

Code of Ordinances



Madison, Wisconsin - Code of Ordinances / CHAPTER 10 - STREETS, ALLEYS, SIDEWALKS AND GUTTERS



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- ☐ CHAPTER 1 - CONSTRUCTION AND EFFECT OF ORDINANCES AND THEIR PUBLICATION
- ☐ CHAPTER 2 - STANDING RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL
- ☐ CHAPTER 3 - OFFICIALS, BOARDS, EMPLOYEES AND PUBLIC RECORDS
- ☐ CHAPTER 4 - FINANCE
- ☐ CHAPTER 5 - POLICE DEPARTMENT AND POLICE REGULATIONS
- ☐ CHAPTER 6 - FIRE DEPARTMENT AND FIRE REGULATIONS
- ☐ CHAPTER 7 - PUBLIC HEALTH
- ☐ CHAPTER 8 - PUBLIC PROPERTY Amended
- ☐ CHAPTER 9 - LICENSES AND PERMITS
- ☒ CHAPTER 10 - STREETS, ALLEYS, SIDEWALKS AND GUTTERS

- 10.01 - STREET COMMISSIONER (SUPERINTENDENT OF SANITATION).
- 10.02 - GRADES.
- 10.03 - DAMAGE TO SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH TO BE REPAIRED.
- 10.04 - OBSTRUCTION OF STREETS BY CONTRACTORS.
- 10.05 - OCCUPANCY OF RIGHTS-OF-WAY.
- 10.053 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.
- 10.055 - OCCUPANCY OF STREETS OR OTHER PUBLIC AREAS.
- 10.056 - STREET USE PERMIT.
- 10.057 - FACILITY ACCESS PERMIT.

10.07 - GRADE FOR SIDEWALKS—LOCATION.

10.08 - CONSTRUCTION OF DRIVEWAY APPROACHES AND PARKING FACILITIES.

10.085 - OUTDOOR LIGHTING.

10.09 - CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS, TERRACES, CURBS AND GUTTERS. **modified**

10.10 - INSTALLATION OF STREET TREES.

10.101 - REGULATION OF TREE TRIMMING, PRUNING AND REMOVAL WITHIN THE PUBLIC RIGHT-OF-WAY OF ANY STREET, ALLEY OR HIGHWAY.

10.11 - TEARING UP PAVEMENT, ETC.

10.12 - PROHIBITING TRACTION ENGINES ON CERTAIN STREETS.

10.13 - MACHINERY NOT TO BE PROPELLED ON STREETS FOR EXHIBITION PURPOSES.

10.14 - WHEELS NOT TO BE LOCKED.

10.15 - CURB CUTS AND DRIVEWAY APPROACHES.

10.16 - DEPOSIT OF INOPERABLE VEHICLES PROHIBITED.

10.17 - DEPOSIT OF RUBBISH AND THROWING OF GLASS ON STREETS PROHIBITED.

10.18 - COLLECTION OF REFUSE AND RECYCLING OF WASTE.

10.185 - RECYCLING AND REUSE OF CONSTRUCTION AND DEMOLITION DEBRIS.

10.19 - DUMPING OF RUBBISH OR REFUSE.

10.20 - HAULING OF RUBBISH OVER STREETS.

10.21 - GASOLINE CURB PUMPS PROHIBITED.

10.22 - AIR HOSE OUTLETS AND STANDARDS.

10.23 - OBSTRUCTION OF STREETS AND SIDEWALKS.

10.24 - OBSTRUCTION OF CROSSINGS BY TRAINS.

10.25 - PLANTINGS IN THE TERRACES.

10.26 - PERSONS NOT TO CONGREGATE ON OR SELL MERCHANDISE ON STREETS OR SIDEWALKS.

- 10.27 - FEE FOR DELIVERY OF WOOD CHIPS.
- 10.28 - SNOW AND ICE TO BE REMOVED FROM SIDEWALKS.
- 10.29 - DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.
- 10.30 - RESERVED FOR FUTURE USE.
- 10.31 - PRIVILEGES IN STREETS.
- 10.32 - NEWS BOXES.
- 10.33 - BICYCLE-SHARING FACILITIES.
- 10.34 - STREET NUMBERS.
- 10.35 - RESERVED FOR FUTURE USE.
- 10.36 - STREET DEFINED.
- 10.37 - STREETS VACATED.
- 10.38 - CONSTRUCTION OF HEATED CONCRETE SIDEWALK.
- 10.39 - INSTALLATION OF STREET LIGHTS.
- 10.40 - TRAFFIC CONTROLS FOR STREET CONSTRUCTION AND MAINTENANCE OPERATIONS.
- 10.41 - COMPLIANCE INSPECTION FEES.
- 10.42 - DECORATIVE PAVEMENT PAINTING DESIGN PERMIT.
- 10.50 - PENALTY.



CHAPTER 11 - PUBLIC UTILITIES



CHAPTER 12 - VEHICLE CODE Amended



CHAPTER 13 - PUBLIC WATER SUPPLY SYSTEM



CHAPTER 14 - PUBLIC WATERS AND SHORELINES



CHAPTER 15 - ALDERMANIC DISTRICTS AND WARDS



CHAPTER 16 - GENERAL PLANNING



CHAPTER 17 - RADIO, TELEVISION AND ELECTRONIC CODE



CHAPTER 18 - PLUMBING CODE



CHAPTER 19 - ELECTRICAL CODE



CHAPTER 20 - IMPACT FEE ORDINANCE



CHAPTER 22 - CONSUMER PROTECTION AND WEIGHTS AND MEASURES



CHAPTER 23 - OFFENSES AGAINST PUBLIC POLICY



CHAPTER 24 - OFFENSES AGAINST PEACE AND QUIET



CHAPTER 25 - OFFENSES AGAINST PUBLIC SAFETY



CHAPTER 26 - OFFENSES AGAINST PUBLIC MORALS AND DECENCY



CHAPTER 27 - MINIMUM HOUSING AND PROPERTY MAINTENANCE CODE



CHAPTER 28 - ZONING CODE ORDINANCE



CHAPTER 29 - BUILDING CODE



CHAPTER 30 - HEATING, VENTILATING AND AIR CONDITIONING CODE



CHAPTER 31 - SIGN CONTROL ORDINANCE



CHAPTER 32 - LANDLORD AND TENANT



CHAPTER 33 - BOARDS, COMMISSIONS, AND COMMITTEES



CHAPTER 34 - FIRE PREVENTION CODE



CHAPTER 35 - THE PUBLIC SEWERAGE SYSTEM



CHAPTER 36 - VIDEO AND CABLE TELEVISION SERVICE PROVIDERS



CHAPTER 37 - THE PUBLIC STORMWATER SYSTEM INCLUDING EROSION CONTROL



CHAPTER 38 - ALCOHOL BEVERAGES REGULATED



CHAPTER 39 - DEPARTMENT OF CIVIL RIGHTS



CHAPTER 40 - CONVEYANCE CODE



CHAPTER 41 - HISTORIC PRESERVATION



CHAPTER 45 - REPEAL



APPENDIX

CODE COMPARATIVE TABLE [modified](#)

9.54 - EQUIPMENT PLACEMENT ON SIDEWALKS AND TERRACES, PERMITS FOR INFORMATION TABLES AND EXPRESSIVE STREET VENDING.

CHAPTER 11 - PUBLIC UTILITIES

CHAPTER 10 - STREETS, ALLEYS, SIDEWALKS AND GUTTERS

10.01 - STREET COMMISSIONER (SUPERINTENDENT OF SANITATION).

- (1) There shall be appointed by the head of the Department of Public Works with the approval of the Common Council a Street Superintendent who shall hold his or her office under civil service.
- (2) The Street Superintendent shall have the supervision of the maintenance and cleaning of streets, and removal of snow and ice therefrom, the maintenance of bridges, the collection of garbage and refuse materials and the performance of such other duties as may be prescribed. It shall be his or her duty to keep a permanent record of all work ordered and performed and notices given by him or her on behalf of the City. The Street Superintendent shall perform such other duties as may be directed in these ordinances or may be prescribed from time to time by the Common Council. (Am. by ORD-14-00012, 1-14-14)

10.02 - GRADES.

- (1) On File In The Office Of The City Engineer. The grades of all streets, alleys and sidewalks as established by the Council shall be kept on file in the office of the City Engineer.
- (2) Recorded by the City Clerk. The grades of all streets, alleys and sidewalks shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the City Clerk. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (3) Altering Grades Prohibited. All persons are prohibited from altering the grade of any street, alley, sidewalk or public ground, or any part thereof, in the City of Madison by taking from or adding to the surface of such street, alley, sidewalk or public ground, and from digging, plowing or otherwise changing or disturbing the surface thereof unless authorized or instructed to do so by the Common Council or Board of Public Works.

10.03 - DAMAGE TO SIDEWALK, CURB AND

GUTTER, AND DRIVEWAY APPROACH TO BE REPAIRED.



- (1) It shall be unlawful to crack, break, displace or otherwise damage public sidewalk, curb and gutter, or driveway approach.
- (2) It shall be the responsibility of the applicant for a building permit (permittee) to maintain public sidewalks, curbs and gutters, and driveway approaches in an unblemished state or to so repair the public sidewalks, curb and gutter, or driveway approach.
- (3) Within one hundred twenty (120) days of the issuance of a demolition permit or a certificate of occupancy for a building, the public sidewalk, curb and gutter, and driveway approach shall be inspected for damage caused during the construction, repair, or demolition of the building. Notice of damage shall be sent to the permittee and the owner of the abutting property. If the permittee does not repair the damage to the satisfaction of the City Engineering Division, the City shall repair the damage and the cost shall be a special charge for current services against the abutting property.
- (4) Penalty. Any person who violates any provision of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

(Cr. by Ord. 13,410, 9-24-03)

10.04 - OBSTRUCTION OF STREETS BY CONTRACTORS.



Any person, firm, corporation, or utility and any officer or employee of the City who shall block, obstruct or excavate in or otherwise block or obstruct the traveled portion of any street or improved alley shall immediately notify the Chiefs of the Fire and Police Departments in writing of such fact, stating clearly and accurately where all such obstructions are placed or excavations made and the probable length of time the same shall so remain, and on the removal of such obstacle and the opening of such portion of said street for travel the said person, firm or corporation or the officer or employee of the City causing such obstacle shall immediately notify said Chiefs of the Fire and Police Departments in writing that such obstacle has been removed and that said street is open for travel.

10.05 - OCCUPANCY OF RIGHTS-OF-WAY.



- (1) General Provisions.
 - (a) Purpose and Findings. In the exercise of its police powers, the City has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place in the public rights-of-way to ensure that the rights-of-way remain available for public services and safe for public use, and to ensure that facilities are timely maintained,

supported, protected or relocated to accommodate reconstruction or repairs. The taxpayers of the City bear the financial burden for the upkeep, maintenance and reconstruction of the rights-of-way and a primary cause for the early and excessive deterioration of the public rights-of-way is the frequent excavation by persons who place facilities therein.

The City finds that there has been an increase in the use of the public rights-of-way and, as a result, increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.

The City finds that delays by occupants of the rights-of-ways in maintaining, supporting, protecting or relocating facilities, if they impact public construction projects, have the potential to significantly increase public works project costs borne by the taxpayers. Moreover, the City finds that some right-of-way occupants have a history of delays and nonresponsiveness.

The City finds that occupancy and excavation of its rights-of-way causes direct and indirect costs to be borne by the City and its taxpayers, including but not limited to:

1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials;
2. Management costs associated with ongoing management activities necessitated by public right-of-way users;
3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way; and,
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, and pursuant to its authority under Wis. Stat. §§ 62.11(5), 86.16, 182.017, and 196.58, the City hereby enacts this ordinance relating to the administration of and permits to excavate, obstruct and/or occupy the public rights-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for the recovery of costs incurred by the City in doing so. This ordinance provides for the health, safety and welfare of the residents of the City as they use the rights-of-way of the City, as well as to ensure the structural integrity of the public rights-of-way.

Under this section, all persons who excavate, obstruct and/or occupy the public rights-of-way will reimburse the City's administrative, inspection, ongoing management and degradation

costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public rights-of-way.

(b) Definitions. For the purposes of this section the following definitions apply:

Applicant means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

City means the City of Madison, Wisconsin, a Wisconsin municipal corporation.

Degradation means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Department means the City Engineering Division.

Emergency means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.

Engineer means the City Engineer or his/her designee.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facilities means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

In, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

Local Representative means a local person or persons, or designee of such person or persons, authorized by a Registrant to accept service and to make decisions for that Registrant regarding all matters within the scope of this section.

Obstruct means to place any object in a right-of-way so as to hinder free and open passage in that or any part of the right-of-way.

Occupy means to locate facilities in the public right-of-way.

Permittee means any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted by the City under this section.

Person means municipality, corporation, company, including a "Company" as defined in

Wis. Stat. § 182.017(1g)(b), association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

Pole or Tower has its usual meaning, except that it does not include poles used for governmental operations such as traffic signals or traffic control devices, street lights, and emergency alert signals, or high-voltage transmission lines.

Prequalified Contractor means a contractor or public utility approved by the Department on an annual basis to work in the right-of-way pursuant to [Section 33.07\(7\)](#).

PSCW means the Public Service Commission of Wisconsin.

Public Utility has the meaning provided in Wis. Stat. §196.01(5).

Registrant means any Person who has registered with the City under this section to either have its facilities located in any right-of-way or to use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

Repair means to perform construction work necessary to make the right-of-way useable for travel, according to Department specifications, or to return facilities to an operable condition.

Restore or Restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per Department specifications.

Right-of-Way means the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including any other dedicated rights-of-way for travel purposes.

Right-of-Way User means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way.

Service or Utility Service includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to Wis. Stat. § 182.017 and other similar services.

Supplementary Application means an application made to excavate or obstruct more of the right-of-way than permitted, or to extend a permit that has already been issued.

(c) Administration. The Engineer is responsible for the administration of the rights-of-way under this section, and the permits and ordinances related thereto.

(2) Registration for Right-of-Way Occupancy.

(a) Registration. Each service, utility service or right-of-way user who occupies, uses,

or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in Subsection (4). Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another registered right-of-way user.

- (b) Annual Registration Required. Each Registrant shall annually renew its registration or discontinue and properly abandon its facilities as provided for under Subsection (17).
 - (c) Registration Prior to Work. No person may construct, install, maintain, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way unless that person is registered with the Department or is a prequalified contractor.
 - (d) Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a City ordinance requiring persons to plant or maintain the terrace in the area of the right-of-way between their property and the street curb or pavement, construct sidewalks or driveways, or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this section.
- (3) Registration Information.
- (a) Information Required. The information provided to the Department at the time of registration shall include, but not be limited to:
 - 1. Each person's name, Diggers Hotline registration certificate number, address, e-mail address, and telephone and facsimile numbers.
 - 2. The name, address, e-mail address, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
 - 3. A certificate of insurance on a form prescribed by the Department and the Risk Manager, sufficient to demonstrate to the satisfaction of the City that the person has the capability to cover any liability that might arise out of their presence in the right-of-way.
 - 4. If the person is a corporation or other limited liability entity, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified to by the Secretary of State.
 - 5. A copy of the person's certificate of authority from the PSCW or other applicable state or federal agency, where the person is lawfully required to

have such certificate from said commission or other state or federal agency.

6. Execution of an indemnification agreement in a form prescribed by the Department, which is consistent with, and shall not exceed the obligations provided in, Subsection (16) below.

(b) Notice of Changes. The Registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the Registrant has knowledge of any change.

(4) Registration Fee.

(a) Registration Fee. The Department shall charge a registration fee to recover the costs incurred by the City for processing Registrants and updating registration information. This fee shall be paid annually.

(b) Fee Computation. This registration fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration, including costs attributable to late or untimely registration. The registration fee shall be established by the Board of Public Works.

(5) Reporting Obligations. It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the Registrant of known construction plans will be useful to achieve this objective.

(a) Every Registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the Department. The Registrant's plan shall be submitted on a form prescribed by the Department and shall contain the information determined by the Department to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:

1. The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and,
2. The tentative locations and estimated beginning and ending dates for all projects contemplated for the two years following the next calendar year.

(b) The Department shall make available at the time of registration, and on January 15 of each year, the Department's construction and major maintenance plan.

(c) By February 15 of each year, the Department will have available for inspection in its office a composite list of all projects of which the Department has been informed. All Registrants are responsible for keeping themselves informed of the current status of this list.

- (d) After submittal, each Registrant may change any project in its list, but must notify the Department of all such changes in said list. The Department will make all such changes available for inspection in its office. Notwithstanding the foregoing, a Registrant may at any time join in a project of another Registrant or undertake any maintenance or construction project not listed in Registrant's plan.

(6) Excavation Permit Requirement.

(a) Excavation Permit Required.

1. Except as otherwise provided in these Ordinances, no person shall excavate any right-of-way or place facilities in a right-of-way, or cause another person to do so, without a valid excavation permit issued by the Department under this subsection.
2. No person shall excavate the right-of-way or maintain an excavation in the right-of-way except as specified in the permit. If the Permittee needs to modify the date or area specified in the permit, then the person shall first notify the Department of the change. If requested by the City Engineer, the person shall be required to make a supplementary application pursuant to Subdivision (c) below.
3. Permit Display. A copy of any permit issued under this subsection shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.

(b) Excavation Permit Application. Application for a permit shall be made to the Department. Permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:

1. Registration with the Department as required by this section.
2. Submission of a completed permit application form, including the following:
 - a. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit scaled drawings of the proposed pole or tower and all proposed attachments, and the location of the pole or tower in reference to the nearest occupied building.
 - b. The applicant shall identify in detail the location of the proposed project and any affected right-of-way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department.
 - c. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole

or tower (either owned by the applicant or a third party) because such use is technically infeasible, economically prohibitive, or prohibited by law.

- d. If the proposed project involves the installation of a pole or tower in the right-of-way that is greater than ten (10) feet taller than existing poles or towers in nearby right-of-way, the applicant must submit evidence sufficient to demonstrate that:
 - i. The greater height is required to accomplish the applicant's purposes;
 - ii. The applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law;
 - iii. The pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby right-of-way;
 - iv. The applicant has informed the Alder within whose District the pole or tower will be located of the proposed project; and,
 - v. The applicant has informed all property owners within two-hundred feet of the pole or tower location of the proposed project.

3. Payment of all money due to the City for:

- a. Applicable permit fees and costs as set forth below;
- b. Unpaid fees or costs due for prior excavations; or,
- c. Any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.

4. A statement on forms provided by the Department that the Registrant will comply with all local, state and federal codes including but not limited to safety, building, traffic control codes and the Manual of Uniform Traffic Control Devices (MUTCD).
5. Furnish a certificate of liability insurance complaint with standards of the Department.

(c) Supplementary Applications.

1. Supplementary Application. Upon request of the City Engineer under Subdivision (a)2. above, a Permittee shall make a supplementary application to the Department to modify the area or time period covered by

the permit. The Permittee shall pay any additional fees required thereby.

2. Fees for Supplementary Applications. A Permittee shall pay additional fees as established by the Board of Public Works, including any costs for additional permits. A Permittee is not required to pay an additional degradation fee for the same excavation, if such fee has already been paid on the original permit.

(7) Excavation Permit Fee.

- (a) Fee Calculation. The excavation permit fee shall be established by the Board of Public Works in an amount sufficient to recover the costs incurred by the City. This fee shall recover the City's administrative and inspection costs, as well as degradation costs should the Permittee choose to repair rather than restore the right-of-way. The fee may be reestablished by the Board of Public Works as needed to accurately reflect the costs incurred by the City.

For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Engineer is authorized to assess the actual cost of the City employee's time engaged in the review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the City's cost for statutory expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to City employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent (10%) for administration.

- (b) Payment Date. Payment of excavation permit fees shall be made prior to the issuance of the permit. Alternatively, the Engineer may, with the advice and consent of the Finance Director, establish a fee collection process in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.
- (c) City Exemption. The City and its contractors shall not pay degradation fees for excavations due to general government functions.
- (d) Coordinated Work. Registrants who join in a scheduled excavation performed by the City are not required to pay the degradation or inspection portion of the excavation permit fee.
- (e) Non-Refundable. Excavation permit fees, once paid, are not refundable, even if the permit is revoked.

(8) Right-of-Way Repair/Restoration.

- (a) Timing of Work and Repair/Restoration. The work to be done under the

excavation permit, and the repair or restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Subsection (11)(b).

- (b) Repair or Restoration Required. The Permittee shall be required to either repair the public right-of-way and to pay a degradation fee, or restore the right-of-way. It is the Permittee's election whether to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department.
- (c) Standards. The Permittee shall perform repairs or restoration according to the Standard Specifications for Public Works Construction, the plans and specifications of the Department, and in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair or restoration and may do so in written procedures of general application or on a case-by-case basis.
- (d) Acceptance of Work. Upon completion of the work, the Department shall inspect the area of the work and accept the work when it determines that proper repair or restoration has been made.
- (e) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During either period, the Permittee shall, upon notification from the Department, correct all repair and restoration work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Subsection (11)(b).
- (f) Failure to Repair/Restore. If the Permittee fails to repair and/or restore the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all work required by the Department, the Department, at its option, may do such work. In that event, the Permittee shall pay to the City, within thirty (30) days of billing, the cost of repairing and/or restoring the right-of-way. If the work associated with the permit is directly attributable to a specific property, or properties, the unpaid bill shall become a special charge against the properties served by the repair and/or restoration work.
- (g) Degradation. The general formula for computing the degradation fee shall be the

cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street, multiplied by the area of the patch.

(9) Inspection.

- (a) Notice of Completion. When the work under any permit issued hereunder is completed, the Permittee shall notify the Department.
- (b) Site Inspection. The Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) Authority of Department. At the time of inspection, the City may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The City may issue an order to the Registrant or Permittee for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the Registrant or Permittee shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Subsection (12).

(10) Location and Marking Requirements.

