



Legislation Text

File #: 32814, Version: 1

Fiscal Note

No appropriation is required.

Title

CHARTER ORDINANCE Creating Section 34.907(2) as a Charter Ordinance of the Madison General Ordinances to require landlords to furnish fire education to new tenants, and renumbering Section 34.907(2) to 34.907(3).

Body

DRAFTER'S ANALYSIS: Since 2009, the City of Madison has required fire safety education materials to be distributed to tenants following the 2007 death of Peter Talen, who was killed in a house fire. Investigators discovered that the six smoke alarms in the rented house were not functioning. The 2009 ordinance adopting these new fire safety provisions is called the Peter Talen Smoke Alarm Ordinance. See ORD-09-00041, Legistar 12575, adopted March 3, 2009. Mr. Talen's parents attended the Common Council meeting when this safety ordinance was adopted in memory of their late son.

In December of 2013, the State created Wis. Stat. § 66.0104(2)(d)(1) to prevent a local government from enacting "an ordinance that requires a landlord to communicate to tenants any information that is not required to be communicated under federal or state law." State and Federal law do not require that landlords distribute fire safety education materials to tenants. Therefore, Section 34.907(1)(d) would not be enforceable.

However, nothing in the State statute indicates that the information requirement is a matter of statewide concern and uniformly applicable, making it subject to the City's power to opt out of the statute by Charter ordinance.

By this Charter ordinance, the City opts out of Wis. Stat. § 66.0104(2)(d)(1) and re-establishes the requirement that fire safety education materials be distributed by landlords to tenants.

If adopted, the Charter provisions of this ordinance shall take effect 60 days from the date of passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

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

1. Authority. This is a charter ordinance adopted pursuant to Art. XI, Sec. 3, of the Wisconsin Constitution, and sec. 66.0101, Wis. Stats.
2. Findings.
 - (a) In 2007, Peter Talen, a student at the University of Wisconsin-LaCrosse, was visiting his brother in Madison. His brother was a student at UW-Madison. Peter Talen died in a house fire at the place rented by his brother in Madison. The smoke alarms in the house Mr. Talen was staying in were inoperable at the time. In response to this tragedy, the City adopted a fire safety ordinance, ORD-09-00041, Legistar 12575, to require smoke alarms in all residential buildings in Madison and to require fire safety information be transmitted by landlords to their tenants in Madison. The ordinance is known as the Peter Talen Smoke Alarm Ordinance, see Sec. 34.907(1)(f), MGO.
 - (b) Since the adoption of the Peter Talen Smoke Alarm Ordinance, no student tenant in the City of Madison has died in a fire.
 - (c) The City of Madison has a large population of students who rent their residential property. The City has many more renters and student-renters than the vast majority of cities and villages in Wisconsin. These tenants often lack information on fire safety. The protection of the lives of these students and other tenants in the City of Madison with respect to fire safety is a matter of paramount local concern.
3. Election. The City of Madison elects not to be governed by the provisions of Wis. Stat. § 62.0104(2)
- (d). This election is made pursuant to Wis. Stat. § 66.0101(4).
4. Renumbering. Current Subsection (2) entitled "Alarm Notification Appliances" of Section 34.907

entitled "Fire Alarm and Detection Systems" of the Madison General Ordinances is renumbered Subsection (3).

5. Charter Ordinance.

New Subsection (2) entitled "Fire Safety Education Required" of Section 34.907 entitled "Fire Alarm and Detection Systems" of the Madison General Ordinances is hereby created as a Charter Ordinance and will read as follows:

"(2) Fire Safety Education Required. Upon each new lease and at least once every twelve (12) months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Chief. The Chief shall prepare the text and make the text available for distribution by the owner.

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