Legistar File No. 74901 Body

DRAFTER'S ANALYSIS: This City Attorney Revisor's Ordinance, corrects certain parts of the Madison General Ordinances (MGO), the City's code of ordinances.

The proposed changes in this ordinance are as follows:

- Section 1.01(10) is amended to correct a reference to Wisconsin Statutes.
- Table in Section 1.08(3) is amended to fix typos.
- Table in Section 1.08(4) is amended to correct a spelling error and use gender-inclusive pronouns.
- Section 4.25(4)(b)7. is amended to comply with updates to APM 2-33.
- Section 6.16 is amended to correct a spelling error.
- Section 8.40(2) is amended to correct a reference to Wisconsin Statutes.
- Section 10.34(6) is amended to correct a spelling error.
- Definition of "Greenway" within Section 16.23(2) is amended to correct an MGO citation.
- Section 25.31(1) is amended to correct a reference to Wisconsin Statutes.
- Table 28G-1 of Section 28.091(1) is amended to fix a typo.
- Definition of "Adult Family Home" within Section 28.151 is amended to comply with updates to APM 2-33.
- Definition of "Family" within Section 28.211 is amended to comply with updates to APM 2-33.
- Section 31.046(3)(b)4. is amended to comply with updates to APM 2-33.
- Sections 31.14(3)(a)1., 31.14(3)(a)2., and 31.14(3)(a)3. are amended to comply with updates to APM 2-33.
- Section 33.32(2)(b) is updated to correct member appointment requirements.
- Section 39.02(9)(b) is amended to comply with updates to APM 2-33.
- Definition of "Protected Class Membership" within 39.03(2) is amended to comply with updates to APM 2-33.

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

1. Subsection (10) entitled "Time - How Computed" of Section 1.01 entitled "Construction of Ordinances" of the Madison General Ordinances is amended as follows:

"(10) Time - How Computed . The time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of the Sunday or the holiday, from midnight to midnight, shall be excluded. Except as otherwise specified in these ordinances, "holiday" means a statewide legal holiday as provided in Sec. ~~895~~995.20, Wis. Stats., provided, however, that when an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this section."

2. Table within Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended as follows:

"Offense	Ord. No./Adopted Statute No.	Deposit
Failure to abide by temporary land use permit conditions.	8.10(9)	$200, 1st $500, 2nd w/in 3 yrs. $1,000, 3rd+ w/in 3 yrs. `
Expired receipt ~~(Brayton ticfax)~~.	8.14(3)(b)	$10"

3. Table within Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended as follows:

"Enforcement Official	Ordinance Chapter or Section and Title
City Engineer or ~~her/his~~ their designee, Streets ~~Superintendant~~ Superintendent or ~~her/his~~ their designee and Building Inspection Division Director or ~~her/his~~ their designee.	Chapter 37; Section 19.16(6)(c), Failure to Modify Electrical Service; Section 34.5608(5)(a) and (c)4.a., Fireworks Event Permit Lake Clean-Up Plan; Section 7.10, Fugitive Dust.
	Section 9.21, Scrap and Recycling Dealers; Section 34.5608(5)(a) and (c)4.c., Fireworks Event Permit General Clean-Up Plan."

4. Paragraph 7. entitled "Nondiscrimination" of subdivision (b) entitled "Standards" of Subsection (4) entitled "Employment Standards for Contractors and Vendors" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended as follows:

"7. Nondiscrimination : No person shall be subject to any discrimination in employment; including but not limited to hiring, employment, recruitment or recruitment advertising, salary rates of pay or other forms of compensation, benefits, advancement, transfer, selection for training including apprenticeships, discipline, demotion, termination or retirement; on the basis of race, religion, marital status, age, color, sex~~, handicap~~, disability, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status as those terms are defined in Section 39.03; and any other basis as may be added by amendment to Sec. 39.02(9)(b) and/or 39.03."

5. Section 6.16 entitled "Causes of Fire – Investigations" of the Madison General Ordinances is amended as follows:

"The Chief of the Fire Department shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the City, by which property has been destroyed or damaged, when the damage exceeds twenty-five dollars ($25), except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and shall be subject to the supervision and direction of the State Fire ~~Marshall~~ Marshal as provided by law."

6. Subsection (2) entitled “Definitions” of Section 8.40 entitled “Preservation of Conservation Parks” of the Madison General Ordinances is amended as follows:

“"All-terrain vehicle" has the meaning set forth in Wis. Stat. § 340.01(2)(g).”

7. Subsection (6) of Section 10.34 entitled “Street Numbers” of the Madison General Ordinances is amended as follows:

“(6) Effective November 1, 1990, the owner(s) of a building site(s) which use building addresses from a privately owned street or right-of-way, shall install and maintain private street name signs at all intersections with private streets and public streets. In addition, the owners shall install and maintain a regulation Stop sign and a "Private Drive" or "Private Road" sign at all intersections of public streets and private streets. At intersections of private streets and public streets, the private street sign shall be installed above but it shall be at the owner's option to install the public street sign. The owner shall adhere to the specifications for the design, manufacture and installation of private street signs as contained herein. However, the City Engineer, in consultation with the Fire ~~Marshall~~ Marshal, may approve private street name signs that are generally equivalent to these specifications. Private street name signs that are similar in style or architecture to the development may be approved if equivalent in size, location, height and reflective properties to the specifications.”

