



## Legislation Text

File #: 35480, 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 2014 City Attorney Revisor'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 in this ordinance are as follows:

1. Sec. 1.01(13), MGO, is created to clarify that references to the Wisconsin Statutes are referring to the most current version of the statutes.
2. Sec. 2.18, MGO, is amended to clarify that, with specified exceptions, an absence or abstention or vacancy does not change the affirmative votes needed to adopt a matter.
3. Sec. 28.183(5)(b)9., MGO, is amended to eliminate confusion as to when a person may appeal to circuit court a conditional use decision by the Council.
4. Sec. 29.10(1), MGO, is amended to correct an obsolete reference.
5. Sec. 8.24(1)(ee), MGO, is repealed to eliminate outdated text.
6. Sec. 8.24(1)(ff), MGO, is repealed to eliminate outdated text.

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

1. Subsection (13) entitled "References to Wisconsin Statutes" of Section 1.01 entitled "Construction of Ordinances" of the Madison General Ordinances is created to read as follows:  
"(13) References to Wisconsin Statutes. A reference to the Wisconsin State Statutes shall be construed to mean the most recent version of cited statute."
2. Section 2.18 entitled "Majority Vote of All Members Required" of the Madison General Ordinances is amended to read as follows:

#### **"2.18 MAJORITY VOTE OF ALL MEMBERS REQUIRED.**

- (1) All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Common Council unless an extraordinary vote is required by law. When an extraordinary vote is required, the respective extraordinary majority shall be of all the members of the Common Council. This rule is subject to the exceptions set out in Secs. 2.13(2), 2.185, 9.21(4)(g), 28.182(6)(c), MGO.
- (2) Except as specifically provided in these ordinances or state law, an absence, abstention, vacancy or other failure to vote does not change the number of votes for a majority or super-majority vote.
3. Paragraph 9. of Subdivision (b) entitled "Appeal From Action by Plan Commission" of Subsection (5) entitled "Decision" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances is amended to read as follows:  
"9. Any person aggrieved by the decision of the Common Council or any alderperson, officer, department, board or bureau of the City, may, within thirty (30) days after the decision is filed in the office of the City Clerk published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari."
4. Subsection (1) of Section 29.10 entitled "Occupancy of Streets or Other Public Areas" of the Madison General Ordinances is amended to read as follows:

“(1) Application to place material or machinery for ninety (90) days or less , or, in the case of 1 and 2 family homes where there is a formal recycling program, for one hundred twenty (120) days or less, on or over streets, sidewalks, alleys or public grounds shall be in writing and shall describe the premises by lot, block and street on or over which such material or machinery is desired to be placed and shall specify the character of the material for which the permit is desired; and shall apply for a permit and pay fees pursuant to Sec. 29.07(3)(fe), Madison General Ordinances, if the portion of the street to be occupied has established on-street meter parking.”

5. Subdivision (ee) 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 hereby repealed.

6. Subdivision (ff) 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 hereby repealed.

EDITOR’S NOTE:

Sections 8.24(1)(ee) and (ff) currently read as follows:

“(ee) Olbrich Park, except for the Olbrich Botanical Gardens, and, for other areas of Olbrich Park, with the prior approval of the Parks Division or the Parks Superintendent. This ordinance shall expire September 30, 2013.

(ff) Reindahl Park, except with the prior approval of the Parks Division or the Parks Superintendent. This ordinance shall expire September 30, 2013.”