

AGENDA # \_\_\_\_\_

CITY OF MADISON, WISCONSIN

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

Amending Secs. 1.08, 3.23, 3.35, 3.36, 3.38, 3.48, 3.51, 3.52, 3.59, 3.72, 8.35, 9.13, 11.06, 12.03, 22.14, 23.56, 27.05, 28.03, 28.04, 28.08, 28.11, 28.12, and 31.04 of the Madison General Ordinances to update references to handicapped and/or disabled utilizing "People First" language.

Drafted by: Marci A. Paulsen  
Assistant City Attorney

Date: August 15, 2005

Fiscal Note: No fiscal impact.

SPONSORS: Ald. Golden

PRESENTED September 6, 2005  
REFERRED Commission on People with Disabilities

REREFERRED \_\_\_\_\_

REPORTED BACK \_\_\_\_\_

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_

RULES SUSPENDED \_\_\_\_\_

PUBLIC HEARING \_\_\_\_\_

\* \* \* \* \*

MAYOR SIGNED \_\_\_\_\_

PUBLISHED \_\_\_\_\_

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APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By  
\_\_\_\_\_  
Comptroller's Office

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ORDINANCE NUMBER \_\_\_\_\_

ID NUMBER \_\_\_\_\_

DRAFTER'S ANALYSIS: This ordinance updates references to handicapped and/or disabled utilizing "People First" language.

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

1. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance Of Citations For Violations Of Certain Ordinances And Providing A Schedule Of Cash Deposits" is hereby amended by amending therein the following:

"Property owner or lessee fail to keep designated <del>disabled</del> parking stalls <u>for people with disabilities</u> free from snow and ice.	12.011, 346.503(2e)	\$30 - 1st \$50-2nd or subsequent in 3 yrs
<del>Handicapped p</del> <u>Handicapped p</u> Parking only <u>for people with disabilities</u> .	12.011/346.505(2)**	\$100
Owner's liability for parking in area reserved for <del>Disabled/Handicapped</del> <u>people with disabilities</u> without special plates or identification card."	12.011/346.505(3)(a)	\$100

Approved as to form:

2. Subsubparagraph (i) of Subparagraph b. of Paragraph 3. of Subdivision (I) of Subsection (4) entitled "Housing" of Section 3.23 entitled "Equal Opportunities Ordinance" of the Madison General Ordinances is amended to read as follows:

"i. The public use and common use portions of such dwellings are readily accessible to and usable by ~~handicapped/disabled~~ persons with disabilities;"

3. Subsubparagraph ii. of Subparagraph b. of Paragraph 3. of Subdivision (I) of Subsection (4) entitled "Housing" of Section 3.23 entitled "Equal Opportunities Ordinance" of the Madison General Ordinances is amended to read as follows:

"ii. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by ~~handicapped/disabled~~ persons in wheelchairs; and"

4. Paragraph 2. of Subdivision (i) of Subsection (8) entitled "Employment Practices" of Section 3.23 entitled "Equal Opportunities Ordinance" of the Madison General Ordinances is amended to read as follows:

"2. Discrimination because of an individual's handicap disability is not prohibited if the employer, labor organization, or employment agency can show that the individual's handicap disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment. It is prohibited discrimination for an employer to contribute a lesser amount to the fringe benefits, including life or disability insurance coverage, of an employee because of ~~his/her~~ he/she has a handicap disability."

5. Subsection (10) entitled "Equal Opportunities Commission" of Section 3.23 entitled "Equal Opportunities Ordinance" of the Madison General Ordinances is amended to read as follows:

"(10) Equal Opportunities Commission. The Mayor, subject to confirmation by the Common Council, shall appoint an Equal Opportunities Commission, consisting of thirteen (13) members, one of whom shall be designated President by the members of the Commission. At least one, and no more than two, such members shall be an Alderperson, who shall be a member only as long as she/he shall continue to hold office as Alderperson. Members shall be appointed from among the residents of the entire City, shall be representative of both sexes, and of all races, religions, colors, organizations and fields of endeavor, all sexual orientations, ~~handicapped~~ citizens with disabilities, and shall be committed to the principle of equal opportunities. They shall receive no compensation for their services. (Am. by Ord. 12,244, 11-3-98; Ord. 12,933, 12-11-01)

(a) The Commission members shall be appointed for terms of three (3) years and their terms shall run until their successors are appointed and confirmed. Terms shall expire on the third Tuesday of April.

(b) The Equal Opportunities Commission shall have the following powers and duties:

1. To study the existence, character, causes and extent of the denial of equal opportunity because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or the fact that a person is a student as defined herein, in the City of Madison.
2. To informally recommend solutions to individual problems that may arise which involve the denial of equal opportunities because of sex, race, religion, color, national origin or ancestry, age, handicap, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or the fact that such person is a student as defined herein.
3. To disseminate information and provide technical assistance, consultation, training programs and other techniques to educate the people of the City of Madison and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.
4. To receive and initiate complaints alleging violation of this ordinance and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education, litigation, or any other means, to make the complainant whole again.

- a. In case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and approved by the President of the Equal Opportunities Commission. The signed conciliation agreement shall have the effect of a Commission order.
- b. Except as provided in Sec. 904.08, Wis. Stats., and in 24 CFR Sec. 103.330, nothing that is said or done in the course of conciliation proceedings may be made public or used as evidence in a subsequent administrative hearing or civil action under this ordinance, under Title VIII of the Civil Rights Act of 1968, or under Sec. 101.22 et seq, Wis. Stats. (1991-92), without the written consent of the parties.
- c. Any conciliation agreement is a public record and subject to inspection as provided in Sec. 19.35, Wis. Stats., and Sec. 3.42 of these ordinances, unless the parties to the agreement request that the record be exempt from disclosure and the Executive Director finds that disclosure is not required to further the purposes of this section."

6. Subdivision (a) entitled "Policy" of Subsection (18) entitled "Efficient and Effective Performance" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"(a) Policy. It is the policy of the City of Madison to maintain efficient and effective performance by all employees, to make reasonable accommodations for employees with ~~handicapping conditions~~ and disabilities due to age, and to do everything possible to bring injured ~~employees~~ or ~~disabled employees~~ with disabilities back to work as soon as their physician permits."

7. Subdivision (c) entitled "Handicapped Employees" of Subsection (18) entitled "Efficient and Effective Performance" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"(c) Handicapped Employees with Disabilities. For the purpose of this subsection the term "~~handicap~~" person with a disability" has the same meaning as "~~handicap~~" person with a disability" in Section 3.58 of these ordinances. The Mayor shall establish procedures for the provision of reasonable accommodations for qualified applicants and employees with ~~handicaps~~ disabilities. Such reasonable accommodation shall, at minimum, provide for feasible adjustments in testing, and in equipment, schedule, accessibility of work areas and facilities, and for feasible task modifications. For employees who acquire a ~~handicap~~ disability after their employment with the City, these procedures shall include the options of transfer to other City jobs which the employee is able and qualified to perform, in accordance with Section 3.35(15) of these ordinances, and of demotion, in accordance with Sections 3.35(15) and (16) of these ordinances."

8. Paragraph 4. of Subdivision (a) entitled "Definitions" of Subsection (24) entitled "Layoff" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"4. ~~Handicapped~~ A person with a disability" is one who, for purposes of this section:

- a. Meets the qualification for the position in question; and,
- b. Has a physical or mental impairment which when interacting with the environment substantially limits or is likely to limit employment options; the capacity to work; and/or the ability to secure, retain, and/or advance in employment situations (e.g., impairments which affect speaking/communicating, hearing, seeing, mobility, ability to learn and/or retain information, etc.); or,
- c. Has had a physical or mental impairment which has been cured or brought under control, but whose history of such impairment still limits or is likely to limit employment options and/or the ability to secure, retain, and/or advance in employment situations (e.g., cancer, mental illness, epilepsy, etc.); or,
- d. Is considered by others (particularly those in control of employment opportunities) to be ~~handicapped~~ a person with a disability whether or not such a condition exists), such that it substantially limits or is likely to limit the person's employment options and/or the ability to secure, retain, and/or advance in employment situations."

9. Subparagraph c. of Paragraph 8. of Subdivision (a) entitled "Definitions" of Subsection (24) entitled "Layoff" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"c. ~~Handicapped~~ Person with a disability."

10. Paragraph 1. of Subdivision (j) entitled "Affirmative Action Provisions" of Subsection (24) entitled "Layoff" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"1. In order to effectuate this purpose and policy, protected group employees subject to layoff through the provisions of this ordinance, shall be exempted from termination of employment when such action would create or increase significant underutilization in any of the City's official 26 job families. ~~Handicapped~~ Employees with disabilities, however, shall also be protected from displacement if the position into which the ~~handicapped~~ employee with a disability would be placed is one in which accommodation to the employee's handicap cannot be reasonably achieved. Significant underutilization for protected group employees shall be deemed present when a given job family's actual percentage representation of protected group employees is less than eighty percent (80%) of the parity percentage established for each of the protected groups in each of the 26 job families."

11. Paragraph 2. of Subdivision (j) entitled "Affirmative Action Provisions" of Subsection (24) entitled "Layoff" of Section 3.35 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"2. These affirmative action provisions shall only protect employees from possible termination of employment, but not from displacement except that ~~handicapped~~ employees with disabilities shall be protected from displacement to the extent specified in Sec. 3.35(24)(j)1. above."

12. Subparagraph c. of Paragraph 2. entitled "Accumulation of Sick Leave and Distribution of Value Thereof" of Subdivision (e) entitled "Sick Leave Accumulation" of Subsection (6) entitled "Sick Leave and Worker's Compensation Supplement" of Section 3.36 entitled "Absence Of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"c. Employees in Compensation Groups 17, 18 and 21 shall also have the option to elect that funds representing the value of unused sick leave credits as described above, or a portion thereof, be placed in an escrow account and be utilized to pay the full premium for their continued participation in the hospital, surgical and medical group insurance plan in force for City employees until said funds are exhausted, provided that this election is made at least 12 months prior to the employee's date of retirement and that said value exceeds \$5,000. Any balance of escrowed funds shall be credited annually with interest at the average annual City interest rate less one percent (1%) for administrative costs. When said escrow funds are exhausted, the employee shall retain the right to continue the group health plan in force for City employees at his/her own expense. Should the retired person or ~~disabled~~ person with a disability die prior to the exhaustion of the said escrow account, any remaining funds shall be paid to the beneficiary designated by the retiree or to her/his estate."

13. Subsection (30) entitled "Bus Pass Subsidy" of Section 3.38 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"Bus Pass Subsidy. For the exclusive use of employees in Compensation Groups 17, 18, 19, 43, and 44 who purchase one of the bus passes specified below and who utilize such pass for their mode of transportation to and from work, the employer shall provide a subsidy for such employees toward the cost of such bus passes as provided in the following schedule:

<u>Madison Metro Passes</u>	<u>Bus Subsidy</u>
Commuter Pass	\$15.75
Monthly Pass	\$15.75
Convenience Ticket Books (Paratransit)	\$15.75

Adult QUIK-TIX Tickets	\$ 7.90
Convenience Ticket Books ( <del>Disabled</del> <u>Persons with disabilities</u> )	\$ 7.90

Such employees may purchase bus passes on a pre-tax basis at such time as the program is established. In the event that and for so long as the City implements and maintains an Unlimited Ride Pass Program on Madison Metro for City employees, current employees shall be eligible to obtain such pass at no charge. While the Unlimited Ride Pass Program remains in effect, subsidized bus passes will not be available for City employees."

14. Subsection (10) entitled "Disability Rights (Internal) Unit" of Section 3.48 entitled "Human Resources Department" of the Madison General Ordinances is amended to read as follows:

"(10) Disability Rights (Internal) Unit.

