
[93] Rosa Escamilla resigned effective 9/2/86; Mitchell Metz appointed interim 9/16/86; Szwaja elected 11/4/86, sworn in 11/18/86.
[94] Anne Monks resigned effective 7/13/86; Tammy Baldwin appointed interim 8/5/86; McFarland elected 11/4/86, sworn in 11/18/86
[95] Judith Bowser resigned effective 8/30/86; Eithun sworn in 9/16/86.
[96] Timothy Jeffery resigned as Director effective 9/1/89; Labor Relations became a Unit of the Human Resource Department with adoption of Ord. No. 9865, 10/13/89.
[97] Appointment confirmed 6/27/89
[98] Peter Anderson resigned 6/20/89; Jonathan Becker appointed Interim Alderman 6/27/89-9/19/89
[99] Warren E. Onken resigned 1/3/89; Roger Staven appointed 2/7/89-4/18/89
[100] Appointment confirmed 10/16/90
[101] Appointment confirmed 10/2/90
[102] Appointment confirmed 7/24/90
[103] Roberta Gassman resigned effective 5/3/91; Sally Miley appointed 6/3/91
[104] James Thomas resigned effective 5/31/91; Enis Ragland appointed 6/10/91
[105] Appointment confirmed 3/19/91
[106] Appointment confirmed 3/05/91
[107] Appointment confirmed 7/16/91
[108] James C. Wright retired 6/30/92
[109] Andrë Blum retired 1/31/92
[110] Confirmed 6/1/93
[111] Appointed 8/2/93
[112] John C. Hamilton resigned effective 12/31/93; Mary Ann Mitchell confirmed 1-4-94
[113] David C. Couper retired 8/20/93; Richard Williams hired 8/23/93
[114] Herbert J. Hellen retired 8/27/93
[115] Appointed 7/20/93 to fill term until 4/94 election; Joseph Szwaja resigned effective 8/15/93
[116] Confirmed 11/1/94
[117] Paul Reilly retired 1-5-96
[118] Earle Roberts, retired 1-2-96; Debra Amesqua sworn in 1-16-96
[119] Gary Lebowich resigned 1-23-96
[120] Peter Niemi resigned 5-22-95
[121] Monona Terrace Director confirmed 3-5-96
[122] David Dryer confirmed 5-21-96
[123] Warren Somerfeld retired 7-1-95
[124] Gary Graham retired 1-5-96; David Denig-Chakroff confirmed 2-20-96
[125] Gale Dushack Confirmed 4-16-96
[126] Debra Amesqua Sworn in 1-16-96
[127] Michael Dieters hired 9-30-96
[128] Barbara Dimick Confirmed 7-2-96
[129] Joan LeMahieu Confirmed 3-5-96
[130] Confirmed 5-21-96
[131] Confirmed 2-20-96
[132] Ald. Merrill Miller resigned; Andrew Janssen appointed 8-16-96
[133] Began June 1998; Mikele Stillman filled position January-June.
[134] Appointment confirmed 8/18/00; Gale Dushack retired 5/2/00

[135] Appointment confirmed 5/7/02.
[136] Appointment confirmed 9/3/02.
[137] Appointment confirmed 8/7/06; Raymond Fisher resigned 2/3/06
[138] Appointment confirmed 9/21/06; Sharon Christensen resigned 6/9/06
[139] Appointment confirmed 10-4-06
[140] Resigned 9/30/06
[141] Appointment confirmed 9/21/06
[142] Retired 9/21/07
[143] Appointment confirmed 9/7/07
[144] Effective 6/1/08
[145] Effective 9/15/08
[146] Appointment confirmed 5/23/08; James P. Morgan resigned 1/2/08
[147] Appointment confirmed 5/23/08; JoAnn Terasa resigned 12/29/07
[148] Appointment confirmed 7/1/08
[149] Elizabeth Monson appointed; Zach Barndon resigned 9/16/08
[150] Effective 6/09
[151] Resigned 8/8/11
[152] Retitled from Comptroller 3/1/11
[153] Appointment confirmed 8/2/11
[154] Appointment confirmed 12/6/10; Michael Dieters resigned 1/3/11
[155] Appointment confirmed 12/14/10; Him Hess resigned 12/10/10
[156] Resigned 12/9/11
[157] Resigned 6/17/11
[158] Resigned 3/9/12
[159] William Knobeloch retired 6/1/12
[160] Resigned 8/1/12
[161] Retired 5/13
[162] Appointed 4/30/13
[163] Retired 10/13
[164] Appointed 4/1/13
[165] Resigned 7/14
[166] Appointment confirmed 4/29/14; Sue Ellingson resigned 3/20/14
[167] Resigned 12/15
[168] Appointed 8/4/16; Mark Woulf resigned 10/7/16
[169] Appointed 8/28/16
[170] Agustin Olvera resigned 5/16
[171] Appointed 6/10/16
[172] Appointed 7/19/16; Katherine Cornwell resigned 6/1/16
[173] Appointment confirmed 3/1/16; Chris Schmidt resigned 1/31/16

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CHAPTER 31

SIGN CONTROL ORDINANCE

(Chap. 31 Repealed and Recreated by ORD-13-00094)
Effective May 30, 2013

(Chap. 31 Repealed and Recreated by ORD-09-00091)
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31.01 SHORT TITLE. This ordinance shall be known and may be cited as the Sign Ordinance.

ADMINISTRATION, GENERAL REGULATIONS

31.02 PURPOSE AND SCOPE.

(1) Purpose and Intent. The Common Council, by enacting this ordinance, recognizes the City has a significant and substantial governmental interest in promoting public safety and aesthetic values through the regulation of signs displayed within the City of Madison. The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate an easy and pleasant communication between people and their environment. Sign regulations, including but not limited to those which control the type, design, size, location and maintenance of signs, are hereby established to further the goals of safety and aesthetics and achieve more specifically, the following purposes:

(a) To enable the public to locate goods, services and facilities without difficulty or confusion;

(b) To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment and preventing conditions which have undesirable impacts on surrounding properties;

(c) To promote the development of attractive and harmonious residential areas, viable commercial areas and to identify industrial and other areas;

(d) To protect the public and promote safety, including but not limited to traffic and pedestrian safety; and to minimize effects of signs which may distract or obstruct visibility of official traffic signals and other safety or informational devices; and

(e) To protect scenic views and the visual environment along all city streets, highways and rights-of-way and to promote overall aesthetics, avoid clutter and avoid inappropriate scale;

(f) To recognize the role of appropriate and identifiable signage in helping businesses inform, direct and communicate with customers; and (Cr. by ORD-15-00118, 10-28-15)

(g) Recognition that signage is not intended to serve as a principal or sole use of a zoning lot. (Renum. by ORD-15-00118, 10-28-15)

(2) Scope. This ordinance shall apply to all signs in the City of Madison. However, this ordinance shall not be construed to amend or conflict with any other ordinances or applicable law governing official traffic signs or signals.

31.021 ZONING DISTRICT GROUPS.

(1) For purposes of Chapter 31, the zoning districts established in Chapter 28 ("Madison Zoning Code") are divided into the following groups, so that regulations for signs based upon zoning district can be administered consistently with the purpose of this ordinance and the Madison Zoning Code. The City finds that the zoning districts within each group share characteristics that make it appropriate to regulate signs displayed in those districts similarly. The use of the following groups also provides consistency and efficiency for the administration of this ordinance.

(a) Group 1. The zoning districts in Group 1 include all zoning districts classified as Residential in Sec. 28.021, including DR1 and DR2, and the Agricultural (A),

Urban Agricultural (UA), Campus Institutional (CI) and Conservancy (CN) districts, as listed below. Group 1 zoning districts are the most sensitive to the effects of signage. Signs for Group 1 are primarily regulated through Sec. 31.14.

SR-C1 Suburban Residential - Consistent District 1
SR-C2 Suburban Residential - Consistent District 2
SR-C3 Suburban Residential - Consistent District 3
SR-V1 Suburban Residential - Varied District 1
SR-V2 Suburban Residential - Varied District 2
TR-C1 Traditional Residential - Consistent District 1
TR-C2 Traditional Residential - Consistent District 2
TR-C3 Traditional Residential - Consistent District 3
TR-C4 Traditional Residential - Consistent District 4
TR-V1 Traditional Residential - Varied District 1
TR-V2 Traditional Residential - Varied District 2
TR-U1 Traditional Residential - Urban District 1
TR-U2 Traditional Residential - Urban District 2
TR-R Traditional Residential - Rustic District
TR-P Traditional Residential - Planned District
DR1 Downtown Residential 1
DR2 Downtown Residential 2
A Agricultural District
UA Urban Agricultural District
CI Campus Institutional District
CN Conservancy District

(b) Group 2. The zoning districts in Group 2 are the districts listed below. Group 2 zoning districts include neighborhood-serving commercial uses, pedestrian-oriented corridors, smaller-scale development and park and recreation areas.

LMX Limited Mixed-Use
NMX Neighborhood Mixed-Use District
TSS Traditional Shopping Street District
DC Downtown Core
UOR Urban Office Residential
UMX Urban Mixed-Use
PR Parks and Recreation

(c) Group 3. The zoning districts in Group 3 are the districts listed below. Group 3 zoning districts include higher-volume motor vehicle transportation corridors, larger-scale development, and primarily auto-oriented commercial and employment uses.

AP Airport District
TE Traditional Employment District
SE Suburban Employment District
SEC Suburban Employment Center District
IL Industrial - Limited District
IG Industrial - General District
CC-T Commercial Corridor - Transitional District
CC Commercial Center District

(2) Zoning Districts established in Chapter 28 and not listed in Groups 1, 2 or 3 are addressed in Sec. 31.13, Districts of Special Control for Purposes of Signs.

31.03 RULES AND DEFINITIONS.

(1) Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

(a) Words used in the present tense shall include the future.

(b) Words in the singular number shall include the plural number, and the plural the singular.
(c) The word "shall" is mandatory and not discretionary.
(d) The word "may" is permissive.
(e) All references to section numbers are Madison General Ordinances, unless otherwise noted.

(2) Definitions. For the purposes of this ordinance, the terms listed below shall have the following definitions:

Above-Roof Sign. A sign displayed above the roofline.

Accessory Sign. A wall sign on a large building, subordinate in area to the principal sign, located elsewhere than the primary signable area, listing other businesses or generic services or departments in the building, such as pharmacy, optical, auto repair, garden center and excluding product brand names.

Advertising Sign. A sign containing a commercial or noncommercial message directing attention to a business, commodity, service, political candidate or cause, public service, social cause, charity, community affair or entertainment, not related to the premises at which the sign is located, or directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located. Advertising appearing on public transportation vehicles, signs authorized on Madison Transit Utility bus shelters under Sec. 3.14(4)(i), and signs on City-sponsored bicycle-sharing facilities and the bicycles provided as part of a city-sponsored bicycle-sharing program located in the right-of-way or on other City lands in compliance with Sec. 10.33 are not advertising signs as defined herein and are not regulated by this ordinance.

Alteration. Any major change made to an existing sign, other than routine maintenance, painting or change of copy of an existing sign.

Architectural Detail. Any projections, relief, change of material, window or door opening that is on the facade of a building. Where an overall consistent pattern of projections or reliefs exists on a signable area, they shall not be considered architectural details.

Attention-getting Object. An object made of flexible material whether or not it contains text, logos or any other images such as a streamer, pinwheel, pennant or other such device; suspended, hung, pinned or otherwise fastened to a sign or other structure in such a manner that the object is permitted to spin, fly, flap or otherwise move in the wind. Flags and decorative and promotional banners allowed under Sec. 31.075 are not considered "attention getting objects."

Awning. A roof like cover, temporary in nature that projects from the wall of a building.

Awning, Internally Illuminated. An awning consisting of a rigid frame covered with vinyl, plastic, or other translucent material that is internally illuminated.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.

Banner, Decorative. A banner containing no message or logo that is displayed for the purpose of adding color and interest to the surroundings or to the building to which it is attached.

Banner, Promotional. A banner or series of banners containing a noncommercial message displayed to call attention to cultural events, charity campaigns or neighborhood sponsored activities.

Building Entrance Identification Sign. A wall sign used to identify non-residential building entrances such as, "Emergency Room Entrance", "Lubrication," "Wash Rack," as may be customarily found on Large Buildings as defined herein.

Building Line. A line established by ordinance beyond which no building may extend. A building line may be referred to as "required setback".

Business Opening Sign. A sign displayed in addition to permitted wall, roof, above-roof and ground signs; displayed on the premises of a new building or new business or the premises of an existing business upon a change of name or change of ownership; and displayed for a period not to exceed thirty (30) days.

Business Sign. A sign used for identification purposes, which directs attention to a business or profession conducted upon the premises at which the sign is located, which may also refer to goods or services produced, offered for sale or obtained at such premises, and which may also include political, social, public service or other noncommercial messages.

Canopy. A permanent roof structure over a space that is completely unenclosed on at least two (2) sides.

Canopy, Attached. A canopy that is attached to and supported by a building, which may also be supported by additional vertical ground supports or other structures.

Canopy, Detached. A canopy that is a permanent, free-standing roofed-over structure, with four open sides, accessory to but not attached to a principal building.

Changeable Copy Sign (Electronic). A sign, any portion of which displays or has the ability to display electronically illuminated, scrolling or moving text, symbols or other images, utilizing LED, LCD or other digital or electronic technology, commonly known as electronic message or reader boards, electronic marquees, message centers or moving message displays.

Changeable Copy Sign (Manual). Any sign that includes copy, letters, numbers, or symbols that are designed to be changed through manual, mechanical or other non-digital means.

Change of Use. Change in use of the premises from one use category listed in Chapter 28 (the Zoning Code) to another use category listed in Chapter 28.

Commercial Message. A message that directs attention to a business, commodity, service or entertainment enterprise which is intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is taxable under the Internal Revenue Code.

Comprehensive Design Review. A process whereby the Madison Urban Design Commission ("UDC") reviews all existing and proposed signs on a building, building site or zoning lot upon request of an applicant who is seeking to have a Comprehensive Sign Plan approved. The UDC may recognize unique, exceptional and innovative effort to integrate signs with building architecture and materials by approving a Comprehensive Sign Plan that includes special allowances for all signs within a building site or zoning lot, and which may also incorporate other approvals authorized in Sec. 31.043(3).

Comprehensive Sign Plan. A complete signage plan for a building or zoning lot that has been approved by the Urban Design Commission through a Comprehensive Design Review.

Condominium Identification Sign. An identification sign for a condominium established under Chapter 703 of the Wisconsin Statutes, that displays the name, address(es) and number(s) of the buildings(s) located within a single condominium.

Construction Directional Sign. A temporary sign displayed on private property for a limited period of time, to identify the location of and entrance to a business that remains open when normal access or pedestrian or vehicle traffic flow has been diverted by construction or road work.

Curb Level. The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Design Extension. Any addition to a sign that is added to or protrudes from the top, sides, or lower edge of the main or principal portion of the sign.

Detached Building. A building surrounded by open space on the same lot or built to the lot line.

Digital Image Sign (Static). A sign, any portion of which displays static or stationary illuminated digital images, produced by technology such as LED (light emitting diode) or LCD (liquid crystal display) display screens, plasma, high-definition, interactive touch-screen, or other such technology.

Digital Image Sign (Animated). A Digital Image Sign as defined above, any portion of which is capable of producing an animated or moving digital or video image.

Electric Sign. Any sign utilizing electric wiring, material, or devices.

Electronic Message Board. See Changeable Copy Sign (Electronic Message Board).

External Lighting Fixtures. For purposes of this Chapter, shall mean lighting sources (as defined in Sec. 10.085(2)) which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used to illuminate a sign.

Facade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single facade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy. This definition does not include the flag of any country, state, city, county, corporation or institution.

Flashing Sign. A sign that includes a message or any other component that flashes on and off, blinks or varies in intensity, with intermittent bursts of light, color, brightness, or other feature of any kind that produces a visual flashing effect.

Gross Area. The total area of the sign, including all supporting structures, viewed from the direction the sign is facing; calculated within a single continuous perimeter enclosing the smallest possible square or rectangle, or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around a sign of an irregular shape; enclosing the extreme limits of such sign, with sides that are perpendicular to the ground. Said perimeter shall not pass through or between any adjacent elements of the sign except when more than one square or rectangle is drawn around a sign of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no gap between them. If sign copy is displayed on more than one face of a single sign structure, all sides of the sign structure displaying sign copy shall be included in the gross area, by adding together the total square footage of the two-dimensional area encompassing each side of the structure that displays sign copy.

Ground Sign. A freestanding sign supported permanently upon the ground and not attached to any building. For purposes of this Ordinance, Ground Signs include only Pole or Monument Signs as defined herein.

Identification Sign. A sign displayed on a wall, located in the Group 1 districts displayed for the purpose of identifying the building and address, building occupant or management, and any lawful home occupation or business that may be allowed under Chapter 28.

Inflatable Sign. A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

Kiosk. A freestanding structure upon which temporary information or notices may be posted.

Large Buildings. Those buildings exceeding one hundred twenty-five (125) feet in length or having five (5) stories or more in height.

Legacy Sign. A sign that has been approved by the Urban Design Commission under Sec. 31.043(3)(j).

Logo. A symbol or trademark commonly used to identify a business or organization but which in itself contains no more than two (2) words or numerals.

Marquee. (See Canopy.)

Menu or Merchandise Board. A type of wall sign displayed on the exterior of a building which may include manual changeable copy, may be enclosed in a protective case, and is oriented toward pedestrians to provide information regarding the establishment, such as a restaurant menu, a menu of services, or a list of merchandise. (Am. by ORD-15-00118, 10-28-15)

Merchandise Sign. A sign made of flexible nonmetallic material attached to, and advertising, merchandise displayed outside of an enclosed building.

Monument Sign. A Ground Sign supported by and integrated into an internal structural framework or some other solid structural features other than a pole or poles, if the total width of such supporting structure(s) is more than one-third (⅓) of the width of the net area of the sign copy it supports.

Motion Sign. Any sign possessing visible moving parts or parts that appear to move, including signs that are designed with automatic moving parts in order to change the copy, such as "tri-vision" signs.

Mural. A picture illustration or abstract expression containing no commercial message applied directly to and made integral with a wall or window surface.

Neighborhood Identification Sign. Any sign containing the name of the neighborhood in which it is located, if the neighborhood is recognized as a Neighborhood Association using standards established by the Department of Planning and Community and Economic Development. A public information board, kiosk, or sidewalk showcase (as those terms are defined in this chapter) may be approved as a neighborhood identification sign.

Net Area. The entire area within a single continuous perimeter enclosing the smallest possible square or rectangle drawn around the sign copy; or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around sign copy of an irregular shape; enclosing the extreme limits of such sign copy with sides that are perpendicular to the ground. The perimeter shall not pass through or between any adjacent elements of the sign copy except when more than one square or rectangle is drawn around sign copy of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no space between them. If the sign copy is contained entirely within one sign can or board, the entire area of the can or board shall be measured to determine the net area. If the sign copy is contained within multiple sign cans or boards, then all cans or boards shall be measured using the methods for sign copy of an irregular shape, above. The net area shall not include any structural elements lying outside the limits of the sign copy and not forming an integral part of the display. For the purpose of window signs, any background material under Sec. 31.10(2) shall be included in the measurement of net area.

Nonconforming Sign. Any sign does not comply with the regulations of this ordinance.

Nonconforming Use. Any use of land or buildings does not comply with the regulations of Chapter 28 (Zoning Code).

Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue, event or cause, not intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual, and any income generated from which is exempt from taxation under the Internal Revenue Code.

Number. For the purposes of this ordinance, the term number shall mean a number or combination of numerals used to identify or designate one particular item such as a quantity, price, telephone number or address of a property.

Off-Premise Directional Sign. A sign displayed on the ground, designed to guide or direct the public to a business, service or entertainment activity.

Parking Lot Directional Sign. A sign that is necessary, for safety or promoting traffic flow, to guide or direct pedestrian or vehicular traffic to a location on the premises on which the sign is located.

Parking Lot Regulation Sign. A sign designating the conditions of use or identity of such parking area, including identification and labeling of individual parking stalls, except for signs that are required by law to identify certain parking stalls or parking areas.

Pennant. A tapered or dove-tailed banner or flag.

Person. May include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Pole Sign. A Ground Sign that is supported by one or more poles or other supporting structures, if the total width of the pole(s) or supporting structure(s) is one third (⅓) or less than the width of the net area of the sign copy it supports. The width of all pole(s) and supporting structures at their widest point and any space between poles or supports shall be included when measuring the total width of the pole(s) and supporting structure(s).

Political Sign. Any sign that states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating social or political views or policies.

Portable Sign. A sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Principal Building. A non-accessory building in which is conducted the principal use of the lot on which it is located.

Project Sign. A temporary sign on private property, describing a construction or improvement project including the names of contractors, architects, engineers, investors, owners or occupants.

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Public Information Board. A free-standing structure that is oriented toward pedestrians for the purpose of posting leaflet-like temporary notices.

Real Estate Sign. A sign advertising the sale, lease, or rental of the property upon which it is located.

Roof Line. The uppermost line of the roof of a building, including original parapets.

Roof Sign. A sign erected on the roof of a building no portion of which is above the roof line.

Rotating Sign. (See Motion Sign)

Scoreboard. A scoreboard is a sign designed to provide information to spectators at athletic events that may or may not contain advertising messages or public service announcements.

Sidewalk Showcase. A freestanding structure consisting of an enclosed display case or cabinet, used to display information or notices, located on a public or private sidewalk or sidewalk area.

Sign. Any device, structure, fixture, or placard, including its supporting base, frame, electrical and all other accessory components, using text, graphics, symbols and/or other written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services; located outside of a building or within three (3) feet of the interior of a window and which is visible from the exterior.

Sign Copy. The portion of a sign comprised of any combination of text, graphics, symbols, images, and/or other written copy, whether it is displayed within or outside of a sign can or board.

Signable Area. One designated area of the facade of the building up to the roof line that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, that extends no higher than the juncture of the wall and the roof, or in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall, upon which signs are to be displayed.

Street Occupancy Signs. Signs displayed on street occupancy barricades, passageways and fences that have been erected pursuant to a valid street occupancy permit issued under Sec. 10.055(4)(o); denoting only the owner, occupant, architect, engineer or contractor(s) of the project for which the street occupancy permit was issued. (Am. by ORD-15-00036, 4-8-15)

Subdivision Identification Sign. Any sign containing the name of the subdivision in which it is located.

Swinging Sign. (See Motion Sign)

Symbol. Something that stands for or suggests something else by reason of relationship, association, convention or resemblance placed or erected for public view as a sign or as a part of a sign.

Time and/or Temperature Sign. A flashing sign giving the time and/or temperature.

Wall Sign. A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

Window Sign. Any sign that is displayed, painted on, applied to, or affixed to the exterior or interior of a window; or displayed within three (3) feet of the interior of a window; and that is visible from the exterior. For purposes of this ordinance, "window" shall include any glass or transparent panels on exterior doors. Merchandise available for purchase within the premises and displayed within three (3) feet of the interior of a window shall not be considered a window sign under this definition.

Zoning Administrator. When used in this Chapter, Zoning Administrator means the Zoning Administrator or his/her designee.

31.04 ADMINISTRATION, ENFORCEMENT, AND CONSTRUCTION REQUIREMENTS.

(1) Interpretation.

(a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and least intrusive means for the promotion and protection of the public health, safety, and general welfare.

(b) Where the conditions imposed by any provision of this ordinance upon the erection or maintenance of signs containing commercial messages are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose the higher standards or requirements shall govern.

(c) Any sign permitted or authorized in this ordinance may contain any noncommercial message in addition to or in lieu of any other message.

(2) Application of Other Laws.

(a) Signs Located Near Interstate Highways. All signs hereafter erected within six hundred sixty (660) feet from the edge of the interstate highway easement or property measured horizontally along a line normal or perpendicular to the center line of the interstate highway shall be subject to the applicable provisions of Wis. Stat. § 84.30 and Wis. Admin. Code § Trans. 201.01, 201.04, and 201.05, in addition to being subject to this ordinance.)

(3) Administration and Enforcement of the Sign Control Ordinance.

This ordinance shall be administered as described in this subsection. The authority and duties described below shall be in addition to any other authority described elsewhere in these ordinances. Nothing in this ordinance shall be construed as a limitation upon the powers of the City of Madison nor the enforcement powers of the Inspection Unit, Police Department or any other duly authorized personnel.

(a) Duties of the Zoning Administrator, or Designee:

1. Approve and issue sign permits.
2. Inspect sign construction and erection.
3. Enforce this ordinance as authorized by sub. (4) and elsewhere by ordinance or law.
4. Determine the form and content of applications for sign permits and sign erector's licenses, consistent with this Ordinance.

(b) Duties of the Building Board of Examiners and Appeals:

1. Hear appeals relating to matters of structural or mechanical concern.
2. Hear complaints against sign erectors filed by the Zoning Administrator, and revoke sign erector's license pursuant to Sec. 31.042.

(c) Duties of the Plan Commission. Act upon certain sign permit applications and appeals, where applicable.

(d) Duties of the Director of Planning and Community and Economic Development. Act upon specific sign permit applications as may be authorized in Sec. 31.15 (Tables) or elsewhere in this ordinance.

(e) Duties of the Urban Design Commission of the City of Madison ("UDC"). Act upon all matters relating to signs as described in Sec. 31.043 and Sec. 33.24.

(f) Duties of the Secretary of the Urban Design Commission. Act upon all matters as authorized by the Urban Design Commission in Sec. 33.24(4)(g) or elsewhere in Sec. 33.24 or Chapter 31.

(4) Enforcement.

(a) Summary and Non-Summary Removal or Alteration of Signs. If the Zoning Administrator (or designee) shall find that any sign regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this ordinance, s/he may give written notice describing the problem to the permittee thereof or the owner of the sign, or the owner of the property on which the sign is located. If the permittee, sign owner, or property owner, to whom the Notice is given, fails to remove or alter the sign so as to comply with the Notice by the date or time for compliance established in the Notice, the Zoning Administrator or the Chief of Police or designee may remove or alter such sign to comply with the Notice and this ordinance at the expense of the permittee, sign owner or owner of the property upon which it is located. In addition, the Zoning Administrator may cause any sign that is a hazard to person or property to be removed summarily and without notice. The Zoning Administrator may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under this paragraph.

(b) Other Enforcement Action, Injunctive Relief. The provisions of sub.(a) shall be in addition to any other authorized enforcement action or prosecution for ordinance violations or other law violations; including but not limited to issuance of a Uniform Municipal Ordinance Citation, referral to the City Attorney for prosecution of a forfeiture action and/or other legal or equitable relief. The City Attorney is authorized to pursue civil injunctive or other equitable relief when, in the opinion of the Zoning Administrator a sign presents a hazard and at least one (1) conviction for a violation of the ordinance has been obtained and the sign remains

in violation of this Ordinance. A notice, or failure to comply with a notice sent under sub. (a) shall not be a prerequisite for prosecution, injunctive relief, or other civil remedies available at law based upon a violation of this ordinance.

(c) Compliance Inspection Fees.

1. Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order.
2. The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

(5) Construction Requirements.

(a) Definitions:

1. Approved Combustible Material. An approved combustible material shall include:
   a. Wood or materials not more combustible than wood.
   b. Combustible plastics, which, when tested in accordance with ASTM Standard Method for Flammability of Plastics over 0.050 inch in thickness (D 635-44) burn no faster than 2.5 inches per minute in .060 inch in thickness.
2. Incombustible Material. Any material which will not ignite at, or below, a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of five (5) minutes and which will not continue to glow at that temperature. Tests shall be made as specified in UBC Standard No. 4-1-61.

(b) Sign Structure. Sign structure shall be of incombustible materials, except that nonelectric business and identification signs, not exceeding thirty-two (32) square feet in area nor six (6) feet in height aboveground, and located in a landscaped area, may have a preservative treated wood sign structure, and the structural trim of the sign may be of approved combustible material.

(c) Sign Facings. Sign facings shall be of incombustible materials or approved combustible materials.

(d) Letters, Decorations and Embellishments.

1. Letters, decorations and embellishments of signs shall be of incombustible materials or other approved combustible materials.
2. Letters, decorations and embellishments, in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(e) Electric Signs.

1. All electrical signs, as defined in Sec. 31.03(2) shall bear the label of approval of a recognized testing laboratory.
2. All electrical signs shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the sign.
3. Covers of service openings shall be securely fastened by chain or hinges.

(f) Wind Pressure. All signs shall be designed, constructed and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area.

(g) Dead Load. All sign structures shall be constructed and fastened to adequately support the dead load of any sign.

(h) Footings. All footings for supports of Ground Signs shall be not less than three (3) feet six (6) inches below the existing ground level. This provision applies only to signs meeting the definition of "Ground Signs" in Sec. 31.03(2).

(i) Attachment. Projecting signs may not be attached to any part of an unbraced wall above a point of bearing of the roof rafters.

(j) Roof or Above-Roof Signs. Signs constructed on the roof of a building shall be thoroughly secured and anchored.

(k) Illumination of Signs. Signs shall not be illuminated unless expressly allowed in this chapter. For purposes of this chapter, illumination includes any source of direct or reflected lighting incorporated in or connected with a sign. Illumination, when allowed, may be internal or external to the sign. All sign illumination shall be subject to the provisions of Sec. 10.085, Outdoor Lighting and Sec. 31.046(1), Electronic Changeable Copy Signs in addition to the following restrictions. In the event of a conflict between this section, Sec. 31.046(1), and Sec. 10.085, the more strict provision shall apply:

1. Any illumination shall be so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.
2. All external lighting fixtures, as defined in Sec. 31.03(2) shall be steady, stationary, fully shielded light sources directed solely onto the sign, and shall use lighting designed to minimize light spill and glare.
3. Lighting sources (as defined in Sec. 10.085(2)) shall not be directly visible or cause glare to adjacent public right-of-ways or adjacent private property boundaries. This may be accomplished through the use of shields or cut-off devices or other similar equipment.
4. All signs illuminated by an external lighting fixture shall be limited to a maximum amount of illumination as follows:
   a. Signs with a gross area (for ground signs) or net area (all other signs) of less than three hundred (300) square feet shall have a maximum illumination level of forty (40) foot-candles average across the sign surface. (Am. by ORD-15-00069, 6-24-15)
   b. Signs with a gross area (for ground signs) or net area (all other signs) equal to or greater than 300 square feet shall have a maximum illumination level of 70 foot-candles average across the sign surface.
5. Internally illuminated signs or any other signs with internal illumination or indirect light from the back of the letters or sign shall not produce any glare. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.
6. This section shall not apply to "official traffic control devices" as defined in Wis. Stat. § 340.01(38) (2007-08) and as may be amended, authorized by law and erected by the authority having jurisdiction over the highway or right-of-way.
7. Awning signs may be internally illuminated if constructed with a rigid frame covered with vinyl, plastic, or other translucent material and otherwise compliant with this section and Sec. 31.06.
8. See Sec. 31.10 regarding illumination of window signs.
9. Exposed neon signs are exempt from this section.

10. Applicability. This section applies to the illumination of all signs that are erected after the effective date of the ordinance creating this section, as well as new external lighting fixtures installed on an existing sign, any other illumination feature that is added to an existing sign, and upon replacement of any sign illumination feature (external or internal) after the effective date of this ordinance creating this section. Nothing in this section shall be construed to limit or modify the applicability of permit and inspection requirements elsewhere in this chapter, such as those applying to electrical signs, replacement or repair of signs, change of copy, etc.

(6) Signs Projecting into Right-of-Way. The Common Council finds that the display of wall or projecting signs that project from a building face into the right-of-way, or signs on an attached canopy or awning that projects into the right-of-way, consistent with the criteria required for such signs elsewhere in this chapter, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, the City's substantial governmental interests in preserving traffic and pedestrian safety will be furthered by providing easy-to-see directional and wayfinding information oriented primarily toward pedestrians, for the building upon which the sign is displayed, without obstructing the sidewalk, terrace or roadway and without interfering with official traffic control devices. The City's aesthetic interests will be protected by the size and placement criteria established for such signs in Secs. 31.06, 31.07, 31.071, and 31.09. The display of promotional and decorative banners over the right-of-way, consistent with the requirements of Sec. 31.075(2), preserves the City's substantial governmental interests in traffic safety and aesthetics by announcing certain public and civic activities or providing decoration without adding clutter or obstruction to the sidewalk, terrace, or roadway, with the size, under controlled circumstances and in specific locations approved by the City as specified in Sec. 31.075(2).

(a) Wis. Stat. § 86.19 and state administrative rules adopted thereto raise doubts about whether such signs and banners may be located within the limits of highway rights-of-way. The approval of wall, projecting, awning, and canopy signs and promotional or decorative banners, in accordance with ordinance requirements for such signs, is a matter of the local affairs and government of the City of Madison. Signs projecting perpendicularly from a building or displayed on a canopy or awning provide needed identification signage and wayfinding for the business or building to which the sign is attached, without obstructing the pedestrian walkway, creating clutter, or interfering with official traffic control devices or vehicle traffic. Wall signs mounted not more than fifteen (15) inches from a wall in compliance with Sec. 31.07 present no safety hazard or aesthetic concerns. Decorative and Promotional banners under Sec. 31.075 will notify the public of events taking place in the City, and will complement the streetscape with appropriate decorations without cluttering the sidewalk or impeding pedestrian traffic. Therefore, the City of Madison, through its Common Council, hereby determines that to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve the following signs that project from a building or structure into the street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19 to that extent for the following subsections or subdivisions:
awning signs under Sec. 31.06(6),
wall signs mounted not more than 15" parallel to the wall under Sec. 31.07(1),
canopy signs under Sec. 31.071(5),
decorative and promotional banners under Sec. 31.075(2), and
projecting signs under Sec. 31.09(1)(a).

(b) This Charter Ordinance, Sec. 31.04(6), shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

(c) Sec. 31.04(6) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

31.041 SIGN PERMITS AND FEES.

(1) Permit Required.

(a) Signs may be erected, moved, enlarged, or reconstructed within the City of Madison as allowed in this Ordinance only when a permit therefor shall have been issued by the Zoning Administrator or designee, except when specifically exempt from permit under Sec. 31.044 or elsewhere in this Ordinance.

(b) It shall be unlawful for any person to erect, repair, alter, relocate, maintain, or change copy, except for signs designed for changeable copy, within the City of Madison any sign as defined in this ordinance without first obtaining a permit from the Zoning Administrator and making payment of the fee(s) required by this ordinance, unless a permit is not required under Sec. 31.044 or unless otherwise exempt from obtaining a permit or paying a fee under the provisions of this ordinance. All electric signs shall, in addition, be subject to the provisions of the Electrical Code (Chapter 19), and the permit fee required thereunder.

(2) Application for Sign Permit.

Applications for permits shall be filed on application forms provided by the Zoning Administrator. A photograph of the property, a plot plan, and construction and installation plans, including specifications and engineering data, shall accompany the application. When all of the provisions of this ordinance or other ordinances relating to such sign shall have been complied with and when the applicant has paid the required fee for every such application, the permit may be granted. The Zoning Administrator shall determine, consistent with the provisions of this ordinance, the form and contents of all applications for permits herein required. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected, or the applicant must make a sworn statement that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign(s).

(3) Permit and Application Fees.

All fees under this subsection shall be payable to the City Treasurer, as follows:

(a) Initial Sign Permit. When a permit is required under this ordinance, the permit fee shall be as follows:

1. Initial permit for all signs under this chapter (except ground signs, advertising signs, and business opening signs): one dollar and seventy-five cents ($1.75) per square foot of the net area.
2. Ground signs: one dollar and seventy-five cents ($1.75) per square foot of the gross area.
3. Advertising signs: two dollars and fifty cents ($2.50) per square foot of the net area.
4. Business opening sign: flat fee of fifty dollars ($50).
5. Portable signs under Sec. 31.046(2): flat fee of fifty dollars ($50)
6. Bicycle-sharing facility signs on private property under Sec. 31.046(4): $100 for all permitted signs per facility.
7. Minimum permit fee: in no case shall any sign permit fee be less than fifty dollars ($50.00), change of copy under Sec. 31.041(3)(b) below.
8. Temporary Decorative Window Coverings under Sec. 31.101: Flat fee of fifty dollars ($50) per window. Each permit is valid for a maximum of six (6) months or until the building or tenant space associated with the

window is occupied, whichever is shorter, and is renewable for the same fee and duration if the building or tenant space continues to be vacant. (Cr. by ORD-14-00159, 10-15-14)

(b) Change of Copy and Change of Location Fees. The permit fee for changing the face or sign copy of a sign for which a permit is required under this ordinance, other than a sign designed for changeable copy, shall be one dollar and fifty cents ($1.50) per square foot of the net area but in no case less than ten twenty-five dollars ($25). The permit fee for changing the location of an existing sign on the same zoning lot shall be twenty-five dollars ($25).

(c) Failure to Obtain Permit. The permit shall be obtained before erecting or starting work on a sign or commencing any action for which a permit is required under this ordinance. The fee for a permit issued after commencement shall be doubled. Imposition of a double fee under this subsection shall be in addition to any monetary forfeiture or other penalty under this Ordinance and shall not be a bar to prosecution or pursuit of other legal remedies by the City.

(d) Urban Design Commission Fees.

1. Comprehensive Design Review.
   a. Initial Comprehensive Design Review: Five-hundred dollars ($500).
   b. Application for a change to a Comprehensive Sign Plan under Sec. 31.043(4)(d) that cannot be approved by the Zoning Administrator as a minor change: Five-hundred dollars ($500).
   c. Application for a change to a Comprehensive Sign Plan under Sec. 31.043(4)(d) that can be administratively approved by the Zoning Administrator as a minor change: One-hundred dollars ($100).
2. The fee for all other applications to the Urban Design Commission under this ordinance, including appeals from the decisions of the Zoning Administrator, requests for approvals in height, area, and setback, and Additional Sign Code Approvals, shall be three-hundred dollars ($300) payable to the City Treasurer.

(Am. by ORD-15-00118, 10-28-15)

(e) Sign Erector's License - See Sec. 31.042.

(4) Issuance of Sign Permit, Duration. It shall be the duty of the Zoning Administrator upon the filing of an application for permit to promptly examine such plans and specifications and other data and, if deemed necessary by the Zoning Administrator, to inspect the premises upon which the proposed sign is to be erected, and if the proposed sign is in compliance with all the requirements of this Ordinance and any other applicable laws, he/she shall promptly issue the appropriate permit upon payment of the appropriate permit fee(s) herein. If work authorized under a permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

(5) Denial of Permit for Unpaid Fees, etc. The Zoning Administrator may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under Sec. 31.041(1), or failed to comply with a court order to pay a forfeiture for a violation of this Ordinance, or failure to pay other unpaid civil judgment arising out of a violation of this Ordinance. If the Zoning Administrator denies a permit under this paragraph, s/he shall provide written notice to the applicant of the denial, the reason, a description of the unpaid cost, forfeiture or judgment. The permit shall be issued upon proof of payment of the costs, fees, forfeiture or judgment in question. Proof of payment of a docketed civil judgment shall be in the form of a satisfaction of judgment.

(6) All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere permits, revocable at any time by the Zoning Administrator, and all such applications shall contain this provision.

31.042 LICENSING OF SIGN ERECTORS.

(1) License Required. A sign erector's license shall be obtained prior to engaging in the business or commencing work to erect, remove, service, repair or maintain a sign in the City of Madison on behalf of another. This requirement does not apply to persons wishing to erect, remove, service, repair or maintain a sign on the premises which the person owns or leases.

(2) Examination. To be licensed, an individual must pass an examination administered under the direction of the Zoning Administrator. The examination shall be given by appointment with the Zoning Administrator.

(3) Administration. The sign erector's license program shall be administered by the Zoning Administrator or designee. Applications and appointments for the examination shall be made with the Zoning Administrator. Applications shall be filed at least ten (10) days before the date on which the examination is to be held. The applicant shall pay an examination fee of fifteen dollars ($15) at the time of application. This fee shall be in addition to the license fee hereunder.

(4) License Fee. Upon passing the examination, payment to the City Treasurer of one-hundred twenty-five dollars ($125), and recording any required bonds or insurance, an annual license will be issued for erecting, removing, servicing, repairing or maintaining all signs listed in this code.

(5) Duration, Renewal of Sign Erector's License. Every license shall expire on the thirtieth (30th) day of June following the date of its issue. A sign erector's license may be renewed upon filing a renewal application and payment to the City Clerk of the renewal fee of one hundred twenty-five dollars ($125) prior to expiration of the current license. Should any person fail to obtain a renewal license by July 1st s/he will be required to make application for and take the examination for a new license in the same manner as a new applicant.

(6) Application for Sign Permit by Licensee. A person with a sign erector's license may lawfully obtain sign permits in their own name or the name of their own sign erector business or for a corporation or firm that is actively engaged in the sign contracting business and has a recognized business location, provided such person is permanently employed by such firm or corporation.

(7) Transfer of Sign Erector's License Prohibited. It shall be unlawful for any person with a sign erector's license to allow the use of her/his license, directly or indirectly, for the purpose of obtaining local permits for others.

(8) Discontinuance of Licensee's Employment. In the event that any person holding a sign erector's license shall sever her/his employment with an sign contracting and erection business entity that has been in continuous operation within the City for a period of one (1) year or more and there is no other person in such firm, association or corporation, or employed by it, who is licensed under the provisions of this chapter, the Zoning Administrator may issue permits to the business for a period of thirty (30) days from the date the licensee's employment was severed. At that time, if the firm wishes to continue in the business of sign erecting, another member or employee must apply for a license to conduct the business of outdoor sign erection and contracting according to the provisions of this ordinance. In the event that such applicant fails to obtain such license and the firm wishes to continue in the business of sign erecting, it shall employ a properly-licensed outdoor sign erector to conduct the business of outdoor signs erection and contracting within thirty (30) days after said applicant for license has been notified of her/his failure to meet the license requirements. If work done by said business during the interim 30-day period above, fails to meet all requirements of the Madison General Ordinances and applicable state law, Zoning Administrator shall not issue further sign permits until the business has properly obtained a sign erector's license under this section.

(9) Revocation of Sign Erector's License, Appeal. Any license may be revoked by the Building Board of Examiners and Appeals should the licensee violate this Ordinance or any other law or ordinance relating to signs. No license shall be revoked except by a majority vote of

the Building Board of Examiners and Appeals at a regular meeting, and no license shall be revoked unless the licensee has been notified in writing of the charges against her/him at least ten (10) days before such meeting. The licensee shall have the right to appear before the Board to answer the charges and present testimony in her/his defense. A person whose license has been revoked under this section shall not again be licensed within a period of one (1) year from date of such action.

Any person aggrieved by any decision of the Building Board of Examiners and Appeals regarding the revocation of a sign erectors' license under this subsection may, within thirty (30) days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari, or forever be barred.

(10) Bonds and Liability Insurance. Every person licensed to erect signs shall file with the Zoning Administrator a performance bond in the sum of ten thousand dollars ($10,000) with sureties satisfactory to the Risk Manager conditioned that such person shall faithfully comply with the provisions and requirements of this ordinance with respect to the construction, alteration or location and safety of said signs and conditioned further to indemnify, save and hold harmless the City of Madison its public officers and employees from any and all claims, damages, losses, liabilities, actions, suits or judgments which may be presented, brought, secured or sustained against the City or any of its officials on account of the construction, maintenance, alterations or removal of any said signs or by reason of any accidents caused by or resulting therefrom. In addition, every person licensed to erect signs shall carry commercial general liability insurance with no less than the following limits of liability; bodily injury, death and property damage of one million dollars ($1,000,000) in the aggregate. This policy shall also be endorsed for contractual liability in the same amount. As evidence of that coverage the licensee shall provide a Certificate of Insurance, on a form provided by the City.

31.043 URBAN DESIGN COMMISSION AND COMPREHENSIVE DESIGN REVIEW.

The authority of the Urban Design Commission of the City of Madison ("UDC") to act upon all matters relating to signs shall be exclusively as described herein and Sec. 33.24. The fee for any application to the UDC under this section shall be as described in the fee section, 31.04(3).

(1) Zoning Administrator Appeals. The UDC shall hear and decide appeals of decisions of the Zoning Administrator where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter and, where applicable, Official Notices issued by the Building Inspection Division or the Zoning Administrator relating to signs under this chapter, except decisions regarding structural or mechanical concerns which are appealable to the Building Board of Examiners and Appeals under Sec. 31.04(3)(b)1. All applications for appeal shall be in writing and filed with the Director of the Building Inspection Division no later than thirty (30) days after the date of the Official Notice of code violations or of the decision of the Zoning Administrator. The UDC shall make a final decision on an appeal under this section within sixty (60) days of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting. (Am. by ORD-15-00117, 10-28-15)

(2) Modifications of Height, Area or Setback. After a public hearing as provided in Sec. 33.24(4)(e)3., the UDC may approve a sign with up to fifty percent (50%) greater net area or fifty percent (50%) higher than the maximum height otherwise allowed, or reduce the required yard or setback if such approval: (Am. by ORD-15-00118, 10-28-15)

(a) Is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

(b) Will result in a sign more in scale with the building and site and in a superior overall design.

(3) Additional Sign Code Approvals. After a public hearing as provided in Sec. 33.24(4)(e)3., the UDC may:

(a) Permit signs that will front on roads which according to the official map or capital improvement program indicate a change of size of that road or a change of zoning in the future as if the change were currently in effect;

(b) Permit the use of an above-roof sign on a given zoning lot in a Group 2 and where not otherwise allowed in Group 3 districts provided that if the signs on adjacent properties reduce the effectiveness of other types of conforming signs or where topographic relationships between structures and right-of-ways would deem their use appropriate;

(c) Permit the use of an above-roof sign when the architecture of the building does not provide a reasonable signable area;

(d) Permit the use of wall signs on building facades not adjacent to off-street parking areas where, due to a variation of building setbacks, a signable area exists, provided the area of the sign shall not exceed the area of the wall sign permitted on the front of the building;

(e) Permit an above-canopy sign that crosses architectural detail to be erected closer than three (3) feet to the nearest face of a building under Sec. 31.071(2)(e), if the proposed sign would not substantially detract from the contribution of the architectural detail to the overall building design.

(f) Approve additional signs for wayfinding purposes on certain zoning lots as authorized under Sec. 31.14(3)(e)1.; and

(g) Approve a condominium identification sign of up to thirty-two (32) square feet, as authorized under Sec. 31.14(3)(g).

(h) When allowed under this Chapter, approve the use of a banner in place of a permanent sign in all Urban Design Districts.

(i) Approve an Electronic Changeable Copy feature, meeting the criteria of Sec. 31.046(1), on an identification sign for a high school, as authorized under Sec. 31.14(3)(e)2.

(j) Permit a "Legacy Sign" as follows: one or more wall signs on a building that was constructed in whole or in part for a commercial or employment use, if the proposed sign or signs depict solely one or more of the following:

1. business name;
2. name of the building;
3. logo;
4. description of an accessory use that was accessory to a prior use of the building or zoning lot (may include a product name);
5. an exact replica of a known prior sign displayed on the building.

Each of the elements listed in 1. through 5. above, if included in the sign in question, must be found to have a provable, demonstrated historical relationship to a prior sign on the building that pre-dates 1940 or to a prior use of the building that pre-dates 1940. The UDC shall find that there is direct historical relationship between the proposed sign and a pre-1940 use of the building.

The UDC shall approve the materials, design, size, and location of the sign with specificity and the proposed sign shall match the original to the extent that any details of the original sign are known. The sign must blend appropriately with the historic nature of the building and shall not be illuminated. The location and size of the sign must be found by the Urban Design Commission not to interfere with existing signage on the zoning lot. If the appearance of a prior sign is known, the proposed sign shall match the prior sign completely and this will satisfy the criteria of this section. A sign that includes the name of a business or product that is not currently on the premises of the building cannot be approved unless the business or product is no longer in existence, or unless the business or product

name can be shown to be commonly known as the name of the building. This section shall not be used to approve an advertising sign or off-premise sign as defined in this ordinance.

Landmarks/Historic Districts. An application for a legacy sign on a landmark or in a historical district is also subject to Chapter 41, the Historic Preservation ordinance.

Number and Location of Legacy Signs. Legacy signs under this section may be approved on not more than two (2) façades per building. There is no limit to the number of legacy signs per façade but each sign must be found to be eligible under sub. (j)1. through 5. above.

A legacy sign shall take the place of, not be in addition to, a wall sign that would otherwise be allowable under Sec. 31.07(2)(a) and (b), except that a legacy sign may not be approved as an alternative to Secs. 31.07(2)(a)1. or 2. and may not be approved as a roof or above-roof sign. A legacy sign also shall not be approved in lieu of a wall sign under Secs. 31.07(5) or (6). The UDC shall consider all existing wall signs on the façade when considering an application for a legacy sign. Legacy signs may only be displayed within an allowable signable area as defined in Secs. 31.07(2)(b) and 31.03(2), unless the proposed sign is an exact replica of a prior known sign on that building and the location of the prior sign is also known, in which case the sign may be displayed in the prior location, as long as the building exterior has not been significantly modified in that location.

No Additional Wall Signs. Once a permit has been approved for legacy sign(s) on a façade under this section, no new permits for wall signs will be issued. (Am. by ORD-15-00072, 7-29-15)

(4) Comprehensive Design Review ("CDR"). The Urban Design Commission may approve a Comprehensive Sign Plan on a building site or zoning lot to allow special allowances for all signs on private property regulated under this Chapter beyond the restrictions contained elsewhere in this Chapter, and may incorporate other approvals authorized in Secs. 31.043(2) and (3) in order to meet the following purpose:

The purpose of a Comprehensive Design Review is to determine whether unique, exceptional, and innovative use of materials, design, color, lighting, and other design elements, resulting in visual harmony created between signs, building(s), and building site, are sufficient to warrant special allowances beyond the restrictions contained elsewhere in this Chapter. For the signs included in the Comprehensive Design Review, the restrictions of this Chapter shall not apply and there shall be no predetermined requirements for those signs except those requirements which shall be made part of the approved Comprehensive Sign Plan. The resulting Comprehensive Sign Plan shall encompass the new sign(s) requested by the applicant and approved by the UDC, and any approved modifications to existing signs on the same building site or zoning lot.

In addition, the Comprehensive Design Review procedure shall be used for all sign approvals in the MXC and EC districts. These districts with master plan requirements do not have standard restrictions for signage.

(a) Comprehensive Design Review Procedure.

1. The applicant shall file the required application with the required fee(s); submit site plans showing all existing and proposed buildings and signs, location and dimensions of each requested signable area; a color graphic of each proposed sign with dimensions; and any other materials as may be required by the UDC or elsewhere in these Ordinances.
2. The UDC shall review all proposed and existing signs on the buildings and zoning lot, and may require modifications to existing signs over which the applicant has control.
3. The UDC shall hold a hearing to review a complete application that includes all information required by this subsection. The UDC's decision

to approve a Comprehensive Sign Plan shall be after a public hearing on the application, following the UDC's procedures for a public hearing in Sec. 33.02(4)(e)3., except that the appeal process shall be as described herein.

4. The UDC shall make a final decision on all complete applications for CDR within sixty (60) days of the date of the application, unless the applicant waives this deadline in writing or in person at a UDC meeting.

(b) Comprehensive Design Review Criteria. The UDC shall apply the following criteria upon review of an application for a Comprehensive Sign Plan:

1. The Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, any lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the zoning lot as well as adjacent buildings, structures and uses.
2. Each element of the Sign Plan shall be found to be necessary due to unique or unusual design aspects in the architecture or limitations in the building site or surrounding environment; except that when a request for an Additional Sign Code Approval under Sec. 31.043(3) is included in the Comprehensive Design Review, the sign(s) eligible for approval under Sec. 31.043(3) shall meet the applicable criteria of Sec. 31.043(3), except that sign approvals that come to Comprehensive Design Review from MXC and EC districts pursuant to 31.13(3) and (7) need not meet the criteria of this paragraph.
3. The Sign Plan shall not violate any of the stated purposes described in Secs. 31.02(1) and 33.24(2).
4. All signs must meet minimum construction requirements under Sec. 31.04(5).
5. The Sign Plan shall not approve Advertising beyond the restrictions in Sec. 31.11 or Off-Premise Directional Signs beyond the restrictions in Sec. 31.115.
6. The Sign Plan shall not be approved if any element of the plan:
   a. presents a hazard to vehicular or pedestrian traffic on public or private property,
   b. obstructs views at points of ingress and egress of adjoining properties,
   c. obstructs or impedes the visibility of existing lawful signs on adjacent property, or
   d. negatively impacts the visual quality of public or private open space.
7. The Sign Plan may only encompass signs on private property of the zoning lot or building site in question, and shall not approve any signs in the right of way or on public property.

(c) Comprehensive Sign Plan Approval. An approved Comprehensive Sign Plan shall include all approved new signs and any required modifications to existing signs on the same building site or zoning lot.

(d) Changes to Comprehensive Sign Plan. Any changes to the approved plan must first be approved by the UDC using the full CDR process under Sec. 31.043(4)(a), except that the Zoning Administrator may grant approval for minor changes that are compatible with the concept approved by the UDC and the standards in Sec. 31.043(4)(b), upon approval of the Planning Division Director or designee.

(e) Violation of Approved Comprehensive Sign Plan. Once a Comprehensive Sign Plan has been approved, no person shall erect or cause to be erected any sign not

approved on the Plan, or alter or relocate any sign displayed pursuant to the Plan, without first obtaining approval under the procedures in Sec. 31.043(4)(d) above, and obtaining all required sign permits from the Zoning Administrator.

(5) Appeals from Decisions of the UDC. A decision of the Urban Design Commission under this ordinance shall be a final administrative decision for purposes of judicial review. Any person aggrieved by the decision of the Urban Design Commission may commence a court action seeking the remedy available by certiorari within thirty (30) days of the decision.

31.044 SIGNS EXEMPT FROM PERMIT.

(1) Signs Exempt from Permit. Consistent with the purpose and scope of this ordinance, the Common Council recognizes that certain temporary, necessary, or limited-purpose signs may be displayed without obtaining a permit, subject to applicable safety and aesthetic regulations herein. The Common Council finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or wayfinding function, including but not limited to the temporary replacement or relocation of permitted, permanent signs during construction; serve a governmental purpose; are permitted or mandated by city ordinance, state or federal law; allow freedom of speech and expression in a timely manner; allow freedom of speech and expression during election periods; or because the size, location or duration of the sign as regulated herein is not significant enough to require review and a permit prior to display of such sign.

No permit shall be required for the following signs when displayed according to the following provisions and any other applicable requirements of these Ordinances or applicable law. When zoning districts are indicated, such signs are only exempt from permit in those districts. When no zoning district is indicated, such signs are exempt from permit in all districts. Exempt signs may not be illuminated unless expressly stated herein or elsewhere in this chapter. Exempt signs may be displayed on a wall or on the ground unless another manner or location of display is expressly provided or prohibited herein, need not comply with Secs. 31.07 (Wall Signs) or 31.08 (Ground Signs) unless expressly stated herein, but shall comply with Secs. 31.04(5) and 31.045, MGO. Any exempt sign displayed on a wall must be displayed within the signable area and if no maximum net area is stated, the net area shall not exceed 100% of the signable area.

An exempt sign under this section may be displayed on a temporary basis if expressly indicated herein or in the definition section (Sec. 31.03(2)). Exempt signs displayed on a temporary basis shall comply with the construction requirements in Sec. 31.04(5) except a temporary exempt sign shall not be electric, shall not be displayed on the roof or above-roof, and shall not be internally illuminated.

The following signs shall be exempt from permit as provided below:

(a) Athletic Field Signage. Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Park Commission shall be required to display a sign, banner or scoreboard under this paragraph at a city park. Scoreboards that qualify under this paragraph may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Director of Planning and Community and Economic Development and Traffic Engineer. For purposes of this paragraph, a "school" shall mean public schools as defined in Wis. Stat. § 115.01(1), private schools defined in Wis. Stat. § 115.001(3r), and technical colleges authorized under Wis. Stat. ch. 38. Athletic field signage may be illuminated and may be temporary. Temporary signs are subject to the illumination restrictions stated in Sec. (1) herein.

(b) Awning Signage. Signs displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height. May be illuminated externally. See Sec. 31.06 for dimensional and internal illumination requirements, and for additional awning signs that require a permit.

(c) 1. City Signs on City Property erected by Parks Division, Traffic Engineering Division, or the Department of Planning Community and Economic Development on City-owned lands, park property or City-owned and occupied buildings.

Maximum Gross Area: Twenty-four (24) square feet.
Maximum Height: Minimum of two (2) feet and maximum of ten (10) feet above the curb.
Illumination: Yes.
Temporary: Yes.

2. Signs on City-Sponsored Bicycle-Sharing Facilities on City-Owned Lands. Signs on City-sponsored bicycle-sharing facility equipment located on other City land, as defined in Sec. 10.33, MGO are subject to the requirements of Sec. 10.33(10), MGO and not regulated herein.

(d) Construction-Related Temporary Signs.

1. Street Occupancy Signs. Temporary signs displayed on street occupancy barricades, passageways and fences that have been erected pursuant to a valid street occupancy permit issued under Sec. 10.055(4)(o); denoting only the owner, occupant, architect, engineer or contractor(s) of the project for which the street occupancy permit was issued. See 10.055(4)(o) for maximum number of signs and any gross area, height, and setback requirements. (Am. by ORD-15-00036, 4-8-15)

2. Construction Directional Signs. Temporary signs displayed on private property for a limited period of time, to identify the location of and entrance to a business that remains open when normal access or pedestrian or vehicle traffic flow has been diverted by construction or road work so as to decrease the effectiveness of existing permanent signs, when approved by the Zoning Administrator. The Zoning Administrator shall approve the quantity, placement and duration of such signs to ensure traffic and pedestrian safety.

Maximum Net Area: Total signage shall not exceed thirty-two (32) square feet, square footage may be divided.
Maximum Height: Ten (10) feet.
Illumination: No.

3. Project Signs. Temporary signs on private property, describing a construction or improvement project, including the name of contractors, architects, engineers, investors, owners and occupants; and displayed only while the project is under construction and valid building permits are in force.

Maximum Net Area: Total signage shall not exceed thirty-two (32) square feet in Group 1 districts, one-hundred and forty-four (144) square feet in all other districts. Square footage may be divided.
Maximum Height: Eight (8) feet in Group 1 districts, ten (10) feet in all other districts.
Setback: Ten (10) feet.
Number of Signs: One (1) per street frontage in the Group 1 districts.
Illumination: No.

(e) Election Campaign Signs. A temporary sign containing a "political message" displayed during an "election campaign period," as those terms are defined in Wis. Stat. § 12.04. Such signs shall not have any electrical, mechanical or audio

auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public right-of-way and, if affixed to a permanent structure, shall not extend beyond the perimeter of the structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.

Maximum Net Area: Twelve (12) square feet
Maximum Height: Fifteen (15) feet when displayed on a wall, six (6) feet if displayed on a wooden stake
Setback: Ten (10) feet.
Number: One per candidate or cause
Illumination: No.

(f) Holiday or Temporary Decorations. Holiday or other decoration displayed temporarily on private property, that does not contain any commercial message or logo or depict any commercial symbol or character and that does not exceed fifteen (15) feet in height.
Illumination: Yes.

(g) Identification Signs.

1. Identification signs, including those displayed for a home occupation under Sec. 28.151, allowed in the Group 1 districts under Sec. 31.14(3)(a)1., 2.
2. Identification signs in districts not listed in sub. 1., above, denoting only the name and profession of the occupant.
   Maximum Gross Area: Two (2) square feet.
   Maximum Height: Twelve (12) feet or one (1) story, whichever is lower.
3. Illumination: No.

(h) Leaflet-type Temporary Notices, flat-mounted to kiosks, sidewalk showcases or public information boards, on private property, or in the public right-of-way pursuant to the encroachment proceedings in Sec. 10.31 of the Madison General Ordinances. Kiosks, sidewalk showcases, and information boards help to minimize and eliminate clutter and provide convenient alternatives to attachment of leaflets to trees or public structures in the right-of-way.
Maximum Net Area: Shall not project beyond the edge of any plane of the kiosk or board, when flat-mounted to the kiosk or board.
Illumination: No.

(i) Memorial Signs or Tablets, such as cornerstones, denoting only the names of buildings and date of erection, cut or set into a masonry surface and displayed on a wall only.
Maximum Net Area: Twelve (12) square feet.
Number: One (1) per street frontage.
Illumination: No.

(j) Merchandise Signs in Group 2 and 3 Districts.
Maximum Gross Area: Nine (9) square feet.
Maximum Height: Eight (8) feet.
Number: Two (2) per street frontage.
Illumination: No.
Temporary: Yes.

(k) Noncommercial. Signs expressing a noncommercial message that do not fit into any other category of sign permitted or allowed by this ordinance.
Maximum Net Area: Twelve (12) square feet in Group 1 districts, thirty-two (32) square feet in all other districts.
Maximum Height: One (1) story or twelve (12) feet, whichever is lower in Group 1 districts and fifteen (15) feet in all other districts.

Setback: Ten (10) feet in Group 1 districts, no setback in all other districts.
Number: One (1) per street frontage. On a lot abutting a waterway, may have up to two (2), one facing the street and one facing the waterway.
Illumination: No illumination in Group 1 districts. Can be illuminated if in a location and size that would otherwise be allowed to be illuminated under Sec. 31.04(5)(k).
Temporary: Yes.

(l) Parking Lot Signs.

1. Parking Lot Regulation Signs.
   Maximum Net Area: Nine (9) square feet.
   Setback: Ten (10) feet.
   Number: No limit.
   Illumination: Yes, except in Group 1 districts.
2. Parking Lot Directional Signs.
   Maximum Net area: Three (3) square feet.
   Maximum Height: Ten (10) feet.
   Setback: None.
   Number: Two (2) per street frontage, but no limit on number if setback more than one-hundred (100) feet from the property line.
   Illumination: Yes, except in Group 1 districts.
3. Parking Lot traffic signs required by law. See also sub. (m).
4. Other Parking Lot signs allowed under Sec. 31.14.

(m) Portable Signs. Only those portable signs that are expressly exempt from permit under Sec. 31.046(2). All such portable signs must comply with all requirements of that section.

(n) Public-Hearing-Notice Signs provided by the Department of Planning and Development, denoting the times and locations of public hearings before the Plan Commission and Common Council on applications for zoning map amendments or conditional uses as required by Chapter 28, the Zoning Code.

(o) Real Estate Signs advertising only the sale, rental or lease of the premises upon which the sign is located and displayed temporarily only during times when the premises/property is being offered for sale, rental or lease.

Maximum Net Area (Ground or Wall sign):
Group 1 Districts: Twelve (12) square feet.
Group 2 and 3 Districts: Thirty-two (32) square feet. Additionally, in all of these districts except Urban Design Districts, if the zoning lot fronts a highway with a speed limit of more than forty-five (45) miles per hour, a real estate sign of up to sixty-four (64) square feet in net area may be displayed.
The maximum net area for a real estate sign displayed on the ground in any district shall be measured according to Sec. 31.08(2)(c)2.
Maximum Height: One (1) story or twelve (12) feet, whichever is lower in Group 1 districts and fifteen (15) feet in all other districts.
Minimum Setback for a Ground Sign: Ten (10) feet.
Number: One (1) per street frontage. On a lot abutting a waterway, may have up to two (2), one facing the street and one facing the waterway.
Illumination: No.

(p) Traffic or Other Official Government Signs placed, authorized or required by the City or other authorized governmental agency, including but not limited to official traffic control devices defined in Wis. Stat. § 340.01(38) (2005-06), official traffic signs and signals, other municipal signs, legal notices, railroad crossing signs, warning and temporary emergency signs, mandatory motor fuel price signs as regulated by Wis. Stat. § 100.18 and 168.11(2005-06) or by other law, or warning

signs on utility poles, fixtures or structures. The requirements for gross area, height, setback, other size, materials or physical specifications (including illumination) shall be as required by law or the authorizing agency.

(q) Window Signs as regulated under Sec. 31.10 of this ordinance.

31.045 UNSAFE AND UNLAWFUL SIGNS AND STRUCTURES.

(1) General Enforcement.

The authority of the Zoning Administrator or designee with respect to unsafe, insecure or unlawful signs, or any sign found to in violation of this ordinance is as described in Secs. 31.04(2) and (4) herein.

(2) Maintenance and Removal of Signs.

(a) All signs and structures shall be properly maintained and kept in an overall clean, neat state of appearance. It shall be the responsibility of the permit holder or property owner to maintain signs and structures.

(b) Abandoned Signs. Signs that no longer serve the purpose for which they are intended, or are not maintained, or which have been abandoned, shall be removed by the most recent permit holder, the property owner, or by the City, at the expense of the property owner and may be charged to the property owner as a special charge. The Zoning Administrator shall keep an accurate account of the cost of such removal and bill the property owner. If any account remains unpaid, the Zoning Administrator may report the same to the Finance Director, who shall annually prepare a statement of all special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged against said lot or parcel of land shall be entered in the tax roll as a special charge against said lot or parcel, and the same shall be collected in all respects like any other special charge upon real estate under Wis. Stat. § 66.0627.

(c) Damaged or defaced signs shall be cleaned, repaired or removed by the most recent permit holder or property owner, or by the City of Madison under Sec. 31.04(4).

(3) Hazardous or Prohibited Signs, Structures and Conditions.

(a) Bracing of Signs. No sign or structure or any part of such structure as defined in the preceding sections, or any anchor, brace, guy wire or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder or stand pipe, and no such structure or any part of such structure or anchor brace, guy wire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building by a Fire Department as necessity may require.

(b) Signs Not to Constitute a Traffic Hazard. No sign regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision as further delineated in other sections of this ordinance; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or that makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic.

(c) Public Right-of-Ways.

1. No sign, advertisement, cabinet or obstruction, or any other object shall be placed upon, over, or in any public highway right-of-way, including the sidewalk, street, alley or public ground, or upon posts, trees or other supports in any public street or public ground, except that this section shall not be construed to prohibit the erection or placing of official traffic

control devices, signs, signals or markers or other signs authorized by law or this ordinance, or of any other object specifically authorized by law of the State of Wisconsin or by these ordinances. This section shall not prohibit carrying of portable hand-held signs on the sidewalk or other pedestrian ways, when done so in compliance with Sec. 31.046(2)(b).

2. This subsection does not apply to those matters set forth in Sec. 3.14(4)(i), MGO.

This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution.

3. This subsection does not apply to signs on City-sponsored bicycle-sharing facilities set forth in Sec. 10.33, MGO.

This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution, and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

4. This subsection does not apply to Government Building Identification Signs and Promotional and Decorative Banners under Sec. 31.07(5)(f).

This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution, and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(d) Suspended Signs. No sign or other structure as defined in this section shall be fixed to or suspended from any other sign so that the distance from the lower side of the sign or projection will be less than ten (10) feet from the top of a pedestrian walkway.

(e) Signs Painted Directly Upon Any Wall Or Wall Surface. No sign shall be painted directly upon any wall or wall surface unless approved by the Urban Design Commission as a legacy sign under Sec. 31.043(3) or approved by the Landmarks Commission under Secs. 41.09(4) or 41.12(2). (Am. by ORD-15-00072, 7-29-15)

(f) Use of Projected Images, in Conjunction With Signs. Any projected images, video, or other electronic light or laser displays projected onto a sign, building or structure are prohibited unless expressly allowed elsewhere in these Ordinances.

(g) 1. Motion Signs. All Motion signs, as defined in Sec. 31.03(2), are prohibited. Flags and decorative and promotional banners allowed under Sec. 31.075 are not considered "motion signs."

2. Attention-Getting Objects. All Attention-Getting Objects, defined in Sec. 31.03(2), whether or not attached to or displayed in connection with a sign, are prohibited. Flags and decorative and promotional banners allowed under Sec. 31.075 are not considered "Attention-Getting Objects."

(h) Flashing Signs. All Flashing signs, as defined in Sec. 31.03(2), are prohibited regardless of the frequency of the flashing. Signs displayed in compliance with Sec. 31.046(1) and motion signs displayed in compliance with sub. (g)1. above, shall not be considered in violation of this prohibition. Official traffic control devices are exempt from this prohibition.

(i) Digital Image Signs. Digital Image Signs, as defined in Sec. 31.03(2), whether static or animated, are prohibited.

(j) Signs on Bridges and Overpasses. No person shall display, place, erect, post, maintain, install, affix, or carry any sign, including a hand-carried sign, on any portion of a vehicular or pedestrian bridge or overpass that passes over a freeway or expressway as defined in Wis. Stat. § 346.57, or a controlled access highway as defined in Wis. Stat. § 990.01, when such highway has a speed limit of more than

40 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government, provided that such sign is visible from such freeway, expressway or controlled access highway.

This paragraph shall not apply to "official traffic control devices" as defined in Wis. Stats. § 340.01(38), (2005-06) and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way. Nothing in this subsection shall be construed to limit or restrict the application of Secs. 31.045(3)(b) and (c) of this ordinance, Wis. Stat. ch. 86 and any applicable regulations created by the Department of Transportation pursuant to that chapter, or any other federal, state or local law that prohibits or restricts the placement of signs in highways or other right-of-ways.

31.046 MISCELLANEOUS SIGNS.

(1) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs, as defined in Sec. 31.03(2), may be displayed on a wall, roof, above-roof, ground, projecting, or canopy sign, in Group 2 and 3 districts, and upon non-residential uses in Districts of Special Control, according to the following criteria:

(a) The sign shall conform to all applicable provisions of this chapter (area, placement, etc.) for the type of sign in question.

(b) The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every five (5) minutes in Group 2 and 3 districts, and once every one (1) hour for non-residential uses in Districts of Special Control, including Urban Design Districts.(c) Scrolling, racing, pixelating or moving characters or images, or those that have the appearance of movement, are prohibited for any reason, including as a method of changing copy under sub. (b) above.

(d) All copy/characters or other changeable images shall be of one (1) color only, with light copy on a dark background.

(e) Exceptions:

1. Scoreboards approved under Sec. 31.044(1)(a).
2. Official traffic control devices defined in Wis. Stats. § 340.01(38) (2005-06).
3. A sign with electronic changeable copy that displays only motor fuel prices or gasoline-ethanol fuel blend prices as regulated by Wis. Stat. § 100.18 and 168.11 (2005-06), may be exempt from Sec. 31.046(1)(a), (b) or (d) but is not exempt from Sec. 31.046(1)(c).
4. Time and Temperature. Signs with changeable copy displaying only the time and temperature may change as frequently as necessary to display the correct time and temperature, and are therefore exempt from Sec. 31.046(1)(b), but are not exempt from Sec. 31.046(1)(a), (c) and (d). The time and temperature may be displayed on any sign where allowed by this chapter, in any zoning district other than Group 1 districts.

(f) Signs displayed in compliance with this Sec. 31.046(1) shall not be considered in violation of the prohibition against Flashing Signs in Sec. 31.045(3)(h).

(g) Prohibition. Any sign that displays electronic changeable copy or other digital, electronic or internally illuminated text or images in violation of the above criteria, is prohibited.

(2) Portable Signs.

(a) Display on Private Property.

Hand-carried portable signs may be displayed on a zoning lot in any zoning district, with the owner's permission and without a permit. Other Portable signs may be displayed on a zoning lot in the Group 2 and 3 districts with a permit and subject to the following:

1. Size. The maximum area of the portable signs including all supporting structures, shall be no greater than two (2) feet by three (3) feet on a side, with a maximum of two (2) signable sides or faces. Sign copy shall not be displayed on more than two (2) sides or faces and shall not extend beyond the outer edges of the sign structure.
2. Number. A maximum of one portable sign (1) per street frontage and two (2) per zoning lot may be displayed.
3. The portable sign shall only be displayed when the business or organization to which the sign refers is open for business.
4. A portable sign shall be free-standing, self-supportive and constructed of substantial materials so as to withstand moderate wind velocity as required by Sec. 31.04(5)(f), and otherwise not create a hazard.
5. No portable sign shall be displayed within an entryway or exit that is required to remain unobstructed by any applicable ordinance, state or federal law.
6. Illumination. Portable signs shall not be illuminated.
7. A mobile grocery store, as defined in Sec. 28.211, parked on private property in compliance with Chapter 28, if meeting the criteria for a portable sign, is exempt from the permit fee for a portable sign and from sub. 1. above, and shall not be counted for purposes of the maximum number on a zoning lot under sub. 2. above. Additionally, when such a mobile grocery store is open for business on a zoning lot, up to (1) additional portable sign per street frontage may be displayed on the lot to draw attention to the mobile grocery store, if the signs meet all criteria of this section and a permit fee is paid and permit obtained for the sign.

(b) Display on Public Property. Portable signs may be displayed on public property only as follows, and may be displayed without a sign permit:

1. Portable signs used in a parade for which a permit has been issued under Sec. 12.87(11).
2. Portable signs displayed during and within the confines of an event for which a valid street use permit has been issued under Sec. 10.056, or displayed on private property directly adjacent to the area for which the street use permit has been issued and only while the street use permit is valid.
3. Portable signs used at a city park during and within the confines of an event for which a valid permit has been issued by the Parks Division of the City of Madison and only while the permit is valid.
4. Hand-carried portable signs on private property with the owner's permission or hand-carried signs on the public sidewalk or other pedestrian way, if the person carrying the sign or the sign itself is not in violation of other ordinances or laws applicable to the location and conduct, including but not limited to obstructing traffic, obstructing the sidewalk, trespassing, or conducting or participating in an event for which a parade permit, street use permit or park use special event permit would be required by city ordinance, but without such a required permit. Portable hand-carried signs shall be prohibited on certain bridges and overpasses as stated in Sec. 31.045(3)(j) and this exception shall not apply. Nothing in this exception shall be construed to limit the application of Secs. 31.045(3)(b) and (c) of this ordinance, Wis. Stat. ch. 86 and any regulations created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts signs in highways or other right-of-ways, except as expressly stated herein.

(c) All other portable signs shall be prohibited.

(3) Inflatable Signs. Inflatable signs, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs. The following inflatable signs may be displayed as described below:

(a) Parades. Balloons and inflatable figures and displays used in a parade for which a permit has been issued under Sec. 12.87(11).

(b) Street Use Events and Parks Special Events. Inflatable signs, including registered hot air balloons moored and being used primarily as a sign, displayed during and within the confines of an event for which a valid street use permit has been issued under Sec. 10.056, or on private property directly adjacent to the area for which the street use permit has been issued, or at a city park during and within the confines of an event for which a valid permit has been issued by the Parks Division, and only while the permit is valid, subject to the following conditions:

1. A Certificate of Insurance, on a form acceptable to the City, showing that commercial general liability insurance is provided for the inflatable device with the City of Madison, its employees and agents being named as additional insureds. Liability coverage shall include no less than the following limits of liability; bodily injury, death and property damage of one million dollars ($1,000,000) in the aggregate. This policy shall also be enforced for contractual liability in the same amount.
2. Displays may not exceed thirty-five (35) feet in height and may not be displayed from rooftops or moored or tethered with the device floating more than one foot off the ground, unless approved by the Common Council under Sec. 10.056 or the Board of Park Commissioners for displays in public parks;
3. Displays must be set back sixty (60) feet from the traveled portion of any public street or highway and one hundred (100) feet from any intersection, unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks;
4. Displays may not occupy parking spaces for the handicapped, drive aisles, or required parking spaces for multi-tenant properties and must be safely displayed in accordance with the manufacturer's instructions and any applicable Federal Aviation Administration (FAA) regulations.

(c) The following inflatable devices shall not be considered a sign:

1. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
2. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
3. Inflatable holiday or other decoration displayed temporarily on private property of a residential use, that does not contain any commercial message or logo or depict any commercial symbol or character and that does not exceed fifteen (15) feet in height.

(4) Bicycle-Sharing Facility Signs.

(a) The following signs may be displayed on a non-City owned zoning lot in any zoning district where a City-sponsored bicycle-sharing facility (as defined in Sec. 10.33) is permitted under Chapter 28, in addition to the signage permitted elsewhere in this ordinance:

1. Poster Board Sign. One (1) sign, permanently attached to the bicycle-sharing facility equipment, with not more than two (2) signs faces of not more than five feet and one inch (5'1") square feet in area per sign face, or with a single sign face of not more than ten (10) square feet in area. The

sign shall not be illuminated and shall include a map and other information about the City-sponsored bicycle-sharing program. The sign may also include:

a. The logo and/or business name of a business or businesses located;

b. A business sign for one or more businesses located on the zoning lot where the facility is located;

c. The name or logo of the operator or manufacturer of the bicycle-sharing facility; and,

d. A City of Madison logo.

(Am. by ORD-14-00066, 4-16-14)

2. One (1) additional sign located elsewhere on the bicycle-sharing facility equipment, of not more than one (1) square foot in net area, bearing only the logo and/or business name of a business located on the zoning lot. Such sign shall not be illuminated.

3. Operator Logos: In addition to the logos on the poster board sign under sub. (a)1. above, the following signs bearing only name and logo(s) of the owner, managing agent, or manufacturer of the bicycle-sharing facility or other symbol to identify the equipment as a bicycle-sharing facility may be displayed on the facility equipment:

a. One 2-sided round sign of not more than two (2) square feet in area, per side, and

b. Up to two (2) additional signs of not more than one half (½) of a square foot mounted on the equipment.

The operator logo signs under this subsection 3. are solely to identify the equipment as a City-sponsored bicycle-sharing facility and shall not include any business signs or sponsorship advertising.

4. One sign of not more than twenty (20) square inches, mounted upon the payment equipment, to identify credit cards accepted for payment.

5. One (1) sign of not more than one hundred five (105) square inches denoting the location name of the bicycle-sharing station.

6. Signs on Bicycles provided as part of the City-sponsored bicycle-sharing program as described in Sec. 10.33(10)(c)3.g.

7. One Instructional panel with information for operating the bicycle-sharing facility mounted elsewhere on the equipment, that may include a twelve square inch sign bearing the logo or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility, and no other logos, business names or sponsorship signs of any kind.

(b) Permit Fees. There shall be one permit fee covering all signs displayed on a City-sponsored bicycle-sharing facility, as established in Sec. 31.041.

(c) Nothing in this section shall be construed to permit or allow the display of any advertising sign or off-premise directional sign on a bicycle-sharing facility on non-city owned zoning lots or private property. Any sign on a bicycle-sharing facility on non-city owned zoning lots or private property other than those expressly allowed under this subsection is prohibited.

31.05 NONCONFORMING SIGNS.

As an exercise of its police powers and authority to regulate for the health, safety and welfare of the public, the City recognizes only the following limited and enumerated circumstances under which a sign that does not meet to the requirements of this chapter may continue to be displayed:

(1) (a) General Rule. Any existing sign (except an Advertising Sign) that complied with the requirements of this Chapter at the time of erection and becomes noncompli-

ant with the requirements of this Chapter on the effective date of this Ordinance or subsequent amendment may continue to be displayed, and copy may be changed, under the following circumstances:

1. There is no increase in gross area, net area, illumination, increase or addition of flashing, movement, or other features or characteristics prohibited by Sec. 31.045 and no addition of features that would violate Sec. 31.046(1) (Electronic Changeable Copy Signs). Existing signs with features fitting the description of any sign prohibited by Sec. 31.045(3)(f), (g), (h), or (i) shall be required to conform to the requirements of those subsections. Existing signs with features fitting the description of Electronic Changeable Copy Signs shall be required to conform to all requirements of Sec. 31.046(1) including but not limited to the applicable time limitations for changing copy or images.
2. (Rep. by ORD-15-00118, 10-28-15)

(b) (Rep. by ORD-15-00118, 10-28-15)

(c) If an existing nonconforming sign is removed (or substantially removed), ordered to be removed under the authority elsewhere in this chapter, destroyed, or otherwise ceases to exist, the sign is no longer subject to the general rule allowing continued display or changes of copy under Sec. 31.05(1)(a) above. This provision does not apply to signs that are realigned under sub. (2)(c) herein.

(d) Existing nonconforming non-residential uses in residential zoned districts are subject to the sign requirements for Group 2 districts.

(2) Nonconforming Advertising Signs.

(a) Any existing advertising sign, and its supporting structure if other than a wall sign, located on any zoning lot with frontage on State Street, on the Inner or Outer Ring or on streets connecting the Inner Ring and Outer Ring, shall be removed by the owner thereof at no cost to the City no later than December 31, 1983. For purposes of this subsection, the term "Inner Ring" shall mean the connecting pattern of streets abutting the Capitol Square, to wit: Main Street, Pinckney Street, Mifflin Street and Carroll Street. The term "Outer Ring" shall mean the connecting pattern of streets one block off the Capitol Square, to wit: Doty Street, Webster Street, Dayton Street and Fairchild Street. All other existing advertising signs within the No Advertising Sign District, except for the Howard Johnson directional bulletin located at 525 University Avenue which may only continue as a directional sign, the two roof signs located at 753 East Washington Avenue and the three ground signs located at 640 Williamson Street, shall be removed by the owner at no cost to the City at the rate of no less than one sign per year beginning in calendar year 1983. However, all such signs shall be removed no later than December 31, 1989.

(b) Any other advertising sign existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in sub. (a) above, may be continued provided that it may not be relocated, replaced, expanded, enlarged, repositioned or raised in height, except under sub. (2)(c). Such existing advertising signs may not be restored or reconstructed for any reason, except if damaged or destroyed by fire or other casualty or act of God, and only if the total cost of restoration to the condition in which it was before the occurrence does not exceed fifty percent (50%) of its assessed value or the cost to replace with a new structure of equal quality, whichever amount is lower. The determination of eligibility for restoration or reconstruction in the preceding sentence shall be made by the Urban Design Commission and any restoration or reconstruction (except realignment under (2)(c) below) without the approval of the Urban Design Commission is prohibited. Violation of this subdivision shall result in the said sign

being subject to immediate removal by the owner thereof at no cost to the City. Ordinary repairs or normal maintenance shall be considered "required by law" hereunder.

Construction of a Replacement Advertising Sign with a permit under Sec. 31.112 does not violate the prohibitions in this subsection. A Replacement Advertising Sign under Sec. 31.112 is not an advertising sign as contemplated by this subsection, and therefore not subject to treatment as nonconforming hereunder. (Am. by ORD-15-00069, 6-24-15)

(c) Realignment of Advertising Signs or Other Nonconforming Signs. Notwithstanding anything to the contrary in this ordinance, an existing advertising sign or other sign meeting the criteria of sub. (1)(a) may be realigned, as that term is defined in Wis. Stat. § 84.30(5r)(a), as created by 2011 Wis. Act 32, on the same site if a highway project of the State of Wisconsin Department of Transportation ("Department") causes the realignment, upon notification of proposed alignment by the Department under Wis. Stat. § 84.30(5r), as created by 2011 Wis. Act 32. For purposes of this section, the "same site" means the same lot of record, as defined in Chapter 28, MGO. Such sign may be realigned only if the City does not choose to petition the Department to acquire the sign under the procedures in that statute. A sign realigned under this provision shall not be subject to applicable setback requirements found elsewhere in this ordinance, if in the Zoning Administrator's opinion a shorter setback is necessary to accomplish the realignment. Any advertising sign realigned under this provision shall comply with Sec. 31.11 unless expressly exempt. Realignment of a sign in compliance with this provision shall not cause the sign to lose any nonconforming status granted by this section. The Zoning Administrator shall keep a record of any sign realigned under this provision.

SPECIFIC TYPES OF SIGNS

31.06 AWNING SIGNS.

Signs may be displayed on an awning in Group 2 and 3 districts specified in Table 2, 31.15(2), and subject to the following provisions:

(1) Signs may be displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height.

(2) An awning may be designated a signable area in lieu of a signable area on the building façade. The maximum net area of the sign displayed on the awning shall be determined by measuring the available signable area for a wall sign on the building façade using the methods for signable area measurement under Sec. 31.07(2)(b) and calculating the maximum net area under Sec. 31.07(4). An awning sign under this subsection may be displayed in addition to the signs allowed under sub. (1). (Am. by ORD-15-00118, 10-28-15)

(3) The illumination level of an internally illuminated awning shall not exceed seventy-five (75) foot lamberts.

(4) Awning signs may be external illuminated, subject to Sec. 31.04(5)(k).

(5) Awning signs may project into the right-of-way only as authorized under Sec. 31.04(6).

(6) Height. In Group 2 zoning districts, awning signs may only be displayed on an awning that is located on the first story of the building and all awning signage shall be no higher than the floor of the second story or eighteen (18) feet, whichever is lower. (Cr. by ORD-15-00118, 10-28-15)

31.065 BUSINESS OPENING SIGNS.

Business opening signs, as defined in Sec. 31.03(2), may be displayed in the districts indicated in Sec. 31.15(2) (Table 2) of this ordinance, subject to the following provisions:

(1) Type of Sign. A business opening sign may be a wall sign, roof sign, canopy fascia sign, or projecting sign.

(2) Location. A business opening sign may be displayed in the districts indicated in Sec. 31.15(2) (Table 2) of this ordinance. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign of the type described in sub. (1) above.

(3) Size. The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at that location.

(4) Banners. A banner may be used as a business opening sign.

(5) Illumination. Business opening signs may be illuminated subject to Sec. 31.04(5)(k). (Am. by ORD-14-00012, 1-14-14)

(6) Duration. A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership; and shall not be renewed.

31.07 WALL, ROOF AND ABOVE-ROOF SIGNS.

(1) Wall and roof signs may be displayed in the Group 2 and 3 districts, subject to the requirements of the Tables of Permitted Signs, Sec. 31.15(1) (Table 1). Wall signs may be attached flat to, or affixed parallel to and at a distance of not more than fifteen (15) inches from the wall, however no wall sign shall project into the right-of-way except as authorized by Sec. 31.04(6). No sign affixed flat against a building wall shall extend beyond any edge of such wall. Wall and roof signs may be illuminated subject to Sec. 31.04(5)(k).

(2) Wall and Roof Signable Area. All wall and roof signs shall be displayed within the selected signable area, except as provided in subs (4) and (5) below.

(a) Number of Signable Areas. There shall be one (1) signable area, whether on the wall or the roof, for each facade facing a street. There shall be no more than four (4) signable areas per building, except:

1. For buildings with more than one occupant side-by-side: the signable area may be divided for building occupants when the building facade is divided by architectural details or internal segmentation that designating separate horizontal occupancies or tenant spaces. Each occupant/tenant will be allowed a signable area as reasonably close to its space as possible.
2. For multi-story buildings with more than one vertical occupancy, there may be up to two (2) additional signable areas per façade displayed above the first story, with no limitation on the height of placement, but a total of only one (1) sign per occupant, per façade, will be allowed.

(b) How to Select and Measure Signable Area: The signable area for wall and roof signs shall be determined as follows:

1. Wall Signs. The signable area for a wall signs is determined by the area of the facade of the building that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, and that extends no higher than the juncture of the wall and the roof, or in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area.
2. Roof Signs. The signable area for a roof signs is one (1) designated area of the roof that is free of windows and doors or major architectural detail, that extends no higher than the roofline.

3. Measuring Signable Area. The size of the signable area is determined by calculating the number of square feet that are enclosed by an imaginary rectangle or square drawn around the area selected pursuant to 1. and 2. above, and sub. (3) below.

(3) Above-Roof Signs. An above-roof sign is a sign, any portion of which is displayed above the roofline. Above-roof signs may be displayed in the IL and IG employment districts and as allowed in Sec. 31.04(2)(b)2.b.iii. and iv., if no wall or roof sign is displayed on the corresponding facade. The signable area for an above-roof sign is calculated on the corresponding wall facade and can be transferred above the roof line. An above-roof sign may extend to a maximum height of ten (10) feet above the roofline.

(4) Size.

(a) Standard Net Area. The maximum net area of all wall, roof and above-roof signs within a single signable area shall be no more than forty percent (40%) of the signable area or two (2) square feet of signage for each lineal foot of building frontage. When using the lineal foot method, the total net area shall not exceed one hundred percent (100%) of the signable area designated under Sec. 31.07(2), above. In no case shall a wall, roof, or above-roof sign eligible for measurement under this sub. (a) exceed eighty (80) square feet in net area.

(b) Occupancies of 25,000 Square Feet. For a single occupancy, stand-alone, non-residential building with twenty-five thousand (25,000) square feet or more in floor area, or a non-residential occupancy or tenant space with twenty-five thousand (25,000) square feet or more in floor area in a multi-tenant building, the maximum net area of all wall, roof and above roof signs shall be thirty percent (30%) of the signable area. The lineal foot measurement method shall not be available. In no case shall a wall sign under this sub. (b) exceed one hundred twenty (120) square feet in net area. Any other occupancies or tenant spaces of less than twenty-five thousand (25,000) square feet of floor area on the same building or zoning lot are eligible for standard net area measurement under sub. (4)(a).

(Am. by ORD-15-00118, 10-28-15)

(5) Signs Outside Signable Area. The following types of signs may be displayed on a wall outside the selected signable area described in Sec. 31.07(2)(a) and may be displayed in addition to the primary wall sign(s) authorized by that subsection. However, except for menu or merchandise boards, the following signs must be displayed on a part of the wall that meets the definition of "Signable Area" in Sec. 31.03(2):

(a) Parking Lot Directional signs displayed in a location and with dimensions that otherwise conform to the requirements of this chapter for such signs.

(b) Menu or Merchandise Board(s) as defined in Sec. 31.03(2) are permitted anywhere on the façade and need not be placed within a Signable Area as defined in Sec. 31.03(2), if all of the following criteria are met:

1. Maximum of one (1) per occupancy, per street frontage.
2. Placed at a height between two (2) and seven (7) feet measured from the adjacent ground elevation to the top of the menu board.
3. Maximum net area of three (3) square feet.
4. Affixed flat to or parallel to and at a distance of not more than four (4) inches from the wall face or window surface and shall not otherwise project into the right-of-way.
5. Shall not extend beyond any edge of the wall or window to which it is affixed.
6. May include manual changeable copy feature(s), chalkboard, dry erase board, or similar material, however pre-fabricated sign boards that include an advertisement for any product are prohibited.
7. May be enclosed inside a protective case, if so, the case shall be included in measuring the net area.

8. May be displayed on the exterior a window, but shall count against the total net area permissible for a Primary Window Sign under Sec. 31.10(1).

9. Illumination. May be externally illuminated as allowed by Sec. 31.04(5)(k), but shall not be internally illuminated with back-lighting of copy.

10. Downtown Core. Any menu board to be displayed in the Downtown Core, in addition to meeting the criteria of this subsection, must be reviewed by the UDC for compliance with the criteria of the "Downtown Urban Design Guidelines." In the event of a conflict between this subsection and those guidelines, the more stringent requirement shall apply.

(Am. by ORD-15-00118, 10-28-15)

(c) Not more than one (1) logo, a maximum net area of six (6) square feet.