8. Subsection (2) entitled “Definitions” of Section 16.23 entitled “Land Subdivision Regulations” of the Madison General Ordinances is amended as follows:

“Greenway . An open area of land included under the definition of "Parkways" (Sec. 16.~~24~~25), the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes including, in addition to their principal use for storm drainage, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development and other related uses.”

9. Subsection (1) entitled “Adoption of Wis. Stat. §961.14(14(4)(tb) of Section 25.31 entitled “Synthetic Chemical Cannabinoid Prohibited” of the Madison General Ordinances is amended as follows:

“(1) Adoption of Wis. Stat. § 961.14~~(14~~(4)(tb) . Pursuant to Wis. Stat. § 66.0107(1), which authorizes the enactment and enforcement of an ordinance to prohibit the possession of a controlled substance specified in Wis. Stat. § 961.14(4)(tb), the City of Madison does hereby adopt and incorporate into this section of the Madison General Ordinances, Wis. Stat. § 961.14(4)(tb).”

10. Table 28G-1 within Subsection (1) of Section 28.091 entitled “Special District Uses” of the Madison General Ordinances is amended as follows:

“Table 28G-1

	A	UA	CN	PR	AP	MC	Supplemental Regulations
Public Utility and Public Service Uses							
Telecommunications towers, Class I Collocations, and transmission equipment buildings	P	P	P	P	P”		

11. Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended as follows:

“Adult Family Home.

(a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.

(b) The applicant must disclose in writing the capacity of the adult family home

(c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled ~~or handicapped~~ under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability ~~or handicap~~, or unless approved as a conditional use.

(d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.

(e) No conditional use approved under this section shall be transferable to another location or permit-holder.”

12. Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended as follows:

“Family .

(a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:

1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled ~~or handicapped~~ under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.

4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled ~~or handicapped~~ under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship."

13. Paragraph 4 of Subdivision (b) entitled "Street Use Events and Parks Special Events" of Subsection (3) entitled "Inflatable Signs" of Section 31.046 entitled "Miscellaneous Signs" of the Madison General Ordinances is amended as follows:

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

14. Subdivision (a) entitled "Identification Signs" within Subsection (3) within Section 31.14 entitled "Regulation of Signs in Group 1 Districts" of the Madison General Ordinances is amended as follows:

"(a) Identification Signs.

1. Single Family or 2-Unit Residential Buildings. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed two (2) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or ~~handicapped~~ disabled home occupation. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.
2. Multiple Family Dwellings, Apartment Hotels, Fraternity and Sorority Houses and Lodging Houses. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed three (3) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or ~~handicapped~~ disabled home occupation. If any occupant of the building has a legal home occupation or ~~handicapped~~ disabled home occupation, one (1) additional sign of two (2) square feet in net area may be displayed for each such occupation in addition to the identification sign allowed under this paragraph. Signs under this paragraph shall be wall signs only, and are exempt from permit under Sec. 31.044.
3. Nonresidential Buildings. For nonresidential buildings, a maximum of one (1) identification sign or two (2) per unit on a corner or through lot, one (1) per street frontage, may be displayed. The identification sign shall not exceed six (6) square feet in net area and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or ~~handicapped~~ disabled home occupation. Signs under this paragraph shall be wall signs only.
4. Height. No identification sign shall be higher than one (1) story or twelve (12) feet above curb level, whichever is lower."

15. Subdivision (b) of Subsection (2) entitled “Composition” of Section 33.32 entitled “Joint Campus Area Committee” of the Madison General Ordinances is amended as follows:

“(b) The following members shall be appointed by the UW-Madison: one (1) ~~Special Assistant to~~ designee of the Chancellor; one (1) representative from Facilities Planning and Management; one (1) representative from Transportation Services; one (1) representative from the Athletic Department; one (1) representative from University Housing; and one (1) representative from the School of Medicine and Public Health.”

16. Subdivision (b) of Subsection (9) entitled “Contract Compliance Provisions” of Section 39.02 entitled “Affirmative Action Ordinance” of the Madison General Ordinances is amended as follows:

“(b) Notwithstanding the provisions of Sec. 39.02(9)(a)2., providing for certain exemptions from the provisions of this ordinance, every contract to which the City of Madison is a party shall contain the following language, except for contracts with the State of Wisconsin, another state government, the United States of America or individual agencies of the U.S. government, written employment contracts between the City and City employees; and contracts authorized by Resolution No. RES-17-00762:

During the term of this contract, the Contractor agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, ~~handicap~~ disability, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, political beliefs, or student status. Contractor further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin.”

17. Definition within Subsection (2) entitled “Definitions” within Section 39.03 entitled “Equal Opportunities Ordinance” of the Madison General Ordinances is amended as follows:

“Protected class membership means a group of natural persons, or a natural person, who may be categorized because of their ability to satisfy the definition of one or more of the following groups or classes: sex, race, religion or nonreligion, color, national origin or ancestry, citizenship status, age, ~~handicap/~~disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student, domestic partner, or receipt of rental assistance.”