Under the supervision of the Director, this unit is responsible for the coordination of City efforts to prevent discrimination in employment on the basis of a person's handicap disability and the delivery of programs and services according to the requirements of federal, state and local legislation as they relate to City employment and employees. The Director may from time to time consult with the Commission on People with Disabilities concerning the work to be performed pursuant to this function. Nothing contained in this section shall alter the responsibilities of the Commission on People with Disabilities as provided in Section 3.62 of these ordinances."

15. Subparagraph c. entitled "Duties" of Paragraph 2. entitled "Parking Council for People with Disabilities and Disabled Parking Enforcement Assistance Council" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.51 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"c. Duties. The Parking Council for People with Disabilities shall give advice and recommendations on the location of those spaces reserved for use by a motor vehicle used by a ~~physically disabled~~ person with a physical disability that are subject to any time limitations imposed pursuant to Sec. 346.50(3m)(b), Wis. Stats. The council may also authorize specific persons to place on a vehicle educational material relating solely to the parking privileges of ~~the physically disabled~~ people with physical disabilities if that person(s) has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by ~~the physically disabled~~ people with physical disabilities. The council may also hear and investigate matters concerning the quality and availability of parking within the city for persons with disabilities and shall report its findings and recommendations to the Common Council from time to time. The council may conduct interviews and recommend additional members and alternate members for appointment to perform enforcement duties as members of the Disabled Parking Enforcement Assistance Council. Members appointed to The Parking Council for People with Disabilities shall not perform enforcement duties unless also appointed to the Disabled Parking Enforcement Assistance Council."

16. Subparagraph e. entitled "Disabled Parking Enforcement Assistance Council -"Enforcement Assistance Council" of Paragraph 2. entitled "Parking Council for People with Disabilities and Disabled Parking Enforcement Assistance Council" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.51 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"e. Disabled Parking Enforcement Assistance Council -"Enforcement Assistance Council." In addition to the duties described in Subsection (k)2.c. above, the Parking Council for People with Disabilities may recruit additional members to form a "Disabled Parking Enforcement Assistance Council" as authorized under Sec. 349.145 of the Wisconsin Statutes for the purpose of reporting certain ~~disabled~~ disabled parking violations for people with disabilities and misuse of ~~disabled~~ disabled parking privileges for people with disabilities. Enforcement Assistance Council members appointed under this ordinance are authorized to make a written report to the Madison Police Department of their observations of the following Wisconsin State Statutes, as adopted under Sec. 12.011 of these Ordinances, inclusive of all future amendments:

Sec. 3341.625(1), (2)

Sec. 343.52(1), (3)  
Sec. 346.503(2e), (5)  
Sec. 346.505(2)(a), (b), (c) and (3)

Enforcement Assistance Council members' authority shall be limited to the ability to report the above violations, their duties shall be limited to enforcement activities related to reporting said violations, and said members shall have no voting rights except a member who is also a member of the Parking Council for People with Disabilities shall have all the rights under Subsection (k)2.c., above. The Enforcement Assistance Council shall consist of a maximum of thirty (30) additional members and five (5) alternates, all of whom shall be residents of the City and shall serve on a volunteer basis for a term of three (3) years. A majority of the membership of the Enforcement Assistance Council shall consist of residents of the City to whom or on whose behalf the State Department of Transportation has issued a special registration plate under Sec. 341.14(1) to (1r), or a special identification card under Sec. 343.51 of the Wisconsin Statutes."

17. Subparagraph d. of Paragraph 3. entitled "Sick Leave" of Subdivision (b) entitled "Absence of Employees from Duty" of Subsection (1) of Section 3.52 entitled "Nonrepresented Transit Division Employees" of the Madison General Ordinances is amended to read as follows:

"d. Employees in Compensation Groups 43 and 44 shall also have the option to elect that funds representing the value of unused sick leave credits as described above, or a portion thereof, be placed in an escrow account and be utilized to pay the full premium for their continued participation in the hospital, surgical and medical group insurance plan in force for City employees until said funds are exhausted, provided that this election is made at least 12 months prior to the employee's date of retirement and that said value exceeds \$5,000. Any balance of escrowed funds shall be credited annually with interest at the average annual City interest rate less one percent (1%) for administrative costs. When said escrow funds are exhausted, the employee shall retain the right to continue the group health plan in force for City employees at his/her own expense. Should the retired or ~~disabled~~ person with a disability die prior to the exhaustion of the said escrow account, any remaining funds shall be paid to the beneficiary designated by the retiree or to his/her estate."