(d) Wall Signs Adjacent To Off-Street Parking. Wall signs may be displayed on the facade of a building that does not face a street but is adjacent to an off-street customer parking area of at least thirty-three (33) feet in width, under the following circumstances: (1) if the parking area is on the same zoning lot as the building on which the sign is displayed; or (2) if the parking area is not on the same zoning lot but is available for use under a reciprocal cross-access agreement, an approved planned multi-use site plan or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the signed is displayed. Such signs shall be subject to the same limitations as signs on the street side(s) of the building but shall not exceed the area of the maximum size wall sign permitted elsewhere on that building.

(e) Any other wall signs allowed under Sec. 31.042, Signs Exempt from Permit, or expressly permitted elsewhere in this ordinance.

(f) Government Building Identification Signs.

1. A sign may be displayed outside the selected signable area of a government building in the Downtown Core (DC) District on a wall surface that projects into the right-of-way if all of the following criteria are met:

   a. The sign contains only the name of the government building.

   b. The purpose of the signage is wayfinding and identification of a public government building.

   c. The building must be owned and operated by a unit of government and be open to the public.

   d. The location of the sign is found not to interfere with any official traffic control devices or signs.

   e. Any necessary encroachment or privilege-in-streets permit is obtained for the portion of the building projecting into the right-of-way.

   f. The portion of the building upon which the sign is proposed to be located does not project into or over the roadway.

   g. Any necessary Urban Design Commission approval is obtained for the sign as required by Sec. 33.24(4)(g)4.b. The DC is a district of Special Control under Sec. 31.13(9) and all signs in this district must be reviewed according to the "Downtown Urban Design Guidelines."

2. Promotional and Decorative Banners on Government Buildings in the DC District. In addition to the identification sign described above, banners meeting the definition of "Decorative" or "Promotional" banners in Sec. 31.03(2) may also be displayed on a government building in the DC district on a wall surface that projects into the right-of-way, if the criteria in subs.

c. through g. above are met. Additionally, any Promotional banner displayed under this provision must pertain to an event, campaign or activity taking place at the building upon which the banner is displayed.

3. Purpose and Findings. The Common Council finds that the display of Government Building Identification Signs and Decorative and Promotional banners on a portion of a government building that projects into the highway right-of-way in the DC Downtown Core district, consistent with the criteria in this section, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, when included as part of the overall building design and streetscape, such signs will further the City's substantial governmental interests as follows: traffic and pedestrian safety will be improved by identifying a public building by name, announcing public events of interest to the community, providing easy-to-see directional and wayfinding information without obstructing the sidewalk, terrace or roadway and without interfering with official traffic control devices. The City's aesthetic interests will be protected because the appearance and location of the sign and/or banners and their integration with the building design and surrounding streetscape must be approved by the Urban Design Commission using the standards for the DC Downtown Core district as a "District of Special Control" under Sec. 31.13(9).

4. Wis. Stat. § 86.19 and state administrative rules adopted thereto raise doubts about whether such signs and banners may be located within the limits of highway rights-of-way. The approval of identification signs and promotional or decorative banners on government buildings in Madison's DC Downtown Core district is a matter of the local affairs and government of the City of Madison. Identification signs on the wall of a public building that projects over the sidewalk will provide efficient identification and wayfinding for the government building without obstructing the pedestrian walkway, creating clutter, or interfering with official traffic control devices or vehicle traffic. Decorative and Promotional banners will notify the public of events taking place at the public building, further assisting with wayfinding, and will complement the streetscape with appropriate decorations without cluttering the sidewalk or impeding pedestrian traffic. Therefore, the City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve identification signs and decorative and promotional banners on a portion of a government building that projects into the street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19 to that extent.

5. This Charter Ordinance, Sec. 31.07(5)(f) shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

6. Sec. 31.07(5)(f) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(6) Large Buildings. Additional signable areas may be designated on Large Buildings, as defined in Sec. 31.03(2), and wall, roof and above-roof signs may be displayed within those additional signable areas, as provided below:

(a) Buildings Exceeding 125 Feet in Length. On each facade of the building, where wall, roof or above-roof sign(s) are displayed meeting the criteria of this section, up to four (4) additional accessory signs, as defined in Sec. 31.03(2), may be

displayed. The accessory signs under this paragraph shall not exceed fifty percent (50%) of the net area or fifty percent (50%) of the height of largest permitted wall, roof or above-roof sign already displayed on that facade.

(b) Buildings Five (5) or More Stories in Height. For buildings five (5) stories or more in height, one (1) additional signable area for each facade may be selected. The signable area under this section shall be measured using the criteria under Sec. 31.07(2)(b) except the total area of the additional signable area under this paragraph shall not exceed five percent (5%) of the area of the facade. The maximum net area of a sign displayed within this additional signable area shall be determined under Sec. 31.07(4).

(7) Banners. A banner may be used as a wall sign subject to the requirements for a wall sign under Secs. 31.07(2), (4), (5)(b) and (5)(c) herein, except that in an Urban Design District, UDC approval is required under Sec. 33.24 before a banner may be used in place of a permanent sign. A banner shall not be used for a roof or above-roof sign, or for any of the signs described in Sec. 31.07(5)(a) or (6).

31.071 CANOPY SIGNS.

A sign may be displayed on a canopy in the Group 2 or 3 districts specified in Sec. 31.15(2) (Table 2), and subject to the provisions of this section. Canopy signs may be illuminated, subject to Sec. 31.04(5)(k). Banners shall not be used as canopy signs.

(1) Canopy Fascia Signs. A sign may be displayed on the fascia of a canopy in lieu of a wall sign. Such sign shall be considered a wall sign, with the fascia of the attached canopy acting as the signable area, except that the signable area for a canopy fascia sign shall not project beyond the limits of the canopy in any direction, and shall be no wider than the width of the canopy. Any canopy fascia sign shall be in lieu of an above-canopy or below-canopy sign under this section.

(2) Above-Canopy Signs.

(a) A sign may be erected on the top of an attached canopy in a position parallel, or nearly so, to the building face in lieu of a wall sign, if there is no canopy fascia sign visible when facing the building.

(b) A sign may be erected on the top of an attached canopy in a position perpendicular, or nearly so, to the building face, in lieu of a projecting sign, if there is no canopy fascia sign on either side of the canopy.

(c) Number, Design Criteria. A maximum of one (1) sign may be erected on the top of an attached canopy, except where the canopy is facing two (2) street frontages or facing an off-street parking area that is thirty-three (33) or more feet in width, if the parking area is on the same zoning lot as the building on which the sign is displayed, or if the parking area is not on the same zoning lot but is available for use under a reciprocal cross-access agreement, an approved planned multi-use site plan or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the sign is displayed, a maximum of two (2) signs may be erected on the top of said canopy. Above-canopy signs shall be subject to the following additional restrictions:

1. The sign shall be the business name or business logo only.
2. The sign shall have a vertical dimension no higher than the roofline of the corresponding building facade and no higher than two (2) feet above the canopy, except as allowed in Sub. (2)(c)3.b., below.
3. The sign shall be constructed only of free-standing letters, numbers, other characters, or free-standing business logos, subject to the following:
   a. The supporting sign construction for a logo must conform to the shape of the logo.

b. A logo shall be limited to four (4) square feet in area measured by drawing the smallest possible square or rectangle enclosing the extreme limits of the logo. The logo shall not extend above the roofline of the corresponding building facade. However, a logo may exceed the two (2) foot height limit.

4. The horizontal dimension of the sign shall be no wider than the width of the attached canopy on which it is displayed, or the width of the corresponding facade, whichever is narrower.

5. An above-canopy sign may be placed at any distance from the face of the building, but shall not project further from the building than the canopy to which it is attached, and a sign that crosses architectural detail may not be displayed closer than three (3) feet from the nearest face of the building, unless prior approval of the Urban Design Commission has been obtained under Sec. 31.043(3)(e).

(3) Below-Canopy Signs.

(a) A sign may be suspended below an attached canopy in a position parallel to the building face in lieu of a wall sign, if there is no canopy fascia sign visible when facing the building.

(b) A sign may be suspended below an attached canopy in a position perpendicular to the building face, in lieu of a projecting sign, if there is no canopy fascia sign on either side of the canopy.

(c) All below-canopy signs shall comply with all of the following criteria:

1. shall be mounted beneath the canopy.

2. shall not project or extend beyond the limits of the attached canopy in any direction.

3. the sign face shall have a maximum vertical height of two (2) feet, subject to the vertical clearance requirements below.

4. shall not hang more than one (1) foot from the lower most edge of the canopy, however this dimension shall be reduced as necessary to provide the following vertical clearance: the sign must vertically clear any pedestrian area by at least nine (9) feet, and vehicular ways by at least fourteen (14) feet.

(4) Detached Canopy Signs. In lieu of a wall sign on the principal building, a sign that does not fit into any of the categories above may be displayed on a detached canopy if the canopy does not have a signable fascia, and, if the sign meets the following criteria:

(a) The maximum net area of any canopy sign approved under this subsection shall be not more than ten percent (10%) of the total area of an imaginary vertical plane measured from the upper edge of the canopy to the lowest point of the canopy on the face the sign will be attached, excluding any supporting structures.

(b) The horizontal dimension of the sign shall be no wider than the width of the canopy on which it is displayed.

(c) If mounted below the canopy, the sign shall not hang more than one (1) foot from the bottom of the canopy, however this dimension shall be reduced as necessary to provide the following pedestrian or vehicular clearance: the sign must vertically clear any pedestrian area by at least nine (9) feet and vehicular ways by at least fourteen feet (14'), and

(d) The sign shall not project further from the building face than the canopy structure to which it is attached.

(5) Nothing in this section shall be construed to permit canopy signage within any portion of the public right-of way except as expressly provided in this section and Section 31.04(6).

31.075 FLAGS AND DECORATIVE AND PROMOTIONAL BANNER(S).

Flags, decorative banners and promotional banners, as defined in Sec. 31.03(2), may be displayed in the districts indicated in Sec. 31.15(2) (Table 2), subject to the following:

(1) It shall be unlawful for the owner or occupant of any private property to permit the placement or display of any, flags or decorative and promotional banners upon private property except in compliance with the following:
   (a) A permit fee of twenty-five dollars ($25) for each promotional banner.
   (b) A minimum clearance of eight feet (8') shall be required over pedestrian ways and twelve feet (12') over vehicular areas.
   (c) No flag or banner shall be so installed to intrude into any public right-of-way.

(2) It shall be unlawful for any person to install, place or display any flag, decorative banner, or promotional banner in the public right-of-way except in compliance with Sec. 31.04(6) and the following:
   (a) A permit fee of seventy-five dollars ($75) for each promotional banner.
   (b) A minimum vertical clearance of seventeen feet (17') shall be maintained from the roadway to the bottom of the banner when mounted on poles, except on State Street where the clearance shall be a minimum of sixteen feet (16'). When mounted to a structure, the minimum vertical clearance shall be no lower than the bottom of the structure.
   (c) The maximum tensile strength of any rope, cord or other attachment device to be used for attaching banners to City property shall be four hundred (400) pounds.
   (d) Attachment of any banner to a City pole shall be by existing eye bolts or other method approved by the City Department of Transportation.
   (e) A certificate of insurance evidencing the existence of commercial general liability insurance shall be filed with the City Department of Transportation before banner installation with minimum limits of five hundred thousand dollars ($500,000) per occurrence with the City named as an additional insured.

(3) Any flag, decorative banner or promotional banner installed, placed, or displayed in the public right-of-way in violation of this ordinance shall be removed at the owner's expense which shall be in addition to and in excess of any forfeiture or storage fees for violating this ordinance.

31.08 GROUND SIGNS.

(1) Applicability, Location. Ground signs shall consist of two (2) categories, Monument and Pole signs as defined in Sec. 31.03(2). Ground signs under this section are permitted on a zoning lot in the zoning districts indicated in Sec. 31.15(1), "Table 1," if the zoning lot is accessible by motor vehicle, or has off-street parking on the premises, or if the primary building or structure on the zoning lot is set back at least thirty-five (35) feet from the adjacent street or highway right-of-way. Ground signs permitted under this section may be illuminated, subject to Sec. 31.04(5)(k). Except as expressly provided, this section and corresponding portions of Table 1 apply only to Pole and Monument signs.

(2) Number, Height, Net Area.
   (a) Number. No more than two (2) ground signs of the type permitted in this section may be displayed on a single zoning lot, unless approved by the Urban Design Commission through a Comprehensive Design Review under Sec. 31.043 herein, or unless qualified for additional ground signs under sub. (ab) below. "Zoning Lot" shall have the definition found in Sec. 28.211, which includes a planned multi-use site, or a lot, or lots; as further described in that section. However, for purposes of this section only, a planned multi-use site that meets the criteria of Sec. 28.137(2)(e) is considered a single zoning lot. Additional ground signs expressly authorized elsewhere in these Ordinances shall not be counted toward the maximum number of ground signs under this paragraph. (Am. by ORD-15-00118, 10-28-15)

(ab) Additional Ground Signs. More than two ground signs may be displayed on a zoning lot if all of the following criteria are met:

1. The zoning lot has a single street frontage of five-hundred (500) feet or more in length. For purposes of this provision, "street" has the definition in Sec. 28.211, MGO.
2. The zoning lot must have a vehicle entrance with driveway access on the street that corresponds to the five hundred foot (500') lot line.
3. One (1) additional ground sign may be placed at each such vehicle entrance on the zoning lot.
4. Any such additional ground sign must be a Monument Sign as defined in Sec. 31.03(2), with a maximum height of eight (8) feet, maximum net area of thirty-two (32) square feet for a single sign face and sixty-four (64) square feet in combined net area for all faces on the sign, and a maximum of two (2) sign faces per sign.

(Sec. 31.08(2)(ab) Cr. by ORD-15-00118, 10-28-15)

(b) Height. The height of a ground sign shall be measured from the top of the sign to the approved grade at the base of the supporting structure. The maximum height for all permitted ground signs under this section varies by zoning district, the number of lanes and speed limit of adjacent highways, and whether the sign is a Pole sign or Monument sign, as set forth in Sec. 31.15(1), "Table 1." No ground sign shall exceed the maximum height allowed in Table 1. A Pole sign shall have a maximum height of twenty-two (22) feet, subject to the limits of Table 1. The maximum height for other exempt or special-purpose ground signs expressly authorized by another section of this ordinance, shall be as set forth in such other section. The maximum height for any other sign displayed on the ground not addressed by this section or elsewhere in this ordinance shall be fifteen (15) feet.

(c) Net Area. The net area of a Ground sign shall be measured according to the definition of "Net Area" in Sec. 31.03(2). The maximum net area for Ground signs is determined in part by the speed limit of adjacent highways and is set forth in Sec. 31.15(1), (Table 1) and as follows:

1. The maximum net area of any Ground sign face is the lower of the two numbers provided under Ground Signs in Table 1.
2. For a single Ground sign with back-to-back or multiple sign faces, the net area of all sign faces shall be added together to determine the total net area of that ground sign.
3. The combined net area of all ground signs on a zoning lot shall not exceed the greater of the two numbers provided under Ground Signs in Table 1. This total net area may be divided between a maximum of two (2) ground signs or displayed on multiple faces, but in no case shall the net area of a single sign face exceed the smaller of the two numbers permitted in Table 1.

(3) Ground and Projecting Signs.

If Ground and projecting signs are displayed on the same a zoning lot, only one (1) of such signs, where permitted may exceed twelve (12) square feet in net area.

(4) Banners Not to be Used as Ground Signs. A banner may not be used as or displayed upon a Ground sign.

31.09 PROJECTING SIGNS.

(1) Projecting signs, as defined in Sec. 31.03(2), may be displayed on buildings in Group 2 and 3 districts specified in Sec. 31.15(2) (Table 2) and subject to the following restrictions:

(a) Minimum and Maximum Projection. A projecting sign, as defined in Sec. 31.03(2), is a sign that projects outward, perpendicularly from a wall at a distance of at least 15 inches or more from the building face. The maximum distance a projecting sign

may project is not more than twenty-four inches (24") into the right-of-way, as authorized by Sec. 31.04(6). Where setbacks permit, projecting signs may project not more than six feet (6') from the building face.

(b) Location. Occupants may display a total of one (1) projecting sign on a facade facing a street or on a corner of a building. Projecting signs may be displayed in addition to any wall sign allowed under Sec. 31.07.

(c) Net Area. The permitted net area of projecting signs shall not exceed the square footage permitted in the Table of Permitted Signs, Sec. 31.15(1) ("Table 1"), except if a projecting sign is displayed on the same zoning lot as a ground sign, the permitted net area shall be subject to Sec. 31.08(3).

(d) Illumination. Projecting signs may be illuminated, subject to Sec. 31.04(5)(k).

(2) The following additional regulations apply to projecting signs:

(a) Projecting signs must vertically clear any pedestrian area by at least ten (10) feet and vehicular ways by at least fourteen (14) feet.

(b) Projecting signs may extend to the juncture of the roof with the building wall or to the top of any parapet, but projecting signs may not extend above a third story.

(3) Projecting Banners. A banner may be displayed in lieu of a projecting sign permitted under this section and shall be subject to the construction requirements under Sec. 31.04(7). Banners in an Urban Design District require UDC approval.

31.10 WINDOW SIGNS.

Window signs, as defined in Sec. 31.03(2), may be displayed in Group 2 and 3 districts without a permit, subject to the following restrictions:

(1) Primary Window Signs.

(a) Window signs consisting solely of individual alphabetic letters, numerals, or other symbolic characters without any background may be displayed but the net area shall not cover more than thirty (30) percent of the total window area.

(b) A window sign that includes opaque objects, logos, or other images, or any type of background, (whether or not any object allowed under sub. (1) is included) may be displayed, but the net area of all window signs shall not exceed twenty percent (20%) of the total window area.

(2) Accessory Window Signs. The following types of window signs may be displayed in addition to the window signs allowed under subs. (1) and (2) and shall not be counted toward the maximum net area therein:

(a) Temporary window signs of not more than four (4) square feet in net area, displayed for not longer than fifteen (15) calendar days within any thirty (30) day period.

(b) Regulatory signs such as "no smoking," "no firearms/weapons," "no trespassing" and the like, and hours of operation, containing no commercial message. The total net area of all such signs on the window shall not exceed three percent (3%) of the total window area.

(c) The net area for Accessory Window signs shall be measured using the method in subs. (1) or (2), accordingly.

(3) The "total window area" shall be one (1) continuous panel of glass or other transparent material, or a set of two (2) or more panels divided by mullions of six (6) inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six (6) inches shall be considered individual windows.

(4) The net area, for purposes of subs. (1) and (2), shall be determined by measuring a box around each group of characters, objects, images, logos and any background material.

(5) For purposes of this section, any banner attached to the outside of a window shall not be considered a window sign.

(6) Illumination. Window signs may be illuminated, subject to Sec. 31.04(5)(k). Window signs that are internally illuminated and flashing are prohibited.

(7) Other Window Signs Prohibited. Window signs other than those expressly allowed under this section (Sec. 31.10) or expressly permitted or allowed elsewhere in this code (ch. 31) shall be prohibited, and no permit shall be issued for a window sign in violation thereof.
(Am. by ORD-15-00118, 10-28-15)

31.101 TEMPORARY DECORATIVE WINDOW COVERINGS.

The City recognizes the value of improving the visual appearance of the streetscape in the Downtown Core (DC) and Urban Mixed-Use (UMX) districts by allowing temporary decorative coverings on the window of a vacant storefront or tenant space. This promotes the city's substantial interests in improving the aesthetics and safety for businesses and individuals in the downtown area by creating visual interest, providing information about community activities, as well as shielding the view of the interior of the vacant property. Therefore, the Zoning Administrator may issue a permit for a temporary decorative window covering in the Downtown Core and UMX districts, subject to the following:

(1) The building or tenant space associated with the window must be vacant.

(2) The window covering shall include only the following elements:

(a) Decorative design with no text or logo, displayed for the purpose of adding color and interest to the building.

(b) A noncommercial message displayed to call attention to cultural events, charity campaigns or neighborhood-association sponsored activities occurring in the Central Area as defined in Chapter 28.

(3) The window covering may be displayed only on glass or transparent panels, shall be flush with the window surface, and may cover up to one hundred percent (100%) of the total window area as defined in Sec. 31.10(3). If displayed on the outside of the window, the window covering shall be of a weatherproof material and application that resists peeling.

(4) The permit issued for a decorative window covering shall be issued for a maximum of six (6) months or until the building or tenant space associated with the window is occupied, whichever is shorter. Such permit may be renewed if the building or tenant space continues to be vacant.

(5) Temporary decorative window coverings under this section shall not be considered "window signs" under Sec. 31.10.

(Sec. 31.101 Cr. by ORD-14-00159, 10-15-14)

31.11 ADVERTISING SIGNS.

(1) Existing advertising signs are nonconforming and permitted to remain only in CC-T, CC, TE, SE, IL, IG Districts as regulated in this section, subject to the nonconforming advertising signs provisions of Sec. 31.05(2). Notwithstanding any other provision of these ordinances, new, relocated and replacement advertising signs are prohibited, except advertising signs that are realigned pursuant to Sec. 31.05(2)(c) and Wis. Stat. § 84.30(5r) (as created by 2011 Wis. Act 32) and Replacement Advertising Signs under Sec. 31.112, MGO. (Am. by ORD-15-00069, 6-24-15)

(2) General Regulations for Advertising Signs.

(a) In addition to the regulations in this subsection, advertising signs shall conform to all other provisions of this chapter except size, height, setback and signable area regulations which apply only to other signs.

(b) Advertising signs, and their supporting structures if other than a wall sign, shall be spaced at intervals of not less than three hundred (300) feet when viewed from one directional flow of street traffic.

(c) Reserved For Future Use.

(d) An advertising sign that is a wall sign shall not exceed three hundred (300) square feet in area and shall not project beyond the limits of the facade on which it is located. Advertising signs displayed as a wall sign may be illuminated subject to Sec. 31.04(5)(k).

(e) No advertising sign that is a ground sign shall exceed three hundred (300) square feet in area, except that any advertising sign which is located on a zoning lot with frontage on a street on which the speed limit exceeds forty-four (44) miles per hour, provided that such advertising sign conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area. Advertising signs displayed as a ground sign may be illuminated subject to Sec. 31.04(5)(k).

(f) No advertising sign shall exceed thirty (30) feet in height except that a design extension may exceed the permitted height limit by no more than eight (8) feet, provided the sum total of the area of all such extensions does not exceed seventy-eight (78) square feet in area. The total sum of the area of all design extensions in excess of thirty (30) feet in height shall be determined by calculating the area of the smallest square or rectangle, the sides of which are perpendicular to the ground that encompasses all such design extensions. In no case shall any design extension which protrudes from the top edge of an outdoor advertising sign exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising sign is less than thirty (30) feet. In the event this provision relating to extensions is amended or repealed, any extensions permitted hereunder shall be promptly lowered in height or removed, accordingly, by the owner, at no cost to the City.

(g) The following setbacks for advertising signs are required, except for advertising signs realigned under Sec. 31.05(2)(c):

1. An advertising sign situated parallel to the right-of-way line must be set back a distance equal to its height.
2. An advertising sign perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.

(h) Roof or above-roof advertising signs shall not be permitted.

(i) No advertising signs are permitted in districts of special control.

(j) No advertising signs are permitted on lots on which dwelling units are located, except caretakers' or guards' dwelling units shall be permitted on the same lot with advertising signs.

(k) No advertising signs shall be permitted on the front facade of any building.

(l) No advertising sign shall be located in any required front yard or in the last ten (10) feet of any required rear yard, except for advertising signs realigned under Sec. 31.05(2)(c).

(m) No advertising sign shall be located on any zoning lot occupied by a nonconforming use.

(n) Any design extension that causes an advertising sign to exceed its total permitted square footage of area is strictly prohibited.

(o) Replacement Advertising Signs. As defined in Sec. 31.112, a "Replacement Advertising Sign" is a temporary permitted sign distinct from an Advertising sign. Sec. 31.11 controls Advertising Signs and Sec. 31.112 controls Replacement Advertising Signs. The requirements of Sec. 31.11 shall apply to any Replacement Advertising Sign erected pursuant to Sec. 31.112, except where expressly stated otherwise in that section. (Cr. by ORD-15-00069, 6-24-15)

31.112 ADVERTISING SIGN BANK AND REPLACEMENT ADVERTISING SIGNS.

(1) If the owner of an existing advertising sign permanently removes a lawfully existing advertising sign eligible for replacement under sub. (2) below, the net area of each sign face removed may, at the owner's request, be added to an "Advertising Sign Bank" for that owner. The net area banked by the owner will be available to construct a Replacement Advertising Sign ("RAS") that may be displayed for up to fifty (50) years, as set forth in this section.

(2) Eligibility. The following criteria must be met for an existing advertising sign to be eligible for banking under this section:

(a) The advertising sign must have been in existence within the boundaries of the City of Madison on February 2, 2015 or earlier. Signs that come into the City by annexation or attachment after February 2, 2015 are not eligible to be banked.

(b) Redevelopment. The process established in this ordinance is only available for an advertising sign to be removed from a property that is scheduled for redevelopment, if the redevelopment includes all of the following:

1. Removal of improvement(s) other than the existing advertising sign;
2. Construction of new improvement(s) other than an advertising sign, as evidenced by the issuance of a building permit or zoning certificate for the new improvement(s); and
3. The advertising sign must be removed because the sign is located in the same physical space where a new improvement (other than another advertising sign) will be constructed, or adjacent to a new improvement such that proximity of the existing sign would result in a building code violation.

(c) Advertising Sign Replacement not Considered Redevelopment. Removal of an existing advertising sign and construction of a replacement advertising sign on the same site shall not be considered "redevelopment" under this subsection and is prohibited.

(d) Redevelopment projects that have been approved for a demolition permit by the Plan Commission prior to the effective date of this Sec. 31.112 are not eligible to have existing advertising signs banked.

(3) Definitions. For purposes of this section:

"Owner" means the lawful owner of the existing advertising sign to be removed as of the date of actual removal of the existing advertising sign.

"Remove" means the complete removal of the entire "sign" as defined in Sec. 31.03(2).

"Replacement Advertising Sign" or "RAS" means a new, lawfully-permitted temporary sign meeting the definition of "Advertising Sign" in Sec. 31.03(2), but modified by and authorized under the requirements of this section. Replacement Advertising Signs are permitted for a maximum of fifty (50) years. This section shall in no way modify the requirements for an Advertising Sign under Sec. 31.11.

(4) Advertising Sign Bank.

(a) One-hundred percent (100%) of the net area of each sign face removed from a lawfully pre-existing advertising sign may be banked.

(b) Procedure. An owner wishing to bank square footage under this ordinance shall file written notification of intent to remove an existing advertising sign with the Zoning Administrator not less than ten (10) business days prior to the intended date of removal. The written notification shall include the address of the zoning lot where the existing sign is located, information regarding the intended redevelopment and approximate date for commencement of construction, and description of the existing sign. The Zoning Administrator shall measure the net area of the existing sign prior to removal. The owner shall notify the Zoning Administrator when the existing sign has been removed so the Zoning Administrator can verify its removal and when a building permit has been applied for on the property in question. Square footage may not be banked until a building permit or zoning certificate for new improvement(s) on the property in question has been issued, the Zoning Administrator gives his or her written approval to bank the square footage.

(c) The Zoning Administrator shall maintain an Advertising Sign Bank for each owner so requesting and who meets the requirements herein. The Advertising Sign Bank will include information about the removed sign including the zoning

district, whether the sign was in an Urban Design District and any other information the city deems pertinent. The Zoning Administrator shall draw down an Owner's Advertising Sign Bank when a Replacement Advertising Sign permit is issued.

(d) Failure to complete the installation of a Replacement Advertising Sign within six (6) months of issuance of the sign permit shall cause the permit to expire, per Sec. 31.041(4), and the owner will lose the banked square footage associated with that permit.

(e) Banked square footage expires on the sunset date in sub. (7) herein.

(f) Banked square footage may be banked only by the owner of the lawfully-existing removed sign and is not transferrable under any circumstances including but not limited to a transfer by assignment, merger, acquisition, etc.

(g) If a Replacement Advertising Sign is installed in violation of any requirement of the permit for such sign, said permit shall become null and void, the sign shall be immediately and permanently removed, and the banked square footage for that sign permanently forfeited.

(5) Procedure to Install a Replacement Advertising Sign.

(a) The owner must have accumulated the corresponding amount of unexpired banked square footage in the Owner's Advertising Sign Bank to construct the RAS in question, before applying for an RAS permit.

(b) A complete application and permit fee meeting all the requirements for an advertising sign permit under this chapter shall be filed by the owner and reviewed for compliance with this ordinance and according to applicable procedures for the issuance of sign permits established in this chapter. The application shall also include a written agreement to remove the RAS within fifty (50) years of its installation date as required by sub. (6)(f) herein.

(c) Common Council Review. Prior to approving and issuing a permit for an RAS, the Zoning Administrator or designee shall provide written notice to the alderperson of the district where the RAS is proposed to be placed. That alderperson may request a review by the Common Council within fourteen (14) calendar days of the date of the written notice by notifying the City Clerk in writing of the request for review. The Clerk shall place the matter on the next available Council agenda for review, wherein the Council shall consider whether the proposed RAS will substantially impair or diminish the established uses, values or enjoyment of the property in question or any immediately adjacent property. A two-thirds (⅔) vote of the Common Council shall be required to prevent the issuance of an RAS permit, based upon a finding of the foregoing criteria. Any person aggrieved by the decision of the Common Council may, within thirty (30) days after the decision is published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari. This Sec. 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance.

(6) Replacement Advertising Sign Criteria. A Replacement Advertising Sign shall conform to the requirements for Advertising Signs in Sec. 31.11(2), "General Regulations for Advertising Signs" except:

(a) Permitted Zoning Districts. Replacement Advertising Signs are permitted only in the CC-T, CC, TE, SE, IL, and IG zoning districts and only such districts or portions of such districts that are not located in a Prohibited Location listed in sub. (5)(b), below. A Replacement Advertising Sign may be located in "Annexed Lands" as described in Sec. 31.13(8), if the annexed land is in a zoning district listed in this paragraph and not a Prohibited Location under Sec. 31.112(5)(b) herein.

(b) Prohibited Locations. No RAS shall be constructed in an Historic District or on a Landmark building or Landmark site, as defined in Chapter 41, an Urban Design District listed in Sec. 33.24, in the geographic area described in Sec. 31.05(2)(a) or in the No Advertising Sign District described in Sec. 31.13(6). (Am. by ORD-15-00072, 7-29-15)

(c) Height. The height of a Replacement Advertising Sign displayed on the ground shall not exceed thirty (30) feet, measured using one of the following two methods:

1. From the top of the sign to the approved grade at the base of the supporting structure, or
2. If the base of the sign's supporting structure sits below the elevation of the adjacent roadway, the height may be measured from the top of the sign to the highest elevation of any roadway surface within the highway right-of-way directly adjacent to the zoning lot where the RAS is to be located, except an on-ramp, off-ramp, overpass or pedestrian bridge is not eligible for this measurement. The point at which the elevation of the eligible roadway is measured shall be determined by drawing a line from the base of the sign to the roadway that bisects the roadway at a right angle.

(d) Setback, Residence Districts.

1. Replacement Advertising Signs shall be set back not less than three (3) feet and not more than one hundred (100) feet from any property line.
2. No RAS shall be erected within one hundred (100) feet of any property line of a residential zoning district or the lot line of any property containing a residential use.

(e) Net Area. For a Replacement Advertising Sign displayed as a ground sign, the maximum net area of the sign face shall be as set forth in Sec. 31.11(2)(e), with a maximum of two (2) sign faces per structure. If displayed as a wall sign, the maximum net area shall be as set forth in Sec. 31.11(2)(d).

(f) Fifty-year Permit. All RAS permits shall expire fifty (50) years from the date of issuance by the City. Any RAS installed under this section shall be removed within fifty (50) years of the date the permit is issued and the permit holder shall agree to do so, in writing, as a condition of the permit. This obligation to remove the sign shall continue with any change of ownership of the sign or the property where the sign is located. No person shall allow a Replacement Advertising Sign to remain erected for more than fifty (50) years from its installation date.

(7) Sunset Clause. Section 31.112(5)(c), "Common Council Review," shall be ineffective as of a date two (2) years from the effective date of this ordinance. The remainder of this ordinance, Sec. 31.112, MGO, and all related cross references as determined by the City Attorney, shall be ineffective as of a date eight (8) years from its effective date and any unused, unexpired banked square footage in an Advertising Sign Bank shall expire as of the eight-year sunset date. Notwithstanding the foregoing, sub. (4)(g), all of sub. (6), "Replacement Advertising Sign Criteria," and any other provision establishing criteria for a Replacement Advertising Sign shall survive the sunsetting of this ordinance for purposes of enforcement.

(Sec. 31.112 Cr. by ORD-15-00069, 6-24-15)

31.115 OFF-PREMISE DIRECTIONAL SIGNS

(1) Off-Premise Directional Signs, as defined in Sec. 31.03(2) are permitted only in the CC-T, CC, TE, TSS, NMX, AP, SE, IL, IG Districts, in compliance with the following:

(a) No off-premise directional sign shall exceed sixteen (16) feet in height or thirty-two (32) square feet in gross area.

(b) Not more than one (1) off-premise directional sign shall be located on any zoning lot.

(c) The following setbacks for off-premise directional signs are required:

1. An off-premise directional sign situated parallel to the highway right-of-way must be set back a distance equal to its height.
2. An off-premise directional sign perpendicular, or nearly so, to the highway right-of-way must be set back three (3) feet from the property line.

(d) An off-premise directional sign cannot be the principal or sole use of land on the zoning lot where the off-premise sign is proposed to be displayed.

31.12 CHANGEABLE COPY SIGNS.

Changeable Copy Signs are permitted as follows:

(1) Manual Changeable Copy Signs. Manual Changeable Copy Signs are permitted in any zoning district where business or identification signs are permitted, provided that:

(a) The changeable copy is integral to a business or identification sign.

(b) The total gross and net area of the entire sign (as applicable) does not exceed the maximum for the type and location of sign upon which the changeable copy is displayed, as provided elsewhere in this ordinance.

(c) The characters forming the changeable copy message shall be of one color.

(2) Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are permitted according to Sec. 31.046(1).

MISCELLANEOUS

31.13 DISTRICTS OF SPECIAL CONTROL FOR PURPOSES OF SIGNS.

The following districts shall be considered "Districts of Special Control" for the purposes of this Ordinance. The provisions of this Ordinance shall apply to all signs within such districts except as stated below:

(1) Historic Districts and Landmarks. The requirements of this Chapter shall apply to all signs to be displayed in an historic district, on a landmark, or a landmark site, as defined in Sec. 41.02, MGO. In addition, all applications for a sign permit in an historic district, on a landmark, or a landmark site shall be reviewed and approved by the Landmarks Commission pursuant to applicable procedures in the Historic Preservation Ordinance, Chapter 41, MGO, including Sec. 41.18(3) regarding a certificate of appropriateness for signs. In the event of a conflict between this section and Chapter 41, the more strict provision shall apply. (Am. by ORD-15-00117, 10-28-15)

(2) Urban Design Districts. Sec. 33.24, MGO, permits the City to designate Urban Design Districts. This chapter shall apply to Urban Design Districts, however the Urban Design criteria for any such district may include specific sign regulations that shall supersede the provisions of this ordinance.

(3) Mixed-Use Center District (MXC). In the Mixed-Use Center District, all signs shall be approved through the Comprehensive Design Review process in Sec. 31.043(4).

(4) Planned Development District (PD).

(a) All requests for sign permits in a Planned Development district shall be made to the Zoning Administrator. The Zoning Administrator shall compare the proposed PD to similar developments (if any) in conventional zoning districts and select an equivalent conventional zoning district under Chapter 28 to use for purposes of applying the regulations of this chapter to the PD. Factors to be considered when selecting the zoning district shall include: location, characteristics, uses, building forms, and design of the proposed PD and its relationship to abutting land uses. Once selected, the requirements of this Chapter for the selected zoning district shall apply to all signs in the PD and the permit requirements under Sec. 31.041

shall apply. The Zoning Administrator's selection of a zoning district is appealable under Sec. 31.043(1) only by the applicant or the alder of the aldermanic district of the proposed PD.

(b) Treatment of Signs with Pre-Existing PD Sign Package. A PD with a sign package approved prior to the effective date of this ordinance (ORD-15-00117) may continue to display signs approved therein. As of the effective date of this ordinance, the following sign applications shall require a new review under sub. (4)(a) above:

1. A new sign, not included in the previously-approved sign package for the PD.
2. Replacement of an existing sign that was previously approved for the PD.
3. Change of copy on an existing sign previously approved for the PD.
4. Installation of a sign included the PD's approved sign package but not installed.
5. Any other alteration to a previously-approved PD sign package.

(c) Alterations of an Approved PD Sign Package. Applications for a new sign or modification to a sign package approved under sub. (4)(a) above shall be made to the Zoning Administrator and referred to the Secretary of the UDC for review under Sec. 33.24(4)(b) and (4)(g)2. Any approved modifications to the sign package shall be recorded by the Zoning Administrator using the procedure in sub. (d) below. Alterations to a sign package approved under this procedure are not subject to the process for an alteration to the PD under Sec. 28.098(6).

(d) Enforcement. The selection of a zoning district and final decision on each sign permit under sub. (a) shall be made a part of the approved recorded General Development Plan (GDP) or Specific Implementation Plan (SIP) for the PD and shall be, along with the recorded plan itself, construed to be and enforced with the full force and effect as this ordinance. The sign package shall be recorded by the Zoning Administrator along with the GDP or SIP. No person shall display any sign within a Planned Development District in violation of the GDP or SIP or this section.

(Am. by ORD-15-00117, 10-28-15)

(5) Planned Mobile Home Park District. The same regulations shall apply as those regulating signs in the PD district in Sec. 31.13(4), above.

(6) No Advertising Sign District. The No Advertising Sign District is the area bounded by Lake Mendota on the North, Lake Monona on the South, Livingston Street on the East and Park Street from Lake Mendota to Dayton Street to Bedford Street to Lake Monona on the West. This district is of special importance historically and includes past, present and future redevelopment projects representing significant public and private investments. Under Sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.

(7) Employment Campus District (EC). In the Employment Campus District, all signs shall be approved through the Comprehensive Design Review process in Sec. 31.043(4).

(8) Annexed Lands. Lands annexed to the City after November 30, 1987 shall be considered a district of special control. Under Sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.

(9) DC Downtown Core and UMX. In the DC Downtown Core and UMX districts, all signs shall conform to the "Downtown Urban Design Guidelines" published by the Urban Design Commission and referenced in Sec. 28.074, in addition to the provisions of this ordinance. The procedure for review of signs in the DC Downtown Core and UMX districts is set forth in Sec. 33.24(4)(g)4.d. (Duties of the Secretary). (Am. by ORD-15-00117, 10-28-15)

(10) Violation of Sign Regulations in a District of Special Control. In addition to the prohibitions found elsewhere in this Ordinance, no person shall display, permit or maintain a sign in a District of Special Control in violation of this section.

31.14 REGULATION OF SIGNS IN GROUP 1 DISTRICTS.

(1) The purpose of this section (31.14) is to describe the types of signs that may be displayed in all Group 1 districts. Sec. 31.14(2) provides general restrictions; Secs. 31.14(3) and (4) describe the type of signs and restrictions depending on the specific zoning district in question. Sec. 31.15(3), "Table 3," also applies to all signs in Group 1. In no case shall any of the signs described in Secs. 31.06 through 31.12 (including as listed in Table 1 or Table 2) be displayed in a Group 1 district unless expressly allowed by this Sec. 31.14 or elsewhere in this Chapter.

(2) General Requirements for all Signs in Group 1.

(a) All signs are to be displayed on a wall or on the ground, and limited to one (1) sign per street frontage, unless otherwise expressly stated herein or Table 3.

(b) All signs require a permit unless exempt from permit in Sec. 31.044.

(c) All signs shall be nonilluminated unless expressly stated otherwise.

(d) No sign shall violate the provision for vision clearance under Sec. 27.05(2)(bb).

(e) Signs displayed on the zoning lot of any non-residential use allowed as a conditional use in the Conservancy, Agriculture, and Urban Agricultural districts shall follow the provisions of this chapter that apply to the Group 2 districts.

(f) Existing nonconforming non-residential Uses in a Residential district shall follow applicable sign requirements for the Group 2 districts.

(3) The following signs may be displayed in the Agricultural (A), Urban Agricultural (UA), and Conservancy (CN) Districts, and all districts classified as Residential in Sec. 28.021 (except for DR1 and DR2), as described below and in Table 3.

(a) Identification Signs.

1. Single Family or 2-Unit Residential Buildings. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed two (2) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.

2. Multiple Family Dwellings, Apartment Hotels, Fraternity and Sorority Houses and Lodging Houses. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed three (3) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. If any occupant of the building has a legal home occupation or handicapped home occupation, one (1) additional sign of two (2) square feet in net area may be displayed for each such occupation in addition to the identification sign allowed under this paragraph. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.

3. Nonresidential Buildings. For nonresidential buildings, a maximum of one (1) identification sign or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed six (6) square feet in net area and shall be limited to the name of the

building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only.

4. Height. No identification sign shall be higher than one (1) story or twelve (12) feet above curb level, whichever is lower.

(b) Real Estate Signs. Real Estate signs in Group 1 districts shall be allowed under Sec. 31.044, except that on a lot abutting a waterway, up to two (2) real estate signs, one (1) facing the street and one (1) facing the waterway, shall be allowed, and the height shall be restricted to no higher than one (1) story or twelve (12) feet, whichever is lower. Signs under this paragraph are exempt from permit under Sec. 31.044.

(c) Noncommercial Signs. Noncommercial signs may be displayed in addition to the other signs allowed herein, as an Exempt Sign under Sec. 31.044. See also Sec. 31.04(1)(c) regarding noncommercial messages on permitted signs.

(d) Parking Lot Directional and Parking Lot Regulation Signs. The following may be displayed and are exempt from permit under Sec. 31.044:

1. Area and Number. Parking Lot Directional Signs, designating parking area entrances or exits are limited to one (1) sign for such exit or entrance, and to a maximum net area of three (3) square feet each. One (1) Parking Lot Regulation sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum area of nine (9) square feet, shall be permitted. Two (2) Parking Lot Regulation signs, one (1) facing each street, shall be permitted on a corner zoning lot or a through lot. No sign shall project beyond the property line into the public way.

2. Height. No sign shall project higher than ten (10) feet above curb level.

3. Setback. Signs under this paragraph shall be setback at least three (3) feet.

(e) Church, Hospital, School and Residential Building Complex-Dwelling Signs. (Am. by ORD-13-00134, 8-14-13)

1. Identification Signs for Churches, Hospitals, Schools and Residential Building Complex-Dwelling. (Am. by ORD-13-00134, 8-14-13)

a. Area and Number. One (1) wall and one (1) ground signs per street frontage may be displayed; identifying the entity, with a maximum of two ground (2) signs and two (2) wall signs per zoning lot. Additional wall or ground signs for wayfinding purposes may be permitted when approved by the Urban Design Commission when the zoning lot is occupied by two (2) or more of the uses described above and the size of the lot, number of vehicular and pedestrian entrances, and layout of the buildings require additional signs for wayfinding purposes in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or the ground, shall not exceed twelve (12) square feet in net area nor be closer than ten (10) feet to any lot line, except such signs may be increased in net area by one (1) square foot for each additional foot that the sign set back more than twelve (12) feet from the street lot line. No sign under this section shall exceed thirty-two (32) square feet in net area.

b. Height. No identification sign shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.

2. Electronic Changeable Copy Sign for High Schools. A high school may include an Electronic Changeable Copy feature meeting the criteria of Sec. 31.046(1) on an identification sign allowed under Sec. 31.14(3)(e)1. above, if approved by the Urban Design Commission as an Additional Sign Code

approval under Sec. 31.043(3). For purposes of this paragraph, a "high school" is a public or private high school as defined in Wis. Stat. §§ 115.01(1) and 115.001(3r), but does not include a junior high school as defined in Wis. Stat. § 115.01(2). If a high school is on a zoning lot that includes another use, including another school, the sign shall be located and designed in such a way that it is clearly for the use of the high school only.

(f) Project Signs (Non-illuminated).

1. A sign describing a construction or improvement project, including the names of the contractors, architects, engineers, owners or occupants, provided that such sign may be in place only during the period that said project is under construction and while valid building permits are in force and further provided that only one such sign may be erected per street frontage, and no such sign shall exceed thirty-two (32) square feet in area.

2. Height and Setback. The maximum height for a project sign under this section shall be eight (8) feet. The minimum setback for a project sign displayed as a ground sign shall be ten (10) feet.

(g) Condominium Identification Signs.

1. A condominium may display condominium identification sign(s) if the total acreage of the property of the condominium, as determined by the legal description within the condominium instruments, is one and one-half (1½) acres or more and the condominium includes eight (8) or more units. For purposes this paragraph, the terms "condominium," "condominium instruments," "property," and "units" shall have the meanings found in Wis. Stat. ch. 703.

2. Number, Area, and Setback. One (1) identification sign on a wall and one (1) sign on the ground per street frontage may be displayed; with a maximum of two signs on the ground and two on the wall, per condominium. Condominium identification signs shall not exceed twelve (12) square feet in net area, except that the UDC may approve a sign of more than twelve (12) but not more than thirty-two (32) square feet under Sec. 31.043(3)(g). The minimum setback for condominium identification sign shall be ten (10) feet.

3. Height. Maximum height for a condominium identification sign under this section is one (1) story or twelve (12) feet above the curb level, whichever is lower.

(4) Signs in the TR-U1, TR-U2, TR-V2, DR1 and DR2 districts shall follow the rules for signs allowed under sub. (3) above, unless otherwise specified below:

(a) For multiple-family dwellings, apartment hotels, fraternity and sorority houses, and lodging houses, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof, may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted.

(b) For nonresidential buildings, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the principal occupant may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted. If displayed as a ground sign, the maximum height shall be four (4) feet. See Table 3 for height requirements for wall signs under this paragraph.

(c) For a dwelling located on a lot that is to the rear of another lot and access to the street is only the width of a driveway, one (1) directional sign not exceeding three (3) square feet may be placed in the front yard of the property fronting on the street, and shall be exempt from permit, provided:

1. Permission is obtained from the owner of the property on which the sign is to be located;
2. Only the name, address, and name of management thereof are indicated;
3. A sign permit is obtained prior to the erection of the sign; and
4. The sign does not exceed three (3) feet in height and is a minimum of six (6) feet from the front lot line.

(d) In the UOR and DR2 districts, additional identification signs up to two (2) square feet for accessory use businesses approved as a conditional use in a residential building.

31.15 TABLES OF PERMITTED SIGNS, BY ZONING DISTRICTS.

(1) **Table 1. GROUND, PROJECTING, WALL, ROOF, AND ABOVE-ROOF SIGNS IN GROUPS 2 AND 3.**

Table 1 describes the zoning districts in which the above types of signs may be displayed, and the maximum net area of the signs, as determined by the speed limit and lanes of traffic of the adjacent highway. Each type of sign is further regulated by specific sections within this chapter.

Type of sign: Zoning District:		Pole Signs:				Monument Signs: Above				Projecting 31.09	Wall[3] & Roof 31.07	Above Roof 31.07(3)
		Group 2		Group 3		Group 2		Group 3		Group 2 and 3	Group 2 and 3	IL & IG Only
No of Traffic Lanes	Speed Limit (mph)[1]	Max. Height	Max. Net Area (sq. ft.)[2, 5]	Max. Height	Max. Net Area (sq. ft.)[2, 5]	Max. Ht.	Max. Net Area (sq. ft.)2, 5	Max. Ht.	Max. Net Area (sq. ft.)[2, 5]	Max. Net Area (sq. ft.)	Max Net Area (% of signable area)[4]	Max. Net Area (% of signable area)[4]
2-3 Lanes	0-34 mph	12'	32/64	16'	32/63	8'	32/64	10'	32/64	20'	40%	40%
	35-44 mph	12'	32/64	16	50/100	8'	32/64	10'	50/100	20'	40%	40%
	45+ mph	14'	32/64	16'	72/144	9'	32/64	10'	72/144	20'	40%	40%
4-5 Lanes	0-34 mph	12'	32/64	16'	40/80	8'	32/64	10'	40/80	32'	40%	40%
	35-44 mph	14'	32/64	16'	64/128	9'	32/64	10'	64/128	32'	40%	40%
	45+ mph	16'	32/64	20'	80/16-	10'	32/64	12'	80/160	32'	40%	40%
6+ Lanes	0-34 mph	14'	32/64	16'	48/96	9'	32/64	10'	48/96	32'	40%	40%
	35-44 mph	16'	32/64	18'	72/144	10'	32/64	11'	72/144	32'	50%	40%
	45+ mph	18'	32/64	22'	144/288	11'	32/64	13'	144/288	32'	40%	40%

Table 1 - footnotes:

1. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum net area allowed.
2. Maximum Net Area of Ground Signs. The first number represents the maximum net area allowed for a single face of a ground sign. The second number represents the maximum combined net area on all faces of all ground signs displayed on a zoning lot, except when additional ground sign(s) are permitted under Sec. 31.08(1)(ab). (Am. by ORD-15-00118, 10-28-15)
3. Wall signs displayed outside the signable area under Sec. 31.07(5) have different maximum net areas. Additional wall signs displayed on large buildings under Sec. 31.07(6) have different signable area and maximum net areas. See Sec. 31.07.
4. The maximum net area for Wall, Roof and Above-roof signs is either forty percent (40%) of the signable area or two (2) square feet of signage for each lineal foot of building frontage. If the net area is measured by lineal feet of building frontage, the total net area of the sign displayed shall not exceed one hundred percent (100%) of the signable area available under Sec. 31.07(2).
5. Per Sec. 31.13(9), Signs in the DC Downtown Core District, shall conform to the "Downtown Urban Design Guidelines" published by the Urban Design Commission and referenced in Sec. 28.074, in addition to conforming to the provisions of this Chapter. May be approved under the Powers of the Secretary to the Urban Design Commission, per Sec. 33.24(4)(g).

(2) **Table 2. MISCELLANEOUS SIGNS IN GROUPS 2 AND 3.**
"Yes" = Permitted in the districts indicated. Sign Permit required.
UDC = Urban Design Commission review/approval required.

TABLE 2

Type of Sign	Sign Permitted in these Zoning Districts		
	DC	**Group 2**	**Group 3**
Awning (31.06), Canopy (31.071)	UDC[1]	Yes	Yes
Sidewalk Showcase (31.03(2))	UDC[1]	Yes	Yes
Pennants, Decorative & Promotional Banners & Flags on Private Property[2] (31.075.)	UDC[1]	Yes	Yes
Neighborhood & Subdivision Identification[3]	N/A	Yes[3]	Yes[3]
Building Entrance Identification (31.03(2))	UDC[1]	Yes - 12 square feet max	Yes - 12 square feet max
Business Opening Signs (31.065)	UDC[1]	Yes	Yes
Portable Signs on Private Property (31.046(2)(a))	Yes	Yes	Yes
Portable Signs on Public Property (31.046(2)(b))[4]	Yes[4]	Yes[4]	Yes[4]
Inflatable Signs (31.046(3))[5]	Yes[5]	Yes[5]	Yes[5]
Off-Premise Directional Signs (31.115)	No	Yes	Yes: CC-T, CC, TE, TSS, NMX, SE, IL, IG, AP No: SEC
Electronic Changeable Message Signs (31.046(1))	UDC[1, 7]	Yes[6]	Yes[6]

Table 2 footnotes:

1. See 31.13(9). Requires Urban Design Commission review and approval, but may be approved under the Powers of the Secretary to the Urban Design Commission, per Sec. 33.24(4)(g).
2. Subject to Approval of Director of Department of Planning & Community & Economic Development.
3. Subject to approval of Director of Department of Planning and Community and Economic Development or her/his designee after notification to Neighborhood Association and Alderperson. A kiosk, public information board or sidewalk showcase may be approved as a Neighborhood Identification Sign per the definition of Neighborhood Identification Sign in Sec. 31.03(2).
4. Portable signs on public property are only allowed pursuant to a parade permit, Street Use Permit, Parks special event permit, or hand-carried signs and subject to all conditions of Sec. 31.046(2)(b).
5. Inflatable Signs are only allowed pursuant to a parade permit, Street Use Permit, Parade Permit, or Parks special event permit.
6. Electronic Changeable Copy may be used on wall, roof, above-roof, ground, projecting, and canopy signs where such signs are permitted in these districts, subject to the requirements of Sec. 31.046(1). Also permitted for non-residential uses in districts of special control.
7. Only permitted for non-residential uses in the DC district.

(3) **Table 3. SIGNS PERMITTED IN GROUP 1 DISTRICTS**

All signs in this Table may be displayed on a wall or on the ground only and limited to one (1) sign per street frontage, unless otherwise indicated in the Table or Sec. 31.14.

TABLE 3

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Identification signs in all SR, TR-C1, TR-C2, TR-C3, TR-C4, TR-V1, TR-R, TR-P								
Single family or 2-unit Residential Uses	2'	-	12' or 1 story (lower)	-	Yes	No	No	1 per unit, 2 on corner or through lot
Identification*** for multifamily, apartment hotels, frat/sorority, lodging houses in	3'	-	12' or 1 story (lower)	-	Yes	No	No	1 per building, 2 on corner or through lot
Identification***for Nonresidential Buildings	6'	-	12' or 1 story (lower)	-	Yes	No	No	1 per bldg., 2 on corner or through lot
Identification*** for multifamily, apt. hotels, frat/sorority and lodging houses in TR-U1, TR-V2, TR-U2	12'	-	12'	-	Yes	No	No	1 per building, 2 on a corner lot
UOR & DR2- Identification sign for accessory-use business establishments allowed as a conditional use in residential building.	2'	-	12' or 1 story (lower)	-	Yes	No	No	1 per business
Identification*** for Nonresidential Buildings in TR-V2, TR-U1, TR-U2, DR1 & DR-2	12'	-	15'	-	Yes	Yes*	No	1 per building, 2 on a corner lot
Church, Hospital, School and Residential Building Complex "Identification" 31.14(3)(e)	12' to 32'	1'	12'	10'	Yes	Yes	Yes	1 wall, 1 ground per st. frontage, max. of 2 per zoning lot**

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Project - 31.14(3)(f) exempt from permit under 31.04(8)	32'	1'	8'	10'	Yes	Yes	No	1 per street frontage
Building Entrance Identification	12'	-	-	-	Yes	No	Yes	1 per entrance
Off-Premise Residential Directional Sign - 31.14(4)(c)	3	-	3	6	N/a	Yes	No	1
Parking Lot Directional (Entrance and Exit) - 31.14(3)(d)	3'	-	10'	3'	Yes	Yes	No	1 per entrance or exit
Parking Lot Regulation 31.14(3)(d)	9'	-	10'	3'	Yes	Yes	No	1, or 2 per corner or thru lot
Condominium Identification 31.14(3)(g)	12' or 13' to 32' with UDC Approval	1'	12'	10'	Yes	Yes	Yes	1 Wall, 1 Ground Max. of 2 per condominium
Noncommercial Message 31.14(3)(c) and 31.044	12'	n/a	Lower of 1 story or 12 feet	10'	Yes	Yes	No	1 per street frontage. If waterway, 1 facing street and 1 facing waterway, max of 2
Real Estate Sign 31.14(3)(b) and 31.044	12'	n/a	Lower of 1 story or 12 feet	10'	Yes	Yes	No	1 per street frontage. If waterway, 1 facing street and 1 facing waterway, max of 2
Neighborhood & Subdivision Identification ****	****	****	****	****	****	****	****	****

(Am. by ORD-13-00134, 8-14-13)

Table 3 - footnotes:

* Maximum Height 4 feet.

* * Additional wall or ground identification signs for wayfinding purposes may be approved by the Urban Design Commission. See Secs. 31.14(3)(e)1. and 31.043(3)(f).

*** Identification Signs, for properties designated Landmarks, shall be permitted as approved by the Plan Commission and the Landmarks Commission when those commissions approve the use. Signs for existing uses may be approved by the Landmarks Commission.

**** Neighborhood and Subdivision Identification Signs - Subject to approval of Director of Planning and Community and Economic Development or her/his designee after notification to Neighborhood Association and Alderperson. A kiosk, public information board or sidewalk showcase may be approved as a Neighborhood Identification Sign per the definition of Neighborhood Identification Sign in Sec. 31.03(2).

31.16 - 31.18 RESERVED FOR FUTURE USE.

31.19 PENALTIES.

Any person, who violates any provisions of this ordinance, permits, allows or continues a violation, or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than thirty dollars ($30) and not more than five hundred dollars ($500), plus applicable costs, for each violation. Each day or portion thereof that a violation continues shall be considered a separate violation.

31.20 SEVERABILITY.

In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.

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VOLUME IV

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CITY OF MADISON

COUNTY OF DANE

STATE OF WISCONSIN

EDITOR-MICHAEL P. MAY

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CHAPTER 32

LANDLORD AND TENANT

(EDITOR'S NOTE: A number of the provisions in this chapter are affected by recent state legislation. See 2011 Wis. Act 108, 2011 Wis. Act 143, and 2013 Wis. Act 76. Until this chapter is updated, persons should refer to these changes in state law. (MPM, 3-27-14))

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32.01 STATEMENT OF PURPOSE. Whereas, the City of Madison has a significant tenant population and equitable landlord-tenant relations are a matter of public welfare. It shall be the policy of the City of Madison to encourage communication and resolution of disputes between landlord(s) and tenant(s). While such communication and resolution can and should occur without the direct participation of the City government, this chapter is adopted to establish standards and procedures for use if needed to reach this goal. This chapter is also intended to facilitate collective bargaining between landlords and tenant unions by establishing minimal procedures to be followed in that process. (Cr. by Ord. 6098, 1-6-78)

32.02 RULES AND DEFINITIONS.

(1) Rules.

(a) The rules and definitions contained in this section shall be applied throughout Chapter 32.

(b) (R. by Ord. 10,778, 11-16-93)

(c) All rights of tenants under Chapter 32 shall be nonwaivable.

(2) Definitions.

(a) Authorized Agent. A person empowered by landlord(s), tenant, or tenant union to represent them. The agent need not be a member of the authorizing group.

(b) City financial assistance means any grant, loan, contract, purchase of service agreement or other arrangement by which the City of Madison funds or otherwise makes available assistance to rental housing development, redevelopment or rehabilitation projects in the form of:

1. Monetary funds;

2. Real and personal property or any interest in or use of such property, including:
   a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
   b. Proceeds from a subsequent transfer or lease of such property if the City's share of its fair market value is not returned to the City.
3. The sale or lease of, or the permission to use (on other than a casual or transient basis) City property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient;
4. "City financial assistance" includes, but is not limited to, capital revolving fund loans, redevelopment contracts, CDBG, HOME and Affordable Housing Trust Funds, economic development agreements, tax increment financing or financing for blight elimination and slum clearance. City financial assistance does not include funds made available directly to the tenant or a third party as a household subsidy, such as emergency shelter assistance, grant funded security deposits or rental supplements. City financial assistance also does not include any portion of street improvements, including, but not limited to, improvements of sidewalks, lighting, curb and gutter and/or reverse mortgage assistance. (Cr. by Ord. 13,171, 10-29-02)

(c) Earnest Money Deposit. The total of any payments or deposits, however denominated or described, given by a prospective tenant to a landlord in return for the option of entering into a rental agreement in the future, or for having a rental application considered by the landlord. (Cr. by Ord. 7542, 10-22-81; Renumbered by Ord. 13,171, 10-29-02)

(d) Government Housing Subsidies means financial assistance used for tenant based housing purposes including, but not limited to, Section 8 vouchers and certificates (Housing Choice Voucher Program), welfare to work vouchers and any other Section 8 special allocation vouchers. (Cr. by Ord. 13,171, 10-29-02)

(e) Grievance. Any dispute between tenant(s) and landlord over rents or other condition of tenancy.

(f) Guest. Any person present on the leased premises with the consent of the current tenant who is not listed in the lease. (Cr. by Ord. 12,932, 12-11-01)

(g) Landlord. The owner or lessor of a dwelling unit under any rental agreement, and any agent acting on the owner's or lessor's behalf. The term includes sublessors, other than persons subleasing individual units occupied by them. (Am. by Ord. 10,555, 12-11-92)

(h) Owner. One or more persons, jointly or severally vested with all or part of the legal title to the premises or all or part of the beneficial ownership and right to present use and enjoyment of the premises. The term includes a mortgagee in possession.

(i) Person means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust, or other entity that may enter into contracts. (Cr. by Ord. 13,171, 10-29-02)

(j) Recipient of City financial assistance means any person, including that person's successors, assignees and transferees. (Cr. by Ord. 13,171, 10-29-02)

(k) Rental Agreement. A written or oral agreement for the rental or lease of a specific dwelling unit or premises, in which the landlord and tenant agree on essential terms of tenancy such as rent. "Rental agreement" includes a lease. "Rental agreement" does not include an agreement to enter into a rental agreement in the future.

(l) Residential Property. This chapter covers any premises which is used for any residential purpose under the terms of a rental agreement.

(m) Security Deposit. The total of all payments and deposits given by a tenant to the landlord in a residential tenancy as security for the performance of the tenant's obligations, and includes but is not limited to all rent payments in excess of one month's prepaid rent, all pet deposits, furniture deposits and key deposits. (Am. by Ord. 10,812, Adopted 1-18-94)

(n) Tenant. A person, occupying ore entitled to present or future occupancy of a mobile home, as defined in Sec. 9.23(1) or residential property under a rental agreement, and includes persons occupying a mobile home or residential property under periodic tenancies and tenancies at will. The term applies to persons holding over after termination of tenancy until removed by Sheriff's execution of a judicial writ of restitution issued under Sec. 799.44, Wis. Stats. It also applies to person entitled to the return of a security deposit or an accounting for the security deposit. (Am. by Ord. 11,724, 12-13-96)

(o) Tenant Union. Any organization which intends to engage in collective bargaining with landlord(s).

(Section 32.02(2) Am. by Ord. 12,533, 2-18-00; Ord. 12,932, 12-11-01)

32.03 LANDLORD AND TENANT ISSUES COMMITTEE.

(1) Creation. There is hereby created a Landlord and Tenant Issues Committee for the City of Madison.

(2) Composition.

(a) The Landlord and Tenant Issues Committee shall consist of seven (7) members plus one (1) resident alternate member appointed by the Mayor and subject to approval by the Common Council. At least one, but not more than two (2) members shall be alderpersons. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Housing Strategy Committee. (Am. by ORD-14-00047, 3-6-14)

(b) One (1) resident member appointment shall be a representative of a tenant organization, and one (1) resident member appointment shall be a representative of an apartment owner's organization. One (1) resident member will be a student at a Madison area university or college. Because these members are chosen as representatives of certain groups, these members' actions as committee members are exempted from the provisions of Secs. 3.35(5)(a)1. and 3., MGO, solely to the extent that their position or actions affect or may result in a benefit to the groups they represent. (Am. by Ord. 13,309, 4-30-03)

(Am. by ORD-17-00030, 3-8-17)

(3) Terms. All resident members shall be appointed for three year terms, however, the initial terms of four (4) of the resident members shall expire on April 30, 2013. Initial terms of the remaining three (3) resident members shall expire on April 30, 2014. The resident alternate member will have a one- (1) year term. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The term of any alderperson shall expire with the expiration of his or her term in office. (Am. by ORD-17-00030, 3-8-17)

(4) Powers and Duties. The Landlord and Tenant Issues Committee shall have the following powers, duties, and functions:

(a) Serve as a forum for discussion and communication about landlord-tenant issues;;

(b) Make recommendations to the Mayor and the Common Council on all aspects of landlord and tenant policies and issues, including landlord and tenant issues in Chapters 27 and 32 of the Madison General Ordinances; and

(c) Perform the functions formerly exercised by the Rent Abatement Oversight Committee:

1. Adopt such rules and regulations, subject to approval by the Common Council, as may be necessary to carry out the purpose and provisions of the rent abatement process in Sec. 32.04, MGO.
2. Recommend to the Common Council additions to, deletions from, and changes in the Schedule of Rent Impairing Violations in Sec. 32.04(5)(d) as well as other provisions in Chapter 32 that the Committee believes are appropriate for Common Council action.
3. Approve forms for the use of tenants, landlords, the Building Inspection Division of the Department of Planning and Community and Economic Development and Rent Abatement Hearing Examiners to facilitate the rent abatement process in Sec. 32.04, MGO.
4. Institute procedures for the selection of Rent Abatement Hearing Examiners for the setting of a time and place for rent abatement hearings and for the giving of notice thereof to interested landlords and tenants within ten (10) days of the filing of a request for a hearing concerning authorization for rent abatement with the Building Inspection Division of the Department of Planning and Community and Economic Development.
5. Establish criteria and procedures for waiving the ten dollar ($10) filing fee in cases of economic hardship.
6. Maintain statistics on the number of requests for hearings concerning authorization for rent abatement, the number of hearings held and the results thereof including, but not limited to such information as the following:
   a. Whether abatement was granted and, if so, in what percentage.
   b. Where abatement was denied, the specific reason therefor.
   c. The amount of time elapsed between the filing of the request for a hearing and the issuance of a decision.
7. In order to assist in determining the effectiveness of the abatement process and to ensure full enforcement of the abatement ordinance, the Committee shall also maintain additional statistics which may include such other information as the following:
   a. The amount of time elapsed between the initial inspection and authorization for abatement, if any.
   b. Any extensions of time to effect compliance with inspection orders for repairs to residential rental property.
   c. The number of inspection orders forwarded to the City Attorney for prosecution, the date referred and the final disposition of such referrals.
   d. The number of requests to the City Attorney for enforcement of a Hearing Examiner's order or for prosecution for failure to obey same including such information as the date of referral, the action taken by the City Attorney, the date on which final action was taken and the outcome of such action including abatement amounts secured for a tenant and forfeitures imposed.
8. Staff. The Building Inspection Division of the Department of Planning and Community and Economic Development shall provide staff support

for both the Landlord and Tenant Issues Committee and for the Rent Abatement Hearing Examiners and shall receive and retain all documents, reports and records relating thereto.

(5) Meetings. The Landlord and Tenant Issues Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish. The Director of the Building Inspection Division or his or her designee shall provide staff assistance to the Landlord and Tenant Issues Committee, shall serve as its Secretary, but shall not vote. The City Attorney or his or her designee shall furnish the Landlord and Tenant Issues Committee with legal assistance necessary to carry out its functions. (Am. by Ord. 12,882, 8-7-01; Ord. 13,652, 7-7-04; ORD-08-00109, 10-7-08)

(Sec. 32.03 Cr. by Ord. 12,527, 2-10-00; Am. by ORD-12-00076, 6-20-12)

32.035 RESERVED FOR FUTURE USE. (R. by Ord. 13,673, 8-6-04)

32.04 RENT ABATEMENT.

(1) Statement of Intent. The Common Council of the City of Madison hereby finds that in order to insure the proper repair and maintenance of residential buildings within the City of Madison, to prevent the deterioration and neglect of such structures to the protection of the health and safety of the people of Madison and to further enforcement of and compliance with the Building and Minimum Housing and Property Maintenance Codes of the City of Madison, it is necessary, in the case of uncorrected rent impairing violations, that tenants residing in the City of Madison be authorized to abate an appropriate portion of their rental payments under the provisions of this section.

(2) Notice. A list of addresses of rental properties with uncorrected rent-impairing violations shall be published each week in the official City paper within ten (10) days of the reinspection which reveals noncompliance. Such notice shall indicate that the tenants may be eligible for rent abatement and shall state that any such tenant must request authorization to abate rent within thirty (30) days of publication of the notice of eligibility by the Building Inspection Division of the Department of Planning and Community and Economic Development. A copy of the notice shall also be sent by first class mail, addressed to "Occupant" at each rental unit with uncorrected rent-impairing violations, on or before the date of publication of the notice. Together with the copy of the notice there shall be mailed a cover letter including, but not limited to, the following information: Notice of Eligibility to Apply for Rent Abatement - The owner of your apartment has not followed an order from the City of Madison Building Inspection Division to correct Housing Code violations. Because the owner has not complied, you may be able to get a portion of your rent back pursuant to Madison General Ordinances Sec. 32.04. Along with said cover letter, a letter shall also be included with the copy of the notice, which shall include, but will not be limited to, the following information: Notice of Eligibility to Seek Self Help Repair- In addition to seeking rent abatement, because the owner of your apartment has not followed an order from the City of Madison Building Inspection Division to correct Housing Violations, you may have the right to correct these violations and deduct the amount of the repairs from your rent, if you follow the procedures in Madison General Ordinances Sec. 32.17. (Am. by Ord. 11,994, 12-30-97; ORD-06-00146, 11-2-06; ORD-08-00109, 10-7-08)

(3) Definitions.

Affected Applicant. In rent abatement categories where the percentage of rent abatement is expressed as a certain percentage or a certain dollar amount "per affected applicant", abatement applies only to those dwelling units/lodging rooms affected by the violation and only if a tenant therein has applied for rent abatement.

Affected Dwelling Unit or Lodging Room means a dwelling unit or lodging room in which a rent impairing violation exists or a dwelling unit or lodging room in a residential building where a common area violation exists.

Applicant encompasses the total number of eligible tenants residing in a dwelling unit or lodging room where an eligible tenant has applied for rent abatement and not an individual eligible tenant within the unit or room. (Am. by Ord. 9752, Adopted 4-4-89)

Common Area Violation. A condition constituting a rent impairing violation which exists in any part of a residential building or lot not contained within a dwelling unit or lodging room.

Eligible Tenant(s). Any current or former tenant(s) of a landlord of residential premises where the landlord fails to comply with an order of the Building Inspection Division of the Department of Planning and Community and Economic Development to correct a rent impairing violation by the original due date in the orders unless that date is found unreasonable by the Building Board of Examiners and Appeals, provided that the tenant has lived in an affected dwelling unit for some portion of the time period from the date of the initial inspection by the Building Inspector to the close of the fifteen (15) day period during which a request for abatement hearing may be filed. (Cr. by Ord. 9752, 4-4-89; Am. by ORD-08-000109, 10-7-08)

Per Fixture means per affected appliance regardless of how many separate rent impairing violations may affect that appliance.

Only Facility means the only appliance of its kind in the dwelling unit or lodging room.

Provider Agency means any governmental agency or private social services agency which by contract provides rental assistance on behalf of low-income tenants where such assistance payments are paid directly to the landlord. (Cr. by Ord. 11,339, 8-25-95)

Rent Impairing Violation. A rent impairing violation within the meaning of this section shall designate a condition in a dwelling unit, lodging room or other area of a residential building or lot which constitutes or, if not promptly corrected, will constitute a fire hazard or a threat to the health or safety of occupants thereof. Such conditions include but are not limited to those which involve deficiencies in security, heating, electricity and/or plumbing.

Successor Tenant(s). Any individual(s) who become(s) a tenant in a dwelling unit or lodging room where a prior tenant was authorized or is in the process of being authorized to abate rent pursuant to Sec. 32.04 and where, at the time the tenancy of the successor tenant commences, there exists an uncorrected rent impairing violation which was determined or is in the process of being determined by a hearing examiner to be abatable.

Anyone who succeeds a successor tenant is also a successor tenant, provided that at the time her/his tenancy commences there exists an uncorrected rent impairing violation for which abatement was authorized.

(Cr. by Ord. 9752, Adopted 4-4-89; Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00; Sec. 32.06(3) R & ReCr. from former Sec. 32.06(4)(b) by Ord. 11,339, 8-25-95)

(4) Authorization of Rent Abatement.

(a) Eligibility. Notwithstanding any other provision of law or any agreement, whether oral or written, tenants and provider agencies shall be eligible to abate a portion of the total rental payments, in accordance with this section and pursuant to the order of a Rent Abatement Hearing Examiner or by written agreement of the parties, if the landlord of the residential premises fails to comply with an order of the Building Inspection Division of the Department of Planning and Community and Economic Development to correct by the original due date, unless such due date is found to be unreasonable upon appeal to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals pursuant to Sec. 29.18(3) of the Madison General Ordinances, a violation which is "rent impairing" as that term is defined in Sec. 32.04(3).

Any such order of the Building Inspection Division shall specifically state that uncorrected violations may be eligible for abatement in addition to any other

penalties provided by law. A tenant's eligibility to abate rent shall apply only to the eligible tenant(s) or successor tenant(s) upon whose rented premises the uncorrected rent impairing violation exists or to any eligible tenant(s) or successor tenant(s) in a building with an uncorrected rent impairing violation in a common area. A provider agency's ability to abate rent shall apply only to provider agencies which pay or have paid a portion of an eligible tenant's rent while an uncorrected rent-impairing violation exists on the premises or common area of the eligible tenant's building. Where an award is made and rent has been paid by both a tenant and a provider agency, the tenant's portion of the award shall be up to but not greater than the amount of rent the tenant has paid. Where the award amount is less than or equal to the amount of rent the tenant paid, the tenant shall receive all of the award. No rent may be abated pursuant to this ordinance until abatement is ordered by the Rent Abatement Hearing Examiner or authorized by written agreement between the parties. (Am. by Ord. 11,960, 11-4-97; ORD-08-00109, 10-7-08; ORD-09-00019, 3-14-09)

(b) Other Remedies. The right of a tenant to abate a portion of the rent as established by this section shall not preclude or affect in any way the tenant's right to abate under Chapter 704 of the Wisconsin Statutes; nor shall it preclude or affect in any way the tenant's or landlord's right to any of the remedies provided by the laws of the State of Wisconsin and the Madison General Ordinances pertaining to the relationship of landlord and tenant. (Cr. by Ord. 11,339, 8-25-95)

(c) Designation of Rent Impairing Violations. The Common Council shall, after notice and public hearing, adopt a list of violations of the provisions of chapters 18, 19, 27, 28, 29 and 30 of the Madison General Ordinances to be classified as "rent impairing" as above defined. Said list shall contain a brief description of the condition constituting the violation, the section of the ordinances violated and the percentage range of possible rent abatement. The Landlord and Tenant Issues Committee may at any time recommend a change in the number of violations, their descriptions or the percentage of possible rent abatement for a particular violation but no such change shall be made except in the manner set forth above. (Am. by Ord. 11,339, 8-25-95; ORD-12-00076, 6-20-12)

(d) Schedule of Rent Impairing Violations. A tenant authorized to abate rent shall do so in accordance with the following schedule with the precise amount to be set by the Rent Abatement Hearing Examiner after notice and hearing pursuant to Sec. 32.04(4)(c). The maximum total abatement authorized pursuant to this ordinance shall not exceed ninety-five percent (95%) of the periodic rental payment, except where the premises have been vacated pursuant to an order of the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development or pursuant to any other tenant right to remove from residential rental premises secured under Wisconsin law. (Am. by ORD-08-000109, 10-7-08)

MGO Violation	Description	% of Rent Abatement
1. 27.04(2)(a) [27.05(2)(j)]	a. Kitchen sink or lavatory basin i. Not provided or missing	10-25% 24-48 hrs 25% More than 48 hrs 50-95%
	b. Flush water closet i. Not provided or missing	Not only facility 5-10% Only facility 25-50%
	c. Bathtub or shower i. Not provided or missing	Not only facility 5-10% 24-48 hrs 25%
	d. Water pressure/volume i. None ii. Inadequate	More than 48 hrs 50-95% 10-25%
2. 27.04(2)(b) [27.05(2)(j)]	a. Hot water tank i. Not provided or totally not functional	25-50%
	ii. In need of repair to the extent that supply is inadequate or water is consistently below 100°F.	10-25%
	iii. Consistently does not provide 120° water but above 100°	5-10%
	iv. Tank leak - See Basement Water and Moisture Problems	
3. 27.04(2)(c)	a. Garbage and refuse storage facilities i. Adequate storage not provided	1-5%
4. 27.04(2)(d) [27.05(2)(i)] [27.05(2)(h)]	a. Required exit i. Not provided or totally unusable	10-25% per exit
	ii. Partially usable	5-10% per exit
	iii. Blocked by accumulation of stored items, junk, trash or debris A. totally B. partially	 10-25% per exit 5-10% per exit
	iv. Other impairment of exit use, i.e., double cylinder lock, skeleton keyed lock, movable furniture obstructing exit path Note: Repairs to components of an exit system (e.g., doors, stairs, porches, handrails, guardrails) where the exit remains in use should abate under repair categories.	1-5% per exit

MGO Violation	Description	% of Rent Abatement
5. 27.04(2)(f)	a. Natural light or ventilation	
	i. Not provided in one or more rooms	10-25% per room
	ii. Inadequate light or ventilation	5-10%
6. 27.04(2)(f) [27.07(2)(c)]	a. Screens	
	i. No screens provided or all screens in need of repair	10-25%
	ii. Not all screens provided and/or some screens in need of repair	5-10%
7. 27.04(2)(g) [27.04(2)(g)] [27.04(2)(i)]	a. Electrical service and wiring	
	i. No electricity	24-48 hrs 25% More than 48 hrs 50-95%
	ii. Inadequate electrical service (that part of the wiring system that starts where utility wires end and ends with and includes the main fuses) (substantially limits usage or presents potential hazard)	10-25%
	iii. Inadequate branch circuits	5-10%
	iv. Unfused circuits (the use of unfused circuits must be discontinued)	10-25%
	v. Overfused circuits	5-10%
	vi. Exposed wires, damaged or bare, presenting shock hazard	5-10%
	vii. Convenience outlets not provided, not functional, not proper number, not proper installation (one or more outlets)	5-10%
8. 27.04(2)(g) [27.04(2)(g)4.] [27.04(2)(g)5.]	a. Lighting	
	i. Required light switches not functioning or not provided	1-5%
	ii. Public halls and/or stairs not lit	1-5% per affected applicant
	iii. Outside entrance doors and/or required parking areas unlit	1-5% per affected applicant
9. 27.04(2)(h)	a. Heat	
	i. No heat or consistently below 55°	24-48 hrs 25% More than 48 hrs 50-95%
	ii. Inadequate (55-66°) or occasionally inadequate	10-25%
10. 27.04(2)(i) [27.04(2)(g)]	a. Required exit signs	
	i. Missing or not lit	1-5% per sign

MGO Violation	Description	% of Rent Abatement
11. 27.05(2)(a)	a. Improper grading and/or no eaves troughs and/or downspouts	
	i. Not causing basement or ground floor water or moisture problems	No Abatement
	ii. Resulting in basement water or moisture problems	See Basement Water and Moisture Problems
12. 27.05(2)(g)1. [27.05(2)(k)] [27.05(2)(g)3.]	a. Interior floor, wall, or ceiling i. Unsafe so that an area or room is ordered vacated by B.I. Dept.	Not a kit., bath or BR 25-50% Kit., bath or BR 50-95%
	ii. Is damaged or in such disrepair that it interferes with tenant's full use of all or part of the premises (including but not limited to holes in floors, walls, ceilings)	Kit., bath, BR (including closets) or other living areas 10-25% Other 5-10%
	iii. Incapable of affording privacy	10-25%
	iv. Reasonably waterproof or hard surface not provided in areas subject to moisture	5-10% per room
	v. Appropriate floor surfacing not provided, or damaged so that it does not function to provide ease of maintenance	5-10% per room
	vi. Unsealed gaps allowing collection of dirt and other matter severe enough to create a cleaning or sanitation problem in bathing, toilet or food preparation areas	1-5%
13. 27.05(2)(g)2.	a. Exterior foundation, wall, floor and/or roof condition i. Unsafe so that an area or room is ordered vacated by B.I. Dept.	Not a kit., bath or BR 25-50% Kit., bath, or Br 50-95%
	ii. Is damaged or in such disrepair that it interferes with the tenant's full use of all or part of the premises (including but not limited to roof leaks, holes in floors, walls, or ceilings)	Kit., bath, BR (including closets) or other living areas 10-25% Other 5-10%
	iii. Incapable of affording privacy	10-25%
	iv. Resulting in wet basement - see Basement Water and Moisture Problems	

MGO Violation	Description	% of Rent Abatement
14. 27.05(2)(g)2.	a. Chimney	
	i. Not properly removing the products of combustion (discontinue use of appliance(s) vented into chimney)	Abatement based on lost appliance/ facility: No hot water, 27.04(2)(b) No heat, 27.04(2)(h)
	ii. In danger of collapse	10-25%
15. 27.05(2)(g)3.	a. Unsealed gaps in bathing, toilet or food preparation areas allowing collection of dirt and other matter	
	i. Severe enough to create a cleaning or sanitation problem	1-5%
16. 27.05(2)(h)	a. Exterior doors, interior doors, basement hatchway doors (one or more doors)	
	i. Missing, therefore negating, dwelling unit or lodging room security	25-50%
	ii. Missing and affecting privacy, health or safety	10-25%
	iii. In a state of disrepair which threatens security (one or more doors)	Use the security analysis & %s in 20.a.i.,ii.,& iii.
	iv. Hazardous e.g., unhinged, requiring excessive force to open, door or hardware interfering with egress	5-10%
	v. Missing or nonfunctional latch assembly on a bedroom, bathroom or dwelling unit entrance door	1-5%
17. 27.05(2)(h)	a. Windows (one or more windows)	
	i. Missing from first floor, basement or other window openings accessible by balconies, fire escapes, trees, etc. and negating dwelling unit or lodging room security	25-50%
	ii. Missing and affecting privacy, health or safety	10-25%
	iii. In a state of disrepair which threatens security	Use security analysis & %s in 21.a.i. & ii.
	iv. Ventilating locks not functional	5-10%
	v. Hazardous, e.g. windows which must be propped open, broken windows with glass shards in the frame	5-10%

MGO Violation	Description	% of Rent Abatement
18. 27.05(2)(h)1.	a. Door viewer, front entry door dwelling unit or lodging room. Not provided or not functional	5%
19. 27.05(2)(h)2.	a. Exterior hinge pins not protected in dwelling unit or lodging room	5% per door
20. 27.05(2)(h)3.	a. Dead bolt lock (one or more locks) i. No lock or totally not functional lock	25-50%
	ii. Existing lock provides some security but is not a deadbolt. For example: A slide bolt lock, live bolt lock, guarded latch lock on doors accessible from grade, lock with no strike plate	10-25%
	iii. Lock conditions which have minimal effect on security. For example: Screws in strike plate not 2½" long, difficult but not impossible to lock and unlock, live, guarded or slide bolt locks on doors not accessible from grade	1-5%
	b. Secondary locking device i. Door does not lock and no secondary locking device or totally not functional	25-50%
	ii. Door locks but no secondary locking device or totally not functional	10-25%
21. 27.05(2)(h)4	a. Required window sash fasteners not provided or not functional (one or more fasteners) i. First floor, basement, and all other windows accessible by balconies, fire escapes, trees, or other existing means	10-25%
	ii. All other windows where required	1-5%
22. 27.05(2)(h)5	a. Required window ventilating sash fasteners not provided or not functional (one or more fasteners)	5-10%

MGO Violation	Description	% of Rent Abatement
23. 27.05(2)(h)7.	a. Common area doors i. No lock or totally not functional lock	5-10%
	ii. Lock conditions which have a minimal effect on security, e.g., no strike plate screws in strike plate not 2½" long	1-5%
	iii. Required door closer missing or not functioning	1-5%
24. 27.05(2)(h)10.	a. Required locks on residential buildings with two or more dwelling units and/or lodging rooms on all exterior doors and main entrance door accessed from common area not provided or not functional	10-25%
	i. No positive locking guarded latch lock or no functional locking guarded latch	10-25%
	ii. No approved self closing device or no functioning self closing device	10-25%
	b. Missing or nonfunctional approved guard plate affixed to exterior side of door deemed necessary to provide adequate security against illegal entry	10-25%
25. 27.05(2)(h)11.	a. Common area interior doors leading to basement i. No positive action guarded latch lock or no functional positive guarded latch lock	5-10%
	ii. No approved self closing device or no functioning approved self closing device	5-10%
26. 27.05(2)(h)12.	a. All doors leading to shared laundries and storage areas in basements i. No positive action guarded latch lock or no functioning positive action guarded latch lock	5-10%
	ii. No approved self closing device or no functioning approved self closing device	5-10%

MGO Violation	Description	% of Rent Abatement
27. 27.05(2)(i)	a. Inside and outside stair and/or porch	
	i. Hazardous to use	10-25% per affected app.
	b. Required appurtenances to any porch or stair such as handrails and guardrails	
	i. Protecting an elevation of less than 4'	
	A. Missing	5-10% per affected app.
	B. Inadequate	5-10% per affected app.
	ii. Protecting an elevation of more than 4'	
	A. Missing	10-25% per affected app.
	B. Inadequate	5-10% per affected app.
28. 27.05(2)(j) [27.04(2)(a)]	a. Kitchen sink, lavatory*	
	i. Totally not functional	10-25%
	ii. In need of repair to the extent that use is limited (e.g., including but not limited to extremely slow drain, missing or not functional faucet handle . . .)	5-10% per fixture
	b. Flush Water Closet*	
	i. Totally not functional	24-48 hrs. 25% More than 48 hrs 50-90% Not only facility 5-10%
	ii. In need of repair to extent that use is limited	5-10% per fixture
	*Also see Basement Water and Moisture Problems	
	c. Bathtub or shower*	
	i. Totally not functional	Only facility 25-50% Not only facility 5-10%
	ii. In need of repair to extent that use is limited (e.g., including but not limited to extremely slow drain, missing or not functional faucet handles.)	5-10% per fixture
	*Also see Basement Water and Moisture Problems	
	d. Water Pressure/Volume	
	i. Inadequate or fluctuating hot and cold	10-25%
	ii. Consistently leaking hot water faucet	1-5%

MGO Violation	Description	% of Rent Abatement
29. 27.05(2)(j) [27.04(2)(a)] [27.04(2)(b)]	a. Leaking Water Supply or Drain Piping, not containing sewage	
	i. Leaking to extent and in such a place that it interferes w/tenant's full use of all or part of premises	
	A. Kitchen, bathroom, bedroom (including closets) or other living areas	10-25%
	B. Other	5-10%
	ii. Leaking pipes in basement	See Basement Water & Moisture Problems
	b. Leaking or obstructed drain piping containing sewage	
	i. If leaks or obstruction cause backup of sewage into fixtures, onto floors, or through ceilings or walls (including basement)	50-90% per affected applicant
30. 27.05(2)(k)	a. Bathroom floor surfacing	See 27.05(2)(g)1.
31. 27.05(2)(l)	a. Supplied facility, equipment or utility	
	i. Contracted stove or refrigerator	
	A. Not functional	10-25%
	B. Partially functional	5-10%
	b. Non-required screens	No Abatement
32. 27.05(2)(m)	a. Owner-caused discontinuation of utilities	
	i. No electricity	See 27.04(2)(g)
	ii. No heat	See 27.04(2)(h)
	iii. No water service	See 27.04(2)(a)
33. 27.05(2)(q)4.	a. Covering of foam plastic insulation (if insulation not installed by tenant)	5-10%
34. 27.05(2)(z)	a. Required for main entrance door accessed through common area not provided or not functional	
	i. Doorbells, intercoms or effective buzzer system of which to alert occupant of request to access the building	10-25%
35. 27.07(2)(a)	a. Failure to clean and disinfect common area after sewage backup	10-25% per affected applicant
	b. Owner not maintaining common areas in sanitary condition	5-10% per affected applicant

MGO Violation	Description	% of Rent Abatement
36. 27.07(2)(c)	a. Screens	See 27.04(2)(f)
37. 27.07(2)(d)	a. Extermination of pests	
	i. Severe infestation, whether occasional or chronic	10-25% per affected applicant
	ii. Non-severe but chronic	1-5% per affected applicant
38. 27.07(2)(f)	a. Apartment clean prior to occupancy	25-50%
	b. Failure to clean and disinfect basement after sewage backup	10-25%
39. 29.20(15)(c)	a. Smoke or heat detectors not installed where required in storage areas	5-10% per affected applicant
40. 34.907	a. Smoke alarms not installed where required in:	
	i. Inside every bedroom and sleeping area	5-10% per affected applicant
	ii. Within 6 feet of each door leading to a bedroom or sleeping area of each unit	10-25%
	iii. Each floor of the building	10-25%
41. All code sections which result in water problems may use these percentages	a. Basement Water and Moisture Problems	
	i. Basement water violations use these percentages regardless of cause of leak	
	A. Basement not used for habitation: accumulated water	1-5% per affected applicant
	B. Basement used for habitation: damp and mold or mildew accumulated	1-5% per affected applicant
	C. Basement used for habitation	
	aa. Accumulated water	Not a kit., bath or BR 25-50% Kit., bath or BR 50-95%
	bb. Continually wet but no standing water	5-10%
	D. Basement laundry - presents potential electrical hazard when appliances are in use	5-10% per affected applicant

MGO Violation	Description	% of Rent Abatement
42. Chapter 18	Plumbing Code which adopts by reference Wisconsin Administrative Code SPS 325, Plumbing Chapter 145 Wisconsin Statutes. If a violation is cited on an occupied rental property referencing sections from the above Plumbing Codes and the violations described could appropriately be listed as violations of Sections 27.04(2)(a), 27.04(2)(b) and/or 27.05(2)(j) of the Minimum Housing Code, then the rent abatement list shall equally apply to those violations. (NOTE: Any violation cited under the State Plumbing Codes would in an existing rental property also be a violation of Sec. 27.05(2)(j) which uses the phrase "properly installed".) (Am. by ORD-12-00035, 3-28-12)	
43. Chapter 19 [NEC] [SPS 316] [SPS 352]	Electrical Code - Adopts Wisconsin State Electrical Code Volume II, Wisconsin State Administrative Code Chapter 24 and by reference the 1984 National Electrical Code. If a violation is cited in an occupied residential rental property referencing sections from the above Electrical Codes and the violations could appropriately be listed as violations of Sections 27.04(2)(g) of the Minimum Housing Code, then the rent abatement list shall equally apply to those violations. (NOTE: Any violation cited under the State Codes or the National Electrical Code (NEC) would in an existing rental property also be a violation of Section 27.04(2)(g) which uses the phrase "properly installed".) (Sec. 32.04(d) Am. by Ord. 9752, Adopted 4-4-89; ORD-06-00100, 8-2-06; ORD-09-00041, 3-19-09; ORD-10-00083, 9-15-10; ORD-12-00035, 3-28-12)	

(e) Procedure.