- (a) Poles and towers over 50 (fifty) feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure.
- (b) Rigid non-breakaway poles and other utility structures shall be located to meet American Association of State Highway Transportation Officials (AASHTO) requirements regarding pole location.
- (c) Underground facilities in the terrace area of the right-of-way may be marked with flush mounted caps only, unless other marking are allowed by the Department.

(11) Other Obligations.

- (a) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve a Registrant or Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A Registrant or Permittee shall comply with all requirements of local, state and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- (b) Prohibited Work. Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited

or when conditions are unreasonable for such work, as determined by the Engineer.

(c) Utility Locating Obligations.

1. Digger's Hotline Compliance. All Registrants and Permittees shall comply with the Digger's Hotline requirements set forth in Wis. Stat. § 182.0175, if applicable.
2. Planning. The Department may seek information on existing facility locations for planning purposes. It shall be the obligation of Registrants to locate facilities to enable planning by the City. Facility locations shall be represented in the field during field surveys or by providing maps of utilities within the planning areas.
3. Non-Compliance with Locating Requirements. No person shall fail to locate facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any Registrant who fails to locate facilities shall be responsible for all costs due to delays caused to City projects. Repeated failure to locate facilities may result in suspension of permits for the Registrant and/or increased fines. Repeated failure to locate facilities shall be defined as more than 2 occurrences within 12 months or more than 3 within 24 months.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

- (a) Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
1. The applicant or Permittee is required to be registered under Subsection (2) and has not done so, or the permit application is otherwise incomplete;
 2. The applicant or Permittee is seeking to perform work not included in its construction and major maintenance plan required under Subsection (5), which work was reasonably foreseeable by the applicant or Permittee at the time said plan was filed;
 3. Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
 4. Misrepresentation of any fact by the applicant or Permittee;
 5. Failure of the applicant or Permittee to maintain required bonds and/or insurance;
 6. Failure of the applicant or Permittee to complete work in a timely manner;
 7. The proposed activity is contrary to the public health, safety or welfare;
 8. The extent to which space is available in the right-of-way for which the permit is sought;

9. The competing demands for the particular space in the right-of-way;
 10. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
 11. If the Permittee or applicant proposes to install a new pole or tower in the right-of-way, the availability of other existing poles or towers owned by the Permittee or applicant or by a third party;
 12. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 13. The new pole or tower would be located in an undergrounding area as defined under [Section 19.16\(3\)](#);
 14. The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or,
 15. The applicant or Permittee is otherwise not in full compliance with the requirements of this section or state or federal law.
- (b) The Department shall not deny a Registrant an excavation permit because of a dispute between the City and the Registrant related to Subsections (6)(b)3.b. or 3.c. above if:
1. The dispute has been adjudicated in favor of the Registrant; or,
 2. The dispute is the subject of an appeal filed by the Registrant and no decision in the matter has at yet been rendered.
- (c) Discretionary Issuance. Notwithstanding the provisions of Subdivision (a), the Department may issue a permit where issuance is necessary to prevent substantial economic hardship to a customer of the Permittee or applicant, or to allow such customer to materially improve its utility service, or to allow the Permittee or applicant to comply with federal, state, County or City laws or ordinances or an order of a court or administrative agency.
- (d) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Board of Public Works. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Board of Public Works may affirm, reverse or modify the decision of the Department.
- (13) Work Done Without a Permit.
- (a) Emergency Situations. Each Registrant shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The Registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the Registrant

shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this section.

If the City becomes aware of an emergency regarding a Registrant's facilities, the Department may attempt to contact the local representative of each Registrant affected, or potentially affected, by the emergency. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the Registrant whose facilities occasioned the emergency.

- (b) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently register and apply for an excavation permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this section or other sections of the Madison General Ordinances, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this section. If no application is made, this subsequent permit application is denied or is not approved, the Registrant, or person causing the work to be done, shall discontinue and abandon the facilities.

(14) Location of Facilities.

- (a) Undergrounding. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of existing facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) Limitation of Space. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Department may prohibit or limit the placement of new, replacement or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of Persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.
- (c) Attachment to Bridges. Whenever an applicant or Permittee under this section requests permission to attach facilities to any City bridge structure, the applicant shall provide a structural analysis prepared by a licensed State of Wisconsin professional engineer and pay a fee of one thousand dollars (\$1,000) upon the

granting of such permission to help defray administrative expense in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in the case of repair, removal, or replacement of said bridge structure by the City.

- (d) Corridors. The Department may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Department's assignment.

Any Registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City under this subdivision shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Registrant.

(15) Relocation and Protection of Facilities.

- (a) Requirement. Except as prohibited by State or Federal law, a Registrant must, promptly and at its own expense, maintain, support, protect or relocate its facilities in the right-of-way whenever the City, or its agent, acting in its governmental capacity, requests such action to prevent interference by the Company's facilities with the following:

1. A present or future City use of the right-of-way;
2. A public improvement undertaken by the City;
3. An economic development project in which the City has an interest or investment;
4. When the public health, safety and welfare require it; or,
5. When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

- (b) Order. The City, or its agent, shall issue a due date for the work to the local representative of not less than seventy-two (72) hours, which due date shall be reasonable and based upon the actions to be undertaken by the Registrant. If requested, the Registrant shall restore the right-of-way following the completion of the work.

- (c) City's Right to Self-Help. In the event that a Registrant does not proceed to maintain, support, protect or relocate its facilities as ordered in this subsection, the

City may arrange to do the work and bill the Registrant, said bill to be paid within thirty (30) days.

- (d) Additional Cost Recovery. The City may bill the Registrant for any additional costs incurred as a result of the failure of the Registrant to accomplish the needed work within the time specified in the order.
 - (e) Exception. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefore.
 - (f) Penalty. If a Registrant fails to perform the required action by the due date, the Registrant shall be subject to a forfeiture of not less than two-hundred and fifty dollars (\$250) nor more than five-hundred dollars (\$500) for the first offense within a three (3) year period, and a forfeiture of not less than five hundred dollars (\$500) nor more than two thousand five-hundred dollars (\$2,500) for the second or subsequent offense within a three (3) year period. Each day such violation or failure to comply continues shall be considered a separate offense.
- (16) Indemnification Requirement. By registering with the City, or by accepting a permit under this section, a Registrant or Permittee, as the case may be, agrees to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents (collectively, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the Registrant's or Permittee's acts or omissions in the exercise of its rights under this Ordinance, whether caused by or contributed to by the City or its agents or employees.
- (17) Abandoned Facilities.
- (a) Discontinued Operations. A Registrant who has discontinued or who plans to discontinue its operations in the City, either in full or in part, must do one of the following:
 - 1. Provide information satisfactory to the Department that the Registrant's obligations for its facilities under this Subdivision have been lawfully assumed by another Registrant.
 - 2. Submit to the Department a proposal and instruments for dedication of its facilities under this Subdivision to the City. If a Registrant proceeds under this clause, the City may, at its option:

- a. Accept the dedication for all or a portion of the facilities;
 - b. Require the Registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or,
 - c. Require the Registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.
 3. Remove its facilities under this Subdivision within two years, unless the Department waives this requirement or provides a later deadline.
- (b) Abandoned Facilities. Facilities of a Registrant who fails to comply with Subdivision (a) or facilities that are not claimed by any registered person and which remain either unclaimed by a registered person or unused for one (1) year, shall be deemed to be abandoned. Abandoned facilities are declared to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, do any of the following:
1. Abate the nuisance;
 2. Take possession of the facilities; or,
 3. Require removal of the facilities by the Registrant, or the Registrant's successor in interest, or other person responsible for the facilities.
- (c) Public Utilities. This Subsection shall not apply to a Public Utility that is required to follow the provisions of Wis. Stat. § 196.81.
- (18) Reservation of Regulatory and Police Powers. The City, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a Person under this section, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights which it has, or may be hereafter granted, under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way; and the Permittee, by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way, and the Registrant, by registration under this section, agrees that all lawful powers and rights, regulatory power, or police power, or otherwise, as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Permittee or Registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.
- (19) Penalty. Except as otherwise provided in this section, any person who violates this section or fails to comply with the provisions of this section shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than one

thousand dollars (\$1000). Each day such violation or failure to comply continues shall be considered a separate offense.

(Section 10.05 Rep. & Rec. by ORD-17-00051, 5-24-17)

10.053 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.



(1) Definitions. For the purposes of this Section, the following definitions apply:

Administrator means the City Engineer, or his or her designee.

Application means a formal request, including all required and requested documentation and information, submitted by an Applicant to the City for a wireless permit under this Section.

Applicant means a person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.

Base Station means the same as in 47 C.F.R. § 1.6100(b)(1), which defines the term to mean a structure or wireless telecommunications equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This definition does not include towers.

Eligible Facilities Request means the same as in 47 C.F.R. § 1.6100(b)(3), which defines the term to mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

FCC means the Federal Communications Commission.

Registrant has the same meaning as set forth in Section 10.05(1)(b).

Right-of-way means the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including any other dedicated rights-of-way for travel purposes.

Small Wireless Facility, consistent with 47 C.F.R. § 1.6002(l), means a facility that meets each of the following conditions:

1. The structure on which antenna facilities are mounted is fifty (50) feet or less in height, or is no more than 10 percent taller than other adjacent structures, or is not extended to a height of more than 50 feet or by more than ten (10) percent above its preexisting height, whichever is greater, as a result of the

collocation of new antenna facilities;

2. Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than twenty-eight (28) cubic feet in volume;
4. The facility does not require antenna structure registration;
5. The facility is not located on Tribal lands; and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.

Support Structure means any structure capable of supporting wireless telecommunications equipment.

Tower means the same as in 47 C.F.R. § 1.6100(b)(9), which defines the term as any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

Underground areas means those areas in the City identified by the Administrator where public utility poles, wires, cables and lines located in the right-of-way, other than those of a high voltage transmission line as that term is defined in Wis. Stat. § 196.491, are either located underground, scheduled to be undergrounded, or required to be installed underground. Underground areas include, specifically, underground utility districts established under [Sec. 19.16\(6\)](#).

Utility Pole means a structure in the right-of-way designed to support electric, telephone, and similar utility distribution lines and associated equipment. A tower is not a utility pole. City-owned street lights, traffic signals and other poles are not utility poles.

Wireless Infrastructure Provider means a person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.

Wireless Permit or Permit means a permit issued pursuant to this Section and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way, and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.

Wireless Regulations means those regulations adopted pursuant to Paragraph (5)(b)1. to

implement the provisions of this Section.

Wireless Service Provider means an entity that provides wireless services to end users.

Wireless Telecommunications Equipment means equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

Wireless Telecommunications Facility or Facility means a facility at a fixed location in the right-of-way consisting of a base station, antennas and other accessory equipment, and a tower and underground wiring, if any, associated with the base station.

Definitions in this Section may contain quotations or citations to 47 C.F.R. §§ 1.6100 and 1.6002. In the event that any referenced section is amended, creating a conflict between the definition as set forth in this Section and the amended language of the referenced section, the definition in the referenced section, as amended, shall control.

(2) Purpose. In the exercise of its police powers, the City has priority over all other uses of the right-of-way. The purpose of this Section is to provide the City with a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the right-of-way consistent with the City's obligation to promote the public health, safety, and welfare; to manage the right-of-way; and to ensure that the public's use is not obstructed or incommoded by the use of the right-of-way for the placement of wireless telecommunications facilities. The City recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the City. The City also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of wireless telecommunications facilities in the right-of-way including, without limitation, the Telecommunications Act of 1996 (47 U.S.C. § 151 et seq.), Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Wis. Stat. § 182.017, and Wis. Stat. § 196.58, and this Section shall be interpreted consistent with those provisions. This Section is intended to be complimentary to [Section 10.05](#).

(3) Scope.

(a) Applicability. Unless exempted by Subdivision (b) below, every registrant who wishes to place a wireless telecommunications facility in the right-of-way, modify an existing wireless telecommunications facility in the right-of-way or maintain an existing wireless telecommunications facility in the right-of-way must obtain a wireless permit under this Section.

(b) Exempt Facilities. The provisions of this Section, other than Subsections (10) to (13), shall not be applied to applications for the following:

1. Installation of a small wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot, and provided further that the installation does not require replacement of the strand, or excavation, modification, or replacement of either of the utility poles.
 2. Installation of a mobile cell facility for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
 3. Placement or modification of a wireless telecommunications facility on structures owned by or under the control of the City. See Subsection (14) below.
 4. Placement or modification of a wireless telecommunications facility by City staff or any person performing work under contract with the City.
 5. Modification of an existing wireless telecommunications facility that does not require a street excavation permit under [Section 10.05](#) or a street occupation permit under [Section 10.055](#), and if the work does not change the visual or audible characteristics of the wireless telecommunications facility.
- (4) Nondiscrimination. In establishing the rights, obligations, and conditions set forth in this Section, it is the intent of the City to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situations, and legal status of each applicant or request for use of the right-of-way.
- (5) Administration.
- (a) Administrator. The Administrator is responsible for administering this Section.
 - (b) Powers. As part of the administration of this Section, the Administrator may:
 1. Adopt wireless regulations governing the placement, modification and maintenance of wireless telecommunications facilities in addition to but consistent with the requirements of this Section, including regulations governing collocation, the resolution of conflicting applications for placement of wireless telecommunications facilities, and aesthetic standards.
 2. Interpret the provisions of the Section and the wireless regulations.
 3. Develop forms and procedures for submission of applications for wireless permits consistent with this Section.
 4. Collect any fee required by this Section.

5. Require, as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility that is the subject of the wireless permit application.
6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
7. Issue notices of incompleteness or requests for information in connection with any wireless permit application.
8. Coordinate and consult with other City staff, committees, and governing bodies to ensure timely action on all other required permits under Subsection (6)(b)8. below.
9. Subject to appeal as provided in Subsection (10), determine whether to grant, grant subject to conditions, or deny an application.
10. Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(6) Application.

- (a) Format. Unless the wireless regulations provide otherwise, the applicant must submit an application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Administrator on forms approved by and in a format acceptable to the Administrator.
- (b) Content. In order to be considered complete, an application must contain:
 1. All information required pursuant to the wireless regulations.
 2. A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit conditions.
 3. The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.
 4. A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.
 5. A separate and complete description of each proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations,

if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such preexisting structures and facilities; and describing the distance to the nearest residential dwelling unit. Within ten (10) days of submission of the application, the Administrator may require the applicant to submit before and after three hundred sixty (360)-degree photo simulations for each facility covered by the application. Failure to provide these photos within 10 days of request shall be considered non-responsive and the application shall be considered incomplete.

6. Proof that the applicant has mailed to the owners of all property within three hundred (300) feet of the proposed wireless telecommunications facility a notice that the applicant is submitting an application to the City for placement or modification of a wireless telecommunications facility in the right-of-way, which notice must include:
 - a. The proposed location of the facility;
 - b. A description and scale image of the proposed facility; and,
 - c. An email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.
7. A copy of the FCC license for the facility or a sworn written statement from the applicant attesting that the facility will comply with current FCC regulations.
8. To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless telecommunications facility, the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, street occupancy permits, and excavation permits), with all engineering completed and with all fees associated with each permit.
9. A sealed report by a professional engineer registered in the State of Wisconsin that the installation can be supported by and does not exceed the tolerances of the structure on which it will be mounted and that all elements of the wireless telecommunications facility comply with applicable safety standards.
10. Payment of all required fees, including any unpaid fees owed by the applicant to the City under this Section.

11. If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all evidence on which the applicant relies in support of that claim. Applicants are not permitted to supplement this evidence if doing so would prevent the City from complying with any deadline for action on an application.
 12. If the application is an eligible facilities request, the application must contain information sufficient to show that the application qualifies as an eligible facilities request under 47 C.F.R. § 1.6100(b)(3), including evidence that the application relates to an existing tower or base station that has been approved by the City and detailed specifications demonstrating that the modification does not substantially change the physical dimensions of the existing approved tower or base station. Within ten (10) days of submission of the application, the Administrator may require the applicant to submit before and after three hundred sixty (360)-degree photo simulations for each eligible facility request covered by the application. Failure to provide these photos within 10 days of request shall be considered non-responsive and the application shall be considered incomplete.
- (c) Waivers. Requests for waivers from any requirement of this Subsection shall be made in writing to the Administrator. The Administrator may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of the waiver, the City will be provided with all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the wireless permit sought.
- (d) Fees. Applicant must provide an application fee and shall be required to pay all costs reasonably incurred in reviewing the application, including costs incurred in retaining outside consultants. Fees shall be established by the Board of Public Works and reviewed periodically to ensure that they accurately reflect the City's costs to review applications under this Subsection and do not exceed any applicable federal or state thresholds.
- (e) Public Records. Applications are public records that may be made publicly available pursuant to state and federal public records law. Notwithstanding the foregoing, the applicant may designate portions of the application materials that it reasonably believes contain proprietary or confidential information by clearly marking each portion of such materials accordingly, and the City shall endeavor to treat the information as proprietary and confidential, subject to applicable state and federal public records law and the Administrator's determination that the applicant's request for confidential or proprietary treatment of the application

materials is reasonable. The City shall not be required to incur any costs to protect the application from disclosure and makes no representations of such confidential treatment.

(7) General Standards.

- (a) Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this Section and the wireless regulations, in addition to the requirements of any other applicable law or regulation.
- (b) Regulations. The wireless regulations and decisions on wireless permits shall, at a minimum, ensure that the requirements of this Section are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of a telecommunications or personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Section and the wireless regulations may be waived, but only to the extent required to avoid the prohibition.
- (c) Standards.
 - 1. Wireless telecommunications facilities shall be installed and modified in a manner that:
 - a. Minimizes risks to public safety;
 - b. Ensures that placement of facilities on existing structures is within the tolerance of those structures;
 - c. Avoids placement of aboveground facilities in underground areas, installation of new support structures or equipment cabinets in the public right-of-way, or placement in residential areas when commercial areas are reasonably available;
 - d. Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;
 - e. Ensures that the City bears no risk or liability as a result of the installations; and
 - f. Ensures that applicant's use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the City or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
 - 2. No wireless permit shall be issued unless (i) the wireless service provider applicant has immediate plans to use the proposed facility or (ii) the wireless

infrastructure applicant has a contract with a wireless service provider that has immediate plans to use the proposed facility.

3. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic and at all times must comply with the requirements of the Americans with Disabilities Act of 1990.
 4. Notification Requirements. Any wireless telecommunications facility placed or maintained in the right-of-way under this Section must include visible identifying information, including the name of the permit holder, a way for the permit holder to identify the location of the facility, and an emergency contact number. The Administrator may provide sample notifications that meet the requirements of this section in the wireless regulations.
 5. Aesthetic Standards. The applicant shall demonstrate that a proposed wireless telecommunications facility complies with the City's aesthetic standards in place at the time of application.
- (d) Standard Permit Conditions. All wireless permits under this Section are issued subject to the following minimum conditions:
1. Compliance. Obtaining a permit for a wireless telecommunication facility under this Section does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work. The permittee shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules, including those requirements of Sections 10.05 and 10.055.
 2. Term. Except as provided in Paragraph 3, a wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five (5) years from the date of issuance unless revoked pursuant to Subdivision (9)(b).
 3. Start Work. Work to install a permitted facility shall commence within twelve (12) months and be completed no later than fifteen (15) months from issuance of a permit under this Section. Failure to comply with this requirement shall result in the expiration of the permit, unless the Administrator, upon application by the permittee and a showing of good cause, grants additional time for the work to commence or be completed.
 4. Contact Information. The permittee shall at all times maintain with the City

accurate contact information for the permittee and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and email address for at least one natural person.

5. Emergencies. The City shall have the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.
6. Adverse Impacts on Adjacent Properties. The permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.
7. Radio Frequency Emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.
8. General Maintenance. The wireless communications facility and any associated structures shall be maintained in a safe, neat and clean manner and in accordance with all approved plans and conditions of approval.
9. Graffiti Removal. All graffiti on facilities shall be removed at the sole expense of the permittee within forty-eight (48) hours after notification from the City.
10. Relocation. At the request of the City pursuant to Subsection (11) and [Sec. 10.05](#)(15), the permittee shall promptly and at its own expense permanently remove and relocate any wireless telecommunications facility in the right-of-way. A relocated wireless telecommunications facility will require a new permit under this Section.
11. Abandonment. The permittee shall promptly notify the City whenever a facility has not been in use for a continuous period of sixty (60) days or longer and must comply with Subsection (12).
12. Restoration. A permittee who removes or relocates a facility from the right-of-way must restore the right-of-way in accordance with Subsection (13).
13. Record Retention. The permittee shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the permit or regulatory approval. In the event the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permittee fails to retain full and complete records in the permittee's files, any

ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permittee.

14. Indemnification. By accepting this permit, the permittee agrees to hold harmless, defend, and indemnify the City, its officers, officials, employees and agents, from and against all claims, suits, liability, damages, expenses and penalties arising from the permittee's activities under this permit, whether caused by or contributed to by the negligence of the City, its officers, officials, employees and agents.
 15. Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Permittee shall keep required insurance in full force and effect throughout the term of the wireless permit. This insurance condition may be waived or modified if in conflict with federal or state law, and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived or modified.
- (e) Special Conditions. The Administrator may add special conditions to a permit issued under this Section that are reasonably necessary to protect the public's health, safety and welfare, including after the issuance of the permit, provided such special conditions are not contrary to any federal, state or local law or regulation.
- (8) Application Processing.
- (a) Rejection for Incompleteness. Notices of incompleteness shall be provided in conformity with state, local, and federal law, including 47 C.F.R. § 1.6003(d), as amended.
 - (b) Processing Timeline. Wireless permit applications (including applications for other permits under Paragraph (6)(b)8 necessary to place or modify the facility) and appeals will be processed in conformity with the shot clocks set forth in state, local, and federal law, as amended or established from time-to-time.
 - (c) Written Decision. In the event that an application is denied or approved with special conditions under Subdivision (7)(e), the Administrator shall issue a written decision with the reasons therefor, supported by substantial evidence contained in

a written record.

(9) Expiration and Revocation.