18. Paragraph 7. entitled "Disability Leave" of Subdivision (b) entitled "Absence of Employees from Duty" of Subsection (1) of Section 3.52 entitled "Nonrepresented Transit Division Employees" of the Madison General Ordinances is amended to read as follows:

"7. Disability Leave. ~~Disabled p~~ Permanent employees who are disabled may be granted an unpaid leave of absence by the Transit Manager, subject to the following provisions:

- a. The employee shall apply for such leave in writing to the Transit Manager.
- b. The employee shall submit a physician's report describing the nature of the illness or injury, the physician's prognosis for recovery and a description of the physical limitations of the employee in sufficient detail to permit the Transit Manager to determine whether or not the employee is unable to perform his/her proscribed work.
- c. If a disability leave has been granted the employee shall submit a physician's statement releasing the employee for work and describing the employee's ability to perform the physical and mental elements of his/her usual work before requesting the Transit Manager's permission to return to duty.
- d. A disability leave without pay shall not extend beyond the employee's healing period without the permission of the Transit Manager."

19. Paragraph 2. of Subdivision (c) entitled "Compensation" of Subsection (3) entitled "Municipal Judge" of Section 3.59 entitled "Establishment Of A Municipal Court For The City Of Madison" of the Madison General Ordinances is amended to read as follows:

"2. In addition to salary, the Municipal Judge shall receive the following benefits in the manner provided by the City to non-represented City employees: rights provided ~~disabled employees~~ with disabilities; holiday, military, jury and bereavement leaves; ten days of paid vacation in each year of the term subject to Sec. 800.06, Wis. Stats.; paid "floating holidays"; paid sick leave; life insurance options; wage insurance options; Wisconsin Retirement Fund contributions; deferred

compensation options; health insurance options; workers' compensation and workers' compensation supplement and pre-tax flexible spending program options."

20. Subdivision (b) of Subsection (5) entitled "Discriminatory Actions Prohibited" of Section 3.72 entitled "Nondiscrimination Based On Disability In City Facilities And City-Assisted Programs And Activities" of the Madison General Ordinances is amended to read as follows:

"(b) For purposes of this ordinance, City facilities, aids, benefits, and services, to be equally effective, are not required to produce the identical result for ~~disabled and nondisabled~~ persons with disabilities and without disabilities, but must afford persons with a disability an equal opportunity to obtain the same result, or to gain the same benefit. In choosing among available methods for meeting the requirements of this ordinance, the City facility or recipient of City financial assistance shall give priority to those methods that offer programs and activities to qualified persons with disabilities in the most integrated setting appropriate to the person's needs."

21. Subdivision (c) of Subsection (2) of Section 8.35 entitled "Preservation Of Shoreline Parks" of the Madison General Ordinances is amended to read as follows:

"(c) Construction required to eliminate safety hazards or provide accessibility to ~~the handicapped~~ people with disabilities."

22. Subdivision (f) of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License For Selling On Public Streets" of the Madison General Ordinances is amended to read as follows:

"(f) No vending equipment or vending activities shall be permitted adjacent to any truck, freight or passenger loading zone or adjacent to any ~~handicapped~~ parking space for people with disabilities or loading zone."

23. Subdivision (w) of Subsection (3) entitled "Definitions" of Section 11.06 entitled "Licensing And Regulating Public Passenger Vehicles, For Hire" of the Madison General Ordinances is amended to read as follows:

"(w) "Specialized transportation vehicle" shall mean a vehicle for hire, other than a taxicab, shuttle vehicle, horse-drawn vehicle, luxury limousine or courtesy car, or mass transportation vehicle, which is especially suited for the transportation of elderly persons or ~~disabled~~ persons with disabilities."