1. Application for Authorization for Rent Abatement. An eligible tenant who may be entitled to abate a portion of his/her rental payment under this ordinance shall have thirty (30) days from publication of the notice of possible eligibility by the Building Inspection Division of the Department of Planning and Community and Economic Development to file a request for a hearing on authorization for rent abatement. The request shall be in writing on a form approved by the Landlord and Tenant Issues Committee, shall state with specificity the name and address of the landlord and the alleged rent impairing violation (s) and shall be filed with the Building Inspection Division. The application shall be accompanied by a fee of ten dollars ($10) made payable to the City Treasurer, which fee shall be recovered from the landlord if abatement is ordered. If the applicant qualifies for waiver of the filing fees, however, the application shall be accompanied by an affidavit of economic hardship signed by the applicant. Within ten (10) days of the filing of the request, the Department of Planning and Community and Economic Development staff shall select a Hearing Examiner from the Rent Abatement Hearing Examiner panel, set a time and place for the hearing and give the landlord and the tenant(s) written notice thereof. The hearing shall be held as soon as possible, but not prior to the end of the 30-day filing period. Notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the landlord and tenant(s) at least ten (10) days prior to the hearing. (Am. by Ord. 9752, Adopted 4-4-89; Ord. 11,994, 12-30-97; ORD-08-00109, 10-7-08; ORD-12-00076, 6-20-12)

2. Rent Abatement Hearing Examiner.
   a. The Rent Abatement Hearing Examiner shall have the authority to conduct hearings on requests for authorization for rent abatement and to determine the exact amount of rent, if any, which may be abated pursuant to this ordinance.
   b. The Rent Abatement Hearing Examiner shall have the authority to administer oaths and to issue subpoenas pursuant to Wis. Stat. § 885.01 at the request of the parties and shall be responsible for the fair, orderly and impartial conduct of the rent abatement hearing and the preservation of the exhibits and the record therein.
   c. In any matter set for hearing the Rent Abatement Hearing Examiner may hold a conference between the parties to attempt to clarify or simplify the issues. In addition, prior to the hearing, upon request of the parties the Hearing Examiner may function as a mediator to encourage voluntary settlement.

(Sec. 32.04(4)(e)2. Am. by Ord. 10,227, 3-29-91)

3. Conduct of Hearing. The Rent Abatement Hearing Examiner shall conduct the hearing on the request for authorization for rent abatement, shall administer oaths to all witnesses and may issue subpoenas upon request of the parties. So far as practicable the rules of evidence in Wis. Stat. § 227.45 shall be followed. The landlord and the tenant may be represented by counsel or other representative, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded on tape. If a review is sought of the Hearing Examiner's decision, a written transcript shall be prepared at no cost to the parties, provided however that a reasonable fee may be charged for copies. For all other purposes, a copy of the tape recordings shall be supplied to anyone requesting the same at the requester's expense. If either party requests a stenographic recording and transcription, the Landlord and Tenant Issues Committee shall make the necessary arrangements, but the expense shall be borne by the requesting party. In the hearing, the tenant(s) shall have the burden of proving to a reasonable certainty by the greater weight of the credible evidence, i.e. by the preponderance of the evidence, that the landlord failed to correct (a) rent impairing violation(s) by the due date in an order of the Building Inspection Division. It is the landlord's burden to show by the preponderance of the evidence that any rent impairing violations were negligently or willfully caused by the tenant or the tenant's guests or that the tenant's refusal to allow entry prevented the landlord from making the corrections in a timely manner. Thereafter, the tenant has the burden to show that any such refusal was reasonable under the circumstances. Either party may present additional evidence on the nature, extent and seriousness of violations, the length of time conditions existed and the extent to which the tenant was deprived of the full use of the rented premises, to assist in determining the percent of abatement which should be allowed. (Am. by Ord. 10,875, 3-31-94; ORD-08-00109, 10-7-08; ORD-09-00147, 11-6-09; ORD-12-00076, 6-20-12)

4. Decision.
   a. If, on the evidence at the hearing, the Rent Abatement Hearing Examiner finds that the landlord failed to comply with an order of the Building Inspection Division to correct by the original due date a "rent impairing" violation as that term is defined in Sec. 32.04(4)(b), the Hearing Examiner shall order that rent be abated

retroactive to the date of the initial inspection in order to effectuate the purpose of this ordinance and to provide fair and equitable compensation to the tenant(s) for the diminished value of the rented premises due to the landlord's continued violation of the City of Madison's building/housing codes. Any such abatement shall be established in accordance with the Schedule of Rent Impairing Violations in Section 32.04(4)(d). In setting the exact percentage of abatement the Hearing Examiner shall consider the nature, extent and seriousness of the particular condition(s), the total number of rent impairing violations at issue, the length of time the condition(s) existed and the extent to which the condition(s) deprive the tenant(s) of full use of the rented premises. If the Hearing Examiner finds that the landlord's failure to comply with the order of the Building Inspection Division by the due date was caused by factors wholly outside the landlord's control and if the Hearing Examiner further finds that the landlord has taken affirmative steps to minimize the impact of the uncorrected rent-impairing condition(s) on the tenant(s), any sums reasonably expended by the landlord in that regard should be considered in setting the percentage of abatement and may operate to reduce the final abatement percentage below the minimum percentage listed for the item(s) in the Schedule of Rent Impairing Violations in Sec. 32.04(4)(d). The Hearing Examiner shall not authorize rent abatement for any condition(s) found to be caused either negligently or willfully by the tenant or his/her guests, nor shall abatement be ordered for any period of time after the tenant has unreasonably refused entry to the landlord for the purpose of correcting the condition(s) giving rise to the violation(s). (Am. by Ord. 11,339, 8-25-95; ORD-08-00109, 10-7-08)

b. If, after hearing, the Hearing Examiner finds that the landlord did not fail to comply with an order of the Building Inspection Division to correct a rent impairing violation by the due date or that the rent impairing violations were caused by the tenant or the tenant's guests or that the tenant unreasonably refused entry for the purpose of correcting a rent impairing violation, the Hearing Examiner shall enter an order denying the request for authorization to abate rent for any items negligently or willfully caused by the tenant or guests of the tenant or for any items which remained uncorrected due to the tenant's unreasonable refusal to allow entry for repair purposes. Where the landlord has received an Official Notice of code violations requiring correction within seventy-two (72) hours or less, a refusal by the tenant to allow entry after reasonable notice of less than twenty-four (24) hours may be deemed an unreasonable refusal solely for the purpose of determining whether rent abatement shall be awarded for the violation which was the subject of the Official Notice. (Am. by Ord. 10,875, 3-31-94; ORD-08-00109, 10-7-08)

c. The decision and order of the Hearing Examiner shall contain written findings and shall be mailed to the parties within twenty (20) days of completion of the hearing or as soon thereafter as possible. The failure to issue and mail a decision within twenty (20)

days shall neither deprive the Hearing Examiner of jurisdiction to render a final decision in the matter nor affect the validity thereof. (Am. by Ord. 9444, 3-25-88)

d. Except as provided in Sec. 32.04(5)(c) of the Madison General Ordinances relating to the rights of successor tenants, the holder of the landlord's interest in the premises at the time the decision and order of the Hearing Examiner is issued and the holder or holders of the landlord's interest during the period of time that the right to continuing abatement remains in effect are bound by the order and by the applicable provisions of this chapter relating to rent abatement. (Cr. by Ord. 10,018, 5-14-90)

(f) Petition for Reconsideration. Within ten (10) days after service by mail of the decision of the hearing examiner, either party may file with the Building Inspection Division a written petition for reconsideration specifying in detail the grounds for the relief sought. In addition, a hearing examiner may on his/her own motion reconsider the decision or order a hearing on reconsideration. (Am. by ORD-08-000109, 10-7-08)

1. Reconsideration will be granted only on the basis of:
   a. A material error of fact or law or an error in the calculation of an award amount, or
   b. (R. by ORD-10-00114, 12-8-10)

   (Am. by Ord. 10,990, 10-10-94; ORD-08-00109, 10-7-08)
2. Copies of the petition shall be served by first class mail by the petitioner on all parties, who may file replies within seven (7) days after service by mail of the petition.
3. Within twenty-one (21) days of the filing of the petition, the hearing examiner shall enter an order denying reconsideration or an order granting reconsideration disposing of the petition without a hearing or shall order a rehearing, which shall be held within twenty (20) days. The failure to issue a decision within the above time period shall not deprive the Hearing Examiner of jurisdiction to render a decision on reconsideration or affect the validity thereof. If no order is entered within twenty-one (21) days of the filing of the petition, the petition shall be deemed denied. (Am. by Ord. 10,990, 10-10-94)
4. Upon rehearing, if any, proceedings shall conform as nearly as may be to Section 32.04(4)(e) et seq., relating to an original hearing.
5. The filing of a petition for rehearing shall not suspend or delay the effective date of the original decision and order, and the order shall take effect on the date fixed by the hearing examiner and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(Sec. 32.06(4)(f) Am. by Ord. 9752, Adopted 4-4-89)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(g) Request for Modification. If, subsequent to a decision by a Hearing Examiner ordering rent abatement, substantial further deterioration or substantial improvement occurs in any rent impairing conditions which were the subject of the original order, the applicant, landlord or any successor tenant may request modification of the rent abatement amount. Only one such request for modification may be made by each eligible individual, which request shall follow the procedures in Sec. 32.04(4)(e) et seq. relating to the original application.(Am by Ord. 9752, Adopted 4-4-89)

(h) Enforcement. Whenever, in the judgment of the Landlord and Tenant Issues Committee, the judicial enforcement of the ordinance is necessary, the Committee

shall in writing request the City Attorney to enforce the ordinance in the name of the City of Madison. (Renumbered from (g) to (h) by Ord. 9444, 3-25-88; ORD-12-00076, 6-20-12)

(i) Appeal. All orders of the Rent Abatement Hearing Examiner shall be final administrative determinations and shall be subject to review in court as by law may be provided. Any party to the proceeding may seek review thereof within thirty (30) days of service by mail of the final determination of the Hearing Examiner. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding before the Hearing Examiner, with said notice to be sent by first class mail to each party's last known address.

The institution of the proceeding for judicial review shall not stay the decision and order of the Hearing Examiner; however, the reviewing court may order a stay upon such terms as it deems proper.

(Am. by Ord. 10,227, 3-29-91)

(5) Successor Tenant.

(a) A successor tenant is entitled to abate rent pursuant to the order of a rent abatement hearing examiner issued in accordance with this Chapter, provided that at the time the tenancy commences there exists an uncorrected rent impairing violation which was determined or is in the process of being determined by the hearing examiner to be abateable.

(b) In order to be deemed a successor tenant under this ordinance an otherwise eligible individual must advise the landlord in writing with a copy to the Rent Abatement Clerk of her or his intent no later than fifteen (15) days after receipt of written notification by the landlord which conforms to the requirements of Sec. 32.04(7) of the Madison General Ordinances regardless of whether said written notification is given within the times prescribed therein. If said written notification is given at or prior to the time the rental agreement is entered into, the successor tenant's notice of intent must be given no later than fifteen (15) days after the commencement of the successor tenancy.

(c) Failure to provide the landlord with a timely written notice of intent to become a successor tenant forfeits a tenant's right to proceed to abate rent as a successor tenant under this chapter, except where the landlord has failed to provide the written notification of the tenant's right to abate rent pursuant to subdivision (b) above. In cases where the landlord fails to provide written notice as required, an otherwise eligible tenant may assert the rights of a successor tenant at any time during the tenancy or in any action relating to or arising out of the tenancy.

(New Sec. 32.06(5) Cr. by Ord. 9752, Adopted 4-4-89)

(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(6) Duration of Abatement.

(a) Authorization to abate a portion of the rent pursuant to Sec. 32.04(4) et seq. for failure of a landlord to correct a rent impairing violation ceases upon certification by the Building Inspection Division of the Department of Planning and Community and Economic Development that said violation has been satisfactorily corrected, except that a tenant, a provider agency or successor tenant shall not be required to reimburse any appropriately abated portion of the rent to a landlord where correction of the rent impairing violation was made after payment of the balance of the rental payment had been tendered to the landlord. Where more than one rent impairing violation has been authorized for rent abatement and partial correction has been certified, authorization to abate continues for the uncorrected rent impairing violations, until such time as their satisfactory correction has been verified. (Am. by ORD-08-000109, 10-7-08)

(b) If abatement is authorized, the landlord must promptly repay any rent previously paid by the tenant, provider agency or successor tenant and apportioned to rent impairing violations from the date of the original inspection by the Building Inspection Division at which said violations were discovered. (Am. by ORD-08-000109, 10-7-08)

(c) If the landlord fails to promptly reimburse the tenant, provider agency or successor tenant as required in Subdivision (b) above, the tenant, provider agency or successor tenant may enforce the order requiring reimbursement as follows:

1. The tenant, provider agency or successor tenant may deduct the amount previously paid and subsequently determined to be apportioned to rent impairing violations from future rental payments.

2. If the total of future rental payments payable for the balance of the tenancy is less than the reimbursement required in Sec. 32.04(6)(b) or if the tenant or successor tenant no longer resides at the premises in question, the tenant, provider agency or successor tenant shall recover from the landlord double the amount not reimbursed in accordance with the order of the Hearing Examiner plus costs of collection including reasonable attorney fees.

(d) The failure of a landlord to promptly reimburse the tenant, provider agency or successor tenant as required in Subdivision (b) above and the failure of either a landlord, a tenant or a provider agency after a decision by the reviewing court on judicial review, to return monies wrongfully not reimbursed or wrongfully abated shall be deemed a violation of this ordinance and shall be punishable pursuant to Sec. 32.04(11) of the Madison General Ordinances.

(e) Rent abatement awarded in a decision and order of a Rent Abatement Hearing Examiner shall accrue during the period when either a tenant or a successor tenant is entitled to the exclusive possession and occupancy of an affected dwelling unit. Under no circumstances shall there be recovery by both a tenant and a successor tenant for the same period of time.

(Sec. 32.06(6) Am. by Ord. 11,339, 8-25-95)

(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533,

(7) Rent Abatement and Code Violations Disclosure. The landlord or any person authorized to enter into a rental agreement shall exhibit to the prospective tenant, prior to the time a rental agreement is entered into, the following:

(a) A copy of any official notice of outstanding violation of Chapter 27 (Minimum Housing and Property Maintenance Code), Chapter 28 (Zoning Code) or Chapter 29 (Building Code) of the Madison General Ordinances of which the said landlord or person has actual notice and which affects the subject rental building regardless of the location of the violation(s) or defect(s) therein;

(b) A copy of any Hearing Examiner decision and order which affects the subject rental unit or any common areas of the subject rental building.

(c) The failure by a landlord to comply with the provisions of this subsection regarding written notice of a successor tenant's right to abate rent shall not be subject to the penalties set forth in Sec. 32.14 of the Madison General Ordinances.

In addition, prior to the time a rental agreement is entered into, the landlord shall advise the prospective tenant in writing of a successor tenant's right to abate rent pursuant to the order aforementioned until authorization to abate ceases as provided in Sec. 32.04(6). In cases where the rent abatement request is pending at the time the rental agreement is entered into, the landlord shall provide the successor tenant written notification of a successor tenant's rights when the case has been decided and shall exhibit a copy of the decision and order to the successor tenant upon receipt thereof.

Finally, at the time occupancy commences the landlord shall exhibit to the tenant (formerly, prospective tenant) a copy of all additional official notices referred to in Subdivision (a) above and a copy of all decisions and orders referred to in Subdivision (b) above, if any have been issued since the signing of the rental agreement. Similarly, at the time of occupancy the landlord shall provide the required written notice of a successor tenant's rights with respect to all such additional official notices and decisions.

The written notice of successor tenant's rights shall specifically state in underlined or otherwise emphasized print the following: "If you wish to become a successor tenant and to abate rent in accordance with Chapter 32 of the Madison General Ordinances you must provide your landlord and the Rent Abatement Clerk with written notice of that intent within fifteen (15) days of receiving written notification from your landlord of your right as a successor tenant to abate rent. Failure to provide your landlord with timely written notice forfeits your right to be a "successor tenant" and to abate rent as a successor tenant under Chapter 32 of the Madison General Ordinances."

(Sec. 32.06(7) Am. by Ord. 9796, 5-31-89)

(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(8) Eviction or Retaliation.

(a) No person or tenant who complains to the Building Inspection Division of the Department of Planning and Community and Economic Development of violations of Chapters 18, 19, 27, 28, 29 or 30 or complies with this section shall be evicted for nonpayment of rent or because said person or tenant has elected to act under said section, so long as rent is being abated in accordance with the provisions of this ordinance or Chapter 704 of the Wisconsin Statutes. In addition, no tenant shall be evicted for nonpayment of rent where the tenant continues to abate rent pursuant to a lawful order of a Hearing Examiner pending judicial review of the order after a stay of the Hearing Examiner's decision has been ordered by the reviewing court, if written notice of the request for judicial review was not given to the tenant in accordance with Section 32.04(4)(i) of the Madison General Ordinances. Furthermore, no tenant who has been authorized to abate a portion of his/her rental payment shall be evicted for failure to pay rent as a result of underpayment of rent due to a computation error, so long as the tenant remedies the underpayment within five (5) days after notice thereof by the landlord. (Am. by Ord. 10,018, 5-14-90)

(b) No person or tenant shall be evicted or retaliated against for complaining of violations of Chapters 18, 19, 27, 28, 29 or 30 or for complying with this section, and it shall be presumed that any attempt to terminate the tenancy of such tenant or to evict such tenant or to raise such tenant's rental payments or to otherwise harass or retaliate against such tenant during the period from the first complaint to the Building Inspection Division of the Department of Planning and Community and Economic Development to six (6) months after the certification by the Building Inspection Division of the Department of Planning and Community and Economic Development of the City of Madison that all violations have been corrected is done in retaliation for the tenant's complaint to the Building Inspection Division of the Department of Planning and Community and Economic Development of a violation of Chapters 18, 19, 27, 28, 29 or 30 or for his or her compliance with this section. Said attempt is hereby declared null and void and subject to a forfeiture of not less than one hundred and fifty dollars ($150) nor more than nine hundred dollars ($900) for each such attempt. It is further provided that in order to overcome such presumption, the landlord must show by a preponderance of the evidence that such acts by her/him were based upon good cause. "Good cause" as used herein means that the landlord must show a good

reason for her/his action, other than one related to or caused by the operation of this ordinance, including but not limited to normal uniform rental increases due to utility increases or other increased costs to landlord, or for other bonafide, nondiscriminatory business reason. (Am. by Ord. 9752, Adopted 4-4-89; ORD-14-00012, 1-14-14)

(Sec. 32.06(6) Renumbered to (8) by Ord. 9752, Adopted 4-4-89)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)
(Sec. 32.04(8) Am. by ORD-08-00109, 10-7-08)

(9) Prosecution. It is the intent of this section that any use of abatement will not prohibit the Building Inspection Division of the Department of Planning and Community and Economic Development from prosecuting violations of the code relating to said property.
(Sec. (7) Renumbered to (9) by Ord. 9752, Adopted 4-4-89; ORD-08-00109, 10-7-08)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(10) Coercion.

(a) Any person who accepts, as a result of misrepresentation, harassment or coercion, rental payments for premises subject to abatement under this ordinance may be subject to a forfeiture of not less than one hundred and fifty dollars ($150) nor more than nine hundred dollars ($900) whether said rental payments are tendered by or on behalf of the tenant occupying the premises at the time abatement is authorized or by, or on behalf of, any subsequent or other tenant who occupies the premises during the existence of such abatement authorization. Each such payment accepted shall constitute a separate violation.

(b) Any tenant who willfully and maliciously uses or attempts to use this ordinance to harass a landlord shall be fined not less than one hundred and fifty dollars ($150) nor more than nine hundred dollars ($900).

(Sec. 32.06(8) Renumbered to (10) by Ord. 9752, Adopted 4-4-89; Am. by Ord. 12,881, 8-24-01)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(11) Penalty.

(a) Any person violating any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than one hundred fifty dollars ($150) nor more than nine hundred dollars ($900), unless a different penalty is specifically provided, with each separate day of violation to be considered a separate offense. (Am. by Ord. 12,881, 8-24-01)

(b) Any person who shall fail or neglect to comply with any lawful order of the Rent Abatement Hearing Examiner issued pursuant to the provisions of this section shall be deemed guilty of a violation of this section, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense.

(Sec. 32.06(9) Renumbered to (11) by Ord. 9752, Adopted 4-4-89)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(12) Severability. In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be in- valid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof. In addition, should enforcement of these ordinance provisions relating to rent abatement be temporarily or permanently stayed in whole or in part by judicial order or should any of said sections of this ordinance be declared or judged invalid or unconstitutional by a court, the provisions of Sec. 32.06 of the Madison General Ordinances, entitled Rent Withholding, in force and effect on October 20, 1986, which relate to rent withholding procedures shall be immediately reinstated without further action by the Common Council.
(Sec. 32.06(10) Renumbered to (12) by Ord. 9752, Adopted 4-4-89)
(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

(13) Effective Date of Ordinance. This ordinance shall be effective and apply to all orders written by the Building Inspection Division of the Department of Planning and Community and Economic Development on or after January 1, 1979. The amendments to this ordinance relating to rent abatement shall be effective and apply to all orders written by the Building Inspection Division of the Department of Planning and Community and Economic Development ninety (90) days after the publication of this ordinance as amended. (Am. by ORD-08-000109, 10-7-08)

(Sec. 32.06(11) Renumbered to (13) by Ord. 9752, Adopted 4-4-89)

(Sec. 32.06 Am. by Ord. 9011, 11-28-86)

(Sec. 32.04 Renumbered from former Sec. 32.06 by Ord. 12,533, 2-18-00)

32.05 TENANTS RIGHTS TO PRIVACY AND EXCLUSIVE POSSESSION.

(1) It shall be unlawful for the owner or operator of any residential dwelling unit to commit or permit any of the following acts which tend to interfere with the rights of the tenant therein to privacy and the exclusive possession of the premises and personal property therein:

(a) Removing, altering or replacing locks affixed to the premises unless a key is immediately provided to the tenant therein so as not to deny the tenant access except as is necessary to preserve or protect the premises in the event of damage or destruction in the tenant's absence. In such a case, a key shall be provided to the tenants as soon thereafter as practicable.

(b) Removal of doors or windows without the consent of the tenant therein except as is reasonably necessary to preserve or protect the premises when damage or destruction occurs in the tenant's absence.

(c) Confiscation of personal property belonging to tenants in lieu of rent or any other alleged claim.

(d) Except as provided in Subdivision (e), entering on a tenant's leased property including the shared areas within a single dwelling unit without at least twenty-four (24) hours notice of the specific date and approximate time of entry unless the tenant approves a shorter period of notice on a case by case basis, except when the landlord reasonably believes that entry is necessary to preserve or protect the premises from damage or destruction which is not intentionally caused by the landlord.

(e) Entering upon a tenant's leased premises solely to show the property for sale or lease without at least twenty-four (24) hours notice, the notice shall indicate the exact time of entry and the length of stay not to exceed a combined total of three (3) hours per day and shall cover not more than three consecutive days, unless the tenant approves a shorter period of notice or a larger window of availability on a case-by-case basis. (Am. by ORD-10-00016, 2-18-10)

(f) No landlord may enter a dwelling unit during tenancy without first announcing his or her presence to persons who may be present in the dwelling unit, and identifying himself or herself upon request. (Cr. by Ord. 12,533, 2-18-00)

(g) A landlord may regulate guests, but may not prohibit, a tenant from having all guests. Guest regulations, if any, shall be included in the rental agreement. Guest regulations shall be in conformance with the definition of a Family provided in Chapter 28 of Madison General Ordinances. Guest regulations shall not permit the violation of zoning regulations, including capacity standards, provided in Chapter 28 of Madison General Ordinances. Nothing in these ordinances shall prohibit a landlord from commencing an eviction action against a tenant for permitting a person to reside in the tenant's rental unit in violation of Madison General Ordinances or state law. (Cr. by Ord. 12,932, 12-11-01)

(2) It shall be unlawful for a tenant to change or re-key locks affixed to the premises without the prior approval of the landlord except in a case of emergency when necessary to protect

or preserve the premises or to protect the health or safety of the tenant. In such case a key shall be provided to the landlord within 48 hours or as soon thereafter as practicable and the landlord shall have the right to replace the altered lock. (Am. by Ord. 13,223, 1-25-03)

(3) Any person who violates any provisions of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture of not more than one thousand dollars ($1,000) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (Am. by Ord. 12,881, 8-24-01; Ord. 13,760, Adopted 12-14-04)

(Sec. 32.05 Am. by Ord. 10,812, Adopted 1-18-94)

32.06 RENTAL AGREEMENTS AND RECEIPTS.

(1) Copies of Rental Agreements, Rules. Rental agreements and rules and regulations established by the landlord, if in writing, shall be furnished to prospective tenants for their inspection before a rental agreement is entered into, and before any earnest money or security deposit is accepted from the prospective tenant. Copies shall be given to the tenant at the time of agreement.

(2) Tenant Rights and Responsibilities. The landlord or any person authorized to enter into a rental agreement shall provide a copy of a document approved by the Landlord and Tenant Issues Committee, entitled "Tenant Rights and Responsibilities," to a tenant at or prior to the signing of a rental agreement. If a residential property unit has more than one tenant, a landlord shall only be required to provide one copy of the document to the tenants. (Am. by ORD-12-00076, 6-20-12)

(a) The document shall contain:

1. An explanation of the rights and responsibilities of tenants as specified in state law and these Ordinances, including but not limited to:
   a. timely payment of rent
   b. maintenance and cleanliness of leased premises
   c. responsibility for damages
   d. responsibility for repairs
   e. notice of intent to move
   f. legal rules of conduct
   g. provision of complete and accurate prior tenancy information
   h. summary of Chapter 32, including but not limited to Secs. 32.04-32.12
   i. summary of Section 39.03, relative to housing discrimination
   j. summary of Section 34.907 relating to smoke alarms installation and maintenance (Cr. by ORD-09-00041, 3-19-09; Am. by ORD-10-00083, 9-15-10)
2. The addresses, telephone numbers and other contact information of agencies and organizations related to landlord tenant issues, including but not limited to:
   a. Apartment Association of South Central Wisconsin
   b. Tenant Resource Center
   c. Fair Housing Center of Greater Madison
   d. Non-emergency police and fire services.

(b) The document shall be made available to landlords by the Building Inspection Division for a charge not to exceed actual cost of production. (Am. by ORD-08-000109, 10-7-08)

(c) Failure to comply with the provisions of this subsection shall subject a landlord to the penalties set forth in Sec. 32.14, M.G.O.

(d) This subsection is effective July 2, 2003. (Cr. by Ord. 13,336, 6-7-03)

(Cr. by Ord. 13,037, 3-26-02)

(3) Receipt for Tenant Payments.

(a) Immediately upon accepting any earnest money or security deposit, the landlord shall provide the tenant or prospective tenant with a written receipt for the deposit, stating the nature of the deposit and its amount. A receipt is not required where payment is made by check bearing a notation describing the purpose for which it was given, unless requested by the tenant.

(b) If a tenant pays rent in cash, the landlord, upon receiving the cash payment, shall provide the tenant with a written receipt stating the nature and amount of the payment. A landlord is not required to provide a receipt for rent payments made by check.

(Renumbered by Ord. 13,037, 3-26-02)

(4) Upon each new lease and at least once every 12 months for every continuing tenant, the owner and tenant(s) shall sign a document indicating the required alarms are installed and operating in accordance with this section. The form must state the tenant, by signing the form, understands it is a violation of this section to tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable. In addition the tenant's signature indicates the tenant understands their responsibility for maintenance and testing of the smoke alarm(s). The form shall state the penalties for rendering smoke alarms inoperable or otherwise affecting the performance of the alarm. (Cr. by ORD-09-00041, 3-19-09)

(Sec. 32.06 Cr. by Ord. 12,533, 2-18-00)

(5) Voter Registration Forms. In order to increase citizen participation in elections, and in light of the many tenants residing in the City of Madison, every landlord shall provide a tenant with a voter registration form at the time the tenant takes possession of the residence. The voter registration form shall be the form made available by the City Clerk or as downloaded from the City Clerk's website. The landlord shall also provide each residential unit with the "How to Register" information available from the City Clerk. (Cr by ORD-12-00096, 7-27-12)

32.07 SECURITY DEPOSIT REFUND PROCEDURES.

(1) The landlord may require as a condition of a rental agreement a security deposit for the purposes provided in Sec. 32.07(14) and for no other purpose.

(2) (a) In this section 'security deposit' means the total of all payments and deposits given by a tenant to the landlord in a residential tenancy as security for the performance of the tenant's obligations, and includes but is not limited to all rent payments in excess of one month's prepaid rent, all pet deposits, furniture deposits and key deposits.

(b) The sum of all payments and deposits, held as security deposit shall not exceed the equivalent of one month's rent. A security deposit may not be instituted or increased during the occupancy of any original tenant(s) under the same, an amended, a renewed or a new rental agreement. If, however, the terms of the amended, new or renewed rental agreement allow as a new condition a pet or a waterbed and the increase in the security deposit is mutually agreed upon in writing between the parties, a security deposit may be instituted or increased provided it does not exceed one month's rent.

(c) Landlords who charge an amount less than or equal to fifty percent (50%) of one (1) month's rent as a security deposit shall be exempt from the provisions of this ordinance which require the payment of a rent credit.

(d) Except as permitted pursuant to Sec. 32.07(8) which provides that a security deposit shall be returned to a tenant or accounted for within twenty-one (21) days of vacation of the premises by that tenant, a landlord may not simultaneously hold a security deposit given by a tenant and a sub-tenant of the same rental premises unless the total of the deposits made by the parties does not exceed the equivalent of one month's rent.

(e) Nothing in this subsection shall be construed as prohibiting the voluntary prepayment of rent by a tenant or the prepayment of rent by a tenant pursuant to a mutually agreed upon semesterly, annual or other periodic payment plan, provided the plan contains a bona fide monthly rental payment option which the tenant is free to elect at her or his sole discretion. A bona fide rental payment option within the meaning of this ordinance is one where the total of all payments under the monthly payment option does not exceed by more than five percent (5%) the total of all payments under any of the other periodic payment options.

(3) Rent Credit. The landlord shall provide a yearly rent credit calculated from the date the security deposit is paid or an earnest money deposit has been applied toward the security deposit according to Sec. 32.10(2)(b) to the date the security deposit is either returned or properly accounted for under Sec. 32.07(8) of the Madison General Ordinances. The rent credit shall be equivalent to the State of Wisconsin Department of Financial Institutions' (DFI) announced interest rate to be paid by Wisconsin's financial institutions for money held in escrow accounts for real estate; and the Mayor shall direct that the rent credit rate and that of the prior twenty (20) years be available to the public at the City Clerk's office, Building Inspection Division, Madison public libraries and on the City's official web page. The interest rate credited shall be the announced rate on the date the security deposit is paid or an earnest money deposit is applied toward the security deposit and the rate in effect on each annual anniversary date thereafter. (Am. by ORD-08-000109, 10-7-08)

(a) The rent credit and the date it is received shall be specified in the lease and in any subsequent renewal or given in writing to the tenant at the time of entering into the rental agreement.

(b) If not credited to the last month's rent annually or otherwise distributed to the tenant prior to the termination of the tenancy, the rent credit shall be paid to the tenant or accounted for in writing using the procedures set forth below for the return of the security deposit within twenty-one (21) days after surrender of rental premises and restoration of possession to the landlord.

(c) Voluntary prepayments of rent by a tenant under Section 32.07(2)(e) are not subject to the rent credit provisions set forth in this subsection.

(d) This subsection shall become effective January 1, 2004.

(Repealed and recreated by Ord. 13,414, 10-4-03)

(4) The tenant shall place the dwelling unit in as overall clean condition, excepting ordinary wear and tear, as when the tenancy commenced or as improved by the landlord, the landlord's agents or the tenant pursuant to a written agreement with the landlord. (Former Subsection (5) Renumbered to Subsection (4) and Am. by Ord. 12,533, 2-18-00)

(5) The landlord and tenant shall use a written CHECK-IN AND CHECK-OUT procedure.

(a) The landlord shall furnish copies of check-in and check-out forms to tenants of each dwelling unit. The check-in form shall be provided to the tenant at the beginning of the tenancy and the check-out form shall be provided to the tenant prior to the termination of the tenancy.

(b) Before a landlord accepts a security deposit under Sec. 32.10(3)(b), or converts an earnest money deposit to a security deposit under Sec. 32.10(2)(b) the landlord shall notify the tenant in writing that the tenant may do any of the following by a specified date which is not less than seven (7) days after the start of tenancy:

1. Inspect the dwelling unit and notify the landlord of any pre-existing damages or defects by noting the conditions on the check-in form.
2. Request a list of physical damages or defects, if any, charged to the previous tenant's security deposit, and request the opportunity to view, within 30 days of the receipt of the notice, the photographs maintained by the landlord under Sec. 32.07(14)(a) documenting such physical damages or defects. The landlord may require the tenant to make this request, if any, in writing. (Am. by ORD-08-00043, 4-26-08)

(c) If a tenant makes a request under Paragraph (b)2., the landlord shall provide the tenant with a list of all physical damages or defects charged to the previous tenant's security deposit, regardless of whether those damages or defects have been repaired, as well as provide the opportunity to view, within 30 days of the receipt of the notice, the photographs maintained by the landlord under Sec. 32.07(14)(a) documenting such physical damages or defects. The landlord shall provide the list and make the photographs available for viewing by the tenant within 30 days after the landlord receives the request, or within 7 days after the landlord notifies the previous tenant of the security deposit deductions, whichever occurs later. The landlord may explain that some or all of the listed damages or defects have been repaired, if that is the case. The landlord need not disclose the previous tenant's identity, or the amounts withheld from the previous tenant's security deposit. (Am. by ORD-08-00043, 4-26-08)

(d) All check-out forms shall be comparable to the check-in forms. All check-out forms shall provide an obvious place for the tenant's forwarding address. Check-out forms shall also provide a space for the rent credit due and a space for the landlord's explanation for any portion of the rent credit deemed not due.

(e) Acknowledgement, if any, of receipt of the check-in and check-out forms or combined check-in/check-out form shall be included in a written document entitled "NON-STANDARD RENTAL PROVISIONS", which the landlord provides to the tenant.

(f) The landlord has the burden of proving compliance with all provisions and procedures set forth in this subsection or forfeits all right to any portion of the security deposit.

(Former Subsection (6) Renumbered to Subsection (5) and Am. by Ord. 12,533, 2-18-00)

(6) Failure by the landlord to offer either the check-in or check-out forms shall forfeit the landlord's right to withhold any amount from a security deposit for alleged cleaning costs or damages.

(Former Subsection (7) Renumbered to Subsection (6) by Ord. 12,533, 2-18-00)

(7) Every landlord who accepts a security deposit shall, within twenty-one (21) days after a tenant surrenders the rental premises, return, in person or by mail, to the tenant at the tenant's forwarding address or at the tenant's last known address if a forwarding address is not provided to the landlord, either:

(a) The full security deposit; or

(b) A written, itemized statement showing the specific reason or reasons for the withholding of the deposit or any portion of the deposit, applicable receipts and estimates including the necessary hours and the wage rate for the work done or to be done any rent credit due, and a notice, in a minimum of ten-(10) point font, that the tenant will be provided a copy of the photographs documenting any damage, waste or neglect of the premises being charged to the tenant if requested by the tenant in writing within 30 days of receipt of the notice. Upon receipt of a timely request, the landlord has 30 days to provide the tenant a copy of the photographs maintained by the landlord under Sec. 32.07(14)(a) documenting the damage, waste or neglect. The landlord shall not be held responsible for the inability of the Post Office to complete delivery of a first class letter. (Am. by ORD-07-00015, 2-06-07; ORD-08-00043, 4-26-08; ORD-10-00108, 11-17-10)

(c) If a landlord returns a security deposit in the form of a check, draft, or money order, the landlord shall make the check, draft, or money order payable to all tenants who are parties to the agreement, unless the tenants designate a payee in writing.

(d) A tenant does not waive his or her right to the full amount owed under Subdivision (a) merely by accepting a partial payment of that amount.

(Former Subsection (8) Renumbered to Subsection (7) and Am. by Ord. 12,533, 2-18-00)

(8) A tenant surrenders the premises under Subsection (7) on the last day of tenancy provided under the rental agreement, except that:

(a) If the tenant vacates before the last day of tenancy provided under the rental agreement, and gives the landlord written notice that the tenant has vacated, surrender occurs when the landlord receives the written notice that the tenant has vacated. If the tenant mails the notice to the landlord, the landlord is deemed to receive the notice on the second day after mailing.

(b) If the tenant vacates the premises after the last day of tenancy provided under the rental agreement, surrender occurs when the landlord learns that the tenant has vacated.

(c) If the tenant is evicted, surrender occurs when a writ of restitution is executed, or the landlord learns that the tenant has vacated, whichever occurs first.
(Subsection (8) created by Ord. 12,533, 2-18-00)

(9) If the landlord fails to provide a written statement within the prescribed period in accordance with Sec. 32.07(7)(b), or fails to provide the tenant a copy of the photographs requested under Sec. 32.07(7)(b), or fails to comply with the security deposit limits in Sec. 32.07(2)(b) or fails to comply with the rent credit provisions of Sec. 32.07(3), or fails to comply with or otherwise violates Sec. 32.07(14) and (15) concerning the reasons for which security deposits may be withheld, the landlord forfeits all rights to any portion of the deposit. (Am. by ORD-08-00043, 4-26-08)

(10) If a landlord fails to comply with or otherwise violates the ordinance provisions set forth below, the tenant shall have the right to recover damages in the amount indicated below together with costs including reasonable attorney's fees:

Ordinance Violation	Damages
(a) Failure to comply with the security deposit limit in Sec. 32.07(2)(b).	The money due plus up to twice the amount wrongfully held.
(b) Failure to comply with the rent credit provisions under Sec. 32.07(3).	The money due plus up to twice the amount wrongfully withheld or not provided.
(c) Failure to use check-in/check-out forms under Sec. 32.07(5).	The money due plus up to twice the amount wrongfully withheld.
(d) Failure to return security deposit or provide written statement of reasons for withholding under Sec. 32.07(7)(a) & (b)	The money due plus up to twice the amount wrongfully withheld.
(e) Failure to comply with Sec. 32.07(14) & (15) relating to the reasons for which security deposits may be withheld.	The money due plus up to twice the amount wrongfully withheld.

(11) The holder of the landlord's interest in the premises at the time of the termination of the tenancy is bound by this section.

(12) This section does not preclude the landlord or tenant from recovering other damages to which the landlord or tenant is entitled.

(13) Any attempted waiver of this section by a landlord or tenant by contract or otherwise is void and unenforceable.

(14) A landlord may withhold from a tenant's security deposit only for the following:

(a) Tenant damage, waste or neglect of the premises, provided that the landlord documents such damage, waste or neglect of the premises with photographic evidence (in any form, so long as such damage, waste or neglect can be photographed), a copy of which must be provided to the tenant upon a timely request being made under Section 32.07(7)(b) and which photographs must be retained by the landlord for either 90 days from providing the tenant notice under Sec. 32.07(7)(b) of partial or full withholding of the security deposit, or 90 days from the start of a new tenancy for the premises, whichever is later. The failure of

a landlord to take, provide, or retain a photograph documenting a specific claim of damage, waste or neglect that was able to be photographed only precludes the landlord from withholding from the tenant's security deposit for the specific claim in question, and does not otherwise affect the landlord's ability to recover for such damage, waste or neglect. However, if the tenant accepts responsibility for a specific claim of damage, waste or neglect, in writing on the checkout form, no photograph will be required to be taken, provided, or retained of the specific item. (Am. by ORD-08-00043, 4-26-08)

(b) Unpaid rent for which the tenant is legally responsible, subject to Sec. 704.29, Wis. Stats.

(c) Payment which the tenant owes for utility service provided by the landlord but not included in the rent.

(d) Payment which the tenant owes for direct utility service provided by a government-owned utility, to the extent that the landlord becomes liable for the tenant's nonpayment.

(e) Unpaid mobile home parking fees assessed against the tenant by a local unit of government under Sec. 66.0435(3), Wis. Stats., to the extent that the landlord becomes liable for the tenant's nonpayment.

(f) Other reasons authorized in the rental agreement, which may include one or more non-standard rental provisions authorizing a landlord to withhold from a tenant's security deposit for reasons not identified in Subdivisions (a) through (e). The landlord shall include the non-standard provisions, if any, in a separate written document entitled "NON-STANDARD RENTAL PROVISIONS" which the landlord provides to the tenant. The landlord shall specifically identify and discuss each non-standard provision with the tenant before the tenant enters into any rental agreement with the landlord. If the tenant signs or initials a non-standard rental provision, it is rebuttably presumed that the landlord has specifically identified and discussed that non-standard provision with the tenant and that the tenant has agreed to it.

Notwithstanding the language above which allows additional reasons for withholding security deposits if those are specified in writing, nothing in this subsection or elsewhere in this chapter shall be construed as authorizing any withholding for normal wear and tear, including activities that are customarily performed by the landlord or the landlord's agents before a new tenancy commences, including, but not limited to, washing windows, shampooing carpets, occasional repainting or reupholstering furniture; or for other damages or losses for which the tenant is not otherwise responsible under applicable law.

(15) No landlord may intentionally misrepresent or falsify any claim against a security deposit, including the cost of repairs, or withhold any portion of a security deposit pursuant to an intentionally falsified claim.

(Sec. 32.07 Am. by Ord. 10,812, Adopted 1-18-94; Am. by Ord. 12,533, 2-18-00; Former Subsection (4) repealed by Ord. 12,533, 2-18-00)

32.08 HOUSING OWNERSHIP, DEFECT AND INFORMATION DISCLOSURE.

(1) The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall disclose to the tenant in writing, at or before the execution of a rental agreement whether oral or written, the name, address and telephone number of:

(a) The person authorized to collect or receive rent and manage and maintain the premises, and who can promptly be contacted by the tenant; and

(b) An owner of the premises or a person authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for notices and demands. The address disclosed shall be an address within the state at which service of process can be made in person.

(c) A landlord shall keep tenants informed of changes, if any, in the information required in Subdivisions (a) and (b). The landlord shall mail or deliver written notice of each change within ten (10) business days after the change occurs. This section extends to and is enforceable against any successor landlord.

(d) This subsection does not apply to an owner-occupied structure containing no more than four (4) dwelling units.

(Subsection (1) Am. by Ord. 12,533, 2-18-00; Ord. 13,224, 1-25-03)

(2) Code Violations and Conditions Affecting Habitability. Before entering into a rental agreement or accepting any earnest money or security deposit from the prospective tenant, the landlord shall disclose to the prospective tenant:

(a) The following conditions affecting habitability, the existence of which the landlord knows or could know on basis of reasonable inspection, whether or not notice has been received from code enforcement authorities:

1. The dwelling unit lacks hot or cold running water.

2. Heating facilities serving the dwelling unit are not in safe operating condition, or are not capable of maintaining a temperature in all living areas of the dwelling unit of at least 67°F (19°C) during all seasons of the year in which the dwelling unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.

3. The dwelling unit is not served by electricity, or the electrical wiring, outlets, fixtures or other components of the electrical system are not in safe operating condition.

4. Any structural or other conditions in the dwelling unit or premises which constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the premises other than negligent use or abuse of the premises by the tenant.

5. The dwelling unit is not served by plumbing facilities in good working condition.

6. The dwelling unit is not served by sewage disposal facilities in good operating condition.

(b) Utility Charges. If charges for water, heat or electricity are not included in the rent, the landlord shall disclose this fact to the tenant before entering into a rental agreement or accepting any earnest money or security deposit from the prospective tenant. If individual dwelling units and common areas are not separately metered, and if the charges are not included in the rent, the landlord shall disclose the basis on which charges for utility services will be allocated among individual dwelling units.

(c) The landlord or any person authorized to enter into a rental agreement shall exhibit to the prospective tenant, prior to the time a rental agreement is entered into, the following:

1. A copy of any official notice of outstanding violation of Chapter 27 (Minimum Housing and Property Maintenance Code), Chapter 28 (Zoning Code) or Chapter 29 (Building Code) of the Madison General Ordinances of which the said landlord or person has actual notice and which affects the subject rental building regardless of the location of the violation(s) or defect(s) therein; and

2. A copy of any Hearing Examiner decision and order which affects the subject rental unit or any common areas of the subject rental building.

3. The failure by a landlord to comply with the provisions of this subdivision regarding written notice of a successor tenant's right to abate rent shall not be subject to the penalties set forth in Sec. 32.14 of the Madison General Ordinances.

In addition, prior to the time a rental agreement is entered into, the landlord shall advise the prospective tenant in writing of a successor tenant's right to abate rent pursuant to the order aforementioned until authorization to abate ceases as provided in Sec. 32.06(6). In cases where the rent abatement request is pending at the time the rental agreement is entered into, the landlord shall provide the successor tenant written notification of a successor tenant's rights when the case has been decided and shall exhibit a copy of the decision and order to the prospective tenant upon receipt thereof.

Finally, at the time occupancy commences the landlord shall exhibit to the tenant (formerly, prospective tenant) a copy of all additional official notices referred to in Subdivision (a) above and a copy of all decisions and orders referred to in Subdivision (b) above, if any have been issued since the signing of the rental agreement. Similarly, at the time of occupancy the landlord shall provide the required written notice of a successor tenant's rights with respect to all such additional official notices and decisions.

The written notice of successor tenant's rights shall specifically state in underlined or otherwise emphasized print the following: "If you wish to become a successor tenant and to abate rent in accordance with Chapter 32 of the Madison General Ordinances you must provide your landlord and the Rent Abatement Clerk with written notice of that intent within fifteen (15) days of receiving written notification from your landlord of your right as a successor tenant to abate rent. Failure to provide your landlord with timely written notice forfeits your right to be a "successor tenant" and to abate rent as a successor tenant under Chapter 32 of the Madison General Ordinances.

(Sec. 32.08(2)(d) Am. by Ord. 9796, 5-31-89; Renumbered to Subsection (c) and Am. by Ord. 12,533, 2-18-00)

(d) The landlord or any person authorized to enter into a rental agreement shall notify the prospective tenant in writing, prior to the time a rental agreement is entered into, of occupancy limits imposed on the premises by Sec. 27.06 of the Minimum Housing and Property Maintenance Code; the family definition in Sec. 28.211 of the Zoning Code and the zoning district in which the premises are located; and the off-street parking requirements in Sec. 28.141 of the Zoning Code. Any tenant required to vacate leased premises because of a violation of any of the sections of the Madison General Ordinances herein specified is relieved of any further obligation under the lease, if he or she has not been so notified. (Am. by ORD-12-00134, 1-2-13)

(3) Any person authorized to enter into a rental agreement on the landlord's behalf and who fails to comply with Subsections (1) and (2), becomes an agent of each person who is a landlord for the purpose of:

(a) Service of process and receiving and receipting for notices and demands; and

(b) Performing the obligations of the landlord under this section and under the rental agreement and expending or making available for such purpose all rent collected from the premises.

(4) Penalty. Any person who violates any provision of this section or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than seventy-five dollars ($75) nor more than one thousand five hundred dollars ($1,500). (Am. by Ord. 12,881, 8-24-01)

(5) Written Reasons For Denial of or Non-Renewal of Tenancy.

(a) All applications for residential tenancy shall contain the following question in writing in a prominent place on the application: "Do you wish to receive a written explanation of the denial of tenancy? Yes ____ No ____."

(b) 1. Unless the applicant has indicated on the application that the applicant does not want to receive a written explanation of a denial of tenancy, the lessor or any person authorized to enter into rental agreements on behalf of the lessor, shall provide any applicant who is denied tenancy with a written statement of reasons for the denial of tenancy as required by sub (d).

2. If the applicant has indicated s/he does not want to receive a written explanation, the applicant may request a written explanation of a denial within thirty (30) days and the lessor shall provide the statement as required by sub. (d).

(c) A lessor that decides not to renew a tenant's lease at the expiration of the lease term or terminates a periodic tenancy or tenancy at will, shall provide the affected tenant with a notice of non-renewal as required by sub. (d). The notice shall be served at least sixty (60) days prior to the expiration of the lease term unless the term is shorter than sixty (60) days, which shall require a notice compliant with Wis. Stat. § 704.19.

(d) 1. In denying an initial application for tenancy or non-renewal of a lease at the expiration of a lease term or a tenancy period or terminating a tenancy at will, the lessor shall furnish the applicant or tenant a written statement of the reasons tenancy was denied or terminated.

2. The statement shall include the reason(s) for the action, a description of the information supporting the decision, and identification of all sources of the relied-upon information. Lessor shall also furnish the applicant with a copy of the lessor's tenant selection policies.

3. The written notification required by sub. 1. shall be personally delivered or mailed to the applicant within three (3) days of the denial of tenancy.

4. An application is deemed denied for the purpose of this section if no determination is made by the lessor within twenty-one (21) days of the date the completed application is received by the lessor.

(Sec. 32.08(5) R. & Rec. by ORD-13-00181, 11-5-13)

(6) Severability. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein.

(7) Effective Date. The effective date of this section shall be August 1, 1978. All disclosure and notice to tenant requirements under Subsections (1) and (4) shall be given to tenants under existing rental agreements on or prior to said date and thereafter to any new tenants as provided herein. The requirements of Subsection (2) shall be effective on August 1, 1978 and be applicable to all current and future tenancies.

(8) Requirement That Landlord Notify Tenant of Automatic Renewal Clause. A provision in a lease of residential property that the lease shall be automatically renewed or extended for a specified period unless the tenant or either party gives notice to the contrary prior to the end of the lease is not enforceable against the tenant unless the lessor, at least fifteen (15)

days but not more than thirty (30) days prior to the time specified for the giving of such notice to him, gives to the tenant written notice in the same manner as specified in Sec. 704.21, Wis. Stats. calling the attention of the tenant to the existence of the provision in the lease for automatic renewal or extension.

(Sec. 32.08 Am. by Ord. 7542, 10-22-81; Former Subsection (3) Repealed, and Former Subsections (4)-(8) Renumbered to Subsections (3)-(7) by Ord. 12,533, 2-18-00; Former Subsections (5)-(7) Renumbered to Subsections (6)-(8) by Ord. 13,039, 3-26-02)

32.09 PROMISES TO REPAIR.

(1) Date of Completion. Every promise or representation made by a landlord to a tenant or prospective tenant to the effect that the dwelling unit or any other portion of the premises, including furnishings or facilities, will be cleaned, repaired or otherwise improved by the landlord shall specify the date or time period on or within which the cleaning, repairs or improvements are to be completed.

(2) Initial Promises in Writing. All promises made before the initial rental agreement shall be in writing with a copy furnished to the tenant.

(3) Performance; Unavoidable Delays. No landlord shall fail to complete the promised cleaning, repairs or improvements on the date or within the time period represented under Subsection (1), unless the delay is for reason of labor stoppage, unavailability of supplies or materials, unavoidable casualties, or other causes beyond the landlord's control. The landlord shall give timely notice to the tenant of reasons beyond the landlord's control for any delay in performance, and stating when the cleaning, repairs or improvements will be completed.

(4) Private Right to Recovery. Nothing herein shall be construed so as to deprive any tenant or prospective tenant from maintaining and prosecuting a private action against a landlord for damages caused by said landlord's failure to comply with any provision of this section of the ordinances.

(Sec. 32.09 Cr. by Ord. 7542, 10-22-81)

32.10 EARNEST MONEY DEPOSITS.

(1) A landlord may not accept an earnest money deposit or security deposit from a rental applicant until the landlord identifies to the applicant the dwelling unit or units for which the applicant is being considered for tenancy.

(2) Refunding or Crediting An Earnest Money Deposit.

(a) A landlord who receives an earnest money deposit from a rental applicant shall send the full deposit to the applicant by first-class mail, or shall deliver the full deposit to the applicant, by the end of the next business day after any of the following occurs:

1. The landlord rejects the rental application or refuses to enter into a rental agreement with the applicant.
2. The applicant withdraws the rental application before the landlord accepts that application.
3. The landlord fails to approve the rental application by the end of the third business day after the landlord accepts the applicant's earnest money deposit, or by a later date to which the tenant agrees in writing. The later date may not be more than 21 calendar days after the landlord accepts the earnest money deposit.

(b) A landlord who receives an earnest money deposit from a rental applicant shall do one of the following if the landlord enters into a rental agreement with that applicant:

1. Apply the earnest money deposit as rent or as a security deposit.
2. Return the earnest money deposit to the tenant.

(c) A person giving an earnest money deposit to a landlord does not waive his or her right to the full refund or credit owed under Subdivision (a) or (b) merely by accepting a partial payment or credit of that amount.

(3) Withholding An Earnest Money Deposit.

(a) A landlord may withhold from a properly accepted earnest money deposit if the prospective tenant fails to enter into a rental agreement after being approved for tenancy, unless the landlord has significantly altered the rental terms previously disclosed to the tenant.

(b) A landlord may withhold from an earnest money deposit, under Subdivision (a), an amount sufficient to compensate the landlord for actual costs and damages incurred because of the prospective tenant's failure to enter into rental agreement. The landlord may not withhold for lost rents unless the landlord has made a reasonable effort to mitigate those losses, as provided under Sec. 704.29, Wis. Stats.

(c) Upon request by any person giving an earnest money deposit, the landlord shall provide that person with a written statement accounting for all amounts permanently withheld from the deposit.

(Sec. 32.10 Cr. by Ord. 7542, 10-22-81; Am. by Ord. 12,533, 2-18-00)

32.11 PROHIBITED RENTAL AGREEMENT PROVISIONS. No rental agreement may:

(1) Authorize the eviction or exclusion of a tenant from the premises, other than by judicial eviction procedures as provided under Ch. 799, Wis. Stats.

(2) Provide for an acceleration of rent payments in the event of tenant default or breach of obligations under the rental agreement, or otherwise purport or waive the landlord's obligation to mitigate damages as provided under Sec. 704.29, Wis. Stats.

(3) Require payment, by the tenant, of attorney's fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement. This does not prevent the recovery of costs or attorney's fees by a landlord or tenant pursuant to a court order under Ch. 799 or 814, Wis. Stats.

(4) Authorize the landlord or any agent of the landlord to confess judgment against the tenant in any action arising under the rental agreement.

(5) Relieve, or purport to relieve the landlord from liability for property damage or personal injury caused by negligent acts or omissions of the landlord. This does not affect ordinary maintenance obligations assumed by a tenant under a rental agreement, in accordance with Sub. (7) and Sec. 704.07, Wis. Stats.

(6) Impose, or purport to impose liability on a tenant for:

(a) Personal injury arising from causes clearly beyond the tenant's control.

(b) Property damage caused by natural disasters, or by persons other than the tenant or the tenant's guests or invitees. This does not affect ordinary maintenance obligations assumed by a tenant under the rental agreement, in accordance with Sub. (7) and Sec. 704.07, Wis. Stats.

(7) Provide for the waiver of any statutory or other legal obligation on the part of the landlord to deliver the premises in a fit or habitable condition, or maintain the premises during tenancy.
(Am. by Ord. 12,533, 2-18-00)

(8) Contain any provision which, if enforced or invoked, would violate Chapter 32 or other ordinance or state law. (Cr. by Ord. 10,812, Adopted 1-18-94)

(9) Require payment by the tenant of the cost of cleaning or shampooing carpet or require that carpet be cleaned or shampooed at the end of a lease term, unless there is unusual damage caused by tenant abuse. (Cr. by Ord. 13,174, 11-5-02; Reconsidered & republished, 11-26-02)

(Sec. 32.11 Cr. by Ord. 7542, 10-22-81)

32.12 PROHIBITED PRACTICES.

(1) Advertising or Rental of Condemned Premises. No landlord may rent or advertise for rent any premises which have been placarded and condemned for human habitation, or on which a notice of intent to placard and condemn, or an order to raze, or to rehabilitate or raze, or any similar order has been received under state or local laws or ordinances, until and unless all repairs required to bring the property into compliance with the laws or ordinances have been completed.

(2) Automatic Lease Renewal Without Notice. No landlord shall enforce, or attempt to enforce, an automatic renewal or extension provision in any lease unless, as provided under Sec. 704.15, Wis. Stats., the tenant was given separate written notice of the pending automatic renewal or extension at least fifteen (15) days, but no more than thirty (30) days before its stated effective date.

(3) Confiscation of Personal Property. No landlord may seize or hold a tenant's personal property, or prevent the tenant from taking possession of the tenant's personal property, except as authorized under Secs. 704.05(5) and 779.43, Wis. Stats., or a written lien agreement between the landlord and the tenant. A lien agreement, if any, shall be executed in writing at the time of the initial rental agreement. The landlord shall include the lien agreement in a separate written document entitled "NON-STANDARD RENTAL PROVISIONS" which the landlord provides to the tenant. The landlord shall specifically identify and discuss the lien agreement with the tenant before the tenant enters into any rental agreement with the landlord. The lien agreement is not effective unless signed or initialed by the tenant. Any proceeds from the disposition of personal property that, together with a security deposit, exceed one month's rent shall be due the tenant. (Am. by Ord. 12,533, 2-18-00)

(4) Retaliatory Conduct.

(a) Except as provided in sub. (b), no landlord shall terminate a tenancy or give notice preventing the automatic renewal of a lease, or refuse to renew a lease, or constructively evict a tenant by means of the termination or substantial reduction of heat, water or electricity to the dwelling unit, or report the tenant to law enforcement authorities as having unlawfully entered or immigrated into the United States regardless of the validity of such a report, or threaten any of the preceding, in retaliation against a tenant if there is a preponderance of evidence that the action or inaction would not occur but for the landlord's retaliation against the tenant for doing any of the following:

1. Reporting a violation of this chapter or a building or housing code to any governmental authority, or filing suit alleging such violation; or
2. Joining or attempting to organize a tenant's union or association or a neighborhood watch group or a neighborhood association; or
3. Asserting, or attempting to assert any right specifically accorded to tenants under state or local law.

(b) Notwithstanding sub. (a), a landlord may bring an action for possession of the premises if the tenant has not paid rent other than a rent increase prohibited by sub. (a).

(Am. by Ord. 13,711, 10-26-04; ORD-07-00143, 10-18-07)

(5) Self-Help Eviction. No landlord may exclude, forcibly evict, or constructively evict a tenant from a dwelling unit other than by an eviction procedure specified under Chapter 799, Wis. Stats. (Cr. by Ord. 12,533, 2-18-00)

(6) Failure to Deliver Possession. No landlord shall fail to deliver possession of the dwelling unit to the tenant at the time agreed upon in the rental agreement, except where the landlord is unable to deliver possession because of circumstances beyond the landlord's control.

(Renumbered from 32.12(5) by Ord. 12,533, 2-18-00)

(7) Minimum Income Requirements.

(a) No landlord may deny an application for housing based solely on a minimum income requirement or minimum income-to-rent ratio or other financial criterion of a similar nature as part of a prospective tenant screening process if other reliable, demonstrable evidence of an applicant's actual ability to pay the rental amount exists and is provided by the applicant.

"Evidence of actual ability to pay the rental amount" shall mean demonstrated ability to pay both (i) a comparable income-to-rent ratio and (ii) a comparable rent amount over the past twenty-four months with income from any lawful source or combination of lawful sources. A landlord may consider increases in the applicant's expenses and debts compared to the prior twenty-four month period when calculating the evidence of the actual ability to pay the rental amount. "Reliable demonstrable evidence" shall include but not be limited to: references from landlords and employers or written documentation reasonably necessary to verify prior rent payment history and income, such as a lease, cancelled checks or receipts; certificates, vouchers, or other proof of governmental assistance; wage statements; pay stubs or proof of other lawful sources of income; or tax returns. "Comparable" shall mean equal to or greater than.

(b) No landlord may require any prospective tenant to produce or disclose their Social Security Number in relation to an application for housing or in relation to the execution of a lease, unless such disclosure is mandated by state or federal law. An applicant's refusal to provide a Social Security Number to a landlord shall not be a basis upon which said landlord may deny housing to such an applicant unless such disclosure is mandated by state or federal law. Every application for housing which requests the production or disclosure of an applicant's Social Security Number shall notify the applicant of the specific state or federal statute which mandates such disclosure or shall notify the applicant that such disclosure is voluntary and that the landlord may not deny the applicant housing on the basis of the applicant's decision to withhold their Social Security Number. (Cr. by Ord. 13,711, 10-26-04)

(c) Nothing in this subsection shall prohibit a landlord from requesting supplementary documentation of income if required to do so by law or as a condition of eligibility under any local, state or federal government program or from voluntarily considering other evidence of actual ability to pay submitted by an applicant in the event reliable demonstrable evidence as defined above does not exist.

(d) Nothing in this subsection shall prohibit a landlord from requiring a co-signer or guarantor for a rental agreement, where the applicant does not meet the minimum income requirement or minimum income-to-rent ratio and some or all of the rent will be paid by a private individual on the applicant's behalf.

(e) Nothing in this subsection shall be construed to prohibit a landlord from denying an application based solely on an applicant's participation in, or the requirements of, the federal Section 8 program.

(f) In addition to the penalties provided in this chapter, an applicant who is denied housing based on a minimum income requirement or minimum income-to-rent ratio may sue for damages therefor in a court of competent jurisdiction and shall recover twice the amount of any pecuniary loss, together with costs including reasonable attorney's fees.

(g) Upon receipt of an application for housing or an earnest money deposit, the landlord shall disclose in writing to the applicant any use of a minimum income requirement or minimum income-to-rent ratio and the reliable demonstrable evidence acceptable to landlord as part of a prospective tenant screening process.

(h) Upon denial of an application for housing that is based solely on a minimum income requirement or minimum income-to-rent ratio, the landlord shall furnish

in writing to the applicant a notice of the reason or reasons for the denial. Reasons for denial shall be provided to the applicant by the end of the third business day after the landlord receives the application or earnest money deposit, or by a later date to which the applicant agrees in writing. The later date may not be more than 21 calendar days after the landlord receives the earnest money deposit. The notice of reasons for denial shall inform the applicant that the application will receive another consideration if there is an available unit and if the applicant furnishes to the landlord evidence of actual ability to pay the rental amount. Notice of denial shall also include information regarding the type of information the landlord will find acceptable in order to reconsider the applicant. Notwithstanding the above, nothing in this subsection shall require a landlord to hold the apartment for an applicant who has initially been denied based on a minimum income requirement or minimum income-to-rent ratio.

(i) This ordinance shall become effective 45 days from the date of its adoption by the Common Council.

(j) (Repealed by Ord. 12,772, 3-13-01)

(Sec. 32.12 Cr. by Ord. 7542, 10-22-81; Am. by Ord. 12,473, 9-23-99; Sec. 32.12(7) renumbered from Sec. 32.12(6) by Ord. 12,533, 2-18-00)

(8) Showing Premises for Rental Purposes. No landlord may enter leased premises for the purpose of showing the premises to prospective tenants until one-fourth (¼) of the lease period has passed. This provision does not apply to:

(a) entry for the purpose of subletting or if a lease period is less than nine (9) months; or

(b) if a summons and complaint for eviction has been filed.

(c) such dates and times agreed to in writing by the landlord and tenant, when the tenant has signed a notice of non renewal. (Cr. by Ord 13,702, 9-29-04)

(Cr. by Ord. 12,709, 11-9-00; Am. by Ord 13,702, 9-29-04)

(9) Landlord and Tenant shall enter into a Non Standard Rental Provision, in the manner prescribed in Sec. 32.07(14)(f), Madison General Ordinances, that provides that Landlord will not enter into an agreement to rent the leased premises to another tenant for the subsequent lease period until after the date specified in the Non Standard Rental Provision. This provision does not apply if a lease period is less than nine (9) months Nothing in this subsection shall prohibit a landlord from mitigating their damages after an eviction or a lease termination.

(a) If Landlord and Tenant fail to enter into a Non Standard Rental Provision regarding showing premises for rental purposes, then it is presumed that the parties to the lease intend that the Landlord will not rent the leased premises to another tenant for a subsequent lease period until after one-fourth (¼) of the lease period has passed.

(Cr. by Ord. 12,709, 11-9-00; Am. by Ord. 13,702, 9-29-04)

(10) Threats of Prohibited Practices. No landlord shall threaten to engage in, or attempt to engage in, any practice that violates Sections 32.12(3), 32.12(4) or 32.12(5) of the Madison General Ordinances. (Cr. by Ord. 12,817, 5-18-01)

(11) Late Rent Fees and Penalties. No landlord may charge a late rent fee or late rent penalty to a tenant, except as specifically provided under the rental agreement. A late rent fee or late rent penalty shall not exceed five percent (5%) of the periodic rental payment. Before charging a late rent fee or late rent penalty to a tenant, a landlord shall apply all rent payments received from that tenant to offset the amount of rent owed by a tenant. No landlord may charge any tenant a fee or penalty for nonpayment of a late rent fee or late rent penalty. If a landlord offers a tenant a rent discount or reduction in rent for the advance or timely payment of rent, then the landlord may not also charge a late rent fee or

late rent penalty. Such a rent discount or reduction shall not exceed five percent (5%) of the periodic rental payment. (Cr. by Ord. 12,533, 2-18-00; Renumbered by Ord. 12,709, 11-9-00; Ord. 13,175, 11-5-02)

(12) No landlord may do any of the following for the purpose of inducing any person to enter into a rental agreement:

(a) Misrepresent the location, characteristics or equivalency of dwelling units owned or offered by the landlord.

(b) Misrepresent the amount of rent or non-rent charges to be paid by the tenant.

(c) Fail to disclose, in connection with any representation of rent amount, the existence of any non-rent charges which will increase the total amount payable by the tenant during tenancy.

(d) Misrepresent to any person, as part of a plan or scheme to rent a dwelling unit to that person, that the person is being considered as a prospective tenant for a different dwelling unit.

(Renumbered by Ord. 12,709, 11-9-00)

(13) City Financial Assistance.

(a) Refusal to Make Available. It shall be unlawful for any person receiving City financial assistance for the development, redevelopment or rehabilitation of a housing project to refuse to rent or lease, refuse to negotiate for the lease or rental, or otherwise make unavailable, deny or withhold such housing solely because the applicant for housing is a direct recipient of federal, state or local government housing subsidies. Recipients of City financial assistance shall comply with this subdivision for a minimum of the term of assistance or longer, as negotiated. This provision shall apply only to the specific project receiving City financial assistance.

(b) Effective Date. This provision shall apply to projects receiving new City financial assistance on or after December 1, 2002.

(Cr. by Ord. 13,171, 10-29-02)

(14) Rent In Place. It shall be unlawful for a landlord to: terminate the tenancy of a tenant, prior to the last day of tenancy under the existing rental agreement, based solely upon the tenant's participation in, or the requirements of the federal Section 8 program, when the tenant has received a voucher for the federal Section 8 program from the CDA; or refuse to accept rent payments in the form of a federal Section 8 voucher when the tenant has received said voucher after the approval of the rental application.

(a) Amendments and Extension of Lease. Any amendments to the rental agreement, or any rental agreement, which may be required by the tenant's participation in the federal Section 8 program shall not extend the term of the tenancy beyond the last day of the rental agreement, unless the tenant and landlord agree to such an extension.

(b) Referral to City Attorney. A refusal by a landlord to participate in the Section 8 Program when a tenant has received a voucher for it from the CDA prior to the last day of tenancy under the existing rental agreement may be reported to the CDA, who shall refer the refusal to the City Attorney. A landlord found to have wrongly denied tenancy under the Section 8 program may be prosecuted by the City Attorney's office and, upon conviction, shall be subject to the penalties under Sec. 32.12(16) of these ordinances.

(c) Effective Date. This Subsection shall take effect on November 1, 2002.

(Cr. by Ord. 13,171, 10-29-02; Am. by ORD-06-00052, 5-4-06)

(15) No landlord may refuse to provide an application form or deny an application for housing based solely on the status of a tenant's application for a Section 8 voucher or that a tenant is on a waiting list to receive a Section 8 voucher. A refusal by a landlord to provide an application form or deny an application for housing based solely on the status of a tenant's application for a Section 8 voucher or that a tenant is on a waiting list to receive a Section 8 voucher may be reported to the CDA who shall refer the refusal to the City Attorney. A

landlord found to have wrongly denied tenancy under the Section 8 program may be prosecuted by the City Attorney's office and, upon conviction, shall be subject to the penalties under Sec. 32.12(17) of these ordinances.

(a) Participation Limited. Nothing in this subsection shall be construed to require a landlord to participate in the federal Section 8 program other than to accept a federal Section 8 voucher from a tenant pursuant to Secs. 32.12(13) and (14), Madison General Ordinances.

(b) Effective Date. This Subsection shall take effect on November 1, 2002.

(Cr. by Ord. 13,171, 10-29-02; Am. by ORD-06-00052, 5-4-06)

(16) Penalty.

(a) By City. Any person who violates any provisions contained in Subsections 32.12 (13), (14) or (15) of these ordinances, or fails to comply with any of the several requirements, shall upon conviction thereof forfeit not less than $100 nor more than $3,000 for the first conviction within three (3) years; not less than $3,000 nor more than $5,000 for a second conviction within three (3) years; and not less than $5,000 nor more than $10,000 for a third or subsequent conviction within three (3) years.

(b) By Tenant. In addition to the forfeitures provided above, any tenant subjected to a landlord's unlawful conduct prohibited in Subsections 32.12(13), (14) or (15), above, shall be entitled to initiate a separate cause of action and shall be entitled to receive up to triple his/her actual damages plus reasonable attorney's fees and costs.

(Cr. by Ord. 13,171, 10-29-02)

(17) Severability. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Cr. by ORD-07-00143, 10-18-07)

32.13 REPAIRS, UNTENANTABILITY.

(1) Application of Section. This section applies to any tenancy if there is no contrary provision in writing signed by both parties. Nothing in this section is intended to affect rights and duties arising under other provisions of the Statutes.

(2) Duty of Landlord.

(a) Unless the repair was made necessary by the negligence or improper use of the premises by the tenant, the landlord is under duty to:

1. Keep in reasonable state of repair portions of the premises over which the landlord maintains control;
2. Keep in a reasonable state of repair equipment under her/his control necessary to supply services which the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator or air-conditioning;
3. Make necessary structural repairs;
4. Repair or replace plumbing, electrical wiring, machinery or equipment furnished with the premises and no longer in reasonable working condition, except as provided in Sec. 32.13(3)(b). (Am. by ORD-14-00012, 1-14-14)

(b) If the premises are part of a building, other parts of which are occupied by one or more other tenants, negligence or improper use by one tenant does not relieve the landlord from her/his duty as to the other tenants to make repairs as provided in Subdivision (a) above. (Am. by ORD-14-00012, 1-14-14)

(c) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either Sec. 32.13(3) or (4) governs.

(3) Duty of Tenant.

(a) If the premises are damaged by the negligence or improper use of the premises by the tenant, the tenant must repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the repair or redecoration, and in such case the tenant must reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proved otherwise by the tenant.

(b) The tenant is also under a duty to keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order if repair can be made at cost which is minor in relation to the rent.

(4) Untenantability Because of Damage by Fire, Water or Other Casualty, or Hazard to Health. If the premise becomes untenantable because of damage by fire, water or other casualty or because of any condition hazardous to health, the tenant may remove from the premises unless the landlord proceeds promptly to repair or rebuild or eliminate the health hazard; or the tenant may remove if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on him. If the landlord proceeds to repair or rebuild the premises or eliminate the hazard to health, and the tenant remains in possession, rent abates to the extent the tenant is deprived of the full normal use of the premises. If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenantable and the landlord must repay any rent paid in advance apportioned to the period after the premises become untenantable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(Sec. 32.13 Cr. by Ord. 7542, 10-22-81)

32.14 PENALTIES.

(1) Any violation of any section of Chapter 32 of the Madison General Ordinances for which there is not provided a specific penalty shall be subject to a forfeiture of not less than sixty dollars ($60) nor more than six hundred dollars ($600) upon conviction. Each day of violation shall be construed as a separate offense.

(2) The civil remedies provided to landlords and tenants in this chapter are not intended to preclude prosecution of an individual for violating any of the provisions of this chapter and the imposition of a forfeiture by the court upon conviction.

(Sec. 32.14 Am. by Ord. 10,812, Adopted 1-18-94; Ord. 12,817, 5-18-01; Ord. 12,881, 8-24-01)

32.15 RETALIATION PROHIBITED.

(1) No person or tenant shall be retaliated against for complaining of violations of Secs. 32.05, 32.07, 32.11, 32.12 or 32.13 of the Madison General Ordinances or for complying with those sections.

(2) Retaliation shall include, but not be limited to, eviction, inconsistent rent payment increases, failure to perform promised repairs, refusal to renew a lease or other harassment of the tenant committed by the landlord or his or her agents, or threatening any of the preceding. Any such acts shall be presumed to be retaliatory if committed within six months after the tenant has complained to any state or local investigatory or enforcement agency of violations of Secs. 32.05, 32.07, 32.11, 32.12 or 32.13 of the Madison General Ordinances or their statutory or administrative code equivalents. In order to overcome the presumption that such acts are retaliatory, the landlord must show by a preponderance of evidence that such acts were based upon good cause, as that term is used in this Chapter. (Am. by Ord. 10,452, Adopted 5-19-92; ORD-07-00143, 10-18-07)

(3) Any retaliatory act is hereby declared null and void and, in addition to any other penalty provided in this Chapter, is subject to a forfeiture of not less than one hundred fifty dollars ($150) nor more than nine hundred dollars ($900) for each such act. (Am. by Ord. 12,881, 8-24-01)

(4) Enforcement by Tenant. Any person suffering damages because of a violation by any other person of Section 32.15, or Section 32.12(4), may sue for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such damages, together with costs, including reasonable attorney's fees. (Cr. by ORD-07-000143, 10-18-07)

(5) Severability. The provisions of any part of this ordinance are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this ordinance that the same would have been adopted had such invalid provisions, if any, not been included herein. (Cr. by ORD-07-000143, 10-18-07)

(Section 32.15(1)-(3) Cr. by Ord. 8544, 3-18-85)

32.16 SELF-SERVICE STORAGE FACILITIES.

For the purposes of this subsection, the definitions found in Wis. Stat. § 704.90(1) shall apply. No operator of a self-storage facility may charge fees to a lessee, except as specifically provided under the rental agreement. A late fee shall not exceed the greater of fifteen percent (15%) of the periodic rent payment or ten dollars ($10.00) for the first late rent payment in any twelve month period and shall not exceed the greater of fifteen percent (15%) of the periodic rent payment or twenty dollars ($20.00) for the second or subsequent late rent payment in any twelve month period. A late fee may not be imposed until 3 calendar days after the unpaid rent is due. When a discount in the amount of rent due is given for payment prior to or on the due date provided in the rental agreement, such discount shall be considered a late fee. Late fees do not include expenses necessary to the preservation, removal, storage, preparation for sale and sale of the personal property, as provided in Sec. 704.90(3), Wis. Stats. (Cr. by Ord. 13,415, 10-4-03)

32.17 SELF HELP REPAIRS.

(1) Eligibility. As an addition to the rent abatement procedures contained in Sec. 32.04, MGO, if a landlord of a rental premises fails to comply with an order of the Building Inspection Division of the Department of Planning and Community and Economic Development by the original or extended due date and after the issuance of the letter of eligibility for rent abatement, unless such due date is found to be unreasonable upon appeal to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals pursuant to Sec. 29.18(3) of the Madison General Ordinances, the tenant may elect to cause repairs to be made to correct the violations contained in the order, in accordance with this Sec. 32.17, MGO and deduct the cost of those repairs from their rent, pursuant to this section. If said order of the Building Inspection Division contains more than one item that has not been completed by said due date, the tenant may elect to seek rent abatement for one or more items and self help repairs. (Am. by ORD-09-00019, 3-14-09)

(2) Notice. Prior to commencing self help repairs, the tenant shall send a notice to the landlord, by first class mail, return receipt requested, at the address provided by the landlord to the tenant pursuant to Sec. 32.08(1)(b), or if the premises are an owner occupied structure containing no more than four (4) dwelling units, to the owner's residence. The Notice shall contain substantially the following information:

(a) The tenant's statement that the tenant intends to make self help repairs to the property.

(b) The name of the tenant.

(c) A list of the work to be performed. The list shall contain only work necessary to correct the deficiencies found by the Building Inspection Division that were not completed by the original due date.

(d) The name of the persons who will perform the work, including the name of any contractors, subcontractors or other persons hired by the tenant.

(e) The date that work will be commenced. Such date shall not be less than ten (10) days after the date of mailing the notice.

(f) If the tenant intends to perform part or all of the work, a good faith estimate of the number of hours needed to complete the work by the tenant.

This notice requirement shall be construed liberally in favor of the person giving notice. If the landlord has actual notice that the tenant intends to use this self help procedure to correct the items in the Order of the Building Inspection Division, the tenant shall not be barred from deducting the cost of the self help repair from their rent because of a deficiency in meeting this notice requirement.

(3) Commencement of Work.

(a) No work may be commenced by the tenant until ten (10) calendar days after the tenant has mailed, first class return receipt requested, the notice provided in Sub. (2). The notice provided in Sub. (2) may not be mailed more than ten (10) calendar days before the original due date provided in the original order of the Building Inspection Division. After ten (10) calendar days, if the landlord has not either: commenced the work contained in the order of the Building Inspection Division using their own employees and contractors, or agreed to do the work by assuming direct responsibility for supervising and compensating the contractors retained by the tenant under the schedule previously negotiated by the tenant and the contractor, then the tenant may commence the work. If the landlord agrees to commence the work to correct the deficiencies, the tenant shall make reasonable efforts to accommodate the work and to permit access to the dwelling unit. If the landlord agrees to commence the work to correct the deficiencies, but substantial compliance is not obtained within 30 days of commencing the work, the tenant shall again be eligible for the rent abatement procedures contained in Sec. 32.04, MGO, or the tenant may immediately proceed to complete the work and may deduct payments made by the tenant for work in the manner provided herein.

(b) The ten (10) day limit in this paragraph does not apply if the Building Inspection Division has issued orders for work that relates to health and safety that must be completed in less than ten (10) days. In such cases, the tenant may commence work within twenty-four (24) hours of giving notice.

(4) Scope of Work to be Deducted. No rent deduction may be made by the tenant for payment for any repairs or work other than work done to correct the code violations outlined in the order of the Building Inspection Division that were not corrected by the original due date.

(5) Rent Deduction. At the time rent is due, the tenant shall submit copies of all invoices for the work to the landlord along with an itemized statement indicating the actual cost of repairs paid for by the tenant and lien waivers from all contractors for work done. The tenant may deduct the entire amount of those repairs for which the tenant has a payment receipt and a lien waiver from contractors and suppliers, from the total amount of rent due. If the actual amount of the receipt for the work or materials exceeds one periodic rent payment, the excess shall be applied to future rents due until the entire amount paid by the tenant for the work or materials has been deducted from rent. In the event that tenants or co-tenants who pay separate rent have jointly completed the work, they may each deduct a pro rata share of the cost of the repairs from their respective rent payments.

If the owner files a letter of objection (copied to the tenant) with the Building Inspection Division within ten (10) days of receiving notice from the tenant of intent to make repairs under this ordinance, the tenant cannot reduce the rent under the provisions of this ordinance until determined eligible for rent abatement by a Hearing Examiner,

pursuant to Sec. 32.04, MGO. For those items determined to be eligible for rent abatement, the landlord will reimburse the tenant one hundred and twenty-five percent (125%) of the costs for repairs as determined by the Hearing Examiner.

(6) Who May Perform Work; Permits Required. When State law, the Wisconsin Administrative Code, Madison General Ordinances or other applicable regulations require that a licensed professional or state-credentialed dwelling contractor perform the work to correct the deficiencies, including architectural, design, surveying, electrical, plumbing, heating and air conditioning work, no one other than a properly licensed professional or state-credentialed dwelling contractor shall perform such work. The tenant shall not perform any work themselves when a licensed professional or state-credentialed dwelling contractor is required to perform the work, nor shall the tenant permit such work to be done by anyone other than a properly licensed professional or state-credentialed dwelling contractor qualified to do the work. A tenant may deduct the cost of materials used by the tenant if the tenant chooses to complete the work themselves. A tenant may deduct the cost of their labor from rent at the hourly rate provide in Sec. 4.20(3), MGO., not to exceed the number of hours stated in the estimate provided pursuant to Sec. 32.17(2)(f), MGO. All work to be completed must be done in a workmanlike manner and must comply with all applicable state and City codes and regulations as provided in the Madison General Ordinances. No work may be commenced by the tenant until all applicable permits and regulatory approvals are obtained. If a permits or approvals are required to commence the work, the tenant shall obtain all applicable permits and approvals and may deduct the fees from the rent, in the manner specified in sub (5).

(7) Lien Waivers. Any contractor shall forward any lien waivers directly to the tenant who contracted the work. The tenant shall forward all lien waivers from contractors to the landlord along with the receipts deducted from the rent.

(8) Eviction or Retaliation Prohibited. No person or tenant who complies with this section shall be evicted for nonpayment of rent because said person or tenant has elected to act under this section 32.17 and has deducted the cost of work from rental payments. No person or tenant shall be evicted or retaliated against for giving either verbal or written notice to the landlord that they intend to use the self help procedures under this section 32.17. It shall be presumed that any attempt to terminate the tenancy of such tenant or to evict such tenant or to raise such tenant's rental payments or to refuse to renew the tenant's lease or to otherwise harass or retaliate against such tenant during the period commencing when verbal or written notice is first given by the tenant to the landlord that the tenant intends to use these self help procedures, until six months after certification by the Building Inspection Division of the Department of Planning and Community and Economic Development of the City of Madison that all violations have been corrected, is retaliation. Such attempt is hereby declared null and void and subject to a forfeiture of not less than $150 and not more than $900 for each attempt. It is further provided that in order to overcome such presumption, the landlord must show by a preponderance of the evidence that such acts by the landlord were based on good cause. "Good Cause" used herein means that the landlord must show a good reason for his or her action, other than one related to or caused by the operation of this ordinance, including but not limited to normal uniform rental increases due to utility increases or other increased costs to the landlord, or for other bona fide, nondiscriminatory business reason.

(9) Effective Date. This ordinance shall take effect one hundred and twenty (120) days after adoption.

(Sec. 32.17 Am. by ORD-08-000109, 10-7-08)

CHAPTER 33

BOARDS, COMMISSIONS, AND COMMITTEES

Section

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33.15 Community Development Block Grant (CDBG) Committee. (Cr. by Ord. 8155, 11-14-83; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
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33.17 Economic Development Committee.
33.18 Community Development Division Conference Committee. (Cr. by ORD-14-00010, 1-14-14)
33.19 Landmarks Commission.
33.20 Madison Cultural Arts District Board. (Cr. by Ord. 12,690, 10-17-00)
33.21 Monona Terrace Community and Convention Center Board. (Cr. by Ord. 10,642, 4-30-93)
33.22 Public Safety Review Committee. (Cr. by Ord. 8584, 5-15-85; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.23 Solid Waste Advisory Committee. (Cr. by Ord. 10115, 9-27-90)
33.24 Urban Design Commission.
33.25 Ho-Chunk Nation-City of Madison Joint Planning Committee. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.26 Reserved for Future Use.
33.27 Staff Committees. (Cr. by ORD-08-00046, 5-10-08; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.28 Education Committee. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-12-00074, 6-20-12)
33.29 Room Tax Commission. (Cr. by ORD-16-00024, 3-7-16)
33.30 Jeffrey Clay Erlanger Civility in Public Discourse Award. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.31 Sustainable Madison Committee. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-12-00073, 6-20-12)
33.32 Joint Campus Area Committees. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.33 Sister City Collaboration Committee. (Cr. by ORD-11-00019, 2-11-11)
33.34 Housing Strategy Committee. (Cr. by ORD-12-00077, 6-20-12)
33.35 Madison Arts Commission. (Renum. & Am. by ORD-12-00129, 10-24-12)
33.50 Report of Vacancies. (Renum. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.51 Obsolete Committees and Commissions. (Cr. by ORD-05-00042, 3-16-05; Renum. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
33.52 Food Policy Council. (Cr. by ORD-12-00126, 10-10-12)
33.53 Digital Technology Committee. (Cr. by ORD-13-00089, 5-29-13)
33.54 Small Business Enterprises Appeals Committee. (Cr. by ORD-14-00178, 12-10-14)

33.01 BOARDS, COMMISSIONS, AND COMMITTEES PROCEDURES.

(1) Purpose and Intent. The purpose of Chapter 33 is to compile in one location the ordinances establishing and regulating City boards, commissions, and committees. In some cases, however, it has been deemed advantageous to maintain these regulations with the ordinance related to the subject matter of the board, commission, or committee. Furthermore, those boards, commissions, and committees that are created by resolution of the Common Council are not included in the Madison General Ordinances. Please refer to the MGO Index for a listing of standing City boards, commissions and committees.

(2) Applicability. Except as set forth elsewhere in these ordinances, in state law, or in the document establishing a given board, commission or committee, this section shall apply to all such bodies, regardless of how established or whether termed a board, commission, committee, work group, task force, or similar name or whether standing or ad hoc.

(3) Definitions. As used in this section:

(a) "Ad hoc" means a Sub-unit that is to have temporary existence to meet a specific purpose or project and does not have ongoing annual requirements. The action creating the Ad hoc Sub-unit should reference the time or action which, when accomplished, means the Ad hoc Sub-unit expires.

(b) "Authority or District" means an entity that is a separate political body from the City of Madison.

(c) "Board or Commission" means a Sub-unit of the City that is given some independent power to make determinations on behalf of the City of Madison. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(d) "Committee" means any Sub-unit other than a board or commission, and generally is limited to making recommendations or reports to the Mayor or Common Council or some other body, unless explicitly empowered otherwise. Any Sub-unit called task force, work group or similar name is a Committee.

(e) "Standing" means a Sub-unit that is intended to have permanent existence, or until such time as the entity creating the Sub-unit terminates its authority.

(f) "Subcommittee" means a Sub-unit made up of members of the parent Sub-unit or as authorized in Sec. 33.01(4)(d), MGO.

(g) "Sub-unit" means any board, commission, committee or subcommittee.

(4) Creation and Dissolution.

(a) Sub-units may be created and dissolved by ordinance, resolution, order of the Mayor, order of the President of Common Council, or, in the case of subcommittees, by action of the parent Sub-unit.

(b) Standing Sub-units shall be created and dissolved by ordinance. To the extent some standing Sub-units exist as of the date of passage of this ordinance without authorization by ordinance, the City Attorney shall draft and introduce ordinances to reflect such standing Sub-units.

(c) Ad hoc Sub-units may be created and dissolved by written order or resolution.

(d) Any board, committee or commission may create and dissolve subcommittees and may appoint any of its members to serve on such subcommittees. No board, committee or commission may appoint to any of its subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes subcommit-

tees created or authorized by the Common Council, the members of such subcommittees may serve as members of other subcommittees created by the parent body.

(e) Notwithstanding Subdivision (d) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.

(5) Appointments. Except as otherwise provided by ordinance, all appointments shall be made as follows:

(a) Appointments to Standing Sub-units (except subcommittees) and non-City committees shall be made by the mayor and confirmed by the Common Council.

(b) Appointments to subcommittees shall be made by the parent Sub-unit or as authorized under Sec. 33.01(4)(d), MGO.

(c) Appointments to Ad Hoc Sub-units shall be subject to the rules set forth in the resolution or order establishing the Sub-unit. If not otherwise provided, appointments shall be made by the Mayor and confirmed by the Common Council.

(d) Vacancies. Vacancies shall be filled in the same manner as other appointments.

(e) Action on Appointment. The Common Council may confirm a Mayoral appointment, refer the appointment to another meeting, refer the appointment to the Mayor's office or reject an appointment by placing it on file. If an appointment is rejected, the same person may not be nominated for the same position for a period of six (6) months.

(f) Alternates. If the Sub-unit is authorized to have Alternate members, the Alternates shall be given numerical appointments (First Alternate, Second Alternate, etc.). When a member or members of the Sub-unit are absent, the Alternates shall act as full members of the Sub-unit in their numerical order, that is, the First Alternate shall first act as a full member; the Second Alternate shall be the next to so act, etc.

(6) Terms of Appointment.

(a) All appointments to Sub-units shall be for a term of three (3) years, except for Alders, which shall be concurrent with the respective Aldermanic term. No Mayoral appointment shall commence after the Mayoral term of office.

(b) Term Limits. No person, other than Alders, shall serve on any Sub-unit for a period in excess of twelve (12) years, unless authorized by a two-thirds (⅔) majority vote of the Common Council. Time served prior to July 1, 2009, shall not be included in any calculation of term limits.

(c) Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any effect upon the remainder of any terms of office nor upon the appointment of any member of a Sub-unit in existence on the date said ordinance amendment or resolution becomes effective.

(d) Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term, whichever is less. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.

(7) Officers; Chairperson Restriction.

(a) Sub-units shall, except as otherwise provided, choose their Chair, Vice-chair and any other officers. Elections for officers shall be conducted at least every two (2) years, following election of Alders but may be held more often. Officers shall be chosen by secret ballot if requested by any member of the Sub-unit.

(b) No alderperson shall be the chairperson, co-chairperson, or vice-chairperson of any Sub-unit authorized to have more than two resident members appointed by

the Mayor and confirmed by the Common Council. In the event the resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such Sub-unit for more than two (2) consecutive meetings.

(Cr. by Ord. 13,383, 8-23-03; Am. by ORD-17-00030, 3-8-17)

(c) Unless modified by a rule of a sub-unit or as otherwise required by ordinance, the chair shall set the agenda for meetings, with the assistance of city staff as needed. (Cr. by ORD-16-00105, 12-2-16)

(8) Attendance, Quorum and Voting.

(a) If at any board, commission or committee meeting, a quorum is not secured within fifteen (15) minutes of the officially scheduled meeting time, the Sub-unit shall adjourn without taking any action, except that it may set a date and time for its next meeting.

(b) The chair of each board, commission, and committee (or staff if delegated by the Chair) shall report to the Mayor and Common Council Office each instance in which a member is absent from three consecutive meetings or five (5) meetings out of twelve (12). For purposes of this reporting only, a called meeting that is not held due to lack of a quorum shall count toward a missed meeting by any member not present. The Mayor shall take appropriate action to secure the attendance of such members including, in the Mayor's discretion, requesting their resignation or requesting that the Council remove the person from the Sub-unit.

(c) In the absence of any statute or ordinance that establishes the quorum for any Sub-unit, quorum is a majority of the number of members fixed by law. Vacant positions shall be counted in determining the quorum of such a body. (Cr. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-14-00012, 1-14-14)

(d) In the absence of any statute or ordinance to the contrary, motions before any Sub-unit shall be passed by an affirmative vote of not less than a majority of the Sub-unit in attendance so long as such majority vote is not less than a majority of the quorum of Sub-unit. (Cr. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07)

(e) If a Sub-unit commences a meeting with a quorum, and at any time thereafter loses quorum, the Sub-unit may only take the following actions in the absence of a quorum: fix a time to adjourn, adjourn, recess, or institute actions such as a Call of the House to obtain a quorum. The chair of any Sub-unit is charged with monitoring the absence of quorum. (Cr. by ORD-14-00048, 3-6-14)

(9) Minutes and Rules of Procedures.