(a) Expiration. A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance. Upon expiration of the wireless permit, the permittee must either:

1. Remove the wireless telecommunications facility; or,
2. Submit an application to renew the permit at least ninety (90) days prior to its expiration. The facility must remain in place until the renewal application is acted on by the City and any appeals from the City's decision are exhausted.

(b) Revocation for Breach. A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable federal, state, or local laws, rules, or regulations. Upon revocation, the wireless telecommunications facility must be removed within thirty (30) days of receipt of written notice from the City. All costs incurred by the City in connection with the revocation, removal, and right-of-way restoration shall be paid by the permittee.

(c) Failure to Obtain Permit. Unless exempt under Subdivision (3)(b), a wireless telecommunications facility installed without a wireless permit after the effective date of this ordinance must be removed within 30 days of receipt of written notice from the City. All costs incurred by the City in connection with the notice, removal, and right-of-way restoration shall be paid by entities who own or control any part of the wireless telecommunications facility.

(d) Change in Ownership. Permits under this section are not transferrable. Upon the sale or change of ownership of any wireless telecommunications equipment permitted under this Section, the new owner shall, within 30 days, notify the City of the change in ownership and apply for a permit for the facility.

(10) Appeal. In the event the Administrator denies an application for a wireless permit, imposes a special condition on the permit under Subdivision (7)(e), or revokes a permit under Subdivision (9)(b), the Administrator shall inform the person, in writing, of the reasons for the determination by mailing a copy of the notice to the address of the person as shown on the application. The person may appeal this decision as provided for under this Subsection.

(a) Form of Appeal. Appeals of the Administrator's decision shall be made to the Board of Public Works. Such appeal must be made in writing to the City Clerk, and must inform the Board of the reasons why the person believes the decision to

be in error.

- (b) Timing of Appeal. Appeals that involve eligible facilities requests must be filed within three (3) business days after the mailing of the notice. All other appeals shall be filed within 10 days after mailing of the notice. Failure to timely appeal this decision shall result in automatic approval of the denial, special condition or revocation without further action by the Administrator or the Board of Public Works.
- (c) Hearing. Within 30 days after receipt of the appeal, or as soon thereafter as the Board of Public Works holds a meeting, the Board shall hold a hearing at which the person and the Administrator may present and question witnesses and present oral and written argument.
- (d) Decision of the Board. Within twenty (20) days after the hearing, the Board shall cause to be issued a written decision which shall affirm, reverse or modify the determination of the Administrator, and state the reasons for this decision that are supported by the record.
- (e) Appeal of the Board's Decision. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within 30 days of the date of the decision sought to be reviewed.
- (f) Decision Deadline. All appeals shall be conducted so that a timely written decision may be issued in accordance with the applicable shot clock.
- (11) Relocation. Except as otherwise prohibited by state or federal law, a permittee must promptly and at its own expense, with due regard for seasonal working conditions, maintain, support, protect or relocate any of its wireless telecommunications facilities in the right-of-way whenever the City requests such removal and relocation pursuant to Subsection 10.05(15).
- (12) Abandonment.
 - (a) Cessation of Use. In the event that a permitted facility within the right-of-way is not in use for a continuous period of 60 days or longer, the permittee must promptly notify the City and do one of the following:
 - 1. Provide information satisfactory to the Administrator that the permittee's obligations for its facilities under this Section have been lawfully assumed by another permittee.
 - 2. Submit to the Administrator a proposal and instruments for dedication of the facilities to the City. If a permittee proceeds under this provision, the City may, at its option:
 - a. Accept the dedication for all or a portion of the facilities;
 - b. Require the permittee, at its own expense, to remove the facilities and

perform the required restoration under Subsection (13); or

- c. Require the permittee to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities and undertaking restoration under Subsection (13).

3. Remove its facilities from the right-of-way within one year and perform the required restoration under Subsection (13), unless the Administrator waives this requirement or provides a later deadline.

(b) Abandoned Facilities. Facilities of a permittee who fails to comply with Subdivision (a) and which, for one year, remain unused, shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option:

1. Abate the nuisance and recover the cost from the permittee or the permittee's successor in interest;
2. Take possession of the facilities; and/or
3. Require removal of the facilities by the permittee or the permittee's successor in interest.

(13) Restoration. In the event that a permittee removes or is required to remove a wireless telecommunications facility from the right-of-way under this Section (or relocate it pursuant to Subsection (11)), the permittee must restore the right-of-way to its prior condition in accordance with City specifications. However, a support structure owned by another entity authorized to maintain that support structure in the right-of-way need not be removed but must instead be restored to its prior condition. If the permittee fails to make the restorations required by this Subsection, the City, at its option, may do such work. In that event, the permittee shall pay to the City, within 30 days of billing therefor, the cost of restoring the right-of-way.

(14) Placement on City-Owned or -Controlled Structures. The City may negotiate agreements for placement of wireless telecommunications facilities on City-owned or -controlled structures in the right-of-way. The agreement shall specify the compensation to the City for use of the structures. The person or entity seeking the agreement shall reimburse the City for all costs the City incurs in connection with its review of and action upon the request for an agreement. Absent such an agreement, and unless specifically required by federal or state law, this ordinance does not create any right to or process for requiring or placing facilities on City-owned or -controlled structures in the right-of-way, including City owned streetlights, traffic signals and other infrastructure.

(15) Reservation of Regulatory and Police Powers. The City, by the granting of a wireless permit under this Section, does not surrender or to any extent lose, waive, impair, or

lessen the lawful powers and rights which it has, or may be hereafter granted, under the Constitution and statutes of the United States and the State of Wisconsin to regulate the use of the right-of-way; and the Permittee, by its acceptance of a wireless permit under this Section, agrees that all lawful powers and rights, regulatory power, or police power, or otherwise, as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Permittee is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws and ordinances enacted by the City pursuant to such powers.

- (16) Penalty. Except as otherwise provided in this Section, any person who violates this Section or fails to comply with the provisions of this Section shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000). Each day such violation or failure to comply continues shall be considered a separate offense.

(Cr. by [ORD-19-00037](#), 5-30-19, effective 8-1-19)

10.055 - OCCUPANCY OF STREETS OR OTHER PUBLIC AREAS.



- (1) Street Occupancy Permit Required. Except as otherwise allowed by these ordinances, no person shall occupy, or cause to be occupied, any portion of the street, sidewalk, terrace, alleys or other public grounds for ninety (90) days or less, or in the case of 1 and 2 family homes for one hundred twenty (120) days or less, with any material or machinery without a valid street occupancy permit issued under this Section.
- (2) Administration. Permits under this section shall be administered by the City Traffic Engineer, or his or her designee.
- (3) Permit Application. An application for a street occupancy permit shall be in writing to the City Traffic Engineer and shall describe the premises to be occupied by lot, block and/or street on or over which such material or machinery is desired to be placed, the area of occupation sought, the character of the material for which the permit is desired and the duration of the proposed occupation. The application shall also note whether the proposed occupation area will require, or reasonably necessitate, the trimming, pruning or removal of any City tree. The application shall include a drawing of the proposed occupation area, the application fee, the certificate of insurance and surety bond required under Subdivision (4)(a), and an agreement to abide by all conditions set forth in Subsection (4).
- (4) Permit Conditions. As a condition of a street occupancy permit issued under this

Section, permittees agree to abide by the following conditions:

(a) Responsibility for Occupation.

1. Liability. The permittee shall agree to be primarily liable for damages to person or property by reason of the granting of the permit and shall agree to hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's material or machinery in the public right-of-way or other public ground as permitted under this Section.
2. Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Permittee shall keep required insurance in full force and effect throughout the term of the street occupation permit. This insurance condition may be waived for other governmental units and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived. (Am. by ORD-16-00105, 12-2-16)
3. Surety Bond. Before a permit is granted, the City Traffic Engineer may require that the applicant deliver a surety bond to the City Traffic Engineer guaranteeing that the permittee will remove the materials or machinery from the permitted area upon receiving notice to do so from the City Traffic Engineer. If required, the surety bond shall be in an amount established by the City Traffic Engineer, but not to exceed ten thousand dollars (\$10,000).
4. Preexisting Compliance. If evidence of the aforementioned insurance and bonding requirements set forth above is already on file with the City Traffic Engineer, said preexisting compliance may be deemed sufficient to satisfy the requirements of either paragraphs 2. or 3. above. The City Traffic Engineer shall notify the applicant of his/her decision in that regard.

(b) Permit Length and Renewal.

1. Permit Duration. A permit issued under this Section shall be valid for the period of time stated therein, which period shall not exceed ninety (90) days, or one hundred twenty (120) days in the case of 1 and 2 family homes.

2. Permit Extension. Upon good cause shown, the City Traffic Engineer may extend a permit under this Section from time to time as may be reasonably required upon written application made to him/her for that purpose.
3. Renewal. A permittee must submit a request to renew the permit no later than seven (7) days before the expiration of the permit. Any request made within seven (7) days or following the expiration of the permit shall be treated as a new application.

(c) Occupation Limitations.

1. General. No permit shall be issued where the placing of any such material or machinery within the proposed occupation area will unreasonably interfere with the public safety and convenience, or where there is insufficient room for such material or machinery to be placed within the limits specified by this Section.
2. Roadway Occupation Limited. No permit issued under this Section shall authorize the use of more than one-third ($\frac{1}{3}$) of the traveled roadway opposite the premises of the person to whom such permit is granted. However, total street occupancy may be granted by joint agreement of the City Engineer and the City Traffic Engineer.
3. Occupations Near Intersections and Driveways. No building, machinery, temporary structure or other material of any kind shall be placed within a vision clearance area as established under [Sec. 27.05\(2\)\(bb\)](#), except temporarily as otherwise allowed by this Section and [Sec. 27.05\(2\)\(bb\)](#).

- (d) Posting of Permit. Upon issuance, the permittee shall place a copy of the permit issued by the City Traffic Engineer in a conspicuous place on the occupied premises, the permit to be unobstructed from public view and available for the inspectors to mark.
- (e) Stormwater Considerations. No building material shall be placed in any gutter so as to obstruct the flow of water therein and every person shall, before depositing or causing to be deposited building material in any gutter, provide a suitable culvert for the entire portion of such gutter over which the building material may be laid, or cover the gutter with plank or otherwise protect the same so as to provide for the free and unobstructed flow of water therein. Water shall not be conducted over the pedestrian walkway. Any erodible material (topsoil, gravel, sand, etc.) that is stored in the permitted area shall either be covered with plastic sheeting or protected with erosion control perimeter controls. If, over the course of the occupation of the permitted area, City Engineering inspectors note that perimeter controls are not effective or are not being adequately maintained, covering of the

stockpile shall be mandated.

- (f) Roofed Passageways and Barricades. Roofed passageways and barricades required under [Section 29.10](#) shall require a permit issued under this Section. The failure to follow the requirements of [Section 29.10](#) shall be cause to revoke a permit issued under this Section.
- (g) Storage Requirements. All material placed upon any street or alley shall be piled in a compact form. In the case of permanently improved streets that can be damaged by piled material, the applicant shall provide to the City digital photos or digital video of the area to be occupied prior to permit approval and photos of the area following restoration under Subdivision (n). The City recommends that, to minimize possible damage, the permittee place a level plank floor under all concrete, masonry, and plaster materials or store those materials on pallets.
- (h) Safety Considerations. Material or machinery placed in the sidewalk, street or alley shall be properly guarded by day and each separate pile of material shall be either lighted or reflective at night, in such manner as to warn all persons traveling upon the sidewalk, street or alley of the presence of such material or machinery.
- (i) Walkways. All walking surfaces open to the public or required by the permit must be maintained in a clean, smooth, level, hazard free, and ADA compliant manner within the occupation area.
- (j) Deliveries. Vehicles shall make deliveries and pick-ups without backing into areas open to the public. A properly equipped flag person shall be stationed at permitted delivery lanes for all deliveries to ensure safe ingress and egress. No deliveries will be permitted in lanes not explicitly approved in the occupancy permit or at times prohibited by the permit.
- (k) Parking. Parking of vehicles within the occupancy area is prohibited, although the loading and unloading of vehicles is permitted within the occupation area provided that the activity is otherwise compliant with this Section.
- (l) Site Maintenance. All accumulation of rubbish, debris, snow, ice or other hazards within the permitted area shall be cleaned up every day before leaving the premises.
- (m) Removal for Public Purpose. Any material or machinery placed in a permitted area shall be removed upon twenty-four (24) hours notice given by the City Traffic Engineer, City Engineer or Superintendent of Streets where a street is needed due to an emergency or critical event, or where such removal is necessary in order to repair, replace or install a street, sidewalk, terrace, alley, water facility, sewer facility or other facility that the City Engineer determines needs to be installed.

- (n) Restoration. Upon either the expiration of the permit or, if the work of construction is completed before the permit expires, the completion of the work, the permitted area occupied under this Section shall be restored to its original condition and left in good repair and condition. The permittee shall be responsible for the repair of any damage noted by City staff and shall repair it to City of Madison Standard Specification for Public Works Construction. Any new or reconstructed sidewalk shall comply with [Section 10.06](#). The City Traffic Engineer or City Engineer shall inspect the area upon completion of the restoration and the permittee shall make any further repairs required by the City Traffic Engineer or City Engineer needed to address any deficiencies that did not exist prior to the occupation. If permittee does not adequately restore the permitted area as required, the City may perform any repairs or restoration and recover the costs thereof as a special charge against the adjoining property under [Sec. 4.09](#)(13).
- (o) Signage Limitations. It shall be unlawful to post or attach to any roofed passageway, barricade, material, or any temporary street occupancy structure any temporary sign, bill, or placard, except that this provision shall not be construed to prevent the posting of the street occupancy permit, the building permit as required by [Section 29.06](#), or the erection of signs denoting the owner, occupant, architect, engineer or contractors. However, such signs shall not exceed sixty-four (64) square feet in aggregate area and shall be located not less than eight (8) feet above the street grade immediately below the sign and not more than eight (8) feet above the barricade. This sign shall not be placed in such a manner as to obstruct or interfere with the vision of traffic, traffic lights, or right-of-way directional signs.
- (p) Traffic Signs. All signing, barricading and electric arrow boards shall be placed in conformance with the Federal Highway Administration "Manual on Uniform Traffic Control Devices" and City of Madison standards.
- (q) Permit Fees. All permit fees shall be paid in full prior to the issuance of the permit or any extension thereof.
- (r) Other Conditions. The City Traffic Engineer may add additional conditions, such as a traffic control plan, to a permit issued under this Section that are reasonably necessary to protect the public's health, safety and welfare, including after the issuance of the permit.
- (5) Public Trees. Any trimming, pruning or removal of public trees within the permitted area will require the issuance of a separate permit under [Sec. 10.101](#). The trimming, pruning or removal of any City tree without a permit issued under [Sec. 10.101](#) or without the permission of the City Forester shall be cause to revoke a permit issued under this Section.

- (6) Revocation of a Permit. The violation of any condition of a street occupancy permit that endangers the health, safety and welfare of the public, or the violation of any other ordinance while occupying the permitted area, shall be cause to revoke a permit issued under this Section. Except in the case of an immediate threat to the health, safety and welfare of the public, the City Traffic Engineer shall provide written notice of the revocation to the permittee who shall have no less than twenty-four (24) hours to comply with the permit requirements or other ordinance. If there is an immediate threat to the health, safety or welfare of the public, the City Traffic Engineer may immediately revoke the permit and shall provide written notification of this action to the permittee in a timely manner.
- (7) Appeal. In the event the City Traffic Engineer denies an application for a street occupancy permit, imposes a special condition on the permit under Subsection (4)(r), or revokes a permit under Subsection (6), the City Traffic Engineer shall inform the person, in writing, of the reasons for the determination. The person may appeal this decision to the Board of Public Works within ten (10) days after mailing of the notice to the address of the person as shown on the application. Such appeal must be in writing to the City Clerk, and must inform the Board of the reasons why the person believes the decision to be in error. Failure to so appeal this decision shall result in automatic approval of the denial, special condition or revocation without further action by the City Traffic Engineer or the Board of Public Works.

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the person and the City Traffic Engineer may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall cause to be issued a written decision which shall affirm, reverse or modify the determination of the City Traffic Engineer. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

- (8) Permit Fees. The following permit fees apply to street occupancy permits issued under this Section:
 - (a) Application Fees. A minimum permit fee of one hundred dollars (\$100) for an occupation lasting one to seven (1-7) days, a permit fee of one hundred fifty dollars (\$150) for an occupation lasting eight to thirty (8-30) days, and a permit fee of two hundred dollars (\$200) for an occupation lasting greater than thirty (30) days shall apply. The application fee shall be double for untimely renewals or applications made after occupation has already begun.
 - (b) Dumpsters, Portable Storage Containers and Construction Trailers. A fee of fifty dollars (\$50) shall apply, in addition to any other fees under this Section.

(c) Calculation of Fees. The fees charged in paragraphs 1. through 4. are charged for each area that is occupied and are based upon the area of the City where the permitted use is located. For the purposes of this Subdivision, the "Central City" is defined as the area bounded by the Yahara River on the east, Lake Mendota on the north, Park Street on the west, and Regent Street, Proudfit Street and Lake Monona on the south. The fees shall be charged for every twenty-five (25) feet of street front thereof that is to be temporarily occupied or used, based upon the period of occupation (1-7 days, 8-30 days, each 30 day successive period). Fees for occupancy of parking lanes and traffic lanes are based on the classification of the street, as indicated on the street classification map maintained by the City Traffic Engineer.

1. Sidewalks. For the temporary occupancy of all of a sidewalk area, including by a roofed passageway, or an occupancy that results in a sidewalk that is less than five (5) feet wide at any point, where no temporary walkway is provided on the same side of the street, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$52.00	\$104.00	\$104.00	\$65.00	\$130.00	\$130.00
5' min Ped Access	\$26.00	\$52.00	\$52.00	\$32.50	\$65.00	\$65.00
Collector St	\$36.40	\$72.80	\$72.80	\$45.50	\$91.00	\$91.00
5' min Ped Access	\$18.20	\$36.40	\$37.00	\$22.75	\$45.50	\$45.50
Local St	\$26.00	\$52.00	\$52.00	\$32.50	\$65.00	\$65.00
5' min Ped Access	\$13.00	\$26.00	\$26.00	\$16.25	\$32.50	\$32.50

2. Terraces. For the temporary occupancy of all or a portion of the terrace area, where the terrace is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive	1 - 7 Days	8 - 30 Days	Each Successive

			30 Days			30 Days
Arterial St	\$12.00	\$24.00	\$24.00	\$15.00	\$30.00	\$30.00
Collector St	\$8.40	\$16.80	\$16.80	\$10.50	\$21.00	\$21.00
Local St	\$6.00	\$12.00	\$12.00	\$7.50	\$15.00	\$15.00

3. Parking Lanes. For the temporary occupancy of all or a portion of a parking lane, where the parking lane is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$22.00	\$44.00	\$44.00	\$27.50	\$55.00	\$55.00
Collector St	\$15.40	\$30.80	\$30.80	\$19.25	\$38.50	\$38.50
Local St	\$11.00	\$22.00	\$22.00	\$13.75	\$27.50	\$27.50

4. Traffic Lanes and Alleys. For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$42.00	\$84.00	\$84.00	\$52.50	\$105.00	\$105.00
Collector St	\$29.40	\$58.80	\$58.80	\$36.75	\$73.50	\$73.50
Local St	\$21.00	\$42.00	\$42.00	\$26.25	\$52.50	\$52.50

- (9) Penalty. Any person who fails to comply with any of the requirements of this Section shall upon conviction be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Section [10.055](#) Cr. by ORD-15-00036, 4-8-15; Am. by ORD-17-00002, 1-12-17; Am. by [ORD-18-00123](#), 12-3-18)

10.056 - STREET USE PERMIT.



- (1) Purpose, Title and Findings. This section shall be known as the "Street Use Ordinance." The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be permitted, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets for purposes other than ordinary uses, pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained, subject to Wis. Stat. § 349.185. The Common Council makes the following findings:
 - (a) The streets and sidewalks (highway rights-of-way) under the control of the City are intended for use in the ordinary way for travel for motor vehicles, other vehicles, and pedestrians. (Am. by [ORD-19-00020](#), 3-29-19)
 - (b) The City has a substantial interest in preserving traffic and pedestrian safety, the safe and orderly use of streets and sidewalks, the ability to provide emergency services to all parts of the City, while also encouraging recreation, tourism, celebration, physical exercise, economic vitality of the community and the right to assemble, the right to exercise freedom of speech, expression, and association in a traditional public forum, as guaranteed by the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution. (Am. by [ORD-19-00020](#), 3-29-19)
 - (c) Street Use Permitted events bring benefits to the City, including cultural, economic, tourism, and the City has a tradition of approving Street Use Permits for festivals, gatherings, athletic events, charity events, demonstrations, parades and other gatherings. (Am. by [ORD-19-00020](#), 3-29-19)
 - (d) A large street use event or more than one event occurring in the same general area, whether on-street or off-street, causes occupancy levels of adjacent streets and sidewalks to increase, which may create unsafe conditions and strain the City's resources and infrastructure. (Am. by [ORD-19-00020](#), 3-29-19)
 - (e) The Council further recognizes the appeal of the City's downtown area, including

State Street and the State of Wisconsin Capitol square and streets surrounding the square, as a desired location for festivals, demonstrations and activities of all kinds. The unique geographic location and space limitations of the downtown area, as a narrow isthmus between two lakes, presents special challenges if an event closes the streets in the Downtown Zone. Special challenges include but are not limited to impacts on cross-town traffic, including Metro transit service, and impacts upon business, government, and students in the area, especially on weekdays, and impacts on all users and visitors to the area on weekends, therefore the City has adopted the additional standards for the Downtown Zone for weekdays and weekends as stated in that section. (Am. by [ORD-19-00020](#), 3-29-19)

- (f) This ordinance allows the City to manage the demands on the streets and sidewalks and strike a balance between the needs of users of the streets and sidewalks for transportation in the ordinary way and the use of such spaces for recreation, tourism, celebration, demonstration, and other non-standard reasons. This ordinance recognizes and balances the needs of City staff including police, fire, traffic engineering, parks and other departments to plan for and staff events occurring with a Street Use Permit and allow for reasonable reimbursement for such services when they are available and a process to deny or modify a permit when they are not, or when the standards of issuance stated herein cannot be met. (Am. by [ORD-19-00020](#), 3-29-19)
- (g) The ability to deny or require modifications to a requested Street Use Permit as stated in this ordinance directly furthers the City's interests stated above and allows the City to respond to applications in a way that provides ample alternative channels for speech and without restricting more speech than necessary. (Am. by [ORD-19-00020](#), 3-29-19)
- (h) The procedures and standards for approving a Street Use Permit in this ordinance are necessary to ensure safety for all, including event participants, workers, City employees, motor and non-motorized vehicle users, pedestrians, bicyclists, transit customers, and the general public. This ordinance also promotes the welfare of residential and non-residential occupants in areas where a Street Use Permit is issued.

