

LEGISTAR #45549 - Body

DRAFTER'S ANALYSIS: The Madison General Ordinances are full of various references to "citizens" and the rights of citizens. Citizen has an established legal meaning as a legal citizen of the state and of the United States. It would exclude many persons who are residing in Madison, but cannot prove their legal status or are in fact citizens of other places. In many instances, what is intended is "resident" of Madison or in some cases, simply "person," wherever they may reside. It is likely that, when many of these ordinances were drafted, the terms citizen and resident covered a much more equivalent population.

This ordinance makes many changes to various parts of the MGO to eliminate the use of citizen when some other meaning was intended. In a few instances (Sec. 3.30(1), MGO, for example, as to elected officials), the word "citizen" is retained because it is a legal requirement beyond the City's authority to change.

A list of each section affected by this ordinance is included as an attachment in Legistar. The sections being changed are included in the ordinance so the Council can see the context of each change.

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

1. The introductory paragraph of Subsection (4) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended to read as follows:

"(4) Appointments of ~~citizens~~ residents, other than Common Council members, to boards, committees, or commissions by the Mayor, shall be submitted to the Common Council and referred to the next regular Council meeting for action. Appointments of Common Council members shall be acted upon at the meeting the appointments are introduced.
When appointing a ~~citizen~~ resident, the following shall be noted:"

2. Subsection (8) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended to read as follows:

"(8) ~~Citizen~~ Petitions or communications may be introduced in the same manner as ordinances or resolutions, or may be presented to the Clerk for inclusion on the agenda."

3. The title and Subsections (1) and (4) of Section 2.29 entitled "Citizens Right to Address Common Council" of the Madison General Ordinances are amended to read as follows:

"2.29 CITIZENS PERSONS' RIGHT TO ADDRESS COMMON COUNCIL.

- (1) Except as hereinafter set forth, any ~~citizen~~ person shall have the right to speak on any item of business that is on the agenda for Common Council action if he/she registers to speak on that item before the item comes up for action. Registration shall indicate the person's address.
- (4) No ~~citizen~~ person shall be permitted to speak on petitions and communications when first introduced before the Common Council and which are scheduled to be referred and reported back at a later meeting."

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4. Subdivision (b) entitled "Composition" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"(b) Composition. The Transit and Parking Commission shall consist of nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, six (6) ~~citizens~~ residents and two (2) alternates who may be either Common Council members or ~~citizens~~ residents but at least one (1) of whom shall be a ~~citizen~~ resident. One member shall be an individual with special transportation needs requiring accessible fixed route transit or paratransit. Overlapping membership on the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission of two (2) members shall be encouraged but shall not be required. The Commission shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. The members of the Common Council shall serve ex officio. Two (2) members of the Transit and Parking Commission shall be appointed by the Chair of that Commission to serve on the Long-Range Transportation Planning Committee. All appointees (other than alderpersons) shall serve until their successors are appointed, confirmed and qualified."

5. Subdivision (d) entitled "Appointment and Terms of Citizen Members" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"(d) Appointment and Terms of Citizen Resident Members. ~~Citizen Resident~~ members of the Transit and Parking Commission shall be appointed by the Mayor subject to confirmation by the Common Council. The Mayor shall appoint one (1) ~~citizen resident~~ member for a term of three (3) years ending April 30, 2000, two (2) ~~citizen resident~~ members for terms of two (2) years ending April 30, 1999, and one (1) ~~citizen resident~~ member for a term of one (1) year ending April 30, 1998. Thereafter, terms for ~~citizen resident~~ members shall be for a period of three (3) years commencing on the first (1st) day of May. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each ~~citizen resident~~ member's term or as soon thereafter as the Mayor makes the appointment."

6. Subdivision (e) entitled "Appointment and Terms of Alternate Members" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"(e) Appointment and Terms of Alternate Members. In addition to members of the Transit and Parking Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to approval of the Common Council. The alternates may be either Common Council members or ~~citizen resident~~ members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Transit and Parking Commission discussion and serve on subcommittees or as the TPC representative on other City committees at any time."

7. Subparagraph b. of Paragraph 1. entitled "Purpose and Findings" of Subdivision (i) entitled "Bus Shelter Signs" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

"b. Adequate mass transit services and facilities, and funding for those services and facilities, are critical to the economic well-being of the City of Madison, its residents, and its taxpayers. It is important to maximize transit revenues and transit physical amenities so as to provide Madison ~~citizens residents~~ and visitors an affordable, safe and efficient means of moving about the City for work, school, recreational or personal purposes. The City has for some time considered creative options used in other communities, i.e., raising funds for these services and facilities through the sale of advertising or other signage at, in or on Madison Transit Utility bus shelters."

8. Subparagraphs a., b. and c. of Paragraph 1. entitled "ADA Transit Subcommittee to the Transit and Parking Commission" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances are amended to read as follows:

- "a. The ADA Transit Plan Oversight to the Transit and Parking Commission shall consist of nine (9) members. One (1) member shall be a user of the City's paratransit service, one (1) member shall have a disability but shall be capable of using the City's accessible fixed route transit service, one (1) member shall be a job coach or agency representative serving people with developmental disabilities, one (1) member shall be a visually impaired representative, one (1) shall be an individual who uses a wheelchair as a mobility aid, one (1) shall be a general representative, one (1) shall be a member of the Common Council, one (1) member shall be a ~~citizen resident~~ member of the Transit and Parking Commission, and one (1) member shall be a member of the Disability Rights Commission.
- b. Revised Composition. Subsequent to the effective date of this ordinance # ORD-05-00061 on April 7, 2005, as the term of the member in each of the above membership positions comes up for reappointment, the following appointment criteria shall respectively apply to the membership: one (1) member shall be an ambulatory Metro Plus user who regularly travels in sedans; one (1) member shall be a wheelchair user with a disability who regularly uses the City's accessible fixed-route transit system; one

(1) member shall be a representative of a residential or supported employment agency serving people with developmental disabilities; one (1) member shall be an ambulatory person with a disability who regularly uses the City's fixed-route transit system; one (1) member shall be an individual with a disability who is a Metro Plus user with a common wheelchair who regularly travels in lift- or ramp-equipped vehicles; one (1) member shall be a general representative or a ~~citizen~~ resident member of the Transit and Parking Commission; one (1) member shall be a member of the Common Council; one (1) member shall be a ~~citizen~~ resident member of the Transit and Parking Commission; and one (1) member shall be any one of the following, in order of preference: a ~~citizen~~ resident member of the Disability Rights Commission or a member of the Committee on Aging or a general representative who represents the interests of the disabled and/or senior community. In making selections for appointment to this committee, special consideration shall be given to ensuring that the overall composition of the Subcommittee reflects community diversity and geographic distribution.

- c. Appointment and Terms. All subcommittee members shall be appointed by the Mayor subject to approval by the Common Council and shall have a term of two (2) years from the date of appointment, with the exception of the member of the Common Council, the ~~citizen~~ resident member(s) of the Transit and Parking Commission, the member of the Disability Rights Commission and other liaison bodies whose terms shall be limited to the duration of their membership on the liaison body."

9. Subdivisions (b), (d), and (e) of Subsection (6) entitled "Pedestrian/Bicycle/Motor Vehicle Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances are amended to read as follows:

- (b) Composition. The Pedestrian/Bicycle/Motor Vehicle Commission shall consist of nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, six (6) ~~citizens~~ residents and two (2) alternates who may be either Common Council members or ~~citizens~~ residents but at least one (1) of whom shall be a ~~citizen~~ resident. Two (2) members of the Pedestrian/Bicycle/Motor Vehicle Commission shall be members of the Long-Range Transportation Planning Committee. Of the total members, one (1) shall be a member of the City Plan Commission, two (2) shall be users of the City's bicycle ways, two (2) shall be pedestrian advocates, and one (1) shall be an individual with disabilities. Overlapping membership on the Pedestrian/Bicycle/Motor Vehicle Commission and the Transit and Parking Commission of two (2) members shall be encouraged but shall not be required. The Commission shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. The members of the Common Council shall serve ex officio. All appointees (other than alderpersons) shall serve until their successors are appointed, confirmed and qualified.
- (d) Appointment and Terms of ~~Citizen Resident~~ Members. ~~Citizen Resident~~ members of the Pedestrian/Bicycle/Motor Vehicle Commission shall be appointed by the Mayor subject to confirmation by the Common Council. The Mayor shall appoint one (1) ~~citizen resident~~ member for a term of three (3) years ending April 30, 2000, two (2) ~~citizen resident~~ members for terms of two (2) years ending April 30, 1999, and one (1) ~~citizen resident~~ member for a term of one (1) year ending April 30, 1998. Thereafter, terms for ~~citizen resident~~ members shall be for a period of three (3) years commencing on the first (1st) day of May. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each ~~citizen resident~~ member's term or as soon thereafter as the Mayor makes the appointment.
- (e) Appointment and Term of Alternate Members. In addition to members of the Pedestrian/Bicycle/Motor Vehicle Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to the approval of the Common Council. The alternates may be either Common Council members or ~~citizen resident~~ members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Pedestrian/Bicycle/Motor Vehicle Commission discussion and serve on subcommittees or as the PBMVC representative on other City committees at any time."

