Legislation Details (With Text)

File #:	07630	**Version:** 2	**Name:**	2007 City Attorney Revisor's Ordinance
Type:	Ordinance		**Status:**	Passed
File created:	9/26/2007		**In control:**	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)
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Enactment date:	12/20/2007		**Enactment #:**	ORD-07-00193

Title: SUBSTITUTE - Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2007 City Attorney Reviser's Ordinance.

Sponsors: Common Council By Request

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/4/2007	2	COMMON COUNCIL	Adopt	Pass
11/2/2007	1	Attorney's Office/Approval Group	Approved As To Form	
10/26/2007	2	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/2/2007	1	COMMON COUNCIL	Refer	
9/26/2007	2	Attorney's Office/Approval Group	Approved As To Form	
9/26/2007	1	Attorney's Office	Fiscal Note Required / Approval	
9/26/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
9/26/2007	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

SUBSTITUTE - Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2007 City Attorney Reviser's Ordinance.

Body

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

1. Sec. 3.08, MGO, currently states that the City Engineer is a civil service position. This ordinance corrects this by reference to the portion of the ordinances that covers employment contracts for Comp Group 21 employees.

2. Sec. 8.24(1)(a), MGO, has an obscure and outdated reference to an exception to the alcohol beverage rules in Penn Park. It is eliminated in this ordinance.

3. Sec. 9.13(6)(a) references dates on which various resolutions were adopted, two of which are listed incorrectly. This ordinance corrects those typographical errors.

4. Secs. 12.39 and 12.40, MGO, govern right and left turn prohibitions in the City. These sections have not been kept up

to date because they are governed by state law which states that it is illegal to make left or right turns wherever prohibited by traffic signs. The sections are being repealed in this ordinance.

5. Sec. 25.01(11), MGO, purports to ban the purchase and sale of handguns and handgun ammunition within the City. The City no longer has the authority to adopt such an ordinance, pursuant to Wis. Stat. sec. 66.0409. The subsection is repealed by this ordinance.

6. Sec. 33.07(6)(b), MGO, has a sunset provision regarding City construction of Metro bus shelters. In fact, the City has continued to operate as if the ordinance is in effect. In order to conform to current practice, the sunset provision is repealed in this ordinance.

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

1. Subsection (1) of Section 3.08 entitled "City Engineer" is amended to read as follows:

"(1) The City Engineer shall be appointed in accordance with Section ~~3.11~~ 3.54(6) of the Madison General Ordinances~~ and shall hold his office under civil service~~."

2. Subdivision (a) of Subsection (1) entitled "Prohibition" of Section 8.24 entitled "Alcohol Beverage Control and Container Control on Certain Public Property" of the Madison General Ordinances is amended to read as follows:

"(a) Penn Park~~, except on July 9, 1988,~~ between 10:00 a.m. and 8:00 p.m. in duly designated and cordoned off areas specifically set aside for the consumption of alcohol beverages;

3. Subdivision (a) entitled "Scope and Definition of Mall/Concourse" of Subsection (6) entitled " "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(a) Scope and Definition of Mall/Concourse : The physical design of the State Street Mall/Capitol Concourse Improvement District as defined by Resolution No. 25,620, adopted by the Common Council on November 13, 1973; Resolution No. 33,431, adopted by the Common Council on September 12, ~~1976~~ 1978; and by Resolution No. 35,194, adopted by the Common Council on December ~~12~~ 11, 1979, is suited to street selling of handcrafted goods, personally prepared food and limited goods by contiguously located street level or corresponding non street level merchants and sidewalk cafes subject to such regulations as necessary to maintain the orderly use of the public streets and to protect the public health. The Mall/Concourse is defined to include the 100 through 800 blocks of the State Street Mall and the Capitol Concourse consisting of the first blocks of North and South Carroll Streets, the first blocks of East and West Main Streets, the first blocks of North and South Pinckney Streets and the first blocks of East and West Mifflin Streets as well as the additional areas included in the State Street Mall/Capitol Concourse Improvement District, Elizabeth Link Peace Park and the Municipal Building Vending Area."

