

**CITY OF MADISON, WISCONSIN**

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

PRESENTED \_\_\_\_\_  
REFERRED Landmarks Commission

Amending Sections 33.19(2) and 33.19(16) to increase penalties for violations and to add a definition of 'person.'

RULES SUSPENSION \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

Drafted by: Katherine C. Noonan

Date: February 17, 2009

SPONSORS: Ald. Konkel

DRAFTER'S ANALYSIS: This amendment increases the forfeiture amount for violations of Section 33.19. It adds forfeitures for repeated violations within a thirty-six (36) month period. Also added is a definition of 'person' that addresses a concern that forfeiture for multiple violations will be avoided by the creation of multiple business entities.

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

1. Subsection (2) entitled "Definitions" of Section 33.19 entitled "Landmarks Commission" of the Madison General Ordinances is amended by amending or adding therein the following:

"(2) Definitions.

Person means any individual, association, or business entity, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. For purposes of repeated violations of the provisions of this chapter, any business entity is considered the same as another business entity if they share at least one (1) officer."

2. Subsection (16) entitled "Penalties for Violations" of Section 33.19 entitled "Landmarks Commission" of the Madison General Ordinances is amended by amending or adding therein the following:

"(16) Penalties for Violations. Any person violating any provision of this section shall be subject to a minimum forfeiture of not more than two hundred fifty dollars (\$200250) and a maximum forfeiture of five hundred dollars (\$500) for each separate violation. A second offense within thirty-six (36) months shall be subject to a minimum forfeiture of five hundred dollars (\$500) for each separate violation. A third violation within thirty-six (36) months shall be subject to a minimum forfeiture of one thousand dollars (\$1000) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense."

Approved as to form:

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Michael P. May, City Attorney