10. Subdivisions (b) and (c) of Subsection (7) entitled "Long-Range Transportation Planning Committee" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances are amended to read as follows:

- (b) Composition. The Long-Range Transportation Planning Committee shall consist of eleven (11) voting members to serve without compensation consisting of two (2) members of the Pedestrian/Bicycle/Motor Vehicle Commission, two (2) members of the Transit and Parking Commission, one (1) member of the Board of Public Works, two (2) members of the Plan Commission, one (1) member of the Dane County Board of Supervisors who resides in Madison, two (2) City representatives of the Madison Area Transportation Planning Board, and one ~~citizen resident~~ member who resides in Madison and is a member of another standing City committee, board or commission. Of the eleven (11) Committee members, three (3) shall also be members of the Common Council. The Mayor may also designate one (1) alternate.
- (c) Appointment and Terms of Members. Each board or commission with membership on the Long-Range Transportation Planning Committee shall recommend its representative(s) to the Committee except that the representatives of the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission shall include the chair of each or the chair's designee. Appointments to the Long-Range

Transportation Committee shall be for the same duration as the appointee's term on the parent Commission. From the list of potential Committee members recommended by the parent bodies, the Mayor shall appoint Committee members, and ensure that three (3) are also members of the Common Council. The members appointed to the Committee by the Mayor shall be approved by the Common Council. The Common Council members' terms of service on the Committee shall coincide with their terms on the Common Council. The member of the Dane County Board of Supervisors shall be appointed by the Dane County Executive. That member's term of service on the Committee shall coincide with her/his term on the Dane County Board of Supervisors. The Mayor shall appoint the ~~citizen~~ resident member who is a member of another City sub-unit and whose term shall coincide with the term on the other sub-unit. The Mayor may also designate an alternate. The Mayoral Designee Alternate may participate in Committee business as though s/he were a full member, but may vote only in the absence of at least one Committee member. The term of the alternate shall coincide with the two- (2) year terms of the Common Council members."

11. Subsection (18) entitled "CDA Housing Operations Subcommittee" of Section 3.17 entitled "Community Development Authority" of the Madison General Ordinances is amended to read as follows:

"(18) CDA Housing Operations Subcommittee. The CDA Housing Operations Subcommittee shall consist of the following seven (7) members appointed by the Chair of the Community Development Authority Board: One (1) CDA commissioner; two (2) former or current residents of CDA housing or participants in the CDA Housing Choice Voucher (Section 8) Program, one of whom may be a CDA Commissioner; two (2) ~~citizen~~ resident members, either or both of whom may be a CDA Commissioner; one (1) case manager; and one (1) landlord representative. This subcommittee shall review policy and programs specifically related to housing operations."

12. Subsection (2) entitled "Residence: Boards, Commissions and Committees" of Section 3.30 entitled "Qualifications—City Officers, Members of Commissions, and Employees" of the Madison General Ordinances is amended to read as follows:

"(2) Residence: Boards, Commissions and Committees. Each person who is or shall be eligible for appointment as a member of a City of Madison board, committee or commission shall be a resident of the City of Madison, provided, however, that this provision shall not apply to a member of or candidate for appointment to a City of Madison board, committee or commission where, in the judgment of the Mayor and two-thirds (2/3) of the Common Council, the best interests of the City will be served by the appointment of a non-resident member who is particularly well qualified by reasons of education, background, and experience with Madison business concerns or other Madison-based employers and the Mayor specifies fully to the Common Council the reasons why he or she is recommending such appointment. The provisions of this subsection shall not apply to persons who are employed under a joint and cooperative arrangement with Dane County, nor shall it apply to appointments to the Equal Opportunities Commission Employment Committee if the appointee works for a business located in Madison. Wherever in these ordinances a reference is made to a resident member of a committee, the appointment is subject to this section.

In the event that any person required to reside in the City of Madison or ceases to reside in his or her respective jurisdiction, his or her position shall be deemed vacated. Such vacancy shall be filled in the manner prescribed by law or ordinance for the original appointment of that position."

13. Subdivision (b) of Subsection (10) entitled "Ethics Board" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

“(b) The membership of the Ethics Board shall consist of 4 ~~citizen~~ resident members, 1 representative of the Mayor; the Common Council president or her/his designee who shall be an alderperson; and 1 representative of organized labor. The City Attorney shall provide necessary staff assistance to the Board, shall serve as its secretary, but shall not vote. The City Attorney shall furnish the Board whatever legal assistance necessary in the carrying out of its functions.”

CHAP 4 14. Subsection (1) of Section 4.09 entitled “Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services” of the Madison General Ordinances is amended to read as follows:

“(1) It shall be the policy of the City of Madison to protect the health, safety and property of its ~~citizens~~ residents and promote the general welfare through the installation, construction or reconstruction of public sanitary sewers and appurtenances; storm sewers and appurtenances; public streets including sidewalks, or transit or pedestrian malls, landscaping, street lights and associated amenities; major transportation structures such as highway interchanges, ramps, medians, traffic turn bays, overpasses, underpasses, segregated transportation corridors such as bike paths, pedestrian walkways, and bus lanes; and assessing all or a portion of the cost to benefiting properties. In doing so, the City of Madison recognizes that it has historically financed the cost of these needed public improvements by special assessments to benefited properties and that fairness and reasonableness dictates that when these improvements are constructed or reconstructed they should be financed in like fashion. The construction and reconstruction of sanitary sewers and appurtenances, streets including sidewalks constructed or reconstructed as a part of street improvements and related landscaping and amenities may be charged in whole or in part to the property benefited thereby in accordance with the provisions of Wis. Stat. § 66.0701, except that, the assessment for highways on or across town or city boundaries shall be in accordance with Wis. Stat. § 66.0707.”

15. Subdivision (c) entitled “Term” of Subsection (9) entitled “Committee on Sweatfree Purchases” of Section 4.25 entitled “Procurement of Items of Apparel” of the Madison General Ordinances is amended to read as follows:

“(c) Term. The alderperson member shall serve for a term of two (2) years. ~~Citizen Resident~~ members shall serve for three (3) years. Any vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member’s term.”

CHAP 7 16. Subsection (11) entitled “Time of Collection of Garbage” of Section 7.36 entitled “Collection and Disposition of Garbage” of the Madison General Ordinances is amended to read as follows:

“(11) Time of Collection of Garbage. Garbage shall be collected at such times as may be necessary to insure sanitary conditions within the City. The Sanitation Supervisor shall arrange a schedule showing the times when garbage shall be collected, and shall publish the same in the official newspaper of the City, and in such other form as may best be adapted to inform the ~~citizens~~ residents of the time of garbage collection throughout the year.”

CHAP 8 17. Subparagraph c. of Paragraph 1. entitled “Committee Membership” of Subdivision (d) of Subsection (3) entitled “Surplus Property Disposal Method Determination” of Section 8.075 entitled “Disposal of Surplus City Real Property” of the Madison General Ordinances is amended to read as follows:

“c. A representative of the Mayor (either staff or ~~citizen~~ resident); and”

18. Subsection (1) entitled “Purpose and Intent” of Section 8.31 entitled “Bicycles in Parks” of the Madison General Ordinances is amended to read as follows:

“(1) Purpose and Intent. The Common Council finds that as the use of City parks increases, it is in the public interest to protect and preserve parkland resources while making these resources accessible to the multiplicity of City park users. The Common Council specifically authorizes the Park Commission to identify trails within parkland suitable for bicycle use. The use of bicycles on trails not designated for that specific use denigrates the parkland by accelerating erosion and endangers hikers because of inadequate sight clearance. It is the intent of this ordinance to reconcile the desires of individual park users with the need to preserve the resources for all ~~citizens~~ residents and to that end to designate certain parks and park areas for use consistent with safety, preservation of natural resources and recreational enjoyment.”

19. Subdivision (b) entitled “Intent” of Subsection (1) entitled “Purpose and Intent” of Section 8.40 entitled “Preservation of Conservation Parks” of the Madison General Ordinances is amended to read as follows:

“(b) Intent. The Common Council declares that it is important to the ~~citizens~~ residents of Madison that the City preserve Madison’s native landscapes, its plant and animal populations for ~~citizens’~~ residents’ careful use and full enjoyment. The following regulations are enacted to secure this natural beauty and the concomitant recreational opportunities for current and future generations.”

20. Subdivision (a) of Subsection (7) entitled “Enforcement” of Section 8.40 entitled “Preservation of Conservation Parks” of the Madison General Ordinances is amended to read as follows:

“(a) Any ~~citizen~~ resident who desires to register a complaint under this section shall contact the Parks Superintendent or the Chief of Police.”

21. Subsections (2) and (3) of Section 8.41 entitled “Downtown Coordinating Committee” of the Madison General Ordinances are amended to read as follows:

“(2) Composition and Appointment of Members. The Downtown Coordinating Committee shall consist of nine (9) voting members and two (2) alternate members. Membership shall include two (2) alderpersons. The remaining seven (7) members and two alternates shall be ~~citizens~~ residents eligible to vote and residing within the City of Madison. At least one (1) of the ~~citizen~~ resident members shall be a permanent resident of the Downtown area, and one shall be a representative of the downtown business community. Appointments shall be made by the Mayor, subject to the approval of the Common Council.

(3) Terms. Alderperson members shall serve for terms of two (2) years, expiring with the respective Aldermanic term. ~~Citizen~~ Resident members shall serve for three (3) years. Any vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member’s term.”

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22. Subdivisions (a) and (f) of Subsection (2) entitled “Composition, Appointments and Terms” of Section 9.12 entitled “Vending Oversight Committee” of the Madison General Ordinances are amended to read as follows:

“(a) Five (5) voting members and one (1) alternate. The voting membership shall include one (1) alderperson from a downtown district and one (1) from another part of the City, one (1) resident of the State Street or Capitol Concourse area eligible to vote in the City, two

(2) ~~citizens residents~~, and (1) alternate. As of the effective date of this ordinance (ORD-07-00138) no person who currently holds a City of Madison vending license under Sec. 9.13 shall be appointed as a voting member of the VOC or any subcommittee of the VOC.”

- (f) Appointment Terms. The full term for alderperson members shall be two (2) years. The full term for ~~citizen~~ resident members and non-voting technical advisors shall be three (3) years. All vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term.”

23. Subdivision (b) of Subsection (1) entitled “Purposes” of Section 9.24 entitled “Licensing of Secondhand Dealers” of the Madison General Ordinances is amended to read as follows:

- “(b) The City recognizes that pawnshops are legitimate businesses authorized by state law. However, the City finds that the services offered by pawnshops provide an opportunity for individuals to potentially transfer stolen property to those businesses. The City also finds that consumer protection regulation is warranted in transactions involving these businesses. The City further finds that pawnshop transactions have outgrown the City's current ability to effectively or efficiently identify criminal activity related to them. The purpose of the City's regulation of pawnshops is to prevent pawnshops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of ~~citizens residents~~, pursuant to authority granted by Wis. Stat. § 134.71.”

24. The introductory paragraph of Section 9.34 entitled “Licensing of Private Ambulance Services” of the Madison General Ordinances is amended to read as follows:

“The purpose of this ordinance is to protect the health and welfare of the ~~citizens residents~~ of Madison by setting licensing standards for the operation of private ambulance services, providing for inspection of private ambulances and ambulance equipment, regulating the qualifications of persons employed as private ambulance attendants, providing for renewal and revocation of licenses, and requiring written reports.”

CHAP 10 25. Subparagraph c. of Paragraph 4. entitled “Newsprint” of Subdivision (a) entitled “Definitions” of Subsection (7) entitled “Separation of Solid Waste Required” of Section 10.18 entitled “Collection of Refuse and Recycling of Waste” of the Madison General Ordinances is amended to read as follows:

- “c. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of ~~citizen~~ resident or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;”

CHAP 11 26. Subdivision (c) entitled “Appeals” of Subsection (13) entitled “Enforcement” of Section 11.06 entitled “Licensing and Regulating Public Passenger Vehicles, For Hire” of the Madison General Ordinances is amended to read as follows:

- “(c) Appeals. Any suspension or revocation imposed by the City Traffic Engineer may be appealed to an Appeal Subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk within ten (10) days after the date of such notice of revocation or suspension. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the Engineer's determination.

The suspension or revocation of a company license ordered by the City Traffic Engineer shall take effect thirty (30) days after the date of the notice of suspension or revocation, unless the City Traffic Engineer grants a stay. The City Traffic Engineer may grant a stay if:

1. S/he receives a written request for a stay on or before the effective date of the suspension or revocation; and
2. The request for a stay states reasons supporting the request; and
3. The City Traffic Engineer finds that granting a stay of the suspension or revocation will not constitute a danger to the public health, safety, welfare, or convenience.

If the Director of Transportation grants a stay of a suspension or revocation under this Subdivision (c), and subsequently determines that the continuation of such stay constitutes a danger to the public health, safety, welfare, or convenience, s/he may rescind the stay by providing written notice to the licensee. Such written notice shall contain reasons for rescission of the stay. The suspension or revocation shall take effect immediately after the licensee receives written notice of rescission of the stay.

The Appeal Subcommittee shall consist of the chair of the Transit and Parking Commission or designee, one (1) Alderperson and one (1) ~~citizen~~ resident who are members of the Transit and Parking Commission, appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Appeal Subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the City Traffic Engineer. Decisions of the subcommittee are final administrative determinations subject to judicial review as provided by law. The final action of the Appeal Subcommittee shall terminate any stay granted under this Subdivision (c)."

27. Subsection (2) of Section 11.07 entitled "Cab and Bus Stands - Regulation Thereof" of the Madison General Ordinances is amended to read as follows:

- "(2) Such place or places as the Traffic Engineer may from time to time designate within the public streets or grounds of the City of Madison shall be the authorized stands for hacks, cabs, wagons, omnibuses, horse-drawn vehicles or other vehicles used for the conveyance of passengers or baggage for hire, and it shall be unlawful for any person to use any other place as a stand for such vehicles except by special permission of the Common Council. The Traffic Engineer shall likewise have the power to designate the stand which each of said respective vehicles may occupy, and when any stand shall have been so allotted to any vehicle or vehicles, it shall be unlawful for the owners or operators of such vehicles to permit said vehicle to occupy any other stand except by special permission of the Common Council. Such designation by the Traffic Engineer shall be in writing and filed with the City Clerk, and may be changed from time to time. No person shall solicit passengers in a loud, boisterous manner, or obstruct the crosswalks or sidewalks in the vicinity of said stand. Any hackman, omnibus driver, express man, job wagon man, or any other person engaged in soliciting or procuring passengers for any of the above vehicles named who shall, while waiting for employment at any mass transportation terminal, leave such vehicle, except for the purpose of getting the baggage or other personal property of the person employing him, or leave the horse or other animal attached to the vehicle unattended, or use indecent or profane language, or be guilty of boisterous or loud talking or hallooing, or any disorderly conduct, or vex or annoy travelers and ~~citizens~~ residents, or obstruct any sidewalks or crosswalks shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) in every case."

