

AGENDA # _____

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

create Section 3.15(2) of the Madison General Ordinances to establish procedures by which the City Attorney may be authorized to commence public nuisance actions on behalf of the City under Wis. Stats. Chapter 823.

PRESENTED November 9, 2004

REFERRED CCOC

REREFERRED CCOC (12/14/04)

REPORTED BACK 12/14/04; 1/4/05

ADOPTED _____ POF _____

RULES SUSPENDED _____

PUBLIC HEARING _____

* * * *

MAYOR SIGNED _____

PUBLISHED _____

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Drafted by: Marci A. Paulsen
Assistant City Attorney

Date: December 16, 2004

Fiscal Note: No expenditure required.

SPONSORS: Aids. Konkel and Compton

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

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SUBSTITUTE ORD. NUMBER _____

ID NUMBER 37072

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

Subsection (2) entitled "Public Nuisance Authority" of Section 3.15 entitled "City Attorney" of the Madison General Ordinances is created to read as follows:

"(2) Public Nuisance Authority.

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

1. The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice will include a description of the nuisance, why action is necessary, and a reminder of the fifteen (15) day time limit in this ordinance to request Common Council consideration of a resolution.
2. If the Mayor or any member of the Common Council wishes to have the matter considered by resolution of the Common Council, he or she shall, within fifteen (15) days of receipt of the notice from the City Attorney, provide a written request for such a resolution to the City Attorney.
3. If there is a request for a resolution, the City Attorney shall draft a resolution (sponsored by the person requesting the same) requesting authorization to commence the nuisance action. This resolution is to be considered immediately at the next scheduled Common Council Meeting.
4. If the City Attorney does not receive a request for a resolution within fifteen (15) days of receipt of the City Attorney's notice, the City Attorney does not need to obtain a resolution and is authorized to commence and prosecute the nuisance action as authorized under Wis. Stats. Chapter 823."

Approved as to form: