

**BODY – 28254**

DRAFTER'S ANALYSIS: This ordinance creates a section in Chapter 45 to be used as a repository for ordinances that are void or are unenforceable, to be called the Seventy-Seven Square Miles Ordinance.

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

1. Section 45.07 entitled “Seventy-Seven Square Miles Ordinance” of the Madison General Ordinances is created to read as follows:

**“45.07 SEVENTY-SEVEN SQUARE MILES ORDINANCE.**

(1) Purpose. From time to time, ordinances of the City of Madison are rendered unenforceable. This may be due to state legislation removing the City’s authority, the pre-emptive effect of federal legislation or judicial decision. In some instances, the City will repeal the ordinance at issue. In other cases, the City desires to keep the ordinance on the books in the event the law restricting the City’s authority is changed in the future, so that the ordinance is again enforceable. In order to avoid confusion, any such ordinance will be removed from the other chapters of the Madison General Ordinances and renumbered to be a part of this section. Such ordinances will be given a subsection number in this ordinance.”

2. Section 4.23 entitled “Prevailing Wage on Building or Work Financed in Whole or in Part With City Financial Assistance” of the Madison General Ordinances is renumbered to Section 45.07(2) and reads as follows:

**“~~4.23~~(2) Prevailing Wage On Building Or Work Financed In Whole Or In Part With City Financial Assistance.**

- (~~1~~a) Purpose and Intent. It is the policy of the City to assure equitable wages for all building or work which is financed in whole or in part with City financial assistance. The Common Council finds that extending prevailing wages to workers employed on such projects preserves and promotes the public health, safety, prosperity, and general welfare of the people of the City of Madison.
- (~~2~~b) On any projects for which the City contributes financial assistance and which are “public works,” “building or work,” or “erection, construction, remodeling, repairing” as those terms are defined in Sec. 23.01(1)(a) of these ordinances and such work is performed by “employees working on the project” or “laborers, workers, and mechanics” as those terms are defined in Sec. 23.01(1)(a), all employees shall be compensated at the rates established pursuant to Sec. 23.01(1) of these ordinances, Wis. Stat. § 66.0903, and Wis. Admin. Code § DWD 290 as therein provided. In the event of a difference in the required rates or provisions, the higher wage or more stringent provision established by the City or the State shall be required.
- (~~3~~c) “City financial assistance” means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance, in the form of
  - (~~a~~)1. Funds.
  - (~~b~~)2. Services of City personnel.
  - (~~c~~)3. Real and personal property or any interest in or use of such property, including:

- 4a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
- 2b. Proceeds from a subsequent transfer or lease of such property if the City's share of its fair market value is not returned to the City.
- ~~(d)~~4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and
- ~~(e)~~5. Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.
- ~~(f)~~6. "City financial assistance" includes, but is not limited to, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. § 66.1103, contracts with developers or other entities authorized by Wis. Stat. § 66.1333(5) and 66.1105(3), and assistance provided under Wis. Stat. § 66.1109.
- (4d) All contracts or agreements for such projects shall include the following provision: Prevailing Wages. The Contractor shall pay its employees the wage rates established by Sec. 4.23, Madison General Ordinances, and its referenced sections and shall require in its contracts and subcontracts for work on the project, adherence by those contractors, subcontractors and agents to the wage rates established by this Section 4.23 and its referenced sections. The contractor and its contractors, subcontractors and agents shall also adhere to the requirements of Madison General Ordinances Sec. 23.01(1)(d) "Payrolls and Records," Sec. 23.01(1)(j) "Evidence of Compliance by Contractor," and Sec. 23.01(1)(k) "Evidence of Compliance by Agent and Subcontractor" with the exception that the reference to "City Engineer" and "Department of Public Works" shall be to the City agency administering the project.
- (5e) Exceptions.
  - ~~(a)~~1. This ordinance does not apply to work or contracts which are governed by Sec. 23.01 of these ordinances.
  - ~~(b)~~2. This ordinance does not apply to wages of student learners or employees of licensed sheltered workshops, as those terms are defined in Wis. Stat. ch. 104.
  - ~~(c)~~3. This ordinance does not apply to any construction or rehabilitation project which involves fewer than eight residential units and which does not include commercial space.
  - ~~(d)~~4. This ordinance does not apply to projects funded in whole or in part by federal funds."

3. Section 23.01 entitled "Regulating of Public Work" of the Madison General Ordinances is renumbered to Section 45.07(3) and reads as follows:

**23.01(3) Regulating of Public Work.**

- (4a) Wage Rates for Employees of Public Works Contractors.
  - ~~(a)~~1. General and Authorization. Every contract for public works issued by the City of Madison shall contain Section 23.01(1) of these Ordinances and shall require the contractor to compensate its employees at the prevailing wage rate in accordance with Wis. Stat. § 66.0903, Wis. Admin. Code ch. DWD 290 and as hereinafter provided.  
This ordinance shall apply to all contracts for public works regardless of the value of the contract. This ordinance shall not apply to:

a project of public works in which the labor for the project is provided by unpaid volunteers; warranty work; or work under a supply or installation contract. Notwithstanding Wis. Stat. § 66.0903(5), this ordinance shall apply to bid public works contracts for minor services and maintenance work, as defined in such statute.

“Public works” shall include building or work involving the erection, construction, remodeling, repairing or demolition of buildings, parking lots, highways, streets, bridges, sidewalks, street lighting, traffic signals, sanitary sewers, water mains and appurtenances, storm sewers, and the grading and landscaping of public lands.

“Building or work” includes construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work, except for the delivery of mineral aggregate such as sand, gravel, bituminous asphaltic concrete or stone which is incorporated into the work under contract with the City by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

“Erection, construction, remodeling, repairing” means all types of work done on a particular building or work at the site thereof in the construction or development of the project, including without limitation, erecting, construction, remodeling repairing, altering, painting, and decorating, the transporting of materials and supplies to or from the building or work done by the employees of the contractor, subcontractor, or agent thereof, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work, by persons employed by the contractor, subcontractor, or agent thereof.

“Employees working on the project” means laborers, workers, and mechanics employed directly upon the site of the work.

“Laborers, workers, mechanics and truck drivers” includes subjourneypersons and properly registered and indentured apprentices but excludes clerical, supervisory, and other personnel not performing manual labor.

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

~~(b)~~2. Establishment of Wage Rates. The City of Madison has been granted exemption from applying to the Wisconsin Department of Workforce Development (DWD) for determination of prevailing wage rates in accordance with Wis. Stat. § 66.0903(3). The Department of Public Works shall periodically obtain a current schedule of prevailing wage rates from DWD. The schedule shall be used to establish the City of Madison Prevailing Wage Rate Schedule for Public Works Construction (prevailing wage rate). The Department of Public Works may include known increases to the prevailing wage rate which can be documented and are to occur on a future specific date. Upon approval by the Common Council, the prevailing wage rate shall be included in public works contracts subsequently negotiated or solicited by the City. Except for known increases contained within the schedule, the prevailing wage rate shall not change during the contract.

~~(c)~~3. Workforce Profile. The contractor shall, at the time of signature of the contract, notify the City Engineer in writing of the names and classifications of all the employees of the contractor, subcontractors and agents proposed for the work. In the alternative, the contractor shall submit in writing the classifications of all the employees of the contractor, subcontractors and agents and the total number of hours estimated in each classification for the work. This workforce profile(s) shall be

reviewed by the City Engineer who may, within ten (10) days, object to the workforce profile(s) as not being reflective of that which would be required for the work. The contractor may request that the workforce profile, or a portion of the workforce profile, be submitted after the signature of the contract but at least ten (10) days prior to the work commencing. Any costs or time loss resulting from modifications to the workforce profile as a result of the City Engineer's objections shall be the responsibility of the contractor.