CHAP 12 28. Subsection (1) entitled "Purpose" of Section 12.915 entitled "Traffic on State Street Restricted" of the Madison General Ordinances is amended to read as follows:

- "(1) Purpose. There is congestion on State Street. In addition to authorized emergency vehicles, public utility vehicles and motor buses, there are too many automobiles, motor trucks, and large motor trucks moving in and out of the area. Many vehicles park in the

area but are not actively delivering goods or services. One effect is to threaten the safety of pedestrians. A second effect is to limit accessibility to State Street for authorized emergency vehicles, especially fire vehicles. A final effect is to severely erode the purpose of State Street, which is to serve as a mall for the ~~citizens~~ residents and guests of Madison.

The purpose of this section is to reduce traffic in the area and thus protect the health and safety of the ~~citizens~~ residents and guests of the City and maintain the pedestrian-friendliness and esthetic qualities of the mall, to maintain adequate delivery of services and goods to area merchants, and to allow access for authorized emergency vehicles, public utility vehicles and motor buses.”

29. Subdivision (c) of Subsection (10) entitled “Transferability” of Section 12.138 entitled “Residential Daytime Parking Privileges for “Commuter Parking Impacted” Streets” of the Madison General Ordinances is amended to read as follows:

“(c) The City Traffic Engineer and Parking Manager is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this ordinance and, upon written notification thereof, the permittee shall surrender such permit to the City Traffic Engineer and Parking Manager. Failure to surrender a residential parking permit so revoked, shall constitute a violation of this ordinance. When a Residential Parking Permit is so revoked no other permit shall be granted to such person or vehicle registered to such person within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit so revoked be refunded. Any revocation imposed by the City Traffic Engineer and Parking Manager may be appealed within ten (10) days of such notice of revocation to a subcommittee of the Transit and Parking Commission by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the licensee seeks review of the City Traffic Engineer and Parking Manager’s determination. Said subcommittee shall consist of the chair of the Transit and Parking Commission or designee, one (1) Alderperson and one (1) ~~citizen~~ resident who are members of the Transit and Parking Commission appointed by the Chair of the Transit and Parking Commission. At such hearing the licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the subcommittee of the Commission shall by majority vote make findings of facts and conclusions of law and may by majority vote modify or reverse the revocation imposed by the City Traffic Engineer and Parking Manager.”

CHAP 16 30. Subdivision (c) of Subsection (6) entitled “Amendments” of Section 16.25 entitled “Official Map” of the Madison General Ordinances is amended to read as follows:

“(c) A public hearing before the Common Council of parties in interest and ~~citizens~~ residents shall be required before any amendments to the official map as defined by ~~Section Wis. Stat. § 62.23(6) of the Wisconsin Statutes~~, are effective. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City newspaper.”

CHAP 23 31. Subsection (1) entitled “Purpose and Findings” of Section 23.01 entitled “Prohibition on Obstructing Entryways to Reproductive Health Care Facilities” of the Madison General Ordinances is amended to read as follows:

“(1) Purpose and Findings. The Common Council recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment without interference is important to the residents of the City, and that the exercise of a person's right to speak for or against such counseling and treatment, including the right to protest or counsel against certain medical procedures, must be balanced against another person's right to obtain medical counseling or treatment in an unobstructed manner. The

City has had instances of persons hindering access to health care, especially at reproductive health care facilities. Therefore, the Common Council finds that this ordinance is necessary to further the City's significant governmental interests in protecting ~~citizens'~~ persons' rights to come and go from a reproductive health care facility."

32. Subdivision (b) of Subsection (2) entitled "Intent and Purpose" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is amended to read as follows:

"(b) This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Madison, especially recognizing the rights of nonsmokers who constitute a majority of the population; educating ~~citizens~~ persons affected by this ordinance; and assisting owners, operators; and managers in maintaining compliance."

33. Subsection (1) entitled "Purpose" of Section 23.16 entitled "Regulating and Controlling Uniforms of Private Police, Security Guards, Couriers and Other Similarly Uniformed Persons" of the Madison General Ordinances is amended to read as follows:

"(1) Purpose. The purpose of this ordinance is to regulate and control the uniforms and paraphernalia worn by private police and other quasi-police personnel under private employment so as to reduce or eliminate the possibility that the public would reasonably construe these private employees to be commissioned law enforcement officers and to therefore rely on that notion. Such purpose is deemed to be for the benefit of the health, safety, and welfare of the ~~citizens~~ residents of the City of Madison."

34. Subsection (1) entitled "Purpose" of Section 23.20 entitled "Regulations Concerning Marijuana and Cannabis" of the Madison General Ordinances is amended to read as follows:

"(1) Purpose. The people of Madison specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the ~~citizens~~ residents of this community and to preserve the respect of such ~~citizens~~ residents for law, its process, and its administration."

35. Subdivisions (b) and (d) of Subsection (1) entitled "Findings" of Section 23.34 entitled "Madison Established as Nuclear Free Zone" of the Madison General Ordinances are amended to read as follows:

"(b) Nuclear weapons development within the City of Madison is in direct conflict with the values of its ~~citizens~~ residents, and the maintenance of their security, health and safety.
(d) An emphatic expression of feeling by local ~~citizens~~ residents and their governments can help initiate steps by the United States and other countries with nuclear weapon power away from the brink of nuclear war."

36. Subsection (1) entitled "Purpose" of Section 23.47 entitled "Violation-Based Spaying and Neutering of Dogs" of the Madison General Ordinances is amended to read as follows:

"(1) Purpose. The City has experienced an overwhelming incident of unaltered dogs running at large and causing injury to other animals and ~~citizens~~ residents. These unaltered dogs running at large are at greatest risk for unwanted litters that in turn contribute to pet overpopulation and overcrowding at rescue shelters. Unaltered animals exhibit hormone induced aggression that may increase incidents of attacks. Altering a dog that has a

history or running at large or acting aggressive will potentially lower the risk of further running at large incidents and further incidents of aggression. Altering these aggressive animals will also prevent the possibility of aggressive traits being based on by breeding of these animals.”

CHAP 24 37. Subdivision (a) entitled “Education” of Subsection (4) entitled “Education and Enforcement” of Section 24.08 entitled “Noise Control Regulation” of the Madison General Ordinances is amended to read as follows:

“(a) Education. Public Health Madison and Dane County is responsible for implementing an educational program to raise ~~citizen~~ resident awareness of this ordinance, the steps involved in enforcing this ordinance and methods for abating or reducing noise. Education may consist of developing an educational brochure and/or posting such materials on the internet.”

38. Subsection (1) entitled “Declaration of Findings and Policy” of Section 24.09 entitled “Light Motor Vehicle Noise Control” of the Madison General Ordinances is amended to read as follows:

“(1) Declaration of Findings and Policy. Excessive noise from light motor vehicles is a serious hazard to the public health and welfare, safety, and the quality of life. A substantial body of science and technology exists by which excessive noise from light motor vehicles may be substantially abated. The people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life. Therefore, it is the policy of the City of Madison to prevent excessive noise which may jeopardize the health and welfare or safety of its ~~citizens~~ residents or degrade the quality of life.”

CHAP 26 39. Subdivision (c) of Subsection (2) entitled “Legislative Findings and Intent” of Section 26.13 entitled “Unlawful Behavior in Child Safety Zone” of the Madison General Ordinances is amended to read as follows:

“(c) The City has a strong interest in insuring that ~~citizens~~ residents, including children, feel safe in public places.”

CHAP 28 40. Paragraph 2. of Subdivision (d) entitled “Continuing Jurisdiction” of Subsection (9) entitled “Scope of Approval” of Section 28.183 entitled “Conditional Uses” of the Madison General Ordinances is amended to read as follows:

“2. Any ~~citizen~~ person, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use permit have not been completed, or are being violated.”

CHAP 29 41. Paragraph 4. of Subdivision (a) entitled “Appeals” of Subsection (3) entitled “Duties” of Section 29.18 entitled “Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals” of the Madison General Ordinances is amended to read as follows:

“4. The Board may promulgate rules to guide the appeals process. Any rules shall be made available to all ~~citizens~~ persons wishing to invoke their appeal rights.”

CHAP 32 42. Subsection (2) entitled “Composition” of Section 32.03 entitled “Landlord and Tenant Issues Committee” of the Madison General Ordinances is amended to read as follows:

“(2) Composition.
(a) The Landlord and Tenant Issues Committee shall consist of seven (7) members plus one (1) ~~citizen~~ resident alternate member appointed by the Mayor and

subject to approval by the Common Council. At least one, but not more than two (2) members shall be alderpersons. The other members shall be ~~citizen~~ resident members. Members shall serve without compensation. The members shall elect annually from among their ~~citizen~~ resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Housing Strategy Committee.

