



## Legislation Details (With Text)

**File #:** 51583      **Version:** 1      **Name:** Family definition  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/8/2018      **In control:** Attorney's Office/Approval Group  
**On agenda:** 10/16/2018      **Final action:** 10/16/2018  
**Enactment date:** 10/24/2018      **Enactment #:** ORD-18-00102  
**Title:** Amending Section 27.03(2) of the Madison General Ordinances to conform the definition of "Family" to that defined in Section 28.211, MGO.  
**Sponsors:** Michael E. Verveer  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
10/16/2018	1	COMMON COUNCIL	Adopt	Pass
9/18/2018	1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
7/17/2018	1	BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD	Reconsider	
5/15/2018	1	COMMON COUNCIL	Refer	Pass
5/8/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No City appropriation required.

### Title

Amending Section 27.03(2) of the Madison General Ordinances to conform the definition of "Family" to that defined in Section 28.211, MGO.

### Body

DRAFTER'S ANALYSIS: This amendment is designed to conform the definition of "Family" within the Minimum Housing and Property Maintenance Code to the definition of "Family" in the Zoning code.

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

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

1. Subsection (2) of Section 27.03, entitled "Rules and Definitions" of the Madison General Ordinances is amended to read as follows:

(2) Family. ~~A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children~~

~~of each. Such family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship. See definition of "Family" in Sec. 28.211, MGO.~~

EDITOR'S NOTE: Section 28.211, "Family" currently reads as:

"Family.

- (a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:
  - 1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
  - 2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
  - 3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
  - 4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.
- (b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit.  
Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;
- (c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied."