



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 56832**

**File ID:** 56832

**File Type:** Ordinance

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** BOARD OF  
HEALTH FOR  
MADISON AND  
DANE COUNTY

**File Created Date :** 07/29/2019

**File Name:** Internet soliciation of unlicensed regulated businesses

**Final Action:**

**Title:** Creating Section 23.61 of the Madison General Ordinances to regulate goods and services advertised online that are required to be licensed, amending Section 1.08(3)(a) to create a bail deposit for violations thereof, and amending Section 1.08(4) to provide Director of Public Health Madison Dane County, Building Inspection Division Director and Humane Officers enforcement authority to issue citations for violations thereof.

**Notes:** 6240ISURB

**Sponsors:** Lindsay Lemmer, Shiva Bidar, Patrick W. Heck,  
Arvina Martin and Marsha A. Rummel

**Effective Date:**

**Attachments:** Body

**Enactment Number:**

**Author:** Kate Smith

**Hearing Date:**

**Entered by:** dalthaus@cityofmadison.com

**Published Date:**

### History of Legislative File

| Ver-<br>sion: | Acting Body:                                      | Date:  | Action:                                      | Sent To:   | Due Date: | Return<br>Date: | Result: |
|---------------|---|--|--|--|-----------|-----------------|---------|
| 1             | Attorney's Office/Approval<br>Group               | 07/29/2019   | Referred for<br>Introduction                 |  |           |                 |         |
|               | <b>Action Text:</b>                               |  | This Ordinance was Referred for Introduction |  |           |                 |         |
|               | <b>Notes:</b>                                     | Board of Health for Madison and Dane County                                    |  |  |           |                 |         |
| 1             | COMMON COUNCIL                                    | 08/06/2019   | Referred                                     | BOARD OF<br>HEALTH FOR<br>MADISON AND<br>DANE COUNTY |           |                 |         |
|               | <b>Action Text:</b>                               | This Ordinance was Referred to the BOARD OF HEALTH FOR MADISON AND DANE COUNTY |  |  |           |                 |         |
|               | <b>Notes:</b>                                     |  |  |  |           |                 |         |
| 1             | BOARD OF HEALTH FOR<br>MADISON AND DANE<br>COUNTY | 09/04/2019   |  |  |           |                 |         |

### Text of Legislative File 56832

**Fiscal Note**

The proposed ordinance regulates goods and services advertised online that are required to be licensed (for example, tattooing, food items or tourist rooming houses). The ordinance also sets forfeitures between \$20 and \$300, depending on whether the violation is a first or subsequent occurrence. Public Health and Building Inspection anticipate approximately 20 citations per year. The fiscal impact is anticipated to be minimal.

**Title**

Creating Section 23.61 of the Madison General Ordinances to regulate goods and services advertised online that are required to be licensed, amending Section 1.08(3)(a) to create a bail deposit for violations thereof, and amending Section 1.08(4) to provide Director of Public Health Madison Dane County, Building Inspection Division Director and Humane Officers enforcement authority to issue citations for violations thereof.

**Body**

DRAFTER'S ANALYSIS: Section 23.61 is created to regulate goods and services advertised online that are required to be licensed. Internet marketplaces and social media sites are increasingly used to advertise goods and services that the City of Madison or a Wisconsin state agency regulates with a license; such as tattooing, food items or tourist rooming houses. The City of Madison has an interest in ensuring compliance with both local and state laws as well as preserving the health and safety of its citizens. Under *Central Hudson Gas & Electric Corp. v. Pub. Serv. Comm'n of N.Y.*, 447 U.S. 557 (1980), the government may ban advertising by businesses that are operating illegally, such as unlicensed business where a license is required if necessary to advance the government's interest. This ordinance will provide Public Health Madison Dane County and Building Inspection an enforcement tool.

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The Common Council of the City of Madison do hereby ordain as follows:  
Please see "Body" in Attachments.