24. Subsection (1) of Section 12.031 entitled "Time Limitations On Special Registration Plate/Special Identification Card Parking Spaces" of the Madison General Ordinances is amended to read as follows:

"(1) The City Parking Manager may impose a three-hour or less limitation on parking of a motor vehicle used by a ~~physically disabled~~ person with a physical disability upon any portion of a street, highway or parking facility reserved for ~~physically disabled~~ persons with physical disabilities by official traffic signs indicating the restriction if the following conditions are complied with:

- (a) No more than one-third of the number of spaces reserved by the city for use by a motor vehicle used by a ~~physically disabled~~ person with a physical disability are subjected to such time limitations;
- (b) No time limitations may be imposed on a reserved space in a parking facility unless an adjacent space without any such time limitation is reserved for use by a motor vehicle used by a ~~physically disabled~~ person with a physical disability;
- (c) The Parking Council on People with Disabilities shall give advice and make recommendations to the Parking Manager regarding the location of such time restricted reserved spaces;
- (d) The official traffic sign for such reserved spaces shall include information on the applicable time limitation for use by a motor vehicle used by a ~~physically disabled~~ person with a physical disability."

25. Subsection (3) entitled "Reports" of Section 12.031 entitled "Time Limitations On Special Registration Plate/Special Identification Card Parking Spaces" of the Madison General Ordinances is amended to read as follows:

"(3) Reports. The Parking Manager shall submit a report by December 31 of each odd-numbered year to the Parking Council on People with Disabilities under Sec. 46.29(1)(fm), Wis. Stats., on implementation and administration of the ordinance, including an evaluation of the effectiveness of time limitations imposed by the ordinance. With respect to spaces reserved by the city for use by a motor vehicle used by a ~~physically disabled~~ person with a physical disability upon any portion of a street, highway or parking facility, the report shall include the total number of spaces; the total number of spaces in a parking facility and the number of those spaces that are subject to a time limitation, and the duration of any such limitation; and the total number of spaces upon a street or highway and the number of those spaces that are subject to a time limitation, and the duration of any such limitation."

26. Subsection (2) entitled "Motor Vehicles Used by Disabled; Service" of Section 22.15 entitled "Motor Fuel, Heating Oils, And Solvents Sales On Premises Of Seller" of the Madison General Ordinances is amended to read as follows:

"(2) Motor Vehicles Used by ~~Disabled~~ Persons with Disabilities; Service.

- (a) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:
1. The motor vehicle displays special registration plates issued under Sec. 341.14(1), (1a), (1m), (1g) or (1r)(a) or a special identification card issued under Sec. 343.51, Wis. Stats., or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a ~~physically disabled~~ person with a physical disability.
  2. The driver of the motor vehicle asks for the same prices as charged for motor fuel dispensed from a self-service pump.
  3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps."

27. Subsection (17) of Section 23.56 entitled "Private Parking Enforcement Regulated" of the Madison General Ordinances is amended to read as follows:

"(17) No person shall apply any immobilization device to any vehicle when such application would leave such a vehicle obstructing a ~~disabled~~ parking space for a person with a disability, a sidewalk or private driveway, a fire lane or a public highway. No person shall apply any immobilization device to any vehicle when such application would result in an immediate and reasonably apparent threat to life, health, or public safety."

28. Subdivision (t) of Subsection (2) of Section 27.05 entitled "Safe And Sanitary Maintenance Of Property" of the Madison General Ordinances is amended to read as follows:

"(t) Any ~~handicapped~~ parking space for persons with a disability which is required to be provided under any provision of the Madison General Ordinances, State Statutes, or the Wisconsin Administrative Code, or any such space which an owner or operator chooses to set aside for a motor vehicle with special registration plates issued under Sec. 341.14(1), (1a), (1m) or (1q) Wis. Stats. or special identification cards issued under Sec. 343.51 Wis. Stats., or a motor vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a ~~physically disabled~~ person with a physical disability, shall be provided with a handicapped parking sign for people with disabilities which meets the standards as specified in s. Trans 200.07, Wis. Adm. Code. It is the intent of this ordinance to be enforced over the ch. Comm 62, Wis. Adm. Code with regard to parking spaces, Sec. 29.19 of these ordinances notwithstanding."



