



Legislation Details (With Text)

File #: 57563 **Version:** 3 **Name:** 2019 City Attorney Revisor's Ordinance
Type: Ordinance **Status:** Passed
File created: 9/23/2019 **In control:** Attorney's Office/Approval Group
On agenda: 11/5/2019 **Final action:** 11/5/2019
Enactment date: 11/14/2019 **Enactment #:** ORD-19-00081

Title: 2ND SUBSTITUTE Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2019 City Attorney Revisor's Ordinance.

Sponsors: CITY ATTORNEY

Indexes:

Code sections:

Attachments: 1. Version 2, 2. Version 1

Date	Ver.	Action By	Action	Result
11/5/2019	3	COMMON COUNCIL	Adopt	Pass
10/15/2019	2	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/1/2019	1	COMMON COUNCIL	Refer	Pass
9/23/2019	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No fiscal impact.

Title

2ND SUBSTITUTE Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2019 City Attorney Revisor's Ordinance.

Body

DRAFTER'S ANALYSIS: This is the annual City Attorney's Revisor'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. 4.095(7), MGO, is amended to correct erroneous text.
2. Sec. 8.14(1), MGO, is amended to correct the title of the Transit and Parking Commission to Transportation Commission adopted in ORD-17-00099.
3. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the change in name related to the Transit and Parking Commission.
4. Sec. 9.24(7)(l)1.-4., MGO, are amended to correct obsolete cross-references.
5. Sec. 12.915(5)(c)5., MGO, is amended to update the title of Transportation Commission.
6. Sec. 16.01(2), MGO, is amended to eliminate obsolete text and update the title of Transportation Policy and Planning Commission.
7. The title of ORD-19-00071 is amended to correct the incorrect reference of Sec. 23.16(9)(c)2. and 4. to Sec. 16.23(9)(c)2. and 4.
8. Sec. 24.04(7)(b)1., MGO, is amended to update the title of Transportation Commission.
9. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the change in name related to the Pedestrian/Bicycle/Motor Vehicle Commission.

- 10. Sec. 28.134(3), MGO, is amended to conform the text to the actual practice and state statute.
- 11. Sec. 31.045(3)(c)2., MGO, is revised to eliminate an obsolete cross-reference.
- 12. Sec. 33.01(4)(a), MGO, is amended to clarify that a sub-unit may be created or dissolved by a written order.
- 13. Sec. 39.02(9)(f)3.b. - e., MGO, are repealed to remove obsolete text.

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

1. Subsection (7) entitled "Notice" of Section 4.095 entitled "Urban Forestry Special Charge" of the Madison General Ordinances is amended to read as follows:

"(7) Notice. Notwithstanding the provisions of Sec. 4.09(13) regarding notice, no notice or billing is required for the urban forestry special charge except for a Class I notice under Wis. Stat. ch. 985 within twenty (20) days of the Common Council's approval by resolution of the special charge or updated special charged under Subsection (5)."

2. Subsection (1) entitled "Management" of Section 8.14 entitled "Municipal Parking Facilities" of the Madison General Ordinances is amended to read as follows:

"(1) Management. The management, operation and control of all automobile parking facilities owned by the City of Madison shall be under the direction of the Transit and Parking Transportation Commission of the City of Madison. The Transit and Parking Transportation Commission is authorized to enact such rules as may be necessary and proper to insure and promote the safe, efficient and proper operation of such parking facilities as may be owned and operated by the City of Madison."

3. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the change in name of the Transit and Parking Commission.

4. Paragraphs 1. through 4. of Subdivision (l) entitled "Hold Period" of Subsection (7) entitled "Restrictions and Requirements" of Section 9.24 entitled "Licensing of Secondhand Dealers" of the Madison General Ordinances are amended to read as follows:

- "1. Except as provided in par. 67., any secondhand article or jewelry purchased or received by a pawnbroker shall be kept on the dealer's premises or other place for safe keeping for not less than thirty (30) days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or jewelry recovers it.
- 2. Except as provided in par. 67., any secondhand article purchased or received by a secondhand article dealer shall be kept on the dealer's premises or other place for safekeeping for not less than ten (10) days after the date of purchase or receipt.
- 3. Except as provided in par. 67., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the dealer's premises or other place for safekeeping for not less than fifteen (15) days after the date of purchase or receipt.
- 4. Except as provided in par. 67., any item purchased by a precious metals dealer shall be kept on the dealer's premises or other place of safekeeping for not less than fifteen(15) days after the date of purchase or receipt."

