



Legislation Details (With Text)

File #: 20078 **Version:** 1 **Name:** 2010 City Attorney Adviser's Ordinance
Type: Ordinance **Status:** Passed
File created: 9/28/2010 **In control:** COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)
On agenda: 11/30/2010 **Final action:** 11/30/2010
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Title: Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2010 City Attorney Reviser's Ordinance.
Sponsors: Common Council By Request

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/30/2010	1	COMMON COUNCIL	Adopt	Pass
11/9/2010	1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/5/2010	1	COMMON COUNCIL	Referred	
9/28/2010	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2010 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. 8.24(1)(a), MGO, is amended to add "except" which was inadvertently struck in a prior revision.
2. Sec. 10.10(5), MGO, is amended to correct a typographical error.
3. Sec. 15.02(1), MGO, is amended to correct the Ward 1 legal description.
4. Sec. 15.06, MGO, consists of outdated ward descriptions and is repealed.
5. Sec. 25.025(5)(k), MGO, is repealed to update obscure and outdated language.
6. Sec. 32.04(4)(f)1.b., MGO, is repealed to eliminate obsolete language.
7. Sec. 38.06(11)(e), MGO, is amended to correct an outdated reference to the MGO's.

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

1. 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 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;"

2. Subsection (5) of Section 10.10 entitled "Installation of Street Trees" of the Madison General Ordinances is amended to read as follows:

"(5) A notice shall be published in the official newspaper stating that the City Forester proposes to plant and assess street trees to each of the benefited properties and that the ~~Special Assessment Review Committee~~ Street Tree Review Committee will hold public hearings on the selection, planting and assessments. The Street Tree Review Committee shall be made up of a member of the Park Commission designated by the President of the Park Commission, the Parks Superintendent and another City employee who is not the City Forester. Such notice shall be published as a Class 1 notice, under Chapter 985, Wis. Stats., ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10), and not more than forty (40) days after such publication."

3. Subsection (1) entitled "Ward 1" of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is amended to read as follows:

"(1) Ward 1. Beginning at a point in the limits line of the City of Madison, said point being the point of intersection of the West right-of-way line of Interstate Highway 90 and the North line of the SE 1/4 of the SW 1/4 of Section 23, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Femrite Drive); thence Westerly along the centerline of Femrite Drive to the centerline of Agriculture Drive; thence Northerly along the centerline of Agriculture Drive to the centerline of Pflaum Road; thence Easterly and Northerly along the centerline of Pflaum Road and the centerline of Vondron Road to the centerline of the right-of-way of the Chicago & Northwestern Railroad; thence Northwesterly along the centerline of said right-of-way to the centerline of East Buckeye Road; thence Westerly along the centerline of East Buckeye Road to the centerline of South Stoughton Road (U.S. Highway 51); thence Southerly along the centerline of South Stoughton Road to the point of intersection with the Easterly prolongation of the centerline of Allis Avenue; thence Westerly along said Easterly prolongation and the centerline of Allis Avenue and the centerline of West Lakeview Avenue to the centerline of East Dean Avenue; thence Southerly and Westerly along the centerline of East Dean Avenue to the West line of Section 16, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Monona Drive and the limits line of the City of Madison and the City of Monona); thence Southerly on the West line of said Section 16 to the North line of Section 21, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Pflaum Road); thence Easterly along the centerline of Pflaum Road to the point of intersection with the Northerly prolongation of the East line of Lot 24, Block 2, Ace View Plat, City of Madison, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the East line of said Lot 24 to the North line of Lot 25, Block 2, said Ace View Plat; thence Easterly along the North line of said Lot 25 to the East line of said Lot 25; thence Southerly along the East line of Lots 25 through 36, inclusive, Block 2, said Ace View Plat and the Southerly prolongation of the East line of said Lot 36 to the centerline of Acacia Lane; thence Westerly along the centerline of Acacia Lane to the point of intersection with the Northerly prolongation of the East line of Lot 1, Block 1, said Ace View Plat; thence Southerly along said Northerly prolongation and the East line of said Lot 1 to the Southeast corner of said Lot 1, thence Westerly along the South line of said Lot 1 and the Westerly prolongation of the South line of said Lot 1 to the centerline of Monona Drive; thence Southerly along the centerline of Monona Drive to the centerline of Tompkins Drive; thence Easterly along the centerline of Tompkins Drive to the point of intersection with the Northerly prolongation of the East line of Lot 13, Assessor's Plat No. 8, Town of Blooming Grove, Dane County, Wisconsin; thence Southerly along said Northerly prolongation and the East line of Lots 13 through 16, inclusive, said Assessor's Plat No. 8 and the Southerly prolongation of the East line of said Lot 16, and the East line of Lot 17, said Assessor's Plat No. 8 to the South line of the Crestview Heights Plat, City of Madison, Dane County, Wisconsin, thence Easterly along the South line of said Crestview Heights Plat to the West line of First Addition to Highwood Plat, City of Madison, Dane County, Wisconsin; thence Southerly along the West line of said First Addition to Highwood Plat to the South line of said First Addition to Highwood Plat; thence Easterly along the South line of said First Addition to Highwood Plat and the South line of the Glenview Woods Plat, City of Madison, Dane County, Wisconsin and the Easterly prolongation of the South line of said Glenview Woods Plat to the

West line of Lot 1, Certified Survey Map 996; thence Southerly along the West line of said Lot 1 and the Southerly prolongation of the West line of said Lot 1 to the centerline of Femrite Drive; thence, Southeasterly along the centerline of Femrite Drive to the point of intersection with the Southwesterly prolongation of the Northeast line of said Lot 1; thence Northeasterly along said Southwesterly prolongation and the Northeast line of said Lot 1 (also the Northwest line of Onderdonk Oaks Estates Plat, City of Monona, Dane County, Wisconsin) to the North line of the SE 1/4 of Section 21, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin; thence Easterly along the North line of the SE 1/4 of said Section 21 (also the North line of said Onderdonk Oaks Estates Plat) to the centerline of South Stoughton Road (U.S. Highway 51 and the limits line of the City of Madison); thence Southerly, Westerly and Southerly along said limits line to the point of intersection of the shoreline of Upper Mud Lake and the South line of the NE 1/4 of Section 28, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin; thence Easterly along the South line of the NE 1/4 of said Section 28 and the South line of the NW 1/4 of Section 27, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin (also the centerline of Voges Road) to the West line of the SE 1/4 of said Section 27; thence Southerly along the West line of the SE 1/4 of said Section 27 and the West line of the NE 1/4 of Section 34, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin to the South line of the NE 1/4 of said Section 34; thence Easterly along the South line of the NE 1/4 of said Section 34 (also the centerline of Siggelkow Road) to a point which is 684.07 feet more or less west of the Southeast corner of the NE 1/4 of Section 34; thence N0°40'E, 178.0'; thence West parallel to the said South quarter line 19.5 feet; the West line of the E 1/2 of the E 1/2 of the NE 1/4 of said Section 34; thence Northerly along said West line to a point, said point being 612.73 feet North of the South line of the NE 1/4 of the NE 1/4 of said Section 34; thence Easterly 825.53 feet to the centerline of Marsh Road; thence Southerly along the centerline of Marsh Road to the South line of the NW 1/4 of Section 35, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin; thence Easterly along the South line of the NW 1/4 of said Section 35 (also the centerline of Siggelkow Road) to the East line of the W 1/2 of the NW 1/4 of said Section 35; thence Northerly along the East line of the W 1/2 of the NW 1/4 of said Section 35 (also the West line of the April Hill Plat, Town of Blooming Grove, Dane County, Wisconsin) to the South line of Section 26, Town of Blooming Grove, Dane County, Wisconsin; thence Westerly along the South line of said Section 26 to the Southwest corner of said Section 26; thence Northerly along the West line of said Section 26 to the Northwest corner of the SW 1/4 of said Section 26 and the limits line of the City of Madison; thence Easterly, Southerly, Westerly and Southerly along said limits line to the Northwest corner of Lot 1, Certified Survey Map 4003; thence Easterly along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence Southerly along the East line of Lots 1, 2 and 3, said Certified Survey Map 4003 to the Southeast corner of said Lot 3; thence Westerly along the South line of said Lot 3 to the East line of Marsh Road; thence Southerly along the East line of Marsh Road to the North line of Lot 1, Certified Survey Map 4252; thence Easterly along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence Northerly along the Northerly prolongation of the East line of said Lot 1 to the North line of the S 1/2 of the SW 1/4 of said Section 26; thence Easterly 1,765.09 feet along said North line; thence Southerly 1,330.47 feet along a line parallel to the West line of said Section 26 to the South line of said Section 26 (also the North line of the First Addition to April Hill Plat, Town of Blooming Grove, Dane County, Wisconsin); thence Easterly along the South line of said Section 26 to the West line of the SE 1/4 of said Section 26; also the N 1/4 corner of said Section 35; thence S01°29'26"E along the West line of the NE 1/4 of said Section 35, 2654.55 feet, more or less, to the SW corner of the NE 1/4 of said Section 35; thence N87°18'38"E, 612.29 feet along the South line of the NE 1/4 of said Section 35; thence N00°49'53"E, 233.68 feet; thence N87°46'50"E, 110.11 feet; thence N03°32'48"E, 84.97 feet; thence S88°56'22"E, 165.26 feet; thence S02°30'12"E, 306.00 feet to the South line of the NE 1/4 of said Section 35; thence N87°18'38"E, 1074.90 feet, more or less, along said South line to the East line of the W 1/2 of the SE 1/4 of the NE 1/4 of said Section 35; thence N01°24'52"W, 2650.62 feet, more or less, along the East line of the W 1/2 of the SE 1/4 of the NE 1/4, and the East line of the W 1/2 of the NE 1/4 of the NE 1/4 of Section 35 to the South line of the SE 1/4 of thence S87°25'32"W, along said South line, 997.41 feet to the East line of the W 1/2 of the E 1/2 of the SW 1/4 of the SE 1/4 of said Section 26; thence N00°11'47"W, along said East line, 1331.03 feet, more or less, to the North line of the SW 1/4 of the SE 1/4 of said Section 26; thence S87°28'50"E,

