



Legislation Text

File #: 24293, Version: 1

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 2011 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 Sec. 2.36, MGO, is amended to correct an outdated reference to the MGO's.
2. Sec. 4.09(1), MGO, is amended to correct an outdated reference to the Wisconsin Statutes.
- 3.-6. Secs. 4.09(5), (7), (8), and (13), MGO, are amended to update obscure and outdated language.
7. Sec. 12.76(4)(f), MGO, is amended to correct an outdated reference to the MGO's.
8. Sec. 31.045(3)(j), MGO, is amended to correct an outdated reference to the MGO's.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. Section 2.36 entitled "Council Proceedings" of the Madison General Ordinances is amended to read as follows:

"2.36 COUNCIL PROCEEDINGS. As provided in Section ~~3.133~~3.05 of these ordinances, the City Clerk shall be responsible for the publication, filing, indexing and safekeeping of all proceedings of the Common Council. As further provided in Section 3.70(2) of these ordinances, the City Clerk is the legal custodian of the records of the Common Council.

As required by Wis. Stat. § 62.09(8)(c), the Clerk shall submit all acts of the Council to the Mayor for his/her approval or disapproval."

2. Subsection (1) of Section 4.09 entitled "Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services" of the Madison General Ordinances is amended to read as follows:

"(1) It shall be the policy of the City of Madison to protect the health, safety and property of its citizens and promote the general welfare through the installation, construction or reconstruction of public sanitary sewers and appurtenances; storm sewers and appurtenances; public streets including sidewalks, or transit or pedestrian malls, landscaping, street lights and associated amenities; major transportation structures such as highway interchanges, ramps, medians, traffic turn bays, overpasses, underpasses, segregated transportation corridors such as bike paths, pedestrian walkways, and bus lanes; and assessing all or a portion of the cost to benefiting properties. In doing so, the City of Madison recognizes that it has historically financed the cost of these needed public improvements by special assessments to benefited properties and that fairness and reasonableness dictates that when these improvements are constructed or reconstructed they should be financed in like fashion. The construction and reconstruction of sanitary sewers and appurtenances, streets including sidewalks constructed or reconstructed as a part of street improvements and related landscaping and amenities may be charged in whole or in part to the property benefited thereby in accordance with the provisions of Wis. Stat. § 66.0701, except that, the assessment for highways on or across town or city boundaries shall be in accordance with Wis. Stat. § ~~66.0705~~66.0707."

3. Subdivision (5) of Section 4.09 entitled "Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services" of the Madison General Ordinances is amended to read as follows:

“(5) A notice shall be published in the official newspaper stating that the designated municipal official or employee has prepared the required report and that the Board of Public Works will hold a public hearing on the installation and assessments. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, and mailed 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) days and not more than forty (40) days after such publication and mailing.”

4. Subdivision (7) of Section 4.09 entitled “Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services” of the Madison General Ordinances is amended to read as follows:

“(7) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the designated City official or employee’s report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class I notice, under Wis. Stat. ch. 985, in the official newspaper and a copy of such notice shall be mailed 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 and mailing.

5. Subsection (8) of Section 4.09 entitled “Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services” of the Madison General Ordinances is amended to read as follows:

“(8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove, modify, or rerefer the report to the Board of Public Works with such directions as it deems necessary. Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date. A copy of the resolution adopted by the Common Council shall be mailed to every interested person whose ~~post-office-box~~address is known or can be ascertained with reasonable diligence.”

6. Subsection (13) of Section 4.09 entitled “Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services” of the Madison General Ordinances is amended to read as follows:

“(13) Special charges for current services rendered may be imposed through the allocation of all or part of the cost to the property served. Such current services may include without limitation because of enumeration, subdivision service costs under Sec. 16.23(9)(e), unpaid public facilities impact fees imposed under Chapter 20, MGO, mall-concourse special maintenance, street sprinkling, oiling and tarring, sealcoating and dust control, repair of sidewalks, curbs or gutters, garbage and refuse disposal, street lighting and/or traffic signal operation and maintenance, financing of lead service replacement for those property owners which meet the criteria of Sec. 4.082, MGO, and tree care. The amount to be charged may include direct and indirect costs, including the resulting damages, if any, interest on City funds used in anticipation of the collection of the special charges, a reasonable charge for administrative staff services, any architectural, engineering and legal services costs, and any other item of direct or indirect cost reasonably attributed to the work or services rendered. The amount to be charged against all property for the work or services rendered may be apportioned among the individual parcels served. For street sprinkling, oiling and tarring, sealcoating and dust control, and repair of sidewalks, curbs or gutters, unless notice and hearing is waived in writing as provided above, a notice shall be published in the official newspaper that the Common Council will hold a public hearing regarding the establishment of special charges for current services. Such notice shall be published as a Class I notice under Wis. Stat. ch. 985, and a copy of the notice shall be mailed to every interested person whose ~~post-office-box~~ 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 and mailing. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed at the cost of the property owner, at which hearing anyone interested will be heard. For all other types of special charges, no public hearing is required and notice shall be as provided on the billing of the special charge. Such special charges

shall not be payable in installments. If not paid within the period prescribed on the billing, such delinquent special charges shall become a lien as provided in Wis. Stat. § 66.0627(4) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges.”

7. Subdivision (f) of Subsection (4) entitled “Parking” of Section 12.76 entitled “Special Rules Applicable To Bicycles” of the Madison General Ordinances is amended to read as follows:

“(f) Mopeds shall comply with this subsection, pursuant to Sec. 346.54(1)(e), Wis. Stats., ~~and Madison General Ordinances Sec. 12.126(1)(g).~~”

8. Subdivision (j) entitled “Signs on Bridges and Overpasses” of Subsection (3) entitled “Hazardous or Prohibited Signs, Structures and Conditions” of Section 31.045 entitled “Unsafe and Unlawful Signs and Structures” of the Madison General Ordinances is amended to read as follows:

“(j) Signs on Bridges and Overpasses. No person shall display, place, erect, post, maintain, install, affix, or carry any sign, including a hand-carried sign, on any portion of a vehicular or pedestrian bridge or overpass that passes over a freeway or expressway as defined in Wis. Stat. § 346.57, or a controlled access highway as defined in Wis. Stat. § 990.01, when such highway has a speed limit of more than 40 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government, provided that such sign is visible from such freeway, expressway or controlled access highway.

This paragraph shall not apply to “official traffic control devices” as defined in Wis. Stats. § 340.01(38), (2005-06) and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way. Nothing in this subsection shall be construed to limit or restrict the application of Secs. 31.045(23)(b) and (c) of this ordinance, Wis. Stat. ch. 86 and any applicable regulations created by the Department of Transportation pursuant to that chapter, or any other federal, state or local law that prohibits or restricts the placement of signs in highways or other right-of-ways.”