5. Paragraph 5. of Subdivision (c) of Subsection (5) entitled "Automobile Regulations" of Section 12.915 entitled "Traffic on State Street Restricted" of the Madison General Ordinances is amended to read as follows:

"5. Appeals for the denial of an auto-use permit may be made to the Pedestrian/Bicycle/Motor Vehicle

Transportation Commission, pursuant to Sec. 33.56(5)(c)9., MGO, and shall be made within thirty (30) days of notice having been sent by first class mail to the applicant's address as indicated on the auto-use application.

6. Subsection (2) entitled "Composition" of Section 16.01 entitled "City Plan Commission" of the Madison General Ordinances is amended to read as follows:

"(2) Composition . The City Plan Commission shall consist of nine (9) voting members. The Mayor or his/her designee shall serve as a member of the commission. The other members shall be three (3) members of the Common Council and five (5) citizens. The Mayor, at the annual organizational meeting each year, shall indicate to the Common Council whether he/she will serve as chairperson of the Plan Commission or inform the Common Council of the name of his/her designee. The Mayor may elect to assume membership on the commission at any time. In the event the Mayor names a designee, the commission shall elect one (1) of its members to be chairperson. ~~Two~~One (21) of the members of the Plan Commission shall also be a members of the ~~Long Range Transportation Policy and Planning Committee Board~~.

~~This is a Charter Ordinance and shall be effective sixty (60) days after passage and publication, except as said effective date is extended herein, subject, however, to the referendum procedures in Wis. Stat. § 66.0101(5). The effective date of this ordinance shall be the day after the second regular Common Council meeting of May 1997 provided that all appointments to the Transit and Parking Commission, the Pedestrian/Bicycle/Motor Vehicle Commission and the Long Range Transportation Planning Committee have been made by the Mayor and approved by the Common Council, but in no case shall the effective date be later than the day after the first regular meeting of the Common Council of June 1997 became effective June 3, 1997.~~

7. The title of Legistar ORD-19-00071 should be corrected to read as follows:

"Amending Section ~~23.46~~16.23(9)(c)2. and 4. of the Madison General Ordinances to update developer agreement security requirements."

8. Paragraph 1. of Subdivision (b) of Subsection (7) entitled "Operation of Refuse Collection Vehicles and Refuse Collection Vehicles' Compacting Equipment" of Section 24.04 entitled "Prohibition of Noises Disturbing the Public Peace" of the Madison General Ordinances is amended to read as follows:

"1. The ~~Pedestrian/Bicycle/Motor Vehicle~~ Transportation Commission may designate certain locations as exempt from this provision, if it determines that such exemption is necessary because of public safety."

9. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the change in name of the Pedestrian/Bicycle/Motor Vehicle Commission.

10. Subsection (3) entitled "Capitol View Preservation" of Section 28.134 entitled "Height and Bulk Regulations" of the Madison General Ordinances is amended to read as follows:

"(3) Capitol View Preservation.
No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment ~~on existing buildings~~ and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey."

11. Paragraph 2. of Subdivision (c) entitled “Public Right-of-Ways” of Subsection (3) entitled “Hazardous or Prohibited Signs, Structures and Conditions” of Section 31.045 entitled “Unsafe and Unlawful Sign Structures” of the Madison General Ordinances is hereby repealed.

12. Subdivision (a) of Subsection (4) entitled “Creation and Dissolution” of Section 33.01 entitled “Boards, Commissions, and Committees Procedures” of the Madison General Ordinances is amended to read as follows:

“(a) Sub-units may be created and dissolved by ordinance, resolution, written order of the Mayor, written order of the President of Common Council, or, in the case of subcommittees, by action of the parent Sub-unit.”

13. Subparagraphs b. through e. of Paragraph 3. entitled “Public Inspection of Records” of Subdivision (f) entitled “Record-Keeping Requirements” of Subsection (9) entitled “Contract Compliance Provisions” of Section 39.02 entitled “Affirmative Action Ordinance” of the Madison General Ordinances are hereby repealed.

EDITOR’S NOTE:

1. Section 31.045(3)(c)2. currently reads as follows:

“2. This subdivision does not apply to those matters set forth in Sec. 3.14(4)(i), MGO.”

2. Sections 39.02(9)(f)3.b. through e. currently read as follows:

“b. Records provided in connection with compliance investigations and compliance investigation files; except that compliance reports shall be open to inspection and copying, and all minutes, proceedings, evidence, findings and orders of the Affirmative Action Commission shall be open to inspection and copying.

c. Names and other information identifying individual complainants.

d. Those portions of affirmative action plans which constitute information on staffing patterns and pay scales, if release for public inspection could reasonably be expected to affect the competitive or financial position of the contractor, would constitute a release of confidential or salary information of an employee or would constitute an unwarranted invasion of privacy of an employee.

e. Tests used by contractors for selection purposes.”