29. Subsection (2) entitled "Definitions" of Section 28.03 entitled "Rules And Definitions" of the Madison General Ordinances is amended by amending therein the following:

Taxicab Business. A service which offers transportation in passenger automobiles and vans to persons including those who ~~are handicapped~~ have a disability in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans."

30. Subparagraph i. of Paragraph 1. entitled "In All Yards" of Subdivision (e) entitled "Permitted Obstructions In Required Yards" of Subsection (6) entitled "Bulk Regulations" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"i. Wheelchair ramps to provide access for ~~disabled~~ persons with disabilities, when the maximum size of any ramp dimension is not greater than the minimum requirements for ramps under Wisconsin Administrative Code Sec. Comm 69.26."

31. Paragraph 2. of Subdivision (b) entitled "Permitted Uses" of Subsection (3) entitled "R2 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"2. Schools for ~~emotionally handicapped~~ children with emotional disabilities."

32. Paragraph 2. of Subdivision (c) entitled "Conditional Uses" of Subsection (3) entitled "R2 Single-Family Residence District" of Section 28.08 entitled "Residence Districts" of the Madison General Ordinances is amended to read as follows:

"2. Day training treatment and day care service facilities for persons emotionally handicapped with a serious mental illness and persons with a developmentally disability ~~disabled persons.~~"

33. Subdivision (m) entitled "Handicapped Parking Requirements" of Subsection (3) entitled "Off-Street Parking Facilities" of Section 28.11 entitled "Off-Street Parking And Loading Facilities" of the Madison General Ordinances is amended to read as follows:

"(m) Handicapped Parking Requirements for Persons with Disabilities. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in Sec. 101.13, 346.503, and sec. 346.56 Wisconsin Statutes and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed, notwithstanding Secs. 28.04(3)(a), 28.11(2)(a) and 28.11(2)(b) of these ordinances. This section 28.11(3)(m) shall become effective on September 1, 1984."

34. Subparagraph vi. of Paragraph 10. of Subdivision (a) entitled "Amendments, Conditional Uses and Area Exceptions" of Subsection (12) entitled "Fees" of Section 28.12 entitled "Administration And Enforcement" of the Madison General Ordinances is amended to read as follows:

"vi. Day training treatment and day care service facilities for persons emotionally handicapped with a serious mental illness and persons with a developmentally disability ~~disabled persons~~; and"

35. Subparagraph c. of Paragraph 3. of Subdivision (k) entitled "Portable Street Graphics" of Subsection (6) entitled "Unsafe and Unlawful Street Graphics and Structures" of Section 31.04 entitled "Administration And General Provisions" of the Madison General Ordinances is amended to read as follows:

"c. Displays may not occupy parking spaces for ~~the handicapped~~ persons with disabilities, drive aisles, or required parking spaces for multi-tenant properties, may not violate other applicable regulations including but not limited to the provisions of this subsection, and must be safely displayed and secured to prevent wind-blown hazards and vandalism."

36. Subparagraph d. of Paragraph 4. of Subdivision (l) entitled "Inflatable Street Graphics" of Subsection (6) entitled "Unsafe and Unlawful Street Graphics and Structures" of Section 31.04 entitled "Administration And General Provisions" of the Madison General Ordinances is amended to read as follows:

"d. Displays may not occupy parking spaces for ~~the handicapped~~ persons with disabilities, drive aisles, or required parking spaces for multi-tenant properties and must be safely displayed in accordance with the manufacturer's instructions and applicable Federal Aviation Administration (FAA) regulations."

37. Subdivision (m) of Subsection (8) entitled "Exemptions" of Section 31.04 entitled "Administration And General Provisions" of the Madison General Ordinances is amended to read as follows:

"(m) Other graphics specifically authorized by laws of the State of Wisconsin, including but not limited to, access and parking for the ~~handicapped person with a disability~~ graphics, gasoline price graphics and warning graphics placed upon utility poles and structures."