(a) Every Sub-unit shall keep minutes of its proceedings. After the minutes have been approved by the board, committee or commission, a copy shall be filed with the City Clerk within five (5) business days.

(b) Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council. In case the Sub-unit does not adopt rules of procedure, it shall be governed by Robert's Rules of Order, insofar as Robert's Rules of Order does not conflict with ordinances or resolutions of the Common Council. Sub-units shall follow the procedure set forth in Sec. 2.21, MGO, on motions for reconsideration, and shall not modify this rule. A motion to reconsider shall not be in order before any sub-unit when the matter approved has been partially or fully carried out, including actions by City employees, or by the Council or another sub-unit of the City, by acting upon a recommendation made to the body. Sub-units shall review and make any changes in rules of procedure every two (2) years, which shall be

filed with the City Clerk by July 1 of even-numbered years. (Cr. by Ord. 11,233, 4-13-95; Am. by ORD-06-00077, 6-30-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-10-00062, 6-15-10)

(c) Unless authorized by the rules adopted under subdivision (b) above, the chair of a Sub-unit shall not vote unless the chair's vote would affect the outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon.

(d) Council Participation. Every Sub-unit, whether created by ordinance, resolution, or order shall permit any member of the Common Council to take part in its deliberations and to speak on any agenda item. This includes closed sessions of Sub-units except as provided herein or if the individual member's exclusion is necessary for the purpose of the closed session. Nevertheless, Council members who are not members of the Sub-unit shall not vote, shall not be counted in determining whether or not there is a quorum, and may not make or second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b), nor to personnel matters.

(e) Public Comment. Every Sub-unit, including subcommittees created under Subsection (4)(d), above, shall establish a period for public comment at or near the beginning of each meeting. The public comment section of the meeting allows comments on any matter on the agenda or matters not on the agenda, provided, however, that the Sub-unit shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. The Sub-unit may allow public comment on any agenda item at the time that item is taken up. Members of the public who comply with applicable rules, including registering to speak prior to the Sub-unit beginning discussion on any agenda item, on registration forms established by the City, shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b). (Cr. by Ord. 13,129, 8-28-02; Renum. by Ord. 13,267, 3-11-03; ORD-05-00015, 2-15-05; Renum. by ORD-07-00048, 4-12-07)

(f) Disclosures and Recusals. Every sub-unit shall include an agenda item related to disclosures or recusals under the City's Ethics Code, Sec. 3.35(5)(f), MGO. Members of the sub-unit shall, at the time such agenda item is taken up, state any matters on the agenda for which they will abstain, or for which they believe a disclosure is required under the Ethics Code. (Cr. by ORD-10-00104, 11-17-10)

(10) Meetings Not to Be Held.

(a) Budget Meetings. Sub-units shall not schedule meetings on the same nights that the Finance Committee or the Common Council is considering the annual Operating and Capital budgets. (Am. by ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(b) No Meetings Election Day. No Sub-unit shall meet on any general or primary election day for local, state or national offices, or referenda. (Cr. by Ord. 13,308, 4-30-03; Renum. by ORD-06-00176, 12-8-06; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-09-00162, 12-5-09)

(11) Reports.

(a) Every Sub-unit, whether created by ordinance, resolution, or order shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission. Any Sub-unit, which fails to act upon any matter referred to it by the Common Council, within the deadline for such action as may be set by the Common Council, shall have been deemed to have waived the opportunity to report to the Common Council on the matter referred. The Common Council may then take up the referred item notwithstanding the board, committee or commissions failure to file a report. (Am. by Ord. 13,652, 7-7-04; Renum. by ORD-07-00048, 4-12-07)

(b) In January and June of each year, the City Clerk shall notify the chair of each Standing Sub-unit of the requirements contained in Subsection 33.01(8)(b) and shall send to the department or division head responsible for providing staff services to the Sub-unit a copy of the notification.

(Sec. 33.01 Am. by ORD-09-00051, Pub. 4-2-09, Eff. 8-1-09)

33.02 ALCOHOL LICENSE REVIEW COMMITTEE.

(1) Creation. The Operator's License Review Committee is hereby renamed the Alcohol License Review Committee, which is hereby created for the City of Madison.

(2) Composition. The Alcohol License Review Committee shall consist of nine (9) members, three (3) of whom shall be alderpersons and six (6) who shall be adult residents of the City. The President of the Dane County Tavern League, the Chief of Police, the chair of the Student Council of the Associated Students of Madison, and the University of Wisconsin Chancellor, or their designees, shall serve as technical advisors to the Committee. The City Clerk, the City Attorney, or their designees, and the city of Madison Alcohol Policy Coordinator (or other Mayoral designee) shall serve as staff to the Committee. Technical advisors to the Committee, upon proper recognition by the Chair, may question witnesses who appear before the Committee and may take part in debate, but shall not have a vote and shall not take part in any deliberations held in closed session.

All aldermanic appointees shall hold office for a term expiring on the third Tuesday in April in the second year following their appointment or until their successors are appointed and qualified, except that alderpersons appointed to fill an unexpired term shall only serve the remainder of such unexpired term. Resident appointments shall be made by the third Tuesday in April and such appointees shall hold office for a term expiring on the third Tuesday in April in the second year following their confirmation by the Common Council or until their successors are appointed and qualified, except that residents appointed to fill an unexpired term shall only serve the remainder of such unexpired term. Resident appointments shall all be for a term of three years. (Am. by Ords. 10,238, 4-12-91 and 10,248, 5-15-91; Am. by Ord. 13,566, 4-21-04; ORD-05-00192, 12-20-05; ORD-09-00068, 4-17-09; ORD-09-00152, Eff. 11-1-09, Pub. 11-20-09; ORD-12-00054, 4-25-12)

(3) Duties. The Alcohol License Review Committee shall be charged with the responsibility and duty to review and examine all applications for the granting of all fermented malt beverage licenses, intoxicating liquor licenses, and operator's licenses, to receive all recommendations relating thereto from staff personnel and to review and make recommendations as to the subsequent granting of all such licenses by the Common Council, and be further charged with the responsibility and duty to review the triennial "Alcohol License Problem Reports" submitted by the Chief of Police and may conduct such additional review of problems reported therein with the licenses affected and make such further recommendations or take such further action as they may deem appropriate. The

committee is further charged with providing a reason to the Common Council whenever the committee recommends that a new Chapter 38 license or permit not be approved. (Am. by Ord. 9430, 3-11-88)

33.03 BOARD OF ASSESSORS.

(1) The Board of Assessors shall consist of the City Assessor, the Assistant City Assessors and four staff appraisers appointed annually by the City Assessor and approved by the Common Council. (Am. by Ord. 8971, 9-12-86; ORD-11-00087, 6-28-11)

(2) Objections to property tax assessments shall be processed through the Board of Assessors. The City Assessor shall publish a Class 3 notice under Wis. Stat. ch. 985 that on the days named in the notice, the assessments for the City will be open for examination by the taxable inhabitants of the City. (Am. by Ord. 8971, 9-12-86)

(3) To the end that all evaluations throughout the City shall be made on a uniform basis, such Board of Assessors, under the direction and supervision of the City Assessor, shall compare the valuations so secured, making all necessary corrections and all other just and necessary changes to arrive at the true value of property within the City. The City Assessor may direct that all objections to valuations filed with the City Assessor in writing, in the manner provided in Wis. Stat. § 70.47(13), shall be investigated by the Board.

(4) The concurrence of a majority of the Board of Assessors is necessary to determine any matter upon which the City Assessor requires it to act. No notice need be given to the owners of the property assessed of any corrections or changes in assessments which are made prior to the day or days fixed in the notice specified under Subsection (2) on which the assessments are to be open for examination, but any changes made thereafter and before the assessment roll is delivered to the Board of Review can only be made upon notice by first class mail to the person assessed if a resident of the City or, if a non-resident, an agent if there is one resident in the City or, if neither, the possessor of the property assessed if any, if the residence of the owner, agent or possessor is known to any member of the Board of Assessors.

(5) The City Assessor may provide for committees of the Board of Assessors to make investigations including the investigations mentioned in Subsection (3) and perform such other duties as may be prescribed. The City Assessor shall chair the Board of Assessors, and may appoint as a member or chairperson of the various committees, himself or herself, the deputy assessor, or other officer or employee in the office of the City Assessor. (Am. by Ord. 8971, 9-12-86)

(6) The Board of Assessors shall remain in session until all corrections and changes have been made, including all those resulting from investigations by committees of objections to valuations filed with the City Assessor as provided in this section, after which the City Assessor shall prepare the assessment rolls as corrected by the Board of Assessors and submit them to the Board of Review not later than the last Monday in July. A person assessed who has been notified of the determination of the Board of Assessors as required in Subsection (4) is deemed to have accepted such determination unless the person notifies the City Assessor in writing, within fifteen (15) days from the date that the notice of determination was issued under Subsection (4), of a desire to present testimony before the Board of Review. After the Board of Review meets, the City Assessor may appoint committees of the Board of Assessors to investigate any objections to the amount or valuation of any real or personal property which are referred to the City Assessor by the Board of Review. The committees so appointed may at the City Assessor's direction report their investigation and recommendations to the Board of Review and any member of any such committee shall be a competent witness in any hearing before the Board of Review. (Am. by Ord. 8971, 9-12-86; ORD-11-00087, 6-28-11)

(Sec. 3.20 Cr. by Ord. 5974, 9-30-77; Renum. by ORD-07-00048, 4-12-07)

33.04 BOARD OF CANVASSERS.

(1) Pursuant to Wis. Stat. § 7.53(2)(a), the Board of Canvassers is to be appointed by the City Clerk prior to each election. The municipal board of canvassers for municipal elections shall be composed of the municipal clerk and two (2) other reputable electors appointed by the clerk prior to the date of the election being canvassed. If the municipal clerk is a candidate at the election being canvassed, the other two (2) members shall designate a third member to serve in lieu of the clerk for that election. If one or more temporary vacancies on the municipal board of canvassers reduces the number of members to less than three (3), the municipal clerk shall appoint a member to fill each vacancy. No vacancy may be filled on a board of canvassers during the pendency of a canvass or recanvass. (Am. by ORD-17-00030, 3-8-17)

(2) The Board shall have the duties described in Wis. Stat. § 7.53 and 9.01.

(3) The members of the Board of Canvassers shall serve for two-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

(Sec. 3.39 Am. by Ord. 9812, 6-29-89; Renum. by ORD-07-00048, 4-12-07)

33.05 BOARD OF PARK COMMISSIONERS.

(1) There is hereby created for the City of Madison, pursuant to Wis. Stat. § 27.08, a Board of Park Commissioners.

(2) Appointment; Terms. Said Board shall consist of seven (7) members, two (2) alders and five (5) resident members appointed by the Mayor and confirmed by the Common Council. The alderperson members shall be appointed in April for the term of two (2) years, beginning on the first day of May. The full term of each resident member shall be for five (5) years beginning on the first day of May next succeeding her/his appointment and until her/his successor is appointed and qualified; but when the Board is first constituted, the respective appointments shall be for terms of five (5), four (4), three (3), two (2), and one (1) years, respectively. At the organization meeting of the Common Council on the third Tuesday in April preceding the end of any of the resident members' terms, the Mayor shall appoint her/his successor for a full term and shall submit the appointment to the Common Council for confirmation. (Am. by Ord. 13,292, 4-5-03; ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14; ORD-17-00030, 3-8-17)

(3) The Board of Park Commissioners shall adopt Rules of Procedure and Basic Policies which may from time to time be amended by the Board. A copy of said policies and procedures shall be available, at reasonable times, in the office of the Superintendent of Parks. (Cr. by Ord. 10,698, 7-30-93)

(4) Suspension, Revocation of Permit/License; Appeal.

The Superintendent of Parks or her/his designee is authorized and directed to suspend for up to six (6) months or revoke a permit or license found to be in violation of any Madison General Ordinance or Board of Park Commissioners rule and, upon written notification thereof, the permittee/licensee shall surrender such permit/license to the Superintendent. When any permit or license is revoked, no other permit or license shall be granted to such person or organization within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit or license so revoked be refunded.

Any suspension or revocation imposed by the Superintendent of Parks or her/his designee may be appealed within ten (10) days of such notice of suspension or revocation to the Board of Park Commissioners or a subcommittee of the Board by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the permittee or licensee seeks review of the Superintendent's determination. Said Committee shall consist of the entire Board of Park Commissioners or a subcommittee of the Board consisting of the Chair of the Board or designee, one (1) alderperson and one (1) resident who are members of the Board of Park Commissioners appointed by the Chair of the Board.

At such hearing, the permittee or licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board or subcommittee shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the Superintendent of Parks or her/his designee.

(Cr. by Ord. 10,698, 7-30-93; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00030, 3-8-17)

(5) Subcommittees. The following subcommittees of the Board of Park Commissioners assist in receiving resident input and making recommendations to the Park Commission. Except where specified, members shall be appointed by the President of the Board of Park Commissioners and each subcommittee shall contain at least one member from the Park Commission.

(a) Golf Subcommittee. Advises the Commission regarding policies, rate structure, rules and regulations, capital improvements, user complaints, operations and the selection of golf pros. The Golf Subcommittee is composed of seven (7) persons: one Park Commissioner; the President or designee representing the Odana Golf Association, the Yahara Golf Association, the Madison Area Retiree Association, and the Women's Municipal Golf Association; and two at-large members. This subcommittee meets quarterly, and all members shall be City of Madison residents.

(b) Warner Park Community Recreation Center Advisory Subcommittee. Advises the Board of Park Commissioners regarding operations, policies and procedures, fees and user concerns, and makes program and budget recommendations, concerning the Warner park Community Recreation Center. The Subcommittee consists of eleven (11) persons: three resident representatives from the Northside and at large; a representative from the Northside Planning Council, the North/Eastside Senior Coalition, the MSCR Advisory Committee, and the Board of Park Commissioners; two youth representatives; and the two Warner Park area aldermanic representatives. This committee meets bi-monthly and all members shall be City of Madison residents. Notwithstanding Sec. 33.01(6)(b), and except for the Alder members, a member may not serve on the Subcommittee for more than two consecutive three-year terms.

(c) Facilities, Programs and Fees Subcommittee. Reviews policies and operation standards, makes program recommendations and recommendations on new user fees and charges. The Subcommittee consists of seven (7) members and meets as needed.

(d) Habitat Stewardship Subcommittee. Reviews public tree concerns, advises and makes recommendations concerning the Conservation Parks. The Subcommittee consists of five (5) members and meets quarterly.

(e) Long-Range Planning Subcommittee. Advises the Board of Park Commissioners, reviews the procedures and policies of the Parks Division and solicits input regarding the Parks Division from alders, groups and residents. Also, when necessary, researches and advises regarding the naming of public parks. The Subcommittee consists of five (5) members and meets quarterly. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Sec. 33.05(5) Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-13-00117, 6-26-13; ORD-17-00030, 3-8-17)

33.06 BOARD OF POLICE AND FIRE COMMISSIONERS. The Board of Police and Fire Commissioners for the City of Madison shall consist of five (5) citizens, appointed by the Mayor and approved by the Common Council. The Board shall have the power and authority conferred under

the provisions of Subsections (1), (2), (3), (4), (5), (5m), and (7) of Section 62.13, Wisconsin Statutes. (Am. by Ord. 11,616, 6-13-96; Renum. by ORD-07-00048, 4-12-07)

33.07 BOARD OF PUBLIC WORKS.

(1) Creation. There is hereby created for the City of Madison, pursuant to Wis. Stat. § 62.14, a Board of Public Works.

(2) Composition, Appointments and Terms. The Board of Public Works shall consist of seven (7) voting members. The Mayor or her/his designee shall serve as a member of the Board, one (1) member shall be an adult City of Madison resident with an engineering background who shall serve for one (1) year, two (2) members shall be alderpersons, and three (3) members shall be residents. The Mayor shall also appoint two persons to serve as alternate members. The alternate member may act with full power and authority when any other member of the Board is absent. The alternate member may participate in Board discussion, may serve on subcommittees, and may be appointed to any committee which requires the participation of a member of the Board of Public Works.

All members shall be appointed by the Mayor, subject to approval of the Common Council. All members shall be appointed for a term of two (2) years. The terms of aldermanic members shall expire with the expiration of their terms as members of the Common Council. The Mayor at the organizational meeting each year shall indicate to the Common Council whether s/he will serve on the Board or inform the Council of the name of her/his designee. The Board shall elect one (1) of its members to serve as chair and another of its members to serve as vice-chair. The Mayor may change her/his designee or elect to assume membership on the Board any time and upon so assuming membership may elect to be chair of the Board. All appointments under this section shall be submitted by the Mayor to the Common Council for confirmation except that membership by the Mayor or selection of a designee shall be at the option of the Mayor. The Board shall adopt special rules for the conduct of public hearings before the Board. One (1) member of the Board of Public Works shall be a member of the Long-Range Transportation Committee. (Am. by Ord. 11,848, Adopted 4-15-97; Eff. 5-21-97; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-17-00030, 3-8-17)

(3) Executive Secretary to the Board of Public Works. The Director of Public Works shall serve as the executive secretary of the Board of Public Works by virtue of her/his office but shall not vote. All matters to be considered by the Board of Public Works shall be submitted to the Director of Public Works who shall summarize these proposals, provide additional information as s/he may deem to be appropriate, append her/his recommendations, and submit them to the Board for consideration. Agendas for meetings of the Board, together with summaries and background information and the recommendations of the Director of Public Works shall be delivered to members of the Board at least twenty-four (24) hours before the date of the meeting.

(4) This is a charter ordinance and shall be effective upon sixty (60) days from the passage and publication; subject, however, to the referendum provisions of Wis. Stat. § 66.0101(5).

(5) Sanction Against Bid Rigging. Any corporation, firm or individual violating Wis. Stat. § 133.01(1971), or any subsequent amendment thereof, shall upon conviction thereof be thereby disqualified as a bidder on any City of Madison project for a period of three (3) years from the date of such conviction; however, nothing herein shall be interpreted to preclude such corporation, firm or individual from completing any and all contracts he may already have with the City at the time of such conviction, nor shall this ordinance be applied retroactively to violations occurring prior to the adoption and publication of this ordinance. (Renumbered from Sec. 23.10(2), ORD-07-00028, 3-15-07)

(6) Public Construction Allowed to be Done by the City Without Bids.

(a) The installation and maintenance of irrigation equipment at municipal golf courses is hereby designated a class of public construction which may be done directly by the City without submitting same for bids, in accordance with Wis. Stat. § 62.15(1).

(b) The installation of prefabricated bus shelters is hereby designated a class of public construction which may be done directly by the City without submitting same for bids, in accordance with Wis. Stat. § 62.15(1). (Am. by ORD-07-00193, 12-20-07)

(Renumbered from Sec. 23.10(3), ORD-07-00028, 3-15-07)

(Sec. 3.10(1)-(4) Am. by Charter Ord. 68, 2-26-93; Am. by Charter Ord. 71, 10-20-00)

(7) Best Value Contracting.

(a) Policy. When entering into contracts for public construction under Wis. Stat. § 62.15, the City of Madison requires bidders to prequalify pursuant to the provisions of Wis. Stat. § 66.0901, and procedures adopted by the City. The City of Madison finds that using the Best Value Contracting procedures set forth in this ordinance will provide the City with the best value for its public construction while also meeting requirements that contracts be awarded to the lowest responsible bidder, and that the requirements of this ordinance are for the protection and welfare of the public in the performance of public contracts.

(b) Definitions.

1. "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or (subject to the limitations for subcontractors in Secs. (j)3. and 4. and (l) of this ordinance) subcontractor at any tier.
2. "Class A Apprenticeship Program" means an apprenticeship program that is currently approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status for three (3) years. In addition, a new apprenticeship program that has been registered with the federal or state government within the last three (3) years will be considered a Class A Apprenticeship Program, provided that such new program graduates apprentices to journeyperson status within the indenture period.
3. "Engineer" or "City Engineer" means the City of Madison City Engineer.
4. "Public works contract" means a contract for the City of Madison for the construction, alteration, execution, repair, remodeling or improvement of a public work or building, where the contract is required to be bid pursuant to Wis. Stat. § 62.15.
5. "BVC Contract" is a public works contract where the value of the contract is more than $48,000 for any single-trade public works project and $234,000 for any multiple-trade public works project. Every year, the City Engineer shall adjust the minimum estimated project cost of completion figures for both single-trade and multiple-trade public works contracts on the basis of the change in the construction cost index as published in the Engineering News-Record. The adjusted minimum estimated project cost of completion figures shall be rounded to the nearest thousand, and maintained by the City Engineer.
6. "Multiple-trade public works contract" is a public works project in which no single trade accounts for 85% or more of the total labor cost of the project.
7. "Single-trade public works contract" is a public works project in which a single trade accounts for 85% or more of the total labor cost of the project.

(Am. by ORD-09-00095, 6-20-09)

(c) Prequalification Requirement. As a condition of performing work on a public works contract for the City of Madison, a contractor shall first be prequalified by the City in accordance with the provisions of this ordinance and other policies of the City as adopted by the Board of Public Works. This section shall apply to general contractors, prime contractors and (subject to the limitations for subcontractors in Secs. (j)3. and 4. and (l) of this ordinance) subcontractors of any tier.

(d) Additional Qualification Information. In addition to information specified in this ordinance, the City Engineer may request, in prequalification applications or separately on a project by project basis, any other information he or she determines necessary to ensure that prospective contractors meet the contractor responsibility standards established by this ordinance and otherwise possess sufficient qualifications and capabilities in all respects to successfully qualify for and perform public works contracts.

(e) Prequalification Term.

Once a contractor's prequalification application is approved by the City Engineer under this ordinance, it shall remain valid for a period of two years to expire on March 1, unless suspended or revoked pursuant to this section. (Am. by ORD-11-00005, 1-12-11; ORD-13-00118, 6-26-13)

(f) Renewal and Disclosure. It shall be the obligation of the contractor to timely renew its prequalification and to report information regarding any material changes to its business or operations that are relevant to its prequalification application, including information that would affect its ability to make the certifications required by this ordinance. Any such information must be reported within fifteen (15) days of the contractor's knowledge of the information. Failure to report information under this subsection may result in suspension or revocation of the contractor's prequalification, debarment from City contracts for a period of up to three years and other sanctions available under applicable law.

(g) Prequalification Approval. The City Engineer shall review contractor prequalification applications and approve applications that comply with the requirements of this ordinance and other applicable standards developed by the City Engineer. If a contractor has been certified by the City as a DBE, MBE, SBE or WBE, and the City Engineer determines that the contractor fails to meet the prequalification requirements under this ordinance, the City Engineer will notify and discuss the determination with the Affirmative Action Division prior to issuing any notice of non-qualification.

(h) Prequalification List. The City Engineer shall publicly post a list of prequalified contractors which shall include the names, addresses and prequalification numbers of contractors and applicable dates of prequalification approval. This list shall be updated on a monthly basis.

(i) Prequalification Review. The City Engineer shall review the performance of contractors prequalified according to this section periodically, but at least once a year, to determine whether contractors are performing satisfactorily. This review shall examine all relevant areas of contractor performance, including but not limited to project cost and schedule, compliance with plans and specifications, quality of workmanship and compliance with applicable laws and regulations. For good cause shown, the Engineer may suspend or revoke a contractor's prequalification status at any time after providing the contractor with notice and the opportunity to be heard by the City Engineer.

(j) Prequalification Enforcement. The City Engineer shall:

1. Take the necessary actions to ensure that all contractors and subcontractors on public works contracts and BVC contracts are properly prequalified in accordance with the requirements of this ordinance;

2. Require general contractors or prime contractors to verify their prequalification as a condition of submitting bids on public works contracts and BVC contracts;
3. Further require general contractors or prime contractors to submit a list of the subcontractors they intend to use in the performance of the contract with the names and prequalification numbers of such subcontractors. This information for subcontractors may be submitted at the time of the bid and must be submitted by the time specified in sub. (l). Firms identified on the subcontractor list may be substituted only for good cause shown and with the written approval of the City Engineer.
4. Notify subcontractors that they may apply for prequalification under this ordinance.

(k) Required Certifications. Prequalification applications submitted pursuant to this ordinance shall include all information as determined necessary and appropriate by the City Engineer. Such applications shall, at a minimum, require a sworn certification by the applicant attesting to the facts specified in this subsection. In submitting a prequalification application, the applicant shall certify that for any project it seeks to perform for the City during the term of its prequalification, it shall:

1. Possess all technical qualifications and resources, including equipment, personnel and financial resources, necessary to perform the work required for the project or will obtain same through the use of responsible, prequalified subcontractors.
2. Possess all valid, effective licenses, registrations or certificates required for the contractor or its employees by federal, state, county or local law necessary for the type of work it seeks to perform, including, but not limited to, licenses, registrations or certificates for any type of trade work or specialty work.
3. Meet all bonding requirements as required of it by applicable law or contract specifications.
4. Meet all insurance requirements as required of it by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance requirements.
5. Maintain a substance abuse policy for employees hired for public works contracts that complies with Wis. Stat. § 103.503.
6. Pay all craft employees that it employs on public works projects the wage rates and benefits required under any applicable prevailing wage law. (Am. by ORD-14-00012, 1-14-14; ORD-17-00011, 2-20-17)
7. With respect to BVC contracts only, either participate in a Class A Apprenticeship Program for each separate trade or classification in which it employs craft employees and continue to participate in such program or programs for the duration of the project or have, an apprenticeship program pre-certified as compliant with Wisconsin Executive Order 108 (June 29, 2005) by the Wisconsin Bureau of Apprenticeship Standards on the date the bid is awarded by the Common Council. In applying this requirement, the City Engineer shall follow rules developed by the City Engineer for the administration of this paragraph, which rules shall be approved by the Board of Public Works. (Am. by ORD-11-00005, 1-12-11; ORD-11-00080, 6-16-11)
8. Fully abide by the equal employment opportunity and affirmative action requirements of all applicable laws, including City ordinances.
9. Provide in its prequalification application a detailed statement regarding related companies if, at any time during the past three (3) years, the

contractor has controlled or has been controlled by another corporation, partnership or other business entity operating in the construction industry. This statement shall be included in prequalification application and shall explain the nature of the contractor relationship.

10. Disclose, whether for the past three years:
    a. It has had any type of business, contracting or trade license, certification or registration revoked or suspended.
    b. It has been debarred by any federal, state or local government agency.
    c. It has defaulted on any project in the past three years;
    d. It has committed a willful violation of federal or state safety laws as determined by a final decision of a court or government agency authority.
    e. It has been found by a final decision of a court or government agency in violation of any other law relating to its contracting business, including, but not limited to wage and hour laws, prevailing wage laws, environmental laws, antitrust laws or tax laws, where the penalty for such violation resulted in the imposition of fine, back pay damages or any other type of penalty in the amount of more than $10,000.

    The applicant shall provide an explanation to the City Engineer of any disclosures under this subsection, and the City Engineer shall determine if such incidents are of such a nature as to disqualify the applicant.
11. Certify that the contractor prequalification application has been executed by a principal or person employed by the applicant who has sufficient knowledge to address all matters in the prequalification application and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete and accurate.
12. Understand that in performing under any City public works contract, it will be required to use as subcontractors only those entities that have been properly prequalified in accordance with the requirements of this ordinance.
13. Comply with the City's Equal Benefit Ordinance, Sec. 39.07. (Cr. by ORD-12-00022, 3-5-12)
14. Comply with the City's Ban the Box Ordinance, Sec. 39.08. (Cr. by ORD-15-00128, 11-25-15)

(l) Subcontractors. Subcontractors may, but are not required to, apply for and obtain prequalification status under this ordinance. At least ten (10) days prior to commencing work under any City of Madison Public Works Contract, a subcontractor, the value of whose work exceeds the single-trade minimum of Sec. 33.07(7)(b)5., shall submit the information required under this ordinance to be qualified, and no such subcontractor may begin work on a City of Madison Public Works Project until the City Engineer determines that such subcontractor meets the qualification requirements herein. Subcontractors that are solely involved in project management, providing of materials, or brokerage services, such as truck brokerage firms, are exempt from this prequalification requirement. (Am. by ORD-11-00005, 1-12-11; ORD-11-00080, 6-16-11)

(m) Conditional Approval. The City Engineer may issue conditional approvals of any application for prequalification and shall set out the conditions thereof in writing, provided, however, that no conditional approval of a bidder's application for prequalification that relates to the pending approval of an Affirmative Action Plan shall extend beyond the date of the bid opening, at which time the contractor must be in full compliance with Sec. 39.02(9)(e), MGO. (Am. by ORD-09-00012, 2-6-09)

(n) Best Value Contracting in City Supported Projects. In order to achieve the goals set out in this ordinance, it shall be a condition of any City financial support of a development project, in the form of TIF financing, Capital Revolving Loan funds, industrial development bonds, or other City or CDA assistance as designated by the Common Council in the resolution granting such assistance, in an amount that meets the requirements of sub. (7)(b)5., that the developer utilize for construction those firms that have met the prequalification requirements of this ordinance. This provision will be included as a developer obligation in any agreement between the City and the developer.

(o) Appeal. Any applicant, contractor, or subcontractor aggrieved by a determination of the City Engineer under this ordinance has the right to appeal the City Engineer's determination to the Board of Public Works. The appeal shall be taken by delivery of a letter to the City Engineer within fifteen (15) days of the determination to be appealed. The Board of Public Works will schedule a hearing on the appeal promptly.

(p) Report by City Engineer. After this ordinance shall have been in effect for two years, the City Engineer shall prepare a report to the Common Council on the effects of the ordinance.

(q) (R. by ORD-11-00005, 1-12-11)

(Cr. by ORD-07-00028, 3-15-07)

33.08 BOARD OF REVIEW.

(1) Composition of Board of Review. The Board of Review of the City of Madison shall consist of five (5) residents of said City none of whom shall occupy any public office or be employed by the City of Madison. The members shall be appointed by the Mayor with the approval of the Council and shall hold office as members of said Board for terms of five (5) years commencing on the third Tuesday of April in the particular year for which appointed, or until their successors are appointed and qualified, except that the first appointments commencing on April 19, 1960 shall be for one (1), two (2), three (3), four (4) and five (5) years, respectively. (Am. by Ord. 9809, 6-29-89)

(2) Alternate Members. In addition to the members above-mentioned, the Mayor may appoint with the approval of the Council two (2) residents of the City none of whom shall occupy any public office or be employed by the City of Madison, to be alternate members. The alternate members shall hold office of the Board for terms of five (5) years commencing on the third Tuesday of April in the particular year for which appointed, or until their successors are appointed and qualified. The Board shall designate which alternate is the first alternate and which alternate is the second alternate. The first alternate shall act with full power when any other member of the Board is absent or refuses to act because of a conflict of interest. The second alternate shall so act only when the first alternate refuses or is absent or when more than one (1) member of the Board so refuses or is absent. The alternate members shall be notified in advance when required to serve and shall receive the same compensation as the Board members only when required to serve in the place of a Board member. (Cr. by ORD-10-00033, 4-1-10)

(3) Officers. The members of the Board of Review shall elect a chair for each annual session thereof which said election shall be held at the first annual meeting of the Board. The Board of Review shall select a secretary for such Board who shall keep an accurate record of all of its proceedings and give the necessary notices and upon request of the Board the Mayor may designate a City employee to assist the secretary in the performance of her/his duties in keeping accurate records of its proceedings and giving the notices of meetings and adjournments as provided by the Statutes. (Renum. by ORD-10-00033, 4-1-10; Am. by ORD-14-00012, 1-14-14)

(4) Compensation. The members of the Board of Review shall receive a salary of twenty dollars ($20.00) a day, or fraction thereof, that the Board of Review is in session for the purpose of hearing and considering testimony or in making their report and determination. (Renum. by ORD-10-00033, 4-1-10)

(5) Objections to Valuations.

(a) 1. The Board of Review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the Board's first scheduled meeting, the objector provides to the Board's clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the Board shall waive that requirement during the first 2 hours of the Board's first scheduled meeting, and the Board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days with proof of extraordinary circumstances for failure to meet the 48-hour notice requirement and failure to appear before the Board of Review during the first 2 hours of the first scheduled meeting.

2. Objections to the amount or valuation of property shall first be made in writing and filed with the Clerk of the Board of Review within the first 2 hours of the Board's first scheduled meeting, except that, upon evidence of extraordinary circumstances, the Board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. The Board may require such objections to be submitted on forms approved by the Department of Revenue, and the Board shall require that any forms include stated valuations of the property in question.

3. Persons who own land and improvements to that land may object only to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land.

4. No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such Board in support of such objections and made full disclosure before said Board, under oath of all of that person's property liable to assessment in such district and the value thereof. The requirement that it be in writing may be waived by express action of the board.

(b) No person shall be allowed to appear before the Board of Review, to testify to the Board by telephone or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to view such property.

(c) For the purpose of this section, the managing entity, as defined in Wis. Stat. § 707.02(15), or its designees, may be considered the taxpayer as an agent for the time-share owner, as defined in Wis. Stat. § 707.02(31), and may file one objection and make one appearance before the Board of Review concerning all objections relating to a particular real property improvement and the land associated with it. A time-share owner may file one objection and make one appearance before the Board of Review concerning the assessment of the building unit in which he or she owns a time share.

(d) After the first meeting of the Board of Review and before the Board's final adjournment, no person who is scheduled to appear before the Board of Review may contact, or provide information to, a member of the Board about that person's objection except at a session of the Board.

(e) When appearing before the Board, the person shall specify, in writing, the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.

(f) 1. No person may appear before the Board of Review, testify to the Board by telephone or object to a valuation, if that valuation was made by the assessor or the objector using the income method, unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under Wis. Stat. § 73.03(2a), that the assessor requests.

2. Whenever the assessor, in the performance of his or her duties, requests and obtains income and expense information pursuant to Wis. Stat. § 70.47(7)(af), or any successor statute thereto, such income and expense information that is provided to the assessor shall be held confidential by the assessor, except, however, that such information may be disclosed to and used by persons in the discharge of duties imposed by law, in the discharge of duties imposed by office including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the Board of Assessors and Board of Review in performance of their official duties, or pursuant to order of a court. Income and expense information provided to the assessor under Wis. Stat. § 70.47(7)(af), unless a court determines that it is inaccurate, is, pursuant to Wis. Stat. § 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stat. § 19.35(1). (Am. by Ord. 6505, 2-8-79)

(Renum. by ORD-10-00033, 4-1-10)

(6) In those cases where a current member of the Board of Review or a member of the Assessor's Office files an objection to an assessment on property in which the individual has an interest, such objection shall not be acted upon by the Board of Assessors, but shall be referred to the Board of Review for hearing. (Cr. by Ord. 6505, 2-8-79; Renum. by ORD-10-00033, 4-1-10)

(7) In any hearing or determination in which a current member of the Board of Review has an interest in the assessment being protested, that member shall not be counted in determining a quorum and shall not participate as a Board member in the hearing or vote concerning the determination. (Cr. by Ord. 6505, 2-8-79; Renum. by ORD-10-00033, 4-1-10)

33.09 CITY-COUNTY COMMISSIONS AND COMMITTEES. (Am. by ORD-14-00090, 5-7-14)

(1) City-County Liaison Committee. The City-County Liaison Committee is hereby created to maintain a relationship between the Common Council and the Dane County Board for the purpose of conferring on matters of mutual interest and to provide a forum to resolve matters where there may be a difference in interest between the city and the county. City representation on the committee shall consist of the Mayor or designee and three Common Council members appointed by the Mayor and confirmed by the Council.

(Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Renum. by ORD-14-00012, 1-14-14; Am. by ORD-16-00084, 9-29-16)

(2) Henry Vilas Zoo Commission.

(a) Composition; Terms. Pursuant to an agreement dated April 19, 1983, between the City of Madison and the County of Dane, the City of Madison does hereby create the Henry Vilas Zoo Commission consisting of seven (7) members appointed to

staggered three (3) year terms. All terms shall commence as of May 1 and end as of April 30 of the third year after appointment except for transitional terms which may be of one, two or three year lengths. An appointee whose term has expired shall serve until a successor is appointed and qualified.

(b) Transitional Provisions; City and County Memberships. Initially, the Mayor of the City of Madison shall appoint five (5) members, three members for a one-year term each (expiring in 1984), one member for a two-year term (expiring in 1985), and one member for a three-year term (expiring in 1986). At the same time, the County Executive shall appoint one member for a three-year term (expiring in 1986) and one member for a two- year term (expiring in 1985). Of the three terms expiring in 1984, the replacements shall e named by the Mayor, each for three-year terms expiring in 1987. The County Executive shall appoint the members for the three terms expiring in 1987 and these two members shall thereafter be County appointments. All other members shall remain County or City appointments according to the original appointing authority. Members appointed by the City of Madison may be removed according to City regulations, and County members according to County regulations. Appointees are subject to confirmation by the City or County, as appropriate. (Am. by Ord. 8365, 7-3-84)

(c) Zoological Society Memberships. The County Executive and the Mayor shall each designate at least one membership to be filled by a member of the Henry Vilas Park Zoological Society, Inc. For each appointment available to a member of the Zoological Society, the Society shall furnish, within ten (10) days of a request to do so, a current Society membership list to the Mayor or County Executive, as appropriate, and upon its failure to do so, the appointing authority may appoint any resident of Dane County

(d) City and County Elected Official Representation. The Mayor shall designate one of the City terms to be held by a City alderperson in whose District the zoo is located and the County Executive shall designate one of the County terms to be held by a County Board Supervisor. The term of a member whose appointment depends on his or her status as an alderperson or a Supervisor shall terminate as of the end of the member's elective term unless he or she is re-elected. (Am. by Ord. 9823, 7-27-89)

(e) Resident Representation. Of the three resident members, at all times at least one shall be a resident of the City of Madison and at least one shall be a resident of that part of Dane County outside the corporate limits of the City of Madison. (Am. by ORD-17-00030, 3-8-17)

(f) Duties of Commission. The Zoo Commission shall act as the policy making and budgetary oversight body with respect to the operation of the Henry Vilas Zoo. The Commission shall annually supervise the preparation of a budget for operation of the Zoo. In calendar years 1983 through 1985, inclusive, the budget shall be submitted to the City of Madison for approval, with copies to the County Executive and County Board Chairman. Thereafter, the budget shall be submitted to the County for its approval. The Commission shall not assign, convey, lease, sell, devise, or otherwise alienate any real property at the Zoo or any personal property assigned thereto except that the Commission, directly or by written delegation to the Director, may sell, lease, trade or purchase personal property in accordance with regulations of the City of Madison or the County of Dane as appropriate. The Zoo Commission shall determine the hours the Zoo shall be open to the public, subject to the requirements that it be open at all reasonable hours and that no charge be made for admission to the Zoo or any part or exhibit thereof. Notwithstanding any other provisions of the ordinances of the City of

Madison, the jurisdiction of the Parks Commission and Parks Division previously exercised over the operation of the Henry Vilas Zoo is hereby transferred to the Henry Vilas Zoo Commission.

(g) Commission to Conform to City and County Regulations. In the years 1983 through 1986, the Zoo Commission shall operate in conformity with policies, procedures, rules and regulations of the City of Madison, and thereafter in conformity with those of the County of Dane. Proposed and adopted bylaws, rules and regulations of the Commission shall be subject to review, amendment and recision at any time by the Common Council during the years 1983 through 1986 inclusive and by the County Board's Judiciary Committee in subsequent years.

(3) City-County Homeless Issues Committee.

(a) The City-County Homeless Issues Committee is created and shall be governed by this ordinance.

(b) Membership; Terms.

1. The City-County Homeless Issues Committee shall consist of thirteen (13) members.

a. City Members. Two (2) members shall be City of Madison Alders, one (1) member shall be a Madison Police Department officer, one (1) member shall be a representative of a downtown business or community organization, one (1) member shall be a current or former homeless person who has used homeless services, and one (1) member shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. All City members shall be appointed by the Mayor and confirmed by the Common Council. Alders shall have a term coextensive with their terms on the Common Council. Other members shall serve staggered three-(3) year terms ending on June 30.

b. County Members. Three (3) members shall be Dane County Board Supervisors, appointed by the County Board Chair, whose terms shall be coextensive with their terms on the County Board. Two (2) members shall be current or former homeless persons who have used homeless services, and two (2) persons shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. The County members shall be appointed by the County Executive. All persons who are not elected shall serve three-(3) year terms. (Am. by ORD-17-00030, 3-8-17)

2. When the City-County Homeless Issues Committee is first constituted, the initial appointments for three year terms shall be staggered such that two (2) members have a one year term, three (3) members have a two year term, and three (3) members have a three year term.

(c) Chairperson. The Chairperson of the Committee shall be elected by the Committee, and shall serve rules adopted by the Committee.

(d) Powers and Duties. The Committee shall examine, report and make recommendations to the Madison Common Council and the Dane County Board of Supervisors on issues related to homelessness. This includes housing for the homeless, jobs and job training, availability of public toilets and showers, access to storage lockers, and the provision of mental health, drug and alcohol services. The Committee may adopt rules for the operation of the Committee.

(e) Reporting. The Committee shall report at least annually, by August 1, to the Common Council and County Board.

(f) Staffing. The Committee shall be assisted by the Dane County Human Services Department and the City of Madison Community Development Division.

(Sec. 33.09(3) Cr. by ORD-14-00090, 5-7-14)

(Sec. 3.26 Am. by Ord. 8055, 6-17-83)

33.10 COMMITTEE ON EMPLOYEE RELATIONS.

(1) The Committee on Employee Relations shall act in an advisory capacity to the Mayor and the Common Council in making studies and recommendations relative to rates of pay, hours of work and conditions of employment for employees employed by the City of Madison who are not in a compensation group containing general municipal employees where a certified labor organization has been elected to collectively bargain. The Committee is advisory only and is not created to, nor shall it engage, at any time, in collective bargaining.

(2) Membership.

(a) The Committee shall be composed of nine (9) members. Three (3) members shall be members holding management positions with the City of Madison. Three (3) members shall be resident members nominated by the employees. Two members (2) shall be alderpersons currently serving on the Finance Committee. One member (1) shall be the Human Resources Director who will only vote to break a tie vote among the other members. All members, with the exception of the Human Resources Director, shall be appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term commencing on that date. The terms of the alderpersons expire with the expiration of their term as an alderperson. The remaining six (6) members shall serve staggered terms of three (3) years, with the terms of two (2) members expiring annually. (Am. by ORD-17-00030, 3-8-17; ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

(b) The Human Resources Director shall act as executive secretary to the Committee and shall prepare the agenda and minutes of the meetings and perform such other duties as the Committee shall direct.

(c) Appointments to the Committee shall be made with consideration given to the expertise or interest necessary for proper performance of the duties assigned to the Committee members with strong consideration given to experience relating to recognized labor and employment related groups and agencies. All vacancies shall be filled by appointment of the Mayor subject to approval of the Common Council for a term filling out the remainder of the vacated member's term.

(3) The offices of Chair and Vice-Chair shall be filled by majority vote at the first meeting in May annually. Consistent with Sec. 33.01(7)(b), MGO, alders are not eligible to serve as Chair or Vice-Chair. In the event the resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of the Committee for more than two (2) consecutive meetings. The Committee shall adopt rules for the governance of its proceedings not inconsistent with Federal, State or local law. Such rules may include a provision for delegation of the powers and responsibilities of the Committee to subcommittees composed exclusively of Committee members. (Am. by ORD-17-00030, 3-8-17)

(4) Duties. It shall be the function of the Committee to make recommendations on ordinances, resolutions, the Employee Benefits Handbook for General Municipal Employees and portions of the Professional and Supervisory Handbook that apply to Compensation Group 23 (collectively "Handbooks") pertaining to rates of pay (excluding base wages as that term is defined in Wis. Stat. § 111.70(4)(mb) as may be amended from time to time and the initial placement of the employee in the salary range), hours of work and conditions of employment affecting the City and its employees, including matters pertaining to:

(a) Improving the delivery of City services;

(b) Problems that arise in the workplace which are not covered by the general municipal employee grievance and arbitration procedure (Sec. 3.53(9), MGO) or City of Madison Personnel Rules;

(c) Rates of pay other than base wages or the initial salary placement;

(d) Proposed changes to employee benefits;

(e) Proposed changes, whether by ordinance or resolution, Handbooks or any other means, related to pay (other than base wages or the initial salary placement), hours of work and conditions of employment, including the amount of any general salary increase;

(f) Changes to the Handbooks. Any changes to the Handbooks shall be made only after approval by this Committee and the Common Council.

(g) Matters referred to it by the Common Council.

(5) Mission. The mission of the Committee is to reach an amicable understanding by developing, implementing and fostering interest based problem solving methods and techniques with respect to the Employer-Employee relationship. To that end, the Committee shall, in conjunction with the Mayor and all City departments create, promote and agree to work together in joint employee-management teams to foster open and regular communication between employees, management, City officials, and residents recognizing that open communication is an essential element in maintaining an atmosphere of trust in the City and continuing to provide the high quality service for which the City is known. (Am. by ORD-17-00030, 3-8-17)

(6) The Committee shall take up no matter, nor propose any ordinance, personnel rule or work rule that interferes, in any way, with the rights of represented general municipal employees to bargain over base wages nor shall the Committee take up any matter, nor propose any ordinance, personnel rule or work rule that interferes with the management rights of the City to operate and manage its affairs in keeping with its responsibility and the powers or authority which the City retains by law or custom unless specifically designated as a duty of the Committee in sub. (4) above.

(7) The members of the Committee shall serve without compensation.

(8) The Committee is a standing sub-unit of the City of Madison and may only be dissolved by ordinance.

(Sec. 33.10 Cr. by ORD-14-00122, 7-11-14; Am. by ORD-14-00172, 12-10-14)

33.11 COMMITTEE ON THE ENVIRONMENT. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(1) The Committee on the Environment shall act in an advisory capacity to the Mayor and the Common Council in making studies and recommendations relative to water, land and air quality; noise abatement; use control; safety and management of the lakes, rivers, streams and other bodies of water and their shorelands under the jurisdiction of the City of Madison and all drains, outlets and sewers emptying into any such streams or bodies of water, and shall act toward improved quality of land, air and water. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(2) The Committee shall be composed of nine (9) members to be appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term commencing on that date. One (1) member shall be an alderperson whose term shall expire with the expiration of his/her term as alderperson. Five (5) members shall be resident members whose terms shall be three (3) years.

The Board of Public Works, the Board of Health for Madison and Dane County and the Water Utility Board will each designate one member of their respective bodies for appointment by the Mayor to this Committee.

The City Engineer shall act as executive secretary to the Committee who shall prepare the agenda and minutes of the meetings and perform such other duties as the Committee shall direct.

Appointments to the Committee shall be made with consideration given to the expertise and/or interest necessary for proper performance of the duties assigned to the Committee members, and with strong consideration given to membership or participation in recognized environmental groups and agencies. All vacancies shall be filled by appointment of the Mayor subject to approval of the Common Council for a term filling out the remainder of the vacated member's term.
(Am. by Ord. 10,901, 5-13-94, 5-31-94; Ord. 13,239, 2-11-03; ORD-05-00033, 2-24-05; ORD-17-00030, 3-8-17)

(3) The offices of Chair and Vice-Chair shall be filled by majority vote at the first meeting in May annually. The aldermanic members shall be eligible to serve in one but not in both such positions during any year.

The Committee shall adopt rules for the governance of its proceedings not inconsistent with Federal, State or local law. Such rules may include provision for delegation of the powers and responsibilities of the Committee to subcommittees composed exclusively of Committee members. (Am. by ORD-14-00012, 1-14-14)

(4) It shall be the function of the Committee to make recommendations on matters pertaining to environmental quality as above-mentioned, including measures to:

(a) Further the maintenance of safe and healthful conditions;

(b) Prevent and control water, land and air pollution;

(c) Protect spawning grounds, fish and aquatic life;

(d) Preserve shore cover and natural beauty;

(e) Control nuisance conditions;

(f) Maintain and improve flow and navigation channels;

(g) Influence development or use of recreational areas;

(h) Control excessive noise.

(5) The Committee shall, in conjunction with the Mayor and appropriate City departments, also take steps to open lines of communication with residents, as well as with other municipalities, the County, the State, and the Federal government in order to better coordinate efforts at improving the quality of the environment. It shall also take steps to encourage creation of an intergovernmental council on the environment of officials from all units of local government in the Madison area. (Am. by ORD-17-00030, 3-8-17)

(6) The members of the Committee shall serve without compensation.

(Sec. 3.09 Cr. by Ord. 4801, 12-6-74; Sec. 3.11 Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

[EDITOR'S NOTE: Section 3.09 was originally the Municipal Justice Section. Justice of the Peace repealed by 1963 J.R. 1965 J.R., Vote April 1966.]

33.12 RESERVED FOR FUTURE USE. (Rep. by ORD-16-00112, Pub. 12-14-16. Eff. 1-1-17)

33.13 COMMON COUNCIL EXECUTIVE COMMITTEE.

(1) Committee Composition. There is hereby created a Common Council Executive Committee (CCEC) which shall consist of seven (7) members of the Common Council who shall serve for terms of one year. The President of the Common Council shall serve as Chair. At the annual organizational meeting of the Common Council, held on the third Tuesday of April of each year, the President shall appoint five (5) other members of the Council to serve on the Executive Committee. The Vice President of the Council shall serve as the seventh member of the Committee, and the immediate past President shall, if s/he is a member of the Common Council, serve as an alternate member of the Committee. If the immediate past President is not a member of the Common Council, or has been elected to serve another term as President or a term as Vice President, the President of the Common Council shall appoint an alternate member. The alternate member may act with full power and authority when any other member is absent or refuses to act. The alternate member

may participate in Committee discussion and serve on subcommittees at any time. The President may appoint any Council members to serve on a subcommittee. (Am. by Ord. 12,037, 3-2-98; ORD-14-00107, 6-16-14; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(2) Office of the Common Council.

(a) There is hereby created the Office of the Common Council which shall be managed and directed by the Common Council President with the advice and support of the City's Human Resources Director. Common Council staff shall be appointed by the Common Council after nomination by the Common Council Executive Committee, shall serve under civil service, shall prepare and review the Council office budget, and shall perform those duties assigned by members of the Common Council. (Am. by ORD-09-00054, 4-2-09)

(b) Common Council Chief of Staff. There shall be a Common Council Chief of Staff authorized by the Common Council.

1. The Common Council Chief of Staff shall be appointed by the Common Council and report to the Common Council Executive Committee. The Common Council Chief of Staff is subject to the authority of the Common Council Executive Committee to impose discipline or discharge as provided in section (9) of the City of Madison Personnel Rules.

2. The Common Council Chief of Staff shall have supervisory authority over other Common Council Staff and the Common Council Legislative Analyst.

(c) Pursuant to Sec. 3.53(1)(h), MGO, the Common Council Chief of Staff is exempt from the civil service system. Instead, the Common Council Chief of Staff will serve for a term of five (5) years under a written employment agreement said agreement to be renewed at the pleasure of the Common Council. This position is also exempt from the provisions of Sec. 3.54(9), MGO, governing compensation of managerial employees. Annual cost of living increases will be equivalent to increases for members of Compensation Group 18.

(d) For purposes of benefits only, the Common Council Chief of Staff shall have the same benefits as non-represented professional employees in Compensation Group 18 as may be provided and/or modified by the Madison General Ordinances, Resolution of the Common Council, Administrative Procedure Memoranda or other official City action."

(Sec. 3.55(2) R. and Sec. 3.55(3) Renumbered to Sec. 3.55(2) by Ord, 12,037, 3-2-98; Sec. 33.13 Am. by ORD-17-00058, 6-19-17)

(3) Common Council Rules and Procedures. The Common Council Executive Committee shall be responsible for recommending rules and procedures to be followed by all standing committees of the Common Council and at Council meetings. The Committee shall also establish rules and guidelines for use of the Council office facilities. Such rules and procedures shall be approved by the Common Council. (Renumbered by Ord. 12,037, 3-2-98)

(4) Duties of the Committee.

(a) Review and Recommendation of City Policy. The Common Council Executive Committee may receive referrals of ordinances, resolutions and reports from the Common Council, may hold public hearings, and may make reports and recommendations on matters so referred.

(b) Review of Legislation. The Committee shall:

1. Participate in the development of a City of Madison state legislative agenda and make recommendations to the Council and the Mayor as to agenda priorities. The legislative agenda would identify the City's legislative goals for the session, some of which may be submitted for introduction to the Legislature.

2. Study proposed legislation affecting the City and make recommendations to the Council and the Mayor for positions to be taken by the City on selected legislation. In those instances where prompt action is required and time and circumstances do not permit adoption of a position on specific legislation, the Mayor is authorized to act in a manner consistent with the City's legislative agenda.
3. Design strategies and make recommendations to the Council to directly involve the Council members in communicating Council positions to the Dane County State Legislative delegation on specific issues or legislation.
4. Receive reports from the City's Legislative Analyst regarding the status of the City's legislative agenda and other legislation.
5. Make periodic reports to the Council pertaining to legislative matters.
6. Conduct studies and make recommendations to the Council and the Mayor relative to state or federal legislative issues which may have an impact on City government.
7. Examine federal legislation or issues which might have significant direct impact on City government.
8. Review proposed legislative agenda from Special Committees.

(c) The Common Council Executive Committee shall serve as the Administrative Review Board under Sec. 9.49, MGO. (Cr. by ORD-11-00161, 12-6-11)

(d) Other Duties. The Common Council may assign other duties to the Common Council Executive Committee. (Renum. by ORD-11-00161, 12-6-11)

(Cr. by Ord. 12,037, 3-2-98; Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

33.14 COMMITTEE ON AGING.

(1) Organization. There is hereby created a Committee on Aging to serve as an advisory body to the Community Services Committee and the Community Development Division, as well as other City Departments, the Mayor and the Common Council.

(2) Membership and Meetings. The Committee on Aging shall be composed of eleven (11) individuals and two (2) members of the Common Council, to be appointed by the Mayor, subject to the approval of the Common Council. A majority of the members shall be over 55 years of age, and other members shall have expertise, experience, or education in aging social services or programs. One member of the Committee shall be a board member of the Madison Senior Center Foundation, Inc. All members will serve without compensation. Members shall be appointed for terms of three (3) years, except that the term of the aldermanic member shall expire upon the expiration of his or her term as alder. The Committee shall meet no fewer than nine (9) times per year.

(3) Officers. The Committee shall elect from among its members a chairperson and vice chairperson. The Senior Center Director and the Community Development Division shall provide staff assistance to the Committee on Aging.

(4) Charge. The Committee on Aging shall have the following powers and duties:

(a) Recommend Older Adult Service Goals and Objectives to the Community Services Committee.

(b) Recommend budget allocations for older adult services purchased by the City of Madison to the Community Services Committee.

(c) Address barriers to service or participation in older adult services including but not limited to language access issues, socioeconomic, racial, cultural or gender issues and sexual orientation.

(d) Gather information, through public hearings and other methods, on the concerns, problems and needs of older adults and communicate its findings to the Community Services Committee, Mayor, and Common Council.

(e) Review and recommend policy and its impacts to the Community Services Committee, the Community Development Division, the Mayor and the Common Council in the area of older adult concerns and programs.

(f) Review proposed legislation or policies to determine the impact on older adult services and the service population.

(g) Recommend legislation or policy or revisions as may be necessary related to the health, welfare, and security and safety of older adults.

(h) With the support of the Mayor and Common Council, advocate for older adults and the policies, funding, and legislation which best serve their interests and needs.

(i) Coordinate funding and programs with the Area Agency on Aging, the Aging and Disability Resource Center, and other agencies serving older adults.

(j) Investigate new and innovative methods for the delivery of older adult services.

(k) Seek ways to involve residents in planning for the provision of services to older adults. (Am. by ORD-17-00030, 3-8-17)

(l) Advise the Director of the Senior Center on programs, services and policies for the effective functioning of the facility.

(m) Promote the Senior Center and its programs and services to older adults and their families and caregivers.

(n) Oversee and recommend the budget for the Senior Center to the Community Development Division.

(o) Receive regular reports and information from the staff and participant advisory council of the Senior Center.

(Sec. 33.14 R. & Recr. by ORD-12-00062, 5-9-12)

33.15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMMITTEE. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(1) Organization. There is created for the City of Madison a Community Development Block Grant (CDBG) Committee.

(2) (a) Membership. The Committee shall consist of nine (9) members and two (2) alternate members, appointed by the Mayor, subject to the approval of the Common Council. Two (2) members shall be alderpersons. The other members shall be resident members. At least three resident members shall be persons of low or moderate income, as low or moderate income is defined by the CDBG regulations, and at least one resident member shall be a member of a minority as defined in Sec. 39.02(9)(a)7. of these ordinances. One position may be filled by either an alderperson or a resident member. (Am. by ORD-17-00030, 3-8-17)

(b) Alternate Members. In addition to the nine (9) members, as provided in Subdivision (a) above, the Mayor shall appoint a first alternate and a second alternate member. Alternate members shall serve a term of one (1) year, and may be re-appointed. The first alternate shall act with full power when any other member of the Committee is absent or refuses to act because of a conflict of interest. The second alternate shall act only when the first alternate is absent or refuses to act, or when more than one (1) Committee member is absent or refuses to act because of a conflict of interest. Alternates may serve as the CDBG Committee representative on other City committees at any time. (Am. by ORD-08-00128, 11-22-08)

(3) Terms. All members except alternate members shall be appointed for two (2) year terms. The terms of alderpersons shall expire with the expiration of their terms as alderpersons.

(4) Powers and Duties. The Community Development Block Grant (CDBG) Committee shall have the following powers and duties:

(a) Recommend policies, goals, and objectives of the CDBG program, after consultation with the Mayor, to be approved by the Common Council.

(b) Evaluate performance of contractors performing CDBG-funded activities, including obtaining such information as is reasonably necessary for such evaluation; and, at the discretion of the Committee, make recommendations to the Mayor and Common Council regarding contract revisions, enforcement or terminations.

(c) Review project and Local Options proposals for CDBG funding.

(d) Recommend to the Mayor and Common Council a budget for CDBG funding, based upon assessment of the proposals, evaluation of performance on other projects, City policies, goals, objectives, financial needs and commitments, and upon the needs assessment by the Clearinghouse for Citizen Participation.

(e) Recommend to the Mayor and Common Council the allocation of any reprogrammed funds.

(f) Perform those functions delineated in Sec. 4.22 as regards the Affordable Housing Trust Fund. (Cr. by Ord. 13,476, 12-23-03)

(g) The Community Development Block Grant Committee (CDBGC) shall recommend to the Mayor three (3) of its regular members (not alternate members), including one alderperson, to serve as members of the Community Development Division Conference Committee. The term of each appointment shall be one year. (Cr. by ORD-14-00010, 1-14-14)

(5) Mayor's Role. Nothing herein shall be deemed to limit the obligations, duties, and discretion of the Mayor pursuant to his or her position as the Chief Executive of the City and pursuant to the rules and regulations of the Department of Housing and Urban Development (HUD).

(6) Meetings. The Committee shall meet at least once each month, shall elect officers, and otherwise conduct its business in accordance with rules it may establish. The Community Development Block Grant Supervisor, under the direction of the Mayor, shall provide necessary staff services to the Committee but the Committee may request and receive necessary staff services from other City agencies.

(Renumbered from Sec. 3.70 by ORD-07-00047, 4-12-07; Sec. 3.70 Am. by Ord. 11,182, 3-3-95; Ord. 13,476, 12-23-03; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.16 COMMUNITY SERVICES COMMITTEE. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(1) Organization. There is created for the City of Madison a Community Services Committee.

(2) Membership. The Committee shall consist of eleven (11) members, except as provided below. Nine (9) members shall be appointed by the Mayor, subject to the confirmation by the Common Council. Members shall be appointed on the basis of their knowledge and interest in human services. At least one, and no more than two, such members shall be an Alderperson. One (1) resident member shall be selected by the Mayor from and with the advice of the Early Childhood Care and Education Committee. One (1) resident member shall be selected by the Mayor from a panel of three (3) submitted by the Madison Federation of Labor. One (1) of the resident members shall be a present or former client or recipient of a private nonprofit program. At least one (1) of the resident members shall be a member of a minority as defined in Sec. 3.58(8)(a)7. of these ordinances. The Senior Citizens Advisory Committee shall elect one of its members to serve as a member and another to serve as an alternate member of the Community Services Committee subject to confirmation by the Common Council. The alternate member may act with full power and authority when the other Senior Citizens Advisory Committee member is absent or refuses to act due to a conflict of interest. The remaining members shall be broadly representative of the community. The Supervisor of the Office of Community Services or his/her designee shall be an ex-officio member of the Committee without vote and shall serve as secretary. (Am. by Ord. 11,725, 12-13-96; Ord. 12,806, Adopted 4-3-01; Ord. 13,209, 12-10-02; ORD-07-00135, 10-18-07; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-17-00030, 3-8-17)

(3) Terms. When the Committee is first constituted, the respective appointments shall be as follows: Three (3) resident members shall be appointed for terms of three (3) years; and two (2) resident members shall be appointed for terms of two (2) years; and two (2) resident members shall be appointed for terms of one (1) year except that such terms shall expire on October 1 of the year of expiration of said terms. Thereafter, all members shall be appointed for terms of three (3) years, except that the term of aldermanic members of the Committee shall expire with the expiration of their terms as alders. (Am. by ORD-09-00147, 11-6-09; ORD-17-00030, 3-8-17)

(4) Charge. The Community Services Committee shall have the following responsibilities:

(a) Establish policies to be followed by the Office of Community Services.

(b) Investigate new and innovative methods for delivery of human services.

(c) Recommend policy to the Mayor and Common Council in the area of community services.

(d) Make recommendations to the Mayor and Supervisor of Community Services regarding the budget for community services, and human services purchased by the City from private non-profit agencies.

(e) Stimulate coordinated inter-community and intra-community planning for the delivery of human services.

(f) Seek ways to involve residents in assessment of human services needs. (Am. by ORD-17-00030, 3-8-17)

(g) Cooperate with the Plan Commission and Department of Planning and Community and Economic Development.

(h) Seek to improve accessibility of human services to residents who have language and other barriers. (Am. by ORD-17-00030, 3-8-17)

(i) Establish human services priorities and criteria for choices between those services which are provided directly by the City and those which are purchased from other agencies.

(j) Work to improve coordination and follow-up in connecting City residents with available human services.

(k) Coordinate human services activities with other governmental units.

(l) The Community Services Committee (CSC) shall recommend to the Mayor three (3) of its regular members (not alternate members), including one alderperson, to serve as members of the Community Development Division Conference Committee. The term of each appointment shall be one year. (Cr. by ORD-14-00010, 1-14-14)

(5) Meetings. The Committee shall meet at least once each month and shall conduct its business in accordance with rules which it may establish.

(6) Reports. The Committee shall furnish to the Mayor minutes of its regular and special meetings within ten (10) days of the date of the meeting.

(7) Early Childhood Care and Education Committee.

(a) There is hereby created an Early Childhood Care and Education Committee as a committee of the Community Services Committee to serve as an advisory body to the Community Services Committee and the Community Development Division on the operation of the Madison Child Care Accreditation and Child Care Assistance Programs. (Am. by Ord. 12,806, Adopted 4-3-01)

(b) The Early Childhood Care and Education Committee shall consist of nine (9) members with experience and/or expertise necessary for proper performance of the duties assigned; two (2) members shall be specialists in the field of child care; six (6) members shall be other resident members to include one (1) member who is a child care service consumer and one (1) member who is a child care worker; and one (1) Alderperson. (Am. by Ord. 12,504, 11-19-99; Ord. 12,806, Adopted 4-3-01; Ord. 13,161, 10-8-02; ORD-17-00030, 3-8-17)

(c) Members shall be appointed by the Mayor and confirmed by the Common Council to three (3) year terms with the exception of the Alderperson whose term shall expire with the expiration of their term as alderperson. All Committee members shall serve without compensation. All terms shall commence on the first (1st) day of October, with the exception of the Alderperson, whose term shall begin on the third Tuesday in April. Appointments shall be for three (3) years. Vacancy appointments shall complete the term of appointment filled. Members' terms shall automatically be terminated when the member no longer meets the requirements set forth in Section 33.16(7)(b). (Am. by Ord. 13.161, 10-8-02; Ord. 13,206, 12-10-02)

(d) The committee members shall choose from among their resident members a chairperson and vice chairperson. The Community Development Director or his/her designee shall serve as secretary to the committee. (Am. by Ord. 8099, 8-12-83; ORD-17-00030, 3-8-17)

(e) It shall be the general duty of the Early Childhood Care and Education Committee to advise and make recommendations to the Community Services Committee and the Community Development Division on policy and guidelines for the Madison Child Care Accreditation and Child Care Assistance Programs and the Community Resources funding process. Those duties shall include, but not be limited to, the following:

1. Eligibility criteria for approved child care agencies;
2. Eligibility criteria for child care assistance;
3. Eligibility criteria for grants and loans; and
4. Participation in the Community Development Division Funding Process regarding children and families and assessment of community child care needs.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(f) The Committee shall conduct hearings and make determinations in appeals from actions of the Child Care Coordinator pursuant to Section 3.12(10)(c)3.e. of these ordinances. (Am. by Ord. 8099, 8-12-83)

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-13-00161, 10-9-13)

(8) (R. by ORD-12-00062, 5-9-12)

(Sec. 33.16 Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.17 ECONOMIC DEVELOPMENT COMMITTEE. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(1) There is hereby created for the City of Madison a committee to be known as the Economic Development Committee.

(2) Composition. The Committee shall consist of eleven (11) members: the Mayor or the Mayor's designee, three (3) Alderpersons, and seven (7) residents with a wide range of direct experience in business and/or knowledge related to job creation, real estate or workforce development. The Mayor shall appoint the members of the Committee subject to confirmation by the Common Council.

Terms of appointment of the resident members shall be staggered, for three (3) years, commencing May 1 and expiring April 30. The Alderpersons terms shall coincide with his or her term of office.

If the Mayor serves on the Committee, the Mayor shall act as chairperson. Otherwise, the chairperson will be elected by the Committee. (Am. by Ord. 12,112, 5-18-98; Ord. 13,602, 5-11-04; ORD-05-00113, 6-28-05; ORD-09-00116, Eff. 8-1-09; ORD-16-00034, 3-25-16; ORD-17-00030, 3-8-17)

(3) Duties. The Economic Development Committee shall:

(a) Assist City officials and staff in promoting a healthy, diversified economy in which business can locate, innovate, grow and prosper, and all residents have opportunities for living wage jobs.

(b) Make recommendations to the Mayor and the Common Council on economic development policies and issues.

(c) Every four (4) or five (5) years, receive and consider a Comprehensive Economic Development Report and Plan (CEDRP) prepared by Economic Development Division staff on economic trends for the City of Madison and surrounding area. After review and revision by the Committee, the CEDRP shall be submitted to the Common Council for approval. The CEDRP should include:

1. Available data on employment by type of job, wages, unemployment rate; and, overall changes in employment and population,
2. General demographic data,
3. A description of business and workforce assistance available,
4. An evaluation of current economic development efforts, and
5. Recommendations of possible changes to, and new, programs, strategies, policies, and projects to achieve the economic development goals stated in paragraph (a) above and other related goals adopted by the City of Madison.

(d) Every two (2) years, the Economic Development Division Director will develop a "Work Plan" consistent with the adopted CEDRP for the City's economic development priorities in the next two (2) years. The Work Plan shall be submitted to the Common Council with referral to the Economic Development Committee before action by the Common Council. The Work Plan may include changes to the CEDRP.

(e) Provide the community with a public forum for information sharing and discussion about economic issues affecting the City of Madison.

(4) In carrying out the duties described in subsection (3), the Committee may form subcommittees, hold public meetings, and utilize the services of the City or other public or private services as it finds necessary, subject to the policy and budgetary approval of the Common Council.

(5) The Economic Development Committee shall meet once a month and all agendas shall be prepared by the Economic Development Division Director or his/her designee in consultation with the Chair, and they shall determine the order of the agenda.

(6) Staff. The Economic Development Committee shall receive primary staffing from the Economic Development Division.

(Am. by Ord. 7023, 6-27-80; Ord. 13,602, 5-11-04; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-16-00034, 3-25-16)

33.18 COMMUNITY DEVELOPMENT DIVISION CONFERENCE COMMITTEE.

(1) Purpose & Intent. The Community Development Division (CDD), the Community Development Block Grant Committee (CDBG) and the Community Services Committee (CSC) each exercise an important and ongoing role in allocating City resources, through established and regularly scheduled City funding processes, that seek to address and fund social services and community needs through investments in programs that serve prioritized issues or populations. Within these funding processes, the roles of the CDBG and CSC frequently intersect. In addition, emerging or unanticipated needs or opportunities sometimes arise under circumstances that cannot be properly addressed within established funding cycles. To meet these various needs, this Committee is created and charged with coordinating final decisions that are required under CDD's established funding processes; reviewing applications for Emerging Opportunities Program funds submitted pursuant to

Sec. 3.12(11) and making recommendations to the Mayor and Common Council; and facilitating discussions or decisions around other issues that affect both the CDBG and CSC.

(2) Composition. The Committee shall be composed of six (6) members. The CDBG and CSC shall each recommend to the Mayor three of its members, including one alderperson from each of the CDBG and the CSC, to serve on the Conference Committee. No member of the Conference Committee shall be appointed to fill a position for both the CDBG and the CSC, however, a member of the Conference Committee may be a member of both the CDBG and the CSC. Each member's term shall be for one year, though members may serve for more than one term.

(3) Support. The CDD shall provide staff support to the Community Development Division Conference Committee.

(4) Meetings. The CDD Director shall notify the Community Development Division Conference Committee when there is a need to convene and the Committee shall schedule meetings as soon as practicable following such notifications.

(Sec. 33.18 Cr. by ORD-14-00010, 1-14-14)

33.19 LANDMARKS COMMISSION.

(1) Composition and Terms. A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historian; at least one (1) shall be a licensed architect, one (1) shall be a licensed real estate professional; one (1) shall be an Alder; and three (3) shall be resident members, at least one of whom has expertise in construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three (3) years. The terms shall be staggered. (Am. by ORD-17-00030, 3-8-17; ORD-17-00030, 3-8-17)

(2) Powers and Duties. The Landmarks Commission shall have the authority and duties assigned to it under Sec. 41.04, MGO. In addition, the Landmarks Commission shall:

(a) Oversee a survey for the identification of significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state, or city at least every ten (10) years.

(b) Work closely with the appropriate State of Wisconsin officials for the National Register of Historic Places of the United States National Park Service to list landmarks designated by the Common Council on the National Register.

(c) Work closely with the City Planning Division to visually define and highlight historic districts.

(d) Educate landmark owners and the owners of properties in historic districts about resources and incentives available which would assist in carrying out the policy and purposes of Chapter 41, MGO.

(e) Educate the residents of Madison about the historic heritage of the city, including its designated landmarks and historic districts. (Am. by ORD-17-00030, 3-8-17)

(f) Assist the City in obtaining funds for the purpose of historic preservation

(g) Adopt policies and procedures, as necessary, to carry out its responsibilities.

(h) Review proposed historic preservation plans, amendments to historic preservation plans, and proposed ordinances affecting historic preservation, and make recommendations to the Common Council.

(Sec. 33.19 Rep. & Rec. by ORD-15-00072, 7-29-15)

33.20 MADISON CULTURAL ARTS DISTRICT BOARD.

The Common Council, pursuant to Subchapter V of Chapter 229, Wis. Stats., has adopted Substitute Resolution ID No. 28007 (the "Enabling Resolution"), which authorized the creation of a special purpose district that is separate and distinct from, and independent of, the City. Such district shall be known as the Madison Cultural Arts District (the "District"). The District shall be governed by the Madison Cultural Arts District Board.

(1) Board Composition. The Madison Cultural Arts District Board shall consist of the following thirteen members, subject to Subsection (4):

(a) The following persons, or their designees, shall be ex-officio members of the Board, except that a designee shall serve at the pleasure of his or her appointing authority:

1. The Governor of the State of Wisconsin.
2. The Mayor of the City of Madison.
3. The Dane County Executive.

(b) Three persons appointed by the Governor.

(c) Six persons appointed by the Mayor, one of whom shall be selected from a list of three to five names that is submitted by the Madison Metropolitan School District Board and one of whom shall be selected from a list of three to five names submitted by the collective board chairs of the Overture Center's resident companies. Of the remaining four appointees under this paragraph, all of the appointees shall have demonstrated interest and participation in cultural arts activities and two appointees shall be Common Council members. A person appointed under this paragraph may take his or her seat immediately upon appointment and qualification, subject to confirmation by the Common Council. (Am. by Ord. 12,845, 7-9-01)

(d) One person appointed by the Dane County Executive.

(2) Initial Terms.

(a) Persons appointed by the Mayor shall serve staggered terms of four years expiring on July 1st, except that:

1. The initial term of two directors appointed by the Mayor shall expire on July 1st of the fourth year beginning after the year of creation of the District.
2. The initial term of two directors appointed by the Mayor shall expire on July 1st of the fifth year beginning after the year of creation of the District.
3. The initial term of two directors appointed by the Mayor shall expire on July 1st of the sixth year beginning after the year of creation of the District.

(b) The Mayor shall designate with his or her initial appointments the terms to which directors have been appointed.

(3) Residency; Removal; Vacancies.

(a) Persons appointed under (1)(b) to (d) must have resided within twenty-five miles of Madison's City Hall for at least one year before their appointment. Persons appointed by the Mayor shall be residents of the City of Madison.

(b) Persons appointed by the Mayor may be removed from the Board before expiration of their terms by the Mayor, but only for cause, as defined in Sec. 17.16(2), Wis. Stats.

(c) Vacancies for Mayoral appointments shall be filled by the Mayor, subject to Common Council confirmation. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term to which he or she is appointed.

(d) The Mayor, Governor and County Executive shall confer with one another regarding their appointments with a view toward achieving diversity of the District Board.

(4) Board Expansion. If the Common Council determines that another city or a village or town having territory located within twenty-five miles of Madison's City Hall provides substantial support to the District, the Common Council may increase the size of the Board to include as a member the mayor, village president or town board chair of that city, village or town, or the designee of such a mayor, village president or town board chair. If the Common Council subsequently determines that the other city or the village or town no longer provides substantial support to the District, the Common Council may decrease the size of the Board to exclude that member.

(5) District Powers. Upon the appointment and qualification of at least seven of the members of the Board, the Board may exercise the powers and duties as set forth in Subchapter V of Chapter 229, Wis. Stats., as it may be amended from time to time, including but not limited to:

(a) Adopt bylaws to govern the District's activities.

(b) Sue and be sued in its own name, plead and be impleaded.

(c) Maintain an office.

(d) In connection with cultural arts facilities or in support of any cultural arts activity:

1. Acquire, construct, equip, maintain, improve, operate and manage the cultural arts facilities as a revenue-generating enterprise or otherwise, or engage other persons to do these things.
2. Acquire; lease, as lessor or lessee; use; or transfer property within or outside of the District's jurisdiction;
3. Acquire property by condemnation.
4. Enter into contracts, subject to such standards as may be established by the District Board.
5. Grant concessions.

(e) Employ personnel, and fix and regulate their compensation; and provide, either directly or subject to an agreement under Sec. 66.0301 as a participant in a benefit plan of another governmental entity, other than a benefit plan provided under Ch. 40, any employee benefits, including an employee pension plan.

(f) Purchase insurance, establish and administer a plan of self-insurance.

(g) Mortgage, pledge or otherwise encumber the District's revenue, property or funds.

(h) Issue revenue bonds under Sec. 66.0621 and contract short term obligations, and pledge the full faith and credit of the District for repayment of those short term obligations.

(i) Maintain funds and invest the funds.

(j) Promote, advertise and publicize its cultural arts facilities and related cultural arts activities.

(k) Set standards governing the use of, and the conduct within, its cultural arts facilities in order to promote public safety and convenience and to maintain order.

(l) Establish and collect fees, and establish shared revenue arrangements or other charges for the use of its cultural arts facilities or for services rendered by the District.

(m) Enter into partnerships, joint ventures, common ownership or other arrangements with other persons to further the District's purposes.

(n) Solicit and accept gifts, loans, grants of land or other property and other aid, and agree to conditions with respect to such gifts, loans, grants or other aid.

(o) Administer the receipt of revenues, and oversee the repayment of debt contracted by the District.

(p) Adopt and alter an official seal.

(q) Direct its agents or employees, if properly identified in writing, to enter upon any real property that the District has the authority to condemn, to make surveys and examinations.

(r) Provide money or other property, by sale, loan, lease, grant, gift or other form of transfer, to any other person.

(6) Eminent Domain. The Board may exercise its powers of eminent domain in the area designated in the Enabling Resolution. The Common Council may enact a resolution that expands or contracts the area in which the Board may exercise its power of eminent domain, except that the Common Council may not remove from that area any property that was included in the Enabling Resolution.

(7) Annual Budget. An annual budget shall be established by the District and delivered to the Common Council, but such budget shall not be subject to the approval of the Common Council.

(8) Procedure; Ethics. Section 3.27, Madison General Ordinances, shall not apply to the Board. Board members appointed by the Mayor shall be subject to the City's Code of Ethics at Sec. 3.47, Madison General Ordinances.

(9) Severability. If any term or provision of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such term or provision shall be deemed a separate, distinct and independent term or provision and such holding shall not affect the validity of the remaining portions of this Section.

(Cr. by Ord. 12,690, 10-17-01; Section 3.71 "City Investment Policy Subcommittee" R. by Ord. 10,585, 1-29-93)

33.21 MONONA TERRACE COMMUNITY AND CONVENTION CENTER BOARD.

The City and Dane County, by an agreement under Wis. Stat. § 66.0301, have created a Monona Terrace Community and Convention Center Board (Board). The Board shall have broad authority and latitude to make decisions to operate a successful convention and community center. It shall establish all policies, rules and regulations governing Monona Terrace and oversee its operation, subject to the limitations set forth in the Agreement.

(1) Monona Terrace Board; Composition, Terms. The Monona Terrace Board shall consist of twelve (12) members appointed to three-year staggered terms ending on May 1st. Six appointments shall be made by the Mayor of the City of Madison, five by the Dane County Executive and one by the Governor of the State of Wisconsin. City and County appointments shall be subject to confirmation by the governing body of either City or County, as appropriate.

(a) Alternates. The mayor and county executive may each appoint one alternate member, for three year terms ending on May 1. The alternate appointed by the mayor shall be entitled to vote at Board meetings only when one or more of the other mayoral appointees is absent and the alternate appointed by the county executive shall be entitled to vote at Board meetings only when one or more of the other county executive appointees is absent. Alternates may serve as the Board representative on the Monona Terrace Event Booking Assistance Advisory Committee and on Board committees and shall have full voting rights while thus serving. An alternate may serve as an officer of a committee but may not serve as an officer of the Board. Alternates shall be entitled to attend all Board meetings and participate in all Board discussions but shall not be included when determining whether a quorum of the Board exists unless eligible to vote at the meeting. An alternate shall continue to serve until her or his successor is appointed and confirmed. (Cr. by Ord. 11,274, 6-19-95; Am. by ORD-07-00033, 3-22-07; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(2) Transitional Provision for Initial Terms. Each appointing authority shall designate the terms of office for the original appointees in order to achieve staggered terms. The Mayor shall designate two of the original City appointees for one-year terms each, two for two-year terms each and two for three-year terms each. The County Executive shall

designate two of the original County appointees for one-year terms each, two appointees for two-year terms each and one for a three-year term. The original appointment by the Governor shall be for a three-year term.

(3) Terms Continued. Once appointed, regardless of other limitations on continuing to serve, a member shall serve until her or his successor is appointed and is confirmed.

(4) By-Laws; Officers Elected. The members of the Board shall create by-laws for the Board which shall be subject to approval of the City's Common Council except that the by-laws shall provide for election by Board members of a chairperson, vice-chairperson and secretary for one-year terms expiring May 1st. Matters not covered in the by-laws or in the agreement shall be decided by reference to the most recent edition of Robert's Rules of Order.

(5) Start-Up Date. The original mayoral and executive appointments to the Board shall be made no later than May 1, 1993.

(6) Duties of Board; Mission Statement. The Board shall develop a mission statement for Monona Terrace, subject to approval of the City's Common Council.

(7) Annual Budget. The Board shall review and approve the budget for Monona Terrace presented by the Director and recommend the budget for Monona Terrace to the Common Council. Following approval of the budget by the City's Mayor and Common Council, the Board shall be authorized to determine the allocation of funds within the available City appropriations and other revenue.

The budget will provide broad latitude for the Board to oversee financial operations including the authority to accept and expend operating revenues and grants received by Monona Terrace during the fiscal year.

(8) Financial Control and Oversight. The Board shall establish all user rates and charges for Monona Terrace and oversee the financial performance of the facility consistent with City accounting and financial reporting standards.

(9) Hiring of Director. The Board shall constitute or appoint a search committee for the position of Director of Monona Terrace and shall recommend three to five candidates to the City's Mayor for his or her consideration for appointment as the director. The Mayor shall submit the names to an oral interview panel for recommendation of a final selection. The oral panel shall consist of the Alliant Energy Center Director, a member of the Monona Terrace Board and three persons to be named by the Mayor. Prior to making the final selection, the Mayor shall meet with the Board to review the selection of the successful candidate. In addition, the Board shall review and recommend approval to the City's Common Council of any employment contract with the Director. Board concurrence shall be required in any nonrenewal or termination of the Director's employment. (Am. by ORD-07-00033, 3-22-07)

(10) Establishing Position of Director. There is hereby created the position of Director of Monona Terrace. The Director shall be selected as provided in Subsection (9) above and shall be subject to Section 3.38(6)(f) of these ordinances. The Director shall be responsible for operational management of Monona Terrace and be the appointing authority for all other Monona Terrace employees. (Am. by ORD-07-00033, 3-22-07)

(11) Contracting Powers. The Board is empowered to enter into contracts to purchase or provide goods and services consistent with the mission of Monona Terrace, the approved budget and these ordinances. The Chair of the Board and the Director of Monona Terrace are authorized to sign contracts for the benefit of the Monona Terrace Community and Convention Center. All contracts shall be signed by both the Chair and the Director. In the absence of either the Chair or the Director, contracts may be signed by their duly authorized designee. Contracts shall be approved by the Finance Director and as to form by the City Attorney.

(a) The Director of Monona Terrace is hereby empowered to enter into standard form facility rental agreements provided such agreements have been approved in advance by the Finance Director and the City Attorney.

(b) The Monona Terrace Board is hereby empowered to enter into agreements for monetary contributions from donors, sponsors or underwriters of events or programs to be held at Monona Terrace, provided that the amount of such monetary contribution does not exceed twenty-five thousand dollars ($25,000) in any twelve-(12) month period per donor, sponsor or underwriter. Such agreements shall be approved by the Finance Director and as to form by the City Attorney. Agreements for contributions greater than twenty-five thousand dollars ($25,000) shall be approved by the Common Council. (Cr. by ORD-14-00153, 9-24-14)

(Am. by Ord. 11,695, 10-14-96; ORD-11-00037, 3-8-11)

(12) Marketing. The Board shall cooperate with the common marketing agent selected by the City and County.

(13) Joint Services with Alliant Energy Center. The Board shall participate in joint services with the Alliant Energy Center of Dane County whenever and wherever it determines the same to be economically feasible and in the best interests of both parties, including utilization of those County services identified in paragraph 29 of the Agreement. The Board shall at least annually issue a report analyzing opportunities for increasing efficiency through joint services and operations, together with the Board's decisions thereon. (Am. by ORD-07-00033, 3-22-07)

(14) Community Promotions. The Board shall assure that Monona Terrace marketing efforts, in conjunction with the joint marketing agent's efforts, actively promote "hub and spoke" day trips (trips to various Dane County sites and communities) for Monona Terrace attendees and families.

(15) Community Access. The Board shall establish a schedule of non-profit user rates to assure community access to the facility.

(16) Small Business Opportunities. The Board shall aggressively seek to involve small business enterprises in the operations and development of the facility and shall also promote employment opportunities for economically disadvantaged persons throughout Dane County in all aspects of Monona Terrace employment and contracting. Within six months of its creation, the Board shall set goals in these areas and document plans to achieve the goals. The Board shall provide subsequent performance reports and plan updates annually thereafter.

(17) Monona Terrace Convention Center Sales Staff. The Director of the Monona Terrace Convention Center may, with the approval of the Mayor, enter into individual employment contracts on behalf of the City with person hired into the unclassified positions of "Monona Terrace Sales/Marketing Events Manager", "Monona Terrace Sales Manager" and "Monona Terrace Sales Associate" to perform sales and related marketing activities for the Center. (Am. by Ord. 12,319, 2-1-99)

(a) Such contracts shall include provisions for performance-based incentive pay above the base salary not to exceed 15% of the base salary.

(b) Such contracts shall include a provision for the termination of the agreement by either party with or without cause.

(c) Such contracts shall comply in all respects with state and federal law and shall include benefits and longevity pay consistent with those received by permanent City employees and wages established within the assigned Compensation Group 19, Range subject only to the Range maximum. (Am. by Ord. 12,319, 2-1-99)

(d) Such contracts shall be approved as to form by the Finance Director, City Attorney, and Human Resources Director.

(Cr. by Ord. 11,693, 10-14-96; ORD-11-00037, 3-8-11)

(18) Monona Terrace Convention Center Gift Shop Staff. The Director of the Monona Terrace Convention Center may, with the approval of the Mayor, enter into an individual

employment contract on behalf of the City with the person hired into the unclassified position of "Monona Terrace Gift Shop Manager" to operate the Center's Gift Shop and perform other duties as assigned for the Center.

(a) Such contract shall include provisions for performance-based incentive pay above the base salary not to exceed 15% of the base salary.

(b) Such contract shall include a provision for the termination of the agreement by either party with or without cause.

(c) Such contract shall comply in all respects with state and federal law and shall include wages and benefits consistent with those received by City employees in Compensation Group 19. (Am. by Ord. 12,270, 11-17-98)

(d) Such contract shall be approved as to form by the Finance Director, City Attorney, and Human Resources Director.

(Cr. by Ord. 11,737, 12-13-96; ORD-11-00037, 3-8-11)

(Sec. 3.19 Cr. by Ord. 10,642, 4-30-93; Am. by Ord. 13,652, 7-7-04)

(19) Monona Terrace Booking Event Assistance Advisory Committee. The Monona Terrace Booking Event Assistance Advisory Committee shall consist of five members appointed by the Mayor and approved by the Common Council and meets on an as-needed basis. Terms are open-ended unless a person leaves the position that allows the appointment. The Monona Terrace Booking Event Assistance Advisory Committee considers funding requests from the Greater Madison Convention and Visitors Bureau for event assistance funding for conventions and conferences. The Committee rules on funding requests by following the Fund Policies and Guidelines approved by the Common Council. (Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.22 PUBLIC SAFETY REVIEW COMMITTEE. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(1) Organization. A Public Safety Review Committee is hereby created for the City of Madison.

(2) Membership. The Public Safety Review Committee shall consist of nine (9) members: the Mayor, or his/her designee, three (3) members of the Common Council, five (5) resident members, and one alternate resident member who may participate in Board business as though a full member, but may vote only in the absence of one of the resident members. The aldermanic members and resident members shall be appointed by the Mayor subject to confirmation by the Common Council. All elected members shall serve by virtue of their office (ex officio). (Am. by Ord. 10,240, 4-26-91; 12,560, 4-7-00; Ord. 12,695, 10-20-00; ORD-09-00136, Eff. 11-1-09)

(3) Terms. Common Council members shall be appointed for two (2) year terms ending on the third Tuesday in April. Resident members shall be appointed for three (3) year terms ending on April 30 of the third calendar year after their appointment and confirmation, except that, in April 1993, the Mayor shall designate the terms of resident members in order to achieve staggered terms. The Mayor shall designate two resident members for one-year terms, two for two-year terms, and two for three-year terms. (Am. by Ord. 10,660, 5-29-93; Ord. 13,293, 4-5-03)

(4) Duties. The work of the Public Safety Review Committee shall be advisory to the Mayor and the Common Council to assist them in the performance of their statutory duties regarding the police and fire departments. The role of the Public Safety Review Committee shall in no way interfere with the lawfully prescribed powers and duties of the Common Council, the Police and Fire Commission, the Mayor, or the Chiefs of the respective Police or Fire Departments. The Public Safety Review Committee may, in the performance of its duties:

(a) Review service priorities and capital budget priorities of the Police and Fire departments;

(b) Serve as liaison between the community and the City on public safety issues;

(c) Review annually and make recommendations to the Mayor and the Common Council regarding the annual work plans and long-range goals of the departments.

(Section 3.65(4) Am. by Ord. 10,198, 2-14-91)

(5) (R. by Ord. 9134, 3-12-87)

(Sec. 33.22 Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-17-00030, 3-8-17)

33.23 SOLID WASTE ADVISORY COMMITTEE.

(1) The Solid Waste Advisory Committee shall act in an advisory capacity to the Mayor and Common Council, making studies and recommendations relative to collection and disposal of refuse, composting, recycling, landfills and other solid waste issues. The Committee shall review City programs and operations and staff reports on these matters, and shall report to the Board of Public Works.

(2) The Solid Waste Advisory Committee shall consist of nine (9) voting members appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term of one year each commencing on that date, except that the terms of resident members and of the alderperson shall be two years with each term ending on the third Tuesday of April of the second year of such term. Appointees shall include one (1) alderperson, one (1) member of the Board of Public Works, one (1) member of the Committee on the Environment, and six (6) resident members.

Appointments shall be made with consideration given to expertise in solid waste management, environmental health, public relations, economics or business, hydrogeology, chemistry, environmental engineering and/or other areas related to solid waste issues.

The Street Superintendent (Streets and Sanitation Superintendent) shall serve the Solid Waste Advisory Committee as its nonvoting Executive Secretary. All matters to be considered by the Committee shall be submitted to the Executive Secretary who shall prepare the notice, agenda and minutes of all Committee meetings and perform such other duties as the Committee shall direct.

(Sec. 3.73(2) Am. by Ord. 10,548, 12-11-92; Ord. 13,378, 8-2-03; ORD-05-00033, 2-24-05; ORD-06-00001, 1-19-06; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-17-00030, 3-8-17)

(Sec. 3.73 Cr. by Ord. 10115, 9-27-90; Renum. by ORD-07-00047, 4-12-07)

33.24 URBAN DESIGN COMMISSION

(1) Title. This section shall be known, cited and referred to as the Madison Urban Design Commission ordinance and may be referred to herein as "this ordinance. (Am. by ORD-09-00091, 8-1-09)

(2) Purpose And Intent. It is hereby declared a matter of public policy that the design, appearance, beauty and aesthetics of all public and private buildings, structures, landscaping and open areas are a matter of public concern and as such must be controlled so as to promote the general welfare of the community. The purpose of this section is:

(a) To assure the highest quality of design for all public and private projects in the City.