~~(d)~~4. Payrolls and Records. The contractor shall keep weekly payroll records setting forth the name, address, telephone number, classification, wage rate and fringe benefit package of all the employees who work on the contract, including the employees of the contractor's subcontractors and agents. Such weekly payroll records must include the required information for all City contracts and all other contracts on which the employee worked during the week in which the employee worked on the contract. The contractor shall also keep records of the individual time each employee worked on the project and for each day of the project. Such records shall also set forth the total number of hours of overtime credited to each such employee for each day and week and the amount of overtime pay received in that week. The records shall set forth the full weekly wages earned by each employee and the actual hourly wage paid to the employee.

The contractor shall submit the weekly payroll records, including the records of the contractor's subcontractors and agents, to the City engineer for every week that work is being done on the contract. The submittal shall be within twenty-one (21) calendar days of the end of the contractor's weekly pay period.

Employees shall be paid unconditionally and not less often than once per week. Employees shall receive the full amounts accrued at the time of the payment, computed at rates not less than those stated in the prevailing wage rate and each employee's rate shall be determined by the work that is done within the trade or occupation classification which should be properly assigned to the employee.

An employee's classification shall not be changed to a classification of a lesser rate during the contract. If, during the term of the contract, an employee works in a higher pay classification than the one which was previously properly assigned to the employee, then that employee shall be considered to be in the higher pay classification for the balance of the contract, receive the appropriate higher rate of pay, and she/he shall not receive a lesser rate during the balance of the contract. For purposes of clarification, it is noted that there is a distinct difference between working in a different classification with higher pay and doing work within a classification that has varying rates of pay which are determined by the type of work that is done within the classification. For example, the classification Operating Engineer provides for different rates of pay for various classes of work and the employer shall compensate an employee classified as an operating engineer based on the highest class of work that is done in one day. Therefore, an operating engineer's rate may vary on a day to day basis depending on the type of work that is done, but it will never be less than the base rate of an operating engineer. Also, as a matter of clarification, it is recognized that an employee may work in a higher paying classification merely by chance and without prior intention, calculation or design. If such is the case and the performance of the work is truly incidental and the occurrence is infrequent, inconsequential and does not serve to undermine the single classification principle herein, then it may not be

required that the employee be considered to be in the higher pay classification and receive the higher rate of pay for the duration of the contract. However, the contractor is not precluded or prevented from paying the higher rate for the limited time that an employee performs work that is outside of the employee's proper classification.

Questions regarding an employee's classification, rate of pay or rate of pay within a classification, shall be resolved by reference to the established practice that predominates in the industry and on which the trade or occupation rate/classification is based. Rate of pay and classification disputes shall be resolved by relying upon practices established by collective bargaining agreements and guidelines used in such determination by appropriate recognized trade unions operating within the City of Madison.

The contractor, its subcontractors and agents shall submit to interrogation regarding compliance with the provisions of this ordinance.

Mulcting of the employees by the contractor, subcontractor and agents on public works contracts, such as by kickbacks or other devices, is prohibited. The normal rate of wage of the employees of the contractor, subcontractors and agents shall not be reduced or otherwise diminished as a result of payment of the prevailing wage rate on a public works contract.