- (b) One (1) ~~citizen~~ resident member appointment shall be a representative of a tenant organization, and one (1) ~~citizen~~ resident member appointment shall be a representative of an apartment owner's organization. One (1) ~~citizen~~ resident member will be a student at a Madison area university or college. Because these members are chosen as representatives of certain groups, these members' actions as committee members are exempted from the provisions of Secs. 3.35(5)(a)1. and 3., MGO, solely to the extent that their position or actions affect or may result in a benefit to the groups they represent."

43. Subsection (3) entitled "Terms" of Section 32.03 entitled "Landlord and Tenant Issues Committee" of the Madison General Ordinances is amended to read as follows:

- "(3) Terms. All ~~citizen~~ resident members shall be appointed for three year terms, however, the initial terms of four (4) of the ~~citizen~~ resident members shall expire on April 30, 2013. Initial terms of the remaining three (3) ~~citizen~~ resident members shall expire on April 30, 2014. The ~~citizen~~ resident alternate member will have a one- (1) year term. Thereafter, each ~~citizen~~ resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The term of any alderperson shall expire with the expiration of his or her term in office."

CHAP 33

44. Subdivision (b) of Subsection (7) entitled "Officers; Chairperson Restriction" of Section 33.01 entitled "Boards, Commissions, and Committees Procedures" of the Madison General Ordinances is amended to read as follows:

- "(b) No alderperson shall be the chairperson, co-chairperson, or vice-chairperson of any Sub-unit authorized to have more than two ~~citizen~~ resident members appointed by the Mayor and confirmed by the Common Council. In the event the ~~citizen~~ resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such Sub-unit for more than two (2) consecutive meetings."

45. Subsection (1) of Section 33.04 entitled "Board of Canvassers" of the Madison General Ordinances is amended to read as follows:

- "(1) Pursuant to Wis. Stat. § 7.53(2)(a), the Board of Canvassers is to be appointed by the City Clerk prior to each election. The municipal board of canvassers for municipal elections shall be composed of the municipal clerk and two (2) other reputable ~~citizens~~ electors appointed by the clerk prior to the date of the election being canvassed. If the municipal clerk is a candidate at the election being canvassed, the other two (2) members shall designate a third member to serve in lieu of the clerk for that election. If one or more temporary vacancies on the municipal board of canvassers reduces the number of members to less than three (3), the municipal clerk shall appoint a member to fill each vacancy. No vacancy may be filled on a board of canvassers during the pendency of a canvass or recanvass."

46. Subsection (2) entitled "Appointment; Terms" of Section 33.05 entitled "Board of Park Commissioners" of the Madison General Ordinances is amended to read as follows:

“(2) Appointment; Terms. Said Board shall consist of seven (7) members, two (2) alders and five (5) ~~citizen~~ resident members appointed by the Mayor and confirmed by the Common Council. The alderperson members shall be appointed in April for the term of two (2) years, beginning on the first day of May. The full term of each ~~citizen~~ resident member shall be for five (5) years beginning on the first day of May next succeeding her/his appointment and until her/his successor is appointed and qualified; but when the Board is first constituted, the respective appointments shall be for terms of five (5), four (4), three (3), two (2), and one (1) years, respectively. At the organization meeting of the Common Council on the third Tuesday in April preceding the end of any of the ~~citizen~~ resident members’ terms, the Mayor shall appoint her/his successor for a full term and shall submit the appointment to the Common Council for confirmation.”

47. Subsection (4) entitled “Suspension, Revocation of Permit/License; Appeal” of Section 33.05 entitled “Board of Park Commissioners” of the Madison General Ordinances is amended to read as follows:

“(4) Suspension, Revocation of Permit/License; Appeal.
The Superintendent of Parks or her/his designee is authorized and directed to suspend for up to six (6) months or revoke a permit or license found to be in violation of any Madison General Ordinance or Board of Park Commissioners rule and, upon written notification thereof, the permittee/licensee shall surrender such permit/license to the Superintendent. When any permit or license is revoked, no other permit or license shall be granted to such person or organization within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit or license so revoked be refunded.

Any suspension or revocation imposed by the Superintendent of Parks or her/his designee may be appealed within ten (10) days of such notice of suspension or revocation to the Board of Park Commissioners or a subcommittee of the Board by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall state the basis or bases upon which the permittee or licensee seeks review of the Superintendent’s determination. Said Committee shall consist of the entire Board of Park Commissioners or a subcommittee of the Board consisting of the Chair of the Board or designee, one (1) alderperson and one (1) ~~citizen~~ resident who are members of the Board of Park Commissioners appointed by the Chair of the Board.

At such hearing, the permittee or licensee shall have an opportunity to cross examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board or subcommittee shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the suspension or revocation imposed by the Superintendent of Parks or her/his designee.”

48. The introductory paragraph of Subsection (5) entitled “Subcommittees” of Section 33.05 entitled “Board of Park Commissioners” of the Madison General Ordinances is amended to read as follows:

“(5) Subcommittees. The following subcommittees of the Board of Park Commissioners assist in receiving ~~citizen~~ resident input and making recommendations to the Park Commission. Except where specified, members shall be appointed by the President of the Board of Park Commissioners and each subcommittee shall contain at least one member from the Park Commission.”

49. Subdivisions (b) and (e) of Subsection (5) entitled “Subcommittees” of Section 33.05 entitled “Board of Park Commissioners” of the Madison General Ordinances are amended to read as follows:

- (b) Warner Park Community Recreation Center Advisory Subcommittee. Advises the Board of Park Commissioners regarding operations, policies and procedures, fees and user concerns, and makes program and budget recommendations, concerning the Warner park Community Recreation Center. The Subcommittee consists of eleven (11) persons: three ~~citizen~~ resident representatives from the Northside and at large; a representative from the Northside Planning Council, the North/Eastside Senior Coalition, the MSCR Advisory Committee, and the Board of Park Commissioners; two youth representatives; and the two Warner Park area aldermanic representatives. This committee meets bi-monthly and all members shall be City of Madison residents. Notwithstanding Sec. 33.01(6)(b), and except for the Alder members, a member may not serve on the Subcommittee for more than two consecutive three-year terms.
- (e) Long-Range Planning Subcommittee. Advises the Board of Park Commissioners, reviews the procedures and policies of the Parks Division and solicits input regarding the Parks Division from alders, groups and ~~citizens~~ residents. Also, when necessary, researches and advises regarding the naming of public parks. The Subcommittee consists of five (5) members and meets quarterly.”

50. Subsection (2) entitled “Composition, Appointments and Terms” of Section 33.07 entitled “Board of Public Works” of the Madison General Ordinances is amended to read as follows:

- (2) Composition, Appointments and Terms. The Board of Public Works shall consist of seven (7) voting members. The Mayor or her/his designee shall serve as a member of the Board, one (1) member shall be an adult City of Madison resident with an engineering background who shall serve for one (1) year, two (2) members shall be alderpersons, and three (3) members shall be ~~citizens~~ residents. The Mayor shall also appoint two persons to serve as alternate members. The alternate member may act with full power and authority when any other member of the Board is absent. The alternate member may participate in Board discussion, may serve on subcommittees, and may be appointed to any committee which requires the participation of a member of the Board of Public Works.

All members shall be appointed by the Mayor, subject to approval of the Common Council. All members shall be appointed for a term of two (2) years. The terms of aldermanic members shall expire with the expiration of their terms as members of the Common Council. The Mayor at the organizational meeting each year shall indicate to the Common Council whether s/he will serve on the Board or inform the Council of the name of her/his designee. The Board shall elect one (1) of its members to serve as chair and another of its members to serve as vice-chair. The Mayor may change her/his designee or elect to assume membership on the Board any time and upon so assuming membership may elect to be chair of the Board. All appointments under this section shall be submitted by the Mayor to the Common Council for confirmation except that membership by the Mayor or selection of a designee shall be at the option of the Mayor. The Board shall adopt special rules for the conduct of public hearings before the Board. One (1) member of the Board of Public Works shall be a member of the Long-Range Transportation Committee.”