(b) To protect and to improve the general appearance of all buildings, structures, landscaping and open areas in the City; to encourage the protection of economic values and proper use of properties.

(c) To encourage and promote a high quality in the design of new buildings, developments, remodeling and additions so as to maintain and improve the established standards of property values within the City.

(d) To foster civic pride in the beauty and nobler assets of the City, and in all other ways possible assure a functionally efficient and visually attractive City in the future.

(3) Commission Composition And Terms. An Urban Design Commission, advisory to the City Plan Commission, and vested with final decision-making authority as described elsewhere in this ordinance, in Chapter 31 (Sign Control Ordinance) and elsewhere in these

ordinances, is hereby created, consisting of nine (9) voting members. Of the initial voting members appointed, three shall serve terms of two years each; three shall serve terms of one year each; and three shall serve terms of three years each; provided, however, that notwithstanding the provision of subdivision (j) below, the aldermanic member shall serve a two-year term and such term shall be concurrent with his/her term as a member of the Council. Thereafter, the term for each voting member shall be three years. The voting members shall be appointed by the Mayor and approved by the Common Council as follows: (Am. by ORD-09-00091, 8-1-09)

(a) One member shall be an alderperson. (Am. by Ord. 11,277, 6-19-95)

(b) Two resident members. (Am. by ORD-17-00030, 3-8-17)

(c) One member shall be a graduate landscape architect appointed after consideration of a list of at least three nominees submitted by the Wisconsin Chapter of the American Society of Landscape Architects.

(d) (R. by Ord. 10102, 9-12-90 & 9-15-90)

(e) Three members shall be registered architects appointed after consideration of a list of at least three nominees for each available position submitted by the Southwestern Chapter of the Wisconsin Society of Architects.

(f) Two members shall be design professionals to be selected from design-related professions including, but not limited to: Urban Planner, Architect, Landscape Architect, Structural Engineer, Graphic Designer, and Interior Designer. (Am. by Ord. 10102, 9-12-90 & 9-15-90)

(g) In addition to the members above-mentioned, the Mayor may appoint upon an annual basis a resident to be an alternate member of such Commission to act with full power when any other member of the Commission is absent or refuses to act because of conflict of interest. Alternate members may serve as the Urban Design Commission representative on other City committees. (Cr. by Ord. 9714, 2-14-89; Am. by ORD-09-00103, 7-2-09; ORD-17-00030, 3-8-17)

(h) All members and nominees shall be residents of the City of Madison. (Renumbered by Ord. 9714, 2-14-89)

(i) All lists of nominees shall be submitted to the Mayor along with brief biographies of each, in accordance with these provisions, and all nominees and biographies shall be forwarded to the Common Council at such time as the respective appointments are submitted for approval. (Renumbered by Ord. 9714, 2-14-89)

(j) The regular terms of office shall commence on July 1 of the respective years, and members shall serve until a replacement is approved. (Renumbered by Ord. 9714, 2-14-89)

(k) Officers shall be nominated and elected by the commission. (Renumbered by Ord. 9714, 2-14-89)

(l) All Commission members shall be subject to Sec. 3.35 (Code of Ethics) and all other applicable laws regarding ethics and conflicts of interest. Additionally, no member of the Urban Design Commission who is employed by, or has any ownership interest in, an entity which has entered into a contract with the City of Madison for any work on a building being built or expanded by the City, or has any other private pecuniary interest, direct or indirect, in any such contract, shall be authorized to participate in any capacity in any official function in regard to that contract or to perform in regard to that contract any official function requiring the exercise of discretion on her/his part. (Cr. by ORD-09-00091, 8-1-09)

(Sec. 33.02(3) Am. by Ord. 10,281, 7-1-91)

(4) Powers And Duties.

(a) General Powers and Duties. In addition to other duties specifically enumerated herein, in Chapter 31 (Sign Control Ordinance), and elsewhere in these ordinances, the Urban Design Commission (UDC) shall make recommendations to the City Plan Commission, Common Council and any other concerned commission on all

matters referred or assigned to it under the provisions of this ordinance and other City ordinances. In addition, the Commission may provide advice and make recommendations concerning urban design problems at the request of any City department, agency, commission or division. (R. & Recr. by Ord. 5114, 9-3-75; Am. by Ord. 12,685, 9-25-00; ORD-09-00091, 8-1-09)

(b) Planned Developments. The Urban Design Commission shall review the design of all proposed developments that are considered planned developments under provisions of the Zoning Ordinance (i.e., Secs. 28.098 and 28.099). In exercising this power, the commission shall be bound by the provisions of Section 28.098(2) and shall report its findings to the City Plan Commission and Common Council. The UDC shall review sign packages in Planned Development Districts using the procedure in, Sec. 31.13(4). (R. & Recr. by Ord. 5114, 9-3-75; Am. by ORD-05-00167, 11-8-05; ORD-09-00091, 8-1-09; ORD-12-00134, 1-2-13; ORD-13-00069, 5-8-13; ORD-15-00117, 10-28-15)

(c) Residential Building Complexes. The Urban Design Commission shall review the exterior design and appearance of all principal buildings or structures and the landscape plans of all proposed residential building complexes. It shall report its findings and recommendations to the City Plan Commission. (Cr. by Ord. 8516, 2-4-85; Am. by ORD-13-00069, 5-8-13; ORD-13-00134, 8-14-13)

(d) Review of Public Projects. The Urban Design Commission shall approve plans for all buildings proposed to be built or expanded in the City by the State of Wisconsin, the University of Wisconsin, the City of Madison, Dane County, the Federal Government or any other local governmental entity which has the power to levy taxes on property located within the City. At least annually, the head of every City department, agency, commission or division responsible for major exterior alteration of new or existing public buildings and their related spaces (excluding any subterranean portions of such buildings), parks, or open spaces shall report to the Urban Design Commission those projects proposed for consideration in the capital budget and shall periodically report consideration of such additional projects that subsequently appear during the year. The Urban Design Commission shall provide advice and make recommendations to the responsible department, agency, commission or division on the design, appearance and aesthetics of each proposed project. All plans reviewed by the Urban Design Commission which are submitted to the Common Council for approval shall be accompanied by the report of the commission on the project. The commission shall report in writing to the City Plan Commission and the Common Council at least annually a summary of its recommendations on those projects it has reviewed. The commission need not prepare a detailed design analysis on such minor projects as it deems to have negligible effect on residual environment of the City, including but not limited to the design characteristics of street pavement. (Am. by Ord. 9978, 3-14-90; ORD-09-00091, 8-1-09)

(e) Establishment of Urban Design Districts.

1. The Urban Design Commission, after analysis of an area and meeting with property owners and residents, may propose geographically defined districts within the City of Madison as Urban Design Districts. Each proposal shall include a description of the district's boundaries, a design analysis, a statement of design objectives and methods, recommendations for future public and private improvements and developments and specific criteria to be employed in reviewing development proposals. Upon approval of such proposal by the Urban Design Commission, the proposal shall be submitted to the City Plan Commission and Common Council for review and adoption. Adoption of the proposal would include any rezonings and proposed ordinance amendments set forth in the proposal, thus requiring

public hearings and procedures as set forth in Sec. 28.12(9) of the Zoning Code. Amendments to an Urban Design District may be proposed and shall be reviewed and adopted in the same manner.

2. All concerned City departments, commissions and agencies shall work with the Urban Design Commission in the development of a proposal for the designated district.

3. All plans for the major exterior remodeling of existing properties including but not limited to painting of an unpainted exterior face or for new development within an Urban Design District shall be approved by the Urban Design Commission prior to the issuance of any building, demolition or excavation permits therefor. Upon application for such permits, unless the District regulations provide otherwise, the Zoning Administrator shall forward said application together with such plans or other information as may be prescribed to the Urban Design Commission for review and action.

UDC Public Hearing Procedure. The Urban Design Commission shall hold a public hearing on each application for the types of permits listed above, and each matter for which a hearing is required under Sec. 31.043, and any other procedure under Sec. 33.24 that requires a public hearing, within thirty (30) days of the date of filing of said application. Notice of the time, place and purpose of such hearing shall be given by Class 1 notice under Wis. Stat. § 985.07 (2007-2008), and notice shall also be sent to the applicant, the Alderperson of the District in which the property affected is located and the owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. Nothing herein shall prevent the owner or the owner's architect from requesting a meeting with the Urban Design Commission prior to beginning extensive preliminary plans for the proposed development, by making a request through the Secretary of the Commission. The owner and/or the owner's architect or other agent may request additional meetings with the Commission during the planning process.

An appeal of the decision of the Urban Design Commission to approve or reject the issuance of a building, demolition or excavation permit under this subsection, or to approve exterior painting, or any other approval required by this Sec. 33.24(4)(e)3., may be taken to the Plan Commission by the applicant or by the Alderperson of the District in which the use is located. Any appeal shall stay issuance of permits hereunder until the appeal has been acted upon by the Plan Commission.

Appeals of UDC decisions regarding signs made pursuant to Sec. 31.043 shall be final administrative decisions as stated in Sec. 31.043(5).

(Section 33.02(4)(e) Am. by Ord. 9536, 7-28-88; ORD-09-00091, 8-1-09)

(f) Large Retail Developments.

1. Statement of Purpose. The purpose for this section is to provide a regulatory framework to ensure that large-format retail development promotes the efficient use of land and preserves and enhances the urban fabric through a more urban site and building design. In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.

2. Applicability. All new retail development that is on a single zoning lot and has a total floor area of forty thousand (40,000) square feet or more shall

be subject to this ordinance total floor area shall be calculated by adding the floor area of all buildings on a zoning lot. When applying the requirements below, the Urban Design Commission, Plan Commission, and staff shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans.

a. Any single retail business establishment that has a total floor area of forty-thousand (40,000) or more square feet shall be subject to Paragraphs 3. through 8. below.

b. All development on a single zoning lot shall be subject to Paragraphs 4. through 8. below.

c. The Plan Commission may waive one or more of the requirements in Par. 3. through 8. below, if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.

d. Proposals for additions, exterior building alterations, or site alterations to existing structures currently used for, or originally designed to accommodate, a retail development that has a floor area of forty thousand (40,000) or more square feet shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structures..

e. Proposals for alterations to existing developments that currently exceed or are proposed to exceed a one hundred thousand (100,000) building footprint, as described in Par. 3, below, shall be approved pursuant to the applicable ordinances relating to the alteration of approved projects and shall comply with these requirements to the extent possible, given the constraints of the existing sites and structure.

(Am. by ORD-15-00033, 4-8-15)

3. Requirements for Buildings in Excess of 100,000 Square Feet. A single new retail business establishment may only exceed a building footprint of one hundred thousand (100,000) square feet as defined by the exterior walls, as provided below. Other separately-owned retail business establishments, entertainment, office, and residential uses not associated with the proposed business establishment shall not be counted towards the size of the building footprint.

   a. The Plan Commission may consider a single retail establishment exceeding one hundred thousand (100,000) square feet if the design includes one or more of the following elements:

      i. Multi-story development.

      ii. Mixed use development.

      iii. Structured or underground parking facilities.

4. Customer Entrances.

   a. The side of a building that directly abuts the most traveled public or private right-of-way that provides vehicular and pedestrian access to the site shall feature at least one (1) customer entrance. The entry may utilize a pedestrian plaza, entry portico, or other community feature as described in Par. 8, below, between the building and sidewalk. Corner entrances may be considered to meet this requirement.

5. Site Design. A development must follow one of the following three (3) options adjacent to the street that is projected to have the most pedestrian

activity associated with the building(s). The requirements may be met using any combination of buildings on the zoning lot. The site may be designed to utilize any combination of the three (3) setbacks, i. through iii., below. If a zoning lot directly abuts two (2) or more public or private rights-of-way, there are no requirements for additional street frontages.

a. At least fifty percent (50%) of adjacent street frontage shall be occupied by building facades with a maximum setback of twenty (20) feet. This requirement may be met by using any combination of buildings on the zoning lot. No off street parking facilities shall be located between the façade(s) directly abutting the street and the adjacent street.

b. At least sixty percent (60%) if adjacent street frontage shall be occupied by building facades with a maximum setback of sixty-five (65) feet. This setback shall allow for a only a single drive aisle and one row of perpendicular parking with building entrance access and required landscaped buffer as stated in Par. 6.a., below. This setback may be extended to a maximum of seventy-five (75) feet, if traffic circulation, drainage and/or other site design issues are shown to require additional space.

c. At least seventy percent (70%) of adjacent street frontage shall be occupied by building facades with a maximum setback of eighty-five (85) feet. This setback shall allow for only a single drive aisle and two rows of perpendicular parking with building entrance access and required landscaped buffer as stated in Par. 6.a., below. This setback may be extended to a maximum of one hundred (100) feet, if traffic circulation, drainage and/or other site design issues are shown to require additional space.

6. Parking. The following requirements apply to the entire zoning lot.

a. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer that includes trees, shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high quality materials.

b. Transportation Demand Management. Any single retail business establishment of forty thousand (40,000) square feet or more with one hundred (100) or more full-time employees or full-time equivalents is required to have a Transportation Demand Management (TDM) Plan, or participate in a Transportation Management Association (TMA), if one is available in the geographic area of the establishment. This requirement shall also apply to any such existing retail business establishment proposing an addition or alteration, and that will have one hundred (100) or more full-time employees or full-time equivalents.

i. The TDM Plan shall generally describe the applicant's intent with respect to reducing the number of single-occupant automobile trips and list the methods the applicant intends to use. These methods shall be based on the transportation choices available and indicate if the applicant will provide for either the full price to purchase a monthly bus pass from Madison Metro, or provide for three (3) or more of the following options to all employees: ridesharing/ car pool matching; preferred parking for ridesharers; secured bicycle parking, showers and lockers; employee commuting subsidies or awards; emergency ride home program;

employer-subsidized bus passes; provision of real-time transit information; or other options proposed by the employer to discourage the use of single-occupant vehicles, and as approved by the City.

ii. The employer shall make the provisions in its Plan available to all employees.

iii. The Plan shall describe the traffic/parking impacts of the development and shall provide specific details on the measures the employer will use to monitor the traffic/parking impacts.

iv. The Plan shall be periodically updated at intervals not to exceed every two years.

v. The Plan shall be reviewed by the Traffic Engineer in concert with the Planning Division Director. The Traffic Engineer shall provide comments and suggestions for how the Plan might be improved.

7. Pedestrian Circulation. The following requirements apply to the entire zoning lot.

a. Sidewalks shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.

b. Continuous internal pedestrian walkways at least six (6) feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.

c. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any façade abutting parking areas and shall provide at least eight (8) feet in width clear from any merchandise, vending, or other obstructions. These sidewalks shall be located at least six (6) feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades, entryways, or community features, as defined in Par. 8., below, are part of the facade.

d. Internal pedestrian walkways provided in conformance with subparagraph b., above, shall have weather protection features, such as awnings or arcades within thirty (30) feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas.

e. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Walkway materials shall be of durable, low-maintenance surface materials, such as pavers, bricks, or scored concrete. Signs shall be installed to designate pedestrian walkways.

f. Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.

8. Central Features and Community Spaces. The following requirements apply to the entire zoning lot.
   a. At least one (1) of the following central features and community spaces shall be provided for each forty thousand (40,000) floor area of building on the zoning lot. A minimum of two (2) is required and each central features and community space shall each occupy a minimum of 400 square feet in area. (Am. by ORD-15-00033, 4-8-15)
      i. Patio/seating area.
      ii. Pedestrian plaza with benches.
      iii. Transportation center.
      iv. Window shopping walkway.
      v. Outdoor playground area.
      vi. Kiosk area.
      vii. Water feature.
      viii. Planter walls.
      ix. Other deliberately shaped area and/or focal feature or amenity that adequately enhances the community and public spaces.
      x. Outdoor employee amenities, such as a break area.
   b. All of the above, except outdoor employee amenities, shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(Cr. by ORD-05-00067, 4-16-05; Am. by ORD-13-00164, 10-9-13)

(g) Duties of the Secretary of the Urban Design Commission. The Secretary of the Commission shall be a staff member of the Department of Planning and Community and Economic Development.

1. Administrative Approval within Urban Design Districts. The Secretary may administratively approve certain proposed building additions, minor façade alterations, or minor construction within Urban Design Districts if found to be in compliance with the applicable criteria and requirements of the District in question.
2. Minor Alteration to Approved Plans Reviewed under Sec. 33.24(4)(b). ;4; When, subsequent to the UDC's approval of a plan for which UDC approval was required under Sec. 33.24(4) or elsewhere in these ordinances, a request is made to alter the plans, the Secretary of the Urban Design Commission may approve such alteration(s) on behalf of the UDC, if in the exercise of her/his professional judgment, a change does not substantially alter the approved design, and may make that recommendation to the Director of the Department of Planning and Community and Economic Development.
3. Minor Façade Alterations in DC Downtown Core District. The Secretary shall perform the duties for review and approval of applications for minor building facade changes in the DC district found in the "Downtown Urban Design Guidelines" established by Resolution #12-00949. (Am. by ORD-12-00134, 1-2-13)
4. Sign Permit Review by the Secretary.
   a. Urban Design Districts. The Secretary shall be authorized to review applications for sign permits in Urban Design Districts using the standards and criteria for each district as required by this

ordinance, and shall report to the Zoning Administrator whether proposed signage is in compliance with such requirements, and may recommend approval or denial of the permit accordingly.

b. DC Downtown Core and UMX Districts. The Secretary shall perform the duties for review and approval of applications for sign permits in the DC and UMX districts, as described in Secs. 31.13(9), and shall apply the criteria therein, which includes the "Downtown Urban Design Guidelines."

(Renumbered. by Ord. 8516, 2-4-85 and ORD-05-00067, 4-16-05; Am. by ORD-09-00091, 8-1-09; ORD-15-00117, 10-28-15)

(h) Other Duties. The commission shall also:

1. Actively work with the Common Council Legislative Committee to try to implement changes in state laws which will facilitate the discharge of its functions, streamline the approval process for private development, and assist in the improvement of the visual and functional City.
2. Recommend ordinance changes to the City Plan Commission and Common Council which will promote a visually and functionally improved City.
3. Actively seek the adoption and implementation of plans for urban beautification in Madison.
4. Undertake the continuing education of the residents of Madison about the visual assets and liabilities of Madison and the mission and intent of the commission. (Am. by ORD-17-00030, 3-8-17)
5. Report quarterly to the City Plan Commission on its activities, plans and work programs.
6. Perform all duties as authorized in Chapter 31, Sign Control Ordinance, referenced below in Sec. 33.24(4)(j). (Cr. by ORD-09-00091, 8-1-09)

(Renumbered. by Ord. 8516, 2-4-85 and ORD-05-00067, 4-16-05)

(i) Meetings and Rules. Meetings of the Urban Design Commission shall be held at the call of the chairperson and at such other times as such commission may determine. All meetings of said commission shall be open to the public. The commission shall keep minutes of its proceedings, shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes, and shall select or appoint such officers, including a chairperson, as it deems necessary. (Renumbered by Ord. 8516, 2-4-85 and ORD-05-00067, 4-16-05)

(j) Sign Review Under Chapter 31. The Commission shall perform all duties required by Chapter 31, the Sign Control Ordinance, including but not limited to: conducting Comprehensive Design Reviews under Sec. 31.043, hearing requests for modification of height, area and setback for signs, hearing requests for Additional Sign Code Approvals, hearing appeals from decisions of the Zoning Administrator (except those decisions related to structural or mechanical concerns heard by the Building Board of Appeals under Sec. 31.04(3)(b)1.) and shall perform any other duties or functions as may be required of the Commission under Chapter 31. The Commission shall use criteria for sign review described in Sec. 33.24(7)(b) below. (Cr. by ORD-09-00091, 8-1-09)

(5) Professional Services. The Department of Planning and Community and Economic Development and other departments and divisions of the City of Madison shall provide, upon request, the professional services the Urban Design Commission deems necessary to fulfill its purposes and duties. (Am. by Ord. 6569, 3-21-79)

(6) Fees.

(a) Any application for new construction or major exterior remodeling of existing properties in any Urban Design District, public projects pursuant to Sec. 33.02(4)(c) and (d), unless built or expanded by the City of Madison, State of

Wisconsin, University of Wisconsin or federal government shall be accompanied by a fee of three hundred fifty dollars ($350), which shall be paid to the City Treasurer. (Am. by ORD-12-00008, 1-24-12; Am. by ORD-12-00134, 1-2-13)

(b) Any application for minor exterior remodeling of existing properties in an Urban Design District or a DC District shall be accompanied by a fee of one hundred fifty dollars ($150), which shall be paid to the City Treasurer.

(c) Application fees for Comprehensive Design Review or any other sign review by the UDC shall be as established in Chapter 31 of the Madison General Ordinances. (Cr. by ORD-09-00091, 8-1-09)

(Cr. by Ord. 13,216, 12-20-02; Am. by ORD-09-00091, 8-1-09)

(7) Urban Design Commission Criteria. In addition to the criteria established elsewhere in Sec. 33.02 for each Urban Design District, the Commission shall apply the following criteria, when applicable:

(a) (Rep. by ORD-13-00069, 5-8-13).

(b) Criteria for Sign Review Under Chapter 31. Criteria for Comprehensive Design Review or other sign approval duties assigned to the UDC in Chapter 31, shall be as described in Sec. 31.043 and elsewhere in Chapter 31. Criteria for reviewing signs in Urban Design Districts shall be as set forth in this ordinance. Criteria for the UDC to review signs under other any other review procedures shall be as set forth by the applicable ordinance. To the extent that requirements, guidelines or other provisions regarding signs in this ordinance conflict with Chapter 31 or any other ordinance, the more restrictive provision shall apply.

(Cr. by Ord. 8516, 2-4-85; Renumbered by Ord. 13,216, 12-20-02; Am. by ORD-09-00091, 8-1-09)

(8) Urban Design District No. 1.

(a) Statement of Purpose. Urban Design District No. 1 is hereby established to make John Nolen Drive and the South Beltline Highway and adjacent properties, a most visually attractive approach to the City of Madison, to establish requirements and guidelines for aesthetically pleasing future development, and to assure that future development in the district will preserve and enhance the property values in the district and not cause a substantial depreciation in the property values within the district. Design requirements and guidelines are therefore hereby established to assist property owners in the district and the State of Wisconsin, City of Madison, and Dane County in improving and developing all properties within the district. In addition, the district is designed to foster a sense of personal and civic pride among the property owners, particularly as it relates to the appearance of their area, and the corresponding promotion of the commercial enterprises therein. A map of the District, current as of April 20, 2009, is available from the Department of Planning and Community and Economic Development. (Am. by Ord. 11,226, 4-13-95; ORD-09-00078, 5-21-09)

(b) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior faces, exterior lighting, landscaping or screening done in conjunction with new buildings or structures or additions, and cutting or removal of trees greater than two inches in maximum diameter, and permits for new signs) shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, with all applicable federal and state laws, and with the Building Code, Zoning Ordinance, and other applicable codes of the City of Madison not in conflict with this ordinance. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the

district. However, if this ordinance conflicts with other city regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(c) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider in each case those of the following requirements and guidelines as may be appropriate. In addition, when applying the requirements and guidelines, the Urban Design Commission and staff shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans. The overall design of each development shall be of high quality. (Am. by Ord. 13,219, 12-20-02)

1. Site Planning.

a. Grading. The grading of public and private land in the district shall meet the following requirements, and shall conform as much as possible with the following guidelines:

i. Requirements. Grading shall insure a positive drainage consistent with established water runoff patterns in the district. All grading shall allow for the installation and maintenance of appropriate landscape materials.

ii. Guidelines. Grading may create earth forms which add interest to the existing topography. Respect for the natural topography in site development will also be important as a means of adding interest and capitalizing on the sloping terrain. Earth berms are encouraged, to screen out unpleasant views and accentuate pleasant views. Earth mounds may be used to reinforce the proposed landscape treatment.

b. Landscaping. The landscaping of public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

i. Requirements. Landscaping shall be used for a functional as well as decorative purpose, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and complementing the architectural massing of the building.

ii. Guidelines. Landscaping should express the unique natural beauty of Madison. There should be a variety of trees and shrubs in group plantings, alternated and dispersed in order to create some variety. While indigenous species will be favored, they should be in scale with the buildings and complement the topography. The unique character of the native landscape should be preserved and reinforced by selecting plant material which originally grew in the area. Both upland and lowland sites are included in the district. Species for planting should reflect this. A recommended list of appropriate species for both types includes:

Upland

Trees:

Quercus alba	White Oak
Quercus macrocarpa	Bur Oak
Quercus rubra	Red Oak

Tilia americana	Basswood
Prunus serotina	Black Cherry
Acer rubrum	Red Maple
Fraxinus americana	American Ash
Juglans nigra	Walnut
Aesculus hippocastanum	Chestnut

Evergreens:

Juniperus virginiana	Red Cedar
Juniperus horizontalis	Creeping Juniper

Shrubs:

Cornus racemosa	Gray Dogwood
Corylus americana	Filbert
Crataegus Spp.	Hawthorne
Malus ioensis	Prairie Crabapple
Prunus virginiana	Common Chokecherry
Rhus glabra	Smooth Sumac
Rhus typhina	Staghorn Sumac
Rosa Spp.	Wild Rose
Viburnum lentago	Nannyberry Vibrunum
Viburnum prunifolium	Blackhawk Viburnum
Euonymus Alatus	Burning Bush

Lowland

Trees:

Quercus bicolor	Swamp White Oak
Fraximus pennsylvanica	Green Ash
Crataegus mollis	Downy Hawthorn
Crataegus crusgalli	Cockspur Hawthorn
Carpinus caroliniana	Musclewood
Celtis occidentalis	Hackberry
Salix nigra	Black Willow
Acer rubrum	Red Maple
Betula nigra	River Birch

Evergreens:

Thuja occidentalis	White Cedar or Arborvitae

Shrubs:

Alnus incana (cold water)	Speckled Alder
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Alleghany Serviceberry
Amorpha fruticosa	Indigobush Fruticosa
Aronia arbutifolia	Red Chokecherry
Arnoia melanocarpa	Black Chokeberry
Cephalanthus occidentallis	Common Buttonbush
Clematis virginiana	Virginsbower

Cornus racemosa	Gray Dogwood
Cornus stolonifera	Redosier Dogwood
Cornus amomum	Silky Dogwood
Ilex verticillata	Common Winterberry
Malus ionensis	Prairie Crab
Sambucus canadensis	American Elder
Salix discolor	Pussywillow
Salix glaucophylla	Firm Blueleaf Willow
Salix lucida	Shining Willow
Salix petiolaris	Petiolaris Willow
Salix servicea	Silky Willow
Salix serissima	Autumn Willow
Viburnum dentatum	Arrowood Viburnum
Viburnum trilobum compacta	American Highbush Cranberry

c. Building Relationships. The siting of structures on public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

i. Requirements. The structures shall be related to the site to enhance or maintain current contours. New development shall consider activities on adjacent properties with relation to access from abutting streets, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

ii. Guidelines. In the development of the site, the existing quality vegetation should ordinarily be maintained. Areas which are highly visible to living units should be landscaped in a manner complementary to the building forms. Buildings should be sited to avoid having living units with direct views of parking areas. The relationship of any buildings to the public right-of-way should be completed in a manner that presents an attractive, properly located structure. In the siting of new structures, consideration shall be given to:

A. Relating attractively to abutting roadways, the Nob Hill Interchange, the interchange with Interstate Highway 90, and the lakes.

B. Recognizing the views of the city skyline, Lake Monona, and the Exposition Center.

C. Providing landscaping treatment for open areas which are highly visible from John Nolen Drive and which complement the building forms.

2. Lighting. Exterior lighting in the district shall meet the following requirements and conform as much as possible with the following guidelines.

a. Requirements. The functions of exterior lighting on private property shall be:

i. To illuminate building facades, especially those bearing business identification signs.

ii. To illuminate pedestrian walks and spaces.

iii. To illuminate parking and service areas.

The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions. Lighting shall be adequate but not excessive. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.

b. Guidelines.

i. Building Facades. Architectural lighting should be free from glare and of a type to complement the existing development in the district.

ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.

iii. Off-Street Parking Area. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Section 10.08 of the Madison General Ordinances.

3. Utility Service. It shall be a goal of this district to eliminate overhead wiring within the district. To this end, owners of property within the district, working with the Madison Gas and Electric Company, Wisconsin Bell, and cable television licensees, shall, in all new developments and major additions, make provision for underground service. Whenever possible this shall be accomplished during building development and construction. When it is not possible, certification to the fact that provisions have been made for the placement of service underground, signed by representatives of each company, shall appear on plans submitted to the Urban Design Commission for review.

4. Signs. Signs in the district shall meet the following requirements and conform as much as possible to the following guidelines.

a. Requirements.

i. Signs, if located on or adjacent to buildings, shall be integrated with the architectural design of the buildings.

ii. Signs shall be located and designed only to inform the intended clientele.

iii. Signs shall be used only as identification of the establishment, and shall have no more than a total of eight (8) symbols and/or words.

iv. No portion of an illuminated sign shall have luminance greater than two hundred (200) foot-lamberts for any portion of the sign within a circle of two (2) feet in diameter. No sign or part of any sign shall change its level of illumination more than once every one (1) hour.

v. Electronic changeable copy signs, if permitted in the District, shall comply with 31.046(1) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour.

vi. A minimum setback of five (5) feet from the public right-of-way is required of all ground signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in net area. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in net area.

vii. The height of a ground or wall sign shall not exceed ten (10) feet along John Nolen Drive or eighteen (18) feet

elsewhere in the district unless a higher sign is specifically approved by the Urban Design Commission based on the following criteria:

A. An exception from the height limitation is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

B. An exception from the height limitation will result in a sign more in scale with the building and site and will result in a superior overall design.

viii. The net area of a ground or wall sign shall not exceed forty (40) square feet along John Nolen Drive or seventy-two (72) square feet elsewhere in the district unless a larger sign is specifically approved by the Urban Design Commission based upon the following criteria:

A. An exception from the size limitation is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

B. An exception from the size limitation will result in a sign more in scale with the building and site and will result in a superior overall design.

(Sec. 33.24(8)(c)4.a. Am. by ORD-09-00091, 8-1-09)

b. Guidelines.

i. A sign should identify the activity without imposing upon the view of residents, businesses or activities of the district.

ii. A sign should be appropriate to the type and activity and clientele at which its message is aimed.

iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.

iv. Signs should avoid covering or impinging upon landscape features or significant structures.

v. Illuminated signs should be lit internally or from the ground, not with fixtures projecting from the sign.

vi. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background. (Am. by ORD-09-00091, 8-1-09)

c. The Urban Design Commission shall, in addition, evaluate proposed signs in the district based upon the requirements of Chapter 31 in the Madison General Ordinances.

5. Parking and Service Areas; Screening. The Urban Design Commission in its review of plans for the district will concern itself with the height at time of planting, the spacing, height at maturity, and ability of proposed plants to screen throughout the year. Screening shall meet the following requirements and conform as much as possible with the following guidelines:

a. Requirements.

i. The amount of parking and service areas to be provided in conjunction with any use shall conform to the requirements as set forth in Chapter 28 (Zoning Code) of the Madison General Ordinances.

ii. Parking and service areas shall be screened from views from John Nolen Drive, the South Beltline Highway, frontage roads, and abutting properties. Screening shall be accomplished in a manner consistent with the requirements of Section 28.142 of the Madison General Ordinances. (Am. by ORD-12-00134, 1-2-13)

iii. Parking areas shall be illuminated using attractive low-profile standards and fixtures. Drawings of these standards and fixtures shall be a part of plans submitted to the Urban Design Commission for review and approval.

iv. Off-Street Parking and Loading Areas. All open off-street parking areas containing more than three (3) spaces, and all open off-street loading, shall have effective screening on each side adjoining or fronting on any residential property or any public or private street. If the screening is to be accomplished by using plant material, it shall be planted at a minimum height of thirty (30) inches and grown to a height at maturity of at least fifty-four (54) inches. If any other material is used to screen these types of areas, it shall be a minimum height of fifty-four (54) inches.

v. District Boundary Lines. Any property located in a commercial or manufacturing district shall have effective screening along lot lines adjoining any residence district.

vi. Screening of Rubbish and Trash Storage. Such areas shall be screened to block the view of rubbish and trash containers from any point outside the property on which the storage area is located.

b. Guidelines.

i. Large parking lots should be avoided. Parking lots with more than seven parking spaces should be subdivided by landscaping so that each subdivided area has no more than seven spaces.

ii. Acceptable screening may consist of any of the following or combinations thereof:

A. Principal or accessory buildings;

B. Earth berms;

C. Masonry walls;

D. Hedges;

E. Trees;

F. Decorative fences. (Diamond mesh or other metallic fences are not acceptable.)

6. Building Design. Buildings shall meet the following requirements and conform as much as possible with the following guidelines.

a. Requirements.

i. Materials and colors shall be durable, low maintenance, and harmonious with each other and with other buildings in the neighborhood.

ii. Mechanical elements mounted on the roof or ground shall be screened from the view of adjacent properties and roadways.

iii. Contemporary architecture shall be the goal of the district. Buildings shall be designed to complement and enrich this character. Building component massing, materials, textures, and colors shall be consistent with this character.

iv. The overall design of the building shall be of high quality, considering the importance of the district as a principal gateway to the City.

v. Metal shall not be used as an exterior material for building, except as an integral part of a design of exceptional merit.

vi. An addition shall relate to the existing building in terms of scale, materials, and color.

b. Guidelines.

i. Structures should be designed to be compatible with the structures that are adjacent to them.

ii. Large unbroken exterior facades should be avoided.

iii. All building elevations are of importance and should be carefully designed. Buildings should avoid blank facades. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

iv. Any building of exceptional height or prominence shall be integrated with the surrounding development and topography.

(Sec. 33.02(7) R. & Re-Cr. by Ord. 9407, 2-11-88; Renumbered to 33.02(8) by Ord. 13,216, 12-20-02)

(9) Urban Design District No. 2.

(a) Statement of Purpose. The Urban Design District No. 2 is hereby established to make the Schroeder Road/Watts Road area and adjacent properties between Gammon Road and Whitney Way an attractive visual experience and to establish guidelines which insure that commercial, industrial, and residential development can occur which complement the existing development in the district. Design guidelines and criteria are therefore hereby established to assist area property owners in the City of Madison, Dane County, Town of Madison, and Town of Middleton in improving and developing all properties within this area. In addition, the district is designed to develop a sense of identity among the people that live and work in the district. A map of the District is available from the Department of Planning and Community and Economic Development.

All development designed, erected, and maintained pursuant to the provisions of this ordinance shall be designed, erected, and maintained in compliance with all applicable Federal Laws, State Laws, and with the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance.
(Am. by Ord. 11,319, 8-4-95)

(b) Property Included in the District. The District shall include property having any frontage on: Forward Drive, Ellis Potter Court, Gilbert Court, Kessel Court, Rayovac Drive, Schroeder Road and Schroeder Court; Struck Street between Schroeder Road and Watts Road; the east side of Gammon Road between Seybold Road and Park Ridge Drive; the south side of Watts Road between Gammon Road and Rayovac Drive; the west side of Whitney Way between Schroeder Road and 410 feet north of the north right-of-way line of Piping Rock Road and the east side of Whitney Way between the West Beltline Highway and 130 feet northeast of the north right-of-way line of Woodland Way. If any portion of a zoning lot is in the district, the entire lot is within the district. (Cr. by Ord. 11,319, 8-4-95)

(c) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units and modifications to the existing miniature golf course, par-three golf course, driving range and batting cages and any new structures containing less than two thousand (2000) square feet situated on the Vitense Golfland abutting the 5400 and 5500 blocks of Schroeder Road, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Cr. by Ord. 11,319, 8-4-95; Am. by ORD-09-00091, 8-1-09)

(d) Basis For Design Review. In reviewing plans for the improvement of existing facilities or for new development within the area, the Urban Design Commission shall consider in each case those of the following guidelines and requirements as may be appropriate:

1. Site Planning.

   a. Grading. The grading of public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

      i. Requirements. Grading shall insure positive drainage consistent with established run-off patterns in the district. All grading shall be completed in such a manner that allows for the regrowth of natural vegetation. The creation of artificial topography or the change of any grades shall strive towards a natural appearance.

      ii. Guidelines. Grading should be considered as a device for creating earth forms which add interest to the existing topography. Respect for the natural topography in site development will also be important as a means of adding interest and capitalizing on the gentling sloping terrain. The use of earth berms is encouraged as a means of screening out unpleasant views and accentuating pleasant ones. Earth mounds should be used to reinforce the proposed landscape treatment.

   b. Landscaping. The landscaping of public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

      i. Requirements. Landscaping shall be used for a functional as well as decorative purpose, including framing of desirable views, screening of unattractive features and views along the roadway, screening of different uses from each other, and finally complementing the architectural massing of the building.

ii. Guidelines. Any landscaping which is done should be expressive of the unique natural beauty of Madison. There should be a variety of trees and shrubs in group plantings alternated and dispersed in order to create some variety. While indigenous species will be favored, they should also be in scale with the buildings and complementary of the topography. The goal of perpetuating and reinforcing the unique character of the native landscape can be facilitated by the selection of plant material which originally grew in the area. Both upland and lowland sites are included in the Schroeder Road Design District, and species for planting should reflect this. A recommended list of appropriate species for both types includes:

UPLAND	LOWLAND (e.g., the Greenway)
Trees	Trees
Quercus alba (White Oak)	Guercus bicolor (Swamp White Oak)
Quercus macrocarpa (Bur Oak)	Fraximus pennsylvanica (Green Ash)
Quercus rubra (Red Oak)	Cratagus mollis (Downy Hawthorn)
Tilia americana (Basswood)	Crataegu crus-galli (Cockspur Hawthorn)
Prunus serotina (Black Cherry)	Carpinus caroliniana (Musclewood)
Acer rubrum (Red Maple)	Carpinus caroliniana (Musclewood)
	Celtis occidentalis (Hackberry)
	Malus ioensis (Prairie Crab)
	Virburnum Trilobum Compacta (American Highbush Cranberry)
Shrubs	Shrubs
Cornus racemosa (Gray Dogwood)	Cornus racemosa (Gray Dogwood)
Corylus americana (Filbert)	Cornus sericea (Redosier Dogwood)
Rosa Spp. (Wild Rose)	Sambucus canadensis (Elderberry)
Evergreens	Evergreens
Juniperus virginiana (Red Cedar)	Thuja occidentalis (White Cedar or Arborvitae)
Juniperus horizontalis (Creeping Juniper)	

c. Building Relationships. In the siting of structures on public and private land in the district the following requirements shall be met and where applicable guidelines conformed to:

i. Requirements. The structures shall be related to the site in an effort to enhance or maintain current contours. At the same time as relating to the site the new development shall take into consideration activities on adjacent properties with relation to: location of windows, so as to provide privacy when that is desired; height of structure when possible; and scale, so that any development is consistent with the low profile nature of the community.

ii. Guidelines. In the development of the site the existing vegetation should be maintained. Also it is important that an attempt be made to insure that areas which are highly visible to living units and Schroeder Road be landscaped complementary to the building forms. The relationship of any buildings to the public right-of-way should be completed in a manner that presents an attractive, properly located

structure. The setbacks of the buildings should be irregular so as to give a variety in the line of sight as well as take advantage of views and topography.

2. Lighting.
   a. Building Facades. Architectural lighting should be free from glare and of type to complement the existing development in the district.
   b. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents while not reflecting direct rays of light into adjacent property.
   c. Off-Street Parking Area. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Section 10.08 of the Madison General Ordinances.
   d. The choice of equipment, design, quantity and placement of all on-site lighting units shall relate to the foregoing lighting purposes and shall be evaluated by the Urban Design Commission in the review of the improvement plans and comments from City departments and divisions on the improvement plans.
3. Utility Service. It shall be a goal of this plan to eliminate overhead wiring within the district. To this end, property owners within Urban Design District No. 2 working with Madison Gas and Electric Company, Wisconsin Telephone Company, and Cable Television licensee shall in all new developments and major additions make provision for underground service. Whenever possible, this will be accomplished during development and construction. When it is not possible, certification to the fact that provisions have been made for undergrounding of service signed by representatives of each company shall appear on plans submitted to the Urban Development Commission for review.
4. Signs. Because of the relationship between the residential and commercial activities of this area, it is necessary that the location and treatment of signs be appropriate to both activities. In this sense the Urban Design Commission shall evaluate proposed signs based on the following guidelines and requirements:
   a. Guidelines.
      i. Signs should identify the activity without imposing upon the view of residents, businesses, or activities of the district.
      ii. Signs should be appropriate to the type of activity and clientele at which its message is aimed.
      iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.
      iv. Signs should avoid covering or impinging upon landscape features or significant structures.
   b. Requirements.
      i. Signs, if located on or adjacent to buildings, shall be integrated with the architectural design of the buildings.
      ii. Signs shall be located and designed only to inform the intended clientele.
      iii. Signs shall be used only as identification of the establishment and shall have no more than a total of eight (8) symbols and/or words.
      iv. No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot lamberts for any

portion of the sign within a circle two (2) feet in diameter. No sign or part of any sign shall change its level of illumination more than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)

v. Electronic changeable copy signs, if permitted in the District, shall comply with 31.046(1) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)

vi. A minimum setback of five (5) feet is required of all detached signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in net area and fifteen (15) feet in height. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in net area or twenty (20) feet in height. No detached sign shall exceed seventy-five (75) square feet in net area and twenty-five (25) feet in height. Based upon the following criteria the Urban Design Commission may specifically approve a larger sign or reduce the setbacks above:

A. An exception from the size and setback limitation is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

B. An exception from the size and setback limitation will result in a sign more in scale with the building and site and will result in a superior overall design.

(Am. by Ord. 9593, 10-14-88)

vii. No detached sign shall occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for its support, which shall not exceed a total cross-section area of one (1) square foot.

viii. The net area of an attached sign of any occupancy on any facade shall not exceed forty (40) square feet.

ix. All signs and their words shall be mounted parallel to the building surface to which they are attached. No sign or words shall project more than eighteen (18) inches from the surface to which they are attached. Attached signs shall not be mounted on roofs and shall not project above roofs.

(Am. by ORD-09-00091, 8-1-09)

5. Screening. The Urban Design Commission in its review of plans for the district will concern itself with the height at time of planting, the spacing, height at maturity, and ability of proposed plant to screen throughout the year. Plans for all screening on private property within the area, when done in conjunction with major additions or new structures, will require Commission approval.

a. Requirements.

i. The amount of parking and service area to be provided in conjunction with any use shall conform to the requirements set forth in Chapter 28 (Zoning Code) of the Madison General Ordinances.

ii. Parking and service areas shall be screened from Schroeder Road and abutting properties. If the screening is to be accomplished by using plant material it shall be planted at a minimum height of thirty (30) inches and grow to a height at maturity of at least fifty-four (54) inches. If any other material is used to screen these types of areas it shall be a minimum height of fifty-four (54) inches.

iii. Parking areas shall be illuminated using attractive standards and fixtures which are to be reviewed by the Urban Design Commission.

iv. Screening of Rubbish and Trash Storage. Such area shall be screened to block the view of such rubbish and trash containers from any point outside the property on which said storage area is located.

b. Guidelines.

i. Acceptable screening may consist of any of the following or combination thereof:
Principal or accessory buildings;
Earth berms;
Masonry walls approved by the Urban Design Commission;
Decorative fences approved by the Urban Design Commission;
Hedges;
Trees.

ii. The use of low profile standards is recommended for parking and service areas.

6. Building Design. Because of the nature of the area concerned, it is necessary that buildings not alter the predominantly low profile height of the district. In view of the residential scale of this area, the following guidelines and requirements shall be adhered to and will be used by the Urban Design Commission in reviewing projects in the district:

a. Requirements.

i. Exterior treatment of all buildings shall use natural colors and/or materials.

ii. Mechanical elements shall be screened from the view of adjacent properties.

b. Guidelines.

i. Buildings should not impinge on the natural views of others where possible, and should not vary but one (1) story from the height of adjacent roofs.

ii. Structures should be designed to be compatible with structures that are adjacent to them.

iii. Large buildings should have varied horizontal and vertical planes and should integrate landscaping to break up long lines.

iv. All building elevations shall be of equal importance. Design of the roof will be considered.

(Sec. 33.02(8)(b) Renumbered to (d) by Ord. 11,319, 8-4-95)

(Sec. 33.02(8); Renumbered to (9) by Ord. 13,216, 12-20-02)

(10) Urban Design District No. 3.

(a) Statement of Purpose. Urban Design District No. 3 is hereby established to make Tokay Boulevard/Odana Road and adjacent properties, an attractive visual

experience, and to establish requirements and guidelines which assure that future development will complement the existing development in the district, will preserve and enhance the property values in the district, and will not cause a substantial depreciation in the property values in the district. Design requirements and guidelines are therefore hereby established to assist property owners in the City of Madison in improving and developing all properties within this district. A map of the District is available from the Department of Planning and Community and Economic Development. (Am. by Ord. 11,226, 4-13-95)

(b) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and cutting or removal of trees greater than 2 inches in diameter, and permits for new signs) shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g) and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and State laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(c) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider those of the following guidelines and requirements as may be appropriate. The overall design of each development shall be of high quality.

1. Site Planning.

a. Grading. The grading of public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

i. Requirements. Grading shall insure positive drainage consistent with established runoff patterns in the district. All grading shall allow for the installation and maintenance of appropriate landscape materials.

ii. Guidelines. Grading may create earth forms which add interest to the existing topography. Respect for the natural topography in site development will also be important as a means of adding interest and capitalizing on the sloping terrain. Earth berms are encouraged to screen out unpleasant views and accentuate pleasant ones. Earth mounds should be used to reinforce the proposed landscape treatment.

b. Landscaping. The landscaping of public and private land in the district shall meet the following requirements and conform as much as possible with the following guidelines:

i. Requirements. Landscaping shall be used for a functional as well as decorative purpose, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and complementing the architectural massing of the building.

ii. Guidelines. Landscaping should express the unique natural beauty of Madison. There should be a variety of trees and

shrubs in group plantings, alternated and dispersed in order to create some variety. Indigenous species will be favored. Landscaping should be in scale with the buildings and complement the topography. The unique character of the native landscape should be preserved and reinforced by selecting of plant material which originally grew in the area. Both upland and lowland sites are included in the district, and species for planting should reflect this. A recommended list of appropriate species for both types includes:

UPLAND	LOWLAND
Trees	Trees
Quercus alba (White Oak)	Quercus bicolor (Swamp White)
Quercus macrocarpa (Bur Oak)	Fraxinus pennsylvanica (Green Ash)
Quercus rubra (Red Oak)	Crataegus mollis (Downy Hawthorn)
Tilia americana (Basswood)	Crataegu crus-galli (Cockspur Hawthorn)
Prunus serotina (Black Cherry)	Carpinus caroliniana (Musclewood)
Acer rubrum (Red Maple)	Celtis occidentalis (Hackberry)
	Malus ioenisis (Prairie Crab)
	Virburnum Trilobum Compacta (American Highbush Cranberry)
Shrubs	Shrubs
Cornus racemosa (Gray Dogwood)	Cornus racemosa (Gray Dogwood)
Corylus americana (Filbert)	Cornus sericea (Redosier Dogwood)
Rosa Spp. (Wild Rose)	Sambucus canadensis (Elderberry)
Evergreens	Evergreens
Juniperus virginiana (Red Cedar)	Thuja occidentalis (White Cedar or Arborvitae)
Juniperus horizontalis (Creeping Juniper)	

c. Building Relationships. The siting of structures on public and private land in the district shall meet the following requirements conform as much as possible to the following guidelines:

i. Requirements. The structures shall be related to the site to enhance or maintain current contours. New development shall consider activities on adjacent properties with relation to: access from abutting streets, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

ii. Guidelines. In the development of the site, the quality existing vegetation should be maintained. Areas which are highly visible should be landscaped in a manner complementary to the building forms. Buildings should be sited to avoid having living units with direct views of parking areas. The relationship of any buildings to the public right-of-way should be completed in a manner that presents an attractive, properly located structure.

2. Lighting. Exterior lighting in the district shall meet the following requirements and conform as much as possible with the following guidelines:

a. Requirements. The functions of exterior lighting on private property shall be:

i. To illuminate building facades, especially those bearing business identification signs.

ii. To illuminate pedestrian walls and spaces.

iii. To illuminate parking and service areas.

The choice of equipment, design, quantity, and placement of on-site lighting shall relate to those functions. Lighting shall be adequate, but not excessive. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.

b. Guidelines.

i. Building Facades. Architectural lighting should be free from glare and complement the existing development in the district.

ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property.

iii. Off-Street Parking Area. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Section 10.08 of the Madison General Ordinances.

iv. Design. Lighting standards and fixtures should be of attractive design.

3. Utility Service. It shall be a goal of this plan to eliminate overhead wiring within the district. To this end, property owners within the district working with Madison Gas and Electric Company, Wisconsin Telephone Company, and cable television licensee shall in all new developments and major additions make provision for underground service. Whenever possible, this will be accomplished during development and construction. When it is not possible, certification to the fact that provisions have been made for undergrounding of service signed by representatives of each company shall appear on plans submitted to the Urban Design Commission for review.

4. Signs. Because of the relationship between the University of Wisconsin Research Park and commercial activities of this area, it is necessary that the location and treatment of signs be appropriate to both activities. Signs in the district shall meet the following requirements and conform as much as possible to the following guidelines:

a. Requirements.

i. Signs (including, but not limited to, awnings or canopies with signs), if located on or adjacent to buildings, shall be integrated with the architectural design of the buildings.

ii. Signs shall be located and designed only to inform the intended clientele.

iii. Signs shall be used only as identification of the establishment and shall have no more than a total of eight (8) symbols and/or words.

iv. No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot lamberts for any portion of the sign within a circle two (2) feet in diameter. No sign or part of any sign shall change its level of illumination more than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)

v. Electronic changeable copy signs, if permitted in the District, shall comply with Sec. 31.046(1) which requires that electronic changeable copy signs in Urban Design

Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)

vi. A minimum setback of five (5) feet from the public right-of-way is required of all detached signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in net area. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in net area. (Am. by ORD-09-00091, 8-1-09)

vii. The height of a ground or wall sign shall not exceed ten (10) feet unless a higher sign is specifically approved by the Urban Design Commission based on the following criteria:

A. An exception from the height limitations is necessary for the sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

B. An exception from the height limitation will result in a sign more in scale with the building and site and will result in a superior overall design.

viii. The net area of a ground or wall sign shall not exceed forty (40) square feet unless a larger sign is specifically approved by the Urban Design Commission based upon the following criteria:

A. An exception from the size limitation is necessary for the sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and

B. An exception from the size limitation will result in a sign more in scale with the building and site and will result in a superior overall design.

(Am. by ORD-09-00091, 8-1-09)

ix. All signs and their words shall be mounted parallel to the building surface to which they are attached. No sign or words shall project more than eighteen (18) inches from the surface to which they are attached. Attached signs shall not be mounted on roofs and shall not project above roofs.

b. Guidelines.

i. Signs should identify the activity without imposing upon the view of businesses or activities of the district.

ii. A sign should be appropriate to the type of activity and clientele at which its message is aimed.

iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.

iv. Signs should avoid covering or impinging upon landscape features or significant structures.

v. Illuminated signs should be lit internally or from the ground, not with fixtures projecting from the sign.

vi. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background. (Am. by ORD-09-00091, 8-1-09)

5. Parking and Service Areas; Screening. The Urban Design Commission in its review of plans for the district will concern itself with the height at time of planting, the spacing, height at maturity, and ability of proposed plants to screen throughout the year. Screening shall meet the following requirements and conform as much as possible with the following guidelines:
   a. Requirements.
      i. The amount of parking and service area to be provided in conjunction with any use shall conform to the requirements set forth in Chapter 28 (Zoning Code) of the Madison General Ordinances.
      ii. All open off-street parking areas containing more than three (3) spaces, and all open off-street loading, shall have effective screening on each side adjoining or fronting any residential properties or any public or private street. If the screening is to be accomplished by using plant material, it shall be planted at a minimum height of thirty (30) inches and grow to a height at maturity of at least fifty-four (54) inches. If any other material is used to screen these types of areas, it shall be a minimum height of fifty-four (54) inches.
      iii. Screening of Rubbish and Trash Storage. Such areas shall be screened to block the view of rubbish and trash containers from any point outside the property on which the storage area is located.
   b. Guidelines. Acceptable screening may consist of any of the following or combination thereof:
      Principal or accessory buildings;
      Earth berms;
      Masonry walls;
      Hedges;
      Trees;
      Decorative fences. (Diamond mesh or other metallic fences are not acceptable.)
6. Building Design. Buildings shall meet the following requirements and conform as much as possible to the following guidelines:
   a. Requirements.
      i. Contemporary architecture shall be the goal of the district. Buildings shall be designed to complement and enrich this character. Building component massing, materials, textures and colors shall be consistent with this character.
      ii. Materials and colors shall be durable, low maintenance, and harmonious with each other and with other buildings in the neighborhood.
      iii. Metal shall not be used as an exterior material for buildings, except as an integral part of a design of exceptional merit.
      iv. Mechanical elements mounted on the roof or ground shall be screened from the view of adjacent properties and roadways.
      v. An addition shall relate appropriately to the existing building in terms of scale, materials and color.
   b. Guidelines.
      i. Buildings should not impinge on the natural views of others, where possible.

ii. Structures should be designed to be compatible with adjacent structures.

iii. Large unbroken exterior facades should be avoided.

iv. All building elevations are of importance and should be carefully designed. Buildings should avoid blank facades. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

v. Any building of exceptional height or prominence shall be integrated with the surrounding development and topography.

(Sec. 33.02(9) Cr. by Ord. 9332, 11-30-87; Renumbered by Ord. 13,216, 12-20-02)

(11) Urban Design District No. 4.

(a) Statement of Purpose. Urban Design District No. 4 is hereby established to improve the appearance of those major transportation corridors east of the Capitol Square which constitute a major entrance to the City of Madison, to preserve and enhance the property values in the district, and to avoid a substantial depreciation of the property values in the district. Design requirements and guidelines are herein established for those public and private improvements to be undertaken in these corridors that are visible from the roadways.

(b) Property Included in the District. The District shall include property having any frontage on East Washington Avenue between Pinckney Street and Blair Street; the south side of East Washington Avenue from North First Street to the western boundary of Urban Design District No. 8; North First Street between East Washington Avenue and East Johnson Street except those properties located in Urban Design District No. 8; East Johnson Street between North First and North Second streets; Pennsylvania Avenue between North Second Street and Packers Avenue; Packers Avenue between Pennsylvania Avenue and International Lane. If any portion of a zoning lot is in the district, the entire lot is within the district. A map of the District is available from the Department of Planning and Community and Economic Development. (Am. by Ord. 11,226, 4-13-95; ORD-09-00155, 11-20-09)

(c) Design Review Required. All development in the district (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the district. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(d) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines

as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.

1. Public Rights-of-Way.
   a. Requirement. Public rights-of-way shall be landscaped with appropriate trees and shrubs in accordance with planting plans prepared by the city Forester, after consultation with the Urban Design Commission.
   b. Guidelines.
      i. The appearance of the public rights-of-way is of importance in view of the mixed land use patterns which characterize the designated transportation corridors. The treatment of these rights-of-way should achieve a degree of visual continuity.
      ii. When appropriate and where the right-of-way width is sufficient, the use of earth berms should be considered to reduce traffic noise in residential areas.
2. Off-Street Parking and Loading Areas.
   a. Requirements.
      i. Parking lot landscape plans shall be developed in accordance with the revised New Approach to Parking Lot Landscaping adopted by the Common Council by Substitute Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Community and Economic Development.
      ii. The quantity of parking and service areas as well as the tree islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than fifty (50) feet from a canopy tree of at least 3-inch caliper.
   b. Guidelines.
      i. Whenever possible, parking areas shall be located to the side or to the rear of buildings rather than in the front.
      ii. Whenever possible, landscaped earth berms should be used to screen the view of parking areas.
      iii. The use of chain link or other metallic fences should be avoided where visible from roadways identified in Section 33.02(10)(b).
      iv. Off-street parking and loading areas should be integrated into the overall site development. Their relationship to the building they serve and to the street should receive careful attention in preparing the site plan for the property.
3. Signs. The mixed land use patterns that characterize substantial portions of the district contribute to a proliferation of business and product identification signs which detract from the appearance of these areas.
   a. Requirements.
      i. Signs in the district shall conform to all provisions of Chapter 31 of the Madison General Ordinances.
      ii. Signs shall be integrated with the architecture of the building.
      iii. Electronic changeable copy signs, if permitted in the District, shall comply with Sec. 31.046(1) which requires

that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. Additionally, no sign or portion of sign shall change its level of illumination more than once every one (1) hour. (Am. by ORD-09-00091, 8-1-09)

iv. Signs along East Washington Avenue west of First Street shall not be so high or so large that they detract from the view of the State Capitol.

b. Guidelines.

i. A sign should identify the activity without imposing upon the view of residents, businesses or activities of the district.

ii. A sign should be appropriate to the type of activity and clientele at which its message is directed.

iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.

iv. Signs should avoid covering or impinging upon landscape features or significant structures.

v. Illuminated signs should be lit internally or from the ground, not with fixtures projecting from the signs.

vi. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.

(Am. by ORD-09-00091, 8-1-09)

4. Building Design.

a. Requirements.

i. Exterior building materials shall be low maintenance and harmonious with those used on other buildings in the area.

ii. Mechanical elements mounted on the roof or on ground pads shall be screened from views from adjacent properties and roadways in a manner consistent with requirements of public utilities.

iii. Along East Washington Avenue west of First Street, metal shall be used as an exterior building material only as an integral part of a design of exceptional merit.

b. Guidelines.

i. Structures should be designed to be compatible with the structures that are adjacent to them.

ii. Large unbroken exterior facades should be avoided.

iii. All building elevations are of importance and should be carefully designed. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

iv. The architecture of new in-fill buildings, additions to existing buildings and major exterior remodelings should be compatible with that of existing adjacent buildings.

5. Lighting.

a. Requirements.

i. The functions of exterior lighting on private property shall be to illuminate building facades, especially those bearing business identification signs; to illuminate pedestrian walks and spaces; and to illuminate parking and service areas.

ii. The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions.

iii. Lighting shall be adequate, but not excessive.

iv. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.

v. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Sections 10.08 and 10.085 of the Madison General Ordinances.

b. Guidelines.

i. Building Facades. Architectural lighting should be free from glare and of a type to complement the existing development in the district.

ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.

6. Landscaping.

a. Requirements.

i. Landscaping shall be used for functional as well as decorative purposes, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and complementing the architecture of the building.

ii. In new developments the quality of existing vegetation shall be assessed and integrated into the site planning and landscape design when appropriate.

b. Guidelines.

i. Landscape plans should include a selection of plants which will provide interest and color during the entire year.

ii. Plant materials should be hardy to this region and should be of sufficient size to have immediate visual impact. Canopy trees should be at least 3-inch caliper when planted.

iii. Plant materials should be well-maintained, especially during the year following their installation. Any dead plant should be replaced during the next planting season.

iv. All planting beds should be edged and properly mulched.

(e) Utility Service. It shall be a goal of this district to eliminate overhead wiring within the district. The undergrounding of utility wires should be considered in all street improvement projects undertaken within the district. To this end, the City of Madison and owners of property within the district, working with the Madison Gas and Electric Company, Wisconsin Bell, and cable television licensees, shall, in all major new developments and major additions, including street lighting and traffic signals, make provision for underground service. Whenever possible, this shall be accomplished during building development and construction. When it is not possible, certification to the fact that provisions have been made for the future placement of service underground, signed by representatives of each utility company, licensee or service provider, shall appear on plans submitted to the Urban Design Commission for review.

(Sec. 33.02(10) Cr. by Ord. 10,440, Adopted 5-5-92; Renumbered by Ord. 13,216, 12-20-02)

(12) Urban Design District No. 5.

(a) Statement of Purpose. Urban Design District No. 5 is hereby established to improve the appearance of a major transportation corridor east of the Capital Square which constitutes a major entrance to the City of Madison, to preserve and enhance the property values in the District, and to avoid a substantial depreciation of the property values in the District. Design requirements and guidelines are herein established for those public and private improvements to be undertaken in these corridors that are visible from the roadways.

(b) Property Included in the District. The District shall include property having any frontage on East Washington Avenue or parallel frontage roads between Sixth Street and Interstate 90-94, except for those properties which have design standards and review procedures approved by the Urban Design Commission. If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(d) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.

1. Public Rights-of-Way.

a. Requirement. Public rights-of-way shall be landscaped with appropriate trees and shrubs in accordance with planting plans prepared by the City Forester, after consultation with the Urban Design Commission.

b. Guidelines.

i. The appearance of the public rights-of-way is of importance in view of the mixed land use patterns which characterize the designated transportation corridors. The treatment of these rights-of-way should achieve a degree of visual continuity.

ii. When appropriate and where the right-of-way width is sufficient, the use of earth berms should be considered to reduce traffic noise in residential areas.

2. Off-Street Parking and Loading Areas.

a. Requirements.

i. Parking lot landscape plans shall be developed in accordance with the revised New Approach to Parking Lot Landscaping adopted by the Common Council by Substitute Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Community and Economic Development.

ii. The quantity of parking and service areas as well as the tree islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than seventy (70) feet from a canopy tree of at least 2½ - 3-inch caliper.

b. Guidelines.

i. Whenever possible, parking areas shall be located to the side or to the rear of buildings rather than in the front.

ii. Whenever possible, landscaped earth berms should be used to screen the view of parking areas.

iii. The use of chain link or other metallic fences is discouraged where visible from roadways. When used, chain link fencing should be vinyl-coated in a color harmonious with the building exterior.

iv. Off-street parking and loading areas should be integrated into the overall site development. Their relationship to the building they serve and to the street should receive careful attention in preparing the site plan for the property.

3. Signs. The mixed land use patterns that characterize substantial portions of the district contribute to a proliferation of business and product identification signs.

a. Requirements.

i. Signs in the District shall conform to all provisions of Chapter 31 of the Madison General Ordinances.

ii. Signs shall be integrated with the architecture of the building.

iii. Electronic changeable copy signs, if permitted in the District, shall comply with 31.046(1) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. Additionally, no sign or portion of sign shall change its level of illumination more than once every one (1) hour.

b. Guidelines.

i. A sign should identify the activity without imposing upon the view of residents, businesses or activities of the District.

ii. A sign should be appropriate to the type of activity and clientele at which its message is directed.

iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.

iv. Signs should avoid covering or impinging upon landscape features or significant structures.

v. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.

(Am. by ORD-09-00091, 8-1-09)

4. Building Design.

a. Requirements.

i. Exterior building materials shall be low maintenance and harmonious with those used on other buildings in the area.

ii. Mechanical elements mounted on the roof or on ground pads shall be screened from views from adjacent properties and roadways in a manner consistent with requirements of public utilities.

b. Guidelines.

i. Structures should be designed to be compatible with the structures that are adjacent to them.

ii. Large, unbroken exterior facades should be avoided.

iii. All building elevations are of importance and should be carefully designed. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

iv. The architecture of new infill buildings, additions to existing buildings and major exterior remodelings should be compatible with that of existing adjacent buildings.

5. Lighting.

a. Requirements.

i. The functions of exterior lighting on private property shall be to illuminate building facades, especially those bearing business identification signs; to illuminate pedestrian walks and spaces; and to illuminate parking and service areas.

ii. The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions.

iii. Lighting shall be adequate, but not excessive.

iv. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.

v. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Sections 10.08 and 10.085 of the Madison General Ordinances.

b. Guidelines.

i. Building Facades. Architectural lighting should be free from glare and of a type to complement the existing development in the district.

ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.

6. Landscaping.

a. Requirements.

i. Landscaping shall be used for functional as well as decorative purposes, including framing desirable views, screening

unattractive features and views along the roadway, screening different uses from each other, and complementing the architecture of the building.

ii. In new developments, the quality of existing vegetation shall be assessed and integrated into the site planning and landscape design, when appropriate.

b. Guidelines.

i. Landscape plans should include a selection of plants which will provide interest and color during the entire year.

ii. Plant materials should be hardy to this region and should be of sufficient size to have immediate visual impact. Canopy trees should be at least 2½ - 3-inch caliper when planted.

iii. Plant materials should be well-maintained, especially during the year following their installation when any dead plant should be replaced during the next planting season.

iv. All planting beds should be edged and properly mulched.

(e) Utility Service. It shall be a goal of this District to eliminate overhead wiring within the District. The undergrounding of utility wires should be considered in all street improvement projects undertaken within the district. To this end, the City of Madison and owners of property within the District, working with the Madison Gas & Electric Company, Wisconsin Bell, and cable television licensees, shall, in all major new developments and major additions, including street lighting and traffic signals, make provision for underground service. Whenever possible, this shall be accomplished during building development and construction. When it is not possible, certification to the fact that provisions have been made for the future placement of service underground, signed by representatives of each utility company, licensee or service provider, shall appear on plans submitted to the Urban Design Commission for review.

(Sec. 33.02(11) Cr. by Ord. 11,226, 4-13-95; Renumbered by Ord. 13,216, 12-20-02)

(13) Urban Design District No. 6.

(a) Statement of Purpose. Urban Design District No. 6 is hereby established to improve the appearance of a major transportation corridor west of the Capital Square which constitutes a major entrance to the City of Madison, to preserve and enhance the property values in the District, and to avoid a substantial depreciation of the property values in the District. Design requirements and guidelines are herein established for those public and private improvements to be undertaken in these corridors that are visible from the roadways.

(b) Property Included in the District. The District shall include property having any frontage on University Avenue between Farley Avenue and Allen Boulevard, except for those properties which are located in the Village of Shorewood Hills, the City of Middleton, or have design standards and review procedures approved by the Urban Design Commission. If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and screening done in conjunction with new buildings or structures or additions to existing buildings or structures, and permits for new signs), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained

in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(d) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.

1. Public Rights-of-Way.
   a. Requirements. Public rights-of-way shall be landscaped with appropriate trees and shrubs in accordance with planting plans prepared by the City Forester, after consultation with the Urban Design Commission.
   b. Guidelines.
      i. The appearance of the public rights-of-way is of importance in view of the mixed land use patterns which characterize the designated transportation corridors. The treatment of these rights-of-way should achieve a degree of visual continuity.
      ii. When appropriate and where the right-of-way width is sufficient, the use of earth berms should be considered to reduce traffic noise in residential areas.
2. Off-Street Parking and Loading Areas.
   a. Requirements.
      i. Parking lot landscape plans shall be developed in accordance with the revised New Approach to Parking Lot Landscaping adopted by the Common Council by Substitute Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Community and Economic Development.
      ii. The quantity of parking and service areas as well as the tree islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than seventy (70) feet from a canopy tree of at least 2-1/2 - 3-inch caliper.
   b. Guidelines.
      i. Whenever possible, parking areas shall be located to the side or to the rear of buildings rather than in the front.
      ii. Whenever possible, landscaped earth berms should be used to screen the view of parking areas.
      iii. The use of chain link or other metallic fences is discouraged where visible from roadways. When used, chain link fencing should be vinyl-coated in a color harmonious with the building exterior.

iv. Off-street parking and loading areas should be integrated into the overall site development. Their relationship to the building they serve and to the street should receive careful attention in preparing the site plan for the property.

3. Signs. The mixed land use patterns that characterize substantial portions of the district contribute to a proliferation of business and product identification signs.

a. Requirements.

i. Signs in the District shall conform to all provisions of Chapter 31 of the Madison General Ordinances.

ii. Signs shall be integrated with the architecture of the building.

iii. Electronic changeable copy signs, if permitted in the District, shall comply with 31.046(1) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. Additionally, no sign or portion of sign shall change its level of illumination more than once every one (1) hour.

b. Guidelines.

i. A sign should identify the activity without imposing upon the view of residents, businesses or activities of the District.

ii. A sign should be appropriate to the type of activity and clientele at which its message is directed.

iii. Signs should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.

iv. Signs should avoid covering or impinging upon landscape features or significant structures.

v. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.

(Am. by ORD-09-00091, 8-1-09)

4. Building Design.

a. Requirements.

i. Exterior building materials shall be low maintenance and harmonious with those used on other buildings in the area.

ii. Mechanical elements mounted on the roof or on ground pads shall be screened from views from adjacent properties and roadways in a manner consistent with requirements of public utilities.

b. Guidelines. These guidelines are intended to be general in nature and by no means limit designs of exceptional merit.

i. The architecture of new infill buildings, additions to existing buildings and major exterior remodelings should be compatible with but not necessarily similar to that of existing adjacent buildings.

ii. Large, unbroken exterior facades should be avoided.

iii. All building elevations are of importance and should be carefully designed. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

5. Lighting.
   a. Requirements.
      i. The functions of exterior lighting on private property shall be to illuminate building facades, especially those bearing business identification signs; to illuminate pedestrian walks and spaces; and to illuminate parking and service areas.
      ii. The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions.
      iii. Lighting shall be adequate, but not excessive.
      iv. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.
      v. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Sections 10.08 and 10.085 of the Madison General Ordinances.
   b. Guidelines.
      i. Building Facades. Architectural lighting should be free from glare and of a type to complement the existing development in the district.
      ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.
6. Landscaping.
   a. Requirements.
      i. Landscaping shall be used for functional as well as decorative purposes, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and complementing the architecture of the building.
      ii. In new developments, the quality of existing vegetation shall be assessed and integrated into the site planning and landscape design, when appropriate.
   b. Guidelines.
      i. Landscape plans should include a selection of plants which will provide interest and color during the entire year.
      ii. Plant material should be hardy to this region and should be of sufficient size to have immediate visual impact. Canopy trees should be at least 2½ - 3-inch caliper when planted.
      iii. Plant material should be well-maintained, especially during the year following their installation when any dead plant should be replaced during the next planting season.
      iv. All planting beds should be edged and properly mulched.

(e) Utility Service. It shall be a goal of this District to eliminate overhead wiring within the District. The undergrounding of utility wires should be considered in all street improvement projects undertaken within the district. To this end, the City of Madison and owners of property within the District, working with the gas and electric company, the telephone company, and cable television licensees, shall, in all major new developments and major additions, including street lighting and traffic signals, make provisions for underground service. Whenever possible, this shall be accomplished during building development and construction. When it is not possible, certification to the fact that provisions have been made for the future

placement of service underground, signed by representatives of each utility company, licensee or service provider, shall appear on plans submitted to the Urban Design Commission for review.

(Sec. 33.02(12) Cr. by Ord. 11,781, Adopted 12-3-96; Renumbered by Ord. 13,216, 12-20-02)

(14) Urban Design District No. 7.

(a) Statement of Purpose. Urban Design District No. 7 is hereby established to improve the appearance and function of Park Street. Park Street is a major gateway corridor to Madison's Downtown and the University of Wisconsin-Madison, and is a critical street for the vitality of adjoining neighborhoods. The purpose of these design requirements and guidelines is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of Park Street. When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional impacts of uncoordinated design decisions. These requirements and guidelines are intended to preserve and enhance the property values in the District, and avoid substantial depreciation of the property values and help to ensure long-term economic vitality. The goal is not to create a uniform "style" or character for the street, but rather to allow Park Street to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and neighborhoods.

(b) Property Included in the District. The District shall include all properties having any frontage on South Park Street between the West Beltline Highway on the south and Regent Street on the north. The District shall also include properties which, due to their size and/or location, are likely to have a significant visual impact on the Park Street Corridor should they be redeveloped. Any properties within the boundaries of the District which are not currently within the corporate limits of the City of Madison shall be automatically included in the District upon annexation to the City. If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, signs, and new parking facilities or alterations to existing parking facilities), except residential buildings containing two (2) or fewer dwelling units and development/redevelopment on properties within the Meriter and St. Mary's Hospital campuses that are part of adopted master plans for the campuses shall require approval of the Urban Design Commission or the Secretary if authorized under Sec. 33.24(4)(g), and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The Planning Division Director, or his/her designee, may approve minor alterations to existing and/or approved buildings or structures and site. The Planning Division Director, or his/her designee, may also approve the design of signs that are permissible under the Sign Control Ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (Am. by ORD-09-00091, 8-1-09)

(d) Basis for Design Review. In reviewing plans for development in the District, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. Both the requirements and guidelines apply to new construction, renovations, additions, and exterior alterations unless stated otherwise for a specific item. The overall design of each development shall be of high quality. Further explanation of the concepts and rationale conveyed through these guidelines is provided in *Design Guidelines for Private Property Improvements and Public Streetscape Design for the Park Street Corridor* (adopted by Res. 61397, 3-30-04).

1. Building Setbacks and Orientation.

   a. Requirements.

      i. New buildings shall have a setback between one (1) to ten (10) feet from the front property line. Where new buildings are designed for existing blockfaces, the building setback shall be consistent with adjoining buildings but shall not exceed ten (10) feet. However, the Urban Design Commission may allow buildings to be set back greater than ten (10) feet to allow for the development of usable public open spaces, such as pedestrian plazas.

      ii. In special cases, such as gas stations, setbacks can exceed ten (10) feet with provisions for walkways and landscaping that make these uses more attractive and inviting.

   b. Guidelines.

      i. The front yard setback should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.

      ii. In areas with minimal sidewalk/terrace width (eight feet or less), building setback areas should include additional pavement to expand the sidewalk zone to a width of at least eight (8) feet.

      iii. Walkways should be provided to connect the building entrance to the public sidewalk.

      iv. The front facade of the building and the primary entrance should face the primary street. If the public entrance is allowed on the side of the building, it should be positioned close to the primary street and preferably as a corner feature of the building.

      v. Additions to existing buildings should help bring the building closer to the street and minimize any "gap" in the street wall.

2. Building Massing and Articulation.

   a. Requirements.

      i. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the primary street shall receive complementary design attention.

      ii. Blank building walls with little detail or variety along primary facades shall be avoided. Improvements to these buildings shall include details at the street level to create a more comfortable pedestrian scale and character.

iii. Architectural details at the ground floor shall be provided to enhance the pedestrian character of the street. Details shall include window and door trim, recessed entries, awnings, and/or other features.

iv. Mechanical equipment shall be screened from view by using screen designs that are architecturally integrated with the building design.

b. Guidelines.

i. "Green" building design that promotes energy efficiency is encouraged.

ii. For large buildings, variation to the building face design should be provided through the use of materials and color, and/or by dividing the building into bays to break up large facades to create pedestrian interest at the street level. This is particularly important for existing large industrial and commercial buildings on Park Street.

iii. Building facades should be designed to create a visual distinction between the upper and lower floors of the building.

iv. Flat roofs are preferred for new mixed-use and commercial buildings.

v. A positive visual termination at the top of the building should be provided.

vi. Designs for buildings that adjoin historic buildings should complement the proportion, scale and architectural details of the historic building.

vii. Buildings should be designed as creations of their own time. Copying historic appearance and details is discouraged.

viii. Franchise businesses may need to modify corporate design prototypes to fit the Park Street character.

ix. Where possible, existing one-story buildings should be renovated with extended facades and parapets to increase building height, incorporate elements such as tower features. Such components shall be substantially integrated into the design of the building so they do not read as false facades.

x. New buildings and additions should complement the character of adjoining buildings in the blockface.

xi. Creative architectural designs and details are encouraged so long as designs do not conflict or draw attention away from other buildings in the block.

xii. New corner buildings should be located near the sidewalk edge and should define the street intersection with distinctive architectural features such as towers, rounded walls, recessed entries or other design features.

3. Building Height.

a. Requirements.

i. New buildings shall be at least two (2) stories in height, except as provided in Par. 10, 11, 12 or 13 or in the guidelines below.

b. Guidelines.

i. New buildings should generally be limited to four (4) stories in height. However, building height bonuses of up

to two (2) additional floors may be allowed depending on the quality of the design, the affect of the development on the adjoining neighborhood, and the contribution of the project to: the use mix and activity in the vicinity, and the character of the street. The bonus stories serve as an incentive for creative building design and should not be viewed as the permitted height.

ii. New buildings in excess of three (3) stories shall incorporate a front façade stepback of at least fifteen (15) feet from the building face at the third floor.

iii. New infill buildings should not vary by more than one (1) story from the average building height in the block when that block exhibits a concentration of existing buildings and a well-defined blockface.

iv. Greater flexibility for building height and stepbacks may be allowed as part of a coordinated redevelopment project approved by the City as described in Par. 10, 11, 12, or 13.

v. Additions to existing buildings are expected to comply with the applicable height requirements unless the applicant can demonstrate that the siting or layout of the existing building would pose hardships for its functional relationship with the new addition, in which case the Urban Design Commission may waive said requirements.

vi. In special cases, such as gas stations, the Urban Design Commission may reduce the minimum building height requirement provided the buildings incorporate elements such as extended parapet or tower features to convey the appearance of a taller building. Such elements shall be substantially integrated into the design of the building so they do not read as false facades.

4. Windows and Entrances.

a. Requirements.

i. The ground floors of commercial retail buildings shall have at least sixty (60) percent of the street wall area devoted to windows to enhance the pedestrian character of the primary street.

ii. Office buildings and other non-retail buildings should have at least forty (40) percent of the street wall devoted to windows.

iii. Windows on the ground floor shall be transparent, and not be darkly tinted, colored or have a mirrored finish.

b. Guidelines.

i. Building entrances should be designed as the focal point of the front facade.

ii. Entrances to new buildings or additions located close to the sidewalk should include recessed entries to allow for pedestrian movement.

5. Materials and Colors.

a. Requirements.

i. Exterior materials shall be durable, high-quality materials and appropriate for external use.

b. Guidelines.

i. Brick, stone and terra cotta are preferred primary materials for new buildings or additions.

ii. The use of brick tile or other "faux" sidings is discouraged.

iii. Color choice should complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.

iv. Painting, covering or removal of natural brick and stone is discouraged, but staining may be acceptable.

6. Signage.

a. Guidelines.

i. Preferred sign types include building mounted signs, window signs, projecting signs, and awning signs.

ii. Signs should be simple and easy to read.

iii. Sign colors should relate to and complement the primary colors of the building facade.

iv. Sign design and placement should fit the character of the building and to obscure architectural details.

v. Signage should generally be centered within the prescribed signage area of the building.

vi. Plastic box signs are highly discouraged.

vii. Internally illuminated signs displaying illuminated copy should be designed so that when illuminated, the sign appears to have light-colored copy on a dark or non-illuminated background.

viii. Individually mounted backlit letters are an encouraged form of signage.

ix. The use of small, well-designed building-mounted light fixtures is a preferred method of illuminating signage. No sign or portion of sign shall change its level of illumination more than once every one (1) hour.

x. Freestanding signs should be attractively designed. Signs should be coordinated with adjoining properties and public street signage to avoid visual clutter.

xi. Electronic changeable copy signs, if permitted in the District, shall comply with 31.046(1) which requires that electronic changeable copy signs in Urban Design Districts shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every one (1) hour. (Cr. by ORD-09-00091, 8-1-09)

(Am. by ORD-09-00091, 8-1-09)

7. Parking and Service Areas.

a. Requirements.

i. Off-street parking facilities for new buildings shall be located behind or on the sides of the building and be at least ten (10) feet from the front property line.

ii. At least one (1) tree island, planted with a tree and sized and landscaped pursuant to the Zoning Ordinance, shall be provided per twelve (12) parking spaces provided. This requirement is in addition to any other landscaping requirements of the Zoning Ordinance.

iii. All trash areas shall be screened from public view.

b. Guidelines.

i. For existing properties, where the site area permits, parking in the front should be relocated to the side and/or rear of the building. When this is not possible, walkways, landscaping, architectural features, and lighting should be provided to make these areas more attractive and inviting. Decorative fences, walls and/or landscaped edges should screen front parking areas from the public sidewalk. Screening should not exceed 3'6" in height.

ii. All parking areas should be well landscaped and appropriately lighted.

iii. All parking areas should include walkways to allow safe pedestrian access to the building entrance.

iv. Shared parking areas are encouraged. Whenever possible, adjoining parking lots should be linked to provide internal traffic circulation.

v. Driveways along Park Street should be minimized to improve traffic flow and reduce pedestrian conflicts.

c. Pedestrian areas and customer parking areas should be separated from loading, service, and drive through areas.

i. If possible, trash areas should be located inside buildings.

ii. New parking ramps fronting on Park Street should include ground-floor commercial uses with attractive commercial facade design. The facade design for the upper stories should obscure the parking ramp and present an attractive building face for Park Street. The design of parking ramps should also complement the quality and design of the buildings they serve.

8. Landscaping and Open Space.

a. Requirements.

i. Screen fences and/or landscaped buffers shall be provided at property edges. Where a commercial property adjoins residential properties, this separation shall be provided pursuant to the Zoning Ordinance.

b. Guidelines.

i. Property owners are encouraged to provide well-designed landscaped outdoor spaces for the use and enjoyment of employees and customers.

ii. Landscaping and fencing should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.

iii. The use of attractive landscaping is encouraged to establish continuity between buildings and to define the blockface where there are no buildings

iv. The use of rain gardens and bio-retention basins to collect runoff and filter pollutants is encouraged, where practical.

v. Landscape islands, open spaces and porous pavements should be provided, where practical, for additional storm-water infiltration.

9. Site Lighting and Furnishings.
   a. Requirements.
      i. Full cut-off light fixtures shall be used to illuminate the site.
   b. Guidelines.
      i. Pedestrian use areas should be adequately, but not excessively lit. Low-level building and landscape accent lighting is encouraged, where appropriate.
      ii. Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.
      iii. Bicycle storage facilities should be located near the building entrance.
      iv. Decorative, colored paving is encouraged for walkways and outdoor use areas.

10. Badger Road Area.

The Badger Road Area has been identified in the *South Madison Neighborhood Plan, the Park Street Possibilities to Reality Report, and the Design Guidelines for Private Property Improvements and Public Streetscape Design for the Park Street Corridor* as possessing numerous large parcels that represent potential redevelopment opportunities that would improve the use mix, character, density and activity within the District. It continues to be the focus of more detailed and on-going planning efforts that will further articulate important site-specific design considerations for these unique parcels. Design recommendations included in subsequent adopted plans for this area shall take precedence over requirements listed below, which will otherwise apply. In addition, all applicable provisions of Paragraphs 1. - 9. shall apply.

   a. Requirements.
      i. Substantial portions of new buildings shall be at least two (2) stories in height. In special cases, such as gas stations, the Urban Design Commission may reduce the minimum building height requirement provided the building incorporate elements such as extended parapet or tower features to convey the appearance of a taller building. Such elements shall be substantially integrated into the design of the building so they do not read as false facades.
   b. Guidelines.
      i. The front façade of buildings shall be stepped back at least fifteen (15) feet from the building face at the third floor.
      ii. Redevelopment sites should incorporate high quality architecture and site design.
      iii. Buildings should be positioned to serve as attractive visual termination points for streets leading into the development from Park Street and Badger Road.
      iv. Buildings should be positioned to develop an attractive blockface along Park Street and internal streets. Buildings should be located with minimal setbacks at corners to define intersections.
      v. Streetscaping and traffic calming features should be incorporated to enhance the pedestrian character of the development.

vi. Shared parking is encouraged with a preference for enclosed parking integrated as part of the mixed-use building design. Surface parking is preferred first behind buildings and then on the side of the building.

vii. Developments are encouraged to incorporate well-designed open spaces for customer, employee, resident, and community use.

c. Architectural Review Committee. For parcels included in adopted plans with design recommendations superseding this ordinance, the developer may establish an architectural review committee to review and approve individual projects. The specific design criteria and review procedures adopted by such committee, and the categories of membership of the committee, must be approved by the Plan Commission with the adoption of the plan. If no Architectural Review Committee is created, the Urban Design Commission shall review individual projects pursuant to the adopted plan. This option shall be available for projects reviewed by Urban Design Commission solely because of their location within the District. It shall not be available for projects requiring an Urban Design Commission recommendation to the Plan Commission, such as a Planned Unit Development.

11. Wingra Creek Area.

The Wingra Creek Area has been identified in the *South Madison Neighborhood Plan, the Park Street Possibilities to Reality Report, and the Design Guidelines for Private Property Improvements and Public Streetscape Design for the Park Street Corridor* as possessing numerous large parcels that represent potential redevelopment opportunities that would improve the use mix, character, density, and activity within the District. It continues to be the focus of more detailed and on-going planning efforts that will further articulate important site-specific design considerations for these unique parcels. Design recommendations included in subsequent adopted plans for this area shall take precedence over requirements listed below, which will otherwise apply. In addition, all applicable provisions of Paragraphs 1. - 9. shall apply.

a. Requirements.

i. Buildings located away from Park Street may be built up to six (6) stories provided their placement is not detrimental to adjoining residential areas and they are consistent with existing zoning.

b. Guidelines.

i. The front façade of buildings shall be stepped back at least fifteen (15) feet from the building face at the third floor, unless an irregularly shaped parcel makes this requirement unfeasible.

ii. Redevelopment sites should incorporate high quality architecture and site design.

iii. Buildings should be positioned to serve as attractive visual termination points for streets leading into the development from Park Street.

iv. Buildings should be positioned to develop an attractive blockface along Park Street and internal streets. Buildings should be located with minimal setbacks at corners to define intersections.

v. Where appropriate, internal streets should be included as part of the development plan to improve connections between Park Street and the adjoining neighborhoods.

vi. Developments should promote narrow, "pedestrian friendly" streets with on-street parking.

vii. Streetscaping and traffic calming features should be incorporated to enhance the pedestrian character of the development.

viii. Shared parking is encouraged with a preference for enclosed parking integrated as part of the mixed-use building design. Surface parking is preferred first behind buildings and then on the side of the building.

ix. Developments are encouraged to incorporate well-designed open spaces for customer, employee, resident, and community use.

12. Meriter and St. Marys Hospital Campuses.

St. Marys and Meriter Hospitals occupy sites that are essentially surrounded by residential neighborhoods and are unique because of their size, institutional use, and campus-type development pattern. Each hospital has, or will have, a master plan that has been, or will be, approved by the City. These approved master plans, as they may from time to time be modified or expanded, shall regulate development/redevelopment activities on these sites.

13. Multi-Tenant Commercial Buildings.

Park Street has a number of multi-tenant commercial buildings or "strip centers" located primarily in the southern section of the corridor. The following requirements and guidelines, which address the general conditions existing at these sites, shall apply to all new centers and improvements to existing centers unless adopted plans for the Badger Road or Wingra Creek areas address multi-tenant commercial buildings, in which case those plans shall apply. In addition, all applicable provisions of Paragraphs 1. - 11. shall apply to all multi-tenant commercial buildings.

a. Requirements.

i. Substantial portions of buildings in new centers shall be at least two (2) stories in height.

ii. New centers shall front directly on the primary street with parking located at the rear or on the side of the building(s).

b. Guidelines.

i. New centers should include residential or office uses on the upper floors.

ii. Rear and side facades should be designed to blend with the design of the front facade, with complementary colors and materials.

14. Restoration/Preservation Activities.

Several buildings, located primarily at the north end of Park Street, are older commercial structures which have historic value and interest. The ground floors of many of these structures have been altered over time while the upper stories have generally retained their historic appearance. When considering building improvements, property owners of older commercial structures are encouraged to restore the original character of the building. This section identifies additional design requirements and guidelines to address the special conditions that exist for these sites.

a. Guidelines.

i. The distinguishing features of the original building should be preserved. The removal or alteration of historic materials or distinctive architecture features should be avoided, whenever possible.

ii. Where practical, the original masonry should be restored and missing elements such as cornices, windows and storefronts that were part of the original building design should be reconstructed. If restoration is not feasible, new elements should be designed to compliment the character, materials and design of the original building.

iii. Any inappropriate elements, signs, canopies, etc. that cover details and features of the original building should be removed.

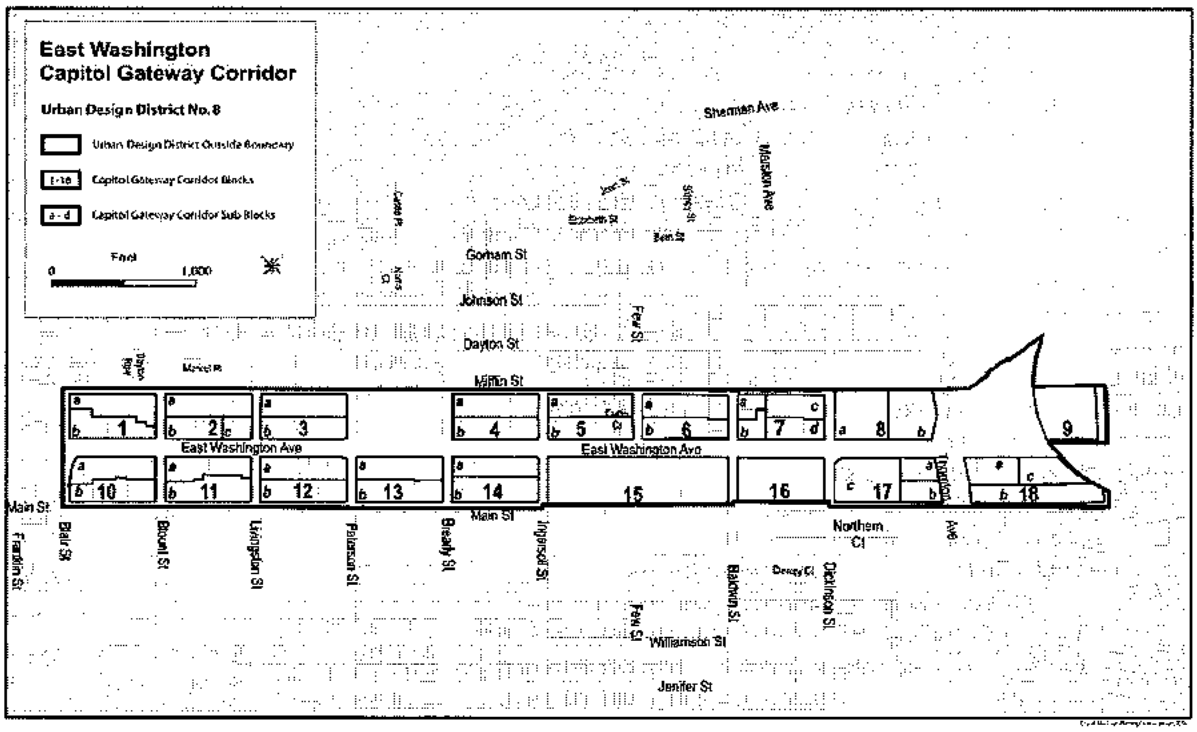
iv. Painting of natural brick or stone is strongly discouraged when those materials are in good condition.

(15) Urban Design District No. 8.

(a) Statement of Purpose. Urban Design District No. 8 is hereby established to improve the appearance and function of the District. It is intended to be the key implementation mechanism to further the four Core Development Principles set out in the adopted East Washington Avenue Capitol Gateway Corridor Plan. These principles are 1) to protect the iconic view of the Capitol, 2) to respect and strengthen existing neighborhoods, 3) to establish a transit-oriented employment corridor, and 4) to create a vibrant boulevard along East Washington Avenue. The Capitol Gateway Corridor is the major gateway corridor to Madison's Downtown, and is a critical street for the vitality of adjoining neighborhoods. The purpose of these design requirements and guidelines is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of the District. When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional effects of uncoordinated design decisions. These requirements and guidelines are intended to preserve and enhance the property values in the District, and avoid substantial depreciation of the property values and help to ensure long-term economic vitality. The goal is not to create a uniform "style" or character for the street, but rather to allow the Capitol Gateway Corridor to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and neighborhoods. This ordinance and the Plan will guide all new development and redevelopment in the District.

(b) Property Included in the District. The District shall include all properties shown in (c). If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Community and Economic Development.

(c) Map of the District.



(Am. by ORD-12-00053, 4-25-12; ORD-14-00080, 4-16-14)

(d) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities), except residential buildings containing four (4) or fewer dwelling units, shall require approval of the Urban Design Commission and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. The Director of the Department of Planning and Community and Economic Development may approve minor alterations to existing and/or approved buildings or structures and site pursuant to Sec. 33.24(4)(g). The Director of the Department of Planning and Community and Economic Development may also approve the design of street graphics that are permissible under the Sign Ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. If this ordinance conflicts with other City regulations, however, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(e) Basis for Design Review. In reviewing plans for development in the District, the Urban Design Commission shall apply the following requirements and guidelines as may be appropriate in order to implement the Core Development Principles of the East Washington Avenue Capitol Gateway Corridor Plan. The development shall meet the requirements and conform as much as possible to the guidelines. Both the requirements and guidelines apply to new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing

buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities unless stated otherwise for a specific item. The overall design of each development shall be of high quality.

1. Building Height.
   a. Requirements.
      i. The height of new buildings shall be as shown in 3. below.
      ii. New buildings shall incorporate a front facade stepback as shown in 3. below.
      iii. Any non-habitable space from architectural features shall not be included in the height calculation.
   b. Guidelines.
      i. The Urban Design Commission may, on a case-by-case basis, reduce the minimum building height requirement provided the buildings incorporate elements such as extended parapet or tower features to convey the appearance of a taller building. Such elements shall be substantially integrated into the design of the building so they do not read as false facades.
      ii. Additions to existing buildings are expected to comply with the applicable minimum height requirements unless the applicant can demonstrate that the site, function, use, or layout of the new addition would pose structural or operational hardships due to its relationship with the existing building, in which case the Urban Design Commission may waive said requirements.
2. Building Location and Orientation.
   a. Requirements.
      i. The setback for new buildings shall be as shown in 3. below. The Urban Design Commission, however, may allow greater setbacks to allow for the articulation of long building facades or for the development of additional usable public open spaces, such as pedestrian plazas, as long as design elements are included to maintain a uniform character in the District. (Am. by ORD-14-00081, 4-16-14)
   b. Guidelines.
      i. The building location should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.
      ii. In areas with sidewalk/terrace width of nine (9) feet or less, the setback should include additional pavement to expand the sidewalk/terrace to a width of at least nine (9) feet.
      iii. Walkways should be provided to connect the building entrance to the public sidewalk.
      iv. The front facade of the building and the primary entrance should face the primary street. If the public entrance is allowed on the side of the building, it should be positioned close to the primary street and preferably as a corner feature of the building.
      v. Additions to existing buildings should help bring the building closer to the street and minimize any "gap" in the street wall.

3. Building Height, Location (Distance from Property Line) and Stepback.

Block	Maximum Bldg. Height[1] (stories)	Minimum & Maximum Street Level Facade Height (stories)[2]	Minimum Stepback East-West Streets (feet or angle) [3]	Minimum Stepback North-South Streets (feet)	Minimum & Maximum Setback East-West Streets (feet)[4]	Minimum & Maximum Setback North-South Streets (feet)[4]
1.a.	3 + 30*	2-3	30°	15	5-20	5-10
1.b.	8	3-5	15	15	15	5-10
2.a.	3 + 30*	2-3	30°	15	5-20	5-10
2.b.	8**	3-5	15	15	15	5-10
2.c.	10**	3-5	15	15	15	5-10
3.a.	3 + 30*	2-3	30°	15	5-20	5-10
3.b.	10**	3-5	15	15	15	5-10
4.a.	3 + 30*	2-3	30°	15	5-20	5-10
4.b.	8**	3-5	15	15	15	5-10
5.a.	3	2-3	-	-	5-20	5-10
5.b.	3	2-3	-	-	15	5-10
6.a.	3	2-3	-	-	5-20	5-10
6.b.	3	2-3	-	-	15	5-10
7.a.	3	2-3	-	-	5-20	5-10
7.b.	8	3-5	15	15	15	5-10
7.c.	3	2-3	-	-	5-20	5-10
7.d.	8	3-5	15	15	15	5-10
8.a.	8	3-5	45°	15	15	5-10
8.b.	4	2-3	15	15	15	5-10
9	8	3-5	15	15	15	5-10
10.a.	12**	3-5	15	15	15	0-10
10.b.	12**	3-5	15	15	15	0-10
11.a.	12**	3-5	15	15	15	0-10
11.b.	12**	3-5	15	15	15	0-10
12.a.	12**	3-5	15	15	15	0-10
12.b.	8**	3-5	15	15	15	0-10
13.a.	12**	3-5	15	15	15	0-10
13.b.	8**	3-5	15	15	15	0-10
14.a.	8**	3-5	15	15	15	0-10
14.b.	6**	3-5	15	15	15	0-10
15	8**	3-5	15	15	15	0-10
16	8**	3-5	15	15	15	0-10
17.a.	4	3-4	-	-	15	0-10
17.b.	4	2-4	-	-	15	0-10
17.c.	6**	3-5	15	15	15	0-10
18.a.	4	2-4			15	0-10
18.b.	4	2-3			15	0-10
18.c.	6**	3-5	15	-	15	0-10

Height is based on an average story height of 9-12' (11-15' for the ground floor). Buildings with greater floor heights shall have fewer stories accordingly.

"*" - represents the required stepback angle

"**" - represents the maximum height in stories allowed without any bonus stories. Bonus stories require the provision of elements in (e)12.

[2]In cases of exceptional design, the Urban Design Commission may waive the minimum street level facade height requirement for elements comprising up to twenty percent (20%) of a building's length along a street.
[3]The angle is measured at a point at the top of the face of the street level facade wall between a horizontal line (0°) and a line (stepback height line) that is extended until the maximum permitted building height on the block is reached. Between the street level facade wall and the point at which the maximum building height is reached, buildings may be built up to the stepback height of the 30° line but may not exceed it.
[4]Includes the eastern and western boundaries of the Yahara River Parkway and Burr Jones Field.

(Am. by ORD-12-00053, 4-25-12; ORD-14-00080 & ORD-14-00081, 4-16-14; ORD-16-00089, 10-26-16)

4. Parking and Service Areas.

a. Requirements.

i. Off-street parking facilities for new buildings shall be located behind or on the sides of the building and the distance from the property line shall be the same as for buildings, as shown in 3. Additional access points off of East Washington shall not be permitted.

ii. At least one (1) tree island, sized and landscaped pursuant to the Zoning Code, shall be provided for each twelve (12) parking spaces. This requirement is in addition to any other landscaping requirements of the Zoning Code.

iii. All trash areas shall be screened from public view.

b. Guidelines.

i. For existing properties, parking in the front should be relocated, if possible, to the side and/or rear of the building. When not possible, walkways, landscaping, architectural features, and lighting should be provided to make these areas more attractive and inviting. Decorative fences, walls and/or landscaped edges should screen front parking areas from the public sidewalk. Screening should not exceed three and one-half (3½) feet in height.

ii. All parking areas should be well landscaped and appropriately lighted.

iii. All parking areas should include walkways to allow safe pedestrian access to the building entrance.

iv. Shared parking areas are encouraged. Whenever possible, adjoining parking lots should be linked to provide internal traffic circulation.

v. Driveways along the District should be minimized to improve traffic flow and reduce pedestrian conflicts.

vi. Pedestrian areas and customer parking areas should be separated from loading service, and drive-through areas.

vii. If possible, trash areas should be located inside buildings.

viii. Any new parking ramps fronting on East Washington Avenue should include ground-floor commercial uses with attractive commercial facade design. The facade design for the upper stories should obscure the parking ramp and present an attractive building face for the District. The design of parking ramps should also complement the quality and design of the buildings they serve.

ix. Entryways to parking ramps should be accessed from side streets whenever possible. Entryways/exits onto East Mifflin Street and East Main Street shall not be permitted unless no other option exists.

x. Bicycle parking should be distributed throughout a development site. Some short-term visitor bicycle parking should be located near the building entrance.

5. Landscaping and Open Space.
   a. Requirements.
      i. Landscaping within the East Washington Avenue setbacks and terraces and medians shall follow the approved palette and design concept.
      ii. The street face shall be dominated by canopy trees in both the building setback and the public right of way.
      iii. The type, number, and location of canopy trees in the building setback shall be coordinated with the type, number, and location of canopy trees in the public right of way.
      iv. When planted, canopy trees shall have a caliper and height relationship consistent with the provisions of Table 1 in Section 1.2.1 of the American Standard for Nursery Stock (ANSI 2 60.1-2004).
      v. Terraces shall have a minimum width of ten (1) feet to accommodate growth of canopy trees.
      vi. If a public sidewalk is within six (6) feet of the public street, canopy trees shall be planted on the building side of the sidewalk.
      vii. Unless existing infrastructure interferes, canopy trees shall be planted at a spacing of no greater than forty (40) feet on center.
      viii. Unless existing infrastructure interferes, canopy trees planted along street faces, in parking lots, and parking lot islands shall have a mature height of at least sixty (60) feet.
      ix. Screen fences and/or landscaped buffers shall be provided at property edges. Where a commercial property adjoins residential properties, this separation shall be provided pursuant to the Zoning Code.
   b. Guidelines.
      i. Property owners are encouraged to provide well-designed landscaped outdoor spaces for the use and enjoyment of employees and customers.
      ii. Landscaping and fencing should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.
      iii. The use of attractive landscaping is encouraged to establish continuity between buildings and to define the block face where there are no buildings.
      iv. The use of rain gardens and bio-retention basins to collect runoff and filter pollutants is encouraged, where practical.
      v. Landscape islands, open spaces, and porous pavements should be provided, where practical, for additional storm-water infiltration.
      vi. Canopy trees should be located in all terraces and medians.
      vii. When space permits, canopy trees should be located on both sides of the public sidewalk.
6. Site Lighting and Furnishings.
   a. Requirements.
      i. Cut-off light fixtures shall be used to illuminate the site.

b. Guidelines.

i. Pedestrian use areas should be adequately, but not excessively lit. Low-level building and landscape accent lighting is encouraged, where appropriate.

ii. Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) should be designed to complement the character of the building and provide a pleasing relationship with adjoining properties and the public sidewalk.

7. Building Massing and Articulation.

a. Requirements.

i. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the primary street shall receive complementary design attention.

ii. Blank building walls with little detail or variety along primary facades shall be avoided. Improvements to these buildings shall include details at the street level to create a more comfortable pedestrian scale and character.

iii. Architectural details at the ground floor shall be provided to enhance the pedestrian character of the street. Details shall include window and door trim, recessed entries, awnings, and/or other features.

iv. Mechanical equipment shall be screened from view by using screen designs that are architecturally integrated with the building design.

b. Guidelines.

i. "Green" building design that promotes energy efficiency is encouraged.

ii. Building facades should be designed to create a visual distinction between the upper and lower floors of the building.

iii. A positive visual termination at the top of the building with decorative cornices or parapets should be provided.

iv. Buildings should be designed as products of their own time. Copying historic appearance and details is discouraged.

v. Franchise businesses are encouraged to modify their corporate designs to fit the District's character.

vi. Where possible, existing one-story buildings should be renovated with extended facades and parapets to increase building height and provide a more pleasing scale for the District.

vii. New buildings and additions should complement the character of adjoining buildings in the blockface.

viii. Creative architectural designs and details are encouraged so long as designs do not conflict or draw attention away from other buildings in the block.

ix. New corner buildings should be located near the sidewalk edge and should define the street intersection with distinctive architectural features such as towers, rounded walls, recessed entries or other design features.

8. Materials and Colors.
   a. Requirements.
      i. Exterior materials shall be durable, high-quality materials and appropriate for external use.
   b. Guidelines.
      i. Brick, stone and terra cotta are preferred primary materials for new buildings or additions.
      ii. The use of "faux" sidings is discouraged.
      iii. Color choice should complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
      iv. Painting, covering or removal of natural brick and stone is discouraged, but staining may be acceptable.
9. Windows and Entrances.
   a. Requirements.
      i. The ground floors of commercial retail buildings shall have at least sixty percent (60%) of the street wall area devoted to windows to enhance the pedestrian character of the primary street.
      ii. Office buildings and other non-retail buildings should have at least forty percent (40%) of the street wall devoted to windows.
      iii. Windows on the ground floor shall be transparent and unobstructed, and shall not be darkly tinted, colored, or have a mirrored finish.
   b. Guidelines.
      i. Building entrances should be designed as the focal point of the front facade.
      ii. Entrances to new buildings or additions located close to the sidewalk should include recessed entries to allow for pedestrian movement.
10. Signage.
   a. Guidelines.
      i. Preferred sign types include building mounted signs, window signs, projecting signs, and awning signs.
      ii. Signs should be simple and easy to read.
      iii. Sign colors should relate to and complement the primary colors of the building facade.
      iv. Sign design and placement should fit the character of the building and not obscure architectural details.
      v. Signage should generally be centered within the prescribed signable area of the building.
      vi. Plastic box signs are highly discouraged.
      vii. Signs displaying illuminated copy should be designed so that when illuminated, the sign appears to have light-colored copy on a dark or nonilluminated background.
      viii. Individually mounted backlit letters are an encouraged form of signage.
      ix. The use of small, well-designed building-mounted light fixtures is a preferred method of illuminating signage.
      x. Freestanding signs should be attractively designed. Signs should be coordinated with adjoining properties and public street signage to avoid visual clutter.

11. Restoration/Preservation Activities.

Several buildings within the District are older commercial structures, that have historic value and interest. The ground floors of many of these structures have been altered over time while the upper stories have generally retained their historic appearance. When considering building improvements, property owners of older commercial structures are encouraged to restore the original character of the building. This subparagraph identifies additional design requirements and guidelines to address the special conditions that exist for these sites.

a. Guidelines.

i. The distinguishing features of the original building should be preserved. The removal or alteration of historic materials or distinctive architecture features should be avoided, whenever possible.

ii. Where practical, the original masonry should be restored and missing elements such as cornices, windows and storefronts that were part of the original building design should be reconstructed. If restoration is not feasible, new elements should be designed to complement the character, materials and design of the original building.

iii. Any inappropriate elements, signs, canopies, etc., that cover details and features of the original building should be removed.

iv. Painting of natural brick or stone is strongly discouraged when those materials are in good condition.

12. Upper Level Development Standards.

a. For buildings on Blocks 2b, 2c, 3b, 4b, 10-16, and 17c, any mass above five (5) stories that exceeds a footprint of one hundred thirty (130) feet on any side parallel to East Washington Avenue and two hundred (200) feet on any side perpendicular to East Washington Avenue shall have a stepback of forty-five degrees (45°), unless the Urban Design Commission approves a maximum of ten percent (10%) increase in the footprint due to structural or other constraints. (Am. by ORD-12-00053, 4-25-12)

b. Bonus stories may be allowed as follows:

i. Two (2) bonus stories on Blocks 2b, 2c, 3b, 4b, 12b, 13b, 14a, 14b, 15, 16, 17c, and 18c. (Am. by ORD-12-00053, 4-25-12)

ii. Three (3) bonus stories on Blocks 10a, 10b, 11a, 11b, 12a, and 13a, and a third bonus story on up to ten percent (10%) of the area of Block 4b. (Am. by ORD-16-00011, 1-28-16)

iii. Four (4) bonus stories on up to fifteen percent (15%) of the area of Block 3b. (Cr. by ORD-14-00080, 4-16-14)

c. Bonus stories may be granted if it is determined that the provision of at least one (1) element from i. or a combination of elements from ii. provides sufficient public benefit to warrant the additional height.

i. —LEED Gold certification, or equivalent

—Inclusion of at least fifteen percent (15%) of dwelling units for families with incomes not greater than sixty (60%) Area Median Income (AMI) for rental units and/or an income not greater than eighty percent (80%) AMI for

owner-occupied units. Area Median Income is the median annual income calculated by the U.S. Department of Housing and Urban Development for the metropolitan area that includes the City of Madison.

—Structured parking that includes space shared by multiple users from multiple lots and that accommodates a substantial space for public use by patrons of both on- and off-site uses.

—On-site, publicly accessible plazas and/or pocket parks that are visible from the street and provide seating, landscaping, public art and/or other public amenities. For each one (1) square foot of plaza or park that is provided, five (5) square feet of bonus area is available.

ii. —Mid-block and through-block public pedestrian, bike, and/or vehicular connections.

—Substantial amount of family-supporting housing, including at least ten percent (10%) of dwelling units with three (3) or more bedrooms, outdoor recreation spaces, and/or other family-related amenities.

—On sites with designated historic structures and/or structures eligible for designation, the incorporation, preservation, or rehabilitation of such structures in the development.

—Adequately sized community meeting rooms available free of charge for neighborhood, public, or other community meetings or on-site daycare facilities in conjunction with family-supportive housing or employment uses.

—Minimum of fifty percent (50%) vegetative roof cover.

—LEED Silver certification or equivalent.

—On-site, publicly accessible plazas and/or pocket parks that are visible from the street and provide seating, landscaping, public art and/or other public amenities. For each one (1) square foot of plaza or park that is provided, ten (10) square feet of bonus area is available.

(Sec. 33.24(15) Cr. by ORD-09-00155, 11-20-09)

(16) Enforcement and Penalty. This ordinance shall be enforced by the Director of the Building Inspection Division of the Department of Planning and Community and Economic Development or her/his designee. Any person who violates Sec. 33.02(7)(b), Sec. 33.02(8)(c), Sec. 33.02(9)(b), Sec. 33.02(10)(c), Sec. 33.02(11)(c), or Sec. 33.02(12)(c) of this chapter shall upon conviction thereof forfeit not less than one dollar ($1) nor more than two hundred dollars ($200), and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (Cr. by Ord. 12,650, 7-28-00; Renumbered by Ord. 13,216, 12-20-02; Am. by ORD-08-00109, 10-7-08; Renum. by ORD-09-00155, 11-20-09)

33.25 HO-CHUNK NATION-CITY OF MADISON JOINT PLANNING COMMITTEE. The Ho-Chunk Nation-City of Madison Joint Planning Committee shall consist of six members: three appointed by the Nation and two appointed by the Mayor subject to the approval of the Common Council, and the director of the City Department of Planning and Community and Economic Development, or his or her designee. Four members, two each representing the Nation and the City, shall be required to constitute a quorum. The Committee shall meet as necessary or at least biannually. The Committee shall be charged with the responsibility of creating and periodically

updating a development plan for the Nation's Fee and Trust Land real properties located within the Development Area and the City boundaries.
(Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.26 RESERVED FOR FUTURE USE.

33.27 STAFF COMMITTEES.

(1) The City may establish formal committees of city staff. These staff committees are called Full Committees, Quasi-committees or Informational Committees, as described herein.

(2) Full Committees. Full Committees each have a separate ordinance setting forth their powers and duties and are subject to all the rules applicable to committees, except they are not subject to the rules on term limits, committee attendance or filing of statements of interest. The Full Committees are:

(a) Street Use Staff Commission. See Sec. 10.056(3), MGO.

(b) Board of Assessors. Sec. Sec. 33.03, MGO.

(c) Olin Terrace Use Commission. See Sec. 8.39, MGO.

(3) Quasi-Committees.

(a) General. Quasi-committees are established primarily to deal with issues of internal concern to City employees. The following rules that apply to other committees will not apply to Quasi-committees: term limits on members as set forth in Sec. 33.01(6)(b), attendance reports, filing of statements of interests, and allowing Common Council members to participate in meetings. Legislative items cannot be referred to a Quasi-Committee. If input of a Quasi-committee is desired, the matter should be referred to the department or division head related to the Quasi-committee. Quasi-committees are subject to open meeting law requirements, quorum, terms for members as set forth in Secs. 33.01(6)(a) and (d), MGO, limits on meeting dates, public comment and the filing of minutes.

(b) Multicultural Affairs Committee. There is hereby established a Multicultural Affairs Committee (MAC) composed of employees of the City of Madison and charged with addressing issues of concern to people of color employed by the City. Members of the MAC shall be appointed by the Mayor upon recommendation of the Director of the Department of Civil Rights, and are not subject to Common Council approval. The MAC may adopt such other rules or bylaws to govern its operation, including establishing the number of members of the Committee, not inconsistent with these ordinances. (Am. by ORD-14-00011, 1-14-14)

(c) Women's Initiatives Committee. There is hereby established a Women's Initiatives Committee (WIC) composed of employees of the City of Madison and charged with addressing issues of concern to women employed by the City. Members of the WIC shall be appointed by the Mayor upon recommendation of the Director of the Department of Civil Rights, and are not subject to Common Council approval. The WIC may adopt such other rules or bylaws to govern its operation, including establishing the number of members of the Committee, not inconsistent with these ordinances. (Am. by ORD-14-00106, 6-16-14)

(d) Deferred Compensation Committee. There is hereby established the Deferred Compensation Committee (DCC) composed of seven (7) employees of the City of Madison to include the following employees or designees: Human Resources Director; Treasurer; Finance Director; City Attorney and three (3) additional employees chosen by the Human Resources Director. The DCC is charged with the duty to make and implement on behalf of the City all necessary decisions relating to the 457(b) Deferred Compensation Plan for the benefit of Plan participants in compliance with Federal and State laws and regulations, including preparing, maintaining and updating the Investment Policy Statement. In furtherance of its responsibilities, the DCC is authorized to effect amendments to the

Plan to comply with amendments to Federal and State laws as may from time to time occur without further action by the Common Council. In addition, the Human Resources Director is authorized, on behalf of the City, to execute all Joinder or Participation Agreements with eligible employees which are necessary for employees' participation in the Plan. Members of the DCC shall be appointed by the Mayor upon recommendation of the Director of the Department of Human Resources and are not subject to Common Council approval. The DCC may adopt such other rules or bylaws to govern its operation not inconsistent with these ordinances.

(Sec. 33.27(2)(d) Cr. by ORD-10-00092, 9-27-10; ORD-11-00037, 3-8-11)

(4) Informational Committees.

(a) When an informational-only committee is established, their meetings shall be noticed pursuant to the open meetings law. No quorum or minutes will be required nor are these committees subject to other rules of committees.

(b) Technical Advisory Committee. A subcommittee of the Water Utility that discusses drinking water quality issues, issue alerts and performs water quality testing. This subcommittee consists of eight (8) members including four experts and three managers and one engineer from the Water Utility.

(Sec. 33.27 Cr. by ORD-08-00046, 5-10-08; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-16-00054, 5-25-16)

33.28 EDUCATION COMMITTEE. The Education Committee serves as a formal channel of communication and policy recommendations regarding issues of shared concern between the City of Madison, the Madison Metropolitan School District Board of Education, and Dane County. The Committee shall meet on an as-needed basis. The Committee consists of eight (8) members: Mayor or designee, two Common Council members, the Madison Metropolitan School District School Superintendent or representative, two Madison Metropolitan School District Board of Education members, and two County Board Supervisors.

(Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-12-00074, 6-20-12)

33.29 ROOM TAX COMMISSION.

(1) Creation. There is hereby created a Room Tax Commission for the City of Madison.

(2) Composition. The Room Tax Commission shall consist of six (6) members appointed by the Mayor and confirmed by a majority vote of the members of the Common Council who are present when the vote is taken. Members shall serve without compensation. All members shall be adult residents of the City. At least two members shall be alderpersons. Strong consideration shall be given to alderpersons who serve on the boards of the Monona Terrace, Overture Center, and Greater Madison Convention and Visitor Bureau. One member shall represent the hotel and motel industry. Strong consideration shall be given to an owner/operator of a hotel in the City. Notwithstanding Sec. 33.01(7)(b), MGO, an alderperson may serve as chair of this commission.

(3) Terms. Pursuant to Wis. Stat. § 66.0615(1m) (c) 3, the members shall be appointed for a one-year term and shall serve at the pleasure of the Mayor and may be reappointed.

(4) Powers and Duties. The Room Tax Commission shall have the powers and duties prescribed by Wis. Stat. § 66.0615. Any contract entered into by the Commission shall be approved by the Common Council. The Commission shall elect from among its members a chairperson, vice chairperson and secretary. No person may serve as Chair more than three (3) years in any five (5)-year period.

(Cr. by ORD-16-0024, 3-7-16)

33.30 JEFFREY CLAY ERLANGER CIVILITY IN PUBLIC DISCOURSE AWARD. The Jeffrey Clay Erlanger Civility in Public Discourse Award will recognize individuals or organizations who share Jeff Erlanger's dedication to and compassion for public policy development, politeness,

civility, individual and human rights, and who conduct their daily life consistent with these values. The committee to select the award recipient will be appointed by the Mayor and be composed of five (5) individuals, including two (2) resident members (resident members to serve a two-year term with said term expiring two years from date of appointment).
(Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-17-00030, 3-8-17)

33.31 SUSTAINABLE MADISON COMMITTEE. The Sustainable Madison Committee takes a leadership role in the promotion of sustainability for the City of Madison, the Madison community, and the region. The committee consists of fifteen (15) members plus three alternates: at least one (1) Common Council member, one (1) Board of Public Works member (who may also be a Council member), and thirteen (13) various experts or community representatives with an interest in sustainability (no more than two (2) of whom may also be Council members). Members shall, collectively, represent the following areas of expertise: (1) Air, (2) water, (3) energy, (4) transportation and land use, (5) food, (6) the built environment, (7) finance, economics and workforce, and (8) culture (health, education, arts). The Mayor shall strive to appoint members drawn from the following portions of the community: Neighborhood groups, sustainability activists, business people, educational institutions and the development community. Cross appointments with the Commission on the Environment are permitted but not required. Members and alternates are appointed by the Mayor and approved by the Common Council. Members and alternates shall be appointed for a term of two years, with terms expiring June 30 with the exception of aldermanic members and the Board of Public Works member. The term of aldermanic members shall expire with the expiration of their terms as alders and the term of the Board of Public Works member shall expire with his or her term on Board of Public Works.
6-09; ORD-12-00073, 6-20-12)

33.32 JOINT CAMPUS AREA COMMITTEES.

(1) Joint West Campus Area Committee.

(a) There is hereby created a Joint West Campus Area Committee. The Committee will consist of 23 members: three ex-officio alders representing districts 5, 11 and 13; a mayoral representative; a representative from the following associations: Greenbush, Vilas, Dudgeon-Monroe, Sunset Village, and Regent; a member of the Plan Commission; and a member of a transportation-related committee. The UW-Madison will be represented by a Special Assistant to the Chancellor, a representative from Facilities and Planning, UW Transportation Committee, Division of Housing, School of Medicine, School of Engineering, UW Hospital, School of Nursing and an ASM representative. The Village of Shorewood Hills will be represented by its village administrator or designee, its Village Board president or designee and one additional member selected by the Village Board. (Am. by ORD-09-00147, 11-6-09; Am. by ORD-13-00090, 5-29-13; ORD-16-00105, 12-2-16)

(b) The Committee shall

1. Facilitate participation in planning activities affecting the campus community, the City of Madison, the Village of Shorewood Hills and the surrounding neighborhoods of the campus area west of Park Street, including Greenbush, Vilas, Dudgeon-Monroe and Regent;

2. Identify community-wide and neighborhood impact of campus initiated, city/village-related and private sector development projects in the west campus area;

3. Discuss and summarize comments on university, city/village and private development plans, environmental impact/assessment statements, and traffic analysis;

4. Summarize city/village, campus and neighborhood comments that enhance existing commercial, university and residential areas and street, transit and bicycle/pedestrian systems in the west campus area (west of Park Street); and
5. Time permitting and where appropriate, forward appropriate summary of JWCAC comments on development projects to the appropriate City of Madison committee (e.g., Plan Commission, Urban Design, Transit and Parking Commission, Alcohol License Review Committee, Downtown Coordinating Committee and Pedestrian/Bicycle/Motor Vehicle Commission) and to the appropriate Village of Shorewood Hills committee(s).

(2) Joint Southeast Campus Area Committee.

(a) There is hereby created a Joint Southeast Campus Area Committee. The Committee will consist of 21 members: the alders representing districts 2, 4, 8, and 13; the Mayor or designee (co-chair); a representative from the following associations: Capitol Neighborhoods, State Street-Langdon Neighborhood, the Brittingham area, a State Street organization, Greenbush Neighborhood, Plan Commission, Pedestrian Bicycle Motor Vehicle Commission, and Transit and Parking Commission. The UW-Madison members shall include the Special Assistant to the Chancellor (co-chair), a representative from Facilities Planning and Management, UW-Madison Transportation Committee, UW-Madison Arts Institute, UW-Athletic Department, Wisconsin Union, ASM, and the Division of University Housing. (Am. by ORD-13-00091, 5-29-13)

(b) The Committee shall

1. Facilitate participation in planning activities affecting the campus community, the City of Madison and the surrounding neighborhoods of the southeast campus area east of Park Street;
2. Identify community-wide and neighborhood impacts of campus initiated, City-related and private sector development projects in the southeast campus area;
3. Discuss and summarize comments on university, City and private development plans, environmental impact/assessment statements, and traffic analysis;
4. Summarize City, campus and neighborhood comments that enhance existing commercial, university and residential areas, and street, transit and bicycle/pedestrian systems in the southeast campus area east of Park Street; and
5. Time permitting and where appropriate, forward appropriate summary JSECAC comments on development projects to the appropriate City of Madison committee (e.g., Plan Commission, Urban Design, Transit and Parking Commission, Alcohol License Review Committee, Downtown Coordinating Committee and Pedestrian/Bicycle/Motor Vehicle Commission).

(Sec. 33.32 Cr. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.33 SISTER CITY COLLABORATION COMMITTEE.

(1) Creation and Purpose. There is hereby created a Sister City Collaboration Committee to replace the Committee created by Resolution 09-00046, which resolution is hereby rescinded. The Committee shall maintain, enhance and maximize Madison's involvement and exposure to the global economy, cultural environment, educational, humanitarian and business opportunities for Madisonians and Madison companies in the regions or countries of our Sister Cities.

(2) Duties and Tasks. The Committee shall review inactive Sister City partnerships, explore potential for joint initiatives, and set criteria for the addition of new Sister City partnerships. It is tasked with raising the profile of Madison Sister City partnerships,

making connections with cultural, educational and humanitarian programs, and maximizing educational opportunities, as well as exchanging cultural, educational, business and economic ideas for Madisonians and Madison companies and Sister Cities.

(3) Membership. The Madison Sister City Collaboration Committee shall consist of one member from each approved Sister Committee partnership who will be appointed by the Mayor and confirmed by the Council. These members shall represent the Sister Cities of Madison. In addition, there shall be two (2) other members, one (1) member shall be an alderperson, and one (1) member shall be an adult resident of Madison. Members shall have three-year terms, to be staggered upon initial appointment. Quorum for the Committee will be calculated by the number of members appointed and serving at any given time.

(4) Report. The committee shall issue a yearly report to the Common Council and Mayor on Best Practices by Sister Cities and other countries.

(5) Funding. The Committee will make determinations on funding decisions for Sister Cities.

(Sec. 33.33 Cr. by ORD-11-00019, 2-11-11; Am. by ORD-14-00114, 6-25-14)

33.34 HOUSING STRATEGY COMMITTEE.

(1) Creation. There is hereby created a Housing Strategy Committee for the City of Madison.

(2) Composition. The Housing Strategy Committee shall consist of nine (9) members appointed by the Mayor and subject to approval by the Common Council. Two (2) members shall be alders. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Landlord and Tenant Issues Committee. (Am. by ORD-17-00030, 3-8-17)

(3) Terms. All members shall be appointed for three-year terms, however, the initial terms of three (3) of the resident members shall expire on April 30, 2014. Initial terms of the remaining four (4) resident members shall expire on April 30, 2015. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The terms of the alders shall expire with the expiration of their terms in office. (Am. by ORD-17-00030, 3-8-17)

(4) Powers and Duties. The Housing Strategy Committee shall have the following powers, duties, and functions:

(a) The Committee will serve as a forum for discussion and communication about housing strategies.

(b) The Committee shall establish a schedule for the Department of Planning and Community and Economic Development to prepare and submit a biennial housing report to the Mayor and the Common Council which will include the following:

1. Current data on Madison and regional housing supply and trends;
2. Strategies for maintaining a broad range of housing choices for all households and income levels; and
3. Strategies for maintaining and increasing affordable owner-occupied and rental housing in Madison and the region.

(c) The Committee will review the biennial housing report prepared by the Department of Planning and Community and Economic Development staff and forward the report with the Committee's recommendations to the Mayor and Common Council for their action. The schedule should include a Committee public hearing to request recommendations for special problem areas to consider in the next biennial report.

(d) In addition to the foregoing, the Housing Strategy Committee shall have such other powers, duties and functions related to housing as are conferred on it by the Mayor and the Common Council from time to time.

(5) Staff. The Department of Planning and Community and Economic Development shall provide staff support for the Housing Strategy Committee and shall receive and retain all documents, reports and records relating thereto.

(6) Meetings. The Housing Strategy Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish.

(Cr. by ORD-12-00077, 6-20-12)

33.35 MADISON ARTS COMMISSION.

(1) Purpose. The arts are an intrinsic expression of human life. Thriving communities enjoy shared experiences of diverse and abundant arts and culture. Arts investments create jobs, leverage private gifts, build a sense of place, invite tourism, revitalize neighborhoods, attract creative people, cultivate democracy, preserve cultural legacy, generate local tax revenue, and enhance our quality of life. The Madison Arts Commission exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in Madison.

(2) Definitions.

(a) "Commission" means Madison Arts Commission.

(b) "Municipal Arts Fund" means the fund identified in Sec. 33.35(7).

(3) Structure. Madison Arts Commission shall be a commission of the Department of Planning and Community and Economic Development and shall be staffed by the Arts Program Administrator within the Planning Division of the Department of Planning and Community and Economic Development or her/his designee.

(4) (a) Commission Membership. The Commission shall consist of eleven (11) resident members including one (1) alderperson. The remainder of the Commission shall be made up of representatives from the following categories, with at least one representative from each: (Am. by ORD-17-00030, 3-8-17)

1. Art educators (early, primary, secondary, and/or post secondary),
2. Creative sector commerce (individuals engaged in commercial enterprises in the arts including but not limited to: advertising, design, film, music, performing arts, publishing, research and development, software, toys and games, TV and radio, art studios, galleries, and video games).
3. Creative disciplines related to shaping the built environment (artists or administrators who engage in professional level public art, architecture, landscape architecture).
4. Creative workers (individuals whose professional or volunteer contributions are based on creative content such as actors, writers, visual artists, musicians, dancers, and those who promote, facilitate or manage creative content or events).

Members shall be appointed by the Mayor and confirmed by the Common Council.

(b) Terms. The terms of all commission members shall be for three (3) years or until their successors are qualified. However, the term of the aldermanic member shall expire with the expiration of her/his term as alderperson, and the members appointed to the first term following the effective date of this ordinance shall be appointed to staggered terms. Three (3) members shall serve an initial term of one (1) year, three (3) shall serve an initial term of two (2) years, and four (4) shall serve an initial term of the full three (3) years. No member shall serve more than two (2) consecutive three-year terms. However, the six (6) members appointed to the first term after the effective date of this ordinance who serve an initial term of less than three (3) years, and any member appointed to fill the unexpired term of a former

member, shall be eligible to serve two (2) full consecutive three-year terms thereafter. Other than the term of the alderperson, all terms shall expire on April 30th and begin on May 1st.

(c) Conduct of Members. All members shall be allowed to vote on any agenda item, except no member may:

1. Use or attempt to use her/his position to obtain financial gain or anything of value or any advantage, privilege or treatment for the private benefit of herself/himself or her/his immediate family, or for an organization with which she/he is associated;
2. Use her/his position in a way that produces or assists in the production of a benefit, direct or indirect, for her/him or a member of her/his immediate family either separately or together, or for an organization with which the member or her/his immediate family is associated.
3. When a matter in which a member(s) should not participate comes before the commission, the member shall not participate in that portion of the body's meeting involving discussion, deliberations, and votes related to the matter; and, if a member of the commission requests the disqualified member to leave the room, that member shall physically absent herself/himself from that portion of the meeting involving discussion, deliberations and votes related to that matter, and the minutes of the meeting shall reflect her/his absence. See Sec. 3.35(5)(f)3., Madison General Ordinances.
4. The above provisions are included as a reminder that the City's Ethics Code, Sec. 3.35 of these ordinances, applies in its entirety and should guide the conduct of each member.

(5) Budget. An amount established during the annual budget process shall be deposited through direct appropriation in the account of the Municipal Arts Fund. The Commission may provide for the commitment of unrestricted funds to art projects located anywhere within the City of Madison or on City-owned property outside the City of Madison. Monies contributed to or donated for the Municipal Arts Fund shall be expended by the Commission for projects and any unexpended funds shall be carried over automatically in the Municipal Arts Fund for a period of five (5) years. Any funds carried over for five (5) years, and still unexpended at the expiration of such period shall be transferred to the General Fund; provided, however, that funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of the five (5) year period.

(6) Commission Authority. To carry out its responsibilities hereunder, the Commission shall:

(a) Advise the Mayor and the Common Council with regard to policies, budgets, and regulations related to the arts, culture, and creative commerce;

(b) Implement the city's public art program, including but not limited to purchasing works of art or purchasing, commissioning, and siting works of art;

(c) Advise municipal efforts to engage artists and creative workers and the community in a broad range of civic initiatives;

(d) Coordinate and support efforts to unite and focus municipal programs and services as they relate to arts and cultural activities and creative sector commerce;

(e) Establish and administer guidelines and procedures for distributing grants, issuing requests for proposals for creative services, and making recommendations of selections and awards to the Common Council;

(f) Review the performance of external contractors to the city in the areas of arts and culture;

(g) Facilitate periodic cultural planning for the City.

(7) Municipal Arts Fund. The Municipal Arts Fund is a segregated fund in the City Treasury that receives and holds funds appropriated by the Common Council for purchase and

expenditures on art activities, including visual and performing arts, as specified in Sec. 33.35(6). Disbursements from such fund shall be made in connection with projects approved by the Commission on vouchers and approved by the Director of Planning and Community and Economic Development or such other person as may be designated for specific projects. The City Treasurer shall pay the necessary warrants and make the necessary transfers.

(Sec. 33.35 Renum. & Am. by ORD-12-00129, 10-24-12)

33.50 REPORT OF VACANCIES.

(1) The Mayor shall report to the Common Council on the first of each January, April, July and October as to each vacant or expired seat for each board, committee or commission seat for which the Mayor has the power of appointment under City ordinance or resolution. The report shall be in the following format:

(a) Name of board, committee or commission;

(b) Restrictions, if any, on the vacant or expired seat;

(c) Date of such vacancy or term expiration;

(d) Seat holdover, if any; and

(e) Whether the vacancy requires the appointment of an Alderperson.

(2) The report filed by the Mayor, as required in Subsection (1) above, shall also include, for each alderperson, a list of the boards, committees and commissions of which that alderperson is a member, as of the date of the report. This list shall include only boards, committees and commissions which have been created by the Common Council and whose members must be appointed by the Mayor and approved by the Common Council.

(Sec. 3.79 Am. by Ord. 10,979, 9-14-94; Renum. from Sec. 33.25 by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

33.51 OBSOLETE COMMITTEES AND COMMISSIONS.

If any board, committee or commission of the City has not met during a calendar year, the board, committee or commission may be abolished by an order of the Mayor issued after April 1 of the year succeeding the year in which the board, committee or commission did not meet. The Mayor may not abolish any such board, committee or commission if the Common Council acts prior to April 1 to retain the board, committee or commission, or if the board, committee or commission is required by statute or contract. On or before February 15 each year, the Mayor shall submit a report to the Common Council, to be referred to the Common Council Executive Committee, designating those boards, committees, or commissions to be eliminated pursuant to this section.

(Cr. by ORD-05-00042, 3-16-05; Renum. from Sec. 33.26 by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

33.52 FOOD POLICY COUNCIL.

(1) Food Policy Council. The City of Madison Food Policy Council (FPC) is created and shall be governed by this ordinance.

(2) Membership; Terms.

(a) The FPC shall consist of twenty-three (23) members appointed by the Mayor, subject to confirmation by the Common Council; except that the representative of the Madison Metropolitan School District shall be appointed by the Superintendent of the School District. Three (3) of the members shall be alderpersons; aldermanic appointees shall serve a term expiring concurrent with their term as alders. Nineteen (19) of the remaining members shall be adult resident appointees; adult resident appointees shall serve a term of three years expiring on October 1st in the third year following appointment. One (1) member shall be less than twenty-four (24) years of age when appointed and shall serve a term of one year, expiring on July 31, and shall not count against the nineteen (19) adult resident members. All

vacancies shall be filled by appointment of the Mayor, subject to Common Council approval, for a term filling out the remainder of the vacated members' term.

(b) When the FPC is first constituted, the initial appointments shall be staggered as follows: Seven (7) resident appointees shall be for a term of three (3) years; and six (6) resident appointees shall be for a term of two (2) years; and six (6) resident appointees shall be for a term of one (1) year. (Am. by ORD-15-00028, 3-18-15)

(Am. by ORD-17-00030, 3-8-17)

(3) Composition. The adult resident membership shall be composed as follows: one (1) member shall be a representative from or an advocate of community gardens, one (1) shall represent a direct-market producer, one (1) shall be a food-access advocate, one (1) shall be a representative from a health care provider, one (1) shall be a representative of the Madison Metropolitan School District, one (1) shall be a local restaurateur, one (1) shall represent a small or mid-sized retailer, one (1) shall be a representative from or an advocate for an urban farm, one (1) shall be employed by an accredited university or college as an expert in food and/or agricultural systems, one (1) shall be an employee of UW-Extension.

The remaining nine (9) adult members shall represent any of the following categories, groups, or organizations: a community-supported agriculture organization, a consumer group, an economic development entity, an environmental advocate, a food bank, a farmers' market, a food cooperative, a food processing company, a mobile food vendor or retailer, a neighborhood development organization, a religious organization, a school district, a school food and/or nutrition expert, a staff member from a youth group organization, a sustainable agriculture advocate, or a sitting member of a city or county committee that advises on food-related policy, including, but not limited to the Dane County Food Council or the Madison and Dane County Board of Health, or a representative from any of the other organizations listed above and making up the balance of the FPC.

The Chairperson of the Food Policy Council shall be the Mayor or his or her designee, who may fulfill any of the resident membership requirements above. The designee shall serve a three-year term beginning October 1st of the year of appointment. (Am. by ORD-15-00028, 3-18-15; ORD-17-00030, 3-8-17)

(4) Staffing. Public Health Madison and Dane County and the City of Madison Food Policy Director (or other Mayoral designee) shall serve as staff to the FPC. Other applicable city staff shall support the FPC as necessary. (Am. by ORD-15-00009, 1-28-15; ORD-15-00116, 10-28-15)

(5) Duties. The FPC shall act in an advisory role to the Mayor and Common Council, developing and making recommendations on food policy changes and monitoring implementation relative to reducing hunger through providing community-wide access to food; enhancing the local and regional food economy; creating an economically, socially, and environmentally sustainable local food system; and improving the health and nutrition of the community through local, healthy food options.

(6) The FPC shall have the following responsibilities:

(a) Make recommendations to the Mayor and Common Council on ordinances, policies, and budgetary items that have an impact on the food system.

(b) Request city staff to develop policies related to the food system based on research, input, and advice from the community.

(c) Solicit input from experts and residents within the food system and lead discussion on various topics in order to inform policy recommendations. (Am. by ORD-17-00030, 3-8-17)

(d) Set benchmarks for city departments to reach within a certain time frame to evaluate city progress.

(e) Create subcommittees as necessary to facilitate collaboration among stakeholders and to provide further support on policy recommendations.

(f) Review recommendations from the Dane County Food Policy Council and the City of Madison Ad Hoc Local Food Committee.

(Sec. 33.52 Cr. by ORD-12-00126, 10-10-12; Am. by ORD-16-00112, Pub. 12-14-16, Eff. 1-1-17)

33.53 DIGITAL TECHNOLOGY COMMITTEE.

(1) Digital Technology Committee. The Digital Technology Committee is created and shall be governed by this ordinance.

(2) Membership.

(a) The Digital Technology Committee shall consist of nine (9) voting members appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term of three (3) years. Two (2) of the members shall be alderpersons who shall serve a term expiring concurrent with their terms as alders. The remaining seven (7) members shall be adult resident appointees.

(b) When the Digital Technology Committee is first constituted, the initial appointments shall be staggered as follows: Two (2) resident appointees shall be for a term of three (3) years; and two (2) resident appointees shall be for a term of two (2) years; and three (3) resident appointees shall be for a term of one (1) year.

(3) Staffing. The Information Technology Director, or his or her designee, shall serve the Digital Technology Committee as its nonvoting Executive Secretary. All matters to be considered by the Committee shall be submitted to the Executive Secretary who shall prepare the notice, agenda and minutes of all Committee meetings and perform such other duties as the Committee shall direct.

(4) Duties. The Digital Technology Committee shall act in an advisory capacity to the Mayor and Common Council on the deployment and use of digital technology consistent with industry and governmental standards including: making studies and recommendations relative to the facilitating the provision of internet access to all residents with special attention to low income families, realizing additional benefits from and expand utilization of the Metropolitan Unified Fiber Network, exploring the technological needs of existing and startup businesses, assisting in the provision of digital infrastructure needs, facilitate communication with the local information technology community, assisting in providing high speed, no-cost access for travelers and commuters and exploring the feasibility of other public and private investments in 21st century telecommunication technologies, including fiber optics to the home.

(Sec. 33.53 Cr. by ORD-13-00089, 5-29-13; Am. by ORD-17-00030, 3-8-17)

33.54 SMALL BUSINESS ENTERPRISES APPEALS COMMITTEE.

(1) Creation. There is hereby created the Small Business Enterprises Appeals Committee to consist of five (5) members who shall serve without compensation.

(2) Composition. The Affirmative Action Commission and the Board of Public Works shall each elect two of their members to serve on the Committee. They may also elect alternates to serve in the event the regular member is unable to serve. The fifth member shall be appointed by the Mayor. The members of the Committee shall not be subject to confirmation by the Council. Each member's term shall be two (2) years.

(3) Meetings and Staffing. The Committee shall meet as required. The Committee shall select its own Chair and Vice Chair, and shall be governed by its own rules, or if none have been adopted, by Robert's Rules of Order. The City Engineer shall provide staff assistance to the Committee, and the City Attorney shall furnish the Committee any legal assistance necessary to carry out of its functions.

(4) Duties. The Committee shall hear appeals from any party who has been found ineligible to be awarded a public works contract due to the party's failure to demonstrate a good faith effort under the City's Small Business Enterprises Program. All appeals shall be made in writing, and must be delivered to and received by the City Engineer no later than the close

of the third business day following the affected party's receipt of the written notification of ineligibility by the Affirmative Action Division Manager. The notice of appeal shall state the basis for the appeal of the decision of the Affirmative Action Division Manager.

(5) Hearings. The Committee shall schedule a hearing within ten (10) business days after receiving the notice of appeal. The date of the hearing shall be not more than twenty-one (21) calendar days after the notice of appeal has been received by the City Engineer. During the pendency of the appeal, the Common Council may not award the public works contract at issue to any contractor. At the hearing the Affirmative Action Division Manager shall have the burden of proof to persuade the Committee of the facts supporting his or her findings. Each party shall have the right to appear in person and by counsel, to call and examine all witnesses and to introduce exhibits. The Committee shall have the power to compel by subpoena duces tecum the production before it of documents, books, records, paper or other evidence which may relate to the subject matter of the hearing. In the admission of evidence, the Committee shall abide by the provisions of Wis. Stats. Sec. 227.45(1) through (6). The Committee shall make written findings of fact and conclusions of law on whether the finding of ineligibility should be sustained or overturned. The Committee shall provide written findings and conclusions and a written order within five (5) calendar days after the conclusion of the hearing, to be signed by the Chair of the Committee, and shall promptly mail or otherwise deliver copies thereof upon the appellant, the City Engineer, and the Affirmative Action Division Manager. The Committee's findings and conclusions shall constitute a final administrative determination and shall be subject to review in court as provided below.

(6) Judicial Review.

(a) Any party to a hearing resulting in a final determination may seek review by certiorari within thirty (30) days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the Committee for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the party seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

(Sec. 33.54 Cr. by ORD-14-00178, 12-10-14)

CHAPTER 34

FIRE PREVENTION CODE

Section

34.01 General Provisions.
34.02 Design and Construction Reviews, Approvals and Permits for Fire Protection and Other Safety Features. (Am. by ORD-11-00151, 11-8-11)
34.03 Records For Inspecting, Testing & Maintenance of Fire Protection Systems.
34.04 Regulation of Fire Alarm Systems, False Alarms.
34.05 Ban on Sale of Novelty Lighters.
34.06 Causing Fire by Negligence. (Cr. by ORD-12-00001, 1-10-12)
34.104 Interference with Firefighting.
34.105 Licenses and Permits.
34.202 Definitions.
34.304 Combustible Waste.
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34.315 Miscellaneous Combustible Materials Storage.
34.501 Fire Service Features.
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34.507 Fire Protection Water Supply.
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34.603 Fuel-Fired Appliances.
34.604 Emergency and Standby Power Systems.
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34.703 Fire-Resistance-Rated Construction.
34.806 Decorative Vegetation in New and Existing Buildings.
34.903 Automatic Sprinkler Systems.
34.904 Commercial Cooking Systems.
34.906 Fire Extinguishers.
34.907 Fire Alarm and Detection Systems.
34.914 Reserved for Future Use. (Rep. by ORD-13-00102, 6-12-13)
34.1001 Administration.
34.1004 Occupant Load.
34.1022 Exit Enclosures.
34.1028 Assembly.
34.1100 Construction Requirements for Existing Buildings. (Am. by ORD-13-00102, 6-12-13)
34.5003 Hazard Identification Signs. (Am. by ORD-13-00102, 6-12-13)
34.5601 Recreational Fireworks. (Am. by ORD-13-00102, 6-12-13; ORD-14-00139, 8-13-14)
34.5608 Non-Recreational Fireworks. (Am. by ORD-13-00102, 6-12-13; R. & Rec. by ORD-14-00139, 8-13-14)
34.5704 Storage Tanks For Flammable and Combustible Liquids. (Am. by ORD-13-00102, 6-12-13)

34.01 GENERAL PROVISIONS.

(1) Intent of Code.

It is the intent of this chapter to prescribe regulations consistent with nationally recognized standards for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life, property and the environment in the use or occupancy of buildings or premises. Compliance with codes and

standards of the National Fire Protection Association (NFPA), the International Code Council, Madison General Ordinances (MGO) or other approved nationally recognized safety standards, as later referred to or as specified in this code, shall be deemed to be prima facie evidence of compliance with this intent.

(2) Application of Code.

(a) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a hazard to life or property in the opinion of the Chief.

(b) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the U.S. Department of Transportation (DOT) or as applying to the military forces of the United States.

(c) Except as provided herein, this code applies to each building and premises, public or privately owned and all public thoroughfares located within the City of Madison.

(d) The Department shall be regulated by this chapter and not by International Fire Code (IFC) section 103.

(3) Authority of the Chief.

The Chief has the authority to administer and enforce this code. The Chief may delegate authority under this code to such subordinates in the Fire Department and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

(4) Authority to Enter Premises.

(a) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, may be deemed necessary.

(b) The Chief may obtain a search warrant under Wis. Stat. §§ 968.10, 968.12, 66.0119 when necessary for the purpose of making an inspection or investigation of any building or premises where the owner or occupant has refused admission.

(c) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by that person, shall refuse to permit such search to be made. Each day, or part thereof, during which such refusal continues, shall be deemed to be a separate violation.

(5) Inspection of Buildings and Premises. The Chief may inspect all buildings and premises, except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, explosion, dangerous condition or any violations of the provisions or intent of this code and of any other applicable ordinance. The Chief shall, as a condition of granting a permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval has been granted, for the purpose of inspecting said premises and its compliance with code regulations.

(6) Issuance of Orders.

(a) Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations. Whenever the Chief shall find in any building or upon any premises during any three (3) inspections or reinspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:

1. If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED).

2. If the system includes one or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all of the fire doors in such premises be equipped with a door holder/release device.
3. If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order that all emergency exit doors within the premises be equipped with panic door release hardware.
4. This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations under this code nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any other applicable provision of the Madison General Ordinances, Wisconsin Administrative Codes or Wisconsin State Statutes.

(b) Corrective Action. Whenever the Chief may find a violation of this code, Wisconsin State Statutes, or Wisconsin Administrative Codes, the Chief may order corrective action to cause the violation to be eliminated.

(c) Fees for Reinspections.

1. Any person who shall fail to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter may be assessed seventy-five dollars ($75.00) per inspection for compliance inspections in excess of one.
2. The Chief shall keep an accurate account of all unpaid inspection fees incurred for reinspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

(d) Authority to Abate Hazard. The Chief shall have the authority to order the immediate abatement of any hazard deemed by the Chief to be an imminent hazard to the life, safety and well-being of any individual. Whenever the owner shall refuse or neglect to abate said hazard, the Chief may cause the same to be abated and the City shall recover the expenses incurred thereby from the owner. The Chief shall keep an accurate account of all unpaid expenses incurred by the City for hazard abatement rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

(e) Authority to Vacate. The Chief shall have the authority to issue an order to vacate any property deemed by the Chief to be necessary due to an imminent hazard to the life safety and well being of the occupants.

(7) Service of Orders.

(a) The service of written orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as the Chief deems appropriate under the circumstances.

(b) If buildings or other premises are owned by one person and occupied by another the orders issued in connection with the enforcement of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(c) Mailing of such orders by the owner or occupant is sufficient notice to affect compliance with the order.

(8) Liability for Damages. This code shall not be construed to hold the City of Madison or its employees responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any plans or equipment authorized herein.

(9) Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals, as established in Sec. 29.18, MGO, shall act upon appeals from the decision of the Chief in respect to the provisions of this code and to advise the Chief on any matters regarding this code on which the Chief may request its opinion. The Department shall be bound by the appeals process outlined in this section and not IFC section 108.

(10) Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval or certificate applied for or revoke a permit, approval or certificate, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Board within thirty (30) days from the date of the decision appealed and upon payment of fifty dollars ($50) payable to the City of Madison. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. (Am. by ORD-12-00042, 4-19-12)

(11) Variances. The Board shall have power to modify any of the provisions of this code upon application in writing by the owner or lessee, or the duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed and public safety secure. The particulars of such modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the Board and a signed copy shall be furnished the applicant.

(12) Judicial Review.

(a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.

(Cr. by ORD-11-00004, 1-12-11)

(13) Adoption by Reference; State and National Codes.

(a) The codes in the *International Fire Code*® and the Wisconsin Administrative Codes that are adopted by reference are the most current edition of the referenced code and any subsequent editions of the referenced codes. (Am. by ORD-13-00102, 6-12-13; Rep. & Re-enacted by ORD-14-00102, 5-28-14)

(b) IFC. The *International Fire Code*®, subject to the modifications specified in this chapter. (Am. by ORD-13-00102, 6-12-13; Rep. & Re-enacted by ORD-14-00102, 5-28-14)

(c) The following Wisconsin Administrative Code Chapters:
SPS 305 - Licenses, Certifications and Registrations
SPS 307 - Explosive Materials
SPS 310 - Flammable and Combustible Liquids
SPS 314 - Fire Prevention
SPS 316 - Electrical
SPS 318 - Elevators
SPS 328 - Smoke Detectors
SPS 340 - Gas Systems
SPS 343 - Anhydrous Ammonia
SPS 361-366 - Wisconsin Commercial Building
SPS 366 - Existing Buildings
SPS 375-379 - Buildings Constructed Prior to 1914
SPS 381-387 - Plumbing

(Renum. by ORD-11-00004, 1-12-11; Am. by ORD-12-00035, 3-28-12)

[EDITOR'S NOTE: 2013 Wis. Act 270 creates Wis. Stat. § 101.02(7r) which sets forth a restriction on local governments enacting or enforcing local ordinances related to construction and maintenance of public buildings. Under § 101.02(7r)(b) an exception is made for ordinances related to fire detection, prevention, or suppression if the ordinance was enacted before May 1, 2013. In accordance with Wisconsin Supreme Court precedent, Secs. 34.01(13)(a) and (b), MGO, are deemed to have been enacted and in force since March 29, 2012. Van Dyke v. Tax Commission, 217 Wis. 528, 539 (1935) ("[W]hen a repealing statute re-enacts a provision of an old statute in substantially the same words, no change in the old law is thereby effected, but the original law is deemed to continue in force from its first enactment").

On January 26, 2015, this ordinance was determined to be in compliance with the provisions of Wis. Stat. § 101.02(7r).]

(14) Miscellaneous Inspection Fees.

(a) Inspections outside of normal work hours whether required or requested shall be subject to the fees in this section. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this subsection. When fire inspection personnel are required for events or emergencies, the owner shall pay for personnel time in accordance with this subsection.

(b) Inspection fee - sixty dollars ($60.00) per hour.

(c) The Chief shall keep an accurate account of all unpaid fees incurred for inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Am. by ORD-11-00037, 3-8-11)

(Renum. by ORD-11-00004, 1-12-11)

(15) Penalties. Violations shall be prosecuted as outlined within this code. The Department shall not follow IFC section 109.2.1 and 109.3.

(a) Any person violating any of the provisions of this Chapter for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less

than ten dollars ($10) nor more than one thousand dollars ($1000). Every day or fraction thereof during which any person fails or to comply with any provisions of this code shall constitute a separate violation.

(b) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this code shall be in violation of this Chapter, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

(Renum. by ORD-11-00004, 1-12-11)

(16) Severability. The Common Council of the City of Madison hereby declares that should any section, paragraph, sentence, or word of this chapter hereby adopted be declared for any reason to be invalid, it is the intent of said Common Council that it would have passed all other portions of this chapter independent of the elimination here from of any such portion as may be declared invalid.
(Renum. by ORD-11-00004, 1-12-11)

34.02 DESIGN AND CONSTRUCTION REVIEWS, APPROVALS AND PERMITS FOR FIRE PROTECTION AND OTHER SAFETY FEATURES. (Am. by ORD-11-00151, 11-8-11)

(1) Application for Permit, Plans and Specifications.

(a) No person may install, erect or construct or add to, enlarge, move, improve, alter, convert, extend replace components, or demolish or cause the same to be done, or commence any work covered by this code on any fire protection system, any access control, delayed egress, stair door locking system or device, or LPG containers, high-piled storage arrays, flammable and combustible liquid storage arrangements, including any system subject to plan review under Wis. Admin. Code ch. SPS 361, without first submitting plans for review and approval to the Chief and obtaining a fire department work permit. This requirement is irrespective of whether such person intends to submit such plans to any other lawful approving authority. Permits shall be issued in the name of the owner or owner's agent. The Chief by special permission may authorize work to start prior to compliance with this subsection. (Am. by ORD-11-00151, 11-8-11; Am. by ORD-12-00035, 3-28-12)

(b) Applications for permits shall be filed with the Chief in writing on a form to be furnished for that purpose. Such application shall describe the land or structure upon which work is to be done, either by street number, lot, block or tract, or similar general description which will identify the proposed installation or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Chief. By filing, the applicant certifies the installation will comply with the applicable codes.

(c) Working plans and specifications showing the location of each component or element of the proposed system, all drawings, manufacturers cut sheets for devices, calculations, material approvals, manufacturers listed installation and design manuals, pre-engineered design specifications, design specifications, and the manufacturer, model and type of each component element of such systems, when needed, shall accompany every application for a permit, and shall be filed with the Chief. Applicant shall submit three (3) sets of plan documents and one (1) set of supporting documents for review. However, the Chief may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.

1. Plans submitted shall be drawn to scale on substantial paper. The submitted plans shall be working plans of sufficient clarity to indicate the nature and character of the work proposed and to show that the applicable regulations will be complied with. They shall be prepared in accordance with the provisions of this code, and shall bear the name of the architect, professional engineer, contractor or other person who prepared them.

2. Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Fire Code" or "to the satisfaction of the Fire Chief" shall be deemed imperfect and incomplete. Every reference to the Fire code shall be to the section or subsection applicable.
3. Alterations to or modifications of an existing system may not, at the discretion of the Chief, require a complete set of plans as set forth above, however, each such application for a permit shall include appropriate supporting documentation establishing that the proposed alterations or modifications comply with all appropriate codes, ordinances and standards.
4. For state-owned buildings plans shall be approved by the appropriate state agency. A permit is required for said projects, a copy of the state plan approval letter is required as part of the permit application. The Chief shall inspect the fire protection systems in state owned buildings. When a State agency specifies plan review and inspection by the City, a complete submittal is required.

(d) If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Chief shall, upon receipt of the required fee, grant a permit for said work and shall sign, date and endorse all sets of submitted plans as approved or if approval is conditioned upon changes to the plan or compliance with other conditions, the plans may be conditionally approved. In all such cases where plans are conditionally approved the Chief shall return, with the plans, written notification of the conditions that must be satisfied. Whenever a submitted application is incomplete, the Chief may suspend any action on such application and shall notify the applicant of the information needed to process such application.

(e) The work shall be installed as shown on the plans and there shall be no modifications or alterations made without written permission from the Chief.

(f) Permits issued under this code shall lapse and be void unless the work authorized is commenced within one (1) year from the date or completed or resumed within one (1) year from the date that construction begins and in the event of further construction after either of the latter of these time periods, a new permit must be obtained pursuant to all the requirements of the code. The fees for such new permit shall be based upon the area (square footage of protected area) remaining to be done.

(g) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of the work, the Chief may require the correction of said errors in said application, plans, specifications or construction and may rescind the permit and prevent installation and work operations from continuing when in violation of this code or of any ordinance.

(h) Except as authorized by the Chief all portions of any system that are to be concealed must be tested by the installing contractor and be approved by the Chief before concealment.

(i) The data specified in all applicable IFC standards adopted by this code shall be a part of, or shall accompany, all plans submitted for approval.

(j) The initial tenant build-out for shell building projects, shall comply with this section regardless of the number of sprinklers to be altered, added or removed.

(k) The following language is substituted for IFC section 105.7.10: Construction permits are required for all Liquefied Petroleum Gas (LPG) retail cylinder exchanges and for LPG containers of one hundred (100) gallon, or aggregate,

water capacity or more. Individual LPG containers of two thousand (2000) gallon water capacity or larger and individual LPG containers where the aggregate water capacity is four thousand (4000) gallon or larger must be submitted to the Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12)

(2) Fees.

(a) Scope. The fees fixed in this section shall be assessed and collected by the Chief for the examination and approval of system plans. These fees also include the inspection of newly installed and remodeled systems. These fees do not cover any re-inspections. These fees are collected in advance from the owner or agent. The appropriate portion of each fee, as set forth in Wis. Admin. Code § SPS 302.31, Table 2.31-3, shall be forwarded to Department of Safety and Professional Services. (Am. by ORD-12-00035, 3-28-12)

(b) Plan Examinations.

1. Plans showing design and construction details, design computations and specifications submitted for examination and approval as required by this section shall be accompanied by a fee in the amount determined in accordance with this section.

2. For the purpose of determining the fee on the basis of square foot, floor area measurements shall be taken from outside of building at each floor level, including basement and other areas affected or serviced by the system. Except as otherwise specified in this code, for remodeling or adding to an existing system, the appropriate fee shall be determined by calculating the square footage of the area to be serviced by such remodeling or addition to the system. (Am. by ORD-15-00033, 4-8-15)

(c) (Renum. to Sec. 34.02(2)(d)9. by ORD-11-00151, 11-8-11)

(d) Fee Schedule.

1. New Systems. Except as otherwise specified in this section, plan review fees for new systems shall be computed upon the basis of the total square footage of each building or affected area and determined by the following table:

TABLE A

AREA (SQUARE FEET)	FIRE ALARM SYSTEM PLANS	FIRE SUPPRESSION SYSTEM PLANS
Less than 2,500	$200	$200
2,501 - 5,000	$250	$250
5,001 - 10,000	$300	$300
10,001 - 20,000	$600	$600
20,001 - 30,000	$900	$900
30,001 - 40,000	$1,200	$1,200
40,001 - 50,000	$1,500	$1,500
50,001 - 75,000	$1,800	$1,800
75,001 - 100,000	$2,100	$2,100
100,001 - 200,000	$2,400	$2,400
200,001 - 300,000	$2,700	$2,700
300,001 - 400,000	$3,000	$3,000
400,001 - 500,000	$3,300	$3,300
Over 500,000	$3,600	$3,600

2. Alteration/Modifications and Repair/Replacement to Existing Devices/ Systems.

a. The fee for review of submittals or review of plans for the alteration/modification to existing devices/systems shall be determined by Table B for each type of alteration/modification submitted.

Table B-1 Alteration/modifications existing devices/systems

Device/System	Fee
Existing Automatic Fire Sprinkler system of up to 20 Sprinkler Heads	$100 per system
Other existing fire protection systems of up to 3 devices	$100 per system
Dry Pipe preaction, deluge valve, and similar devices	$100 per system
Fire Pump	$200 per system
Fire Alarm Control Unit	$200 per system
Backflow Prevention Valve	$200 per system

Table B-2 Closure, change in use or temporary removal of any tank system regulated by SPS 310

Plan Review	$50
Site Inspection, 1st tank	$75
Site Inspection, each additional tank	$50

(Am. by ORD-11-00151, 11-8-11; ORD-12-00035, 3-28-12)

b. The fee for review of submittals or review of plans for the repair/replacement to existing devices/ systems shall be determined by Table C for each type of repair/replacement submitted.

Table C Repair/replacement existing devices/systems

Device/System	Fee
Sprinkler head replacement, more than 3	$100 per system
Nozzle replacement, more than 3	$100 per system
Dry Pipe, preaction, deluge valve, and similar devices	$100 per system
Fire Pump	$200 per system
Fire Alarm Control Unit Replacement	$100 per system
Backflow Prevention Valve	$200 per system
Fire alarm initiating devices, more than 3	$200 per system
Fire alarm notification appliances, more than 3	$200 per system

3. Certain Devices/Systems Subject to a Single Flat Fee. The fee for review of plans for the installation of new systems not subject to the fees in the above mentioned subsections shall be two hundred dollars ($200) for each type of device/system submitted. The fee for review of submittals for the alteration, repair, or replacement of systems not subject to the fees in the above mentioned subsections shall be one hundred dollars ($100) for each type of device/system submittal. However, no additional fee shall be due under this section if such device/system is included as a component in a system

plan which has been submitted to the Chief and for which a fee has been paid pursuant to this code. The devices/systems subject to this fee shall include but not be limited to the devices/systems in Table D:

Table D certain devices subject to single flat fee

Device/System	Fee
Digital alarm communicator transmitters (DACT)	$200 per system
Kitchen hood extinguishing systems	$200 per system
Dry chemical extinguishing systems	$200 per system
Fire detection devices that actuate fire doors/ shutters (which are not part of any fire alarm system)	$200 per system
Clean agent systems	$200 per system
Fire pumps	$200 per each
Standpipe systems (not to include combined sprinkler/standpipe systems)	$200 per system
Smoke and Heat Vents	$200 per system
High-piled Storage Arrays	$200 each
Fire Command Center	$200 each
LPG Retail Cylinder Exchanges of more than 100 gallons, or aggregate	$200 each
LPG Individual containers less than 2000 gallons	$200 each
LPG Individual containers aggregate less than 4000 gallons	$200 each
Private fire service mains and hydrants	$200 per system

(Am. by ORD-11-00151, 11-5-11)

4. Plan examination and inspection fees for storage tanks of liquids that are flammable, combustible or federally regulated hazardous substances are as outlined in Wis. Admin. Code § SPS 302.43. (Am. by ORD-12-00035, 3-28-12)
5. The fee for the inspection only of devices/systems in state-owned buildings shall be half (½) of the fees specified in this Chapter.
6. A permit shall be required for the demolition of any system. However, no additional fee shall be due under this paragraph if the installation of a new system has been submitted to the Chief and for which a fee has been paid pursuant to this code or a permit for the razing of the building is obtained from the City of Madison Inspection Division pursuant to Sec. 29.13, MGO. The permit fee shall be two hundred dollars ($200).
7. The fee for review of submittals or review of plans for any work to be performed under this section, not specified in the fee schedules in this section, shall be two hundred dollars ($200).
8. An additional fee of one hundred dollars ($100) shall be assessed for incomplete plan submittals placed on hold. (Cr. by ORD-11-00151, 11-8-11)
9. Revisions.
   a. The additional fee of two hundred dollars ($200) or fifty percent (50%) of the original plan examination fee whichever is higher

shall be assessed for review of system plans that have been submitted following denial of plan approval, if the submission is within eight (8) months of the original denial.

b. The fee of two hundred dollars ($200) shall be assessed for revisions to previously approved plans.

c. The fee of two hundred dollars ($200) shall be assessed for plan submittals that have been rejected for failing to comply with an administrative hold. Administrative holds shall be issued where plan submittals are incomplete.

(Sec. 34.02(2)(c) Renum. to 9. and Am. by ORD-11-00151, 11-8-11)

(e) Penalty. Penalty for failure to obtain a permit before starting work shall be double the required fee. This shall be in addition to any other penalties provided elsewhere in the code. In addition, a penalty of one hundred dollars ($100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the notice of violation is delivered to either the property owner or the contractor performing the work, until the date the owner or contractor submits the proper plans in an approved format to the Chief.

34.03 RECORDS FOR INSPECTING, TESTING & MAINTENANCE OF FIRE PROTECTION SYSTEMS. These requirements are in addition to the record retention requirements found in Secs. 34.507, 34.703 and 34.901, MGO.

(1) At least once each year, an individual with the applicable credential specified in Wis. Admin. Code ch. SPS 305, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25. This section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72. (Am. by ORD-12-00035, 3-28-12)

(2) All inspection, testing and maintenance of systems that occur annually or less frequent shall be filed with the City of Madison's electronic reporting system. Within thirty (30) days of said inspection the owner shall insure that the following information is filed electronically with the City:

(a) The address that was inspected;

(b) The type of fire protection system inspected;

(c) The applicable standard;

(d) List of any system deficiencies or code violations;

(e) The name, registration number and address of the registered contractor who performed the inspection, testing or maintenance; and

(f) Attestation that the inspection, test or maintenance activity was performed in accordance with the applicable IFC standards.

Free accesses to computers to complete the above-mentioned requirements are available at the Madison Fire Department Administration Building, the Madison Building Inspection Division and all Madison Public Libraries.

(3) Electronic filing requirements in subsection (1) and (2) become effective on March 1, 2011. Prior to March 1, 2011, all individuals shall submit all records of system inspection, testing and maintenance to the Chief.

34.04 REGULATION OF FIRE ALARM SYSTEMS, FALSE ALARMS.

(1) Definitions. For the purpose of this ordinance, the following definitions shall apply:

"Alarm" means any sound, signal or message generated by an alarm system, alarm user or other person, to which fire personnel are expected to respond.

"Alarm user" means the person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.

"Alarm System" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video or other form of message to an alarm system monitoring company or some other number or emits an audible or visible signal that can be heard or seen by persons outside the protected premises or transmits a signal beyond the premises in some other fashion, except a medical alert alarm. An alarm system or alarm device may consist of one or more components all reporting to a central alarm station.

"Automatic dial device" means any device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which fire personnel are expected to respond.

"Central alarm station" means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected and where operators supervise an alarm panel and upon receipt of emergency signals indicating fires may relay a message to the fire department and may notify an alarm agent for the purpose of responding to the alarm signal.

"Control" means the power or authority to manage, superintend, direct or oversee a building, structure or facility or portion thereof.

"Department" means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

"False Alarm" means the reporting of or activation of any monitored or non-monitored alarm system where the Department arrives at the premises and determines that there is no evidence of a fire or emergency on the premises that would warrant a call for fire assistance or investigation. An alarm shall be presumed to be false if the responding Department does not locate evidence of a fire or emergency on the premises that might have caused the alarm to sound. False alarm includes an alarm caused by a power outage but shall not include alarms activated by unusually severe weather conditions or other causes which are identified by the Chief to be beyond the control of the Alarm User.

"Fire" means the City of Madison Fire Department and its personnel and includes other fire agencies assisting the Madison Fire Department.

(2) Alarm Requirements.

(a) Alarm System User Responsibility. It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the provisions of this chapter and to maintain the alarm system in proper working order. The alarm user shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Any special codes, combinations, or passwords must not be included in these instructions but must be maintained on site.

(3) Alarm Companies and Private Responders.

(a) Every alarm company shall provide its alarm customers with a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the forfeiture amounts, and written guidelines on how to prevent false alarms.

(b) Every alarm company shall provide training to its alarm customers in the proper use of the alarm system, including instructions on how to prevent false alarms.

(4) Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of fire personnel; or use of an alarm system rather than a telephone to summon fire personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons and misuse of the alarm system. Misuse of an alarm system is unlawful.

(5) False Alarm. Alarm users shall not have, permit or allow false alarms to occur at any building, structure, facility or portion thereof under their control and where an alarm system is in operation. Inspections, testing, maintenance, alteration and repair activities for fire protection systems shall not result in the transmission of a false alarm.

(6) Orders. The Chief shall have the authority to order the installation of double action pull stations or pull covers with horn when the department has responded to three (3) or more intentional false alarms at a premise.

(7) Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof, which owns, operates and maintains its own alarm equipment.

(8) Penalty. An alarm company, a private responder, an alarm user or a person in control of an alarm system commits an offense if they violate any provision of this section by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon them by this ordinance and is subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1000) for each offense. Prosecution action will be commenced if there is a malfunction of the alarm system or an unintentional false alarm if there are two (2) violations within one month or three violations within twelve (12) months. Prosecution action will be commenced if the false alarm occurs in the course of inspection, testing or maintenance of the alarm system. Prosecution action and penalties imposed will vary depending on whether the false alarm is a result of an intentional act, a malfunction of the alarm system, an unintentional act or a result of inspection, testing or maintenance of the alarms system for specifics regarding the individual penalties see Sec. 1.08(3)(a), MGO.

34.05 BAN ON SALE OF NOVELTY LIGHTERS.

(1) Intent and Purpose. The Common Council of the City of Madison hereby finds that:

(a) Novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds or toy-like designs.

(b) Designing lighters to disguise their true function increases the risk of injury and attracts children. Novelty lighters are easily mistaken by children and adults as children's toys or common household items.

(c) Novelty lighters are inherently dangerous products containing flammable fuel. If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.

(d) Disguising the true function of an inherently dangerous product unnecessarily threatens the health and safety of the residents of Madison. (Am. by ORD-17-00030, 3-8-17)

(e) Novelty lighters have been the cause of many personal injuries to children and adults and to property damage throughout the United States.

(f) The Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety.

(2) Definitions.

"Lighter" means a mechanical or electronic device that ignites a flame, typically used for lighting tobacco products.

"Novelty Lighter" means a lighter which is especially attractive to children due to a toy-like design. This includes, but is not limited, to lighters that depict or resemble cartoon characters, toys, weaponry, household products, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features.

(3) Ban on Sale. The retail sale, offer of retail sale, gift or distribution of any novelty lighter is prohibited.

34.06 CAUSING FIRE BY NEGLIGENCE.

(1) It shall be unlawful for any person whose negligent or reckless behavior results in a fire to any property, any part of land or any part of a building so as to endanger life or property in any way or to any extent.

(2) Exception. It is not a violation of this section if the fire is contained within the cooking device.

(3) Penalty. Any person who violates any of the provisions of this section may be subject to a forfeiture of up to five thousand dollars ($5000).

(Cr. by ORD-12-00001, 1-10-12)

34.104 INTERFERENCE WITH FIREFIGHTING.

(1) It shall be unlawful for any person to knowingly obstruct any firefighter in the performance of duties relating to an emergency or rescue.

(2) It shall be unlawful for any person to give or cause to be given any false request for fire personnel.

(3) It shall be unlawful to interfere with the proper function of a fire alarm system.

(4) It shall be unlawful to interfere with the lawful efforts of a firefighter to extinguish a fire.

(5) No person shall offer any hindrance or resistance to a firefighter in the discharge of the firefighter's duty.

(6) No person shall drive any vehicle over or across a fire hose.

(7) No person shall in any manner injure or interfere with any hose, fire engine, or other fire apparatus belonging to the City.

(8) No person shall drive or operate any automobile or other vehicle over any portion of any street or alley occupied by the engines, auto trucks or other vehicles or apparatus of the Fire Department when engaged in extinguishing a fire unless precaution is taken so as not to do any injury to any property or apparatus of the Fire Department or interfere with the operation of the same.

(9) Any person who violates this section shall forfeit up to one thousand dollars ($1000).

34.105 LICENSES AND PERMITS.

The following requirements are in addition to the requirements found in IFC section 105:

(1) All licenses shall not be transferable and any change in equipment, ownership, use or occupancy of premises shall require a new license.

(2) All permits referenced in this section and IFC section 105 will be called licenses and shall comply with the requirements found in this section.

(3) Applications required under IFC section 105.2 shall be filed with the City Clerk not the Chief.

(4) All applications must be submitted thirty (30) days prior to commencing the prescribed activities. All applications shall be acted upon promptly. The Chief shall within fifteen (15) business days from the receipt of an application, either issue the requested license or state to the applicant the reasons for not issuing it.

(5) Licenses shall be valid so long as the original conditions of their issuance are maintained, but shall not exceed one (1) year unless specifically provided. The term of each annual license shall be from July 1 to June 30 of the next year. Licenses for a part of a year may be issued, expiring on June 30. Licenses issued for a period of three (3) months to one (1) year shall be subject to the entire applicable fee.

(6) A fee of one hundred dollars ($100) shall be made for each license under this section, except as listed in this section or as specified elsewhere in this code, payable to the City of Madison.

(7) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee.

Payment of a late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failing to possess or obtain a license. (Am. by ORD-12-00143, 11-12-12)

(8) No license shall be issued to minors.

(9) The Chief may revoke any license, issued under this code where any condition of issuance has not been complied with or maintained or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The Chief shall promptly notify the license holder of the revocation. The license holder may appeal the Chief's decision to the Board. Such revocation shall be in effect pending the decision of the Board, and the license holder shall immediately comply with the conditions of revocation.

(10) The IFC section 105.6.30 exception for recreational fires is not included as part of this code. In addition to the requirements found in IFC section 105.6.30, a permit is required for recreational fires. A permit is not required for outdoor cooking, fire in approved outdoor fireplaces, campfires in approved campgrounds and burning related to training for fire departments.

(11) Repair garage license holders shall not be required to obtain a separate flammable and combustible liquids license, as long as the flammable and combustible liquids stored, used or handled are incidental to the repair garage occupancy and are less than one hundred nineteen (119) gallons.

(12) Spraying or dipping license holders shall not be required to obtain a separate flammable and combustible liquids license as long as the flammable and combustible liquids stored, used or handled are used in the operation of the spraying or dipping.

(13) Hazardous materials license holders shall not be required to obtain additional licenses for the storage, use or handling of flammable and combustible liquids, compressed gases, cryogenic fluids, magnesium and organic coatings.

(14) The following activities shall be required to obtain a license for a specific time period as approved by the Chief, but for no longer than a year.

(a) Open Burning. The license fee for an open burning license under Sec. 34.307 is fifty dollars ($50). (Am. by ORD-14-00139, 8-13-14)

(b) Pyrotechnic Special Effects Materials. An operational permit is required for the use and handling of pyrotechnic special effects materials before a proximate audience or in a motion picture, television, theatrical and group entertainment productions. A permit is required for each display. The permit fee is two hundred and fifty dollars ($250). All use and handling of pyrotechnic special effect materials shall comply with the requirements found in IFC section 105.6.36, IFC chapter 56 and Sec. 34.5608, MGO. (Am. by ORD-13-00102, 6-12-13; ORD-14-00139, 8-13-14)

(c) Fire Performance Art as defined Sec. 34.308(2)(a) - the license shall comply with Sec. 34.308(2)(e). (Cr. by ORD-14-00032, 2-18-14)

(15) A permit is required for special events or use of the common area of a covered mall including but not limited to the display of goods, retail sales displays, fashion shows, art shows, motor vehicle displays and holiday events. A detailed floor plan drawn to scale of the area to be used shall be submitted with the permit application. The plan shall show the location of all assembly seating areas, stages, booths, displays, exhibits and demonstrate compliance with the means of egress system requirements of Wis. Admin. Code chs. SPS 361 to 365. (Am. by ORD-12-00035, 3-28-12)

(16) Fireworks Permits.

(a) Recreational Fireworks Sellers Permit. A permit is required for the retail sales of recreational fireworks under Sec. 34.5601. The fee for this permit shall be one hundred dollars ($100).

(b) Fireworks Event Permit. A permit is required for a fireworks event under Sec. 34.5608(5). The permit fee is two hundred and fifty dollars ($250).

(c) Fireworks Shooters Permit. A permit is required for the possession or public display of fireworks under Sec. 34.5608(6). The fee for this permit shall be two hundred and fifty dollars ($250).

(Cr. by ORD-14-00139, 8-13-14)

(17) The following exceptions are in addition to the exceptions found in IFC section 105.6.43 - tents or canopies used for retail sales adjunct to a business; however a building permit is required. Funeral tents and curtain or extensions attached thereto, when used for funeral services. (Renum. by ORD-14-00139, 8-13-14)

(18) The requirements of the following IFC subsections are not included as part of this code:
Section 105.1.3 Permits for same location
Section 105.6.4 Carnivals and fairs
Section 105.6.13 Exhibits and trade shows
Section 105.6.15 Fire hydrants and valves
Section 105.6.16 Flammable and combustible liquids - omit 1., 4., 6., and 7.
Section 105.6.17 Floor finishing
Section 105.6.18 Fruit and crop ripening
Section 105.6.19 Fumigation and thermal insecticidal fogging
Section 105.6.23 Hot work operations
Section 105.6.24 Industrial ovens
Section 105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings
Section 105.6.27 LP-gas
Section 105.6.31 Open flames and torches
Section 105.6.29 Miscellaneous combustible storage
Section 105.6.32 Open flames and candles
Section 105.6.35 Private fire hydrants
Section 105.6.38 Refrigeration equipment
Section 105.6.40 Rooftop heliports
Section 105.6.44 Tire-rebuilding plants
Section 105.7 Required construction permits
(Am. by ORD-13-00102, 6-12-13; Renum. by ORD-14-00139, 8-13-14)

34.202 DEFINITIONS.

The following definitions are in addition to the definitions in IFC section 202:

(1) "Board" means the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals.

(2) "Chief" means the Chief of the Madison Fire Department and the Chief's designee.

(3) "Code" means Chapter 34 of the Madison General Ordinances.

(4) "Code Official" means the Chief of the Madison Fire Department.

(5) "Department" or "Fire Department" means the City of Madison Fire Department.

(6) "IFC" means the *International Fire Code*® as adopted and amended by this code.

(7) "Individual" means an owner, person or licensee.

(8) "Inspector" means Fire Inspector, Fire Code Enforcement Officer, Fire Prevention Officer, Fire Protection Engineer, Fire Marshal, Firefighter or other Fire Department personnel authorized by the Chief to perform the duties of administration and enforcement of this code.

(9) "License" shall also include a permit.

(10) "Licensee" shall mean all individuals required to obtain a license under this code.

(11) "NFPA" means the National Fire Protection Association.

(12) "Owner" means every person, firm, partnership or other person having the ownership, control, custody or management of any property.

(13) "Permit" shall also include a license.

(14) "Person" means every owner and licensee.

(15) "SPS" means Wisconsin Department of Safety and Professional Services.
(Am. by ORD-12-00035, 3-28-12)

34.304 COMBUSTIBLE WASTE.

The following requirements are in addition to the requirements found in IFC section 304:

(1) Accumulation of Combustible Waste:
  (a) Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises and whenever necessary to prevent unsafe, uncontained accumulations.
  (b) Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or refuse of any kind, except as permitted in Sec. 7.361, MGO.
  (c) No person shall place, deposit, dump or otherwise dispose of hazardous material, combustible waste, refuse or rubbish in or on any street, alley, public sidewalk or public place except as permitted in Sec. 10.18, MGO.

(2) IFC section 304.1 is modified to read: Waste accumulation prohibited. Combustible waste material, including confidential material intended for destruction, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

(3) The following exception is in addition to the exceptions in IFC section 304.3.3: Dumpsters and containers constructed of noncombustible material with lids constructed of noncombustible material may be placed within five (5) feet of combustible walls, openings or combustible roof eave lines.

(4) Refuse shall be in approved bins equipped with covers and doors in a closed position except while filling or emptying.

(5) Interior storage prior to collection in apartment buildings:
  (a) Refuse storage in excess of one (1) cubic yard for more than twenty-four (24) hours shall be in rooms constructed in accordance with Sec. 29.20(8)(c), MGO and shall be of sufficient size to store all refuse generated prior to removal.
  (b) All refuse shall be removed at least once each week.
  (c) Refuse holding rooms shall not be used for any other purpose.

34.307 LICENSE REQUIRED FOR OPEN BURNING.

The following requirements are in addition to the requirements found in IFC section 307:

(1) In addition to authorization from the Chief, a license must be obtained in accordance with Secs. 7.45 and 34.105(14)(a), MGO.

(2) Open burning is not permitted without a license. The burning of rubbish, leaves, construction waste, and other similar material is prohibited.

(3) No person shall kindle a recreational fire upon the land of another without the permission of the owner.

(4) IFC section 307.4.3 shall be replaced with the following language: outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed without a license, as long as the following conditions are met: (Am. by ORD-13-00102, 6-12-13)
  (a) Fireplaces shall include a bowl with supports to ensure clearances to combustibles;
  (b) Pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;
  (c) Fireplaces or pits shall not be used within fifteen (15) feet of a building or lot line;
  (d) Fireplaces or pits shall be used on a stable level surface;
  (e) Fireplaces or pits shall not be used on any combustible deck, porch or patio;
  (f) Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned;
  (g) If the fireplace is a propane unit, only propane shall be burned;
  (h) The smoke from the fireplace or pit shall not create a nuisance;

(i) A fire extinguisher, garden hose or other method of fire control shall be readily available;

(j) The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;

(k) Fireplaces or pits shall not be operated when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR); and

(l) Manufactured outdoor fireplaces and pits shall be operated in accordance with the manufacturers assembly, safety and operating instructions.

(5) IFC Section 307.4.1 shall be replaced with the following language and a bonfire is permitted if:

(a) In addition to authorization from the Chief, a license must be obtained in accordance with Sec. 34.105(14)(a), MGO. As a condition of the license, the applicant shall agree to indemnify, defend and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the license was granted;

(b) The applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars ($1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case-by-case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, nonrenewal or material change in the policy. The applicant shall provide the Certificate of Insurance described above at the time of submitting the bonfire license application required in sub. (a);

(c) The applicant shall contact the Chief one (1) month prior to the scheduled bonfire and provide the chief with the date, time, location and duration of the bonfire. If the Chief determines for safety reason fire personnel must be present during the entire bonfire, then two (2) weeks prior to the bonfire the Chief shall provide the applicant with an expense accounting of the event. If needed for safety reasons, the Chief shall arrange for a fire crew of four (4) firefighters and one firefighter vehicle to be at the bonfire during the entire event. The applicant shall post this monetary expense with the City Treasurer one (1) week prior to the bonfire. Failure to timely post this monetary amount will result in the revocation of said bonfire license;

(d) The bonfire does not exceed eight (8) feet in diameter;

(e) The height of the wood to start the bonfire does not exceed six (6) feet;

(f) Only dry wood is permitted to be burned in bonfires. If trees are burned they may only have minimal branches, needles and leaves attached to them. No trash, yard waste, brush, flammable or combustible liquids or other materials shall be burned;

(g) The bonfire must be placed on a non-combustible surface, such as dirt, rocks or concrete;

(h) The smoke from the bonfire shall not create a nuisance;

(i) The bonfire shall not be within fifty (50) feet of a building or lot line;

(j) The bonfire shall not be within fifty (50) feet of other combustibles, such as trees, wooded areas, natural lawns, brush. Except if the lawn is mowed and is less than six (6) inches high.

(k) Other than when igniting or extinguishing the bonfire, individuals are not permitted to be within eight (8) feet of the bonfire;

(l) The bonfire must be supervised at all times by a responsible adult. The bonfire must be completely extinguished, including all embers, before it is left unsupervised; and

(m) The bonfire shall not be ignited or maintained when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources (DNR).

(Sec. 34.307(5) Cr. by ORD-13-00103, 6-12-13)

34.308 OPEN FLAMES.

The following is in addition to the requirements in IFC chapter 308:

(1) IFC section 308.1.4 shall be amended to remove Exception three (3). (Am. by ORD-13-00104, 6-12-13)

(2) Fire Performance Art.

(a) General. Fire Performance Art is defined as any act in a public or private place, including street fairs, and outdoor public gatherings which utilizes fire as part of a theatrical or artistic performance or other form of live entertainment. This includes fire juggling, fire eating, fire dancing and other attended manually controlled fire effects. These acts do not include pyrotechnics or other open flame devices or effects as regulated by other code sections or permits.

(b) Fire performance artist and spotters shall;

1. Be at least eighteen (18) years of age or otherwise be under the direct supervision of a permit holder under this section.
2. Have valid state issued photo identification and fire performance permit readily accessible at each performance.

(c) Permits. As specified in Sec. 34.105 a permit shall be secured from the fire code official prior to the date of the fire performance art taking place.

1. Anyone applying for a permit under this section must be at least eighteen (18) years of age.
2. Fire performance artists shall obtain a Fire Performance Art Permit that will be valid only for the duration of the performance or event. Additional locations will be required to have separate permits.
3. A written letter signed by the property owner or their representative authorizing the fire art performance. The letter clearly indicating the site address, business name (if any) printed name/title of person signing the letter and current contact information of the building owner or representative.
4. Included with the permit application shall be;
   a. A $50 (fifty dollar) application fee, per event or contracted performance location not to exceed sixty (60) days.
   b. A copy of the performers and spotter's names and photo ID.
   c. A site plan of the venue including dimensions of the performance area, seating, equipment layout, rooms, aisles and exits.
   d. Adequate ventilation for the number of ignited fire effects and duration of the production so to prevent the creation of a nuisance or a hazard.
   e. Every public display permittee shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars ($1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insured's. It shall also provide that the City receive written notice thirty (30) days prior to any

cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

f. Permits must be received thirty (30) days prior to the initial request performance to accommodate plan review and a site visit, prior to issuing a permit.

g. The Chief may prohibit or terminate the use or display of fire performance art when in the opinion of the Chief atmospheric conditions or local circumstance make such use or display a fire hazard or other hazard to public safety.

