

LEGISTAR # 40084 - Body

DRAFTER'S ANALYSIS: This is the annual City Attorney's Reviser's ordinance, correcting certain parts of the Madison General Ordinances (MGO), the City's code of ordinances. The proposed changes in this ordinance are as follows:

1. Sec. 1.08(3)(a), MGO, is amended to correct outdated bail deposits regarding diseased trees.
2. Sec. 3.35(9)(a)5., MGO, is amended to correct an outdated reference to the MGO's.
3. Secs. 11.06(6)(d)1. and 2., MGO, are amended to correct repealed Vehicle Code sections cross-referenced in Chapter 11.
4. Sec. 12.167(1)(d), MGO, is amended to correct an erroneous description of the Central Business District boundaries.
5. Sec. 16.23(3)(a)4., MGO, is amended to update text pertaining to the newly adopted Historic Preservation ordinance.
6. Sec. 24.08(3)(g), MGO, is amended to correct an outdated reference to the MGO's.
7. Sec. 24.12(2), MGO, is amended to include the Central Business District map at the end of the panhandling ordinance.
8. Sec. 28.102, MGO, is amended to correct erroneous references to the corresponding maps.
9. Sec. 28.131(2), MGO, was inadvertently omitted from the Legistar file. This corrects that omission by repealing the text.
10. Sec. 33.52(4), MGO, is amended to update the title of Food and Alcohol Policy Coordinator to Food and Alcohol Policy Administrator.
11. In accord to change 10, this directive provides the City Attorney authority to update throughout the MGO's all references to the Food and Alcohol Policy Coordinator.

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" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Elm trees infected with Dutch Elm Disease.	23.40(2)	\$100
Transport bark bearing Elmwood.	23.40(7)	\$50"

2. Paragraph 5. of Subdivision (a) entitled "Definitions" of Subsection (9) entitled "Disclosure of Interests" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"5. "Statement of Interests" means the factual statement filed pursuant to the provisions of this subsection which contains the information set forth in Subdivision (9)(fg)."

3. Paragraphs 1. and 2. of Subdivision (d) of Subsection (6) entitled "Permits for Drivers of Public Passenger Vehicles" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"1. When said driver has been convicted by a court of competent jurisdiction of an offense the circumstances of which substantially relate to the circumstances of taxicab operation. Such offenses include but are not limited to reckless driving as defined in ~~Section 12.63~~

~~of the Madison General Ordinances~~ Wis. Stat. § 346.62 or driving under the influence of intoxicants or controlled substances as defined in ~~Section 12.64~~ Wis. Stat. § 346.63. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the factors enumerated in Subdivision (b)3. herein.

2. When such holder of a driver's permit has been convicted in any license year of violating this ordinance or of violating any of the following Sections of the Madison General Ordinances or the following Wisconsin Statutes: ~~Sections 12.09~~ Wis. Stat. § 346.05, requiring vehicles to be driven on the right side of the roadway; ~~12.10~~ Wis. Stat. § 346.06, regulating meeting of vehicles; ~~12.11 and 12.13~~ Wis. Stat. §§ 346.075 and 346.08, regulating overtaking and passing; ~~12.14~~ Wis. Stat. § 346.10, regulating passing at railroad crossings, intersections, bridges and viaducts; ~~12.15~~ Wis. Stat. § 346.12, prohibiting driving through safety zones; ~~12.16~~ Wis. Stat. § 346.13, regulating driving on roadways laned for traffic; ~~12.17~~ Wis. Stat. § 346.14, regulating distance between vehicles; ~~12.18~~ Wis. Stat. § 346.15, regulating driving on divided highways; ~~12.22~~ Wis. Stat. § 346.18, regulating right-of-way; ~~12.23~~ Wis. Stat. § 346.19, governing procedures on approach of an emergency vehicle; ~~12.34~~ Wis. Stat. § 346.31, regulating turning at intersections; ~~12.36~~ Wis. Stat. § 346.32, regulating turning; ~~12.37~~ Wis. Stat. § 346.34, regulating turning movements and required signals; ~~12.39, prohibiting left turns at certain locations; 12.40, prohibiting right turns at certain locations; 12.42(1)(a), (b), (c) and (d) and (2)(a) and (b)~~ Wis. Stat. § 346.37, regulating compliance with traffic control signals; 12.50, regulating vehicle control at stop or yield right-of-way and school crossing signs; ~~12.56~~ Wis. Stat. § 346.57, establishing speed restrictions; ~~12.58~~, establishing certain speed limits; ~~12.60 and~~, regulating minimum speed; and ~~12.83~~ Wis. Stat. § 346.90, prohibiting following an emergency vehicle.”

4. Subdivision (d) of Subsection (1) of Section 12.167 entitled “State Street Pedestrian Mall” of the Madison General Ordinances is amended to read as follows:

- “(d) That portion of North Carroll Street lying between State Street and a line perpendicular to North Carroll Street and one hundred eleven (111) feet ~~northeast~~ northwest of the northerly edge of State Street at the intersection therewith.”

5. Paragraph 4. of Subdivision (a) entitled “Subdivisions” of Subsection (3) entitled “General Requirements” of Section 16.23 entitled “Land Subdivision Regulations” of the Madison General Ordinances is amended to read as follows:

- “4. In the case of land divisions and subdivisions plats, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located, provided that in mixed-use and commercial and employment districts lotting shall be to widths and areas deemed by the Plan Commission to be appropriate for the prescribed use. For land divisions and subdivision plats of landmark sites and properties in Historic Districts, ~~the Plan Commission shall consider the recommendations of the Landmarks Commission under Sec. 33.19(5)(i)1. regarding lot sizes no land shall be divided or combined without the approval of the Landmarks Commission under Sec. 41.18(4).~~”

6. Subdivision (g) of Subsection (3) entitled “Exemptions” of Section 24.08 entitled “Noise Control Regulation” of the Madison General Ordinances is amended to read as follows:

- “(g) Any fireworks display licensed under and operated in compliance with Sec. 34.105(416)(b) and (c), Madison General Ordinances, provided that such displays comply with any and all licensing and permit requirements of the Madison General Ordinances.”

7. The map depicting the Central Business District defined in Subsection (2) entitled “Definitions” of Section 24.12 entitled Panhandling Prohibited of the Madison General Ordinances is inserted after Section 24.12.

8. The introductory paragraphs of Subsections (5) – (7) and (9) – (27) of the Wellhead Protection Districts maps of Section 28.102 entitled “Wellhead Protection Districts” of the Madison General Ordinances are amended to reflect the accurate reference to each corresponding subsection.

9. Subsection (2) entitled “Nonresidential Districts” of Section 28.131 entitled “Accessory Buildings and Structures on Lots Used Exclusively for Residential and Mixed-Use Purposes” is hereby repealed.

10. Subsection (4) entitled “Staffing” of Section 33.52 entitled “Food Policy Council” of the Madison General Ordinances is amended to read as follows:

“(4) Staffing. Public Health Madison and Dane County and the city of Madison Food and Alcohol Policy ~~Coordinator~~ Administrator (or other Mayoral designee) shall serve as staff to the FPC. Other applicable city staff shall support the FPC as necessary.”

11. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the new title of Alcohol Policy Administrator.

EDITOR’S NOTE:

Section 28.131(2) currently reads as follows:

“(2) Nonresidential Districts.

Accessory buildings shall be located a minimum of ten (10) feet from the rear lot line.”