along said North line, 998.47 feet, more or less, to the NW corner of the SW 1/4 of the SE 1/4 of said Section 26; thence Northerly along the West line of the SE 1/4 of said Section 26 to the Southwest right-of-way line of Interstate Highway 90; thence Southeasterly along the Southwest right-of-way line of Interstate Highway 90 to the point of intersection with the Westerly prolongation of the South line of Lot 10, Blooming Grove Assessor's Plat No. 10, Dane County, Wisconsin; thence Easterly along said Westerly prolongation to the Northeast right-of-way line of Interstate Highway 90; thence Southeasterly along the Northeast right-of-way line of Interstate Highway 90 to the East line of Section 26 and the limits line of the City of Madison; thence Southerly, Easterly and Northerly along said limits line to the Southeast corner of Section 25, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, thence Northerly along the East line of said Section 25 (also the centerline of Brandt Road and County Trunk Highway "AB") to the South line of the N 1/2 of the NE 1/4 of said Section 25 and the limits line of the City of Madison; thence Westerly, Northerly, Westerly, Northerly and Westerly along said limits line to the Northwest corner of said Section 25; thence Southerly, Easterly Southerly and Westerly along said limits line to the point of intersection with the Northerly prolongation of the East line of Lot 3, said Blooming Grove Assessor's Plat No. 10; thence Southerly along said Northerly prolongation and the East line of said Lot 3 to the Southeast corner of said Lot 3; thence Westerly 55.0 feet along the South line of said Lot 3 (also the North line of Millpond Road); thence Southerly 70.0 feet to the South line of Millpond Road; thence Easterly and Southeasterly along the South line of Millpond Road to the Northwest line of Savannah Road; thence Southwesterly along the Northwest line of Savannah Road to the Southeast corner of Lot 6, said Blooming Grove Assessor's Plat No. 10; thence N57°44'36"W, 330.45 feet; thence N02°14'32"E, 62.20 feet; thence N87°45'28"W, 266.27 feet; thence S02°14'32"W, 54.49 feet to the Southeast corner of Lot 13, said Blooming Grove Assessor's Plat No. 10; thence Southwesterly along the Southeast line of said Lot 13 to the Southwest line of said Lot 13 (also the Northeast line of Evan Acres Road); thence Northwesterly and Northerly along the Northeast line of Evans Acres Road to the point of intersection with the Southeasterly prolongation of the Southwest line of Lot 1, Certified Survey Map 729; thence Northwesterly along said Southeasterly prolongation and the Southwest line of said Lot 1 to the Northwest corner of said Lot 1 and the limits line of the City of Madison; thence Northerly, Westerly, and Northerly to a point of intersection with the Northwesterly right-of-way line of Interstate Highway I-90; thence N00°15'00"E, 1055.50 feet, more or less, along the West line of Certified Survey Map No. 1495 to a point which is 110 feet South of measured at right angles to the North line of the SE 1/4 of the SW 1/4 of Section 23, T7N, R10E; thence Easterly, 325.35 feet, more or less, along a line that is parallel to and 110 feet South of measured at right angles to, the North line of the SE 1/4 of the SW 1/4 of said Section 23 to its point of intersection with the West line of Lot 2, Certified Survey Map No. 1495 and the point of beginning; thence S00°15'W, along the West line of Lot 2, Certified Survey Map No. 1495, 347.72 feet, more or less, to the SW corner of said Lot 2, Certified Survey Map No. 1495; thence S89°45'E, along the South line of Lot 2, Certified Survey Map No. 1495, 225.00 feet, more or less, to the SE corner of said Lot 2; thence S00°15'W, along the Southerly extension of the Westerly line of Lot 3 of Certified Survey Map No. 1495, 254.36 feet, more or less, to its point of intersection with the Northwesterly right-of-way of Interstate Highway I-90; thence Northeasterly along the Northwesterly right-of-way line of Interstate Highway I-90, 250.08 feet, more or less, to the SE corner of Lot 3, Certified Survey Map No. 1495 and a point of curve on the right-of way of Interstate Highway I-90; thence continue along the Easterly line of Lot 3, Certified Survey Map No. 1495 and the Westerly right-of-way line of Interstate Highway I-90 on the arc of a 700 foot radius curve to the left, convex to the Southeast, whose long chord bears N27°45'29"E, 533.55 feet, more or less, to the corner of the existing city limits of the City of Madison which is 110 feet South of, measured at right angles to the North line of the SE 1/4 of the SW 1/4 of said Section 23; thence Northerly 90.00 feet to the centerline of Femrite Drive, also the North line of the SE 1/4 of the SW 1/4 of Section 23, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin, the point of beginning. Also, in addition, lands remaining in the City of Madison and located South of Siggelkow Road in Section 35, T7N, R10E, Town of Blooming Grove, Dane County, Wisconsin pursuant to Detachment Ordinance No. 12,040, ID No. 22886, adopted on February 17, 1998, identified on Exhibit A as Parcels 1 and 2, also known as 5313 Marsh Road, Parcel No. 0710-353-0097-1, and 5325 Marsh Road, Parcel No. 0710-353-0094-7; and Village of McFarland ordinance No. 98-03, adopted on February 23, 1998. Polling