(d) Space Considerations. All performances shall maintain a minimum ten-(10) foot distance between the fire-involved item and the any member of an audience, any combustible decoration, and any combustible item within the immediate performance area.

1. All indoor fire performance art shall be conducted only in buildings with an approved fire sprinkler system.
2. Indoor performances require a minimum ten-(10) foot ceiling height.

(e) Extinguishing Agents. At minimum of one (1) 2A-10BC multipurpose fire extinguisher shall be required for every five (5) performers at each performance. Additional fire extinguishers may be required by the code official based upon the unique circumstances of the performance and occupancy.

1. One wet towel for each active fire performer shall be provided to extinguish fire implements. The towel shall be white in color to differentiate its use from other colors that may be used to clean up flammable or combustible liquid spills. Towels used for cleaning up flammable or combustible liquid spills shall be stored in a metal container with a tight fitting lid.
2. One listed fire blanket shall be provided for every five (5) performers.
3. Personal Safety. A five-(5) gallon open-topped bucket of water will be provided for each fire performance area.
4. Spotter. One trained spotter shall be provided for each performance. The spotter shall be positioned between the active fire performer and the audience. Spotters should be trained in the proper use of fire extinguishers. The spotter may be a performer who is not engaged in the current performance. The fire code official may require additional spotters based on the unique circumstances of the performance and occupancy.

(f) Fuels.

1. Approved common fuels used for fire performance art include:
   a. Denatured Alcohol;
   b. Lamp Oil (odorless and smokeless);
   c. Kerosene (For outdoor performances only) Stove Fuel;
   d. "Shell Sol T" brand fuel;
   e. "Allume Fue" brand fuel;
2. "Fire Water" brand fuel Gasoline is prohibited under any circumstances.

(g) Fuel Quantities and Storage. All fuels shall be stored in their original container(s) with the caps in place when not in use. The maximum quantity of fuel on the site shall be one (1) U.S. gallon per performer.

(h) Wicks. Wick material shall consist of cotton wrapped in Kevlar to prevent the breakdown of the cotton as it burns. Synthetic wick material shall be avoided.

(i) Clothing. It is recommended that the clothing worn by the performers be made of fire resistive materials such as natural fibers or Nomex™/PBI.

(j) Smoking. Smoking is prohibited by within fifty (50) feet of the performance area and fuel storage. No smoking signs shall be posted accordingly.

(Sec. 34.308 Am. by ORD-14-00032, 2-18-14)

34.313 FUELED EQUIPMENT.

The following requirements are in addition to the requirements found in IFC section 313:

(1) Small engine power equipment fueled by a flammable or combustible liquid shall be kept outside of a public building or in a garage.

(2) It shall be unlawful to keep or store small engine power equipment fueled by flammable or combustible liquid inside of a public building, unless:

(a) The fuel tank is drained;

(b) The fuel tank is vented to the outside for fifteen (15) minutes prior to placing the equipment in the building;

(c) The spark plug(s) is disconnected or removed;

(d) No more than four (4) pieces of fueled equipment are stored within the building;

(e) The equipment is not within a mechanical or electrical room; and

(f) The equipment is for on-site maintenance only.

(3) All flammable or combustible fuel shall be stored in accordance with NFPA 30.

34.315 MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE.

(1) The following requirement is in addition to the requirements found in IFC section 315: Outdoor storage of twenty (25) or more Combustible Idle Pallets: Pallet stacks shall not exceed fifteen (15) feet (4.6 m) in height nor shall cover an area greater than five hundred (500) square feet (46.5m^2). Pallet stacks shall be arranged to form stable piles. Piles shall be separated by a minimum of eight (8) feet. Piles shall be a minimum of ten (10) feet from buildings and property lines. (Am. by ORD-11-00004, 1-12-11)

(2) The following exception is added to IFC section 315.2.3: Combustible material may be stored in boiler rooms, mechanical rooms or electrical equipment rooms where in the judgment of the Chief it does not create a fire hazard. Access must be provided to the equipment and the clearances specified by the equipment manufacturer must be maintained.

34.501 FIRE SERVICE FEATURES.

(1) Multiple Address Buildings. The following requirements are in addition to the requirements found in IFC section 501:

When buildings or a complex of buildings are protected with a single or common fire protection system, a fire department connection and fire alarm annunciator shall be provided for each address in a location approved by the Chief. The fire alarm system shall transmit signals for each address to the central alarm station. In addition to the fire protection components, a key box or vault shall be installed for each address in a location approved by the Chief. The Chief may waive any requirements of this section when deemed appropriate.

(2) Fire Wall Identification. The following requirements are in addition to the requirements found in IFC section 501:

(a) For the purposes of this section, fire division wall or occupancy separation wall means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.

(b) All owners shall identify, in accordance with the requirement of this section, the location of a fire division wall or occupancy separation wall at the exterior walls of buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall for the following:

1. Abutting exterior walls of two (2) or more buildings along streets in downtown areas;
2. With a visible parapet from the street;
3. Which extends above roofs and is an exterior wall of another part of a building; and
4. In buildings more than three (3) stories high.

(c) Sign Requirements.

1. General. The sign shall consist of three (3) circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.
2. Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one half (1½) inches, but no greater than two (2) inches.
3. Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be twelve (12) inches.
4. Color. The color of the circle shall be either red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
5. Location. The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve (12) inches below the eave, roof edge, fascia or parapet.

34.503 FIRE APPARATUS ACCESS ROADS.

(1) Fire Access Roads on Public or Private Property Devoted to Public Use.

The following requirements are in addition to the requirements found in IFC section 503:

(a) The marking of fire access roads on public property or private property devoted to public use shall be approved by the Chief.

(b) Obstructing fire access roads shall be prohibited at all times, including the accumulation of snow.

(c) Fire access roads shall be established on public property or private property devoted to public use where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles, personnel and equipment for the protection of persons and property.

(d) At least two (2) exterior walls of each building shall be available for Fire Department access. The Chief may consider alternative designs that ensure adequate access for fire apparatus, equipment and personnel.

(2) Surface of Fire Apparatus Access Roads.

The following requirements are in addition to the requirements found in IFC sections 503.2.3 and 503.2.5:

(a) Fire access roads shall be designed to support the imposed loads of fire apparatus and shall be constructed of asphalt or concrete.

(b) Section 503.2.5 is hereby amended to add an exception. Exception: The fire chief is authorized to increase the dimension of one hundred fifty (150) feet to three hundred (300) feet where the dead end fire lane is geometrically straight between the point of two (2) access ways and the terminal end of the fire lane.

(Am. by ORD-14-00004, 1-14-14)

(3) Grade of Fire Apparatus Access Roads.

The following requirements are in addition to the requirements in IFC section 503.2.7: The grade shall not exceed a slope of eight percent (8%).

(4) Aerial Fire Apparatus Access Roads.

The following requirements are in addition to the requirements found in IFC:

(a) IFC Appendix D105.

(b) Section D105.2 is hereby amended to include an additional sentence. The last fifty (50) feet of dead-end aerial fire apparatus access may be twenty (20) feet wide or greater. (Cr. by ORD-13-00102, 6-12-13)

(c) Section D105.3 is hereby amended to include an exception. Exception: The Fire Chief is authorized to approve alternate access roads where the route(s) are parallel to at least twenty-five percent (25%) of the building perimeter. Each segment of access road used to meet the twenty-five percent (25%) of the building perimeter must be at least forty-five (45) feet in length, without overhead obstructions.

(Sec. 34.503(4) Cr. by ORD-11-00004, 1-12-11; Am. by ORD-14-00004, 1-14-14)

34.505 PREMISES IDENTIFICATION.

In IFC section 505.1, the words "or alphabetical letters" are not included as part of this chapter. (Am. by ORD-13-00102, 6-12-13)

34.507 FIRE PROTECTION WATER SUPPLY.

The following requirements are in addition to the requirements found in IFC section 507:

(1) Fire Protection Water Supply and Fire Hydrants.

(a) Private fire hydrants and water mains shall be installed in accordance with NFPA 24, and Sec. 702.4 of the latest edition of the City of Madison Public Works Department "Standard Specifications for Public Works Construction." Private fire hydrants and water mains shall be maintained in accordance with NFPA 25.

(b) Plans shall be submitted to the Chief for review to determine compliance with the applicable standards prior to the installation of private fire service mains and fire hydrants. The Chief shall act upon such applications within fifteen (15) days of receipt. Denials of such applications may be appealed to the Board. Exception: Plans for private fire service mains that do not supply a fire hydrant do not have to be submitted under this subdivision, if said plans for private fire service mains have been submitted, approved, and inspected by the City of Madison Building Inspection Division. (Am. by ORD-11-00152, 11-8-11)

(c) Global Positioning System (GPS) coordinates of private fire hydrants shall be established and submitted to the Chief prior to final inspection. (Cr. by ORD-11-00153, 11-8-11)

(d) All portions of the required fire apparatus access roads for newly constructed public buildings and places of employment and open storage of combustible materials shall be within five hundred (500) feet of at least two (2) fire hydrants. Hydrant spacing shall not exceed five hundred (500) feet between any two (2) hydrants. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within five hundred (500) feet of at least one (1) fire hydrant. On new streets hydrants shall also be located at the intersections and the end of dead end streets. Distances shall be measured along the path of the hose lay. Hydrants shall not be located where the hydrant is not accessible to fire apparatus.

Private fire hydrants shall not be located in the public right of way. Hydrant requirements in accordance with this standard may be met with existing public or private hydrants. The Chief may approve alternative locations and spacing of fire hydrants provided hydrants meet the fire suppression tactical needs of the Fire Department. (Am. by ORD-11-00004, 1-12-11)

(e) Fire hydrants shall not be located within forty (40) feet of any building. Fire hydrants shall be no more than ten (10) feet and no less than five (5) feet from the curb or edge of the fire access road. Parking lot islands shall be a minimum of three and half (3 ½) feet from the center of the hydrants to the curb.

(f) Minimum Flow and System Design.

1. Private fire service mains serving fire hydrants shall be the same size as the public mains supplying the private water system unless hydraulically calculated to provide the minimum required flow and pressure in accordance with nationally recognized standards. In all cases, mains serving fire hydrants do not need to exceed ten (10) inches but shall be at least six (6) inches in diameter. Alternative designs, based on nationally recognized standards for calculating fire flow demands, may be approved by the Chief. If the minimum flow and pressure requirements cannot be supplied by a private water supply system, the owner may be required to install a water reservoir and pressure boosting system or a public water supply system and/or multiple points of connection to the public water main(s).
2. Control valves shall be provided to limit the number of private hydrants affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than eight hundred (800) feet intervals. Valves shall be provided in each hydrant lead.
3. All hydrants shall be positioned so the largest outlet faces the fire access road.
4. The center of the lowest outlet cap of fire hydrants shall be at least eighteen (18) inches above grade and not more than twenty-four (24) inches above grade.

(g) Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade of land, vegetation, snow accumulation or other obstruction of vision, the Chief may require such fire hydrants to be identified and marked with above grade markers. Above grade markers are any devices, approved for use by the Chief, designed to promote and enhance the ready identification of fire hydrant locations.

(h) No obstructions, including but not limited to power poles, trees, bushes, fences or posts may be located within five feet of a fire hydrant. Grade changes exceeding one and one-half (1½) feet are not permitted within five (5) feet of a fire hydrant or hydrant lead.

(i) Property owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant(s) located on their property, including the terrace area.

(j) Fire hydrants shall be installed and in-service prior to combustible construction.

(k) Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather resistant bag which indicates the hydrant is not useable. The Fire Prevention Division shall be immediately notified when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within forty-eight (48) hours except as otherwise approved by the Chief.

(l) Annual inspection, testing and maintenance shall be submitted as required in Sec. 34.03, MGO.

(Secs. 34.507(1)(c) - (k) Renum. (d) - (l) by ORD-11-00153, 11-8-11)

(2) Mobile Home Parks.

Any mobile home park created or modified after August 1, 2002, shall have an approved fire protection water supply system. The system shall include water mains, fire hydrants and appurtenances in accordance with this code. Approved fire hydrants shall be installed so that every lot or structure in the mobile home park is within five hundred (500) feet of a hydrant. Materials and equipment used must meet the standards, rules and regulations of the Madison Water Utility.

34.508 FIRE COMMAND CENTER.

The following requirements are in addition to the requirements found in IFC section 508.1.5, item 5:

The status indicators and controls for air-handling systems required in subsection 5., shall be provided on the fire-fighters control panel, with the appearance and performance required in IFC section 909.16.

(Am. by ORD-11-00004, 1-12-11; ORD-13-00102, 6-12-13)

34.603 FUEL-FIRED APPLIANCES.

The following language is substituted for IFC section 603.4:

Portable unvented fuel-fired heating equipment is prohibited, except during construction or demolition of a building as allowed under IFC section 1403.

34.604 EMERGENCY AND STANDBY POWER SYSTEMS.

(1) The following language is in addition to IFC section 604.1.1:

Where an emergency or standby power supply system is required by this code, that power shall be supplied by an on-premise generator with an onsite fuel supply source, except when determined by the Chief not to be necessary for safety purposes.

(2) In IFC section 604.2.14.1.1, the exception for the use of pipeline natural gas as the fuel supply for the generator is not included as part of this code.

34.605 ELECTRICAL EQUIPMENT.

The following requirements are in addition to the requirements found in IFC section 605:

(1) Extension Cords and Relocatable Power Taps.

(a) Definitions.

"Extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.

"Relocatable power tap" means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which one or more receptacles are mounted. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.

(b) Listing. Extension cords and relocatable power taps shall be listed by an approved nationally recognized testing agency.

(c) General Requirements.

1. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
2. Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.

(d) Ampacity. The current carrying capacity of the extension cord or relocatable power tap may not be exceeded.

(e) Use of Extension Cords and Relocatable Power Taps.

1. Except as provided in subdivision (1)(c), extension cords and relocatable power taps may not be multiplied or plugged into one another.
2. Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in Wis. Admin. Code ch. SPS 316. (Am. by ORD-12-00035, 3-28-12)
3. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
4. Relocatable power taps are permitted only with portable electronic equipment such as audio-visual equipment, computers and peripheral equipment.
5. Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.

(f) Physical Protection.

1. Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.
2. Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.

34.703 FIRE-RESISTANCE-RATED CONSTRUCTION.

In addition to the requirements found in IFC chapter 703, all records for inspecting, testing and maintenance must be filed according to the requirements found in Sec. 34.03, MGO.

34.806 DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS.

The requirements of IFC section 806.1.1 do not apply to natural cut seasonal holiday trees.

34.903 AUTOMATIC SPRINKLER SYSTEMS.

(1) The following requirements are in addition to the requirements found in IFC section 903.3.5:

Automatic sprinkler systems shall provide a minimum safety factor of ten percent (10%) or 5 psi, whichever is greater, in the fire protection system hydraulic calculations below the water supply curve.

(2) The following language is substituted for IFC section 903.4.2:

Approved audible and visual notification devices shall be connected to every automatic sprinkler system. Such notification devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building located above the fire department connection. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(3) Records for the inspecting, testing and maintenance of automatic sprinkler systems shall be kept in accordance with Sec. 34.03, MGO.

34.904 COMMERCIAL COOKING SYSTEMS.

(1) The following requirements are in addition to the requirements found in IFC section 904.11.6:

Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in Wis. Admin. Code chs. SPS 361 to 365.

(2) The following language is substituted for IFC section 904.11.6.2:

Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after every activation of the system. Inspection shall be by qualified individuals and a certificate of inspection shall be maintained and made available to the Chief upon request.

34.906 FIRE EXTINGUISHERS.

The following requirements are in addition to the requirements in IFC chapter 906:

(1) Substandard Extinguishers Prohibited.

The Chief shall order the removal, repair or testing of any fire extinguisher that has been found to be a danger. It shall be unlawful to allow any fire extinguisher to remain on the premises for which the Chief has ordered the removal thereof.

(2) Recharging of Extinguishers.

All fire extinguishers shall be recharged at periodic intervals so as to be maintained in continuous effective operating condition in accordance with the applicable standard specified in this code. Records kept regarding the inspection, testing and maintenance of fire extinguishers shall be kept in accordance with Sec. 34.03, MGO.

(3) Licensed Contractors Required.

Only qualified persons who have obtained a license in accordance with Sec. 34.105, MGO for such work shall do the recharging and servicing of fire extinguishers. The Chief shall issue such license after examination of the applicant, to make sure the applicant understands the requirements for recharging.

34.907 FIRE ALARM AND DETECTION SYSTEMS.

(1) Smoke Alarms. Buildings built before 2009 shall comply with this section, all buildings built after 2009 shall comply with IFC section 907.

(a) Definitions. For the purposes of this section, the following terms are defined as follows:

"Residential building" means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.

"Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.

"Smoke alarm" means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device. Smoke alarms may use either photoelectric or ionization sensing technology.

"Smoke detector" means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.

"Tenant" means an individual with a residential rental agreement whether written or verbal with the owner of the property.

(b) Required Installation.

1. On August 15, 2009 all residential buildings, except owner-occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
   a. A smoke alarm with two (2) independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.
   b. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
2. On August 15, 2009 all owners of residential buildings, except owner-occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six (6) feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.
3. If the residential building has smoke alarms powered by the building's commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer's instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
4. Owner-Occupied Single Family Homes. It shall be the responsibility of the owner of an owner-occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
5. Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
6. Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.

(c) Maintenance of Smoke Alarms.

1. Replacement of Batteries.
   a. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
   b. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
2. The owner of any residential building shall provide all tenants with the manufacturer's maintenance and testing instructions.
3. Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
4. The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of sub. (2)(a).

5. Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.

6. Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a)1.

7. The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.

8. No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.

(d) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.

(e) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).

(f) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.

(2) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.

This is a Charter Ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

(Cr. by CHA-14-00002, 3-26-14, Eff. 5-25-14)

(3) Alarm Notification Appliances. In IFC section 907.5.2.1.1 the sentence is in addition to: The minimum sound pressure levels shall be: 75dBA in occupancies in Groups R and in I-1; 90 dBA in mechanical equipment rooms and 70dBA in other occupancies. (Renum. by CHA-14-00002, 3-26-14, Eff. 5-25-14)
(Am. by ORD-13-00102, 6-12-13)

(Sec. 34.907 Am. by ORD-11-00004, 1-12-11)

34.914 RESERVED FOR FUTURE USE. (Rep. by ORD-13-00102, 6-12-13)

34.1001 ADMINISTRATION.

(1) In IFC section 1001 the phrases "Section 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings." are not included as part of this code.

(2) The following language is in addition to IFC section 1001:

1001.3 Existing Buildings. Sections 1003 through 1030 shall apply to existing buildings.

Exceptions: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the Chief, they do not constitute a hazard to life.

34.1004 OCCUPANT LOAD.

The Department is not required to follow IFC section 1004.2 regarding increased occupant load.

34.1022 EXIT ENCLOSURES.

The lettering size of the signage requirements found in IFC section 1022.8.1 is substituted as follows:

(1) The signs shall be a minimum of 17 inches (431 mm) by 11 inches (279 mm).

(2) The letters designating the identification of the stair enclosure shall be a minimum of 1 inch (25 mm) in height.

(3) The number designating the floor level shall be a minimum of 3½ inches (88 mm) in height and located in the center of the sign.

(4) All other lettering and numbers shall be a minimum of ¾ inch (19 mm) in height.

34.1028 ASSEMBLY.

The following exception is added to the exceptions found in IFC section 1028.12:

Seats not fastened to the floor are permitted for companions of a person with a disability.

34.1100 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS.

Chapter 11 of the IFC are not included as part of this code.

(Am. by ORD-13-00102, 6-12-13)

34.5003 HAZARD IDENTIFICATION SIGNS.

The following requirements are in addition to the requirements found in IFC section 5003.5:

(1) Hazardous Material Identification.

(a) Identification Signs Required. Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain hazardous materials shall be identified with signs in accordance with this section. Signs shall be maintained at all times and shall be located as directed by the Chief. Signs shall be durable, weather resistant and unobstructed.

(b) Exemptions. The following are not required to be identified with a sign:

1. Buildings used primarily for a retail trade activity that do not store or sell hazardous materials in quantities to present hazard to first responders.
2. Doors that directly access a laboratory shall be identified with a notice at least eight and a half (8½) inches by eleven (11) inches in size. The notice shall contain at least the laboratory emergency information as specified in Table A.

(c) Building Identification. A sign at least two and a half (2½) inches square with no numbers shall be conspicuously placed on or near all of the exterior building exit doors to identify the building to the Fire Department as a labeled building. A sign at least seven and a half (7½) inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.

(d) Room Identification. Doors that directly access a room or area that contains a hazardous material shall be identified with a numbered sign at least seven and a half (7½) inches square. In any room or area that has more than one hazardous material, the sign shall list the highest number of the most hazardous material for each hazard. The sign shall be placed on the door or as designated by the Chief.

(e) Above Ground Tank Identification. A sign at least seven and a half (7½) inches square with the required identification numbers shall be placed on each individual tank in such a manner so that the sign is clearly visible on two (2) sides.

(Am. by ORD-13-00102, 6-12-13)

TABLE A
LABORATORY EMERGENCY INFORMATION

Department:	**Room:**	**Date of Latest Update:**
Supervisor Responsible for Lab.:	**Office Phone:**	**Home Phone or 24 hr. access:**
Alternate Contact:	**Office Phone:**	**Home Phone or 24 hr. access**
Alternate Contact:	**Office Phone:**	**Home Phone or 24 hr. access**
Building Emergency Coordinator:	**Office Phone:**	**Home Phone or 24 hr. access**
Alternate Contact:	**Office Phone:**	**Home Phone or 24 hr. access**

BIOHAZARD			CHEMICALS	RADIATION	
Biosafety Level 1 ☐ Low	**Pathogens:**		☐ Flammable Liquid	☐ Laser	**Classification of Radiation:**
Biosafety Level 2 ☐	☐ None		☐ Air/Water Reactive	☐ Irradiator	☐ Radioactive I
Biosafety Level 3 ☐	☐ Human		☐ Toxic/Carcinogen	☐ Radiation Sealed Source	☐ Radioactive II
Biosafety Level 4 ☐ High	☐ Animal		☐ Corrosives	☐ Radioactive Materials	☐ Radioactive III
None ☐	**Toxins:**		☐ Gas Cylinder	☐ Radioactive Waste	☐ None
	☐ Yes ☐ No		☐ Oxidizing Material	**Other:**	
	Other:		☐	☐	
	☐		☐	☐	
	☐				
Special Fire Control Agent: ☐ Yes ☐ No			**Special Fire Control Agent** ☐ Yes ☐ No	**Special Fire Control Agent** ☐ Yes ☐ No	
Special Spill Control Agent: ☐ Yes ☐ No			**Special Spill Control Agent:** ☐ Yes ☐ No	**Special Spill Control Agent:** ☐ Yes ☐ No	
Location:			**Location:**	**Location:**	

Nearest Safety/Contamination Shower Location:
Additional Information:

34.5601 RECREATIONAL FIREWORKS. (Am. by ORD-14-00139, 8-13-14)

The following requirements are in addition to the requirements found in IFC Chapter 56:

(1) Recreational Fireworks means the following:

(a) A cap containing not more than one-quarter (¼) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct body contact with a cap when it is in place for explosion.

(b) A toy snake that contains no mercury.

(c) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or one quarter (¼) inch in outside diameter which does not contain magnesium, chlorate or perchlorate.

(d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (¼) grain of explosive mixture.

(e) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.

(2) The following exceptions are additional exceptions to the requirements in IFC section 5601.1.3:

The retail sales, storage, handling and use of recreational fireworks as specified in this section are permitted.

(3) The following requirements are in addition to the requirements in IFC section 5601.2:

(a) As specified in Sec. 34.105, MGO, a permit is required for the retail sales of recreational fireworks.

(b) An application for a permit for the sales of recreational fireworks shall be made in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify:

1. The name and address of the permit holder;
2. The date on and after which sales or offers to sell shall be made;
3. The kind, quantity, and location of each device to be offered for sale.

(4) Storage and Handling. The following requirements are in addition to the requirements in IFC section 5704.1:

(a) A person who stores or handles fifty pounds (50 lbs) or more of recreational fireworks shall immediately notify the Chief of the location, description and quantity of the recreational fireworks.

(b) No person may store recreational fireworks within one hundred (100) feet of a dwelling.

(c) No person may store recreational fireworks within one hundred (100) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(5) The Chief may seize, at the expense of the owner of recreational fireworks that is stored, handled, sold, possessed or used by any person in violation of this code. Such seized products shall be destroyed after conviction for a violation and other returned to the owner.

(Am. by ORD-13-00102, 6-12-13)

34.5608 NON-RECREATIONAL FIREWORKS.

(1) Applicability. The requirements in this Section are in addition to those incorporated herein by IFC section 5608. If these requirements differ with those set forth in IFC section 5608, these requirements are applicable.

(2) Definitions. In this Section the following definitions shall apply:

(a) Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or

detonation that meets the definition of Fireworks as set forth in IFC section 202. This term does not include recreational fireworks, which are subject to Sec. 34.5601.

(b) Fireworks Event means any occasion or occurrence, or series of occasions or occurrences, that includes the public display of fireworks.

(c) Public Display means the use of fireworks or pyrotechnics in a setting where the discharge is for public or private entertainment purposes.

(d) Pyrotechnic Special-Effect Material means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration or detonation. Such a chemical mixture predominantly consists of solids capable of producing a controlled, self-sustaining and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of these effects.

(3) Prohibitions.

(a) Fireworks Displays Prohibited. The public display of fireworks without a fireworks event permit issued under Sec. 34.105(16)(b) and sub. (5) below is prohibited.

(b) Possession or Use of Fireworks Prohibited. No person may possess or use fireworks without a fireworks shooters permit issued under Sec. 34.105(16)(c) and sub. (6) below.

(4) Exclusions. No permit otherwise required under this Section is needed under any of the following conditions:

(a) The possession of fireworks in the City is solely in the course of transportation activities;

(b) The use or sale of blank cartridges; and,

(c) The use or sale of flares for railway signal and motor vehicle emergency warning purposes.

(5) Fireworks Event Permit.

(a) Requirement. A fireworks event permit may be issued by the Chief to allow a person to stage a fireworks event. A permittee shall follow all conditions imposed on the fireworks event permit holder by the Chief under this Subsection. The failure to comply with any such conditions is a violation of this Subdivision.

(b) Permit Application. An application by a person, group, organization or other entity sponsoring, organizing or planning a fireworks event shall be submitted at least sixty (60) days in advance of the date set for the public display of fireworks and shall contain the following:

1. The name and contact information of the person seeking the permit.
2. The address and exact location of the proposed public display.
3. The date and time of the proposed public display, including any potential "rain dates" in the event the proposed public display is delayed due to weather or other public safety concerns.
4. A general summary of the proposed fireworks event and public display.
5. The written permission of the property owner where the fireworks event will occur, an approved or submitted street use permit application for the fireworks event, or an explanation why no such permission of the land owner is necessary.
6. A proposed site plan for the fireworks event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.
7. A security plan for the safekeeping and security of fireworks while they are on-site. The plan must cover the time from when the fireworks arrive in the City until the post-display site survey is completed and all fireworks are

used or properly disposed of. The security plan must include the contact information for any persons or companies that will be responsible for firework security at the event.

8. A preliminary clean-up plan, as set forth below in sub. (c)4.

9. Proof of insurance as required under sub. (10).

(c) Permit Conditions. A fireworks event permit may be issued by the Chief, subject to the following conditions:

1. Shooters Permittee. Within thirty (30) days of the public display, the fireworks event permittee must provide the Chief with the fireworks shooters permit holder who will possess and discharge the fireworks as part of the public display. A fireworks event permit will be void if this information is not timely provided.

2. Time Restrictions. No fireworks shall be discharged after 11:00 p.m., or before 8:00 a.m., unless specifically provided for by the Chief.

3. Public Safety. No fireworks event permit may be granted for any public display where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush. To ensure public safety at the event, the permittee shall work with the shooters permittee to ensure that spectators are located behind an approved secured perimeter by means of barriers, security or safety staffing, posting and/or any other means necessary to keep people out.

4. Clean-Up Plans. Every fireworks event shall have an approved clean-up plan. The goal of a clean-up plan is to minimize the environmental impacts associated with a public display of fireworks. The permittee is responsible for complying with the approved clean-up plan as set forth in this paragraph.

   a. Lake Clean-Up Plan. A public display of fireworks that will occur over a lake or river must comply with an approved lake clean-up plan. The City Engineer shall review the submitted lake clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The lake clean-up plan, as approved by the City Engineer, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the City Engineer.

   b. Park Clean-Up Plan. A public display of fireworks that will occur over a City park must comply with an approved park clean-up plan. The Parks Superintendent shall review the submitted park clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The park clean-up plan, as approved by the Parks Superintendent, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the Parks Superintendent.

   c. General Clean-Up Plan. For a public display of fireworks that will occur over lands not covered by subparagraphs a. and b., the public display must comply with an approved general clean-up plan. The Chief shall review the submitted general clean-up plan and make any modifications necessary to ensure adequate clean-up following the fireworks event. The general clean-up plan, as approved by the Chief, shall be incorporated into the conditions of the permit, and may include post-event reporting requirements as determined by the Chief.

5. Public Safety. The permittee shall be responsible for immediately cancelling or terminating any public display as part of a permitted fireworks event in the interests of public safety should such a cancellation or termination be necessary to ensure the health, safety and welfare of the public, including permittee, permittee's employees, agents, and contractors, spectators, emergency personnel, or any other persons or property that may be placed in substantial risk if the public display were to commence or continue.

6. Special Conditions. The Chief may impose special conditions on a permit as deemed appropriate under the circumstances of the planned fireworks event.

(d) Revocation. If a permittee fails to comply with the permit conditions or fails to follow this Section, the permit may be revoked. In addition, the Chief may determine that, in the interests of the public welfare and public safety, the permittee may not apply for a new fireworks event permit for at least fifteen (15) months.

(6) Fireworks Shooters Permit.

(a) Requirement. A fireworks shooters permit may be issued by the Chief under the procedures set forth in Sec. 34.105 and this Section to allow a person to possess or use fireworks as part of an approved fireworks event. A permittee shall follow all conditions imposed on the fireworks shooters permit holder by the Chief under this Subsection. The failure to comply with any such conditions is a violation of this Subdivision.

(b) Permit Application. An application for a fireworks shooters permit shall be submitted at least thirty (30) days in advance of the date set for the public display of fireworks and shall contain the following:

1. The name and contact information of the person seeking the permit.
2. A resume of experience detailing the applicant's experience in conducting public displays of fireworks.
3. The name of the fireworks event for which the permit is being sought.
4. The address and exact location of the proposed public display.
5. The date and time of the proposed public display.
6. A general summary of the proposed public display.
7. A proposed site plan for the event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.
8. Any additional information needed to demonstrate compliance with NFPA standards.
9. Copies of valid ATF and/or United States DOT licenses allowing the applicant to transport and handle the fireworks that will be used as part of the public display.
10. Proof of insurance as required under sub. (10).

(c) Permit Conditions. A fireworks shooters permit may be issued, subject to the following conditions:

1. Approved Event. A fireworks shooters permit may only be issued for an approved fireworks event. The Chief may consider an application for a fireworks shooters permit at the same time as a fireworks event permit, but a fireworks shooters permit is conditioned upon the existence of a valid fireworks event permit.
2. Authority. The permittee shall inform the Chief of all persons authorized to possess or use fireworks pursuant to the permittee's authority.

3. Standards. A permittee, and all those persons working pursuant to the permittee's authority, must comply with all federal, state and local requirements regarding the safe handling, transportation, storage, use, and disposal of fireworks, explosives, and pyrotechnic special-effect material.
4. Permissible Fireworks.
   a. Authorized Fireworks. A firework shooters permit only authorizes the permittee to possess or use fireworks approved by the United States Department of Transportation as set forth in the American Pyrotechnics Association's Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, as adopted in 68 Fed Reg. 48562 (eff. Oct. 1, 2003) as 49 CFR Part 171.7, as that rule may be updated from time-to-time.
   b. Casings. Plastic shell casings are prohibited, unless authorized by the Chief for safety purposes.
5. Mortar Caps.
   a. Mortars shall be covered to prevent entry of rain and debris and to indicate the shell lifted from the mortar.
   b. Plastic caps shall not be allowed if the event is to discharge near any lake, river, waterway or other area where recovery may be difficult.
6. Time Restrictions. No fireworks shall be discharged after 11:00 p.m., or before 8:00 a.m., unless specifically provided for by the Chief.
7. Manual Display. Manually ignited firework displays are prohibited.
8. Event Safety and Setback Requirements.
   a. No fireworks shooters permit may be granted for any public display where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush.
   b. The permittee shall work with the event permittee to establish and maintain separate perimeters for the preparation and unloading of fireworks and the discharge of fireworks.
   c. No fireworks shall be unloaded, prepared, or discharged if any person, other than the permittee, permittee's authorized employees, or emergency personnel, are within an event's secured perimeters.
   d. Only authorized persons shall be allowed inside of the approved perimeters.
   e. Spectators at a fireworks event shall be located behind an approved, secured perimeter by means of barriers, security or safety staffing, posting and/or any other means necessary to keep people out.
   f. No fireworks may be fired from a point less than the NFPA standards for setbacks.
   g. Fireworks events not in conformance with any of the conditions in this paragraph may be approved by the Chief if proper safeguards are provided to protect life and property.
9. Unfired Devices. Any fireworks or other devices that remain unfired after a public display or after a public display is cancelled shall be disposed of or removed in a safe manner or other permissible way pursuant to NFPA standards. Upon the conclusion of any event, the permittee under this subsection shall make a complete and thorough search for any unfired fireworks or other devices which have failed to fire or function and shall dispose of them in a safe manner.

10. Event Conditions. The permittee shall, at least thirty (30) days prior to a fireworks event, provide the Chief with the following information, which information, upon being approved, shall be a condition of the fireworks shooters permit. The permittee is under a continuing obligation to update this information prior to the fireworks event as additional information becomes known to the permittee, or as circumstances change:
    a. The number and kinds of fireworks which will be fired as part of the permitted event.
    b. The net weight of explosives in the public display.
    c. A list of all the chemicals in the fireworks that will be used as part of the public display.
    d. The location where the fireworks will be stored prior to the public display.
    e. A site plan for the event, showing where the public display will take place, the firing area, distances to the audience, buildings, roadways and public pathways, and other special conditions.
11. Public Safety. The permittee shall be responsible for immediately cancelling or terminating any public display as part of a permitted fireworks event in the interests of public safety should such a cancellation or termination be necessary to ensure the health, safety and welfare of the public, including permittee, permittee's employees, agents, and contractors, spectators, emergency personnel, or any other persons or property that may be placed in substantial risk if the public display were to commence or continue.
12. Special Conditions. The Chief may impose special conditions on a permit as deemed appropriate under the circumstances of the planned fireworks event.

(d) Revocation. If a permittee uses or displays fireworks contrary to this Section or the permit conditions, the permit shall be revoked and the permittee may not apply for a new fireworks shooters permit for at least fifteen (15) months.

(7) Issuance and Denial of Licenses and Permits. Following receipt of an application for a fireworks shooters permit or a fireworks event permit, the Chief shall review the application to ensure compliance with this Section. The Chief may modify any time limit requirements in this Section for good cause shown by the applicant or permittee. The Chief may make an investigation of the site of a proposed event to determine compliance with this Section. The Chief may request additional information, and the failure to provide all information requested two (2) weeks prior to the proposed public display, or a determination by the city that the proposed fireworks event would violate the requirements of this Section or subject the public to undue hazards shall be sufficient cause for the Chief to deny the fireworks event permit and/or the fireworks shooters permit.

(8) Authority to Terminate or Delay Display. The Chief may order a permitted fireworks event or the permitted public display of pyrotechnic special-effect material to be delayed or terminated if any requirement of this Section is being violated, when in the opinion of the Chief atmospheric conditions or local circumstance make such use or public display a fire hazard or other hazard to public safety, or if the public display is causing, or is likely to cause, a hazard to life or property. During such prohibition, no person may use or display or permit the starting of any use or display of fireworks or pyrotechnic special-effect material.

(9) Authority to Seize Fireworks. The Chief may seize, at the expense of the owner, all explosives, fireworks or pyrotechnic special-effects material that is stored, handled, sold, possessed or used by any person in violation of this Section. Such seized products shall be destroyed after conviction for a violation, unless ordered returned to the owner.

(10) Insurance Requirement. Every permittee and license holder under this Section and Sec. 34.105(14)(b) shall have and maintain Commercial General Liability insurance with a minimum limit of one million dollars ($1,000,000) per occurrence; additional limits may be requested upon review by the City Risk Manager. Said insurance shall include coverage for bodily injury, property damage, and contractual liability, and name the City, its officers, officials, employees and agents as additional insureds. It shall also provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the license or permit application. In addition, the applicant shall agree to indemnify, defend, and hold harmless the City and its officers, officials, employees and agents against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(11) Penalty. Any person violating any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less two hundred and fifty dollars ($250) nor more than one thousand dollars ($1000). Every day or fraction thereof during which any person fails or to comply with any provisions of this Section code shall constitute a separate violation.

(Section 34.5608 R. and Rec. by ORD-14-00139, 8-13-14)

34.5704 STORAGE TANKS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.

The following requirements are in addition to the requirements found in IFC section 5704.2:

(1) The owner and operator of storage tanks for flammable and combustible liquids, at service stations or other locations, is responsible for the integrity and maintenance of each and all tanks at the location, together with the piping and dispensing systems connected therein at all times from original installation until termination of use of the tanks, piping and dispensing equipment. The provisions contained in Wis. Admin. Code ch. SPS 310, shall apply to the abandonment, closure, removal, change-in-service, or placing the system temporarily out of service of aboveground and underground tanks. (Am. by ORD-12-00035, 3-28-12)

(2) Approval from the Chief shall be required for the closure, change-in-service or the temporary removal from service of any tank system for flammable and combustible liquids. Tank "system" includes aboveground and underground storage tanks in excess of sixty (60) gallons and system components including but not limited to piping, vents, leak detection, cathodic protection and spill or overfill protection systems. Documents submitted under this section shall comply with all requirements found in Sec. 34.02, MGO.

(Am. by ORD-13-00102, 6-12-13)

(Chapter 34 Repealed and Recreated by ORD-10-00083, 9-15-10)

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CHAPTER 35

THE PUBLIC SEWERAGE SYSTEM

Section

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35.01 DEFINITIONS.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Board shall mean the City of Madison Board of Public Works.

Building Sewer shall mean a sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection with a community sewer or interceptor.

Carbonaceous Biochemical Oxygen Demand (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Combined Sewer shall mean a sewer designed to receive or receiving both wastewater and storm or surface water.

Compatible Pollutant shall mean biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

Demand Charges shall mean a fixed charge which is levied by the Madison Sewer Utility in order to recover costs which do not vary with the amount of sewage contributed to the system, or could be considered as the costs resulting from the Sewer Utility's readiness to serve.

Director shall be the Director of the District or other authorized representative of the Commission or District.

District shall mean the Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by a commission with such powers as set forth in Wis. Stat. § 200.09.23, as amended from time to time.

DNR means Wisconsin Department of Natural Resources.

Domestic Wastewater or Sanitary Sewage shall mean a combination of liquid and water-carried wastes and wastewater discharged from toilets, conveniences, or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in this ordinance and which contain no substances prohibited by the terms of this ordinance.

Driveway Approach shall mean the area improved for vehicular traffic on public street right-of-way which connects the traveled portion of the street with a driveway.

Easement shall mean an acquired right for the specific use of land owned by others.

Engineer shall mean the City Engineer of the City of Madison.

EPA means the United States Environmental Protection Agency.

Equivalent Meters shall mean the number of equivalent ⅝-inch meters and shall be based on the following:

Meter Size	Number of Equivalent 5/8-inch Meters
5/8-inch	1
3/4-inch	1
1-inch	2.5
1 1/4-inch	3.7
1 1/2-inch	5
2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	120
12-inch	160

Where a user does not have a water meter(s) for measuring the user's water consumption, the Engineer shall estimate the number and size of water meter(s) that would otherwise be required to serve that user, based upon standard engineering practices; and the equivalent meters shall then be determined on this estimate.

Federal Act shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Wis. Stat. chs. 281 and 283, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapters 281 and 283, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

Flow Proportional Sample or Composite Sample shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods, or from the handling, storage or sale of food products and produce.

Good Working Condition shall mean capable of performing the task for which it was designed.

Holding Tank Waste shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities; and shall include wastes from a soil absorption field. Such term is synonymous with the term septage. The term does not include the waste from a grease trap.

Incompatible Pollutant shall mean any pollutant which is not a compatible pollutant.

Industrial Discharges or Industrial Waste shall mean any water-borne solids, liquid or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including but not limited to cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.

Industrial User shall mean any commercial or industrial user who makes, causes, or permits an Industrial Discharge in the Public Sewerage System.

Intercepting Sewer or Interceptor shall mean any sanitary sewer owned or operated by the District.

Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts wastewater treatment processes or operations or the sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
   a. Section 405 of the Clean Water Act,
   b. The Solid Waste Disposal Act (including the Resource Conservation and Recovery Act),
   c. The Clean Air Act,
   d. The Toxic Substances Control Act, and
   e. The Marine Protection Research and Sanctuaries Act.

Licensed Disposer or Licensed Hauler shall mean a person holding a license under Wis. Stat. § 146.20(3)(a).

Major Industrial User shall mean an industrial user that has a discharge flow which:

(a) Is fifty thousand (50,000) gallons or more per average work day; or

(b) Is greater than five percent (5%) of the total flow rate or design compatible pollutant loading received at the Nine Springs Wastewater Treatment Plant; or

(c) Contains a material included on a list of toxic pollutants defined in Wis. Stat. § 147.07(1); or

(d) Contains a waste which the Department of Natural Resources of Wisconsin or the Madison Metropolitan Sewerage District, or the Engineer has found to have a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment plant or upon the effluent from said plant.

May is permissive.

National Categorical Pretreatment Standards shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U. S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

Pass Through shall mean a discharge which exits the wastewater treatment plant into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, partnership, municipality, association, corporation, cooperative, society, institution, enterprise, government agency, or other entity.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10-7.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.

Private Sewer shall mean a sewer serving two or more buildings and not directly controlled by a public authority.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

Public Building shall mean any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress and egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public, or by three (3) or more tenants.

Public Nuisance or Nuisance shall mean any source of filth or cause of sickness as defined in Wis. Stat. § 146.14. Any violation of this ordinance may also be considered a public nuisance.

Public Sewer shall mean a sewer owned and maintained by a municipality, governmental agency or public utility.

Public Sewerage System shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.

Receiving Waters shall mean the body or bodies of water to which the treated water from the District's wastewater treatment plant is discharged.

Representative Sample shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible. If an industrial process does not operate for twenty-four (24) hours per day, the sample shall be collected during the time the process is discharging wastewater. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. An industrial user may use another sampling method if it demonstrates and certifies to the District's satisfaction that it is more representative than flow proportional sampling.

Responsible Corporate Officer shall mean;

1. A president, secretary, treasurer, or vice president of a corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for a corporation, or
2. The manager of one or more manufacturing, production, or operations facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, or
3. A general partner or proprietor of a partnership or sole proprietorship, respectively.

Roadside Ditch shall mean a ditch located within the public right-of-way to an unimproved street.

Sanitary Lateral Sewer shall mean that portion of the sanitary building sewer between the main of the public sanitary sewer and the property line.

Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, or institutions.

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

Sewer Rental shall mean the charge which is levied by the Madison Sewer Utility to a user of the public sewerage system in order to recover costs which may vary with the quantity and the quality of the waste water contributed to the system.

Shall is mandatory.

Significant Industrial User shall mean:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

2. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment plant (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); contributes a process waste stream which makes of 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the District on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

Upon a finding that an industrial user meeting Criteria 2. herein has no reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial user, in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Slug Load shall mean any substance released at a discharge rate and/or concentration which causes interference to the wastewater treatment processes.

Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", all as amended from time to time.

Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines.

Time Proportionate Sample shall mean a sample consisting of equal portions of waste taken at regular time intervals.

Total Kjeldahl Nitrogen (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Total Phosphorus (TP) shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User shall mean any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Wastewater Facilities shall mean the District's structures, equipment and processes which are designed to collect, carry and treat domestic wastewater and industrial discharges.

Wastewater Parameters shall include volume, BOD, suspended solids, total Kjeldahl nitrogen, actual customers, equivalent meters, and such additional parameters as may from time to time be determined by the District.

Wastewater Treatment Plant shall mean the District's arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with "wastewater treatment" or "wastewater treatment works" or "water pollution control works".

WPDES Permit shall mean the District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. ch. 147.

35.02 THE PUBLIC SEWERAGE SYSTEM.

(1) (a) It is hereby determined and declared to be necessary and conducive for the protection of the health, safety and welfare of the public to charge and collect sewer charges or rentals upon all lots, lands and premises served or benefited by the sanitary sewerage system of the City of Madison, which includes all contractions for the collection, transportation, pumping, treatment and final disposition of sewage and consisting generally of pipe, conduits, sewer access structures (manholes), sewer mains, intercepting sewers, pumps, lift stations, and wastewater treatment works whether such facilities are owned and operated directly by the City of Madison or are provided under statutory or contractual provisions and the furnishing of which facilities create or impose a cost or charge upon the City of Madison for the services afforded by such facilities. The sanitary sewer system of the City of Madison shall constitute a public utility within the purview of Wis. Stat. § 66.0801.

(b) There shall be established a charge to the users of the public sewerage system based upon the user's proportionate share of the cost of operation, maintenance, and replacement of the public sewerage system. The user charges shall be determined or reviewed annually in conjunction with or after the adoption of the City budget. The City Engineer and the City Finance Director shall establish a financial management system that accounts for revenues generated and expenditures for the operation and maintenance, including replacement of the public sewerage system. The Sewer Utility shall maintain a reserve fund balance sufficient to satisfy terms of any borrowing by the Utility and sufficient to buffer the Utility from unanticipated expenditures year to year.

(c) That the regulations contained herein shall take precedence over the terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities, or federal agencies or installations) which are inconsistent with the requirements herein which address the reservation of capacity in the public sewerage system or the charges to be collected by the City in providing wastewater treatment services or reserving capacity.

(d) There shall be a user charge system consisting of demand charges, sewer rental charges, and miscellaneous charges to recover all costs for the operation of public sewerage system based upon the strength and volume from each user. (Delivery flow rate characteristics may be utilized in accordance with Section 35.02(5)(d)). The user charge system shall be calculated by analyzing each of the expense categories necessary to operate the public sewerage system generally in the following manner. However, these guidelines shall not otherwise inhibit consideration of the allocation of expenses in order to obtain a user charge system equitable to all users.

1. Expenses shall be distributed to the categories of customer accounting, customer service, flow, carbonaceous biochemical oxygen demand, suspended solids, total Kjeldahl nitrogen, and total phosphorous. Other pollutants compatible with the wastewater treatment system may be added from time to time.
2. The category of customer accounting shall reflect those expenses which do not vary from customer to customer such as the cost of customer billing, meter reading, and accounting.
3. Customer service shall be those costs which are varied on the basis of the number of equivalent meters serving each customer and reflect the portion of the expenses which have been sustained to provide a service in anticipation of the maximum discharge of the customer.

4. Flow shall be based upon the estimated amount of sewerage being discharged by the customer.
5. Carbonaceous biochemical oxygen demand (CBOD) shall be the amount of pounds of carbonaceous biochemical oxygen demand determined or estimated for each customer.
6. Suspended Solids (SS) shall represent the pounds estimated or determined from each customer.
7. Total Kjeldahl Nitrogen (TKN) shall be the number of pounds estimated or determined for each customer.
8. Total Phosphorus (TP) shall be the number of pounds of total phosphorus determined or estimated for each customer.
9. The user charge parameters determined by the regional wastewater treatment facility shall be proportioned to customers in the same fashion that it has been levied.

   Cost relating to rendering the bills shall be assessed against customer accounting. Cost relating to the installation and maintenance of meters necessary to measure or estimate the contribution of sewerage shall be assessed to customer service. The cost relating to the maintenance of the collection system shall be generally divided sixty-five percent (65%) to customer service and the remainder to flow. The cost necessary to pump sewerage shall be divided ninety percent (90%) to flow and remainder to suspended solids. Cost necessary to measure the amount of compatible pollutants contributed by individual customers shall be attributed to those parameters. Depreciation of the collection system shall be distributed sixty-five percent (65%) to customer service and the remainder to flow except that the depreciation of pumping stations shall be attributed fifteen percent (15%) to customer service, five percent (5%) to suspended solids, and the remainder to flow. Interest earned and miscellaneous revenues shall be distributed proportionately to the subtotal of the other expenses.
10. The utility shall have a net operating income sufficient to maintain its self-sufficiency.

(2) Administration.

(a) The City Engineer shall be responsible for the management of the Madison Sewer Utility under the direction of the Board of Public Works.

(b) The Madison Sewer Utility shall enter into agreements with the Water Utility in order to purchase and compensate for essential services; said agreements approved by the Board of Public Works and ratified by the Common Council. The Madison Sewer Utility is directed to arrange assignments with other City departments and divisions for specific services and compensation credits; said agreements approved by the Board of Public Works and ratified by the Common Council. Services would be provided by, but not restricted to: the Engineering Division, for administration, engineering and maintenance; the Accounting Division, for accounting services; the Division of Fleet Service; the Department of Information Technology; and the Health Division

(c) A separate set of books of accounts shall be kept by the Finance Director for the Madison Sewer Utility.

(d) When sanitary sewer mains, force mains, sanitary sewer interceptors, and sanitary sewer pumping stations and the appurtenances thereto are constructed, either by a public contract let by the City of Madison, or by a private contract under the review and inspection by the City of Madison, upon completion and acceptance of said facilities by the City of Madison, said facilities shall become the responsibility of the Madison Sewer Utility.

(e) The City Engineer shall inspect the construction of all public sewers, all building sewers, and all private sewers from the property line to the Public Sewerage System and shall inspect the construction of private sewers within private property when expressly ordered by reviewing authorities.

(f) The City Engineer shall establish a maintenance and inspection program which shall be in accord with the annual budget of the Madison Sewer Utility.

(g) In the event that the Board of Public Works deems it necessary to repair, reconstruct or reinforce portions of the public sewerage system, the cost shall be borne by the Madison Sewer Utility, unless all or a portion of the cost is assessed to properties who benefit from the construction and less other contributions in aid of construction.

(3) Use of Public Sewers Required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Madison or in any area under the jurisdiction of the City of Madison, any human or animal excrement, garbage or objectionable waste.

(b) It shall be unlawful to discharge to the public storm water system under the jurisdiction of the City of Madison, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(c) It shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the private disposal of waste water without having obtained certification from the Board of Public Works that the public sewerage system is unavailable and cannot be made available to serve the property in question and a permit issued by the Public Health Madison and Dane County and conformance with the Wisconsin Administrative Code. (Am. by ORD-15-00009, 1-28-15)

(d) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Madison and abutting on any street, alley, right-of-way in which there is now located or on which a public sewer may be located in the future, is hereby required at the owner(s) expenses to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after the official notice to do so, provided that said public sewer is within one hundred (100) feet or thirty-point-five (30.5) meters of the property line.

(e) When the Common Council, by resolution in accordance with Wis. Stat. §§ 62.16 and/or 66.0911, or by Section 35.02(3), MGO, requires the installation of a sanitary sewer lateral and/or connection to the public sewerage system, or when the Director of Public Health Madison and Dane County, in accordance with Wis. Stat. § 281.45 and Section 7.33, MGO, requires the installation of a sanitary sewer lateral and/or reconnection to the public sewerage system, all applicable sewer district charges or assessments, the Madison Metropolitan Sewerage District charges, and the cost of the sanitary sewer lateral shall be entered on the tax roll as a special tax against the lot or parcel of land served and the same shall be collected in all respects like other taxes upon real estate. (Am. by ORD-15-00009, 1-28-15)

(4) Building Sewers and Connections to the Public Sewerage System.

(a) Properties Within The City of Madison. All property within the City of Madison in which sewer districts have been established or sewer service has been provided shall be entitled to be connected with the Public Sewerage System of the City of Madison subject to the following requirements:

1. Conformance to the rules and regulations of the Board of Public Works, the City of Madison Standard Street and Sewer Specifications and General Conditions and subject to the ordinances passed by the Common Council; and,
2. That the applicable sewer district charges or assessments, the Madison Metropolitan Sewerage District charges, sewer connection fees, and the cost of the sanitary sewer lateral have been defrayed or the method of payment provided for; and,
3. In the case of connection to a sewer owned and operated by the Madison Metropolitan Sewerage District, an application shall be made in writing to the Chief Engineer of the Madison Metropolitan Sewerage District by a master plumber licensed by the Department of Health and Family Services of the State of Wisconsin; and,
4. The necessary permits specified in Section 35.02(4)(c) herein are obtained.

(Am. by ORD-14-00113, 6-25-14)

(b) Properties Outside the City of Madison. All property outside the City of Madison limits in sewer districts that have been established or sewer service has been provided may be allowed by the Common Council to connect with the Public Sewerage System of the City of Madison, subject to the following requirements:

1. Conformance to the rules and regulations of the Board of Public Works, the City of Madison Standard Street and Sewer Specifications and General Conditions and subject to the ordinances passed by the Common Council; and,
2. That the applicable sewer district assessments or charges, the Madison Metropolitan Sewerage District charges, sewer connection fees, and sewer lateral charges have been defrayed or the method of payment provided for; and,
3. The owner of the property agrees to pay for the costs of sewerage disposal costs incurred by the Madison Metropolitan Sewerage District to the local governmental body; and,
4. That the connection will be in the best interest of the City of Madison; and,
5. That the necessary permits specified in Section 35.02(4)(c) herein are obtained.

(Am. by ORD-14-00113, 6-25-14)

(c) Administration and Specifications for Building Sewers and Connections to the Public Sewerage System.

1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb a public sewer or appurtenance thereof owned and operated by the Madison Sewer Utility without first obtaining a written permit from the Engineer. No persons shall uncover, make any connections with or opening into, use, alter, or disturb any interceptor or appurtenance thereof owned and operated by the Madison Metropolitan Sewerage District without first obtaining a written permit from the Director of the Madison Metropolitan Sewerage District. No permit shall be issued unless the Engineer determines that the public sewerage system is adequately sized to convey additional flow from the proposed connection, and sewer connection fees have been paid. No permit shall be issued to a

user who contributes industrial waste until that user has obtained a permit from the Director of the Madison Metropolitan Sewerage District. (Am. by ORD-14-00113, 6-25-14)

2. The permit shall only be granted by the City Engineer upon written application, provided by the Engineer, by the owner or authorized agent on the premises desiring to make such an application. The Engineer may, at his/her option, accept the owner's application for a building permit as the application to connect to the public sewerage system. The user who proposes to connect to the public sewerage system shall submit an application fee of one hundred dollars ($100) for each connection. Said application fee will be in addition to any connection fees levied by the Director of the Madison Metropolitan Sewerage District or imposed by the City of Madison such as impact fees, connection fees, or deferred assessments. The application fee is not refundable.

   Upon approval of the application and payment of all sewer connection fees, the City Engineer shall issue a permit granting the right to make the connection and may specify special conditions which must be met as a part of the permit. In addition, the applicant must comply with all special conditions required by the Director of the Madison Metropolitan Sewerage District, if any. (Am. by ORD-14-00113, 6-25-14

3. The Engineer shall maintain records of the public sewerage system indicating the location of the mains and appurtenances of the public sewerage system within public rights-of-way and on easements, designating all lots created by subdivision, and the approximate location of the connections of laterals and building sewers to the public sewerage system. Upon acceptance of the construction, the engineer shall furnish a complete set of as-built plans to the district if there were substantial changes from the original plans.

4. All private sewers and all building sewers between the property line and terminating at the public sewerage system shall be installed by City forces, City contract, plumbers or contractors qualified by the Director of Public Works for that category of construction, or contract under the supervision of the Board of Public Works.

5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). Whenever a sanitary sewer lateral is installed by City forces or City contract as provided herein, the actual cost of construction of the sanitary sewer lateral plus an additional ten percent (10%) for engineering and inspection by the City of Madison shall be entered on the tax roll as a special tax against said lot or parcel of land served and the same shall be collected in all respects like other taxes upon real estate. Section 4.08, MGO, dealing with payment of special assessments and installments shall apply.

6. A separate and independent building sewer shall be provided for every building or as provided by Wisconsin Administrative Code.

7. Old sanitary lateral sewers may be used in connection with new building only when they are found, on examination test by the Engineer or the Plumbing Inspector, to meet the requirements of this ordinance.

8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

9. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, and the connection of the building sewer into the public sewer or with the sanitary lateral sewer shall conform with the Building Code and Plumbing Code provisions of the Madison General Ordinances and the Wisconsin Administrative Code.

10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the Engineer and in conformance with the latest edition of the Standard Specifications of Public Works Construction. (Refer to Chapter 10 of the Madison General Ordinances for applications and permits for excavations in street right-of-way and public property.)

11. No connection of a building drain subject to backflow or backwater shall be made to any sanitary sewer unless it is protected with a backwater valve or sump with pumping equipment as specified in the Wis. Admin. Code § ILHR 82.30(11)(a)(2).

12. No connection shall be made to any sanitary sewer if the connection pipe is carrying flow from a building foundation drain.

13. Where new construction or development occurs, the owner or builder shall establish preliminary public sewer service with the establishment of water service and prior to the installation of the water meter. A one-time sewer use fee shall be collected with the initial water service permit. The fee shall equal one half of the 'flat rate' charge as described in Sec 35.02(6)(b)3., rounded down to the nearest five dollars ($5).

14. Any existing sanitary lateral that is to be removed or abandoned shall obtain a Permit to Plug Sewer Lateral from the City Engineer.

    a. Where the public sanitary sewer main conditions allow, the plugging of the sanitary lateral shall be completed by City crews using a short liner process at the sanitary lateral connection to the sanitary sewer main. It is then the responsibility of the owner of the lateral to properly plug the lateral at the property line. The fee for plugging shall based upon the estimated average cost incurred by City crews to install the short liner and including administering the permit. This fee shall be established by the Board of Public Works and adjusted periodically as necessary.

    b. If City crews are unable to plug the lateral by short liner at the sanitary sewer main, the owner shall properly plug the sanitary lateral at the property line. The cost of the plugging permit shall then be one thousand dollars ($1,000) and shall include a one hundred dollars ($100) inspection fee and a nine hundred dollars ($900) deposit for guarantee of the performance of the work and call for inspection of the work.

    c. All conditions of the permit must be adhered to and the plugging properly inspected by the City inspector to obtain any refund of the deposit.

    d. The Permit to Plug Sewer Lateral shall be valid for sixty (60) days from the date of issuance unless the permit is extended in writing by the City Engineer. Following an additional sixty (60) days after the expiration of the permit, the permit will be closed and any

deposits remaining, less inspection fees or other permit costs, will be returned. Upon closing of the permit, the owner must apply for a new permit to complete the sewer lateral plugging work.

(5) Use of the Public Sewerage System.

(a) Prohibited Discharges.

1. No person shall discharge wastes to the Public Sewerage System which cause, or are capable of causing either alone or with other substances:
   a. A fire or explosion hazard including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21;
   b. Obstruction of flow or damage to the public sewerage system;
   c. Danger to life or safety of any persons;
   d. Air pollution as defined in Wis. Stat. § 144.01(1), as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder. This shall include pollutants which result in the presence of toxic gases, vapors, or fumes within the public sewer system or the treatment plant in a quantity that may cause acute worker health and safety problems;
   e. Prevention of effective maintenance or operation of the wastewater facilities;
   f. Any product of the District's treatment processes or any of the District's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation processes;
   g. A detrimental environmental impact, a public nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the City;
   h. Any sanitary sewer or the District's wastewater treatment facilities to be overloaded;
   i. In the opinion of the Engineer, excessive collection and treatment costs, or use of a disproportionate share of the Public Sewerage System;
   j. A violation of the Madison Metropolitan Sewerage District's Wisconsin Pollutant Discharge Elimination System permit.
2. Specific Prohibited Discharges. Prohibited discharges shall include but not be limited to:
   a. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas;
   b. Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
   c. Any waters or wastes having a pH lower than five-point-five (5.5) or higher than ten-point-zero (10.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, or treatment works personnel.
   d. Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders.

e. Any wastewater from industrial plants containing floatable oils, fats, or greases.

f. Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.

3. Prohibitions on Storm Drainage and Ground Water. Storm water, ground water, rain water, street drainage, roof runoff, and subsurface drainage shall not be discharged into the Public Sewerage System without prior approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such approval shall be granted only when no reasonable alternative method of disposal is available.

Polluted storm water runoff and ground water from limited areas may be discharged to the sanitary sewer upon approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District, subject to payment of applicable charges and fees and compliance with conditions required by the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

4. Prohibition on Unpolluted Water. Unpolluted water, including but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers, discharge from swimming pools shall not be discharged into the Public Sewerage System without prior approval of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of the applicable charges and fees in compliance with the conditions required by the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

(b) Limitations on Discharge Characteristics.

1. Discharge to the Public Sewerage System of the following described substances, materials, waters, or waste shall be limited to the following concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not have an adverse effect on the District's sludge management program, will not endanger persons or property, will not cause air pollution or other detrimental environmental effects, and will not constitute a public nuisance:

a. Liquid having a temperature higher than 65°C (149°F) at any point of discharge to the public sewer; or any wastewater having a temperature which will inhibit biological activity in the District's treatment plant thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the District's treatment plant to exceed 40°C (104°F), unless the treatment plant is designed to accommodate such temperature.

b. Wax, grease, oil, plastic or any other substance that solidifies or becomes discernably viscous.

c. Radioactive wastes which, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks, or which violate the rules or regulations of any applicable regulatory agency.

d. Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

e. Wastewater containing more than three hundred (300) mg/l of oil or grease of animal or vegetable origin.

f. Wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

g. Wastewater which contains in excess of any of the following constituents in a twenty-four (24-)hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the Industrial User:
0.5 mg/l cadmium
0.5 mg/l hexavent chromium
1.5 mg/l copper
5.0 mg/l lead
0.02 mg/l mercury
0.3 mg/l selenium
3.0 mg/l silver
10.0 mg/l total chromium
8.0 mg/l zinc
2.0 mg/l nickel
0.1 mg/l cyanide
Samples shall be collected over the period of discharge if the discharge is less than twenty-four (24) hours in duration.

h. Industrial discharges exceeding applicable National Categorical Pretreatment Standards, or State Standards.

i. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.

j. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

k. The District, or the Engineer after notification and consultation with the District, may change the requirements established in the regulations herein if necessary to meet the objectives of this ordinance or the conditions of the Madison Metropolitan Sewerage District's Wisconsin Pollutant Discharges Elimination System permit.

l. Wastewater containing polychlorinated biphenyls.

2. No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES permit and any modification or re-issuance thereof.

(c) Accidental Discharge of Prohibited Wastewater. Any person who accidentally discharges into the Public Sewerage System wastes or wastewater prohibited under this ordinance shall immediately report such a discharge to the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District, and shall report the location of the discharge, the time thereof, the volume thereof, and the type of waste or wastewater so discharged. Within fifteen (15) days of such discharge a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District. Such reporting shall not relieve the person causing the accidental discharge from any penalties

imposed by this ordinance. Where the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District deem necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this ordinance.

(d) Alternatives to Acceptance of Wastewater. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, in excess of those limitations enumerated herein, the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District may in the exercise of their reasonable discretion:

1. Reject the wastes;
2. Require pretreatment;
3. Control the quantities and rates of discharge, and/or
4. Recover the increased costs of handling and treating such wastes.

(e) Pretreatment of Industrial Wastes. Industrial users may be required to pretreat their wastewater when necessary to protect the Public Sewerage System or prevent discharge of incompatible pollutants from the wastewater treatment plant. If the Engineer requires a pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review of the Engineer and the rules and regulations of any applicable regulatory agency. Industrial users who are not required to pretreat but elect to do so, shall notify the Engineer of their intent to establish a pretreatment plant and the Engineer shall be given the opportunity to review the plans and specifications and to comment thereon. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the user. Pretreatment facilities shall be operated by qualified personnel holding a Grade I license issued by the Wisconsin Department of Natural Resources.

(f) Limitations on Discharge of Holding Tank Wastes. No persons shall discharge any wastes from septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, permanent or portable privies, or liquid industrial wastes directly into a manhole or other opening in the Public Sewerage System without a permit issued by the Engineer and approved by the Chief Engineer of the Madison Metropolitan Sewerage District. Such permit shall state the location, volume and characteristics of the discharge.

(g) Grease, Oil and Sand Trap Installation. Grease, oil and sand traps shall be installed at repair garages, gasoline stations, car washes and other commercial establishments where, in the opinion of the Engineer, necessary to prevent the discharge of sand, flammable wastes, oil or grease in the amounts exceeding the limits of Section 35.02(5). All such traps shall be constructed and maintained by the owner at her/his expense in accordance with the Wisconsin Plumbing Code and shall be readily accessible for cleaning and inspection. The Engineer may require the owners of these traps to maintain records of the dates of cleaning the traps and the means of disposal of the captured material. (Am. by ORD-14-00012, 1-14-14)

(h) Special Agreements. No statement contained in this ordinance shall be construed as preventing any agreement or arrangement between the Madison Metropolitan Sewerage District, the City of Madison and a user whereby an industrial waste of unusual strength or character may be discharged into the Public Sewerage System.

(6) Wastewater Measurement, Sampling, and Reporting.

(a) Measurement of Demand Charges.

1. There shall be a demand charge for each meter required to measure the quantities of sewage contributed, including meters necessary to measure private water supplies, and the public water supply.
2. The Madison Sewer Utility is hereby authorized and directed to compensate the Madison Water Utility for one-half (½) the cost of providing and

reading meters and other measuring devices used to measure the usage of water and/or the contribution of sewage. Except that, when such meters or other measuring devices are used to measure the sewer rental for users who elect or are required to monitor the characteristics of their effluent, said measuring devices shall be provided by the user.

3. In the case of a lot, parcel of land, a building or premises which discharges sewage or industrial waste, either directly or indirectly, to the Public Sewerage System, where the Engineer finds that it is not practical to attempt to measure such wastes by meter, the Engineer shall measure such waste in a manner and a method determined to be practical in the opinion of the Engineer.

(b) Measurement of Sewer Rental For Users Who do Not Elect or Are Not Required to Monitor the Characteristics of Their Effluent.

1. The measurement of quantity of sewage contributed for customers using the public water supply shall be based on the volumetric amount of water passing through the meter or meters or actual volume of sewage as determined by a sewerage metering installation. The measurement of the quantity of sewage contributed for customers who connect to the Public Sewerage System after January 27, 1976, and use a private water supply, in lieu or in addition to the public water supply, shall be based upon the amount of water passing through the meter or meters used to measure the private supply, or the actual quantity as determined by a sewerage metering installation.

2. A credit may be given to a user for water which passes through the water metering device but does not enter the Public Sewerage System under the following conditions:

   a. That a separate meter be installed and a demand charge collected for that meter.

   b. That the customer desiring to install such separate meter make application for the meter, and that a licensed plumber or owner of a single family residence make the necessary piping changes, and install couplings so that the meter can be set in accordance with applicable plumbing codes.

   c. That the applicant pay a standard fee as established by the City Engineer to cover the cost for labor and equipment to:

      i. administer and process the application; and

      ii. install the credit meter; and

      iii. inspect the plumbing configuration and applicability of the credit meter request.

      This standard fee shall be updated and adjusted periodically by the City Engineer based on actual costs to administer this service (recover actual costs), and approved by the Board of Public Works. For complex applications, the applicant may be billed the total, actual cost in excess of the standard fee, for labor and materials to fully process the application, inspect and install the meter. All fees shall be income of the Sewer Utility and the Sewer Utility shall reimburse the Water Utility for its costs to administer applications. In the event a credit meter is not approved for installation, the applicant is not entitled to any refund of the application fee.

   d. The City Engineer shall make periodic audits and inspections of existing credit meters. When it is determined that credits are being improperly granted, the customer shall have fourteen (14) days do make any necessary modifications or removal of meters. After

fourteen (14) days, the credit shall become null and after sixty (60) days the customer shall be required to re-apply for said credit. Failure to allow inspection or audit within fourteen (14) days of notification shall also render the credit null.

3. Where the City Engineer determines that the measurement of sewer rental is not practical, the City Engineer is authorized to establish a flat rate charge for sewer rental and demand charges. For new construction prior to meter installation, one half of one flat rate charge shall be collected for every single family residential home (rounded down to the nearest $5). For multi-units, one flat rate charge shall be collected for every four dwelling units (rounded down to the nearest $5). For non-residential properties, the flat rate charge shall be determined by the City Engineer based upon the equivalent meter size as described in the definitions in Sec 35.01.

(c) Measurement of Sewer Rental For Users Who Elect or Are Required to Monitor The Characteristics of Their Effluent.

1. The Engineer shall establish a monitoring program to determine wastewater characteristics and constituents in order to determine compliance with this ordinance and to facilitate an equitable system of sewer charges and industrial cost recovery charges. In addition, any user may establish an approved monitoring program to determine the user's wastewater characteristics and constituents.
2. A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility in accordance with Section 18.30(2) of these ordinances.
3. An existing user who discharges wastewater different from the characteristics associated with the domestic wastewater may be required by the Engineer and/or the Madison Metropolitan Sewerage District to install a monitoring facility. Construction of such facility must be completed within ninety (90) days after the user has been notified of the requirement, unless the Engineer and the Madison Metropolitan Sewerage District grant an extension of time.
4. All monitoring facilities shall be constructed at the user's expense in accordance with the plans approved by the Engineer. The monitoring facility shall contain the necessary meters and equipment to facilitate the observation, sampling, and measurement of wastes, and shall be maintained by the users so as to be safe and accessible at all times.
5. The requirements of Section 35.02(6)(c)2. through 35.02(6)(c)4. may be waived upon special written permission of the Engineer and the Chief Engineer of the Madison Metropolitan Sewerage District.

(d) Powers and Authority for Inspection and Sampling.

1. The Engineer, or his/her designee, bearing proper credentials and identification shall be allowed access to all properties served by the Madison Sewer Utility, and to all monitoring facilities, for the purpose of inspection, observation, measurement, sampling, and testing of discharges to the wastewater facilities, or for the purpose of inspection, repair, or maintenance of any portion of the Public Sewerage System. The Engineer, or his/her designee, may require an onsite audit as determined necessary to ensure accurate billing and compliance with this Ordinance.
2. The Engineer, or his/her designee, may require industrial users to provide information about industrial processes which may have an effect on the nature of the industrial discharges. Such industrial process information may be withheld if the industrial user demonstrates to the satisfaction of

the Engineer that release of such information to the public would reveal trade secrets or result in an advantage to competitors. No effluent data shall be withheld from the Engineer, but will be kept confidential by the Engineer if necessary to protect the trade secrets of an industrial user. All customers shall promptly comply with requests for information and onsite audits.

(e) Reporting Requirements.

1. It shall be the responsibility of the user who elects or is required to monitor the characteristics of the users effluent to sample, chemically analyze, and prepare a report on the effluent by competent personnel. All costs associated with such monitoring shall be the responsibility of the user.
2. The Engineer may require a user to provide the information concerning but not limited to:
   a. Volume time and peak rate of discharges.
   b. Chemical analysis of discharges.
   c. Raw materials, processes and products relevant to discharge characteristics.
   d. Discharges of specific wastes such as sludge, oil, solvent, or incompatible pollutants.
   e. Plot plans of sewers on the user's property showing locations of sewers, monitoring facilities and pretreatment facilities.
   f. Details of pretreatment facilities.
   g. Details of systems to prevent losses of materials through spills to the Public Sewerage System.
3. The Engineer shall review the annual reports submitted to the Madison Metropolitan Sewerage District by significant industrial contributors in accordance with Wisconsin Administrative Code NR-101. The Engineer may bill the user based on the data contained within the report or, may ask for additional information on which to base the cost of sewer rental.
4. All measurements in test analysis of the characteristics of wastewater shall be determined in accordance with methods established by the EPA and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977", and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.
5. A Responsible Corporate Officer, as defined in this ordinance, shall sign any reports required to be submitted by an industrial user pursuant to the provisions of this ordinance.
6. Each Industrial User shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and other information relating to monitoring, sampling and chemical analyses made by or on behalf of the Industrial User in connection with its industrial discharge. All such records pertaining to matters which are the subject of any enforcement proceedings under this ordinance or the subject of any litigation involving the District, shall be retained and

preserved by an Industrial User until such proceedings or litigation have been finally concluded and all periods of limitation with respect to appeals therefrom, have expired.

(f) Government Owned Property Subject to Ordinance. The provisions of this ordinance, including the charges established and the method of measuring sewer rental and demand charges, shall apply to property owned by the City of Madison, the County of Dane, the State of Wisconsin, and the United States of America, and to any property which might be otherwise exempt from the payment of general property taxes.

(g) Bypass Reporting. In the event of a bypass or spill of wastewater from any community sewer, the District Customer owning the sewer shall notify the District and the Department of Natural Resources immediately upon becoming aware of the situation. The notification shall include the location of the bypass/spill, the reason for the bypass/spill, when the situation is expected to be corrected, and an estimate of the volume or rate of the bypass/spill.

(7) Schedule of Demand Charges, Sewer Rental, Miscellaneous Charges and Industrial Cost Recovery Charges.

(a) Procedure to Establish Charges. All charges authorized under this Subsection, said charges being necessary to recover the Madison Sewer Utility's cost and which are in addition to the demand charges levied by the Water Utility, shall be set by the City Engineer, consistent with the standards set forth in Wis. Stat. § 66.0821(4). These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council.

(b) Demand Charges. Demand charges established under this Subsection shall differentiate between customers who are billed for sewer use based on their metered water use (or equivalent) and those who request a separate meter to measure water usage that does not enter the sewer system.

(c) Sewer Rental. Sewer Rental shall be set as follows:

1. The sewer rental for those customers who do not elect or are not required to monitor the characteristics of their effluent shall be based upon each one hundred (100) cubic feet of wastewater contributed.
2. The sewer rental for those customers who elect or are required to monitor the characteristics of their effluent shall be based upon each one hundred (100) cubic feet of waste contributed, each pound of Carbonaceous Biochemical Oxygen Demand, each pound of suspended solids, each pound of nitrogen as measured Total Kjeldahl Nitrogen, and each pound of Total Phosphorous.

(d) Schedule of Charges Where Measurement of Sewer Rental is Not Practical. Where the Engineer has determined that the measurement of the volume of sewage or industrial waste contributed is not practical, a flat rate charge for sewer rental and demand charges shall apply.

(e) Schedule of Charges for Septic Tank Waste. The charge for discharges of waste (from septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, permanent or portable privies or liquid industrial waste) at the City Engineering Division's Facility located at 1600 Emil Street, or at any other approved site on the Public Sewerage System shall be set under this Subsection. Waste containing approximately ten thousand (10,000) milligrams per liter of five (5-) day Biochemical Oxygen Demand (BOD5) or twenty thousand (20,000) milligrams per liter of suspended solids shall be considered "average" waste for the purpose of this subdivision. The City Engineer is authorized to establish a modified schedule of charges based on the unit cost established in accordance with Sec. 35.02(7)(c)2. for septic tank waste which materially differ in strength from the average.

(8) Collection of Demand Charges and Sewer Rental.

(a) The Engineer shall divide the City into sections, as practical for billing purposes, and coinciding with the sections used by the Water Utility. The demand charges, sewer rental and industrial cost recovery charges shall be payable periodically to the City Treasurer at the same time as Water Utility bills are payable.

(b) (Reserved for Future Use.)

(c) All charges established by this ordinance shall be a lien against the property served pursuant to Wis. Stat. §§ 66.0809(3) and 66.821(4)(d).

(d) The bills for Sewerage Utility charges shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty (20) days thereafter (the "due date") and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid. (Am. by ORD-14-00150, 9-12-14)

(e) Bills issued under this section and paid by the user which are subsequently found to be in error shall be corrected, and revised bills shall be issued. Users who were billed less than the proper amount shall be rebilled from the date of notice of the error back a period not to exceed two years. Users who were billed more than the proper amount shall be refunded the difference back to the date of the first occurrence or six years, whatever is less. Interest shall be refunded as determined by Wis. Stat. § 138.04.

(9) Special Charges. Whenever any user discharges wastes into the public sewerage system which cause physical damage to the wastewater facilities and/or which cause the MSU or MMSD to incur unusual additional costs, the MSU or MMSD may assess a special charge against such user for the work required to repair the facilities and/or to recover the unusual additional costs. Special charges shall be in addition to the service charges specified herein and shall be billed directly to the user.

(10) Sewer Connection Fees. Prior to approving a request to connect a property to the sanitary sewer under subsection (4)(c) above, the City Engineer shall determine whether any sewer connection fees are due for the connection. Sewer connection fees shall include the administrative costs to the City to extend sewer service to the property, including Madison Metropolitan Sewerage District service area expansion application fees, the central urban service area amendment fee imposed by the Capital Area Regional Planning Commission, or its successor, along with reasonable staff costs associated with these applications. City Engineering shall determine a method of calculating and apportioning the sewer connection fees consistent with Wis. Stat. § 66.0628, which method and apportionments shall be approved by the Board of Public Works.

(Sec. 35.02(10) Cr. by ORD-14-00113, 6-25-14)

35.025 LANDFILL REMEDIATION.

(1) It is hereby determined and declared to be desirable and necessary for the protection of the public health, safety and welfare to remedy the release of organic and inorganic substances from solid waste landfills operated by the City, and to encourage the proper abandonment of private drinking water wells. Said releases are potentially detrimental to the air and groundwater, and if allowed to concentrate, may be toxic, combustible or explosive. Improperly abandoned wells represent potential direct pathways for groundwater contamination to enter the municipal drinking water supply. In order to finance the environmental remediation of solid waste landfills operated by the City and to encourage the proper abandonment of private drinking water wells located in the City of Madison or on properties served by the Madison Water Utility, there shall be established a charge upon all

lots, lands and premises served or benefited by the sanitary sewerage system of the City of Madison, also referred to as "The Madison Sewer Utility," a public utility within the purview of Wis. Stat. § 66.0801.

(2) Transfer of Assets. The land rights and improvements of the city, or such rights determined to exist, for the following landfills are hereby transferred to the land assets of the Madison Sewer Utility:
   (a) Mineral Point Landfill, Parcel No(s). 0708-243-0301-3 and 0708-243-0302-1.
   (b) Greentree Landfill, Parcel No. 0708-362-0302-9.
   (c) Demetral Landfill, Parcel Nos. 0710-062-0918-6 and 0710-062-1401-0.
   (d) Sycamore Landfill, Parcel Nos. 0810-343-0099-7 and 0810-343-0802-4.
   (e) Olin Landfill, Parcel No. 0709-264-1904-9.
   (f) Sycamore clean fill site, Parcel No. 0810-342-0239-1.

(3) Administration. The Water Utility Manager, City Engineer and Finance Director shall establish procedures for review by their respective Boards and approval by the Common Council to properly allocate the costs for the administration of this service.

(4) Schedule of Landfill Remediation Fees. The Landfill Remediation Charge shall be in addition to the demand charges established by Section 35.02(7)(b) of these ordinances and shall be set by the City Engineer. These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council. For the purpose of calculating the bills for the customers of the Sewer Utility, the Landfill Remediation Charge may be added to demand charges established by Section 35.02(7)(b). Sewer customers without a meter who are billed a flat rate for sewer service shall be charged, under the approved schedule, based on the appropriate sized meter applicable to their water service.

(5) The bills for Landfill Remediation charges shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty-five (25) days thereafter (the "due date") and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid.

35.03 RESERVED FOR FUTURE USE.

35.04 ENFORCEMENT OF THE ORDINANCE.

(1) The City Engineer is hereby authorized to prescribe the form of application for permits under this chapter and shall be responsible for the general supervision of the enforcement of the provisions of this chapter and law.

(2) Any person violating the provisions of this chapter shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) per day for each and every violation; each day of violation shall constitute a separate offense.

35.05 EFFECTIVE DATE.

This ordinance shall be in effect from and after its passage and publication.

(Chapter 35 Repealed and Recreated by ORD-12-00142, 11-12-12)

CHAPTER 36

VIDEO AND CABLE TELEVISION SERVICE PROVIDERS

Adopted September 2, 2008

Published by direction of the Common Council of the City of Madison in accordance with Section 66.0103, Wisconsin Statutes

Section

36.01 General Provisions.
36.02 Definitions.
36.03 Video Service Provider Fee and PEG Channel Monetary Support.
36.04 PEG Channel Requirements.
36.05 Police Powers, Design/Construction Standards & Rights of Ways.
36.06 Theft of Cable and Satellite Cable Programming. (Cr. by ORD-13-00184, 11-5-13)

36.01 GENERAL PROVISIONS. The provisions of Wis. Stat. § 66.0420 are hereby incorporated as though fully set forth herein. The additional provisions of this Chapter supplement those provisions of the state statutes and constitute an expression of the City's home rule authority. Any person who owns, leases, operates, controls, constructs or maintains a video service or cable television service shall comply at all times with the provisions herein when constructing, operating or maintaining a video service or cable television service in the City.

36.02 DEFINITIONS. The terms used in this chapter shall have the same meaning as those terms are defined in Wis. Stat. § 66.0420(2), which is incorporated by reference as though fully set forth herein.

36.03 VIDEO SERVICE PROVIDER FEE AND PEG CHANNEL MONETARY SUPPORT.

(1) Video Service Provider Fee. Video Service Providers and Cable Operators shall pay, in addition to the PEG Support Fee set forth in sub. (2) below, a Video Service Provider fee to the City in an amount equal to five percent (5%) of the providers gross receipts.

(2) Public, Educational, and Government (PEG) Channel Monetary Support. Video Service Providers and Cable Operators shall pay, in addition to the Video Service Provider Fee set forth in sub. (1) above, a monthly fee of sixty-three cents ($ .63) per subscriber which payment shall be used to fund PEG access related external costs. The allocation of the PEG Channel Monetary Support fee between public access and government access activities/channels shall be at the sole discretion of the City and which allocation the City may alter at any time and without notice.

(3) Supporting Documentation. Payment of the fees set forth in sub. (1) and (2) above shall be accompanied by documentation verified by an agent or officer with the authority to legally bind the provider that is sufficient for the City to verify the accuracy of the fees being paid by the provider. The failure to provide such documentation shall subject the provider to a forfeiture of not less than $100 nor more than $5,000 per day until such time the documentation is provided to the City.

36.04 PEG CHANNEL REQUIREMENTS.

(1) Number of PEG Channels. Video Service Providers and Cable Operators shall provide capacity for four PEG channels. These channels shall be allocated as follows: one channel dedicated for use by Madison City Channel which is operated by the City as a governmental access channel; one channel dedicated for use by WYOU, which is operated as a public access channel by WYOU Community Television, Inc., and; two channels dedicated for use as educational access channels by the Madison Metropolitan School District.

(2) Location of PEG Channels. PEG channels must be carried on any service tier that is viewed by more than fifty percent (50%) of the video service provider's or cable operator's customers. Video service provider's or cable operator's may not charge an extra fee nor require the rental of special equipment in order for their customers to view such PEG channels if such fees or equipment are not required to view any of the non-PEG channels on such service tiers.

(3) Quality of PEG Channels. Video Service Providers and Cable Operators shall not carry a PEG television signal in a lesser format or lower resolution than that afforded to a non-broadcast digital programmer carried on the video or cable system. The signal quality of PEG channels shall be indistinguishable or better than the signal of other non-PEG channels carried by the video service provider or cable operator.

(4) Drops/Origination Points. Video service providers and cable operators shall supply and maintain upstream capacity from all current origination points, (a/k/a "live drops") and shall provide sufficient capacity for carriage of a television signal from each of these origination points at all times. These origination points are all located in the City of Madison as follows:

(a) Madison Municipal Building, Room 210 215 Martin Luther King, Jr. Boulevard;
(b) City-County Building, Room 201, 210 Martin Luther King, Jr. Boulevard;
(c) Overture Center, 201 State Street;
(d) Monona Terrace Community and Convention Center, 1 John Nolen Drive;
(e) Madison Public Library, Central Library, 201 W. Mifflin Street;
(f) WYOU Studios at 609 E. Washington Avenue;
(g) Madison Metropolitan School District, 545 W. Dayton Street.

(5) Substantial Utilization of PEG Channels and PEG Programming.

(a) Procedures for Disconnection Due to Failure to Substantially Utilize PEG Channel.

1. Written Notice of Objection to Program as Not Locally produced. A Video Service Provider or Cable Operator must provide written notice to the PEG Channel Director within ten days of the first or original airing of any program that the Video Service Provider or Cable Operator is objecting to the program as having not been locally produced. Such notice shall describe with particularity the program being objected to, the date and time the program was first aired and the factual basis supporting the objection. Failure to timely provide this notice waives the objection and therefore, such program will be counted towards the determination of whether said PEG channel is being substantially utilized.

2. Written Notification of Failure to Substantially Utilize Channel. A Video Service Provider or Cable Operator must provide written notification to any PEG channel Director within 10 days following any week in which the Video Service Provider or Cable Operator objects that the PEG Channel has not been substantially utilized. Such notice shall describe with particularity the time period being objected to, the dates and times during the week in which qualifying programming was not aired and the factual basis supporting the objection. Failure to timely provide this notice waives this objection and therefore, such programming period will be counted towards the determination of whether said PEG channel is being substantially utilized.

3. Written Notification of Intention to Disconnect, Reprogram or Drop PEG Channel. A Video Service Provider or Cable Operator must provide 120 Days advance written notification to any PEG channel Director that the Video Service Provider or Cable Operator intends to disconnect, reprogram or drop. A video Service Provider or Cable Operator may not disconnect, reprogram or drop any PEG channel that it has not timely

provided with such written notice. Furthermore, should any PEG channel Director provide the Video Service Provider or Cable Operator with a written response that the PEG channel was substantially utilized during the time period in question or will be substantially utilized by the municipality, the video service provider or cable operator shall not disconnect, reprogram or drop the PEG channel.

4. Penalty for Failing to Provide Notice(s). If any Video Service Provider or Cable Operator disconnects, reprograms or drops any PEG Channels without providing the notice(s) as required in subs. a through c above, the video service provider or cable operator shall be subject to the following:

a. Immediate reinstatement of the PEG channel to its location in the channel line-up prior to the disconnection, reprogramming or dropping of the channel.

b. A forfeiture of not less than $1,000 nor more than $10,000 for each day that the PEG channel is disconnected, reprogrammed or dropped.

(b) Locally Produced Programming. Locally produced programming shall include all programming produced by any PEG channel and shall include all programming that has not been commercially aired. "Locally produced programming" includes any program that was in part produced for original airing in the broadcast market in which it was produced either in part or in whole. The term "locally produced" shall not require that the programming was created, filmed or produced in the Madison or Dane County area. PEG stations may share and exchange programming content in order to meet the substantial utilization requirements of sec. 66.0420(5)(b), Wis. Stats.

(7) Underwriting of Programming. PEG channels may transmit non-commercial programming to subscribers generally or to specific recipients of video service providers or cable operators. Nothing herein shall in anyway prohibit or prevent PEG channels from accepting grants or sponsorships in support of such programming nor shall PEG channels be prohibited from acknowledging such grants or sponsorships before, during or immediately after such PEG programming has been broadcast in such a manner that is similar to the manner in which the Public Broadcasting System (PBS) acknowledges the substantially similar support of its programming content. Such acknowledgements shall comply with the requirements of 47 USC § 399b as though the PEG channel were a public broadcast station.

(8) Notice of Intention to Move PEG Channel Locations/Designations. Any Video Service Provider or Cable Operator who intends to move any PEG Channel from the channel designations in effect at the time this ordinance is enacted may only make such a change after providing 60 days advance written notice to the affected PEG channel(s). Additionally, such Video Service Provider or Cable Operator shall engage in a public education program of such intensity and duration as to reasonably inform the general public of the proposed PEG channel designations.

36.05 POLICE POWERS, DESIGN/CONSTRUCTION STANDARDS & RIGHTS OF WAYS.

(1) Subject to Police Powers. Video Service Providers and Cable Operators are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety, health and welfare of the public. The grant of a statewide video or cable franchise, does not render or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Wisconsin to regulate the use of streets and public ways or to regulate any matter affecting the safety, health and welfare of the public. The City shall make the video service providers

and cable operators history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the provider or operators legal, financial and technical qualifications to provide video services.

(2) Design, Permits, Construction and Excavation. Video Service Providers and Cable Operators shall comply with all applicable City codes and ordinances including, without limitation by expression herein, Chapter 6 Fire Department and Fire Regulations; Chapter 10, Streets, Alleys, Sidewalks and Gutters; Chapter 17, Radio, Television and Electronics Code; Chapter 18, Plumbing Code; Chapter 19, Electrical Code; Chapter 29, Building Code; Chapter 30, Heating, Ventilating, Air Conditioning of the Madison General Ordinances and shall be subject to any forfeitures so specified for any violations thereof. The City shall make the persons history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the provider or operators legal, financial and technical qualifications to provide video services.

36.06 THEFT OF CABLE AND SATELLITE CABLE PROGRAMMING.

(1) It shall be unlawful for any person to intentionally:

(a) Obtain or attempt to obtain video service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or

(b) Assist another person in obtaining or attempting to obtain video service without paying all lawful compensation to the operator of such service; or

(c) Connect to, tamper with or otherwise interfere with any cable, wire or other device used for the distribution of a video service if the effect of such action is the obtaining of a video service without paying all lawful compensation therefore; or

(d) Sell, use, manufacture, rent or offer for sale, rental or use any device, plan or kit designed and intended to obtain video service in violation of this section; or

(e) Attempt to connect to, tamper with, or otherwise interfere with any cable television signal, cables, wires, devices or equipment used for the distribution of video services and which results in the unauthorized use of a video service or the disruption of the delivery of the video service. Nothing in this section shall be construed to prohibit, restrict or otherwise limit the purchase, sale or use of any products, including without limitation hardware, software, or other items, intended to provide services and features to a customer who has lawfully obtained a connection from a video service provider.