4. Section 12.39 entitled "Left Turns Prohibited at Certain Locations" of the Madison General Ordinances is hereby repealed.

5. Section 12.40 entitled "Right Turns Prohibited At Certain Locations" of the Madison General Ordinances is hereby repealed.

6. Subsection (11) entitled "Sale of Handguns and Handgun Ammunition Unlawful" of Section 25.01 entitled "Sale Of Firearms" of the Madison General Ordinances is hereby repealed.

7. Subdivision (b) of Subsection (6) entitled "Public Construction Allowed to be Done by the City Without Bids" of Section 33.07 entitled "Board Of Public Works" of the Madison General Ordinances is amended to read as follows:

"(b) The installation of prefabricated bus shelters is hereby designated a class of public construction which may be done directly by the City without submitting same for bids, in accordance with Sec. 62.15(1), Wis. Stats.~~ provided, however, this designation shall cease and be automatically repealed on July 17, 1989, unless further extended by~~

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~~the Common Council.~~"

EDITOR'S NOTE:

1. Section 12.39 currently reads as follows:

"**12.39 LEFT TURNS PROHIBITED AT CERTAIN LOCATIONS.** No operator of any vehicle shall make a left turn at any of the following locations when signs are erected and maintained indicating such prohibitions.

(1) (R. by Ord. 5455, 4-7-76)
(2) At Atwood Avenue and Oakridge Avenue when traveling north on Atwood Avenue, except vehicles licensed as common carriers.
(3) (R. by Ord. 5013, 6-4-75)
(4) (R. by Ord. 5012, 6-4-75)
(5) At the intersection of Baldwin, Gorham and Johnson Streets when traveling east on Johnson Street, except that a turn from Johnson Street onto Baldwin Street shall not be prohibited hereby.
(6) At Breese Terrace and Regent Street when traveling west on Regent Street between 4:00 p.m. and 6:00 p.m. except Saturdays and Sundays.
(7) When emerging from the parking lot serving the Brittingham Park and bathhouse onto Brittingham Place.
(8) At Butler, King and Wilson Streets when traveling east on Wilson Street, except that a turn from Wilson Street onto Butler Street shall not be prohibited hereby.
(9) At Carroll, Mifflin and State Streets when traveling east on State Street, and when traveling east on Mifflin Street.
(10) At Chandler Street and Park Street when traveling north on Park Street between 4:00 p.m. and 6:00 p.m.
(11) At Charter Street and University Avenue when traveling south on Charter Street.
(12) At Charter Street and University Avenue when traveling east on University Avenue.
(13) At Dayton Street when traveling south on Park Street.
(14) At Dayton, Fairchild and State Streets when traveling west on Dayton Street and when traveling in either direction on State Street.
(15) At Dayton Street, Kedzie Street and Washington Avenue when traveling easterly or westerly on Washington Avenue.
(16) (R. by Ord. 10106, 9-12-90)
(17) At Fordem and Sherman Avenues when traveling north on Fordem Avenue.
(18) At Frances Street, Gilman Street and University Avenue when traveling south on Frances Street.
(19) At Henry, Johnson and State Streets when traveling west on State Street onto Henry Street.
(20) (R. by Ord. 7457, 6-25-81)
(21) At King, Main and Pinckney Streets when traveling west on Main Street.
(22) At Lake Street and University Avenue when traveling south on Lake Street.
(23) At Lake Street and University Avenue when traveling east on University Avenue.
(24) At Lewis Court when traveling east on Monroe Street.
(25) At Lorch Street and University Avenue when traveling south on Lorch Street.
(26) At Lorch Street and University Avenue when traveling east on University Avenue.
(27) When emerging from the parking lot serving the apartment building at 501 South Midvale Boulevard onto Caromar Drive.
(28) At Milwaukee Street when traveling west on East Washington Avenue.
(29) At Monroe Street and Randall Avenue when traveling north on Randall Avenue.
(30) At Monroe and Regent Streets when traveling east on Regent Street.
(31) At Monroe Street, Sheldon Street and Sprague Street when traveling in an easterly direction on Monroe Street between 7:00 a.m. and 9:00 a.m.
(32) At Murray Street and University Avenue when traveling south on Murray Street.
(33) At Murray Street and University Avenue when traveling east on University Avenue.
(34) (R. by Ord. 7637, 1-28-82)
(35) At Park and Regent Streets when traveling west on Regent Street between 3:00 p.m. and 6:00 p.m.
(36) At Park Street and University Avenue when traveling south on Park Street.
(37) At Park Street and University Avenue when traveling east on University Avenue.
(38) At Roby Road when traveling west on Regent Street.
(39) At Sixth Street and East Washington Avenue when traveling east on East Washington Avenue between 3:00 p.m. and 6:00 p.m.
(40) At Spooner Street when traveling west on Regent Street between 7:00 a.m. and 6:00 p.m., except

