



Legislation Details (With Text)

**File #:** 46996      **Version:** 2      **Name:** Changing the deadline for filing, changing & withdrawing a protest petition

**Type:** Ordinance      **Status:** Passed

**File created:** 4/24/2017      **In control:** PLAN COMMISSION

**On agenda:** 5/2/2017      **Final action:** 6/6/2017

**Enactment date:** 6/20/2017      **Enactment #:** ORD-17-00053

**Title:** SUBSTITUTE Amending Sections 28.182(5)(c)4.of the Madison General Ordinances to change the deadline for filing, changing, and withdrawing a protest petition.

**Sponsors:** Ledell Zellers, Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. Planning Division Staff Report, 2. Version 1

Date	Ver.	Action By	Action	Result
6/6/2017	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
6/6/2017	2	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - PUBLIC HEARING	Pass
5/22/2017	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
5/2/2017	1	COMMON COUNCIL EXECUTIVE COMMITTEE	Refer	
5/2/2017	1	COMMON COUNCIL	Refer	Pass
4/24/2017	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No fiscal impact.

**Title**

SUBSTITUTE Amending Sections 28.182(5)(c)4.of the Madison General Ordinances to change the deadline for filing, changing, and withdrawing a protest petition.

**Body**

DRAFTER'S ANALYSIS: Currently, Sec. 28.182(5)(c)4.c., MGO, requires that a protest petition be filed by noon on the Thursday preceding final Common Council consideration of a zoning map amendment. This ordinance changes that deadline to noon on the Monday before the proposed map amendment is initially set for final Common Council consideration.

This change will allow individuals wishing to protest a zoning map amendment three additional days to compile their petition. Furthermore, by including the requirement that they be filed before the proposed amendment is initially set for final Common Council consideration, this ordinance also eliminates the possibility that additional protest petitions can be filed if, for some reason, the proposed map amendment is referred to a future meeting. Consistent with these changes, this ordinance also changes the deadline for withdrawing a protest petition and provides a deadline for making any changes to a petition. While these changes give petitioners more time to file a petition, they potentially to leave staff with even less time before the Common Council meeting to determine if a petition is valid. Thus, this ordinance also provides that if a protest petition is filed after noon on the Thursday before the Common Council meeting the matter shall be automatically referred to the next

Common Council meeting so that staff has enough to time to determine if the petition is valid.

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

Paragraph 4. entitled "Protest Petition Procedure" of Subdivision (c) entitled "Protest Petition" of Subsection (5) entitled "Decision" of Section 28.182 entitled "Text and Map Amendments" of the Madison General Ordinances are amended to read as follows:

- "4. Protest Petition Procedure.
- a. If a protest is commenced under this Subdivision, the following procedure must be used in order for the protest petition to be accepted as valid by the City.
  - b. Each protest petitioner must date and acknowledge her/his signature in compliance with Wis. Stat. § 706.07, Uniform Acknowledgment Act. The protest petitioner shall either sign in the presence of a notary public or other officer as specified in WSA § 706.07(2) or shall personally appear before the notary public or other officer and acknowledge his or her prior signing.
  - c. Protest petitions shall be delivered to the City Clerk no later than noon on the ThursdayMonday before the proposed map amendment is initially set for final Common Council consideration.
  - d. ~~If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional protest petitions may be again filed with the City Clerk until noon on the ThursdayMonday before the meeting at which the Common Council again proposes to act upon the map amendment.~~
  - ed. If a protest petition is filed after noon on the Thursday before the proposed map amendment is initially set for final Common Council consideration, the matter shall be referred to the next Common Council meeting.
  - e. The same day the petitions are received, the City Clerk shall make copies of the petitions and forward these copies to the Department of Planning and Community and Economic Development.
  - f. The Department of Planning and Community and Economic Development shall compute the protest petitions and inform the Common Council concerning the percentage of protesters by the end of three (3) business days following the filing of the petition, and shall provide its findings in writing to the Mayor, Common Council and City Clerk.
  - g. Any changes to a timely-filed protest petition shall be made by noon on the Thursday before the meeting to which the Common Council referred the proposed map amendment must comply with the requirements of sub. (b) above, and may not serve as a basis for referral of the questiong. Although protesters may exercise their rights to subsequently withdraw their names from a protest petition, the withdrawal must be signed, dated and acknowledged and the form of the acknowledgement must also comply with Wis. Stat. § 706.07. Withdrawals must be submitted to the City Clerk by noon on the Monday ~~Friday before~~ before final Common Council consideration. If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional withdrawals may be again filed with the City Clerk until noon on the ~~Friday before~~ Monday before the Common Council again proposes to act upon the map amendment."