(2) The intent required for a violation of this paragraph may be inferred from proof that the video service to the defendant's residence or business was previously disconnected by the video service provider and that thereafter exists in fact a connection to the video service network at the defendant's residence or business.

(3) This subsection incorporates by reference Wis. Stat. § 943.47 (1), (2) and (5).

(4) Penalty.

(a) Any person violating any section of this ordinance shall be subject to a forfeiture of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), exclusive of costs.

(b) Any person violating any section of this ordinance may be subject to restitution as set forth in Wis. Stat. § 800.093.

(Sec. 36.06 Cr. by ORD-13-00184, 11-5-13)
(Chap. 36 R. & Rec. by ORD-08-00106, 9-18-08)

CHAPTER 37

THE PUBLIC STORMWATER SYSTEM INCLUDING EROSION CONTROL

Cr. by Ord. 7854, 11-5-82
Adopted October 19, 1982

Repealed and Recreated by Ord. 13,112, 8-2-02
Adopted July 16, 2002

Published by direction of the Common Council of the City of Madison, in accordance with Section 66.0103, Wisconsin Statutes.

Amended by ORD-05-00004, 2-8-05
Amended by ORD-07-00031, 3-22-07
Amended by ORD-09-00053, 4-2-09
Repealed & Recreated by ORD-11-00042, 3-23-11
Repealed & Recreated by ORD-12-00141, 11-12-12

Section

37.01 Title.
37.02 Finding and Declaration of Purpose.
37.03 General Provisions.
37.04 Definitions.
37.05 The Public Stormwater System.
37.06 Land-Disturbing Activities Subject to Erosion Control and Stormwater Management.
37.07 Permitting or Causing Erosion Prohibited.
37.08 Erosion Control Plan Requirements.
37.09 Stormwater Management Report Requirements.
37.10 Standards and Specifications.
37.11 Application Fees and Issuance of Permits.
37.12 Administration.
37.13 Appeals and Variances.

37.01 TITLE.

This ordinance shall be known, cited and referred to as the "The Public Stormwater System Including Erosion Control."

37.02 FINDING AND DECLARATION OF PURPOSE.

(1) The Common Council of the City of Madison finds that urbanizing land uses have accelerated the process of soil erosion, stormwater runoff and sediment deposition within and beyond the Yahara River, the Sugar River, Door Creek and other bodies of water in the City. Soil erosion and uncontrolled stormwater runoff from land-disturbing and land-development activities have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

(a) Increase the likelihood of infiltration and inflow into the sanitary sewer system.

(b) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams and wetlands;

(c) Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life;

(d) Clog existing drainage systems, increasing maintenance problems and costs;

(e) Cause bank and channel erosion;

(f) Increase downstream flooding;
(g) Reduce groundwater recharge, which may diminish stream base flows and lower water levels in regional lakes, ponds and wetlands;
(h) Contaminate drinking water supplies;
(i) Increase risk of property damage and personal injury, and;
(j) Cause damage to agricultural fields and crops.

(2) This ordinance is intended to regulate erosion and stormwater runoff, to accomplish the following objectives:
(a) Promote regional stormwater management by watershed;
(b) Minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the waters of the state;
(c) Promote infiltration and groundwater recharge;
(d) Protect functional values of natural watercourses and wetlands;
(e) Provide a set of performance standards that are at least as protective of the environment and natural resources as and not in conflict with the standards set forth by Dane County and the Wisconsin Department of Natural Resources;
(f) Achieve an eighty percent (80%) reduction in total suspended solids load to waters of the state as compared to no controls for all new development, a forty percent (40%) reduction in total suspended solids load compared to no controls for all redevelopment and street reconstruction. Further, on a municipality-wide basis, achieve a twenty percent (20%) reduction total suspended solids load compared to no controls for existing developments by 2007; a forty percent (40%) reduction in total suspended solids load compared to no controls by 2011;
(g) Ensure no increase in the rate of surface water drainage from sites during or after construction;
(h) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies;
(i) Protect public and private property from damage resulting from runoff or erosion;
(j) Ensure no increase in temperature of post-construction stormwater in order to protect cold-water communities;
(k) Protect spawning grounds, fish and aquatic life;
(l) Preserve ground cover and scenic beauty, and;
(m) Promote sound economic growth and protect the tax base.

37.03 GENERAL PROVISIONS.

(1) Applicability. This ordinance applies to the use of lands within the incorporated boundaries of the City of Madison, and with the exception of Sec. 37.05 applies to the use of lands subject to extraterritorial review as provided by Wis. Stat. ch. 236.10 and Sec. 16.23, MGO.
(2) Severability of Ordinance Provisions. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in force and not be affected by such judgment.
(3) Performance Time Requirement. All action required in this ordinance shall be conducted as soon as possible as determined by the Administrative Authority.
(4) Effective Date. This ordinance ID #20903 shall become effective as of February 1, 2011.

37.04 DEFINITIONS. For the purpose of this ordinance certain words used herein are defined as follows:

Accepted Soil Erosion Control Methodology means the U.S. Natural Resources Conservation Service Technical Guide based on the universal soil loss equation (USLE) with consideration given to season of year, site characteristics, soil erodability, and slope, or another commonly known soil erosion control methodology that has been approved by the Administrative Authority.

Administrative Authority means the City Engineer, or Director of the Building Inspection Division where specifically stated herein, or their respective designees.

Affected means that a regulated activity has significantly:

(a) Caused negative impacts on water quality or the use or maintenance of one's property or business; or

(b) Endangered one's health, safety, or general welfare.

Agricultural Land Uses means related to or used for the production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.

Average Annual Rainfall means the rainfall information for an average year as determined by the information in the following rainfall file: msn1981.ran. This file represents a synthetic rainfall record for the Madison area of 1981, from March 12 through December 2. This file is available on the Wisconsin Department of Natural Resources website http://dnr.wi.gov/runoff/models/.

Best Management Practices or "BMP"s means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Board shall mean the City of Madison Board of Public Works.

Checklist Plan is an erosion control plan available from the Administrative Authority, which is designed to control soil erosion and sedimentation resulting from land-disturbing activities on areas less than twenty thousand (20,000) square feet.

City means the City of Madison.

Cold Water Community means surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species, as set forth in Wis. Admin. Code ch. NR 102.04(3)(a).

Connected Impervious Area means an impervious surface that is either connected to a separate storm sewer system or water of the state via an impervious flow path or is connected to a separate storm sewer system or water of the state by virtue of not having a minimum of thirty (30) feet of continuous pervious area as measured along the flow path, that is a minimum width of the spread of the water flow or a stormwater best management practice. Grassed swales designed to slow and treat discharge shall not be considered to be part of the separate storm sewer system.

Construction Site Erosion Control means preventing or reducing soil erosion and sedimentation from land-disturbing activity.

Customer Charge shall mean a fixed charge per lot or parcel of land to recover costs which do not vary with the amount of stormwater contributed to the system including costs to administer the Stormwater Utility or the billing system.

Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

Detention Storage is the temporary detaining or storage of stormwater in reservoirs, under predetermined and controlled conditions, with the rate of discharge there from regulated by installed devices.

Development means any of the following activities:

(a) Structural development, including construction of a new building or other structures;

(b) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;

(c) Land-disturbing activities; or

(d) Creation or expansion of impervious surface.

Direct Conduits to Groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, karst features, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Driveway Approach shall mean the area improved for vehicular traffic on a public street right-of-way, which connects the traveled portion of the street with a driveway.

Effective Infiltration Area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

Existing Development means buildings and other structures and impervious area existing prior to ordinance adoption.

Existing Grade means the vertical location of the existing ground surface prior to excavation or filling.

Fill means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

Financial Security Instrument means a surety bond, performance bond, maintenance bond, irrevocable letter of credit, or similar guarantees in a form approved by the City Attorney that is submitted to the Administrative Authority to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Grading is altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

Gully Erosion means a severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.

Heavily Disturbed Site means a site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities including filling.

Hydrologic Soil Group (HSG) has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices

Impervious Area means any land surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain or melting snow. The term includes without limitation due to enumeration, all areas covered by structures, roofs (including overhangs), roads, sidewalks, patios, porches, driveways, parking lots, loading docks, and semi-impervious surfaces such as compacted clay and gravel, all as measured on a horizontal plane.

Impervious Area Charge shall mean the charge per one thousand (1,000) square feet of impervious area to recover those costs which vary with the quality or quantity of the stormwater, including operation and maintenance of the storm sewer system, street cleaning, and debt retirement on additions to the Public Stormwater System and capitalized maintenance equipment.

Impervious Surface means an area that releases as run-off all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, gravel storage areas, underground structures with less than two and one half (2.5) feet of pervious material installed above the outside top of the concrete structure and streets are examples of surfaces that typically are impervious.

Infiltration for the purposes of this ordinance, refers to any precipitation that does not leave the site as runoff.

Infiltration System means a device or practices such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns or minimal infiltration from practices such as swales or road side channels designed for conveyance and pollutant removal only.

Karst Feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land-Disturbing Construction Activities means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment or other debris into waters of the state. Land-disturbing construction activities include, but are not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

Land in its Natural Undeveloped State means land, which has runoff characteristics equivalent to runoff curve number (CN) 68, as used in the runoff methodology promulgated by the U.S. Natural Resources Conservation Service National Engineering Handbook.

Land Treatment Measures are structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.

Lightly Disturbed Site means a site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earthmoving activities.

MEP or "Maximum Extent Practicable" means a level of implementing best management practices in order to achieve a performance standard specified n this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Non-Erosive Velocity means a rate of flow of stormwater runoff, usually measured in feet per second, which does not erode soils. Non-erosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.

PDF means portable document format, a digital file format that allows for ease of document exchange.

Peak Flow is the maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

Permittee means any person, corporation, limited liability company, partnership or other entity granted a permit under this ordinance.

Person shall mean any individual, firm, company, partnership, municipality, association, corporation, cooperative, society, institution, enterprise, government agency, or other entity.

Pervious Area means an area that releases as runoff a small portion of the precipitation that falls on it and shall be a minimum of two and one half (2.5) feet deep. Lawns, gardens, parks, forests or similar vegetated areas are examples of surfaces that typically are pervious. Additionally, pervious pavement areas (concrete, asphalt or modular block), which are specifically designed to infiltrate stormwater may be considered to be pervious but may not be considered to be a best management practice.

Pervious Area Charge shall mean the charge per one thousand (1,000) square feet of pervious area to recover those costs which vary with the quality or quantity of the stormwater, including operation and maintenance of the storm sewer system, street cleaning, and debt retirement on additions to the Public Stormwater System and capitalized maintenance equipment.

Plan means an erosion control plan as required by Sec. 37.08 or a stormwater management plan as required by Sec. 37.09.

Post-development refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development stormwater peak flows as required by the ordinance.

Pre-development refers to the extent and distribution of land cover types present before the initiation of land-development activity, assuming that all land uses prior to land-disturbing activity are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55). This term is used to match pre- and post-development stormwater peak flows as required by the ordinance. In a situation where cumulative impervious surface created after the adoption of this ordinance exceeds the twenty thousand (20,000) square feet threshold, the pre-development conditions shall be those prior to any land disturbance.

Protective Area means an area of land that commences at the top of the channel of lakes, streams, and rivers or at the delineated boundary of wetlands, and that is the greatest of the widths defined in Section 37.09(3)(h), as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert such that runoff cannot enter the enclosure at this location.

Public Lands means all government owned lands, which are subject to regulation by the City, including, but not limited to:

(a) All lands owned or controlled by the City;

(b) All lands which are owned by another unit of government.

Public Stormwater System shall mean all public storm sewers, drainage conduits, drainage conveyances, private non-exclusive drainage easements, public non-exclusive drainage easements, roadside ditches or curb and gutter on public rights-of-way, public greenways, and public parkways and all improvements thereto which by this section are constituted as the property and responsibility of the Stormwater Utility. These are to be operated to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Redevelopment means any construction, alteration or improvement exceeding four thousand (4,000) square feet of land disturbance performed on sites where the proposed development is replacing older development. (Am. by ORD-15-00037, 4-8-15)

Residential Development, for the purpose of determining infiltration requirements, shall be considered to be one (1) or two (2) family units. Apartment complexes or condominiums in excess of this size shall be considered to be commercial development/non-residential.

Resurfacing means an improvement project on a parking lot where the improvement includes prepping and cleaning the affected area, milling the existing asphalt, adjusting drainage structures and installing a new layer of asphalt over the prepared base. (Cr. by ORD-15-00037, 4-8-15)

Roadside ditch shall mean a ditch located within the public right-of-way to an unimproved street.

Runoff means stormwater or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow

Runoff Curve Number (RCN) has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

Sediment is solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or ice, and has come to rest on the earth's surface at a different site.

Sedimentation means the deposition of eroded soils at a site different from the one where the erosion occurred.

Sensitive Area means lakes, perennially flowing streams, or wetlands subject to regulation by the City.

Sheet and Rill Erosion means a loss of soil caused by sheet flow or shallow concentrated flow, and characterized by an absence of channeling or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.

Site means the bounded area described in an erosion control plan or stormwater management plan.

Slope means the net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

Soil Loss is soil moved from a given site because of land-disturbing activities or by the forces of erosion and re-deposited at another site on land or in a body of water.

Soil Loss Rate(s) means the rate, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and which occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from concentrated flow such as gully or bank erosion.

Standards Oversight Council (SOC). The Wisconsin Standards Oversight Council (SOC) is a group comprised of regulatory and technical experts, which creates technical standards for stormwater management practices. This group is supported by the WDNR. Further information is available on the WDNR website at http://dnr.wi.gov/runoff/stormwater/techstds.htm.

Storm Building Sewer shall mean that part of the stormwater system which receives the discharge from building storm drains and sub-drains, yard drains, parking lots, yard fountains and other permissive sources and conveys such waters to a public stormwater system, private stormwater system or other approved point of disposal.

Storm Events mean the precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for Dane County, Wisconsin. For example, one-year, two-year, 10-year and 100-year storm events mean the precipitation amounts that occur over a 24-hour period that have a recurrence interval of one, two, 10 and 100 years, respectively.

Storm Sewer shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater means the flow of water which results from, and which occurs during and immediately following, a rainfall, snow- or ice-melt event.

Stormwater Management means any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land-development activities.

Stormwater Runoff is the water derived from rains falling or snowmelt or ice melt occurring within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

Stormwater Utility means the utility established under this ordinance for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

Street Reconstruction means removal and replacement of the road sub-grade, where existing stormwater conveyance systems are modified.

Structure means any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, streambed or lakebed.

Structural Measures are works of improvement for land stabilization to prevent erosion, sediment or runoff.

Type II Distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973", which is incorporated by reference for this chapter. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Unimproved Street shall mean a street without a curb and gutter.

Unnecessary Hardship means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USLE means universal soil loss equation.

37.05 THE PUBLIC STORMWATER SYSTEM.

(1) Purpose and Necessity. The Common Council of the City of Madison finds that the management of stormwater and other surface water discharges within and beyond the Yahara River, the Sugar River, Door Creek and other bodies of water within the City is a matter that affects the health, safety, welfare and well-being of the City, its residents and businesses and others in the surrounding area. Failure to effectively manage stormwater

affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams, and other bodies of water within and adjacent to the City. A system for the collection and disposal of stormwater provides benefits to all properties within the City and surrounding areas, including those properties not currently served by the system. Beyond designated initial Capital Expenses for system improvements, the cost of operating and maintaining the City stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Common Council hereby exercises its authority to establish a stormwater utility and establish the rates for stormwater management services. Nothing in the foregoing shall affect the determination of the Common Council to provide for the payment of designated initial capital expenses for system improvements by other necessary and convenient means. In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by Wis. Stat. chs. 62 and 66 including, but not limited to, Secs. 62.04, 62.11(5), 62.16(2), 62.18, 62.23(6), 66.0809, 66.0811, 66.0813, 66.0821, and 66.0627. (Am. by ORD-17-00030, 3-8-17)

(2) Creation and Supervision. The purpose of this section is to state the intention of the City to provide and maintain a public stormwater system capable of conveying stormwater from public lands and right-of-ways and to dispose of such water in a manner that the health, safety and welfare of the public shall be protected. There is here established a stormwater utility within the purview of Wis. Stats § 66.0821.

The Administrative Authority shall be responsible for the maintenance and management of the public stormwater system under the direction of the Board of Public Works.

(3) Authority. The City, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such utilities, operations and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities relating to collection, runoff and retention. This includes facilities that will support a stormwater management system, whether such facilities are owned and operated directly by the City or are provided under statutory or contractual provisions and furnishing of which facilities create or impose a cost or charge upon the City for the services afforded by such facilities.

(4) Rates and Charges.

(a) It is hereby determined and declared to be necessary and conducive for the protection of the health, safety, and welfare of the public to charge and collect charges or fees upon all lots, lands and premises served or benefited by the stormwater system of the City.

(b) There shall be established a charge for stormwater services to all lots and parcels of land within the municipal boundaries of the City. The charge schedule shall be made up of a Customer Charge, an Impervious Area Charge, and a Pervious Area Charge.

(c) Measurement of Impervious Area and Pervious Area. The Administrative Authority shall measure the total area, impervious area, and pervious area of each lot or parcel of land within the City using aerial photography, site or building plans

submitted by the property owner, actual on-site surveys, or, in the case of single family and duplex residential lots, using information from the data base of the City Assessor and formulas.

Individual property owners may submit site and building surveys to the Administrative Authority, which more accurately determine the total area, impervious area and/or pervious area. Property owners may appeal the measurements of the Administrative Authority to the Board of Public Works.

(d) Adjustments to the Measured Impervious and Pervious Areas. Individual property owners may submit, to the Administrative Authority, site and building surveys or documentation of mitigation or treatment measures which more accurately determine or reflect the total area, impervious area and/or pervious area. The Administrative Authority may reduce the measured impervious area and/or pervious area after taking into consideration the volume or peaking of stormwater or surface water discharge that is caused by the area of impervious surfaces, topography, and other surface characteristics, and the extent and reliability of mitigation or treatment measures that demonstrably and materially reduce the costs to the Stormwater Utility. It shall be the burden of the property owner to demonstrate by a preponderance of the evidence that a fee adjustment is warranted. Any such adjustments shall be made in accordance with the Rate Adjustment Policy established by the Administrative Authority and approved by the Common Council.

(e) Appeals. The appeal process is as provided in Sec. 37.13 of this ordinance. The pendency of an appeal of a decision or determination of the Administrative Authority shall not excuse payment of any stormwater charge. If a decision or determination of the Administrative Authority is reversed or modified the Board may grant a refund to the aggrieved party, prorated and retroactive to the date on which an application for fee adjustment was filed with the Administrative Authority.

(f) Rate Structure. The City Engineer shall, consistent with the standards set forth in Wis. Stat. Sec. 66.0821(4), annually set the Customer Charge, Impervious Area Charge and Pervious Area Charge rates. These rates shall be set annually, and will go into effect upon approval by the Board of Public Works and the Common Council.

(g) Collection of Customer Charge, Impervious Area Charge and Pervious Area Charge. The Administrative Authority shall divide the City into sections for billing purposes, which shall coincide with the billing schedule of the Water Utility. The Customer Charge, Impervious Area Charge and Pervious Area Charge shall be payable to the City Treasurer at the same time that the Water Utility bills are payable. All charges established by this Ordinance shall be a lien on the property served pursuant to Wis. Stat. §§ 66.0809, 66.0811, 66.0813 and 66.0821.

(h) The bills for stormwater services shall be dated and issued to users. A late payment charge of one percent (1%) of any unpaid balance shall be assessed and added to the bill for such services if the amount of the bill is not paid within twenty (20) days thereafter (the "due date") and an additional late payment charge of one percent (1%) of the unpaid balance of the bill plus any previously assessed late payment charge remaining due at the end of every monthly anniversary of the due date shall be assessed and added to bills then remaining unpaid. (Am. by ORD-14-00150, 9-12-14)

(5) Transfer of Assets and Outstanding Debt.

(a) The land rights and improvements of the City, or such rights determined to exist, for the following components of the public stormwater system are hereby transferred to the land assets of the Madison Stormwater Utility.

1. Storm sewers;

2. Inlets, catch basins, retention ponds, and related appurtenances;
3. Access structures;
4. Greenways.

(b) Effective January 1, 2001, the Stormwater Utility shall assume the responsibility for debt service on all outstanding general obligation debt issued for storm drainage purposes

(6) Additions to the Public Stormwater System.

(a) Additions to and reconstruction of the Public Stormwater System shall be financed by the Stormwater Utility except as follows:

1. Inlets, inlet leads, curb and gutter, manholes not located on trunk system, temporary corrugated facilities, and temporary ditching, unless said construction is incidental to the storm sewer installation.
2. The construction of greenways required by Sec. 16.23, MGO.
3. Storm sewer constructed in accordance with Sec. 7.47, MGO.
4. Public drainage systems required by Sec. 16.23(9)(d)5., MGO.
5. Any public drainage system installed to benefit redevelopment, as that term is defined in Sec. 37.04.

(b) A determination of the type of storm drainage system to be used shall be made by the Administrative Authority on the basis of required capacity, economics, and use of abutting lands. Additions to the Public Stormwater System shall, in general, be designed and constructed to convey stormwater, which would drain from the upstream lands as a result of a storm that could be expected to occur once in ten (10) years, except that culvert crossings in greenway drainage systems shall be designed for the twenty-five (25) year event peak flow.

Where, in the opinion of the Administrative Authority, a situation exists which will result in development or creation of an enclosed depression (no safe overflow path during times when the storm sewer is at capacity), and where the only outlet is the storm sewer system, then the storm sewer system shall be designed to handle the runoff that can be expected to result from a one hundred (100) year storm event or larger depending on the risk of property damage and public safety, as determined by the Administrative Authority. For design purposes, the acceptable flooding associated with this design event shall not leave the public right of way or public easements.

The duration of these design storms shall approximate the time that the water takes to flow through the storm drainage system, but in any event, not be less than thirty (30) minutes. In the event that the area under consideration is in a flood plain, then the drainage facilities shall be designed to convey the one hundred (100) year regional flood without raising the flood plain water surface more than 0.01 feet.

(Am. by ORD-17-00037, 3-29-17)

(c) Inspection of Additions to the Public Stormwater System. The Administrative Authority shall inspect the construction of all public sewers and all private sewers, including building sewers, from the property line to the public stormwater system and shall inspect the construction of private sewers and best management practices within private property when deemed necessary by the Administrative Authority.

(7) Connection to the Public Stormwater System.

(a) Permit Required for Connection, Disconnection or Abandonment.

1. General Requirements. No person shall do any work whatsoever for the purpose of connecting, disconnecting or abandoning an existing connection to the public stormwater system or existing building sewers or existing private sewers, or for the purpose of laying building sewers or private sewers, without first obtaining from the Administrative Authority a

written permit to connect, disconnect or abandon a connection to the public stormwater system. The street curb and gutter is considered to be part of the stormwater conveyance system. Curb discharges via pipes, tubes, flumes or "curb scupper" devices of any type of discharge, including sump pumps, roof drains or any other discharge, shall require a permit to connect to the stormwater system.

All private sewers and all building sewers between the property line and terminating at the public stormwater system shall be either installed by City forces, City contract, contract under the supervision of the Board of Public Works, or by a Contractor approved by the Board of Public Works for sewer construction, or a plumber qualified by the Board of Public Works (terrace only) and inspected by City forces. All work shall comply with the City of Madison Standard Street and Sewer Specifications and General Conditions.

2. Stormwater System Connection Permit.
   a. Permit Fee. For each original permit to connect to the public stormwater system, the applicant shall pay to the City Treasurer an application fee of one hundred dollars ($100) and conform to the procedures and regulations of this Subsection. Should the stormwater system connection permit be for dry weather flow (a foundation drain or sump pump system) an additional surcharge fee shall be charged consistent with the following:
      i. For peak discharges up to a maximum of 225 gallons per minute, no surcharge fee.
      ii. For peak discharges over 225 gallons per minute up to 675 gallons per minute, a surcharge fee of five hundred ($500) dollars shall be charged.
      iii. For peak discharges in excess of 675 gallons per minute, the Administrative Authority shall first determine if the system can accept the proposed discharge rate. Should the discharge be approved, the surcharge fee shall be one thousand ($1,000) dollars.
   b. The stormwater system connection permit issued under this Subdivision shall be on the premises and in the hands of the person completing the connection.
   c. Prior to allowing connections to the public stormwater system, for the purpose of a non-stormwater discharge (not including residential sump pump discharges from building foundation drains), the applicant shall first obtain a permit from the City Health Department in accordance with Sec. 7.47, MGO.
3. Stormwater System Disconnection or Abandonment Permit.
   a. Permit Fee. For each original permit to disconnect or abandon a public stormwater system connection, the applicant shall pay to the City Treasurer an application fee of one thousand ($1,000) dollars and conform to the procedures and regulations of this Subsection. Upon a successfully inspected disconnection or abandonment of the private connection and closure of the permit application, the City shall refund an amount of not more than nine hundred ($900) dollars to the applicant.
   b. As connections to the public stormwater system come in almost infinite types and combinations, the approved method of disconnection or abandonment shall be clearly defined in the permit conditions.

c. The stormwater system disconnection or abandonment permit issued under this Subdivision shall be on the premises and in the hands of the person completing the disconnection or abandonment.

d. All conditions of the permit must be adhered to and the disconnection or abandonment must be successfully inspected by the City Inspector to obtain any refund of the deposit.

e. The permit issued under this Subdivision shall be valid for 60 days from the date of issuance unless the permit is extended in writing by the City Engineer. Following an additional 60 days after the expiration of the permit, the permit shall be closed and any deposits remaining, less any inspection fees or other permit costs, will be returned. Upon closing of the permit, the owner must apply for a new permit to complete the disconnection or abandonment.

(b) Charges, Specifications and Maintenance of the Connection. The Administrative Authority shall review all parking facility permit applications and applications for "commercial sites" as defined by Sec. 10.08, MGO, hereinafter termed the "site." Single and two family detached dwellings shall be reviewed by the Director of the Building Inspection Division.

1. All sites, which include ten thousand (10,000) square feet or less of impervious surface, may be permitted to drain over the sidewalk with the provision that the site shall be graded so that the resultant flow shall be distributed over at least ten (10) linear feet of sidewalk.

2. All sites, which include over ten thousand (10,000) square feet of impervious surface, shall be designed to convey stormwater drainage to the public stormwater system by means of a private storm sewer or storm building sewer. Where the existing topography is such that the stormwater cannot practically be conveyed to the storm sewer facility or over the sidewalk by means of gravity, and where the stormwater has drained historically onto another parcel of land, the Administrative Authority may grant site drainage approval conditioned on the fact that the City is properly relieved of responsibility for any costs of damage to other lands attributed to said stormwater flow.

3. As part of all plat or CSM developments, where the area draining to a single discharge point from a swale or other conveyance to a sidewalk or driveway exceeds fifty-five thousand (55,000) square feet the area shall be served with public storm sewer prior to the discharge to the public right-of-way. Serving of this area with storm sewer shall be at the expense of the developer proposing the improvement.

4. When the Administrative Authority deems that the existing storm sewer is unavailable, or that connection to the storm sewer is not in the public interest, he/she may permit drainage across the sidewalk on a temporary or permanent basis.

5. When a site being reviewed by the Administrative Authority proposes to continue existing drainage patters and discharge stormwater runoff onto property neither under the applicants control (via ownership, easement or agreement) nor onto publicly owned property, the Administrative Authority shall require the applicant to provide documentation that they have made significant efforts to obtain the right to discharge this stormwater onto this property. If no right can be obtained, the applicant shall be required to mitigate the increased volume of discharge on their property prior to making this discharge. Mitigation shall consist of implementation

of a stormwater practice that shall match the existing volumetric discharges from the applicant's property to other lands not under their control in storm events including the 1, 2, 5 & 10-year storm events.

6. The Administrative Authority shall review and approve the location, direction of flow, depth, size and type of material to be used in the private storm sewer or storm building sewer. No storm sewer lateral shall be less than six (6) inches in diameter.

7. The property owner shall be responsible for the cost of installation of the private storm sewer or storm building sewer from his/her property line to the public stormwater system. The cost of installation shall include excavation, pipe laying, backfilling, and street restoration where required under the supervision of the Administrative Authority and in accordance with the City of Madison Street and Sewer Specifications.

8. The maintenance of the private storm sewer or building storm sewer, and/or best management practices shall be the responsibility of the property owner. Every private storm sewer, building storm sewer, and best management practice shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions, and in accord with the maintenance agreement recorded against the property, if applicable.

   a. Where existing private storm sewer, building storm sewer, and/or best management practices are in a state of disrepair or present an obstruction to the drainage system, and the resulting drainage overflows cause damage to the roadway or adjacent public or private lands, the Administrative Authority is authorized to resolve the drainage obstruction. Authorized actions include but are not limited to: removal of any drainage obstructions, at existing inlets, at existing ditch lines and the like; regrading of existing ditch lines; and repairing best management practices to allow for positive drainage. The Administrative Authority may proceed as follows to complete the work:

      i. Where, in the opinion of the Administrative Authority, a situation exists that could adversely affect the health and safety of the public or cause significant damage to public or private property, the Administrative Authority is authorized to resolve the situation and the City will special charge the completed work in accord with Sec. 4.09(13), MGO.

      ii. Where, in the opinion of the Administrative Authority, the situation affects only the property on which the problem exists, and the needed repair is not to a best management practice that is part of the approved stormwater management plan, the Administrative Authority may proceed to complete the work provided the owner of the affected property signs a completed waiver of Notice and Hearing for imposition of a special charge to pay for the cost of the work.

      iii. Where, in the opinion of the Administrative Authority, the situation on one (1) property affects the drainage on other properties but does not threaten the health and safety of the public or threaten to cause significant damage to public or private property, or where the required maintenance is on a best management practice that is part of the approved stormwater management plan, the Administrative Author-

ity may proceed in accord with Sec. 27.05, MGO, and order the owner of the property causing the problem to correct the situation.

b. Any property owner required to have a Best Management Practice or a maintenance agreement on the property shall submit to the City Engineer an annual report reviewing the condition of that practice and the maintenance performed during the past calendar year. This report shall be submitted by June 1 and be sealed by a Professional Engineer currently licensed in the State of Wisconsin.

Where a recorded maintenance agreement exists, which specifies the annual inspection requirements, that agreement shall be the minimum information required. Where a maintenance agreement does not exist, the City Engineer shall make available inspection forms and maintenance guidelines for the most common types of stormwater management BMP's. These will be considered the minimum inspection and maintenance standards acceptable for the specific sites developed prior to maintenance agreements being required. The- inspection forms will also be accepted for those properties with maintenance agreements, provided the minimum inspection and maintenance standards match that proscribed in the agreement.

(8) Discharges to the Public Stormwater System.

(a) Definitions. In addition to the terms set forth in this Chapter, the definitions set forth in Sec. 7.47(2) shall apply to this Subsection.

(b) Non-storm Discharges. All non-stormwater discharges to the public stormwater system shall be approved and permitted by the Health Department, as required and authorized under Sec. 7.47.

(c) Illicit Discharges. All non-stormwater discharges to the public stormwater system that are either not permitted under Sec. 7.47 or are not required to have a permit (this includes, but is not limed to, foundation drains, sump pumps, and some air conditioning condensation discharges) shall be considered to be illicit and are hereby prohibited.

(d) Clean-up or Repair of Wastes Discharged to the Public Stormwater System. The Administrative Authority shall work cooperatively with the Health Department to prevent, repair, and remove pollutants/waste from the public stormwater system. Should a discharge of pollutant/waste to the public stormwater system be caused by any individual, this person is responsible for immediately cleaning up any spilled material to prevent it from becoming a hazard to health or safety, or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the City of Madison.

(e) Notification. Spills or the accidental release of hazardous materials or potentially polluting substances at a site of a quantity or nature that cannot be adequately cleaned up by the responsible person shall be reported immediately to the emergency number for the Police department (911) so that assistance can be provided by the proper agency.

(f) Access. Where the Administrative Authority, under the direction of, or in consultation with and the approval of, the Health Department, has determined that a situation exists that could adversely affect the health and safety of the public or that a potential waste/pollutant discharge poses a significant threat of pollution to the waters of the State, and to remedy this situation access to privately owned property is required, the Administrative Authority shall have the right to enter private property for the specific purpose of remedying the potential discharge of waste/pollutants.

(g) Financial Liability. The person responsible for the release, escape or discharge of potentially polluting substances/wastes shall be held financially liable for the cost of clean-up or attempted clean-up deemed necessary or desirable and undertaken by the City of Madison, or its designated agents. This clean up shall be done only where the Administrative Authority, under the direction of, or in consultation with and the approval of, the Health Department, has determined that a situation exists that could adversely affect the health and safety of the public or that a potential waste/pollutant discharge poses a significant threat of pollution to the waters of the State. When the Administrative Authority acts consistent with this guidance it shall be determined to be acting in good faith. The costs associated with these remediation efforts shall be recovered as a special charge against the property served pursuant to Sec. 4.09(13), MGO.

(9) Vehicular and Pedestrian Crossings of the Public Stormwater System.

(a) New Private Driveway Approaches. As stated in Sec. 10.08(5)(f) of the Madison General Ordinances and Wis. Stat. § 88.87(3) all new private driveway approaches (entrances) from unimproved public roadways into private property, shall have drainage facilities such as culverts and roadside ditch grading done in accordance with requirements of the Board of Public Works. Ditching and culverts required by the Board of Public Works shall be done at the property owner's expense.

The Administrative Authority shall determine said requirements which shall include, but are not limited to; size, length and type of culvert, alignment and grade of culvert, type of embankment needed at culvert end, roadside ditching and grading required to provide roadside drainage. The construction shall be done by and at the expense of the property owner and the Administrative Authority will provide engineering and inspection.

(b) Existing Private Drainage Systems. The maintenance, repair and replacement of private drainage systems, including, but not limited to, ponds, bioretention systems, rain gardens, pipes, inlets, filters, basins, culverts for private driveways, and roadside ditches along unimproved public roadways, are the responsibility of the adjacent private property owner. Where existing private drainage systems present an obstruction to the drainage system, and the resulting drainage overflows cause damage to the roadway or adjacent public or private lands, the Administrative Authority is authorized to correct any drainage obstruction. Authorized actions include but are not limited to removal of any drainage obstructions in existing ditch lines and regrading of existing ditch lines to allow for positive drainage. The Administrative Authority may proceed as follows to complete the following work:

1. Where, in the opinion of the Administrative Authority, a situation exists that could adversely affect the health and safety of the public or cause significant damage to public or private property, the Administrative Authority is authorized to resolve the situation and the City will special charge the completed work in accord with Sec. 4.09(13), MGO.
2. Where, in the opinion of the Administrative Authority, the situation affects only the property on which the problem exists, the Administrative Authority may proceed to complete the work provided the owner of the affected property signs a completed waiver of Notice and Hearing for imposition of a special charge to pay for the cost of the work.
3. Where, in the opinion of the Administrative Authority, the situation on one (1) property affects the drainage on other properties but does not threaten the health and safety of the public or threaten to cause significant damage to public or private property, the Administrative Authority may proceed in accord with Sec. 27.05, MGO, and order the owner of the property causing the problem to correct the situation. It is noted here that

for this scenario to be utilized the drainage problem must be clearly limited to one property affecting other properties. In the more common case, of drainage problems on multiple properties affecting the drainage for the area, paragraph 4. below will apply.

4. Where, in the opinion of the Administrative Authority, the situation is such that drainage problems are caused by a poorly maintained drainage system throughout the area, and it is only possible to correct the situation through regional improvements made on multiple properties, the Administrative Authority may propose an assessment improvement district to correct the situation.

(10) Public Harvesting of Foliage or Seeds from Storm Utility Lands.

(a) Request to Harvest Plant Materials. A City of Madison resident or volunteer may make a written request to the Administrative Authority for the harvesting of foliage or gathering of wildflower or prairie seeds from lands owned and operated by the City of Madison stormwater utility. Each instance or location must be made as a separate request, reviewed, and approved prior to any harvesting or gathering activities. Harvested materials must be used for non-profit purposes and cannot be resold. The person or persons allowed to harvest materials from City of Madison stormwater utility lands must also complete a City of Madison volunteer waiver. Any damage caused by harvesting activities other than removal of the proscribed plant or seed materials must be repaired to the satisfaction of the Administrative Authority.

37.06 LAND-DISTURBING ACTIVITIES SUBJECT TO EROSION CONTROL AND STORMWATER MANAGEMENT.

(1) General Requirement. Any person who undertakes, commences or performs land-disturbing activities, or who permits or directs another person to do the same, on land subject to this section, shall be subject to this ordinance.

(2) Land-Disturbing Activities Subject to Erosion Control. Unless expressly exempted by Sec. 37.06(4) an erosion control permit under Sec. 37.11 shall be required and the erosion control provisions of Sec. 37.08 shall apply to any of the following activities in the City:

(a) Land-disturbing activity in excess of four thousand (4,000) square feet resulting in the loss or removal of protective ground cover or vegetation;

(b) Land-disturbing activity that involves the excavation or filling, or any combination thereof, in excess of four hundred (400) cubic yards of material;

(c) Any public (federal, state or local) street, road or highway that is constructed, enlarged, relocated or substantially reconstructed;

(d) Any new public or private roads or access drives longer than one hundred twenty-five (125) feet;

(e) Land-disturbing activity that disturbs more than one hundred (100) lineal feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel;

(f) Any subdivision of land as defined by Sec. 16.23, MGO, entitled "Land Subdivision Regulations" which requires plat approval or any certified survey;

(g) Any use by a unit of government or by public or private utilities in which underground pipe or facilities will be laid, repaired, replaced or enlarged for a distance of over three hundred (300) feet.

(h) Land-disturbing activity that disturbs less than four thousand (4,000) square feet of land, including the installation of access drives, that the Administrative Authority determines to have a high risk of soil erosion or water pollution, or that may significantly impact a lake, stream, wetland, or other sensitive area. Examples of activities with a high risk of soil erosion or water pollution may include, but are

not limited to, land disturbance on erodible soil or disturbance adjacent to lakes, rivers, streams or wetlands. All such determinations made by the Administrative Authority shall be in writing, unless waived by applicant.

(3) Land-Disturbing Activities Subject to Stormwater Management. Unless otherwise exempted by Sec. 37.06(4), a stormwater management permit under Sec. 37.11 shall be required, and the noted stormwater management provisions of Sec. 37.09 shall apply, for the following activities within the City:

(a) Development. Any development(s) commenced after the adoption date of this ordinance that either

1. Results in the addition of twenty thousand (20,000) square feet of new impervious surface to the site; or,
2. Arises from the development of a previously developed or partially developed site(s) and results in a new site(s) condition with a total cumulative addition of twenty thousand (20,000) square feet of new impervious surface, since August 1, 2001, shall meet all the provisions of Sec. 37.09. (Am. by ORD-15-00037, 4-8-15)

(b) Land Subdivision. Any subdivision of land, as defined by Sec. 16.23(2) of the Madison General Ordinances, which requires plat approval or any certified survey for property intended for commercial or industrial use.

(c) Redevelopment. Any development that meets the standards for redevelopment, as defined in Sec. 37.04, shall meet the stormwater management performance standards of Sec. 37.09(1), (2), (3)(a) and (b).

(d) Other Land-Development Activities. Any development activity, including but not limited to the redevelopment or alteration of existing buildings and other structures, which the Administrative Authority determines may exceed the safe conveyance capacity of the existing drainage facilities and/or receiving body, significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream, wetland, or other sensitive area, shall meet all the provisions of Sec. 37.09.

(e) Site Disturbance/Grading. Any land disturbance equal to or greater than one (1) acre, regardless of the amount of impervious area that is part of the project after construction, shall be subject to Sec. 37.08 and all the provisions of Sec. 37.09.

(f) Street Construction. Any street construction or reconstruction exceeding twenty thousand (20,000) square feet of new impervious area that is not directly associated with a new plat or CSM development is subject to Secs. 37.09(1), (2) & (4).

(g) Resurfacing. A site improvement project that requires zoning approval and has thirty thousand (30,000) square feet or more of parking lot resurfacing as defined in Sec. 37.04 shall meet the stormwater management performance standards of Sec. 37.09(1), (2), (3)(a) and (3)(b). (Cr. by ORD-15-00037, 4-8-15)

(4) Exemptions and Clarifications.

(a) The following activities are exempt from all the requirements of this ordinance:

1. Any activity directly related to the planting, growing and harvesting of agricultural crops;
2. Construction of agricultural buildings provided the resulting new total impervious surface area does not exceed twenty thousand (20,000) square feet.

(b) The following activities are exempt from the construction site erosion control provisions of Sec. 37.06(2):

1. One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code; The Director of the Building Inspection Division shall

regulate these sites during the period that residential building permits are in effect, consistent with the most current Wisconsin Uniform Dwelling Code requirements.

2. Construction of public buildings and buildings that are places of employment relating to activities specifically regulated by the Wisconsin Department of Commerce during the period that Department of Commerce-authorized building permits are in effect and specific erosion control procedures on these construction sites are effective, pursuant to Wis. Stat. § 101.1205.
3. State building projects subject to Wis. Stat. § 13.48 (13) and state highway projects subject to Wis. Admin. Code ch. Trans 401.
4. Industrial activities wherein the disturbance is an ongoing part of the daily activity on the site, such as a nonmetallic mining operation, materials storage yards, etc. However, these activities could be required to obtain a permit for construction site erosion control from time to time when doing temporary construction to alter the site or the facility such as constructing a new building, adding a new roadway, or as identified in Secs. 37.06(3) and 37.06(4)(c). Furthermore, these industrial activities are still subject to the Stormwater Management requirements of this Ordinance, with an annual modified fee schedule as described in Paragraph 37.11(1)(a)4..

(c) Notwithstanding the language of Sec. (4)(b)2., activities unrelated to actual building construction shall be subject to all the requirements of this ordinance. These activities shall include, but are not limited to:

1. Land-disturbing activity prior to excavation for foundation work;
2. Landscaping;
3. Installation of driveways, parking areas and sidewalks;
4. Earthwork on an area greater than four thousand (4,000) square feet on sites not directly related to structural concerns; and
5. Development of ponds and channelized watercourses, commercial parks, and landing strips or airport runways.

(d) Notwithstanding the language of Sec. (4)(b)3., the following activities are subject to the requirements of this ordinance:

1. Buildings and activities of municipalities;
2. Buildings and activities of school districts;
3. Local highway projects;
4. Municipal streets; and
5. County roadways.

37.07 PERMITTING OR CAUSING EROSION PROHIBITED.

No person shall cause or permit erosion or the tracking or dropping of dirt or sediment deposits on adjacent land, public streets or bodies of water from any land whether otherwise subject to this ordinance or not.

37.08 EROSION CONTROL PLAN REQUIREMENTS.

(1) Control Plan Required.

(a) Every applicant for an erosion control permit shall submit both a paper copy, 11" × 17", and a PDF copy of a plan to control erosion, sedimentation and runoff to the Administrative Authority. These plans shall be at a 40:1 or larger scale and include the information described in Sec. 37.08(2). Plans shall be submitted when the proposed activity:

1. Disturbs an area twenty thousand (20,000) square feet or larger;
2. Disturbs an area adjacent to or draining directly into any sensitive area;

3. Regardless of size, proposes to have an onsite pumping system to control groundwater or to dewater the site after rain events;
4. Is considered redevelopment and disturbs an area four thousand (4,000) square feet or larger; or
5. Is considered development and disturbs an area twenty thousand (20,000) square feet or larger.

(b) Sites not requiring a control plan as identified above shall submit erosion control proposals using the simplified plan checklist provided with the permit application as described in Sec. 37.08(3).

(c) The Administrative Authority may require separate erosion control plans and measures for Planned Development Districts where there is more than one building.

(2) Plan Materials. Erosion control plans required under Sec. 37.08(1)(a) may include consideration of adjoining landowners' cooperative efforts to control transport of sediment and except as specifically exempted below, shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin and shall include the following information:

(a) Limits of disturbed area;
(b) Limits of impervious area;
(c) All erosion control measures to be installed, including a pumping plan as needed;
(d) Cross sections of and profiles within road ditches;
(e) Kinds of utilities and areas of installation, including special erosion control practices for utility installation;
(f) Culvert sizes;
(g) Topographical features and the natural direction of flow of runoff;
(h) Watershed size for each drainage area;
(i) Design discharge for ditches and structural measures;
(j) Runoff velocities;
(k) Soil loss rate calculations for the construction period per the USLE or another method approved by the Administrative Authority;
(l) Fertilizer and seed types, rates and recommendations;
(m) Time schedules for stabilization of ditches and slopes;
(n) Description of methods by which sites are to be developed;
(o) Provision for sequential steps mitigating erosive effect of land-disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt re-vegetation. Practices shall be installed consistent with Wisconsin Department of Natural Resources' guidance in Storm Water Management Technical Standards as provided on the website as follows: http://dnr.wi.gov/runoff/stormwater/techstds.htm.
(p) Provisions such as stone access drives to prevent mud-tracking off-site onto public thoroughfares during the construction period and all incidental mud tracking shall be cleaned up and removed by the end of each working day using proper cleaning and disposal methods; and
(q) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

(3) Simplified Plan Checklist. Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices, on a standard form approved by the Administrative Authority, wherever all of the following conditions exist:

(a) The site does not exceed twenty thousand (20,000) square feet in area; and
(b) The slope of the land does not exceed six percent (6%) throughout the site.

Simplified plan checklists shall be reviewed by the Administrative Authority for completeness and accuracy.

(4) Erosion Control Performance Standards. Plans will not be approved nor permits issued unless the proposed design, suggested location and phased implementation of effective, practicable erosion control measures for plans are designed, engineered and implemented to achieve the following results:

(a) Prevent gully and bank erosion.

(b) Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative rate not to exceed five (5) tons per acre per year. (Am. by ORD-15-00037, 4-8-15)

(c) Modifications. Any proposed modifications of approved plans or alterations of accepted sequencing of land-disturbing site activities shall be approved by the Administrative Authority prior to implementation of the modifications.

(d) Plan compliance shall be determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the Administrative Authority, which considers season of year, site characteristics, soil erodability and slope.

(5) Erosion Control Inspections.

(a) Applicability. Applicants who must submit a control plan because the proposed activity meets the criteria of Secs. 37.08(1)(a)5. or 37.08(1)(a)6. shall also be required to conduct erosion control inspections of the site and the erosion control devices/practices at the site as set forth in this Subsection.

(b) Required Inspections. The applicant shall inspect the erosion control measures on a weekly basis and within twenty-four (24) hours after each half inch (½") rain event.

(c) Winter Dormant Inspection Requirements. When a permitted construction site is shut down and dormant over the winter season, the applicant shall be exempt from weekly inspections as required in Sec. 37.08(5)(b) upon approval of the Administrative Authority. In order for a permitted site to be classified as winter dormant, the applicant must install erosion control measures to the satisfaction of the Administrative Authority, provide an inspection of these measures and then cease all construction activities except for minor maintenance activities. Once a site is classified as winter dormant by the Administrative Authority, inspections are only required within twenty-four (24) hours of a rain or thaw event as determined by the Administrative Authority. If at any time construction resumes or an erosion control failure occurs at the site, the site shall lose the winter dormant classification and the applicant must resume normal inspection requirements. The winter dormant classification only applies to inspections required by Sec. 37.08(5)(a) and at no time negates inspection requirements imposed by other permits the applicant may have obtained such as Dane County or WDNR Land Disturbance Permits.

(d) Documentation of Inspection. Erosion control inspections, including any repairs needed and/or actions taken at the site, shall be documented on the City of Madison Erosion Control Website. The permitee will be given access to this website, which contains documentations and forms for use in the erosion control inspections. Digital photographs of each of the erosion control practices and the site conditions shall be submitted and shall be required to meet the minimum inspection requirements of this Subsection.

(e) If the site is noted as being within the Rock River TMDL area, the City of Madison may require additional erosion control measures in addition to those needed to meet the minimum standard of limiting erosion to a rate of five (5) tons per acre per year. The applicant will be made aware of these additional measures either as a condition of permit issuance or as the result of a site inspection performed by the City of Madison. (Cr. by ORD-15-00037, 4-8-15)

(6) Additional Requirements. In addition to the requirements set forth elsewhere in this Ordinance, applicants for an erosion control permit who must submit a control plan under Sec. 37.08(1)(a) must do the following:

(a) Hold a Preconstruction Meeting Prior to the Start of Construction. This preconstruction meeting shall be attended by a Professional Engineer licensed in the State of Wisconsin responsible for the initial implementation of the erosion control plan. The erosion control permitting and reporting requirements shall be discussed at this meeting. The Professional Engineer in attendance shall document the meeting and submit minutes of the meeting to the Administrative Authority within one (1) week of this meeting. The Administrative Authority, at their discretion, may allow other appropriately credentialed professionals to complete this requirement.

(b) Provide documentation to the Administrative Authority, on forms available from the City Engineer, from a Professional Engineer licensed in the State of Wisconsin showing the initial installation and implementation of the erosion control plan. These forms shall be submitted to the Administrative Authority within one (1) week of the completion of the initial installation and implementation of the erosion control plan. The Administrative Authority, at their discretion, may allow other appropriately credentialed professionals to complete this requirement.

(c) Within ten (10) working days of completion of the project, or the erosion control portion of the project (meaning the final site stabilization has been completed), notify the Administrative Authority that the Applicant requests closure of the Erosion Control Permit. This request shall be made via the Erosion Control Notice of Termination (ECNOT) form available from the City Engineer.

(d) Upon written or verbal notice by an agent of the City of Madison to the applicant, or the applicant's designated representative, regarding an erosion control action or repair needed to bring the site into compliance, the applicant has not less than twenty-four (24) nor more than seventy-two (72) hours to bring the project site into compliance and document those subsequent actions with the Administrative Authority. The time allotted to bring the site into compliance shall be noted on the notice.

37.09 STORMWATER MANAGEMENT REPORT REQUIREMENTS.

(1) Management Report Required.

(a) Every applicant for a stormwater management permit shall submit a report documenting the system(s) and measures proposed to control stormwater runoff from the site. The stormwater management report shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin.

(b) Evidence of Financial Responsibility. The Administrative Authority may require a financial security instrument sufficient to guarantee complete construction of the stormwater management systems proposed in the management report.

(2) Report Materials. Stormwater management reports shall satisfy all of the requirements in Sec. 37.09(3), and shall provide at a minimum the following information:

(a) A narrative describing the proposed project, including implementation schedule for planned practices;

(b) Identification of the entity responsible for long-term maintenance of the project;

(c) A topographic map of the site location, including the contiguous properties, existing drainage patterns and watercourses affected by the proposed development of the site and the existing vegetative cover;

(d) A map showing drainage areas for each watershed area;

(e) A summary of runoff peak flow rate calculations, by watershed area, including all of the following:

1. Pre-existing peak flow rates;

2. Post-construction peak flow rates with no detention;
3. Post-construction peak flow rates with detention;
4. Assumed runoff curve numbers (RCNs), which shall be consistent with the following table for predevelopment conditions:

	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	51	68	78	83

5. Time of concentration (Tc) used in calculations.

(f) A complete site plan and specifications, sealed by the Professional Engineer who designed the stormwater management system(s) and measures. All plans and specifications shall be drawn to a legible scale, shall be clearly labeled, and shall include, at a minimum, all of the following information:

1. Property lines and lot dimensions;
2. All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks;
3. All public and private roads, interior roads, driveways and parking lots and shall show traffic patterns and type of paving and surfacing material;
4. All natural and artificial water features, including, but not limited to lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, 100-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense;
5. Depth to bedrock;
6. Depth to seasonal high water table;
7. The extent and location of all soil types as described in the Dane County Soil Survey, slopes exceeding twelve percent (12%), and areas of natural woodland or prairie;
8. Existing and proposed elevations (referenced to the City of Madison Datum when required by the Administrative Authority);
9. Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project;
10. Soil erosion control and overland runoff control measures, including runoff calculations as appropriate;
11. Detailed construction schedule indicating the anticipated starting and completion dates of the development sequence;
12. Copies of permit or permit applications required by any other governmental entities or agencies;
13. Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features;
14. Location of all stormwater management practices;
15. All existing and proposed drainage features;
16. The location and area of all proposed impervious surfaces;
17. The limits and area of the disturbed area;
18. Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

(g) Engineering designs and detailed drawings for all structural management practices;

(h) A description of methods to control oil and grease or written justification for not providing such control;

(i) If required under Sec. 37.09(3)(g), the plans to control the temperature of runoff;

(j) A maintenance plan and schedule for all permanent stormwater management practices as recorded on the affidavit required in Sec. 37.11(3).

(k) Where the area being developed is in or adjacent to an area prone to flooding (as determined by the Administrative Authority) the applicant shall provide detailed survey and proposed site plan information on the lowest entrance openings to the building (including underground parking). Further, the applicant shall certify to the Administrative Authority that the building has been designed to provide flood protection to an elevation a minimum of one half a foot (0.5') above the regional flood elevation or two (2) feet above the adjacent sidewalk elevation. This shall include permanent flood protection of access to underground parking structures and areas served by on site stormwater systems connected to the public system (where the public system in the opinion of the Administrative Authority is known to be lacking sufficient capacity). Where pumping systems are used, the pumping plans shall be submitted to the Administrative Authority and shall be stamped by a Professional Engineer in the State of Wisconsin. These plans shall provide and document that the pump system can adequately control the anticipated flows that result from a 100-year storm event. Alternatively, the pumping plan may be certified by a Professional Engineer and the pump design and installation plan itself certified by a Master Plumber as defined by Wisconsin Statute.

(l) A completion date for all proposed stormwater management devices to be constructed and in service on the site. Failure to complete the project and bring the devices into service by the approved date shall constitute a violation of this section.

(3) Stormwater Management Performance Standards. The proposed design, suggested location and phased implementation of effective, practicable stormwater management measures shall be designed, engineered, and sealed by a Professional Engineer licensed in the State of Wisconsin, and implemented to achieve the following results:

(a) Sediment Control.

1. For development, by design:

a. Reduce, to the maximum extent practicable, total suspended solids load leaving the site by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls. This shall requires the use of a continuous model such as SLAMM, P8 or equivalent, and the use of approved grain size distribution curves and rainfall data. These files are managed and maintained by the Wisconsin Department of Natural Resources and are available on its website.

No person shall be required to exceed an eighty percent (80%) total suspended solids reduction, for the site as a whole, to meet the requirements of this subdivision. The analysis needed for this shall use approved procedures and assume no re-suspension of particles. If the applicant proposes to use treatment devices in series, then the analysis shall require the use of a modeling program which provides for tracking of the particulates trapped by each device used in series. If a program tracking particulate distributions is not used, then the Administrative Authority shall not allow the use of serial redundant devices.

2. For redevelopment, by design:

a. Reduce, to the maximum extent practicable, total suspended solids (TSS) loads leaving the redeveloped site by forty percent (40%), based on average annual rainfall, as compared to no runoff

management controls. This shall require the use of a continuous model such as SLAMM, P8 or equivalent, and the use of approved grain size distribution curves and rainfall data. These files are managed and maintained by the Wisconsin Department of Natural Resources and are available on its website.

No person shall be required to exceed a forty percent (40%) total suspended solids reduction, for the site as a whole as compared to no runoff management controls, to meet the requirements of this subdivision except as noted below in Sec. 37.09(3)(a)3. for sites located in the Rock River TMDL watershed. The analysis needed for this shall use approved procedures and assume no re-suspension of particles. If the applicant proposes to use treatment devices in series, then the analysis shall require the use of a modeling program which provides for tracking of the particulates trapped by each device used in series. If a program tracking particulate distributions is not used, then the Administrative Authority shall not allow the use of serial redundant devices.

3. For redevelopment and/or resurfacing by design for sites located within the Rock River TMDL:

a. Reduce, to the maximum extent practicable, total suspended solids (TSS) loads leaving the redeveloped or resurfaced site by eighty percent (80%), based on average annual rainfall, as compared to the existing conditions of the site prior to the proposed redevelopment and/or resurfacing. This shall require the use of a continuous model such as SLAMM, P8 or equivalent, and the use of approved grain size distribution curves and rainfall data. These files are managed and maintained by the Wisconsin Department of Natural Resources and are available on its website. Changes in TSS loading as compared to the existing site are expected to be met from land use changes and stormwater management practices.

This requirement shall be considered met if the eighty percent (80%) reduction requirement is met for the site or all new exposed parking areas reach a sixty percent (60%) total suspended solids reduction, as compared to no controls. The analysis needed for this shall use approved procedures and assume no re-suspension of particles. If the applicant proposes to use treatment devices in series, then the analysis shall require the use of a modeling program which provides for tracking of the particulates trapped by each device used in series. If a program tracking particulate distributions is not used, then the Administrative Authority shall not allow the use of serial redundant devices.

(Am. by ORD-15-00037, 4-8-15)

(b) Oil and Grease Control. For all stormwater management measures at commercial or industrial developments and all other uses where the potential for pollution by oil or grease, or both, exists, the first one-half (0.5) inches of runoff will be treated using the best oil and grease removal technology available. The Administrative Authority may waive this requirement only when the applicant can demonstrate that the installation of such practices is not necessary.

(c) Runoff Rate Control. Runoff rate control is required for development, redevelopment upon an incremental cumulative increase in new impervious area equal or exceeding twenty thousand (20,000) square feet. Incremental increases over a period of years, such that multiple small incremental increases in new impervious

area eventually exceeds the twenty thousand (20,000) square foot criteria, shall be retroactively controlled once the cumulative increase in new impervious area meets or exceeds twenty thousand (20,000) square feet.

Hydrologic calculations for event driven analysis shall be completed according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), for analysis requiring average annual results SLAMM or other Technical Standards and Specifications as provided in Sec. 37.10(2). For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for hydrologic soil group (HSG) A, 68 for HSG B, 79 for HSG C, and 84 for HSG D. The TR-55-specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification.

(d) Runoff Rate Control - Design Standards. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

1. Maintain predevelopment peak runoff rates for the 1-year, 24-hour storm event (2.49 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution).
2. Maintain predevelopment peak runoff rates for the 2-year, 24-hour storm event (2.84 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution).
3. Maintain predevelopment peak runoff rates for the 10-year, 24-hour storm event (4.09 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution.)
4. Safely pass the 100-year, 24-hour storm event (6.66 inches over 24 hours duration using the method approved by the City Engineer).
5. Maintain predevelopment peak runoff rates for the 100-year, 24-hour storm event (6.66 inches over 24 hours duration using the MSE4 NRCS Rainfall Distribution).
6. Flood Prone Watersheds.
   a. Lands that are known to the City Engineer to be within watersheds experiencing significant flooding shall provide detention volume equal to the known surcharge volume in the watershed (during a 25-year storm event) multiplied by the proposed development's impervious area and divided by the total impervious area of the watershed as determined by the City of Madison Stormwater Utility Records. This is intended to create a proportional allocation of the excess flood volume by impervious area within the watershed. Any redevelopment shall provide detention commensurate with the proportion of the flooding problem. For purposes of this calculation, timing and routing issues of stormwater shall be ignored.
   b. For the University/Midvale watershed (also known as watershed ME01), the applicant shall provide 0.06 acre-ft of detention per acre of proposed impervious area.
   c. Where, in the opinion of the Administrative Authority, a situation exists which will result in development or creation of an enclosed depression (no safe overflow path during times when the storm sewer is at capacity), and where the only outlet is a storm sewer system, then the storm sewer system shall be designed to handle the runoff that can be expected to result from a one hundred (100) year storm event or larger depending on the risk of property

damage and public safety, as determined by the Administrative Authority. For design purposes, the acceptable flooding associated with this design event shall not leave the public right of way or public easements. (Cr. by ORD-17-00037, 3-29-17)

7. Discharge Off-Site to Other Private Lands. When a site being reviewed by the Administrative Authority proposes to continue existing drainage patters and discharge stormwater runoff onto property neither under the applicant's control (via ownership, easement or agreement) nor onto publicly owned property, the Administrative Authority shall require the applicant to provide documentation that they have made significant efforts to obtain the right to discharge this stormwater onto this property. If no right can be obtained, the applicant shall be required to mitigate the increased volume of discharge on their property prior to making this discharge. Mitigation shall consist of implementation of a stormwater practice that shall match the existing volumetric discharges from the applicant's property to other lands not under their control in storm events including the 1, 2, 5 & 10-year storm events.

(Am. by ORD-15-00037, 4-8-15)

(e) Outlets. Discharges from construction sites must have a stable outlet capable of carrying designed flow as required in Sec. 37.09(3)(d), at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.

(f) Infiltration. All plats, Certified Survey Maps, development, and redevelopment projects which create a cumulative total of twenty thousand (20,000) square feet or more of new impervious area are required to provide infiltration of stormwater as set forth below. Stormwater management reports submitted to the City of Madison for review shall meet the requirements of Wis. Admin. Code ch. NR 151.12(5)(c). The stormwater management reports shall comply with the sections entitled "Criteria" within the applicable Infiltration Technical Standards as provided by the Department of Natural Resources and maintained by the Standards Oversight Council. A link to the technical standards is provided as follows: http://dnr.wi.gov/runoff/stormwater/techstds.htm. Stormwater infiltration shall comply with the following:

1. All Developments. Developments within the City of Madison, regardless of development type, shall be required to infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety percent (90%) of the pre-development infiltration volume, based on an average annual rainfall, regardless of area necessary for this requirement. Should the applicant prove not able to meet the infiltration requirement without dedicating more than two percent (2%) of the site area for this purpose, they may optionally choose to meet the secondary recharge standard.

2. Secondary Recharge Standard. If the infiltration standard cannot be met by the developer with dedication of two percent (2%) or less of the site area, the developer may choose to design an infiltration system and pervious surfaces to meet or exceed the estimated average annual recharge rate (7.6 inches per year). If this alternative design approach is taken, at least two percent (2%) of the site area shall be dedicated as part of the effective infiltration area.

3. Distributed Best Management Practices. If the applicant proposes to use distributed practices (e.g. rain gardens) to meet infiltration requirements, a deed restriction and maintenance agreement will be required. These shall

be recorded against individual parcels. If these devices are utilized to meet infiltration requirements, no credit shall be given towards the volume requirements for Runoff Rate Control—Hydrologic Calculations or Design Standards, in Sec. 37.09(3)(c) and (d) of the Madison General Ordinances.

4. Pre-Treatment. Prior to infiltration of runoff from parking lots, new road construction (in commercial, industrial and institutional areas), the runoff shall be pre-treated. This pre-treatment shall be in accord with the applicable Standards Oversight Council Technical Standard. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to the groundwater and shall maintain compliance with the prevention action limits at a point of standards application in accordance with Wis. Admin. Code ch. NR 140 for all pollutants excepting chloride. Further, if site-specific information indicates that compliance with the applicable prevention action limit is not achievable, the infiltration device shall not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

5. Prohibitions. Notwithstanding paragraphs (1) through (4), infiltration systems shall not be installed in any of the following areas:
   a. Areas associated with Tier 1 industrial facilities as identified in Wis. Admin. Code ch. NR 216.21(2)(a).
   b. Storage and loading areas of Tier 2 industrial facilities as identified in Wis. Admin. Code ch. NR 216.21(2)(b).
   c. Fueling and vehicle maintenance areas.

6. Exemptions. Runoff from the following areas may be credited toward meeting the requirement for infiltration under Sec. 37(09)(3)(f) when it is infiltrated. However any requirement for infiltration of runoff from these areas is optional:
   a. Parking areas and access roads less than five thousand (5,000) square feet for commercial development.
   b. Parking areas and access roads less than five thousand (5,000) square feet for industrial developments not subject to paragraph 5. above.
   c. Redevelopment sites.
   d. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
   e. Areas where the infiltration rate of the soil is less than 0.60 inches per hour measured at the bottom of the proposed infiltration system, provided that, based on soil borings, a more permeable soil layer with infiltration rates exceeding 0.60 inches per hour does not exist within two (2) feet of the proposed bottom of the infiltration device.

7. Location of Practices. Infiltration practices shall not be located in the following areas:
   a. Areas with less than five (5) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonal high groundwater or the top of bedrock for Industrial, Commercial, Institutional parking lots and roads, and for residential arterial roads.
   b. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonal high groundwater or the top of bedrock for all other source areas not identified in (a) above.

c. Areas with less than one (1) foot of separation distance from the bottom of the infiltration practice to the elevation of the seasonal high groundwater or top of bedrock for roofs draining to subsurface drainage systems.

d. Areas where infiltrated water will contain runoff from commercial, industrial, or institutional land uses or regional infiltration devices serving residential development, where the proposed infiltration device is within four hundred (400 feet) of a community water system well as specified in Wis. Admin. Code ch. NR 811.16(4).

e. Areas where contaminants of concern, as defined in Wis. Admin. Code ch. NR 720.03(2), are present in the soil through which infiltration will occur.

8. Alternative Uses. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(g) Thermal Control. The stormwater management report shall include provisions and practices to reduce the temperature of runoff for sites located within the watershed of a river or stream identified by the Wisconsin Department of Natural Resources as a Cold Water Community through Wis. Admin. Code ch. NR 102.04(3)(a), and Class I, Class II, and Class III Trout Streams identified in "Wisconsin Trout Streams," Wisconsin Department of Natural Resources Publication PUB-FH-806 2002, http://dnr.wi.gov/fish/species/trout/wisconsintroutstreams.pdf, or its successor.

The stormwater management report does not have to meet this thermal control requirement if the applicant can justify by use of a model approved by the Dane County Conservationist and the Administrative Authority that practices are not necessary because the temperature increase of runoff from the site post-development will be zero (0).

A current list and maps of affected watersheds shall be available for reference at the office of the Administrative Authority.

Meeting the infiltration standards of Sec. 37.09(3)(f), MGO, shall satisfy all requirements for thermal control. If a site is exempt or excluded from infiltration requirements but is located in a thermal control watershed, the thermal requirements of this section apply and shall be met.

(h) Protective Areas. Impervious surfaces shall be kept out of the protective areas to the maximum extent practicable. The stormwater management report shall contain a written site-specific explanation for any parts of the protective area that are disturbed. Where land disturbance occurs within the protective area and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of seventy percent (70%) (of the disturbed area) or greater shall be established and maintained. Best management practices may be located within protective areas.

1. For outstanding resources waters and exceptional resources waters and for wetlands in areas of special natural resource interest as specified in Wis. Admin. Code ch. NR 103.04 — the protective distance is seventy-five (75) feet.

2. For perennial and intermittent streams identified on a United States Geological Survey 7.5 minute series topographic map, or on a county soil survey map, which is more current — the protective distance is fifty (50) feet.

3. For lakes — the protective distance is fifty (50) feet.

4. For highly susceptible wetlands — the protective distance is seventy-five (75) feet. Highly susceptible wetlands include the following: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps and ephemeral ponds.
5. For less susceptible wetlands — the protective distance is ten percent (10%) of the average wetland width, but not less than ten (10) feet nor more than thirty (30) feet.
6. For wetlands not subject to paragraphs 4 or 5 above, the distance shall be fifty (50) feet.
7. For concentrated flow channels with drainage areas greater than one hundred thirty 130 acres — the protective distance is ten (10) feet.
8. Redevelopment post-construction sites are exempt from the protective area requirements.
9. Structures that cross or access surface waters are exempt from the protective area requirements.

(i) CARPC Requirements. Where, as a condition of approval of an urban service area extension, the Capital Area Regional Plan Commission (CARPC) requires compliance with additional stormwater management standards, the applicant shall comply with the resolution of approval for this urban service area as issued by CARPC and approved by the Wisconsin Department of Natural Resources (WDNR) and/or the Madison Metropolitan Sewerage District (MMSD).

(4) Stormwater Management Goals.

(a) For existing development, implement practices to reduce by twenty percent (20%) the anticipated total suspended solids entering waters of the state, as compared to no controls, by March 10, 2007 and a forty percent (40%) reduction by March 10, 2011. This as designed/modeled standard will be met on a municipality wide basis. In the event that the majority of the communities in the Madison Lakes watershed fail to adopt similar provisions, then the requirements of this section shall revert to those contained in Wis. Admin. Code ch. NR 151.13(2).

(b) For street reconstruction, the following shall apply:

1. Total Suspended Solids (TSS) Control — Reduce, to the maximum extent practicable, total suspended solids loads leaving the site by forty percent (40%), based on average rainfall, as compared to no runoff management controls. This method requires the use of a continuous model such as SLAMM or P8, and of approved grain size distribution curves and rainfall data. These files are managed and maintained by the Wisconsin Department of Natural Resources and are available on its website.

   No person shall be required to exceed forty percent (40%) total suspended solids reduction to meet the requirements of this subdivision. This analysis shall use approved procedures and assume no re-suspension of particles. This analysis shall require tracking of the particulate sizes trapped by each device used in series (or treatment train). Serial redundant removal efficiencies shall not be allowed. For example, a catch basin and an inlet filter, each being approximately twenty-five percent (25%) effective, do not provide a fifty percent (50%) removal efficiency. Rather, as these devices both trap the same particle size the combined efficiency of these two (2) devices used in series remains at twenty-five percent (25%).
2. Infiltration — design practices to infiltrate stormwater runoff from the roadway in accordance with Wis. Admin. Code ch. NR 151.24(5).
3. Peak Discharge — design practice to reduce peak runoff from the roadway in accordance with Wis. Admin. Code ch. NR 151.24(4).

(5) Off-Site Stormwater Management. Off-site stormwater management is allowed, provided that all of the following conditions for the off-site facility are met:

(a) The facility is in place;

(b) The facility is designed and adequately sized to provide a level of stormwater management that at least meets the ordinance standards;

(c) The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(6) Installation Certification. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the City Engineer certification that the BMP's referred to in the stormwater management report have been installed in accord with the plans and specifications of that report. This certification shall be provided and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms available from the City of Madison Engineer.

The City of Madison stormwater management permit shall not be closed without submission of this certification. This certification shall serve as Official Notice of Termination by the Applicant with regard to the stormwater management permit, and shall trigger a final site inspection by City Engineering staff. Upon completion of this inspection, a notice of permit closure and reminder to the Applicant of the annual stormwater management report requirement shall be sent and the stormwater management permit shall be closed.

(7) Annual Stormwater Management Report. Each applicant who is granted a stormwater management permit, and who has signed and recorded the required maintenance agreement, shall submit to the City Engineer an annual report on the condition of the site's stormwater management devices. This report shall be submitted by June 1 of each year following closure of the Stormwater Management Permit required under Sec. 37.09(6). Because of the change of the report due date, no annual report submittal will be required for the calendar year 2013. The annual report shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City Engineer. The requirement that the annual report be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catchbasin sumps, provided that the applicant can provide the appropriate documentation and dated photos as outlined in Secs. 37.09(7)(a)&(b). For sites with more extensive stormwater management systems, the Administrative Authority may allow other appropriately credentialed professionals to complete this work at their discretion.

For sites that have a stormwater management device (or devices) that require a topographic survey every three years, this survey requirement may be satisfied through the submittal of adequate photographic documentation. The acceptance of date stamped photographs in lieu of a topographic survey is at the discretion of the Administrative Authority. The topographic survey requirement waiver may only be applied to qualifying detention or infiltration basins.

Upon receipt of the annual report, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from City Engineering shall be made within 15 working days of receiving the report. The annual report shall include the following:

(a) Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed;

(b) Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of any required maintenance.

37.10 STANDARDS AND SPECIFICATIONS.

(1) Tracking. For plan approval and issuance of a permit there must be adequate provisions to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.

(2) Concrete Management. For plan approval and issuance of a permit the applicant shall provide a plan for Engineering review and approval that documents methods to control and limit concrete waste material from leaving the site. (Cr. by ORD-15-00037, 4-8-15)

(3) Dewatering Plan. For plan approval and issuance of a permit the applicant shall provide a plan for Engineering review and approval that documents the methods to control sediment from being discharged to the environment as part of any pumping (utility or site dewatering) to be done as part of this application.

If this pumping plan exceeds seventy (70) gallons per minute (GPM) the applicant shall provide documentation of the WDNR dewatering and/or point well permits. Additionally, if Engineering staff suspects site contamination, based on documented reports on file with the WDNR, the applicant shall provide testing results documenting the condition of groundwater on the site. If contamination is found no plan approval or issuance of a permit can be granted until and unless the applicant documents WDNR permits for discharge of contaminated groundwater to either the sanitary or storm sewer systems. Once WDNR approval is granted additional permits may be required from the Madison Metropolitan Sewerage District, City/County Health and City Engineering. (Cr. by ORD-15-00037, 4-8-15)

(4) Groundwater Contamination. For projects in areas where a review of WDNR records indicate that possible groundwater contamination exists, the applicant shall be required to complete a site investigation including borings and groundwater testing prior to plan approval. (Cr. by ORD-15-00037, 4-8-15)

(5) Technical Standards and Specifications. The design of all best management practices designed to meet the requirements of this ordinance shall comply with the following technical standards:

(a) U.S. Natural Resources Conservation Service's "Field Office Technical Guide;" or its successor;

(b) U.S. Natural Resources Conservation Service's Technical Release 55 (TR 55) "Urban Hydrology for Small Watersheds";

(c) U.S. Natural Resources Conservation Service's Engineering Field Manual for Conservation Practices;

(d) U.S. Natural Resources Conservation Service's Engineering Handbook;

(e) Wisconsin Department of Natural Resources' "Stormwater Management Technical Standards" as provided at http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm, or its successor;

(f) Any other technical methodology approved by the Dane County Conservationist and the Administrative Authority.

(Renum. by ORD-15-00037, 4-8-15)

(6) Design Criteria. The applicant for a permit may employ structural or nonstructural measures necessary to achieve all applicable standards set out in this ordinance. However, these measures will be evaluated to determine that they follow currently accepted design criteria and engineering standards. The following general principles shall be used when evaluating control plans and granting permits under this ordinance:

(a) The smallest area of land shall be exposed for the shortest period at any given time during development.

(b) The rough grading of the lot shall include backfilling the basement and all excess earth shall be hauled off the lot.

(c) Accommodation of the increased runoff caused by changed soil and surface conditions during and after development.

(d) Permanent, final plant covering or structures shall be installed prior to final acceptance.

(e) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.

(f) All detention and retention basins shall first be constructed to act as a settling basin with later conversion to a permanent basin upon seventy-five percent (75%) build-out of the area served by the basin.

(g) Prior to final acceptance by the City and not prior to substantial completion of the development within the plat; all public detention and retention basins shall provide to the Administrative Authority an 'as-built' survey stamped by a Professional Engineer or Professional Surveyor.

(h) The developer for all plats or phases thereof shall submit for approval a "Post Erosion Control Plan" that details structural measures and responsibility for erosion control after the initial improvements have been made. The Post Erosion Control Plan shall propose erosion control measures to protect all improvements and include a re-vegetation schedule for denuded areas that takes into account the time of year. This plan may accompany the initial plan or be submitted separately, but must be approved prior to the City's acceptance of the plat improvements and issuance of building permits.

(Renum. by ORD-15-00037, 4-8-15)

37.11 APPLICATION FEES AND ISSUANCE OF PERMITS.

(1) Permit Required; Procedure and Fees.

(a) Unless specifically excluded by this ordinance in Sec. 37.06, no person may undertake an activity subject to this ordinance without receiving an erosion control and stormwater management permit issued by the Administrative Authority. Each person desiring to undertake a regulated activity subject to this ordinance shall submit an application for an initial permit together with the appropriate fee.

Any subdivision of land, development or redevelopment for which there is a contract for public improvements in place with the City pursuant to Sec. 16.23(9)(c)6. shall require reimbursement to the City for permit application fees (two permits are possible - one for work in the ROW and one for work on private property) as well as actual costs sustained for inspection and enforcement, as calculated by Sec. 16.23(9)(e), MGO.

A person otherwise subject to this ordinance need obtain only one permit when the disturbance of land activity involves both public and private lands. Note: this presupposes that any work in the ROW associated with the work on private property shall be minimal and covered under a permit to work in the ROW.

(b) Erosion Control Permit.

1. There is a one hundred dollar ($100) application fee for erosion control permits that do not require submittal of a plan

2. There is a two hundred dollar ($200) base fee + a fee of $0.005 per square foot of disturbed area for erosion control permits which require plan submittal and review.

(c) Stormwater Management Permit. For stormwater management permits, there is a four hundred dollar ($400) fee plus an additional fee of $0.010 per square foot of new impervious area plus an additional fee of $0.005 per square foot of redeveloped impervious area.

(d) Non-Metallic Mines and Industrial Sites. For the operation of industrial sites that are required to control sediment, such as nonmetallic mining, storage yards, etc., the fee shall be fixed at five hundred and thirty-two dollars ($532) and paid

annually. (Note: the fee is not based upon area, but rather is derived from an estimate of the actual cost for the City to review the permit and plan, inspect the site, and follow up as needed with compliance issues.)

(2) The applicant must provide the following when requesting a permit:

(a) Completed application form;

1. The application must be signed by the landowner or include a notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent and bind the landowner to the terms of this ordinance.

2. If a landowner appoints an agent to submit an application pursuant to sub. (2)(a)1, the landowner shall be bound by all of the requirements of this ordinance and the terms of any permit issued to the agent.

a. Fees as required by Sec. 37.11(1)(a).

b. If required by Sec. 37.06(2), an erosion control plan meeting all the standards of Sec. 37.08, or a simplified checklist as described in Sec. 37.08(3).

c. If required by Sec. 37.06(3), a stormwater management plan meeting all of the standards of Sec. 37.09 and a draft maintenance agreement as described in Sec. 37.11(3).

(b) Copies of permits or permit applications or approvals required by any other governmental entity.

(c) A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a detailed schedule for completion of construction.

(d) An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans.

(e) Evidence of financial responsibility to complete the work proposed in the plan. The Administrative Authority may require a financial security instrument in a form approved by the City Attorney sufficient to guarantee completion of the project.

(3) Review of Application. The Administrative Authority shall verify that the permit application is complete under Sec. 37.11(2). The Administrative Authority shall also review all permit applications accompanied by the control plan, if required, and the appropriate fee, and shall determine if measures are adequate to meet all the applicable standards as set out in Secs. 37.08, 37.09, and 37.10 of this ordinance.

The submitted plan shall either be approved or disapproved within the time frame set by the Administrative Authority.

The applicant will be notified in writing whether the control plan is approved, disapproved, modified or if additional information is required. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Administrative Authority's decision as provided in Sec. 37.13 of this ordinance. No additional permit fee is required.

Where installed stormwater practices will be privately-owned, an affidavit which describes the property by legal description, notifying future prospective purchasers of the existence of a stormwater permit issued under this ordinance and applicable plan, timetables and potential liability imposed by Sec. 37.12(6)(c) for failure to bring the property into compliance with this ordinance after notification, shall be recorded with the Dane County Register of Deeds prior to issuance of an erosion control and stormwater management permit. The foregoing information shall also be noted on every plat and certified survey map.

Upon approval, the erosion control and stormwater management permit shall be issued by the Administrative Authority after the applicant has met all other requirements of this ordinance.

(4) Permit Conditions. All permits under this ordinance shall be issued subject to the following conditions and requirements.

(a) The plan shall be implemented prior to the start of any land-disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.

(b) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

(c) All land disturbances, will be done pursuant to the approved control plan.

(d) The permittee shall give two (2) working days notice to the Administrative Authority in advance of the start of any activity.

(e) The permittee shall file a notice within ten (10) days after completion of land-disturbing activities to the Administrative Authority.

(f) Approval in writing from the Administrative Authority must be obtained prior to any modifications to the approved control plan.

(g) The permittee shall be responsible for maintaining all proposed public roads, road right-of-ways, streets, runoff and drainage facilities and drainage ways as specified in the approved plan until they are accepted and become the responsibility of the City.

(h) The permittee shall be responsible at permittee's expense for repairing any damage to all adjoining parcels of land and rights of way caused by runoff and/or sedimentation resulting from permittee's activities.

(i) The permittee shall provide and install at permittee's expense all drainage, runoff control and erosion control improvements as required by this ordinance and the approved control plan. Permittee and owner, if not permittee, shall provide perpetual maintenance on all these private control facilities.

(j) No portion of the land which is disturbed will be allowed to remain uncovered for greater than two (2) weeks after notice is given that the activity is completed.

(k) All incidental mud-tracking off-site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper cleaning and disposal methods.

(l) Application for a permit shall constitute express permission by the permittee and landowner for the Administrative Authority to enter the property for purposes of inspection under Sec. 37.12(3) or curative action under Sec. 37.12(6)(c). The application form shall contain a prominent provision advising the applicant and landowner of this requirement

(m) The permittee authorizes the Administrative Authority to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan and further consents to the City collecting the total of the costs and expenses of such work and operating as a special charge against the property for current services rendered as provided by law.

(5) Permit Duration. The Administrative Authority shall determine the expiration date of the permit based on the proposed land disturbance work, project schedule, site conditions, or other relevant erosion control considerations. The Administrative Authority is authorized to extend the expiration date of the permit and/or require modification of the plans to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

If the Administrative Authority is not contacted with a request from the applicant to extend/modify a permit prior to the expiration of that permit, the applicant shall be required to pay a new fifty dollars ($50.00) renewal base fee to reinstate the permit.
(Am. by ORD-15-00037, 4-8-15)

37.12 ADMINISTRATION.

(1) Delegation of Administrative Authority.

(a) The City Engineer shall administer, approve plans and enforce the provisions of this ordinance on public lands and upon private lands except single- and two-family residential dwelling units during the period that residential building permits are in effect. In addition, the City Engineer shall enforce the provisions of Sec. 37.11(4)(h) for those permittee's under his/her administrative authority.

(b) Except as set forth in sub. (a), the Director of the Building Inspection Division shall, in consultation with the City Engineer, administer, approve plans and enforce the provisions of this ordinance on private lands for single- and two-family residential dwelling units during the period that residential building permits are in effect within the City. In addition, the Building Inspection Division shall enforce the provisions of Sec. 37.11(4)(h) for those permittee's under its administrative authority.

(c) The City Engineer shall administer, approve plans and enforce the provisions of this ordinance on lands being subdivided by plat or certified survey within the extraterritorial limits for plat review in accordance with Wis. Stat. § 236.10, for erosion control and stormwater management including both public lands and private lands.

(d) The enforcement of the provisions of this ordinance, when the construction site in question is regulated under the Wisconsin Uniform Dwelling Code (UDC), shall not be more restrictive than the provisions of the UDC.

(2) Administrative Duties. The administration and enforcement of this ordinance shall include the following duties:

(a) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions.

(b) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issue the permits.

(c) Investigate all complaints made to the application of this ordinance.

(d) Maintain a database of all properties responsible for annual reports. This database shall track annual reports sent in and shall flag delinquent or deficient reports. Staff shall take appropriate action on flagged reports to bring those properties into compliance.

(e) Revoke any permit granted under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing; or has violated any of the other conditions of the permit as issued to the applicant.

(3) Inspection Authority.

(a) Application for a permit under this ordinance shall constitute permission by the applicant and landowner for the Administrative Authority to enter upon the property prior to permit issuance and to inspect during the construction phase prior to the inspections pursuant to sub. (d) and (f), below, as necessary to confirm compliance with the requirements of this ordinance.

(b) As part of the plan approval process, the Administrative Authority shall determine the minimum number of inspections required to assure compliance. The site of any regulated land-disturbing activity shall be inspected once every thirty (30) days, or more frequently as determined by the Administrative Authority during the construction phase.

(c) Within ten (10) days after installation of all practices in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the Administrative Authority.

(d) The Administrative Authority shall inspect the property to verify compliance with the erosion control plan within ten (10) days of notification of soil stabilization.

(e) Within ten (10) days after installation of all practices in an approved stormwater management plan, the permittee shall notify the Administrative Authority and submit drawings documenting construction. The person who designed the stormwater management plan for the permittee shall submit as-built certification stamped by a registered professional to ensure that constructed stormwater management practices and conveyance systems comply with the specifications included in the approved plans. At minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the Administrative Authority.

(f) The Administrative Authority shall inspect the property to verify compliance with the stormwater management plan within ten (10) days of notification.

(g) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs. Proof of maintenance is required with each annual report.

(4) Permit Transfers.

(a) When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Administrative Authority.

(b) When a permittee and landowner transfers ownership, possession or control of real estate subject to either or both an uncompleted erosion control plan or stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this ordinance.

(c) When ownership, possession or control of property subject to an uncompleted erosion control or stormwater management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance with notice to the Administrative Authority, and provide a copy of the erosion control plan or stormwater management plan, or both.

(d) Transfers of interest in real estate subject to an approved, uncompleted plan may be conducted consistent with this ordinance under any of the following arrangements:

1. The transferee shall file a new, approved erosion control or stormwater management plan, or both, with the Administrative Authority;
2. The transferee shall obtain an approved assignment from the Administrative Authority as sub-permittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property;
3. The permittee shall provide the Administrative Authority with a duly completed and executed continuing surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan; at the time of transfer the permittee may seek to reduce the surety bond or certified check to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferees to complete an approved plan, these funds shall be available to the Administrative Authority to attain plan compliance. When an approved erosion control plan and, if required, a stormwater management plan is or are not completed as proposed, the Administrative Authority may use the surety bond to complete remaining work to achieve plan compliance.

(5) Plan or Permit Amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land-disturbing site activities shall be approved by the Administrative Authority prior to implementation of said changes.

(6) Enforcement Authority.

(a) Stop Work Order.

1. Whenever any noncompliance with the provisions of this ordinance is found the Administrative Authority shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to off-site run-off, the Administrative Authority shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.

2. The stop work order shall provide the following information: date of issuance, identifying information and location within the City, reason for posting, and the signature of the inspector posting the card.

3. It shall be a violation of the ordinance for the unauthorized removal of the stop work order from the premises.

(b) In addition to posting a stop work order, the Administrative Authority shall provide notification to the owner or contractor by personal service, written notice by certified mail, or facsimile transmission.

1. The permittee, landowner and contractor shall have twenty-four (24) hours from the time and date of notification by the Administrative Authority to correct any noncompliance with the plan when notification is by either personal communication of noncompliance to owner or contractor or their respective agents or written notice sent by certified mail to owner or contractor.

2. If notice is not provided under sub. (6)(b)1., the permittee and landowner shall have seventy-two (72) hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission to owner or contractor.

(c) If any noncompliance is not corrected within the time periods specified in sub. (6)(b)1. or (6)(b)2., the permittee and landowner authorize the Administrative Authority to take any action, to perform any work, or commence any operations necessary to correct conditions upon the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the Administrative Authority for the total costs and expenses of the aforementioned actions. Reimbursement may be imposed and collected as a special charge upon the property for current services rendered as provided by law.

(d) If the permittee has filed an appeal under Sec. 37.13 prior to the expiration of the time for compliance under Sec. 37.12(6)(b) the Administrative Authority may take action, perform work or correct conditions only to the extent necessary to protect against or correct an imminent hazard or a condition that will cause or threatens to cause personal injury or damage to off-site property.

(7) Compliance Inspection Fees.

(a) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order.

(b) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance

inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.

(8) Penalties.

(a) Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance, or causes or directs another to do so, shall, upon conviction thereof, be subject to a forfeiture of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each and every violation thereof. Each day that a violation exists shall constitute a separate offense.

(b) Any person who has the ability to pay any forfeiture entered against him or her under this ordinance but refuses to do so may be confined in the county jail until such forfeiture is paid, but in no event to exceed thirty (30) days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien or attachment by creditors.

(c) As a substitute for or as an addition to forfeiture actions under Sec. 32.12(7)(a) or corrective action under Sec. 37.12(6)(c), the City Attorney is authorized to seek enforcement of any part of this ordinance by court action seeking injunctive relief. It shall not be necessary for the City Attorney to take corrective action or prosecute for forfeiture before resorting to injunctive relief.

(d) Where it is found that any of the provisions of this ordinance are not being observed on particular lands, the Administrative Authority is hereby authorized to require the person to perform the work or land treatment measures within three (3) working days and to order that if the person fails to perform, the Administrative Authority may enter upon the land, and bring the condition of said lands into conformity with the requirements of this ordinance, and recover the costs and expenses thereof from the owner. In the event that the owner fails to pay the amount due, it shall be imposed and collected as a special charge for current services rendered upon the property as provided by law.

(9) Fees. The permit fee shall be payable at the time an application for either an erosion control or a stormwater management permit, or both, is submitted.

37.13 APPEALS AND VARIANCES.

(1) Appeals.

(a) Any person aggrieved or any officer, department, board or commission of the City affected by the order, requirement, decision or determination made by the Administrative Authority pursuant to this ordinance may appeal. Where the Administrative Authority is the City Engineer the appeal shall be made to the Board of Public Works as provided herein. Where the Administrative Authority is the Director of the Building Inspection Division the appeal shall be made to the Building Board of Appeals. For the purpose of this ordinance, "aggrieved person" shall include applicants and property owners who own land that is subject to this ordinance. Such an appeal shall be taken within fifteen (15) days after the challenged decision. Notice of Appeal setting forth the specific grounds for the appeal shall be filed with the Administrative Authority.

(b) The Board of Public Works shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under Wis. Stat. ch. 985, as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

(c) The Board of Public Works may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.

(d) The concurring vote of a majority of the Board of Public Works shall be necessary to reverse the decision of the Administrative Authority. The Boards action shall be considered final action.

(2) Variances.

(a) An applicant may include in the application a request for a variance from the requirements of Sec. 37.08 or 37.09. No variance shall be granted unless applicant demonstrates and the Administrative Authority finds that all of the following conditions are present:

1. Enforcement of the standards set forth in this ordinance will result in unnecessary hardship to the landowner;
2. The hardship is due to exceptional physical conditions unique to the property;
3. Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this ordinance;
4. The project will have no adverse impact upon any of the stated purposes of this ordinance as set forth in Sec. 37.02 or 37.05.
5. The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property.
6. The net cumulative effect of the variance will not impact downstream conditions; and
7. Existing regional facilities are shown to meet the performance standards of this ordinance.

(b) If all of the conditions set forth in Sec. 37.13(2)(a) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.

(c) A variance from the provisions of Sec. 37.09(3)(a), (b) and (g) may only be granted if:

1. The applicant has met the requirements of Sec. 37.13(1)(c); and
2. The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.

(d) A person aggrieved by a variance determination by the Administrative Authority may appeal the decision to the Board of Public Works.

(e) A variance may be granted to two or more property owners, including governmental agencies that submit one runoff control plan for two or more parcels of land. In the event it is in the interest of the City to participate with another property owner(s) in a runoff control plan and contribute available stormwater detention capacity, or construct stormwater detention on City lands, the other participant(s) shall reimburse the City an amount equal to the value of the City lands used, but not less than the fair market value of unimproved lands, plus the estimated construction cost of the detention capacity that would have been required of the other participant(s) to serve their lands in order to comply with this ordinance.

(Chapter 37 Repealed and Recreated by ORD-12-00141, 11-12-12)