place at Glendale Elementary School, 1201 Tompkins Drive.”

4. Section 15.06 entitled “Present Aldermanic Districts” of the Madison General Ordinances is hereby repealed.

5. Subdivision (k) of Subsection (5) entitled “Exceptions” of Section 25.025 entitled “Possession of Assault Weapons Prohibited” of the Madison General Ordinances is hereby repealed.

6. Subparagraph (b) of Paragraph 1. of Subdivision (f) entitled “Petition for Reconsideration” of Subsection (4) entitled “Authorization of Rent Abatement” of Section 32.04 entitled “Rent Abatement” of the Madison General Ordinances is hereby repealed.

7. Subdivision (e) entitled “Under Age On Premise” of Subsection (11) entitled “21 + Entertainment License” of Section 38.06 entitled “General Provisions and Hours” of the Madison General Ordinances is amended to read as follows:

“(e) Under Age On Premise. An establishment that does not meet the definition of a restaurant as defined in Sec. 38.02, MGO, may not allow patrons under the age of 21 on their premise unless they do so pursuant to any of the circumstances enumerated in Sec. ~~28.04(3)~~38.04(2) & (3), MGO. An establishment holding a Class “B” and/or “Class B” license and a restaurant permit and who meets the definition of a “restaurant” in Sec. 38.02, Madison General Ordinances, shall, for times when its primary business is entertainment, submit a plan to the Madison Police Department and the Alcohol License Review Committee that details the establishments plan for identifying patrons under the age of twenty-one (21) and a specific plan as to how they will enforce drinking-age requirements. When the establishment’s principal business, as that term is defined in Wis. Stat. § 125.02(15m), is entertainment, no patrons under the age of eighteen (18) shall be allowed on the licensed premises unless they are accompanied by a parent, legal guardian, or spouse who is of legal drinking age.”

EDITOR’S NOTE:

1. Sec. 15.06, MGO, contained outdated Aldermanic Districts which were ineffective after the 2003 elections.

2. Sec. 25.025(5)(k), MGO, currently reads as follows:

“(k) Any prohibited assault weapon displayed, purchased or sold at 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, as long as:

1. The prohibited assault weapon is transported directly to the show no earlier than twenty-four (24) hours before each show as indicated by the dates listed above;
2. The prohibited assault weapon is stored on the Ramada Inn premises at all times until it is transported directly out of the city; and
3. The prohibited assault weapon is transported directly out of the City no later than twenty-four (24) hours after each show.

This Subdivision (k) shall be repealed on March 18, 1996, without further action by the Council.”

3. Sec. 32.04(4)(f)1.b., MGO, currently reads as follows:

“b. where the landlord’s or tenant’s failure to appear at the hearing was due solely to extraordinary, justifiable and unforeseeable circumstances beyond her or his control, which circumstances prevented attendance at the hearing. Petitions for reconsideration based on a tenant’s or landlord’s failure to appear must contain a sworn, notarized statement describing factually and in detail those extraordinary circumstances which caused the petitioner’s non-appearance. In addition, said petition must be received by the Building Inspection Division by 4:30 p.m. on the first business day following the hearing date or be deemed untimely. This subparagraph b. shall be automatically repealed one year from the date of its publication.”