Saturdays and Sundays.
(41) At the intersection of University Avenue and the Hilldale Shopping Center entrance when traveling in a westerly direction on University Avenue.
(42) At East Washington Avenue and Sixth Street when traveling south on Sixth Street.
(43) At Atwood Avenue and Welch Avenue when traveling northwest on Atwood Avenue between 7:00 a.m. and 9:00 a.m.
(44) At Atwood Avenue and Center Avenue when traveling northwest on Atwood Avenue between 7:00 a.m. and 9:00 a.m.
(45) (R. by Ord. 11,073, 12-6-94)
(46) When emerging from the drive-up facility of Lot 5, University Addition of the City of Madison onto Park Street.
(47) At Conklin Place and Park Street when traveling east on Conklin Place.
(48) When emerging from the westerly parking lot serving the University of Wisconsin Field House onto Little Street.
(49) At Dickinson Street and Johnson Street when traveling west on Johnson Street between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m.
(50) At Jenifer Street and Williamson Street when traveling west on Jenifer Street except vehicles licensed as common carriers and bicycles.
(51) At Fish Hatchery Road and Brooks Street when traveling north on Fish Hatchery Road between 7:00 a.m. and 9:00 a.m.
(52) (R. by Ord. 6528, 2-23-79)
(53) At Fish Hatchery Road and Spruce Street when traveling north on Fish Hatchery Road between 7:00 a.m. and 9:00 a.m.
(54) At Fish Hatchery Road and Midland Street when traveling north on Fish Hatchery Road between 7:00 a.m. and 9:00 a.m.
(55) At Fish Hatchery Road and Wingra Drive when traveling north on Fish Hatchery Road between 7:00 a.m. and 9:00 a.m., except bicycles.
(56) At Dayton Street and Park Street when traveling east and west on Dayton Street.
(57) At Jenifer Street and Spaight Street when traveling west on Jenifer Street, except bicycles.
(58) At Baker Avenue and University Avenue when traveling north on Baker Avenue.
(59) At Baker Avenue and University Avenue when traveling west on University Avenue.
(60) At Jenifer Street and Williamson Street when traveling west on Williamson Street.
(61) At Few Street and Sherman Avenue when traveling south on Sherman Avenue between 7:00 a.m. and 9:00 a.m.
(62) At Hill Street, Shorewood Boulevard and University Avenue when traveling in a westerly direction on University Avenue.
(63) At Hillcrest Drive and Mineral Point Road when traveling east on Mineral Point Road between 7:00 a.m. and 9:00 a.m.
(64) At the driveway to 201 West Washington Avenue when traveling west on West Washington Avenue.
(65) At Whitney Way and the median break 496 feet north of Odana Road between 3:00 p.m. and 6:00 p.m.
(66) Reserved for Future Use.
(67) At Atwood Avenue and Dunning Street when traveling east on Atwood Avenue between 4:30 p.m. and 6:00 p.m."

