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Your Local Government Owner's Manual: How to fight an ordinance

By Reid Magney | La Crosse Tribune

As an owner of your local government, you are obligated to obey its ordinances — the laws passed by cities, villages and towns. But before ordinances become law, you also have the right to object or press for passage.

This chapter of the Local Government Owners Manual will tell you how to influence your elected representatives on ordinances.

Q: What is an ordinance?

A: Ordinances are local laws that regulate everything from speed limits and sign sizes to government structure and spending. A zoning ordinance in your community may say how you can use your land and what you can build on it. Some ordinances carry fines if you violate them. Together, a local government's ordinances make up its "municipal code," a thick book read mostly by cops and city attorneys.

Most ordinances aren't controversial. But when they are, things get interesting. Remember La Crosse County's exotic animal ordinance that didn't pass because of opposition from snake owners? Remember the fights over smoke-free restaurants? Several new ordinances are being proposed in the area on issues related to smoking and to public intoxication.

Ordinances shouldn't be confused with ordnance, a term for military weapons.

Q: How do you know if your local government is proposing an ordinance that affects you?

A: It pays to read the newspaper, which usually writes stories about such things. In some zoning-related cases, you may get a legal notice if your property could be affected.

If you have a business that's regulated by local ordinances, you may want to introduce yourself to your council and board members, and ask for notice if changes are coming.

Many local governments have their own rules for proposing and passing ordinances. But most boards and councils will consider an ordinance at two or more meetings before final passage. They'll hold a public hearing to find out what you think before they vote.

Q: How do I know if an ordinance affects me?

A: When an ordinance that could affect you is proposed, the first step is to read it. Your municipal clerk will have copies. If you don't understand it, don't hesitate to ask officials from your local government to explain it to you. If it still doesn't make sense, you may want to consult an attorney.

La Crosse County Board Chairman Steve Doyle put it this way: "If it affects you directly and personally, you may want to hire a lawyer. If it's an issue you're interested in, you can handle it personally."

Q: What's the best way to oppose or support an ordinance?

A: If you have strong feelings about whether a proposed ordinance should be passed, you need to make your voice heard. You can make personal contact, or public contact. Attorney Brent Smith of La Crosse said people and groups who are most effective do both.

Doyle said the most effective means is a telephone call to your elected board or council representative. Some officials get very little feedback from the public, so "that one single phone call can change a board member's vote," Doyle said.

You also can write a letter or send an e-mail, but if you do, make it your own words, not somebody else's boilerplate argument. Also, don't bother sending anonymous letters, Doyle said.

Q: How do I find my elected representative's name, address and phone number?

A: In a perfect world, you remember his or her name from the most recent election. Many are listed in the phone book. If you don't know who represents you, call your county, city, village or town clerk's office and ask.

Q: What else can I do?

A: Petitions can be effective, especially if you get a lot of signatures. Just make sure they're local residents, not people from out of town.

Consider writing a letter to the editor of 250 words or less.

You also can attend meetings, especially the public hearing. You don't have to speak, but it helps, Smith said, "to have people come in and tell their stories, not just say this is good or bad."

If a group supports or opposes an ordinance, group leaders might want to pick people to testify who have "the most effective stories," he said.

Q: What if an ordinance passes that I don't like?

A: Then your most powerful ordinance is at the ballot box the next election.

Reid Magney is the author of the Local Government Owners Manual. Got a suggestion or complaint? Call (608) 791-8211 or e-mail rmagney@lacrossetribune.com.

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