51. Subdivision (e) entitled “Citizen Representation” of Subsection (2) entitled “Henry Vilas Zoo Commission” of Section 33.09 entitled “City-County Commissions and Committees” of the Madison General Ordinances is amended to read as follows:

- (e) Citizen Resident Representation. Of the three ~~citizen~~ resident members, at all times at least one shall be a resident of the City of Madison and at least one shall be a resident of that part of Dane County outside the corporate limits of the City of Madison.”

52. Subparagraph b. entitled “County Members” of Paragraph 1. of Subdivision (b) entitled “Membership; Terms” of Subsection (3) entitled “City-County Homeless Issues

Committee” of Section 33.09 entitled “City-County Commissions and Committees” of the Madison General Ordinances is amended to read as follows:

- “b. County Members. Three (3) members shall be Dane County Board Supervisors, appointed by the County Board Chair, whose terms shall be coextensive with their terms on the County Board. Two (2) members shall be current or former homeless persons who have used homeless services, and two (2) persons shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. The ~~citizen~~ County members shall be appointed by the County Executive. All persons who are not elected shall serve three-(3) year terms”

53. Subdivision (a) of Subsection (2) entitled “Membership” of Section 33.10 entitled “Committee on Employee Relations” of the Madison General Ordinances is amended to read as follows:

- “(a) The Committee shall be composed of nine (9) members. Three (3) members shall be members holding management positions with the City of Madison. Three (3) members shall be ~~citizen~~ resident members nominated by the employees. Two members (2) shall be alderpersons currently serving on the Board of Estimates. One member (1) shall be the Human Resources Director who will only vote to break a tie vote among the other members. All members, with the exception of the Human Resources Director, shall be appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term commencing on that date. The terms of the alderpersons expire with the expiration of their term as an alderperson. The remaining six (6) members shall serve staggered terms of three (3) years, with the terms of two (2) members expiring annually.”

54. Subsections (3) and (5) of Section 33.10 entitled “Committee on Employee Relations” of the Madison General Ordinances are amended to read as follows:

- “(3) The offices of Chair and Vice-Chair shall be filled by majority vote at the first meeting in May annually. Consistent with Sec. 33.01(7)(b), MGO, alders are not eligible to serve as Chair or Vice-Chair. In the event the ~~citizen~~ resident chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of the Committee for more than two (2) consecutive meetings. The Committee shall adopt rules for the governance of its proceedings not inconsistent with Federal, State or local law. Such rules may include a provision for delegation of the powers and responsibilities of the Committee to subcommittees composed exclusively of Committee members.
- (5) Mission. The mission of the Committee is to reach an amicable understanding by developing, implementing and fostering interest based problem solving methods and techniques with respect to the Employer-Employee relationship. To that end, the Committee shall, in conjunction with the Mayor and all City departments create, promote and agree to work together in joint employee-management teams to foster open and regular communication between employees, management, City officials, and ~~citizens~~ residents recognizing that open communication is an essential element in maintaining an atmosphere of trust in the City and continuing to provide the high quality service for which the City is known.”

55. Subsections (2) and (5) of Section 33.11 entitled “Committee on the Environment” of the Madison General Ordinances are amended to read as follows:

- “(2) The Committee shall be composed of nine (9) members to be appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term commencing on that date. One (1) member shall be an alderperson whose term shall

expire with the expiration of his/her term as alderperson. Five (5) members shall be ~~citizen~~ resident members whose terms shall be three (3) years.

The Board of Public Works, the Board of Health for Madison and Dane County and the Water Utility Board will each designate one member of their respective bodies for appointment by the Mayor to this Committee.

The City Engineer shall act as executive secretary to the Committee who shall prepare the agenda and minutes of the meetings and perform such other duties as the Committee shall direct.

Appointments to the Committee shall be made with consideration given to the expertise and/or interest necessary for proper performance of the duties assigned to the Committee members, and with strong consideration given to membership or participation in recognized environmental groups and agencies. All vacancies shall be filled by appointment of the Mayor subject to approval of the Common Council for a term filling out the remainder of the vacated member's term.

- (5) The Committee shall, in conjunction with the Mayor and appropriate City departments, also take steps to open lines of communication with ~~citizens~~ residents, as well as with other municipalities, the County, the State, and the Federal government in order to better coordinate efforts at improving the quality of the environment. It shall also take steps to encourage creation of an intergovernmental council on the environment of officials from all units of local government in the Madison area."

56. Subsection (1) entitled "Purpose" of Section 33.12 entitled "Committee on Community Gardens" of the Madison General Ordinances is amended to read as follows:

- "(1) Purpose. The Committee on Community Gardens shall act in an advisory capacity to the Mayor and the Common Council in identifying the potential roles for community gardens in neighborhood improvement efforts; in identifying possible City actions that can facilitate such efforts; recommending actions for the implementation of the November 30, 1999, "Growing a Stronger Community with Community Gardens: An Action Plan for Madison", (Action Plan) and; acting as a sounding board for ~~citizen~~ resident concerns regarding community garden issues and/or the implementation of the Action Plan recommendations."

57. Subdivision (k) of Subsection (4) entitled "Charge" of Section 33.14 entitled "Committee on Aging" of the Madison General Ordinances is amended to read as follows:

- "(k) Seek ways to involve ~~citizens~~ residents in planning for the provision of services to older adults."

58. Subdivision (a) entitled "Membership" of Subsection (2) of Section 33.15 entitled "Community Development Block Grant (CDBG) Committee" of the Madison General Ordinances is amended to read as follows:

- "(a) Membership. The Committee shall consist of nine (9) members and two (2) alternate members, appointed by the Mayor, subject to the approval of the Common Council. Two (2) members shall be alderpersons. The other members shall be ~~citizen~~ resident members. At least three ~~citizen~~ resident members shall be persons of low or moderate income, as low or moderate income is defined by the CDBG regulations, and at least one ~~citizen~~ resident member shall be a member of a minority as defined in Sec. 39.02(9)(a)7. of these ordinances. One position may be filled by either an alderperson or a ~~citizen~~ resident member."

59. Subsections (2) and (3) of Section 33.16 entitled "Community Services Committee" of the Madison General Ordinances are amended to read as follows:

- “(2) Membership. The Committee shall consist of eleven (11) members, except as provided below. Nine (9) members shall be appointed by the Mayor, subject to the confirmation by the Common Council. Members shall be appointed on the basis of their knowledge and interest in human services. At least one, and no more than two, such members shall be an Alderperson. One (1) ~~citizen~~ resident member shall be selected by the Mayor from and with the advice of the Early Childhood Care and Education Committee. One (1) ~~citizen~~ resident member shall be selected by the Mayor from a panel of three (3) submitted by the Madison Federation of Labor. One (1) of the ~~citizen~~ resident members shall be a present or former client or recipient of a private nonprofit program. At least one (1) of the ~~citizen~~ resident members shall be a member of a minority as defined in Sec. 3.58(8)(a)7. of these ordinances. The Senior Citizens Advisory Committee shall elect one of its members to serve as a member and another to serve as an alternate member of the Community Services Committee subject to confirmation by the Common Council. The alternate member may act with full power and authority when the other Senior Citizens Advisory Committee member is absent or refuses to act due to a conflict of interest. The remaining members shall be broadly representative of the community. The Supervisor of the Office of Community Services or his/her designee shall be an ex-officio member of the Committee without vote and shall serve as secretary.
- (3) Terms. When the Committee is first constituted, the respective appointments shall be as follows: Three (3) ~~citizen~~ resident members shall be appointed for terms of three (3) years; and two (2) ~~citizen~~ resident members shall be appointed for terms of two (2) years; and two (2) ~~citizen~~ resident members shall be appointed for terms of one (1) year except that such terms shall expire on October 1 of the year of expiration of said terms. Thereafter, all members shall be appointed for terms of three (3) years, except that the term of aldermanic members of the Committee shall expire with the expiration of their terms as alders.”

60. Subdivisions (f) and (h) of Subsection (4) entitled “Charge” of Section 33.16 entitled “Community Services Committee” of the Madison General Ordinances are amended to read as follows:

- “(f) Seek ways to involve ~~citizens~~ residents in assessment of human services needs.
(h) Seek to improve accessibility of human services to ~~citizens~~ residents who have language and other barriers.”

61. Subdivisions (b) and (d) of Subsection (7) entitled “Early Childhood Care and Education Committee” of Section 33.16 entitled “Community Services Committee” of the Madison General Ordinances are amended to read as follows:

- “(b) The Early Childhood Care and Education Committee shall consist of nine (9) members with experience and/or expertise necessary for proper performance of the duties assigned; two (2) members shall be specialists in the field of child care; six (6) members shall be other ~~citizen~~ resident members to include one (1) member who is a child care service consumer and one (1) member who is a child care worker; and one (1) Alderperson.
(d) The committee members shall choose from among their ~~citizen~~ resident members a chairperson and vice chairperson. The Community Development Director or his/her designee shall serve as secretary to the committee.”

62. Subsection (2) entitled “Composition” of Section 33.17 entitled “Economic Development Committee” of the Madison General Ordinances is amended to read as follows:

- “(2) Composition. The Committee shall consist of eleven (11) members: the Mayor or the Mayor’s designee, three (3) Alderpersons, and seven (7) ~~citizens~~ residents with a wide range of direct experience in business and/or knowledge related to job creation, real

estate or workforce development. The Mayor shall appoint the members of the Committee subject to confirmation by the Common Council.

Terms of appointment of the ~~citizen~~ resident members shall be staggered, for three (3) years, commencing May 1 and expiring April 30. The Alderpersons terms shall coincide with his or her term of office.

If the Mayor serves on the Committee, the Mayor shall act as chairperson. Otherwise, the chairperson will be elected by the Committee.”

63. Subsection (1) entitled “Composition and Terms” of Section 33.19 entitled “Landmarks Commission” of the Madison General Ordinances is amended to read as follows:

“(1) Composition and Terms. A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historian; at least one (1) shall be a licensed architect, one (1) shall be a licensed real estate professional; one (1) shall be an Alder; and three (3) shall be ~~citizen~~ resident members, at least one of whom has expertise in construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three (3) years. The terms shall be staggered.”

64. Subdivision (e) of Subsection (2) entitled “Powers and Duties” of Section 33.19 entitled “Landmarks Commission” of the Madison General Ordinances is amended to read as follows:

“(e) Educate the ~~citizens~~ residents of Madison about the historic heritage of the city, including its designated landmarks and historic districts.”

65. Subsections (2) and (3) of Section 33.22 entitled “Public Safety Review Committee” of the Madison General Ordinances are amended to read as follows:

“(2) Membership. The Public Safety Review Committee shall consist of nine (9) members: the Mayor, or his/her designee, three (3) members of the Common Council, five (5) ~~citizen~~ resident members, and one alternate ~~citizen~~ resident member who may participate in Board business as though a full member, but may vote only in the absence of one of the ~~citizen~~ resident members. The aldermanic members and ~~citizen~~ resident members shall be appointed by the Mayor subject to confirmation by the Common Council. All elected members shall serve by virtue of their office (ex officio).

(3) Terms. Common Council members shall be appointed for two (2) year terms ending on the third Tuesday in April. ~~Citizen Resident~~ members shall be appointed for three (3) year terms ending on April 30 of the third calendar year after their appointment and confirmation, except that, in April 1993, the Mayor shall designate the terms of ~~citizen~~ resident members in order to achieve staggered terms. The Mayor shall designate two ~~citizen~~ resident members for one-year terms, two for two-year terms, and two for three-year terms.”

66. Subsection (2) of Section 33.23 entitled “Solid Waste Advisory Committee” of the Madison General Ordinances is amended to read as follows:

“(2) The Solid Waste Advisory Committee shall consist of nine (9) voting members appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term of one year each commencing on that date, except that the terms of ~~citizen~~ resident members and of the alderperson shall be two years with each term ending on the third Tuesday of April of the second year of such term. Appointees shall

include one (1) alderperson, one (1) member of the Board of Public Works, one (1) member of the Committee on the Environment, and six (6) ~~citizen~~ resident members.

Appointments shall be made with consideration given to expertise in solid waste management, environmental health, public relations, economics or business, hydrogeology, chemistry, environmental engineering and/or other areas related to solid waste issues.

The Street Superintendent (Streets and Sanitation Superintendent) shall serve the Solid Waste Advisory Committee as its nonvoting Executive Secretary. All matters to be considered by the Committee shall be submitted to the Executive Secretary who shall prepare the notice, agenda and minutes of all Committee meetings and perform such other duties as the Committee shall direct.”

67. Subdivisions (b) and (g) of Subsection (3) entitled “Commission Composition and Terms” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances are amended to read as follows:

“(b) Two ~~citizen~~ resident members.

(g) In addition to the members above-mentioned, the Mayor may appoint upon an annual basis a ~~citizen~~ resident to be an alternate member of such Commission to act with full power when any other member of the Commission is absent or refuses to act because of conflict of interest. Alternate members may serve as the Urban Design Commission representative on other City committees.”

68. Paragraph 4. of Subdivision (h) entitled “Other Duties” of Subsection (4) entitled “Powers and Duties” of Section 33.24 entitled “Urban Design Commission” of the Madison General Ordinances is amended to read as follows:

“4. Undertake the continuing education of the ~~citizens~~ residents of Madison about the visual assets and liabilities of Madison and the mission and intent of the commission.

69. Section 33.30 entitled “Jeffrey Clay Erlanger Civility In Public Discourse Award” of the Madison General Ordinances is amended to read as follows:

“33.30 JEFFREY CLAY ERLANGER CIVILITY IN PUBLIC DISCOURSE AWARD. The Jeffrey Clay Erlanger Civility in Public Discourse Award will recognize individuals or organizations who share Jeff Erlanger's dedication to and compassion for public policy development, politeness, civility, individual and human rights, and who conduct their daily life consistent with these values. The committee to select the award recipient will be appointed by the Mayor and be composed of five (5) individuals, including two (2) ~~citizen~~ resident members (~~citizen~~ resident members to serve a two-year term with said term expiring two years from date of appointment).”

70. Subsections (2) and (3) of Section 33.34 entitled “Housing Strategy Committee” of the Madison General Ordinances are amended to read as follows:

“(2) Composition. The Housing Strategy Committee shall consist of nine (9) members appointed by the Mayor and subject to approval by the Common Council. Two (2) members shall be alders. The other members shall be ~~citizen~~ resident members. Members shall serve without compensation. The members shall elect annually from among their ~~citizen~~ resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Landlord and Tenant Issues Committee.

(3) Terms. All members shall be appointed for three-year terms, however, the initial terms of three (3) of the ~~citizen~~ resident members shall expire on April 30, 2014. Initial terms of the remaining four (4) ~~citizen~~ resident members shall expire on April 30, 2015. Thereafter, each ~~citizen~~ resident member shall be appointed for a three-year term commencing on

May 1st and expiring on April 30th. The terms of the alders shall expire with the expiration of their terms in office.”

71. The introductory paragraph of Subdivision (a) entitled “Commission Membership” of Subsection (4) of Section 33.35 entitled “Madison Arts Commission” of the Madison General Ordinances is amended to read as follows:

“(4) (a) Commission Membership. The Commission shall consist of eleven (11) ~~citizen~~ resident members including one (1) alderperson. The remainder of the Commission shall be made up of representatives from the following categories, with at least one representative from each:”

72. Subdivisions (a) and (b) of Subsection (2) entitled “Membership; Terms” of Section 33.52 entitled “Food Policy Council” of the Madison General Ordinances are amended to read as follows:

- “(a) The FPC shall consist of twenty-three (23) members appointed by the Mayor, subject to confirmation by the Common Council; except that the representative of the Madison Metropolitan School District shall be appointed by the Superintendent of the School District. Three (3) of the members shall be alderpersons; aldermanic appointees shall serve a term expiring concurrent with their term as alders. Nineteen (19) of the remaining members shall be adult ~~citizen~~ resident appointees; adult ~~citizen~~ resident appointees shall serve a term of three years expiring on October 1st in the third year following appointment, except the term of the member of the Community Gardens Committee shall expire with his or her term on the Community Gardens Committee. One (1) member shall be less than twenty-four (24) years of age when appointed and shall serve a term of one year, expiring on July 31, and shall not count against the nineteen (19) adult ~~citizen~~ resident members. All vacancies shall be filled by appointment of the Mayor, subject to Common Council approval, for a term filling out the remainder of the vacated members' term.
- (b) When the FPC is first constituted, the initial appointments shall be staggered as follows: Seven (7) ~~citizen~~ resident appointees shall be for a term of three (3) years; and six (6) ~~citizen~~ resident appointees shall be for a term of two (2) years; and six (6) ~~citizen~~ resident appointees shall be for a term of one (1) year.”