- (e)5. Hourly Contributions. Hourly contributions shall be determined in accordance with the prevailing wage rate and with Wis. Admin. Code § DWD 290.01(10).
- (f)6. Apprentices and Subjourneypersons. Apprentices and subjourneypersons performing work on the project shall be compensated in accordance with the prevailing wage rate and with Wis. Admin. Code §§ DWD 290.02 and DWD 290.025, respectively.
- (g)7. Straight Time Wages. The contractor may pay straight time wages as determined by the prevailing wage rate and Wis. Admin. Code § DWD 290.04.
- (h)8. Overtime Wages. The contractor shall pay overtime wages as required by the prevailing wage rate and Wis. Admin. Code ch. DWD 290.05.
- (i)9. Posting of Wage Rates and Hours. A clearly legible copy of the prevailing wage rate, together with the provisions of Wis. Stat. §§ 66.0903(10)(a) and (11)(a), shall be kept posted in at least one conspicuous and easily accessible place at the project site by the contractor and such notice shall remain posted during the full time any laborers, workers or mechanics are employed on the contract.
- (j)10. Evidence of Compliance by Contractor. Upon completion of the contract, the contractor shall file with the Department of Public Works an affidavit stating:
  - a. That the contractor has complied fully with the provisions and requirements of Wis. Stat. § 66.0903(3), and Wis. Admin. Code ch. DWD 290, and Sec. 23.01, MGO; the contractor has received evidence of compliance from each of the agents and subcontractors; and the names and addresses of all of the subcontractors and agents who worked on the contract.
  - b. That full and accurate records have been kept, which clearly indicate the name and trade or occupation of every laborer, worker or mechanic employed by the contractor in connection with work on the project. The records shall show the number of hours worked by each employee and the actual wages paid therefore; where these records will be kept and the name,

address and telephone number of the person who will be responsible for keeping them. The records shall be retained and made available for a period of at least three (3) years following the completion of the project of public works and shall not be removed without prior notification to the municipality.

(k11) Evidence of Compliance by Agent and Subcontractor. Each agent and subcontractor shall file with the contractor, upon completion of their portion of the work on the contract an affidavit stating that all the provisions of Wis. Stat. § 66.0903(3), and Sec. 23.01, MGO, have been fully complied with and that full and accurate records have been kept, which clearly indicate the name and trade or occupation of every laborer, worker or mechanic employed by the contractor in connection with work on the project. The records shall show the number of hours worked by each employee and the actual wages paid therefore; where these records shall be kept and the name, address and telephone number of the person who shall be responsible for keeping them. The records shall be retained and made available for a period of at least three (3) years following the completion of the project of public works and shall not be removed without prior notification to the municipality.

(l12) Failure to Comply with the Prevailing Wage Rate. If the contractor fails to comply with the prevailing wage rate or this ordinance, s/he shall be in default on the contract.”

(4d) Reserved for Future Use.

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

4. Subsection (2) of Section 25.01 entitled “Sale of Firearms” of the Madison General Ordinances is renumbered to Section 45.07(4) and reads as follows:

“(24) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within five (5) days, excluding Saturdays, Sundays or holidays, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his/her designee, giving a complete description of the firearm so sold, given, traded or transferred including the caliber, make, model, manufacturer’s name and serial number, or if none, any other distinguishing number or identification mark and the name, age, address and occupation of the recipient of said firearm.”

5. Subsection (12) entitled “Handgun Transfer Waiting Period” of Section 25.01 entitled “Sale of Firearms” of the Madison General Ordinances is renumbered to Section 45.07(5) and reads as follows:

“(425) Handgun Transfer Waiting Period. To the extent that the sale of handguns is permitted within the City of Madison, no person shall transfer possession of any handgun to another person other than to a firearms dealer for seven (7) days following application for sale or transfer of such handgun.”

6. Section 25.02 entitled “Possession of Short-Barrelled Handguns Prohibited” of the Madison General Ordinances is renumbered to Section 45.07(6) and reads as follows:

“**25.02(6) Possession of Short-Barrelled Handguns Prohibited.**

(1a) Statement of Intent. The Common Council of the City of Madison finds and determines that handguns play a major role in the commission of homicide, aggravated assault, and armed robbery, and accidental injury and death; that the

easy and convenient availability of certain types of handguns has increased the potential for firearm-related deaths and injuries; and that in order to promote and protect the health, safety and welfare of the public it is necessary to regulate the possession of certain handguns which because of their size are particularly easy to conceal on or about the person, thereby making them extremely dangerous to the health, safety and security of the citizens of Madison and particularly dangerous in the hands of criminals. It is the intent of the Common Council, therefore, to prohibit the possession of short-barrelled handguns within the jurisdiction of the City of Madison.