2. Section 12.40 currently reads as follows:

"**12.40 RIGHT TURNS PROHIBITED AT CERTAIN LOCATIONS.** No operator of any vehicle shall make a right turn at any of the following locations when signs are erected and maintained indicating such prohibitions.
(1) (R. by Ord. 4343, 10-12-73)
(2) At Brooks Street and University Avenue when traveling north on Brooks Street.
(3) At Brooks Street and University Avenue when traveling east on University Avenue.
(4) At Charter Street and University Avenue when traveling north on Charter Street.
(5) At Charter Street and University Avenue when traveling east on University Avenue, except vehicles licensed as common carriers.
(6) At Frances Street and University Avenue when traveling north on Frances Street.
(7) At LaFollette Avenue and Winnebago Street when traveling west on LaFollette Avenue.
(8) At Lake Street and University Avenue when traveling north on Lake Street.
(9) At Lake Street and University Avenue when traveling east on University Avenue.
(10) At Lorch Street and University Avenue when traveling east on University Avenue.

(11) (R. by Ord. 7390, 4-13-81)
(12) At Mills Street and University Avenue when traveling north on Mills Street.
(13) At Mills Street and University Avenue when traveling east on University Avenue.
(14) At Murray Street and University Avenue when traveling north on Murray Street.
(15) At Murray Street and University Avenue when traveling east on University Avenue.
(16) At Orchard Street and University Avenue when traveling north on Orchard Street.
(17) At Orchard Street and University Avenue when traveling east on University Avenue.
(18) At Park Street and University Avenue when traveling north on Park Street, except vehicles licensed as common carriers.
(19) At Park Street and University Avenue when traveling east on University Avenue, except vehicles licensed as common carriers.
(20) At Randall Avenue and University Avenue when traveling north on Randall Avenue.
(21) At Randall Avenue and University Avenue when traveling east on University Avenue.
(22) At Livingston Street and Williamson Street when traveling easterly on Williamson Street between 4:00 p.m. and 6:00 p.m., except Saturdays, Sundays and holidays.
(23) At Jenifer Street and Williamson Street when traveling easterly on Williamson Street, except vehicles licensed as common carriers and bicycles.
(24) At Dayton Street and State Street when traveling west on Dayton Street, except buses.
(25) (R. by Ord. 7210, 1-29-81)
(26) At Jenifer Street and Spaight Street when traveling east on Jenifer Street, except bicycles.
(27) At Baker Avenue and University Avenue when traveling east on University Avenue.
(28) At Laurel Crest and University Avenue when traveling east on University Avenue.
(29) At Jenifer Street and Williamson Street when traveling west on Jenifer Street except vehicles licensed as common carriers and bicycles.
(30) At Old Middleton Road and Merrill Crest Drive when traveling east on Old Middleton Road between 7:00 a.m. and 9:00 a.m."

3. Sec. 25.01(11) currently reads as follows:

"(11) Sale of Handguns and Handgun Ammunition Unlawful.
(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.
(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.
(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.
(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.
(e) This Subsection (10) shall not be applicable in territory newly annexed to the City of Madison until thirty (30) days following the date of annexation or, in the case of an appeal, reinstatement of the annexation by the court.
(f) This Subsection (11) shall not be applicable to sales or other transfers of handguns and handgun ammunition during the Wisconsin Sport and Military Arms Show at the Ramada Inn (the former Holiday Inn Southeast) on September 15 and 16, 1995, and January 5 through 7, 1996 and March 15 through 17, 1996 only. This Subdivision (f) shall be repealed on March 18, 1996, without further action by the Council."

4. Sec. 39.03(4)(d)5. currently reads as follows:

"5. Notwithstanding the provisions contained in paragraph 1., a person may not evict a tenant or refuse to rent or lease residential property based on the fact that a tenant or prospective tenant or a member of the tenant's or prospective tenant's household has been or may be the victim of domestic abuse, as defined in Sec. 813.12(1)

(a), Wis. Stats., or has been a victim of a crime prohibited by Chapter 948, Wis. Stats.”

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