73. Subsection (3) entitled “Composition” of Section 33.52 entitled “Food Policy Council” of the Madison General Ordinances is amended to read as follows:

“(3) Composition. The adult ~~citizen~~ resident membership shall be composed as follows: one (1) member shall be a representative from the City of Madison Community Gardens committee, one (1) shall represent a direct-market producer, one (1) shall be a food-access advocate, one (1) shall be a representative from a health care provider, one (1) shall be a representative of the Madison Metropolitan School District, one (1) shall be a local restaurateur, one (1) shall represent a small or mid-sized retailer, one (1) shall be a representative from or an advocate for an urban farm, one (1) shall be employed by an accredited university or college as an expert in food and/or agricultural systems, one (1) shall be an employee of UW-Extension.

The remaining nine (9) adult members shall represent any of the following categories, groups, or organizations: a community-supported agriculture organization, a consumer group, an economic development entity, an environmental advocate, a food bank, a farmers' market, a food cooperative, a food processing company, a mobile food vendor or retailer, a neighborhood development organization, a religious organization, a school district, a school food and/or nutrition expert, a staff member from a youth group organization, a sustainable agriculture advocate, or a sitting member of a city or county committee that advises on food-related policy, including, but not limited to the Dane County Food Council or the Madison and Dane County Board of Health, or a

representative from any of the other organizations listed above and making up the balance of the FPC.

The Chairperson of the Food Policy Council shall be the Mayor or his or her designee, who may fulfill any of the ~~citizen~~ resident membership requirements above. The designee shall serve a three-year term beginning October 1st of the year of appointment.”

74. Subdivision (c) of Subsection (5) entitled “Duties” of Section 33.52 entitled “Food Policy Council” of the Madison General Ordinances is amended to read as follows:

“(c) Solicit input from experts and ~~citizens~~ residents within the food system and lead discussion on various topics in order to inform policy recommendations.”

75. Subdivisions (a) and (b) of Subsection (2) entitled “Membership” of Section 33.53 entitled “Digital Technology Committee” of the Madison General Ordinances are amended to read as follows:

“(a) The Digital Technology Committee shall consist of nine (9) voting members appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term of three (3) years. Two (2) of the members shall be alderpersons who shall serve a term expiring concurrent with their terms as alders. The remaining seven (7) members shall be adult ~~citizen~~ resident appointees.

(b) When the Digital Technology Committee is first constituted, the initial appointments shall be staggered as follows: Two (2) ~~citizen~~ resident appointees shall be for a term of three (3) years; and two (2) ~~citizen~~ resident appointees shall be for a term of two (2) years; and three (3) ~~citizen~~ resident appointees shall be for a term of one (1) year.”

76. Subsection (4) entitled “Duties” of Section 33.53 entitled “Digital Technology Committee” of the Madison General Ordinances is amended to read as follows:

“(4) Duties. The Digital Technology Committee shall act in an advisory capacity to the Mayor and Common Council on the deployment and use of digital technology consistent with industry and governmental standards including: making studies and recommendations relative to the facilitating the provision of internet access to all ~~citizens~~ residents with special attention to low income families, realizing additional benefits from and expand utilization of the Metropolitan Unified Fiber Network, exploring the technological needs of existing and startup businesses, assisting in the provision of digital infrastructure needs, facilitate communication with the local information technology community, assisting in providing high speed, no-cost access for travelers and commuters and exploring the feasibility of other public and private investments in 21st century telecommunication technologies, including fiber optics to the home.”

CHAP 34 77. Subdivision (d) of Subsection (1) entitled “Intent and Purpose” of Section 34.05 entitled “Ban on Sale of Novelty Lighters” of the Madison General Ordinances is amended to read as follows:

“(d) Disguising the true function of an inherently dangerous product unnecessarily threatens the health and safety of the ~~citizens~~ residents of Madison.”

CHAP 37 78. Subsection (1) entitled “Purpose and Necessity” of Section 37.05 entitled “The Public Stormwater System” of the Madison General Ordinances is amended to read as follows:

“(1) Purpose and Necessity. The Common Council of the City of Madison finds that the management of stormwater and other surface water discharges within and beyond the Yahara River, the Sugar River, Door Creek and other bodies of water within the City is a matter that affects the health, safety, welfare and well-being of the City, its ~~citizens~~

residents and businesses and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams, and other bodies of water within and adjacent to the City. A system for the collection and disposal of stormwater provides benefits to all properties within the City and surrounding areas, including those properties not currently served by the system. Beyond designated initial Capital Expenses for system improvements, the cost of operating and maintaining the City stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Common Council hereby exercises its authority to establish a stormwater utility and establish the rates for stormwater management services. Nothing in the foregoing shall affect the determination of the Common Council to provide for the payment of designated initial capital expenses for system improvements by other necessary and convenient means. In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by ~~Chapters~~ Wis. Stat. chs. 62 and 66 ~~of the Wis. Stats.~~ including, but not limited to, Secs. 62.04, 62.11(5), 62.16(2), 62.18, 62.23(6), 66.0809, 66.0811, 66.0813, 66.0821, and 66.0627.”

CHAP 38 79. Subsection (1) entitled “Declaration of Policy” of Section 38.12 entitled “Habitually Intoxicated Persons” of the Madison General Ordinances is amended to read as follows:

“(1) Declaration of Policy. Wis. Stat. § 125.12(2)3. provides procedures for the suspension, revocation or nonrenewal of a retail alcohol beverage license, when the licensee “has sold or given away alcohol beverages to known habitual drunkards.” A person who is habitually intoxicated may lack self-control as to the use of alcohol beverages and use such beverages to the extent that their health is substantially impaired or endangered and their social or economic functioning is substantially disrupted. Such conduct is dangerous to the individual and to others. It is in the interest of the health, welfare and safety of the ~~citizens~~ residents of the City of Madison to prohibit the harmful conduct of habitually intoxicated persons, and it is a reasonable exercise of the City’s police powers to enforce those provisions of state law that prohibit a retailer from selling alcohol beverages to these habitually intoxicated persons.”

CHAP 39 80. Subdivision (a) of Subsection (8) entitled “Civil Rights Compliance Plan” of Section 39.02 entitled “Affirmative Action Ordinance” of the Madison General Ordinances is amended to read as follows:

“(a) In order to maintain City compliance with Title VI of the Civil Rights Act of 1964, as amended, the Division of Affirmative Action shall coordinate the development and implementation of individual department plans for civil rights compliance. Department plans shall be incorporated into a composite, citywide Civil Rights Compliance Plan which includes policies and procedures governing equal access to public services and the City of Madison informal ~~citizen~~ resident complaint procedure. The Civil Rights Compliance Plan shall be submitted to the Affirmative Action Commission for approval.”

81. Subsection (2) entitled “Membership” of Section 39.04 entitled “Disability Rights Commission” of the Madison General Ordinances is amended to read as follows:

“(2) Membership. The Commission shall consist of thirteen (13) members. Twelve (12) ~~citizen~~ resident members and one alderperson shall be appointed by the Mayor, subject to confirmation by the Common Council. ~~Citizen~~ Resident members shall be residents of

the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of ~~citizens~~ residents with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates.”

82. Subdivisions (c) and (d) of Subsection (4) entitled “Duties” of Section 39.04 entitled “Digital Technology Committee” of the Madison General Ordinances are amended to read as follows:

- “(c) The Commission shall monitor and report violations of city ordinances and state laws pertaining to ~~citizens~~ residents with disabilities to the appropriate agency.
- (d) The Commission shall solicit comments and suggestions from ~~citizens~~ residents and organized groups regarding the concerns of ~~citizens~~ residents with disabilities.”