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Memorandum

To: Common Council
From: Brian Running
Re: Amending Council Rules Regarding Origination of Ordinances

Council Rule 7 was created a few years ago to set the procedure for “readings” of ordinances. Rule 7 says that the first of three required readings of ordinances that amend the municipal code takes place when the ordinance is introduced at the O&L Committee. However, zoning code and fire safety code amendments require the Plan Commission’s review, by state law. The City’s practice has been for those ordinances to originate at Plan Commission and then go straight from Plan Commission to Council, and not to O&L. Current Rule 7 does not correspond with that practice. The conflict between our established practice and current Rule 7 could be corrected in one of two ways – either require zoning and fire safety code ordinances to go from Plan Commission to O&L before going to Council, or change Rule 7 so the first reading of those ordinances takes place at Plan Commission.

Thinking about this triggered a review of the whole code amendment process in general. The purpose of committees is for the committee to analyze an issue and make a recommendation to the Council. To maximize the value of the committee’s recommendation, the committee should have some expertise in the area being analyzed. The O&L Committee’s particular area of expertise is alcohol licensing, and licensing in general to a lesser extent. It does not have any particular expertise in other areas, but other City committees, boards, and commissions do have particular expertise. It makes sense to have ordinances originate before the bodies that have some expertise and can give valuable input.

This proposal is to amend Rule 7 to do that. It would provide for the “first reading” of ordinances affecting certain code chapters to take place at the Plan Commission, Board of Public Works, Transit Commission, or Finance Committee, and not at O&L. The Code chapters would be assigned as follows:

Plan Commission

- Chapter 16, Building
- Chapter 17, Property Maintenance
- Chapter 18, Electrical
- Chapter 19, Plumbing
- Chapter 20, Heating, Ventilation, and Air Conditioning
- Chapter 21, Fire Prevention
- Chapter 22, Zoning

Chapter 23, Subdivision and Platting
Chapter 24, Floodland Zoning
Chapter 27, Signs and Outdoor Advertising
Chapter 28, Landmarks Commission

Board of Public Works

Chapter 6, Streets and Sidewalks
Chapter 29, Sanitary Sewer Use and Wastewater Treatment
Chapter 32, Storm Water Management and Erosion Control

Transit Commission

Chapter 31, Mass Transit

Finance Committee

Chapter 4, Finance and Taxation

These ordinances would then go to the Council, rather than O&L. O&L would originate all other ordinances amending the Code.

This change would help to ensure that valuable input is gained early in the code creation and revision process, when it is most useful. It will aid efficiency because ordinances will follow a more linear path from creation to passage, without having to detour from O&L off to other bodies for their input. It would lessen O&L's workload somewhat, but because ordinances affecting the listed chapters are not common, it would not be great difference. What it would do is originate ordinances at the bodies that have some expertise and responsibility for the subject matter, which is just a good idea for efficient city government.

This proposal has been reviewed and approved by all affected staff and by O&L. It is sponsored by Council Members McElderry and Halvensleben.

Attached are a redline and clean draft of the proposed amendments to Rule 7.

7. Readings of Ordinances Procedure for Ordinances Amending the Municipal Code.

7.1 All proposed ordinances creating, amending, or repealing a Municipal Code provision shall originate in the following bodies:

7.1.1 Plan Commission – Ordinances affecting Chapters 16 through 24, 27, and 28.

7.1.2 Board of Public Works – Ordinances affecting Chapters 6, 29, and 32.

7.1.3 Transit Commission – Ordinances affecting Chapter 31.

7.1.4 Finance Committee – Ordinances affecting Chapter 4.

7.1.5 Ordinance and License Committee – Ordinances affecting all other Chapters of the Municipal Code.

7.2 All proposed ~~ordinances~~ ~~creation~~, ~~amendment~~, or ~~repeal~~ of a Municipal Code provision shall receive no ~~less~~ ~~fewer~~ than three readings before final passage by the Council. The readings shall consist of the following:

7.2.1 ~~The first reading shall take place when the proposed ordinance is presented to the bodies referred to in section 7.1. Those bodies shall make their recommendation to the Common Council concerning the proposed ordinance after the first reading. The first reading shall consist of a notice in a Common Council agenda of the proposed creation, amendment, or repeal of a Municipal Code provision, published before the Ordinance & License Committee takes the proposal up for consideration. The notice shall contain a concise description of the proposed ordinance and the date of the Committee meeting at which it will be considered. A draft of the proposed ordinance shall be prepared after the Committee considers the proposal and renders its recommendation to the Council, which shall be attached to the Common Council agenda when the proposal goes before the Council for the second reading.~~

7.2.2 The second reading shall consist of the full Common Council's consideration of the proposed ordinance at a regular Common Council meeting, after the Plan Commission, Board of Public Works, Transit Commission, Finance Committee, or Ordinance & License Committee ~~has~~ have made ~~its~~ their recommendations to the Council. The Council may not take final action on the proposal at this meeting, and final action may take place no sooner than the next regular meeting of the Common Council, unless this Rule is suspended as provided elsewhere in these Rules. A draft of the ordinance, containing all amendments made by the Council at the second reading, shall be prepared and attached to the Common Council agenda when the ordinance comes up for its third reading.

7.2.3 The third reading shall consist of the full Common Council's consideration of the proposed ordinance as amended during the second reading. Further amendment and final action on the proposed ordinance may be done at this meeting, or any subsequent meeting, of the Common Council.

7.43 Readings and final action upon ordinances may not be placed on a consent agenda.

7. Procedure for Ordinances Amending the Municipal Code.

- 7.1** All proposed ordinances creating, amending, or repealing a Municipal Code provision shall originate in the following bodies:
 - 7.1.1** Plan Commission – Ordinances affecting Chapters 16 through 24, 27, and 28.
 - 7.1.2** Board of Public Works – Ordinances affecting Chapters 6, 29, and 32.
 - 7.1.3** Transit Commission – Ordinances affecting Chapter 31.
 - 7.1.4** Finance Committee – Ordinances affecting Chapter 4.
 - 7.1.5** Ordinance and License Committee – Ordinances affecting all other Chapters of the Municipal Code.
- 7.2** All proposed ordinances creating, amending, or repealing a Municipal Code provision shall receive no fewer than three readings before final passage by the Council. The readings shall consist of the following:
 - 7.2.1** The first reading shall take place when the proposed ordinance is presented to the bodies referred to in section 7.1. Those bodies shall make their recommendation to the Common Council concerning the proposed ordinance after the first reading.
 - 7.2.2** The second reading shall consist of the full Common Council's consideration of the proposed ordinance at a regular Common Council meeting, after the Plan Commission, Board of Public Works, Transit Commission, Finance Committee, or Ordinance and License Committee have made their recommendations to the Council. The Council may not take final action on the proposal at this meeting, and final action may take place no sooner than the next regular meeting of the Common Council, unless this Rule is suspended as provided elsewhere in these Rules. A draft of the ordinance, containing all amendments made by the Council at the second reading, shall be prepared and attached to the Common Council agenda when the ordinance comes up for its third reading.
 - 7.2.3** The third reading shall consist of the full Common Council's consideration of the proposed ordinance as amended during the second reading. Further amendment and final action on the proposed ordinance may be done at this meeting, or any subsequent meeting, of the Common Council.
- 7.3** Readings and final action upon ordinances may not be placed on a consent agenda.