(2b) Definitions.

Antique firearm means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898, and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Handgun has the meaning given in Section 25.01(1) of the Madison General Ordinances.

Museum means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule.

Unserviceable firearm means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

Short-barreled handgun means a handgun that has a barrel length of less than 4 inches, measured as follows:

- 4a. For a revolver, the barrel length is measured from the end of the muzzle to the forcing cone.
- 2b. For a handgun other than a revolver, the barrel length is measured from the end of the barrel to the face of the closed breechblock or closed bolt.

(3c) Possession Prohibited; Disposal. It shall be unlawful for any person to possess a short-barreled handgun whether loaded or unloaded in the City of Madison except as provided herein. Any short-barreled handgun possessed in violation of this section and any ammunition possessed or used in connection therewith is unlawful property and shall be seized by any peace officer. Upon conviction of the person for a violation of this section, all such property seized shall be disposed of pursuant to Wis. Stat. § 968.20(3).

(4d) Pre-Existing Handguns. Any person who, prior to the effective date of this section, was legally in possession of a handgun prohibited hereunder shall have thirty (30) days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:

- (a)1. Remove said handgun from within the jurisdiction of the City of Madison.
- (b)2. Modify said handgun to render it permanently unserviceable.
- (c)3. Surrender said handgun to the City of Madison Police Department.

(5e) Exceptions. This section shall not apply to the following:

- (a)1. Any peace officer whether on or off duty and any retired peace officer;
- (b)2. Any armed forces or national guard personnel while on official duty;
- (c)3. Authorized employees of the State Crime Laboratory in the course of their official duties;
- (d)4. Any corrections personnel in the Department of Corrections while on official duty;

- ~~(e)~~5. Possession of a prohibited handgun by a licensed importer, manufacturer or dealer or other authorized individual in connection with the manufacture, transportation, sale or repair of prohibited handguns to persons authorized by this section to possess them;
  - ~~(f)~~6. Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;
  - ~~(g)~~7. Licensed firearms collectors;
  - ~~(h)~~8. Antique firearms;
  - ~~(i)~~9. Unserviceable firearms.
  - ~~(j)~~10. Firearms carried in interstate commerce pursuant to Title 18 United States Code Sec. 926A.
  - ~~(k)~~11. Civilian students and instructors who are receiving or conducting law enforcement training certified by the Law Enforcement Standards Board as defined in Wis. Stat. § 165.85 while actually engaged in such training.
  - ~~(l)~~12. Short-barrelled handguns in the collections of non-profit museums which collect such weapons for legitimate educational purposes.
  - ~~(m)~~13. A nonresident of the City of Madison in lawful possession of a prohibited handgun from outside the City of Madison while traveling directly through the City of Madison, provided such prohibited handgun so transported is at all times while within the City of Madison unloaded and lawfully encased.
- (6f) Penalty. Any person violating this section shall be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) upon conviction and, in addition, shall forfeit the firearm giving rise to the violation and any ammunition possessed or used in connection therewith.
- (7g) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.
- (8h) Subsection (3) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court.”

7. Section 25.025 entitled “Possession of Assault Weapons Prohibited” of the Madison General Ordinances is renumbered to Sec. 45.07(7) and reads as follows:

**“25.025(7) Possession Of Assault Weapons Prohibited.**

- (1a) Statement of Intent. The Common Council of the City of Madison finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety and security of all citizens of this City. Assault weapons are particularly dangerous in the hands of criminals and serve no necessary hunting and sporting purpose for law-abiding citizens. Assault weapons have such a high capacity for firepower that any function as sports or recreational firearms is substantially outweighed by the significant danger that they can be used to kill or injure human beings. It is the intent of the Common Council, therefore, to prohibit the possession of assault weapons within the jurisdiction of the City of Madison.
- (2b) Definitions.
  - ~~(a)~~1. “Assault weapon” means the following designated semiautomatic firearms:
    - 4a. All of the following specified rifles:
      - aj. All AK series including, but not limited to, the models identified as follows:
        - iA. Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.



- iiB. Norinco 56, 56S, 84S, and 86S.
    - iiiC. Poly Technologies AKS and AK47.
    - ivD. MAADI AK47 and ARM.
  - bii. UZI and Galil.
  - ejii. Baretta AR-70.
  - div. CETME Sporter.
  - ev. Colt AR-15 series.
  - fv. Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110C.
  - gvii. Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
  - hvi. MAS 223.
  - ix. HK-91, HK-93, HK-94, HK-PSG-1.
  - ix. The following MAC types:
          - i. RPB Industries Inc. sM10 and sM11.
          - ii. SWD Incorporated M11.
  - kxi. SIG AMT, PE-57, SG 550, SG 551.
  - lxii. Springfield Armory BM59 and SAR-48.
  - xxiii. Sterling MK-6.
  - xxiv. Steyer AUG.
  - xxv. Valmet M62S, M71S, and M78S.
  - xxvi. Armalite AR-180.
  - xxvii. Bushmaster Assault Rifle.
  - xxviii. Calico M-900.
  - xxix. J&R ENG M-68.
  - xxx. Weaver Arms Nighthawk.
- 2b. All of the following specified pistols or handguns:
- aj. UZI.
  - bii. Encom MP-9 and MP-45.
  - ejii. The following MAC types:
          - i. RPB Industries Inc. sM10 and sM11.
          - ii. SWD Incorporated M-11.
          - iii. Advance Armament Inc. M-11.
          - iv. Military Armament Corp. Ingram M-11.
  - div. Intratec TEC-9.
  - ev. Sites Spectre.
  - fv. Sterling MK-7.
  - gvii. Calico M-950.
  - hvi. Bushmaster Pistol.
- 3c. All of the following specified shotguns:
- aj. Franchi SPAS 12 and LAW 12.
  - bii. Striker 12.
  - ejii. The Streetsweeper type S/S Inc. SS/12.
- 4d. Any firearm which is identical to one of those listed in Subsection (2)(a)1., 2. or 3 above except for slight modifications or enhancements such as a folding or retractable stock, different sights, for example, adjustable sights; case deflector for left-handed shooters; shorter barrel; stock of different composition; larger clip, magazine or other ammunition feeding device providing increased ammunition capacity; different caliber provided the caliber exceeds .22 rimfire; or bayonet mount.
- 5e. Any combination of parts designed or intended to be readily convertible into an assault weapon listed in Subsection (2)(a)1., 2., or 3. above if the parts are in the possession or under the control of the same person.
- 6f. A duplicate of a semiautomatic firearm listed in Subsection (2)(a)1., 2., or 3. above.

- 7g. Any rifle that is a semiautomatic firearm and was originally designed to accept or has been modified so as to be able to accept a detachable large-capacity magazine and has at least two of the following characteristics:
  - a.i. A folding or telescoping stock.
  - b.ii. A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - c.iii. A bayonet mount.
  - d.iv. A flash suppressor or threaded barrel designed to accommodate a flash suppressor.
  - f.v. A grenade launcher.
- 8h. A pistol or handgun that is a semiautomatic firearm and was originally designed to accept or has been modified so as to be able to accept a detachable large-capacity magazine and has at least two of the following characteristics:
  - a.i. An ammunition magazine that attaches to the pistol outside of the pistol grip.
  - b.ii. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer.
  - c.iii. A shroud that is attached to or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the second hand without being burned.
  - d.iv. A manufactured weight of 50 ounces or more when the pistol is unloaded.
  - e.v. A semiautomatic version of an automatic firearm.
- 9j. A shotgun that is a semiautomatic firearm and has at least two of the following characteristics:
  - a.i. A folding or telescoping stock.
  - b.ii. A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - c.iii. A fixed magazine capacity in excess of five (5) rounds.
  - d.iv. An ability to accept a detachable magazine.
- ~~(b)~~2. "Firearm" has the meaning given in Sec. 25.01(1) of the Madison General Ordinances.
- ~~(c)~~3. "Large capacity magazine" means a magazine, belt, drum, feed strip, or similar ammunition feeding device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or any combination of parts from which such device can be assembled; however, this term does not include an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.
- ~~(d)~~4. "Museum" means an organized and permanent non-profit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule.
- ~~(e)~~5. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the firearm to be held and fired with one hand.
- ~~(f)~~6. "Semi-automatic firearm" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge or bullet.
- ~~(g)~~7. "Series" includes all other models that are only variations, with minor differences, of those models listed in Subsection (2)(a) 1., 2. or 3., regardless of the manufacturer.

- ~~(h)8.~~ "Type" means model or version.
- (3c) Possession Prohibited; Disposal. It shall be unlawful for any person to possess an assault weapon whether loaded or unloaded in the City of Madison except as provided herein. Any assault weapon possessed in violation of this section and any ammunition possessed or used in connection therewith is unlawful property and shall be seized by any peace officer. Upon conviction of the person for violating this section, all such property seized shall be disposed of pursuant to Wis. Stat. § 968.20(3)(b).
- (4d) Pre-Existing Assault Weapons. Any person who, prior to the effective date of this section, was legally in possession of an assault weapon prohibited hereunder shall have thirty (30) days from the effective date of this ordinance to do any of the following without being subject to prosecution hereunder:
- ~~(a)1.~~ Remove said assault weapon from within the jurisdiction of the City of Madison.
- ~~(b)2.~~ Modify said assault weapon to render it permanently unserviceable.
- ~~(c)3.~~ Surrender said assault weapon to the City of Madison Police Department.
- (5e) Exceptions. This section shall not apply to the following:
- ~~(a)1.~~ Peace Officers if they have been authorized by their Chief to possess the prohibited assault weapon in the course of their employment.
- ~~(b)2.~~ Any armed forces or national guard personnel while on official duty;
- ~~(c)3.~~ Authorized employees of the State Crime Laboratory in the course of their official duties;
- ~~(d)4.~~ Any corrections personnel in the Department of Corrections while on official duty;
- ~~(e)5.~~ Possession of a prohibited assault weapon by a licensed importer, manufacturer or dealer or other authorized individual in connection with the manufacture, transportation, sale or repair of prohibited firearms to persons authorized by this section to possess them;
- ~~(f)6.~~ Unserviceable firearms.
- ~~(g)7.~~ Assault weapons carried in interstate commerce pursuant to Title 18 United States Code Sec. 926A.
- ~~(h)8.~~ Civilian students and instructors who are receiving or conducting law enforcement training certified by the Law Enforcement Standards Board as defined in Wis. Stat. § 165.85 while actually engaged in such training.
- ~~(i)9.~~ Assault weapons in the collections of non-profit museums which collect such weapons for legitimate educational purposes.
- ~~(j)10.~~ A nonresident of the City of Madison in lawful possession of a prohibited assault weapon from outside the City of Madison while traveling directly through the City of Madison, provided such prohibited assault weapon so transported is at all times while within the City of Madison unloaded and lawfully encased.
- ~~(k)~~ ~~(R. by ORD-10-00114, 12-8-10)~~
- (6f) Penalty. Any person violating this section shall be subject to a forfeiture of not less than seven hundred fifty dollars (\$750) nor more than one thousand five hundred dollars (\$1500) upon conviction and, in addition, shall forfeit the assault weapon giving rise to the violation and any ammunition possessed or used in connection therewith.
- (7g) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(~~8~~h) Subsection (3) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court.”