(Am. by [ORD-19-00020](#), 3-29-19)

(2) Definitions.

- (a) City means the City of Madison.
- (b) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

- (c) Street means any public way, street, highway, sidewalk, terrace, alley, or public square. For purposes of this ordinance, a bicycle path or bicycle way shall also be considered a street.
- (d) State Street Mall-Capitol Concourse or Mall-Concourse for purposes of this ordinance, means those streets or portions of streets located within area described in [Sec. 9.13](#)(6)(a) of these Ordinances.
- (e) Non-Mall-Concourse means those streets or portions of streets located in any part of the city other than the State Street Mall - Capitol Concourse defined herein.
- (f) Downtown Zone (DZ) for purposes of this ordinance is defined as the area bounded by and including the following streets: North Blair Street where it terminates at James Madison Park, South Blair Street, John Nolen Drive, North Shore Drive, Proudfit Street, Regent Street, and Park Street from Regent Street to where it terminates at Lake Mendota. The Downtown Zone does not include the portions of streets forming the Capitol Square, the 100 blocks of each street intersecting with the Capitol Square, or the 200 block of Martin Luther King, Jr. Boulevard. (Cr. by [ORD-19-00020](#), 3-29-19)

(3) Street Use Staff Commission.

- (a) The voting membership of the Street Use Staff Commission shall consist of a staff representative from each of the following City departments or divisions:
 - 1. Transportation/Traffic Engineering;
 - 2. Parking Utility;
 - 3. City Engineering;
 - 4. Parks Division;
 - 5. Parks Division-Mall Maintenance;
 - 6. Streets Division;
 - 7. Police Department;
 - 8. Fire Department;
 - 9. Risk Management (Finance Director);
 - 10. Metro Transit;
 - 11. Economic Development Division (Street Vending); and (Cr. by ORD- [17-00119](#), 12-1-17)
 - 12. A representative from the State Capitol Police Department. (Renum. by ORD- [17-00119](#), 12-1-17)

Commission coordination shall be provided by the Parks Division. Membership on this Staff Commission shall not require mayoral appointment or Common Council approval. For the City staff positions, the Department head shall designate an

individual to serve on the Commission on a regular basis for an indefinite term. The Department head may assign another individual to attend and vote in the absence of the regularly-assigned staff person.

The Street Use Staff Commission is considered a "full" or "formal" committee under [Sec. 33.27](#), MGO, and subject to all applicable provisions of that section, including [Sec. 33.27](#)(2)(a), MGO. (Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-09-00038, 3-14-09; ORD-09-00171, 12-31-09; Am. by ORD-11-00037, 3-8-11)

- (b) The Street Use Staff Commission may require the applicant or other authorized individual to attend one or more meetings of the Street Use Staff Commission and to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit shall be granted.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(4) Application.

- (a) An application for a Street Use Permit shall be made by mail, in-person at the Parks Division, or using other methods made available by the City (such as online) using the form provided by the Parks Division. The application shall set forth the following information:
 1. The name, address and telephone number of the applicant or applicants. The applicant shall be the event sponsor. If the application is being filed by someone else on behalf of the event sponsor, that person shall also provide their name, title, address, and phone number.
 2. In addition to the information required in subparagraph 1. above, if the applicant is not an individual, the full name and business or headquarters address of the organizational entity shall be provided. If the applicant is a corporation, limited liability company, or limited partnership, the name and address of the registered agent shall also be provided. If the entity is a general partnership, the name, and address of at least one (1) general partner shall be provided.
 3. The name, address and telephone number of the person or persons who will be responsible for conducting and/or managing the proposed use of the street, if different from the individual(s) named in subparagraph 1. or 2. above. This person shall also provide a mobile phone, pager number, or other means for immediate contact during the event.
 4. The exact date or dates, beginning and ending times for which the requested use of the street is proposed to occur, including and set-up and

tear-down times. If an event sponsor requests identical street closures for the same location for more than one occasion or event within a twelve (12) month period, each event may be included on a single application.

5. An accurate description of that portion of the street proposed to be used.
6. The estimated number of persons for whom use of the proposed street area is requested.
7. The proposed use of the street, described in detail, including a description of all activities planned during the street use such as vending, music, selling or serving of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event. If any alcohol beverage license(s) will be requested for the event, the applicant shall indicate the type of license(s) requested and whether the applicant will still want a Street Use Permit if the necessary alcohol beverage license(s) are not granted. (Am. by ORD-11-0011, 9-12-11)
8. A description of any recording or sound amplification equipment to be used in connection with the street use.
9. A designation of any public facilities or equipment to be utilized.
10. Any additional information that the Street Use Staff Commission finds reasonably necessary to a fair determination as to whether a permit should be issued. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
11. Addendum and Attachments. Applicants requesting identical street closures for more than one occasion, or large events expecting over 10,000 attendees, shall include an "Addendum to Street Use Permit" with the application. The Addendum shall include written details regarding transportation management, parking, crowd control, resident access.

Additionally, if there will be any extraordinary security measures including searches of persons or vehicles, the applicant shall submit that plan as a separate Attachment to the application. If the crowd control or security plan calls for the hiring of private security services, the applicant shall provide the name of the security firm.

12. For events that include service of beverages in recyclable containers or the use of corrugated cardboard, a Recycling Plan shall be submitted with the application, using a form that has been prepared for this purpose by the City Recycling Coordinator. The Recycling Plan shall describe the applicant's procedures for collection and recycling of all recyclable materials (defined by MGO 10.18(7)(e)) produced by the event, and shall provide, at a minimum, for adequate collection containers, recycling instructions for vendors and other participants, and arrangements for the material collected for recycling

as required by MGO [10.18](#).

The City Recycling Coordinator (or designee) shall review the completed Plan and report his/her approval or denial of the Plan to the Staff Commission before or at their meeting at which the final decision is made on the application. If the Recycling Coordinator disapproves a plan, s/he shall work with the applicant to develop an approvable plan. (Cr. by ORD-08-00032, 3-21-08; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Am. by ORD-09-00171, 12-31-09)

(b) Deadline for Applications.

1. An application to close three (3) or more blocks or to close a street or streets that will require any bus route detours or substantial rerouting of vehicular traffic shall be submitted not less than thirty (30) days prior to the beginning date of the proposed event.
2. An application to close less than three (3) blocks that will not require any bus route detour or substantial rerouting of vehicular traffic shall be submitted not less than fourteen (14) days prior to the beginning date of the proposed event.
3. The deadline for application filing in sub. 1. and 2. above may be waived if, based upon the proposed date, time, place, size, duration, anticipated number of participants, and City services required, there will be sufficient time prior to the event for the Staff Commission to hold a public meeting to objectively review the application and make a decision under the standards of issuance herein within the timelines required by sub. (5)(f). For an administrative review under [10.056](#)(5)(b)5., the application deadline may be waived if there is sufficient time prior to the event for the Parks designee to conduct the administrative review and make a decision within the timelines required by sub. (5)(f). The application deadline for events under sub. 4. below (events with alcohol) may not be waived. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-11-00118, 9-12-11)

(Am. by ORD-09-00171, 12-31-09)

4. An application for an event of any size for which a temporary Class B alcohol license will be requested shall be submitted not less than sixty (60) days prior to the beginning date of the proposed event, to allow for Common Council review as required by [Sec. 38.05](#)(9)(e)2. (Cr. by ORD-11-00118, 9-12-11)

(c) Petition Required for Certain Events on Local Streets. It is in the public interest to dedicate and use non Mall/Concourse local, streets for neighborhood-centered

activities. If the application is for the use of not more than two (2) blocks of a non Mall/Concourse local street (defined as a street with a speed limit of twenty-five (25) miles per hour or less), the application shall be accompanied by a petition designating the proposed area of the street to be used, the date and times of the proposed use, and the petition shall be signed by an adult resident or occupant over the age of eighteen (18) of not less than seventy-five percent (75%) of all residential dwelling units and non-residential occupancies with a street address on that portion of the street designated for the proposed use. The petition form shall be included with the permit application and completed petitions shall be verified. (Am. by Ord. 12, 312, 2-1-99; ORD-06-00129, 9-21-06)

(5) Application Process and Permit Requirements.

(a) A Street Use Permit Application, the application fee under Sub. (7)(a), a petition, if required, and any additional materials shall be submitted to the Parks Division. Only complete applications containing all of the information required under sub. (4)(a) shall be considered. The Street Use Staff Commission shall review all such applications within the time limits in sub. (5)(f), if the application was filed within the deadlines in sub. (4)(b), except those applications that qualify for administrative review shall be reviewed by the designee of the Parks Superintendant under sub. (5)(b)5., below. (Am. by Ord. 13,176, 11-5-02; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(b) Permit Review.

1. The Staff Commission shall evaluate the application using the standards found in this ordinance. The Commission shall either approve the issuance of a Street Use Permit with conditions or deny the permit. The reasons for denial shall be set forth in writing and provided to the applicant immediately, unless the applicant is present at the meeting at which the permit is denied.
2. Conditions of the permit shall include those required by this ordinance and those determined by the Staff Commission to be appropriate to ensure the safety of the public and provide for an orderly event. The information supplied under sub. (4)(a), if approved by the Staff Commission, shall also become conditions of the permit.
3. When approved, the Parks Division shall issue the permit. The permit shall include all information required on the application and any conditions added to the application by the Staff Commission.
4. Duration of Permit.
 - a. General. Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event or street closure requested. Permits may be issued for a single day,

multiple consecutive days, or single-day identical street closures for more than one occasion over the course of twelve (12) months or less ("Serial Events"). A Serial Event shall also be limited to not more than one (1) day per week and not more than fifteen (15) total days per year, except for the Wednesday Dane County Farmers' Market on the 200 block of Martin Luther King Jr. Boulevard.

- b. Business Improvement District Programming. The time limits in sub.
 - a. above do not apply to a permit issued to a Business Improvement District, as defined in Wis. Stat. § 66.1109, if all of the following circumstances are met:
 - i. The application is for an event within the Business Improvement District for programmed entertainment and activities open to the public, and the activities comply with all applicable laws;
 - ii. The event area is limited to the sidewalk or sidewalk areas, terraces, and pedestrian ways and does not include any portion of the roadway or area that is open to motor vehicle traffic;
 - iii. No buses or other vehicle traffic will be re-routed; and
 - iv. It shall be a condition of any permit issued under this section that the applicant enter into a contract with the City of Madison setting forth, at a minimum, conditions of the permit, details for allowable programming, payment for the programming and responsibility for costs of any city services associated with the event. City funding for such programming, if any, shall be approved by the Common Council and authorization to enter into the contract shall be according to applicable City contracting policies.

(Am. by ORD-13-00067, 4-24-13; ORD-16-00055, 5-25-16)

5. Administrative Review for Certain Applications. Applications for the use of not more than two (2) blocks of a residential, non-Mall/Concourse local street meeting all of the criteria of [Sec. 10.056](#)(4)(c), including the petition requirement, may be reviewed and approved administratively by a designee of the Parks Superintendent. Such applications shall be approved if the Parks designee finds that the Standards of Issuance and all other applicable criteria under this ordinance have been met, including the insurance provisions under [10.056](#)(8). A decision on a permit under this section shall be made within the time limits in [Sec. 10.056](#)(5)(f). (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

6. Changes to Approved Permit. The approved conditions for a street use event cannot be modified except by submitting an amended application for consideration by the Street Use Staff Commission, following all the application procedures and deadlines herein, and the permit may only be changed with the approval of the Commission, applying the same standards as for initial issuance of the permit. (Cr. by ORD-13-00067, 4-24-13)
- (c) Street Vending. The applicant shall describe any proposed street vending activities on the application for a Street Use Permit, however, all street Vending activities, as defined in [Sec. 9.13](#)(1), MGO, are regulated by [Sec. 9.13](#) of these ordinances and may require additional licenses administered by the Street Vending Coordinator. [Sec. 9.13](#)(6)(k) governs the options for a vendor to request suspension of certain vending rules and regulations and requests for "exclusive vending use" including invalidation of other vending licenses during an event. A Special Event Umbrella Vending license covering street vending activities of all vendors in an approved special event is available to event sponsors under [Sec. 9.13](#)(2), and administered by the Parks Division.
- (d) Alcohol Beverage Licenses. If the applicant requests permission to sell beer or wine within the perimeter of the street use permit area, the applicant shall follow the procedure for a Temporary Class B Picnic License under [Sec. 38.05](#)(9)(e)2. of the Madison General Ordinances. Applications for such temporary license(s) in connection with a Street Use Permit are subject to approval by the Common Council under [Sec. 38.05](#)(9)(e)2. The Street Use Staff Commission has no authority to authorize the sale of any alcohol beverages or possession of open containers; however the Commission may impose conditions for the Street Use Permit not inconsistent with a concurrent alcohol beverage license and applicable laws. If the Commission approves a Street Use Permit prior to the Common Council's approval under [Sec. 38.05](#)(9)(e)2., the Commission shall indicate whether its approval is conditioned upon the issuance of an alcohol beverage license, and if so, the Commission's approval shall be conditional and the Street Use Permit shall only be issued after the Council has approved the alcohol beverage license(s). If approval of the requested alcohol beverage license is not a condition of the Street Use Permit, the Permit may be issued prior to the Council taking action on the alcohol license. Under no circumstances shall alcohol beverages of any kind be sold at a street use permitted event without the necessary alcohol beverage license(s) required by law. (Cr. by ORD-11-00118, 9-12-11)
- (e) Sound Amplification. The use of sound amplification equipment may be approved as part of the Street Use Permit; and if approved, a separate permit under [Sec.](#)

[24.04](#)(3) shall not be required. Any applicable time limits in [Sec. 24.04](#)(3) shall not apply to a Street Use Permit. The Staff Commission shall determine the times and conditions for use of amplified sound using the standards of issuance herein, except that the use of sound amplification equipment may only be approved between 8:00 a.m. and 11:00 p.m. Requests for sound amplification before 8:00 a.m. or after 11:00 p.m. may be considered and granted by the Staff Commission if the Notification or petition required under [Sec. 10.056](#)(5)(g) described the proposed hours for amplification; and if the Staff Commission makes a specific finding that the Standards of Issuance, including sub. (6)(i), will not be violated by the use of amplified sound before 8:00 a.m. or after 11:00 p.m. (Am. by Ord. 12,474, 9-27-99; ORD-06-00128, 9-21-06; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

- (f) Time Limit for Decision. The decision to approve or deny a Street Use Permit shall be made within twenty-one (21) days of the date a complete application properly filed under sub. (5)(a) is received, unless the applicant expressly agrees to a longer period of time, or unless the application is for an event for which alcohol beverage licensing is also requested. Except for applications filed fewer than fourteen (14) days prior to the event under [Sec. 10.056](#)(4)(b)3., the decision to approve or deny shall be made no fewer than five (5) calendar days before the beginning of the proposed event, to allow a timely appeal as provided elsewhere in this section. An applicant may choose to voluntarily waive this 5-day decision deadline. (Am. by Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

- (g) Notification Requirements.

The notices required by this paragraph shall be in addition to any petition which may be required under [Sec. 10.056](#)(4)(c), and any street vendor or other notifications required elsewhere in these Ordinances.

- 1. Notification by the Applicant.

- a. Residential Neighborhood Events of Two (2) Blocks or Less. The applicant shall deliver written notices announcing an event for which a permit has been granted, to each occupant on the streets to be closed at least seven (7) days prior to the event, unless a petition is required. The applicant shall provide the Parks Division a sample of any written notice required under this paragraph. If a petition is required under sub. (4)(c), the circulation of the petition shall serve as the only notice required under this paragraph.
- b. Large Public Events of Three (3) or More Blocks, 10,000 or More Estimated Attendees and Any Event Requiring Bus Detours or

Significant Traffic Rerouting . The applicant shall send a copy of the application to the alderperson(s) of the aldermanic district(s) where the street closure is requested and to any neighborhood association on file with the Department of Planning and Community and Economic Development, within five (5) days of filing the application. The notification shall include contact information for the applicant. The purpose of the notification shall be to exchange information and receive public comment about the details of the event. The applicant shall keep a record of all public comments and provide them at the Street Use Staff Commission meeting when the application is reviewed. If a permit is granted, the applicant shall also provide written notice announcing the event to each occupant on the street(s) to be closed, prior to the event. The applicant shall also promptly notify any merchants or building occupants identified by the Street Use Staff Commission, upon request of the Staff Commission. The applicant shall provide the Staff Commission a copy of the meeting announcement and other written notice(s) required under this paragraph.

- c. 700 and 800 Blocks of State Street . For events on the 700 or 800 blocks taking place during regular business hours, the applicant shall notify all of the business or educational occupants of both the 700 and 800 blocks, and include proof of that notification with their application. A list of occupants can be obtained from the Parks Division.
- d. Notice . Notice of an event for which a permit has been granted shall be sufficient if provided to the owner or occupant of each building or use with street frontage or driveway access on the street or portion of streets to be closed.

- 2. Notification by the Street Use Staff Commission . The Street Use Staff Commission shall regularly report to Common Council members all Street Use Permits granted and denied. The Community Events Coordinator shall also notify the Street Vending Coordinator and other pertinent staff of permits that have been granted and denied, as needed.

(Sec. 10.056(5) Am. by Ord. 12,312, 2-1-99; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-09-00171, 12-31-09)

- (h) Animals Prohibited . Under Sec. 23.315, MGO, animals are prohibited in all areas within the perimeter of a street use event when there are a total of ten (10) or more food vendors participating in the event. For purposes of this paragraph and Sec. 23.315, a "food vendor" is any vendor selling food or beverage and required

to hold a temporary or permanent food and drink license from the City under [Chapter 7](#). A food vendor is "participating" in the event if the vendor is either included in event sponsor's special event umbrella vending license, or holds a city street vending license and is allowed to remain within the perimeter of the event. If animals are prohibited under this paragraph, the event sponsor shall provide notice to the public at the entrance to the event that animals are prohibited at the event under [Sec. 23.315](#).

(Cr. by ORD-[10](#)-00079, 8-12-[10](#))

- (i) Additional Standards for the Downtown Zone. Beginning with the effective date of [ORD-19-00020](#), applications for a permit for an event that will occur, start, end or pass through the Downtown Zone shall be subject to the following additional standards of issuance which are hereby established to take into account the special impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within this zone:

1. Definitions.

Arterial. A street with a functional classification of "arterial" as classified by the City Traffic Engineer on a map created for that purpose.

City-Sponsored Event. An event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.

Closure. A full closure of the street where all lanes of traffic are closed. This does not include a parking lane closure or single lane closure where motor vehicle traffic is still permitted to move in both directions. "Closure" also includes a cross street being closed to traffic (example: application for State Street that would require closing Gorham Street to motor vehicle traffic where it intersects State Street without allowing such traffic to cross would qualify as a request for a full closure of Gorham Street.) Any request to use the roadway of State Street is considered a full closure because State Street does not have the option for a partial lane closure. However, an event where participants stay on sidewalks and obey all traffic signals at cross streets is not considered a "closure."

Collector. A street with a functional classification of "collector" as classified by the City Traffic Engineer on a map created for that purpose.

Downtown Zone. See [Sec. \[10.056\]\(#\)](#)(2)(f).

Legacy Event. Any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten ([10](#)) continual years counting backwards from 2018, excluding location changes caused by construction.

Premier Event. An event that meets the base minimum criteria to qualify as a premier event under the process established in [Sec. 10.056\(5\)\(j\)2](#).

Traveling Route. A run, race, walk, march, parade, procession or other event where people travel from one location to another or travel along a route that returns to the starting point.

2. A full closure of all lanes of traffic on a street with a functional classification of "arterial" or "collector", as classified by the City Traffic Engineer on a map created for that purpose, shall only be approved in the Downtown Zone with the following conditions:

- a. Weekdays. No closure of arterial or collector street Monday through Friday.
- b. Weekends. Arterial or collector streets may only be closed on a weekend as follows:

- i. Start Time.

Saturday - traveling route must start by 8:00 a.m.

Sunday - traveling route must start by 9:00 a.m. or after 3:00 p.m., with no street closure of any street in the Downtown Zone before 3:00 pm., including for set-up.

- ii. Exceptions to Saturday/Sunday Start Times.

- A. Events that obey traffic signals and have the capacity to control participants to safely allow motor vehicle traffic to cross on arterials/collectors, and
 - B. City-sponsored events, defined as an event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.

3. No permit shall be issued for a closure of any part of the 200 thru 600 blocks of State Street (West Dayton Street to North Lake Street) at any time on the days of Monday through Friday. However, an event that stays on sidewalks and whose participants obey all traffic signals is not considered a "closure" and not subject to this subsection.

4. Any permit to close any part of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:

- a. The closure complies with all provisions of this subsection for the Downtown Zone including those for collectors and arterials in sub. 2. above.
 - b. The event organizer agrees to a traffic management plan that meets the requirements of [Sec. 10.056](#)(6)(o)3.b., MGO.
5. Beginning in 2019, for new events that have never been issued a Street Use Permit, no permit shall be issued for a closure for an event that includes a race or run with a traveling route that ends at the Capitol Square or crosses any arterial street within the Downtown Zone during the second half of the route, regardless of the start time.

(Cr. by [ORD-19-00020](#), 3-29-19)

(j) Exceptions to the Standards for the Downtown Zone.

1. Legacy Events.

- a. Process. The standards for the Downtown Zone in [Sec. 10.056](#)(5)(i) shall not apply to an event that meets the following criteria:
 - i. Event is considered a Legacy Event, which is any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.
 - ii. Event organizer has worked with the Street Use Staff Commission to reach agreeable conditions for its Street Use Permit for 2019 (or future year under sub. b.iii.) that complies with the standards of issuance in sub. (6) and takes into account the stated purpose of the additional standards for the Downtown Zone in sub. (5)(i), and has been issued a permit that includes such conditions.
- b. Legacy Exempt Status. An event meeting the criteria of [Sec. 10.056](#)(5)(j)1. will be granted Legacy Exempt Status which means:
 - i. The standards for the Downtown Zone shall not apply to the event, so long as the event has not done anything to lose its Legacy Exempt Status, as set forth in sub.1.e.
 - ii. The event will be given priority over any other application for its traditionally-requested date for future years, subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy Exempt Status as set forth in sub.1.e.

- iii. If this ordinance is amended to change or create additional rules for the Downtown Zone beyond those adopted by [ORD-19-00020](#), an event with Legacy Exempt Status may apply for an exception to such new rule(s) using the process in sub. a.ii.
- c. Date Priority for Legacy Events That Do Not Violate the Downtown Zone. A Legacy Event that complies with the standards for the Downtown Zone will also be given priority over any other application for its traditionally-requested date for future years, ("Legacy date priority") subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy status as set forth in sub. 1.e.
- d. Event Date Defined. As used herein, "date" refers, in most cases, to the annual day of the week and/or weekend during which the event has traditionally taken place (e.g. third Saturday in July or third weekend of July). For an event traditionally held on the same calendar date each year (e.g. January 1) "date" refers to the exact date. Moving an event to a different week or weekend or changing the day of the week (Sunday instead of Saturday) may be considered a significant change in date for purposes of losing Legacy status under sub. 1.e., except for the University of Wisconsin-Madison Homecoming parade which is traditionally held on a Friday night in the fall that fluctuates as a result of the university's calendar and the Big Ten Conference football schedule.
- e. Loss of Legacy Status. An event will lose Legacy date priority or Legacy Exempt Status under this section and no longer be considered a Legacy Event if any one of the following occur:
 - i. There is a significant change to any one of the following: date, start time, duration, location, approved route, or other substantial change in the logistics or set-up of the event from that approved for 2019 (or future year if applicable under sub. 1.b.iii.), except that a request to change route or location caused by sub. f. or construction will not cause loss of Legacy status.
 - ii. The type or nature of the event substantially changes.
 - iii. There is either a documented violation of a condition of the approved permit or the Standards of Issuance, or a citation or other enforcement action is commenced for another violation of [Sec. 10.056](#), MGO.

- f. Limits of Legacy Status, Retention of Rights. Date priority for a Legacy event under sub. 1.c. and Legacy Exempt Status under sub.1.b. will be honored by the City of Madison to the extent it does not conflict with City-owned or City-approved construction projects, public utilities, governmental transportation projects, public transit initiatives including but not limited to Bus Rapid Transit (BRT) routes, or other City rights and obligations with respect to the rights-of-way. Legacy Exempt Status, or the issuance of any Street Use Permit under this ordinance, does not guarantee any permit holder any rights beyond those granted by the permit in question and shall not interfere with the City's rights and obligation to control the use of the highways and rights-of-way under its control.

A change in route or location of any Legacy event, if the change is required by this paragraph f., shall not cause the event to lose its Legacy status so long as all other criteria for such status remains in effect.

2. Premier Event.

- a. Purpose and Findings. The City finds that under certain circumstances, an extraordinary event of a caliber that brings significant tourism value to the City will qualify for exceptions to the standards for the Downtown Zone, if the event requires a street closure in the Downtown Zone. Such a premier event will bring significant, positive national or international recognition to the City and an economic benefit to the area that outweighs the negative impacts on the Downtown Zone under certain circumstances. Therefore, the standards for the Downtown Zone in [Sec. 10.056](#)(5)(i) shall not apply to an event that has been granted premier status using the following procedure.
- b. Staff Internal Review and Criteria. An event sponsor may initiate the process for seeking premier event status by contacting the Mayor's office, who shall refer the event to the Parks Division Events Coordinator for a staff review to determine, first, if the requested street use requires an exception from the standards for the Downtown Zone, and second, if the overall event will meet certain base minimum criteria to qualify as a premier event. Such criteria shall be developed by the Parks Division and pertinent staff with input from the tourism promotion organization that holds a contract with the City for destination marketing, and made available to the public. Such criteria shall include: minimum hotel room nights; minimum direct spending dollars

and/or minimum economic impact dollars as measured by a recognized event impact calculator that measures the economic value of an event; minimum estimated total attendance; and other criteria as appropriate, to determine if the event meets the purposes stated above. The staff review shall also include notification to the alder of the affected district(s) and an estimate of City costs for the street use portion of the event. If staff finds the minimum base criteria can be met, staff shall inform the event sponsor and report the same to the Street Use Staff Commission at the time the event applies for a Street Use Permit.

- c. Application to Commission. Event sponsor may apply for a Street Use Permit under the regular procedures and standards of this ordinance, except that in addition to the standards of issuance in sub. (6), event sponsor must conclusively demonstrate to the Commission that the minimum base criteria in sub. b. above can be met. The Commission shall review the application as required by this ordinance, except that the Commission may approve a permit that includes exceptions to the standards for the Downtown Zone in sub. (5)(i).

- 3. City-Sponsored Events. The standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to a City-Sponsored Event.

(Cr. by [ORD-19-00020](#), 3-29-19)

- (6) Standards for Issuance. The following standards established within this subsection, in addition to any other mandatory requirements within Sec. 10.056 or elsewhere in these Ordinances, and as amended from time to time, shall govern the issuance of street use permits. In the case of a street use permit requested solely to facilitate access to an event occurring off the street, the "event" for purposes of these standards shall be those activities reasonably expected to take place within the street(s) to be closed. A Street Use Permit shall be issued to an applicant unless:
 - (a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location. If the requested location is in the Downtown Zone, the standards set forth in sub. (5)(i) shall also apply; or (Am. by [ORD-19-00020](#), 3-29-19)
 - (b) The concentration of persons at the event, the proposed event location, or other physical characteristics of the event would unduly interfere with the City's ability to provide proper fire and police protection of, or other emergency service to or through the event, to areas adjacent to the event's location, or to other parts of the City; or (Am. by [ORD-19-00020](#), 3-29-19)

- (c) The estimated number of participants or the size or type of event equipment is not sufficient to close a street and there is an alternative channel of communication available; or
- (d) The Event for Which the Application is Submitted Conflicts with Other Events or Activities, as Follows :
 - 1. Same Place/Time. Another event at substantially the same time and location has already been issued a Street Use Permit or parade permit; or
 - 2. Same Day/Weekend. Another event on the same date or same weekend has already been issued a street use, parade, or Parks special event permit and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department associated with any of the proposed events, the combination of events would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services; or
 - 3. Other Events/Activities. One or more events or activities are known to be occurring on the same date or same weekend, whether or not such activities require a City permit, and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department, for any of the events or activities, the combination of activities would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services.

(Am. by [ORD-19-00020](#), 3-29-19)

- (e) The size or time of the event would require so great a diversion of City police, fire and other emergency staff as to prevent normal protection of the City or to prevent adequate protection at another previously scheduled event whether or not that event has been issued a street use permit or other permit from the City; or
- (f) The event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants; or
- (g) Adequate sanitation or other necessary Health facilities will not be available at the event; or
- (h) There is an insufficient number of parking places within a reasonable distance or inadequate alternative parking or transportation options to accommodate the number of vehicles expected; or
- (i) The time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of residents or non-residential occupants or uses in the vicinity of the event; or (Am. by [ORD-19-00020](#), 3-29-19)

- (j) The proposed use or event will have a significantly adverse environmental impact; or
- (k) (Repealed by ORD-05-00051, Eff. 03-19-05)
- (l) The applicant has provided fraudulent information on the application; or
- (m) The applicant has an outstanding balance owed to the City of Madison for unpaid fees for actual costs of equipment or services related to a previous Street Use Permit, Parade Permit under [Sec. 12.87](#), a Parks special event permit or other permit or procedure of the Parks Division requiring payment or reimbursement for fees; or (Am. by ORD-15-00046, 4-29-15)
- (n) The applicant has failed to satisfy the following permit requirements established elsewhere in this ordinance:
 - 1. Filing of any petition required under sub. (4)(c). (Am. by ORD-15-00046, 4-29-15)
 - 2. Posting of any cash bond or surety required under sub. (7).
 - 3. A valid indemnification agreement required under sub. (8).
 - 4. Proof of insurance, timely submitted and approved by the Risk Manager, as may be required under sub. (8).
 - 5. A valid agreement to pay actual costs of equipment and services as required under sub. (7).
 - 6. Submittal of an "Addendum to Street Use Permit," and Attachment, if required under sub. (4)(a)11.
 - 7. Submittal and approval of a Recycling Plan, if required under sub. (4)(a)12. (Cr. by ORD-08-00032, 3-21-08)
- (o) The proposed street use does not comply with the following minimum safety restrictions:
 - 1. At least one (1) emergency vehicle access lane a minimum of twenty (20') wide, free of obstacles, shall be maintained at all times.
 - 2. At least one (1) walkway for pedestrian access at least eight (8) feet wide shall be maintained at all times.
 - 3. Any permit to close any portion of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
 - a. The closure can be approved under the standards for the Downtown Zone under sub. (5)(i), and
 - b. A traffic management plan that includes all requirements established for this event by City staff for traffic control, traffic detours, barricades,

signage, and parking, is approved by the Staff Commission, event organizer agrees to cooperate with all aspects of the plan, and the plan is included as a condition of approval of the permit.

4. A complete closure of all lanes of vehicle traffic on any portion of John Nolen Drive shall not be approved, with the exception of a closure for a City-sponsored event.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by [ORD-19-00020](#), 3-29-19)

- (p) Alcohol beverage licensing has been requested for the event, the Commission has made approval of the necessary alcohol beverage licensing a condition of approval for the Street Use Permit, and the Common Council has not approved the necessary alcohol beverage licensing. (Cr. by ORD-11-00118, 9-12-11)
- (q) Any activity to take place within the permitted area is contrary to federal, state or local law, or any vehicle, equipment or other materials to be used within the permitted area will not meet all applicable laws. This provision does not apply to a law that, by its express language, may be suspended or rendered non-applicable by the issuance of a Street Use Permit. (Cr. by ORD-15-00046, 4-29-15)
- (r) Student Move-In Dates. The proposed street use includes a run, walk, parade or similar traveling route that closes any lane of traffic in the Downtown Zone on any date from August 13 through the Sunday of the third full weekend of August, or any of the move-in dates for residence halls and apartments operated by the University of Wisconsin-Madison's University Housing department, as those dates are established by the University. Notwithstanding the foregoing, the Commission may exercise flexibility and approve a traveling route with a traffic lane closure in the Downtown Zone on one of the dates listed above if, for a certain year, due to the sequence of move-in dates and proximity in time or location to other events around that time, the Commission finds that the other standards of issuance can be met while approving the event on that date. Such approval shall apply only for the year in question and shall not entitle the event sponsor to future approval on the same or similar date in the future. (Cr. by [ORD-19-00020](#), 3-29-19)

(7) Fees.

- (a) Application Fee. The application fee for a one-day event reviewable under [Sec. 10.056\(5\)\(b\)5](#). (i.e. block party) is fifty dollars (\$50), the application fee for all other one-day events is one hundred dollars (\$100). If the application is for an event that requires street closure for two (2) or more consecutive days, the fee shall be two hundred dollars (\$200). If the application is for a Serial Event under [Sec. 10.056\(5\)\(b\)4.a](#). or a BID event under [Sec. 10.056\(4\)\(a\)4.b.](#), the application fee shall be three hundred dollars (\$300). An additional twenty-five dollars (\$25) for

each block or portion thereof in which any special vending approval under [Sec. 9.13](#)(6)(k)1. is requested shall be added to the application fee. All application fees shall be submitted with the application and are non-refundable. The application fee includes the administrative costs of processing the application. For events in the 700-800 blocks of State Street and residential neighborhood events of not more than two (2) blocks, the fee shall also include minimal use of City equipment and services. However, additional fees for actual costs of services and equipment provided may be incurred for any event, under Par. (c) below. All applications under this paragraph except for events reviewed under [Sec. 10.056](#)(5)(b)5. are subject to a two hundred and fifty dollar (\$250) additional late fee if the application is submitted after the deadlines in [Sec. 10.056](#)(4)(b). (Am. by ORD-13-00067, 4-24-13; ORD-14-00050, 3-6-14; ORD-16-00055, 5-25-16)

- (b) Cash or Bond Deposit for Certain Events. Prior to issuing a Street Use Permit for any portion of the Capitol Square or closure of more than three (3) blocks city-wide, the applicant shall post a minimum of three thousand dollars (\$3,000) cash, certified check, or a surety bond in a form approved by the Risk Manager or the City Attorney to guarantee payment of the actual cost of City equipment and the City services provided. The cash or bond shall be delivered to the Parks Division.
- (c) Fees for Equipment Rental and Additional Services. Event sponsors may rent equipment or arrange for services from the City as available. Additionally, if the street use results in more than the minimal use of any City equipment or any City services, whether or not such use was requested or expected, the event sponsor shall pay the actual costs for use of that equipment and services in accordance with a schedule determined by each department/division that bills for services and/or provides equipment for an event. The applicant shall agree to pay, within 20 days of billing, any additional actual costs, such as additional barricades or trash barrels, incurred by the City by the occasion of the event and its participants for City services and use of City-owned equipment.

(Sec. [10.056](#)(7) Am. by Ord. 12,312, 2-1-99; ORD-05-00051, 3-19-05; ORD-09-00038, 3-14-09)

(8) Insurance.

- (a) All applicants for a street use permit shall agree, as a condition of the permit, to indemnify, defend, and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.
- (b) The requirement of insurance and applicable minimum limits shall be determined by the City Risk Manager according to objective standards including but not

limited to the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants.

- (c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars (\$1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case by case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The certificate of insurance shall provide a thirty (30) days' written notice to the City upon cancellation, nonrenewal, or material change in the policy. If insurance is determined to be required for an event, the applicant shall provide the Certificate of Insurance described above no less than five (5) days prior to the event. (Am. by Ord. 13,176, 11-5-02)

(Sec. 10.056(8) Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

- (9) Appeal Procedure. Any applicant may appeal the denial of a Street Use Permit to the Administrative Review Board. Appeal procedures shall be as provided in [Section 9.49](#), Madison General Ordinances, Review of Administrative Determinations, except that all timelines in [9.49\(6\)\(a\)](#) and (b), other than the thirty (30) day deadline for the person aggrieved to file a Notice of Appeal, shall be shortened as necessary to provide a meaningful appeal whenever possible prior to the first requested date of the proposed street closure.

(Am. by Ord. 12,312, 2-1-99)

- (10) Severability. Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.
- (11) Termination of a Street Use Permit.
 - (a) In Advance of an Event. A Street Use Permit for an event that has not yet commenced may be terminated by the Chief of Police or the Fire Chief or their respective designees, upon consultation with the Superintendent of Parks, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.
 - (b) During an Event. A Street Use Permit for an event in progress may be terminated by the Chief of Police or the Fire Chief, or their designees, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. Additionally, the Chief of Police or designee may terminate a Street Use Permit for an event in progress if the safety of the public is imminently

endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated [Sec. 9.13](#) (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to [Sec. 9.13](#)(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event.

(Sec. [10.056](#)(11) Am. by Ord. 12,312, 2-1-99; ORD-08-00121, 11-22-08; Am. by [ORD-19-00020](#), 3-29-19)

- (12) Penalty. Any person who shall do any of the following may be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation:
- (a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a Street Use Permit is required without having been issued a valid Street Use Permit for said activity or after a Street Use Permit has been terminated pursuant to Subsection (11). (Am. by [ORD-19-00020](#), 3-29-19)
 - (b) Violate any condition placed upon a Street Use Permit; encourage others to do the same; or, as the applicant or sponsor of an event for which a Street Use Permit has been issued, permit or allow a violation of a condition of the Permit. The applicant or sponsor is considered to have permitted or allowed a violation of a condition if the applicant or sponsor was issued a permit with the conditions listed, or a letter thereto, and a violation of any listed condition occurs during the event.
 - (c) Provide false or inaccurate information on a written application for a Street Use Permit.
 - (d) Participate in an activity for which a street use permit is required without a valid street use permit having been granted or after a permit has been terminated pursuant to Subsection (11), above. (Am. by ORD-08-00121, 11-22-08)
 - (e) Violate any other subsection of this ordinance.

(Sec. [10.056](#)(12) Am. by Ord. 12,312, 2-1-99)

(Sec. [10.056](#) Am. by ORD-05-00051, 3-19-05)

[10.057](#) - FACILITY ACCESS PERMIT.

[◀](#) [◀](#) [◀](#) [◀](#) [◀](#)

- (1) Purpose. The City owns and operates a vast network of street lights, traffic signals, and

electrical and telecommunications infrastructure (including fiber), both within the right-of-way and on other City owned lands. These facilities have numerous access points that, while they generally have restricted access, are difficult to monitor. Unauthorized access, alterations or connections to these City facilities, such as using City handholes to access private facilities, connecting to City fiber or electricity, or using City conduit, poses a risk to the City's infrastructure, as well as a direct threat to the health, safety and welfare of the public and the ability of the City to serve the needs of its residents. The purpose of this ordinance is to ensure that only authorized persons are accessing, altering or connecting to the City's facilities, and that if any changes are made to the City's facilities that the City is made aware of them and has the ability to track those changes. It is also an express goal of this ordinance that the persons whom the City has allowed to access, alter or connect to the City's facilities will use better contractors and subcontractors in the future, and that the City will have more complete and accurate records of its facilities.

- (2) Requirement. Except as otherwise provided in this Section, no person shall access, alter or connect to a facility, or cause another person to do so, without a valid facility access permit issued under this Section. Any alterations or connections made contrary to this Section, or that were otherwise made without the City's express permission, are subject to immediate removal by the City without notice.
- (3) Applicability. This Section does not apply to the following:
 - (a) Any person acting within the scope of a public works contract.
 - (b) Any emergency personnel acting on behalf of police, fire or public gas or electric utilities during a public emergency, as determined by the Department, that poses an imminent risk to the public's health, safety or welfare.
- (4) Definitions. For the purposes of this Section, the following definitions apply:
 - (a) Access means to open or otherwise make contact with a facility.
 - (b) Agreement means any written legal agreement between the City and another party that allows the other party to access, alter or connect to a facility, or where express written permission to do so is granted by the Department or the City's Information Technology Department.
 - (c) Alter means to make any changes to a facility, including moving a facility, changing a facility, installing new private equipment within a facility, or in any way changing the ability of the City to use a facility. Altering includes using the City's fiber strands for non-City purposes.
 - (d) Connect means to splice or attach any private (non-City owned) electrical or telecommunications (including fiber) line to an existing facility, other than at publicly available electrical or telecommunication outlets.

- (e) Department means the City's Traffic Engineering Division.
 - (f) Facility, or facilities, shall mean any City owned handhole, manhole, base, conduit, fiber, electric supply, traffic signal, street light, or electronic, telecommunications, or control cabinet, including any poles or other support structures for said items.
 - (g) Person shall mean any person or entity, other than the City itself.
 - (h) Project shall mean a permittee's work that requires accessing, altering or connecting to facilities.
- (5) Permit. A person who has an agreement with the City may apply for and obtain a facility access permit, for the person and the person's contractor or subcontractors, pursuant to the requirements of this Subsection. A permit holder is responsible for the actions of their contractor or subcontractors.
- (a) Permit Application. Application for a facility access permit shall be made to the Department. Permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:
 - 1. Identification. The applicant shall provide the name and contact information of the person seeking to access, alter or connect to the facility. The application shall also specify the name and contact information of the contractor(s) or subcontractor(s) who will be performing the work for the applicant.
 - 2. Agreement. The applicant shall specify the agreement under which the permit is being sought.
 - 3. Purpose. The applicant shall specify the purpose for accessing, altering or connecting to the facility and any resulting impact on City operations.
 - 4. Project Plan. The applicant shall specify the facility or facilities being accessed, altered or connected to, and identify in detail the nature and scope of the work, including any project details requested by the Department. If the work will impact traffic, an approved traffic plan may be required.
 - 5. Duration and Scope. The applicant shall propose a duration and scope to the project that minimizes any interference with the City's operations or impacts on the public.
 - 6. Fees. The applicant shall pay:
 - a. The permit fees and costs as set forth below;
 - b. Any unpaid fees or costs due for prior facility access, alterations or connections; or,
 - c. Any loss, damage, or expense suffered by the City because of

applicant's prior facility access, alterations or connections.

7. Statement of Compliance. The applicant shall sign a statement on forms provided by the Department that the applicant will comply with all local, state and federal codes.
 8. Insurance. The applicant shall furnish, or have on file, a certificate of liability insurance compliant with the standards of the Department and that is approved by the City's Risk Manager.
- (b) Permit Fee. The facility access permit fee shall be established by the Department, and approved by the Board of Public Works, in an amount sufficient to recover the costs incurred by the City to administer the permit and the requirements under this Section. Once paid, the permit fee is not refundable.
- (c) Review and Approval. The Department shall review the application to ensure that it is complete. The applicant shall provide any additional information to the Department as requested. If the Department determines that the applicant seeks to access, alter or connect to the facility or facilities pursuant to an agreement with the City, that the project plan will not adversely affect the facility or facilities or endanger the public's health, safety or welfare, that the person performing the work is competent to perform such work, and that granting the permit is not contrary to the City's interest, the Department may, subject to Subsection (6)(c), issue the permit as provided herein. The City reserves the right to reject an application under this Section for any reason, including an applicant's history of poor performance of similar work or performing work not according to approved plans.
- (d) Conditions. All permits shall be subject to the following conditions, and any other special conditions as required by the Department:
1. Compliance. Permittees shall comply with all City ordinances and applicable laws and regulations. The project may require the issuance of other City permits or approvals, and it is the permittee's responsibility to obtain all required permits or approvals.
 2. Notice. The permittee shall notify the Department no later than 24 hours before commencing the permitted activity, and again within 24 hours after ceasing the permitted activity.
 3. Project Plan. The permittee shall perform the work consistent with the approved project plan submitted with the application. If any changes to this plan are necessary, other than minor changes that do not adversely impact the City's facilities, permittee shall notify the Department prior to engaging in the activity.

4. Permit Display. A copy of any permit issued under this Section shall be made available at all times by the permittee at the project work site and shall be available for inspection upon request.
5. Inspection. The permittee shall make the project site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the project. At the time of inspection, the Department may order the immediate cessation of any work that is contrary to the approved plans or that otherwise poses a threat to the life, health, safety, or well-being of the public.
6. As-Builts. Within ten (10) days following the completion of the permitted activity, unless additional time is approved by the Department, the permittee shall provide the City with as-built drawings, in a format that is acceptable to the Department, of the changes, alterations or connections made to the facility or facilities, including the specific use of any pre-existing fiber strands or conduits.

(6) Revocation.

- (a) It shall be cause to revoke a permit issued under this Section if a permittee does not comply with the conditions of the permit, or if the City subsequently learns that the as-built drawings submitted on previous projects do not accurately reflect the alterations or connections made to the facility or facilities.
- (b) Except in the case of an immediate threat to the health, safety and welfare of the public or the City's facilities, the Department shall provide written notice of the revocation to the permittee, who shall have no less than twenty-four (24) hours to comply with the permit requirements, including updating any drawing or performing additional work to correct any previous errors. If there is an immediate threat to the health, safety or welfare of the public, the Department may immediately revoke the permit and shall provide written notification of this action to the permittee in a timely manner.
- (c) A person who has had a permit revoked under this Section is not eligible to be issued new permits under this Section until such time that the Department is satisfied that the permittee is in compliance with this Section and has demonstrated an ability to comply with this Section for future projects.

- (7) Appeal. In the event the Department revokes a permit under Subsection (6), the Department shall inform the person, in writing, of the reasons for the determination. The person may appeal this decision to the Board of Public Works within ten (10) days after mailing of the notice to the address of the person as shown on the permit application. Such appeal must be in writing to the City Clerk, and must inform the Board of the

reasons why the person believes the decision to be in error. Failure to so appeal this decision shall result in automatic approval of the revocation without further action by the City Traffic Engineer or the Board of Public Works. Within thirty (30) days after receipt of the appeal, or as soon thereafter as agreed to by the permittee and the City, the Board of Public Works shall hold a hearing at which the person and the City Traffic Engineer may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall cause to be issued a written decision which shall affirm, reverse or modify the determination of the City Traffic Engineer. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

- (8) Unauthorized Work. If any person alters or connects to a facility without a permit issued under this Section or as specifically provided for by the terms of an agreement with the City, the person shall be required to reimburse the City for its actual expenses incurred in restoring its facilities to the condition they were in prior to the unauthorized work.
- (9) Penalty. Any person who fails to comply with any of the requirements of this Section, including any permit issued hereunder, shall upon conviction be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.

(Cr. by [ORD-19-00014](#), 3-15-19)

**10.06 - SPECIFICATIONS FOR
CONSTRUCTION OF SIDEWALKS—WIDTH
OF WALKS.**



Except upon special authority obtained from the Common Council, no new walk upon any street, the grade of which shall have been established, shall be constructed, and no old walk shall be substantially reconstructed upon such street unless such new or reconstructed sidewalk shall be concrete, and constructed in accordance with the latest edition of the City of Madison Standard Street and Sewer Specifications and all addenda and supplements thereto. Said concrete sidewalks constructed on residential streets shall be five (5) feet wide, except the width shall be five feet four inches (5'4") wide where a new sidewalk at its termini abuts to existing sidewalks of that dimension. Unless the City Engineer shall so direct, new sidewalks shall not be greater or less than these widths. Unless business streets, such walks shall be of such widths as shall be directed by the City Engineer, and it shall be unlawful to build any walk in a business district of any width not authorized by the City Engineer. No sidewalk shall be constructed or reconstructed under the provisions of this section without first obtaining a permit from the City Engineer showing the location and required width of the

proposed work. The permit fee shall be twenty-five dollars (\$25). The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fee set forth herein. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars (\$25) and no more than two hundred dollars (\$200) and each day of continued violation shall constitute a separate offense. (Am. by ORD-14-00053, 3-12-14)

10.07 - GRADE FOR SIDEWALKS—
LOCATION.



Whenever a sidewalk shall be ordered to be built, the City Engineer shall immediately survey and stake out the location and grade of the same in case a grade has been established; and where no grade has been established, as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council, and when the same shall be established shall stake out the sidewalk as ordered by the Council; thereafter the City Director of the Building Inspection Division shall show said sidewalk grade on all subsequent building permits issued by him or her for new construction, and no sidewalks shall be laid under the provisions of this chapter until a grade therefore has been established by the Common Council. It shall be unlawful to construct any sidewalk except in accordance with such approved location and established grade, except with the permission of the Common Council. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

10.08 - CONSTRUCTION OF DRIVEWAY
APPROACHES AND PARKING FACILITIES.



Every driveway approach leading from any street to the lot line of any lot and every lot used as a parking facility shall hereafter be constructed only in accordance with the following requirements.

- (1) Definitions. For the purpose of this section the following words are defined.
 - (a) Angle of approach shall mean the least angle between the center line of the driveway approach and the pavement edge.
 - (b) Automobile laundry shall mean a building or portion thereof containing facilities for washing automobiles using self-service methods or production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices, or any premise with a capacity of washing twenty (20) or more vehicles per eight (8) hour day. (Am. by Ord. 12,008, 1-15-98)
 - (c) Board shall mean the Board of Public Works of the City of Madison, Wisconsin.
 - (d) Class I driveway approach shall mean all those by which a street with a concrete

curb is connected with a residence, barn, private garage or other improved property and ordinarily used only by the owner or occupant of the premises, his/her guests and necessary service vehicles. (Am. by ORD-14-00012, 1-14-14)

- (e) Class II driveway approach shall mean the same as Class I but located where the street is constructed with shoulders without concrete curbs.
- (f) Class III driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes or which will ordinarily carry a much heavier traffic movement than Classes I and II.
- (g) Class III(a) driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes, primarily used by semitrailers and buses.
- (h) Class IV driveway approach shall mean the same as Class III but located where the street is constructed with shoulders without concrete curbs.
- (i) Class V driveway approach shall mean all of those by which a street with a concrete curb is connected with public property for the exclusive use of emergency fire equipment.
- (j) Commercial site shall mean one tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial or residential site having five (5) or more parking stalls.
- (k) Curb cut shall mean that section of concrete curb removed to permit ingress and egress from adjacent property and shall be measured between the points of tangency of the driveway approach radii with the normal street curbing.
- (l) Driveway shall mean every way or area in private ownership and used for vehicular travel back of the street right-of-way line.
- (m) Driveway approach shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.
- (n) Entrance shall mean the point of connection of the driveway and the driveway approach at the street right-of-way line.
- (o) Intersection turning area shall mean the part of the intersection included between the radius line used to connect the curb lines and the intersection of the curb lines if extended.
- (p) Off-street vehicle facility shall mean any area or structure behind the street right-of-way improved and/or used for the parking, movement, servicing or storage of motor vehicles.

- (q) Permit shall mean a permit to construct a driveway entrance and approach of a specified class granted by the City Engineering Division and Traffic Engineering Division upon application therefore in accordance with this ordinance.
- (r) Permittee shall mean the applicant to whom the Board grants a permit.
- (s) Residential site shall mean a single parcel in a residential zone containing a single residential structure of one or more dwelling units having four (4) or less parking stalls.
- (t) Semitrailer refers to a combination of truck-tractor pulling a single semitrailer unit.
- (u) Sight distance shall mean the distance from the driver's eye (driver's vehicle approaching the intersection) to the point of intersection of the paths of driver's vehicle and another approaching vehicle on a cross street, measured from the point where, as both vehicles approach the intersection, each driver is first able to see the other's vehicle. (Am. by ORD-14-00012, 1-14-14)
- (v) Medium and large vehicle shall mean any automobile or truck exceeding sixteen (16) feet in length.
- (w) Small vehicle shall mean any automobile or truck sixteen (16) feet in length or less.

(2) Number of Entrances.

- (a) A maximum of two (2) entrances shall be permitted to a residential site provided that where a single off-street parking facility shall serve more than one residential site no more than two (2) entrances shall be permitted to such a facility.
- (b) A maximum of two (2) driveway entrances shall be permitted to a commercial site from each of any one (1) or two (2) abutting streets.
- (c) When in the opinion of the Traffic Engineer, after hearing the views of the permittee, it is in the interests of good traffic operation, the Traffic Engineer may permit:
 - 1. One (1) additional driveway entrance along a continuous site frontage in excess of six hundred (600) feet or two (2) additional driveway entrances along a continuous site frontage in excess of twelve hundred (1,200) feet.
 - 2. One (1) additional entrance from each of not more than two (2) abutting streets where continuous frontage is less than six hundred (600) feet; provided that such additional entrances be used exclusively as a service drive for the purpose of loading or unloading materials or merchandise, and which drive is physically separated from other off-street vehicle facilities and not available to customers thereof through the use of a six-inch (6") high raised rolled asphalt or poured in place concrete curb or a guardrail erected eighteen (18) inches in height to the center measured from the paved

parking surface.

3. One (1) or two (2) driveway entrances from additional abutting streets.

(3) Location of Entrances.

- (a) No entrance shall be closer than ten (10) feet to the right-of-way line of an intersecting street provided that no part of any driveway approach shall encroach on any intersection turning area (curb radius). Alleys shall be exempt from this provision and may be defined as "approaches," provided that the total maximum dimensions shall not exceed those permitted for other "approaches" in the same class. Where the alley is not included, the entrance must be a minimum of five (5) feet from the nearest boundary line of the alley.
- (b) No entrance shall be closer than five (5) feet to an adjacent property line; provided, however, that in cases of practical difficulty or unnecessary hardship the City Engineer, Traffic Engineer and Director of the Building Inspection Division may jointly reduce such requirement with subsequent appeal to the Board, if necessary. No driveway approach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee unless both property owners sign a joint application for a permit. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
- (c) Any two entrances shall be at least ten (10) feet apart and in no case less than the sum of the approach radii.
- (d) All entrances and approaches shall be so located as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with vehicular or pedestrian traffic on the street.

(4) Design Criteria.

(a) Special Requirements.

1. Class I

Maximum permitted width of entrance 20 feet

Minimum permitted width of entrance 8 feet

Maximum permitted width of driveway 20 feet

Minimum permitted width of driveway 8 feet

Maximum permitted curb cut 30 feet

Minimum permitted curb cut 14 feet

Maximum turning radius at pavement edge 5 feet

2. Class II

Maximum permitted width of entrance 30 feet

Minimum permitted width of entrance 12 feet

Maximum permitted width of driveway 30 feet

Minimum permitted width of driveway 12 feet

Maximum permitted width of approach 50 feet

Minimum permitted width of approach 32 feet

Maximum turning radius at pavement edge 10 feet

3. Class III* □

Maximum permitted width of entrance 30 feet

Minimum permitted width of entrance 18 feet

or two entrances of 10 ft. min. under one-way operation.

Maximum permitted width of driveway 30 feet

Minimum permitted width of driveway 18 feet

or two driveways of 10 ft. min. under one-way operation.

Maximum permitted curb cut 50 feet

Minimum permitted curb cut 28 feet

Turning radius at pavement edge-Minimum 5 feet

Maximum 10 feet provided no radius greater than 5 ft. shall encroach on a sidewalk.

4. Class III(a)

Maximum permitted width of entrance 40 feet

Minimum permitted width of entrance 35 feet

Maximum permitted width of driveway 40 feet

Minimum permitted width of driveway 35 feet

Maximum permitted width of curb cut 60 feet

Minimum permitted width of curb cut 45 feet

Maximum turning radius at pavement edge 10 feet

Minimum turning radius at pavement edge 5 feet

5. Class IV*

Maximum permitted width of entrance 40 feet

Minimum permitted width of entrance 25 feet

Maximum permitted width of driveway 40 feet

Minimum permitted width of driveway 25 feet

Maximum permitted width of approach 70 feet

Minimum permitted width of approach 55 feet

Maximum turning radii

Between pavement edge and outside edge of approach 20 feet

Edge of approach (adjacent approach edges where two approaches are constructed) 10 feet

6. Class V—Emergency Fire Equipment. Widths and radii for fire station driveways and approaches shall be determined by the dimensions and operating characteristics of the vehicles involved and deviations from the above design characteristics must be approved by the Board of Public Works.

7. The maximum width permitted herein for Class I and Class II driveways may be exceeded when approved by the Zoning Administrator for the express purpose of complimenting multiple off-street parking spaces. (Cr. by Ord. 10,224, 3-29-91)

(b) The Traffic Engineer may approve a Class III(a) driveway approach if plans are submitted by the applicant showing that the requested driveway approach will be used nearly exclusively by semitrailers and/or buses serving the site, and that other driveway approaches intended for exclusive use by smaller vehicles will not be used by semitrailers and/or buses and, further, that the use of the property is one of the following:

1. Post offices (used as distribution centers).
2. Mobile home sales and service.
3. Weigh stations.

4. Bus stations, bus terminals, bus turnarounds, bus garages and bus lots.
5. Building material sales establishments.
6. Express and parcel delivery establishments.
7. Feed and seed stores.
8. Feed mixing and grinding plants.
9. Milk and ice cream processing and bulk terminals.
10. Bottling or distribution plants of soft drinks, milk, beer, fuel and ice.
11. Storage and warehousing establishments.
12. Wholesaling establishments.
13. Service entrances to community and regional shopping centers.
14. Machinery and equipment sales and service establishments.
15. Highway maintenance shops and yards.
16. Foundries, machine shops, iron, steel and metal fabrication establishments.
17. Brick, tile or terra-cotta manufacture.
18. Asphalt and concrete batching or ready-mix plants.
19. Cartage establishments.
20. Concrete products casting.
21. Motor freight terminals.
22. Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses.

(c) The following special design features may be permitted at high volume entrances if approved by the Board after reviewing the recommendations of the Traffic Engineer:

1. One or more driveway approaches may be replaced by a street type entrance. The cost of additional drainage structures necessitated by such entrances shall be borne by the permittee.
2. One or more driveways to a major traffic generator may be replaced with special geometrically designed approaches and entrances where such generated traffic volumes and turning movements are in such quantities as to significantly reduce the capacity of the adjacent street and/or pose a hazard to through traffic on the adjacent street. These special geometrically designed approaches and entrances include (but are not limited to) speed change lanes, median crossovers, traffic islands and special driveway approach design treatments. The owner of the traffic generator shall be financially responsible for the cost of the special geometrically designed

approaches and entrances as well as the cost of additional drainage structures, street lighting and traffic signals, and conduit necessitated at such approaches and entrances.

- (d) The angle of approach of any driveway approach shall be not less than forty-five (45) degrees. A ninety (90) degree angle of approach is preferable on Class I and Class III approaches.
 - (e) Right-of-way areas adjacent to driveway approaches shall be left unimproved for vehicular use. The drawing accompanying the application shall show exactly how encroachment on such adjacent areas is to be prevented. If encroachment develops a need for additional protection, it shall be provided promptly by the permittee.
 - (f) All driveway approaches shall be constructed and the right-of-way area adjacent to or between approaches shall be graded at the permittee's expense, subject to drainage requirements as specified by the Board.
 - (g) The driveway approach between the property line and the road pavement or street curb line shall be paved in accordance with specifications for such concrete, asphalt or crushed stone work prescribed by the Board. All Class III and Class III(a) approaches shall be constructed of concrete. All Class IV driveways shall be constructed of asphalt.
 - (h) If required by the Traffic Engineer, polyvinyl chloride (PVC) conduit up to three (3) inches in diameter shall be placed twelve (12) inches back of the curb line and a minimum of twenty-four (24) inches below the flow line and extending to the intersecting point of the curb radius and the curb line under each driveway approach. This conduit shall be turned up at each end to terrace finish grade using a 90° elbow and capped at this grade with a permanent PVC cap. (See Figure I in [Sec. 10.08](#)(6)(b)1.) The Traffic Engineer may require a deposit to insure installation of this conduit and any other associated structures. (Am. by Ord. 11,512, 1-26-96)
 - (i) Gasoline pumps or similar facilities served by such driveways and approaches shall be a minimum of fifteen (15) feet from the right-of-way line of the street measured to the center of the gasoline pump and no driveway approach shall be constructed to serve any such existing facility which is less than twelve (12) feet from the right-of-way line.
- (5) Special Provisions for Entrances and Exits at Parking Facilities and Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)
- (a) The design of entrances to parking facilities shall provide:
 - 1. A sufficient distance from the nearest intersection to prevent vehicles

stopping within the intersection.

2. That both permitted driveway approaches from a major street may be for ingress only with egress to a secondary street thereby eliminating vehicle back-up on the major street.
3. For ultimate one-way movement through the parking facility where there is access from two (2) or more streets and a one-way movement becomes necessary.
4. That exits onto a multi-lane street shall be either a part of an intersection or far enough away from an intersection to permit minimum hazard lane changes for left or "U" turning vehicles.
5. That exits shall not be in such proximity to a "stop" intersection as to be blocked by street vehicles stopped by the stop sign or traffic signal during any but peak traffic hours.
6. That no driveway approach shall be located where it will be used as a terminal end of a crosswalk.
7. For adequate sight distance and they shall be clearly visible to street traffic.
8. For minimum interference to street traffic at all times.

(6) Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)

(a) General Requirements for Permanent Parking Facilities. Off-street parking facilities for residential lots in the Central Area with a parking area totaling two thousand (2000) square feet or less, without an accessible parking stall, or twenty-two hundred (2200) square feet or less, with an accessible parking stall, excluding the driveway to the parking area, are exempt from this ordinance and are subject to City Zoning Administrator review and approval. (Intro par. Cr. by Ord. 11,205, Adopted 3-21-95)

1. Each off-street parking space shall contain at least a rectangular area of a minimum width of eight (8) feet and a minimum length of eighteen (18) feet exclusive of access drives, or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet. However, where off-street parking spaces are provided for small vehicles, such space shall be at least seven and one-half (7½) feet in width and at least sixteen (16) feet in length and shall have a vertical clearance of at least seven (7) feet. Where the off-street parking requirement exceeds five (5) spaces, not more than twenty-five percent (25%) of the required number of spaces may be designed for small vehicles provided that any spaces designed for small vehicles shall be clearly identified by sign(s). The City Traffic Engineer may approve small vehicle parking spaces for up to 50

percent (50%) of the required number of spaces if the applicant proves hardship by providing a parking study and site plan demonstrating the need for small vehicle parking spaces. (Am. by ORD-11-00082, 6-16-11)

2. The typical parking facility diagrams and parking stall and drive aisle dimension table on the following pages shall determine the minimum requirements for a parking facility plan. (See Figures II-IV and Table I in [Sec. 10.08](#)(6)(b)2. through 6.) (Am. by ORD-17-00044, 4-27-17)
3. For any given parking angle between twenty (20) degrees and ninety (90) degrees not specifically listed in Figures II and III in [Sec. 10.08](#)(6)(b)2. and 3., use a table angle nearest the given angle.
4. When two (2) rows of stalls use the same drive aisle for access requiring two-way traffic because of stall layout, the drive aisle shall be a minimum of eighteen (18) feet in width or that which is called for in Figures II and III in [Sec. 10.08](#)(6)(b)2. and 3., whichever is greater.
5. No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except in those parking facilities which accommodate four (4) or less parking stalls. However, alleyways may be used for ingress and egress to and from parking stalls, providing the stalls are set back the distance from the property line so that the drive aisle width is sufficient, as in recommended Figures II and III in [Sec. 10.08](#)(6)(b)2 and 3.
6. Every parking facility shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner; unless permitted by the City Traffic Engineer. (Am. by Ord. 11,533, 3-1-96; ORD-05-00128, 7-22-05)
7. The parking facility design shall be such as to furnish adequate parking for the proposed land use it serves. Adjacent street curb parking shall not be considered as part of the needed supply of parking.
8. The parking facility design shall be such as to reduce irregular and eliminate illegal traffic movements onto or in the street such as left turns, "U" turns, excessive speed in driveways and parking facilities, etc. (Am. by Ord. 11,533, 3-1-96)
9. The parking facility design shall be such as to provide maximum vehicle storage in the aisles for cars waiting to park.
10. All off-street parking facilities, except a parking space accessory to a single

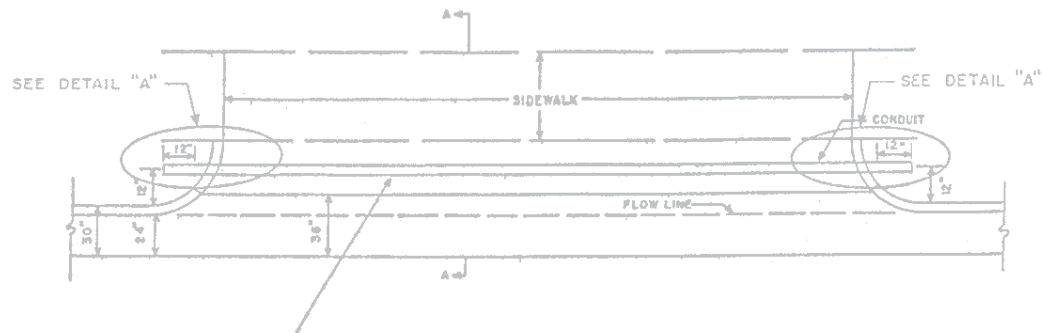
family dwelling, shall be improved with a bituminous, or Portland Cement concrete pavement, or paving brick surface in accordance with City of Madison standards and specifications. Such parking facilities shall be so graded and drained as to dispose of all surface water, in accordance with existing City drainage policies and ordinances. Such parking facilities shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so designed as to prevent encroachment onto adjacent land areas, parking facilities or street rights-of-way through the use of a permanently installed, continuous six-inch (6") minimum height curbing, such as poured concrete or rolled asphalt curb (backfilled) or timbers, precast or preformed wheel stops permanently pinned in place or guardrail erected at a height of eighteen (18) inches to the center from the paved parking surface, or fencing of sufficient strength to act as a vehicle bumper stop.

11. Where applicable, screening, landscaping and vision clearance shall be provided as set forth in the City of Madison Zoning Code.
12. Outdoor lighting of off-street parking facilities shall be in conformity with Madison General Ordinances [Section 10.085](#). (Am. by Ord. 10,631, Adopted 3-30-93)
13. Every parking facility, area and appurtenances thereto shall be maintained in a safe and sightly manner.
14. If practicable and feasible, all new building entrances shall be positioned on the site to draw traffic away from the driveway approach instead of congesting it at that point. If practicable and feasible for existing buildings, the building entrance shall also be located or relocated in the same manner for the same purpose.
15. The parking lot shall be adequately signed and marked to secure the traffic operation as planned.
16. Provision shall be made for expeditious and safe movements of pedestrians within the parking facility.
17. The City Traffic Engineer may alter the parking dimension minimums for residential only parking facilities, if hardship can be established by the applicant through a parking study, if the site constraints are verified, and if all standards for safe operation can be maintained. The applicant shall demonstrate safe operations by providing Traffic Engineering with dimensioned parking facility diagrams illustrating turning movements for all relevant vehicles. (Cr. by ORD-17-00044, 4-27-17)

(b) [Figure I.](#)

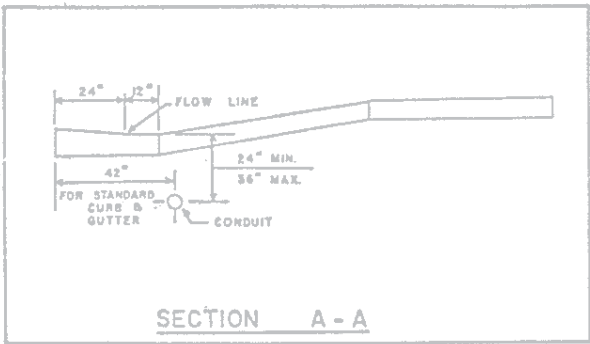
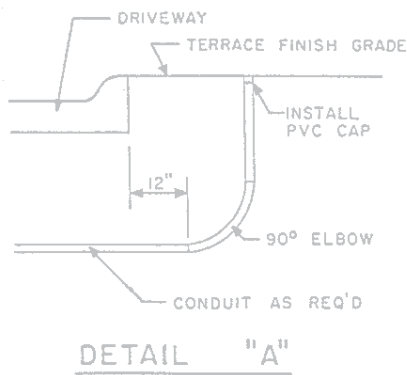
1.

CONDUIT PLACEMENT DETAILS FOR COMMERCIAL DRIVE ENTRANCES IN MADISON



PLAN VIEW

SLOPE CONDUIT 1/8" PER FOOT
(EITHER WAY) FOR DRAINAGE



(Sec. 10.08(6)(b)1. Am. by Ord. 9516, 7-6-88)

2. Figure II.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
MEDIUM AND LARGE VEHICLES

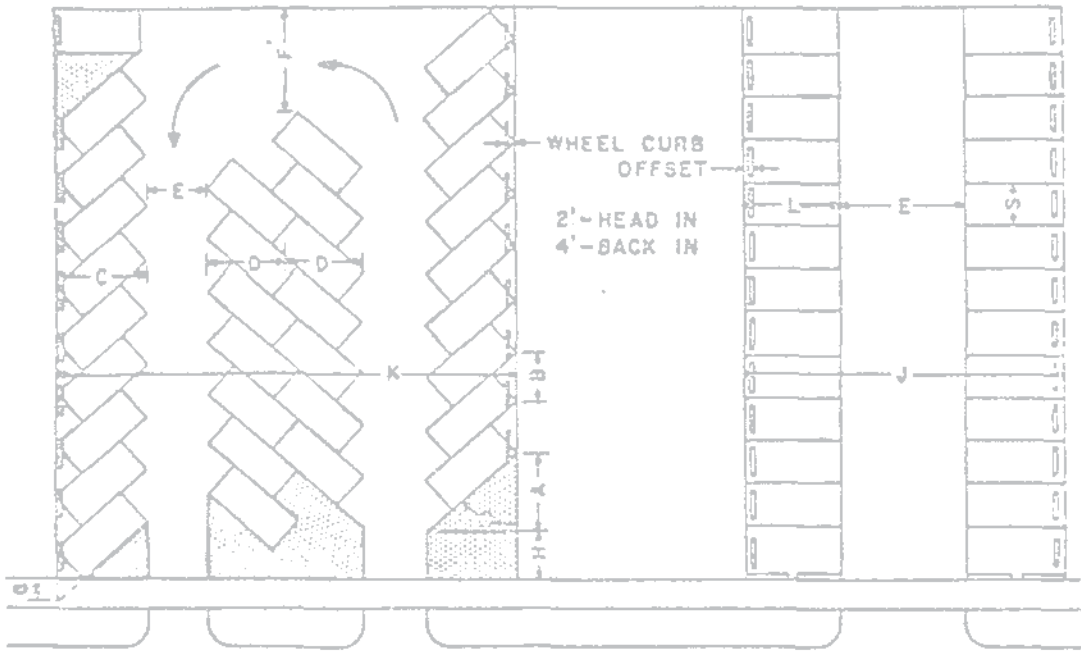


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H		
0°	8.0	22.0	0.0	22.0	8.0	8.0	11.0		0.0	0.0	27.0	
	8.6	23.0	0.0	23.0	8.5	8.5	10.5		0.0	0.0	27.5	
	9.0	25.0	0.0	25.0	9.0	9.0	10.0		0.0	0.0	28.0	
20°	8.0	18.0	38.5	23.5	14.0	13.0	10.0		19.8	4.0	38.0	74.0
	8.6	18.0	40.0	25.0	14.5	13.5	9.5		21.8	4.0	38.5	75.0
	9.0	18.0	41.0	26.0	15.0	14.0	9.5		22.8	4.0	39.5	77.0
	9.6	18.0	41.0	28.0	15.0	14.5	9.5		23.8	4.0	39.5	77.0
	10.0	18.0	42.5	29.0	15.5	15.0	9.0		24.8	4.0	40.0	79.0
30°	8.0	18.0	28.5	16.0	15.5	12.5	10.5		12.0	6.0	41.5	77.0
	8.6	18.0	29.0	17.0	16.0	12.5	10.0		12.5	6.0	42.0	77.0
	9.0	18.0	30.0	18.0	16.5	13.0	9.5		13.5	6.0	42.5	78.0
	9.6	18.0	30.0	19.0	17.0	13.5	9.0		14.3	6.0	43.0	79.0

3. Figure III.

PARKING DESIGN STANDARDS

City of Madison - Traffic Engineering Division

SMALL VEHICLES

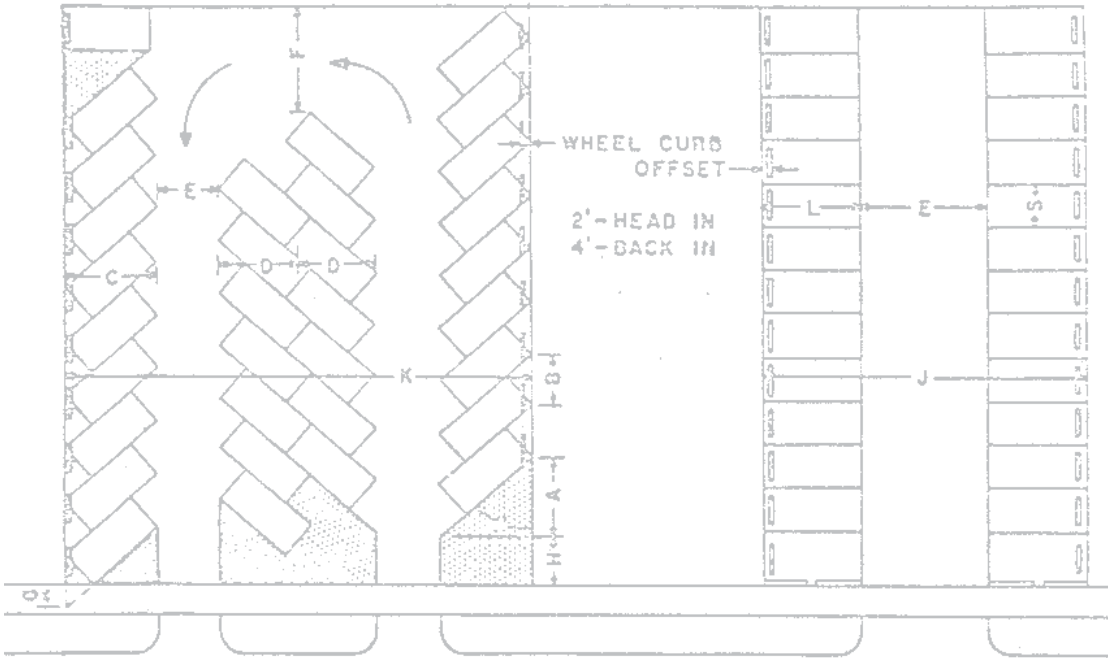


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H		
0°	7.5	20.0	0.0	20.0	7.5	7.5	9.0		0.0	0.0	24.0	
	8.0	21.0	0.0	21.0	8.0	8.0	8.5		0.0	0.0	24.5	
	8.5	22.0	0.0	22.0	8.5	8.5	8.0		0.0	0.0	25.0	
20°	7.5	16.0	36.0	22.0	12.0	9.0	9.0		18.2	3.5	33.0	60.0
	8.0	16.0	37.5	23.5	12.5	9.0	8.5		19.8	3.5	33.5	60.0
	8.5	16.0	39.0	25.0	13.0	9.5	8.5		21.8	3.5	34.5	62.0
	9.0	16.0	40.5	26.0	13.0	10.0	8.5		22.8	3.5	34.5	63.0
	9.5	16.0	42.0	27.0	13.5	10.5	8.0		23.8	3.5	35.0	64.0
30°	7.5	16.0	25.0	15.0	14.0	11.0	9.5		11.0	5.5	37.5	69.0
	8.0	16.0	26.0	16.0	14.5	11.5	9.0		12.0	5.5	38.0	70.0
	8.5	16.0	27.0	17.0	15.0	12.0	8.5		12.5	5.5	38.5	71.0
	9.0	16.0	28.0	18.0	15.5	12.5	8.0		13.5	5.5	39.0	72.0

4. Figure IV.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
ONE-SIZE-FITS-ALL

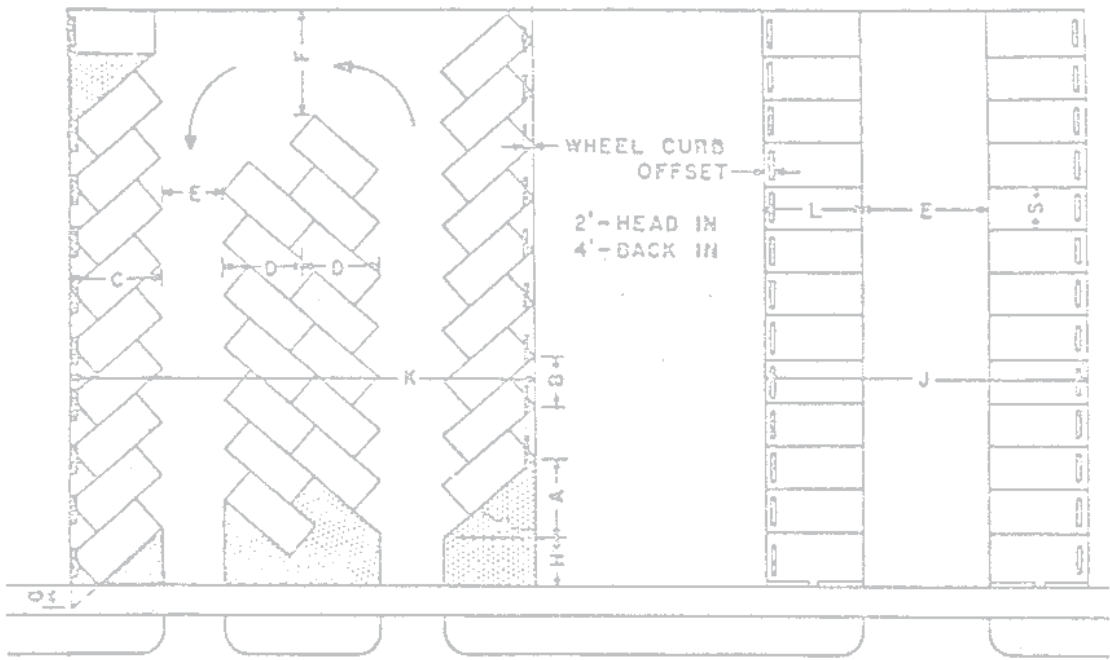


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H		
0°	8.75	24.0	0.0	24.0	8.75	8.75	10.5		0.0	0.0	28.0	
20°	8.75	17.0	38.6	25.6	14.1	10.0	9.5		22.6	4.0	37.7	67.2
30°	8.75	17.0	27.9	17.6	16.1	12.3	9.6		13.1	6.0	41.8	76.0
40°	8.75	17.0	21.1	13.7	17.7	14.3	10.0		8.0	8.0	45.4	84.0
45°	8.75	17.0	18.3	12.4	18.3	15.2	10.0	16.0	6.2	9.0	46.6	87.0
50°	8.75	17.0	15.7	11.5	18.7	15.9	10.5	16.5	4.7	10.0	47.9	90.2
60°	8.75	17.0	11.1	10.2	19.1	17.0	17.0	15.0	2.5	12.0	55.2	106.2
70°	8.75	17.0	7.0	9.4	19.0	17.5	18.0	17.0	1.1	14.0	56.0	109.0

(Sec. 10.08(6)(b)4. Cr. by ORD-17-00044, 4-27-17)

5. Table I.

Parking Design Standards for Other Types of Vehicle Spaces (in Feet)				

Type of Vehicles	Width of Stall	Length of Stall	Two-Way Access Aisle	Turning Radius Wall to Wall Outside Front
Motorcycle	5	10	10	
Moped	3	6	5	
Buses (Vert. CL. 14')	12	40	30	47
Semitrailers WB- 40 or WB-50	12	50 or 55	30 - 40	40 - 60
Recreational	10	30	30	44

(Sec. 10.08(6)(b)5. Cr. by ORD-17-00044, 4-27-17)

6. Figure V.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
LOADING DOCKS

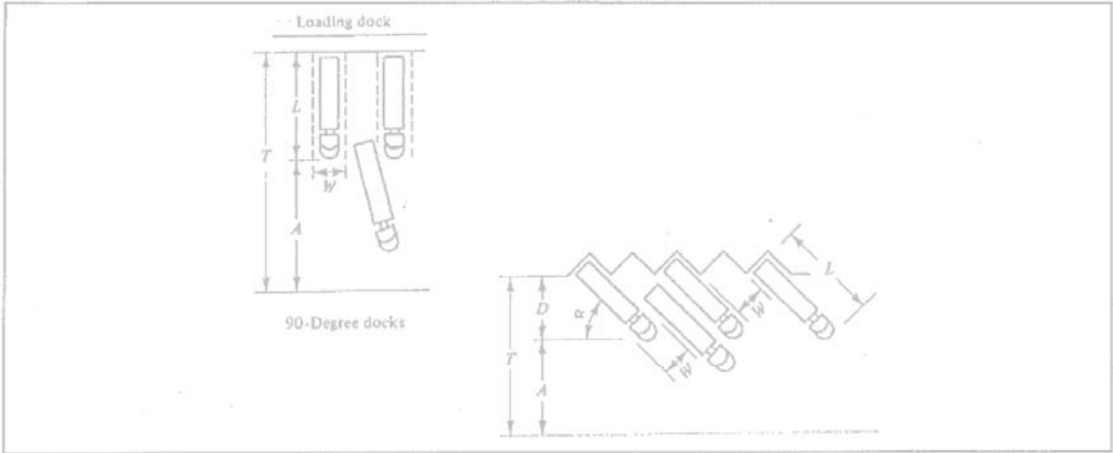


TABLE OF DIMENSIONS (IN FEET)

LOADING DOCK DIMENSIONS						
Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet	Berth Width in Feet	Apron Space in Feet	Total Offset in Feet

WB-40	50	90	50	10	63	113
				12	56	106
				14	52	102
	60	44	50	10	46	90
				12	40	84
				14	35	79

- (c) (R. by ORD-12-00134, 1-2-13).
- (d) Car washes shall be designed to provide the following:
- Parking and Reservoir Space Requirements.
 - One parking space for each two employees, and one parking space for the owner or manager of any car wash.
 - Reservoir parking spaces equal in number to five (5) times the maximum capacity of a self-service or any other car wash shall be provided: maximum capacity, in this instance, shall be defined as the greatest possible number of automobiles undergoing some phase of laundering at the same time, which shall be determined by dividing the length in feet of each production line by twenty (20).
 - One additional space shall be provided for each nozzle of any vacuum cleaning machine, while storage space for other car washes shall be adequate to accommodate all vehicles off-street which are awaiting delivery.
 - Self-service car washes without indoor drying equipment shall provide one drying area stall for each self-service car wash stall to be located outside the area of any exit lane or area used for any other laundering process.
 - The exit door of any car wash shall be at least twenty-five (25) feet from any street or alley lot line.
 - For a self-service or full-service car wash having some type of indoor drying equipment the exit door shall be at least forty (40) feet beyond such dryers. However, the Director of the Building Inspection Division may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and car

wash equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets [Section 24.08](#), Madison General Ordinances, and all other requirements. (Am. by ORD-08-00109, 10-7-08)

4. The off-street facility shall make provisions for adequate queue storage that prevents queue interference with pedestrian or other vehicular movement and shall supply a queuing model to the Traffic Engineer for approval.
5. Any exterior lighting shall be in conformity with Madison General Ordinances [Section 10.085](#)(6)(a)12.
6. The hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Exceptions to these hours are subject to City Plan Commission review and approval under [Section 28.183](#).
7. A reasonable means, approved by the Director of the Building Inspection Division to prevent the drainage or deposition of water which may create icing conditions, or the drainage or deposition of other cleaning material which may create undesirable conditions in the storm drainage system, from these premises or from any vehicle so serviced on such premises upon any public sidewalk, street or right-of-way of the City of Madison. Reasonable means may include, but are not limited to, drainage pits, areas or racks, mechanical shakers, compressed air blasts, fan blowers, etc. which will dry or remove water or other liquid material from the underside of the vehicle. (Am. by ORD-08-00109, 10-7-08)
8. All of the provisions of this subdivision shall be prospective in operation and shall apply to the granting of all building permits for the construction of car washes and all building permits for alterations to, enlargements of and remodeling of existing building, provided, however, that paragraph 7. of this subdivision shall be applicable to existing car washes now in operation and such existing car washes shall comply with the subdivision.

(Sec. 10.08(6)(d) Am. by Ord. 12,008, 1-15-98; ORD-12-00134, 1-2-13)

(7) Application.

- (a) All applications for Class III, IIIa, IV and commercial site driveway approach permits shall be made at the office of the Traffic Engineer on a form prescribed by the Board. Applications for commercial driveway approach permits that are proposed as part of a Planned Commercial Development, Planned Urban Development, Conditional Use application, or other application under [Chapter 28](#), may be filed with the Zoning Administrator. (Am. by Ord. 13,489, 1-23-04)
- (b) All applications for driveway approaches except Class I and Class II to parking

and loading facilities shall be accompanied by scaled drawings, in quintuplicate, and approved by the respective City departments before a building permit will be issued. The following items must be indicated and dimensioned on the five submitted drawings:

1. A scaled drawing plot plan on a single sheet (1" = 20') or larger.
2. Address and parcel number of property.
3. Property lines, existing and proposed structures.
4. Width of abutting rights-of-way, roadways and terraces.
5. Location of driveway approaches-existing, proposed and adjoining.
6. Proposed driveway radii.
7. Type of surface-driveway approach, driveway and parking lot.
8. Proposed routing of motor vehicles entering and leaving.
9. Proposed treatment of right-of-way area adjacent to or between approaches.
10. Rate of slope or grade of approaches and driveways.
11. Utility poles, fire hydrants, trees or other structures to be moved.
12. Means of separation between parking lot and sidewalk.
13. Number, arrangement and size of parking stalls.
14. Proposed parking facility lighting in conformity with Madison General Ordinances Section 10,085. (Am. by Ord. 10,631, Adopted 3-30-93)
15. Distance to intersecting streets within five hundred (500) feet and location, elevation and size of all storm sewers available.
16. Indicate elevation of existing site to City datum. Elevations to be spotted at twenty-five (25) ft. intervals or one (1) ft. contours.
17. If no storm sewers are available, the owner is to include elevation of the top of the curb.
18. If the street is unimproved, the plot plan is to indicate the location and elevation of the drainage ditches abutting the site and proposed street centerline elevation.
19. Proposed method of drainage including the following:
 - a. Proposed finished elevations of parking lot, including direction of drainage and elevations of proposed gutters or swales.
 - b. Elevations, location and size of inlets, catch basin and storm sewers to be constructed in conjunction with the parking lots.
20. Location of all downspouts from the building and proposed method of disposing of surface water.

21. Name and address of person responsible for paying storm sewer connection charges that may be levied in conjunction with this project.
- (c) Application for residential driveway approaches shall be made at the City Engineering Division. Application for commercial driveway approaches to off-street vehicle facilities shall be made at the Traffic Engineering Division.
- (d) Before any Class III, III(a) or IV driveway approach permit for the construction or reconstruction of an off-street parking facility is granted under any ordinance, the applicant shall indicate on such application the location of proposed entrances and exits for the accommodation of motor vehicles entering and leaving said facility, together with the proposed plan of routing of motor vehicles entering and leaving said facility. Said application shall then be referred to the Traffic Engineering Division, City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development for their approval. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
- (e) On receipt and approval of the permit application and appropriate fee(s) under [Sec. 10.08](#)(8)(f) below, a permit shall be granted for construction which shall conform to the application. Driveway and parking lot permits shall not be granted or shall be deemed void for any parcel, lot or property which has not been legally divided per City of Madison ordinances. (Am. by Ord. 13,489, 1-23-04)
- (f) Permit Fees for Certain Classes of Driveway Approaches. The minimum fee for the review, issuance and inspection of a permit for a single address with a Class I or II driveway approach, sidewalk or terrace improvements shall be twenty-five dollars (\$25). The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fees. The fee for referral of the aforementioned permit that has automatically terminated under [Sec. 10.08](#)(8)(a) shall be twenty-five dollars (\$25). The fee for the review and issuance of a permit for each Class III, IIIa, IV and commercial site driveway approach shall be \$100 for each new approach, modification or reconstruction of an existing approach, removal or closure of an existing approach, including those required under [Sec. 10.08](#)(8)(h); or change of class under [Sec. 10.08](#)(8)(f). The \$100 fee shall apply to each separate driveway approach so approved, whether approved on a single permit form or multiple forms. The fee for renewal of a permit that has automatically terminated under [Sec. 10.08](#)(8)(a) shall be \$50 for each separate driveway approach for which renewal is requested. (Cr. by Ord. 13,489, 1-23-04; Am. by ORD-14-00053, 3-12-14)
- (8) Restrictions and Responsibilities.
- (a) Driveway approaches and parking facility requirements must be completed within

one (1) year after the permit is issued; otherwise the permit shall automatically terminate. The permit may be renewed prior to the termination date, for a period not to exceed one (1) additional year, by payment of the fee under [sec. 10.08](#)(7) (f). (Am. by Ord. 13,489, 1-23-04)

- (b) The construction of such driveway and approaches shall not interfere with any existing structure on any street right-of-way without specific permission in writing from the Board and other owner thereof.
- (c) The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction of any approach or driveway.
- (d) The permittee shall assume responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
- (e) No entrance or approach shall be relocated or its dimensions altered unless a new permit authorizing the relocation or reconstruction is issued for the appropriate driveway approach under [Sec. 10.08](#)(7). (Am. by Ord. 13,489, 1-23-04)
- (f) A driveway entrance and approach constructed for one class shall not be used under a different class until the appropriate permit for such different class at that location is issued under [Sec. 10.08](#)(7). (Am. by Ord. 13,489, 1-23-04)
- (g) Where a permit has been granted for entrances to a parking facility, or the Traffic Engineer has approved a site plan for a new or existing parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in Subsection (6)) or (7), as appropriate. The circumstances under which a parking facility shall be considered to have been altered shall include, but are not limited to: any portion or element of the facility as shown on the approved plan is not constructed or completed according to the approved plan, or if any moveable fixtures or features of the facility are located other than as shown on the approved plan. The circumstances under which the plan of operation shall be considered to have changed shall include but are not limited to: vehicles parked beyond the limits of the approved plan, in areas or in a manner other than as designated on the plan, vehicles allowed to circulate, make ingress or egress in any manner other than was shown on the approved plan, excess vehicle storage or other non-vehicle items permitted to be stored that were not approved on the plan, or in a place other than where approved on the plan. (Am. by Ord. 12,865, 8-7-01; Ord. 13,489, 1-23-04)
- (h) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also be deemed a request for a permit to reconstruct or close any existing nonconforming or unused entrances and approaches to the

same site. No permit to construct a new driveway approach or reconstruct any existing approach shall be granted unless the applicant agrees to properly reconstruct or close any other existing nonconforming or unused entrances or approaches on the site and permits are issued for the same under [Sec. 10.08](#)(7). All costs incurred shall be at the expense of the property owner. (Am. by Ord. 13,489, 1-23-04)

- (i) Where a driveway approach is no longer used or no longer leads to a driveway, residence, barn, garage, parking facility or other improved area for the lawful use of vehicles, by reason of abandonment, construction, reconstruction or change of land use, such approaches shall be removed and standard curb and gutter replaced at the expense of the property owner and shall be completed within one (1) year after issuance of the appropriate permits under this section. (Am. by Ord. 13,489, 1-23-04)
- (j) When a building permit is required for the reconstruction or remodeling of an existing commercial site or a zoning or occupancy certificate is required for use or change of use for any land, buildings or structures, all of the existing, as well as the proposed, driveway approaches and parking facilities shall comply with all design standards as set forth in this ordinance.
- (k) No person shall construct a new driveway approach, modify or reconstruct an existing approach, remove or close an existing approach, change the class of an approach, work on any driveway approach for which a permit has automatically terminated under [10.08](#)(8)(a), or cause any of the above to take place, without the appropriate valid permit(s) issued therefore. This provision shall apply equally to the owner or occupant of the property that the driveway approach leads to and any person performing the construction or work on the driveway approach in question. (Cr. by Ord. 13,489, 1-23-04)
- (l) Except for owners of buildings with four (4) or fewer units that are zoned residential, no person shall perform any work on any driveway or driveway approaches within the public right-of-way without holding a license under [Sec. 9.20](#)(1)(a). (Cr. by ORD-15-00006, 1-14-15)
- (9) Administration.
 - (a) The Board is hereby authorized to prescribe the form of bond and the form of application for permits under this section and shall have general supervision of the enforcement of the provisions of this section. It shall have authority to make such rules and regulations, consistent with the provisions of this section and law, as may be necessary for the proper administration and enforcement of this section.
 - (b) If approval of any proposed driveway approach or proposed parking lot and

driveway approach is denied, the applicant, owner lessor or lessee may appeal to the Board of Public Works for a review of the denial by filing notice of appeal with the City Clerk within thirty (30) days after such denial. The Notice of Appeal shall state the basis or bases upon which the applicant seeks review of the denial. At such hearing the applicant shall have the opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the denial of the driveway approach or parking lot and driveway approach consistent with the provisions of this section. The Board shall have only the power to determine whether staff has properly interpreted the provisions of this section and may not modify, change or substitute for any provision contained in these ordinances. (Am. by Ord. 11,007, 10-12-94)

- (c) Inspection to determine compliance within the terms of this ordinance shall be the responsibility of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
- (d) Any person violating the provisions of this section shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) and each day of continued violation shall constitute a separate offense.

(10) This ordinance shall be in effect from and after its passage and publication.

(Sec. 10.08 Am. by Ord. 7204, 1-22-81)

Footnotes:

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**Minimum permitted width of entrance is ten (10) feet when serving twelve (12) or less vehicle parking stalls to an apartment dwelling unit facility.*

10.085 - OUTDOOR LIGHTING.



- (1) Purpose and Intent. This ordinance regulates all outdoor lighting installed on residential site and commercial site property, both publicly and privately owned within the City of Madison with the exception of outdoor lighting on public streets, public bikeways and public walkways which are regulated elsewhere in the ordinances. The purpose of this ordinance is to create standards for outdoor lighting that do not interfere with the reasonable use of commercial site and residential site property, that prevent light trespass and conserve energy yet maintain night time safety. Installation of outdoor lighting is not mandatory but if installed, it shall be in conformance with the provisions of the ordinance, the building code and all other codes and regulations as applicable and

under appropriate permit and inspection.

(2) Definitions.

Commercial Site shall mean a tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial site having five (5) or more parking stalls.

Covered Parking Facilities shall mean a parking facility with an overhead covering and shall include all floors except the roof level of a multilevel parking structure or ramp.

Driveway shall mean every way or area used for vehicular travel back of the street right-of-way line.

Footcandle shall mean the illumination of a surface one foot distant from a source of light equivalent to one candle.

Building Inspection Division shall mean the Building Inspection Division of the City Department of Planning and Community and Economic Development. (Am. by ORD-08-00109, 10-7-08

Installation shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light Trespass shall mean stray light or spill light flowing across the property boundary. (Am. by Ord. 13,717, 10-26-04)

Lighting Sources shall mean any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted shall fall within the electromagnetic spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, metal halide and mercury vapor lamps.

Non-Shielded or Non-Cutoff Lighting Fixtures shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, a non-shielded lamp or light source and distributes light at any angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Open Parking Facilities shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Outdoor Canopy shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and which shall include but shall not be limited to canopies over gas station pumps or canopies at convenience stores.

Outdoor Lighting Fixtures shall mean lighting sources which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or for advertisement. Such devices shall include, but are not limited to, searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking area lights, sports lights and sign panels.

Outdoor Merchandizing Area shall mean car sales lots, equipment sales lots, retail gasoline stations, garden centers, and other similar areas where products are permanently displayed or dispensed outdoors.

Person shall mean any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Residential Site shall mean a single parcel in a residential zone containing a residential structure of one or more dwelling units with a parking facility for one (1) or more cars. (Am. by Ord. 13,717, 10-26-04)

Shielded or Cutoff Lighting Fixtures shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees (15°) above horizontal. No light is permitted at an angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Uniformity Ratio shall mean the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.

(3) General Requirements.

- (a) All outdoor lighting fixtures installed and thereafter maintained upon private or public residential, commercial, industrial and other nonresidential property shall comply with the following:
 1. The maximum allowable light trespass shall be 0.5 horizontal footcandles four (4) feet above the ground. The point of measurement of this offending light shall be at any point at the outer wall of an adjacent building occupied for residential or public use, or at any point greater than 10 feet from the adjacent lot line. This measurement shall not include any ambient, natural light.
 2. All fixtures greater than 1,000 initial lumens (equivalent to 70 watts

incandescent) shall be full cutoff, or shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five (5) feet or higher above the ground at the property boundary. The light source shall not be of such intensity so as to cause discomfort or annoyance.

3. Any outdoor lighting fixture installed on a parking lot, parking structure or outdoor merchandizing area shall use either high-pressure sodium, metal halide, fluorescent lamps, or any other lamps that produce thirty (30) or more lumens per watt. The lighting system shall be extinguished or reduced to fifty percent (50%) no later than thirty (30) minutes after the close of business for the day or after the end of normal office hours for the majority of employees. (Am. by ORD-07-00032, 3-22-07; ORD-15-00060, 6-10-15)
 4. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 P.M.
- (b) All outdoor lighting fixtures installed prior to March 30, 1993 shall be exempt from this ordinance except as follows:
1. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to fifty percent (50%) or more of the total number of fixtures, then all fixtures shall comply with the provisions of this ordinance.
 2. All outdoor lighting fixtures installed on residential parking facilities irrespective of installation date shall conform to subsection (4)(c) herein.
- (c) All outdoor lighting fixtures shall be maintained according to approved plans.
- (d) Trees and shrubbery shall not be located where they significantly reduce or block the lighting of parking facilities or roadways.
- (e) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; outdoor merchandizing areas; building overhangs and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(Am. by Ord. 13,717, 10-26-04)

(4) Specific Design Requirements.

- (a) A lighting system for parking facilities and outdoor merchandizing areas in commercial, industrial, agricultural and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:
 1. Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic

and pedestrian activity. The following examples are nonexclusive and include:

- a. High Activity : Facilities for major or league athletic events or major cultural or civic events.
- b. Medium Activity : Shopping centers, retail parking areas, hospital and clinic parking areas, transportation parking (airports, commuter lots, etc.), cultural, civic or recreational events, and fast food facilities.
- c. Low Activity : Employee parking, educational facility parking, office parks and church parking.

2. Horizontal Illuminances for Parking Facilities.

a. Open Parking Facilities.

General Parking & Pedestrian Area					Vehicle Use Area (Driveway)		
Level of Activity	Min. Footcandles ¹ on Pavement	Max Avg Footcandles on Pavement	Max Uniformity Ratio ¹ (Avg:Min)	Max. Watts ³ /Sq Foot Lighting Load ²	Minimum Footcandles ¹ on Pavement	Max Avg Footcandles on Pavement	Maximum Uniformity Ratio ¹ (Avg:Min)
High	0.6 fc	3.75 fc	5:1	.12	.67 fc	2.5 fc	5:1
Med	0.4 fc	2.5 fc	5:1	.10	.33 fc	1.5 fc	5:1
Low	0.2 fc	1.5 fc	5:1	.08	.125 fc	1.0 fc	5:1

(Sec. 10.085(4)(a)2.a. Am. by Ord. 11,392, Adopted 11-7-95)

b. Covered Parking Facilities.

Areas	Minimum Footcandle Average on Pavement	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts ³ /Sq Ft Lighting Load
General Parking and Pedestrian Areas	5 fc	1.25 fc	9 fc	4:1	.2

Private Controlled Entry Parking	3 fc	.75 fc	6 fc	4:1	.2
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¹ Not mandatory within 4 feet of the pavement edge.

² Not mandatory for driveways.

³ Watts shall mean lamp wattage and ballast consumption.

- (b) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five (5) watts per lineal foot. Watts shall mean lamp wattage and ballast consumption. Such lighting shall be shielded or installed so as to illuminate the building, and not the sky.
- (c) A parking facility for more than three (3) cars on a residential site shall be lighted to provide at least .25 footcandles on any surface with an average illumination level of at least .75 footcandles. Outdoor light fixtures shall be designed and installed to minimize light trespass. In addition, the uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1. (Am. by ORD-05-00055, 4-6-05)
- (d) For an outdoor merchandizing area, the maximum initial illumination level in 75% of the lot shall not exceed 20 footcandles. A contiguous area not to exceed 25% of the lot may be illuminated to a level which shall not exceed 40 footcandles.
- (e) The maximum initial illumination level under an outdoor canopy shall not exceed 50 footcandles at any point.

(Am. by Ord. 13,717, 10-26-04)

(5) Approval Procedures.

- (a) Any person desiring to install outdoor lighting fixtures greater than 1,000 initial lumens shall submit to the Building Inspection Division for review the following materials:
 - 1. A catalog page, cut sheet or photograph of the lighting fixtures including the mounting method.
 - 2. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
 - 3. A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall initial illumination levels and

uniformities and the point where 0.5 horizontal footcandles occurs on the property or adjacent property at a distance four (4) feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

4. A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

(Am. by Ord. 13,717, 10-26-04; ORD-08-00109, 10-7-08)

- (b) Upon review of the material described above, the Building Inspection Division may authorize the installation of outdoor lighting fixtures. (Am. by ORD-08-00109, 10-7-08)

(6) Administrative Exemption.

- (a) Any person may submit a written request to the Building and Fire Code Review and Appeals Board for an administrative exemption from the requirements of this ordinance. The basis for an administrative exemption shall be any one or more of the following reasons: the provisions of the ordinance do not fully apply; the application of the ordinance may cause a manifest injustice to be done; the compliance time required for compliance with the ordinance is unreasonable; an alternate plan for outdoor lighting is equally good or better than standards set by the ordinance. The request shall state fully the circumstances and conditions relied upon as the basis for an administrative exemption and shall be accompanied by plans and legal description of the property involved. In addition, the request shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Location of the outdoor lighting fixtures for which the exemption is requested.
3. The nature of the circumstances which necessitate the exemption.
4. Use of the outdoor lighting fixture involved.
5. All description data as called for in subsection (5) herein.
6. Such other data and information as may be required by the Board.

- (b) In considering whether to grant the request for an administrative exemption from the ordinance, the Building and Fire Code Review and Appeals Board may consider the following factors:

1. Special circumstances or conditions applying to the land, building or outdoor lighting fixture for which the exemption is sought;
2. Deprivation to the applicant of the reasonable use of the land, buildings or outdoor lighting fixtures that strict application of the ordinance may cause;

3. The effect of the granting of the exemption on the public welfare.
- (7) Penalties. Any person violating the provisions of this ordinance shall be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) and each day of continued violation shall constitute a separate offense.

(Sec. 10.085 Cr. by Ord. 10,631, Adopted 3-30-93)

**10.09 - CONSTRUCTION,
RECONSTRUCTION AND REPAIR OF
SIDEWALKS, TERRACES, CURBS AND
GUTTERS.**

modified



- (1) Construction, Reconstruction, and Repair of Sidewalks. The provisions of Wis. Stat. § 66.0907 relating to the construction and repair of sidewalks are hereby adopted by reference thereto, except that in every case of sidewalk repair or reconstruction the proportion of such cost shall be paid fifty percent (50%) by the City and fifty percent (50%) by the abutting property owners.
- (2) Reconstruction, and Repair of Curbs and Gutters. The provisions of Wis. Stat. § 66.0703(1) or Wis. Stat. § 66.0701 and these ordinances shall be followed as a police power action in the case of reconstruction and repair of concrete curb and gutter except that property deemed benefited by said reconstruction and repair shall be paid for fifty percent (50%) by the City and fifty percent (50%) by the benefited properties. (Am. by Ord. 10,182, 1-31-91)

(Am. by Ord. 8080, 7-14-83)

- (3) Property Owner Initiated Repairs or Reconstruction. Subject to any other permitting requirements of these ordinances that may apply, property owners may repair or reconstruct, or cause to be repaired or reconstructed, defective public sidewalks, curbs and/or gutters abutting their property. The work must be approved by the City Engineering Division prior to the start of construction, and all work must meet the City's standard specifications for concrete and concrete structures. Private contractors completing the work on behalf of the property owner must hold a current City of Madison Concrete Layers License issued under [Sec. 9.20\(1\)\(a\)](#).
- (4) Sidewalk Repair or Replacement Rebate. Once the final work is approved and accepted by the City Engineer, property owners proceeding under subsection (3) shall be reimbursed a portion of the cost to perform this work. The reimbursement amount (rebate) shall be approximately one-third (1/3) the cost of an average sidewalk and curb & gutter citywide installation and repair contract prices for the amount of sidewalk, and/or curb and gutter being repaired or reconstructed by the property owner. The rebate amounts shall be established by the Board of Public Works. The rebate shall not

be offered in a year that the property is scheduled for sidewalk repairs as part of the City's sidewalk repair and rehabilitation program. (Cr. by ORD-12-00070, 5-24-12)

- (5) Permit Required. No person, partnership, firm, corporation or organization may construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, asphalt curb and gutter, or landscape pavers within the public right-of-way without obtaining a permit from the City Engineer prior to performing the work. The permit fee shall be established by the City Engineer, and approved by the Board of Public Works, in an amount sufficient to recover the costs incurred by the City to administer the permit and the requirements under this Section. All permittees shall comply with all the rules, regulations, and specifications adopted by the Common Council or made by the City Engineer in relation to the work performed and shall pay all damages, costs and expenses caused by his/her negligence, or occasioned by his/her failure to comply with such rules, regulations, and specifications. (Am. by [ORD-20-00004](#), 1-16-20)

(Am. by ORD-15-00006, 1-14-15)

10.10 - INSTALLATION OF STREET TREES.



- (1) It shall be the policy of the City of Madison to promote and enhance the beauty and general welfare of the City through the planting and maintenance of trees or shrubs within the public right-of-way of any street, alley or highway. The City Forester shall direct, regulate and control the planting, care and removal of all public trees and shrubs within the City subject to the direction of the Superintendent of Parks and the Board of Public Works and the Board of Park Commissioners.
- (2) Diseased or destroyed street trees shall be replaced by the City, provided that adequate space for tree growth is available and subject to availability of funds. The replacement of diseased or destroyed trees shall not be assessed to the abutting property owner.
- (3) The full cost, including inspection and supervision, of the initial installation of street trees shall be assessed to the abutting properties providing that the abutting properties have not been denied access to the right-of-way in which the street trees are installed. Assessment for street trees shall be in accordance with Wis. Stat. § 66.0701 and this ordinance, except where street trees are installed as a part of a street improvement project in which case [Sec. 4.09](#), MGO, shall govern. The maintenance of street trees shall be the responsibility of the City.
- (4) When the City Forester proposes the installation of street trees assessed to abutting properties he/she shall prepare a report listing the street trees to be planted, their location and a schedule of assessments.
- (5) A notice shall be published in the official newspaper stating that the City Forester

proposes to plant and assess street trees to each of the benefited properties and that the Board of Public Works will hold public hearings on the selection, planting and assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, ten (10) days before the hearing or proceeding, 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. (Am. by ORD-10-00114, 12-8-10)

- (6) The Board of Public Works shall hold a public hearing on the planting of trees and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Forester's report.
- (7) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Forester's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the City and a copy of such notice shall be mailed at least ten (10) days before the hearing or proceeding, 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.
- (8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove or modify, or it may re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the tree planting and to accomplish a fair and equitable assessment.

Upon adoption by the Common Council, the assessments shall be deemed authorized and made, and the date of such 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 address is known or can be ascertained with reasonable diligence.

(Am. by Ord. 8798, 2-27-86)

- (9) After the project is completed and all costs have been charged to the project, the City Forester shall modify each special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (7) and after a public hearing, amend, cancel, or confirm any such prior assessment.

If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

- (10) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Wis. Stat. § 66.0703(12), within forty (40) days of the day of the final determination of the governing body.
- (11) The Council may, without any notice or hearing provided in Subsections (5), (6), (7) and (8), levy and assess the whole or any part of the cost of installation of street trees as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment.
- (12) Special assessments for the installation of street trees shall be payable in installments as provided by [Section 4.08](#) of the Madison General Ordinances. (Cr. by Ord. 6224, 4-27-78)

(Am. by ORD-12-00052, 4-25-12)

**10.101 - REGULATION OF TREE TRIMMING,
PRUNING AND REMOVAL WITHIN THE
PUBLIC RIGHT-OF-WAY OF ANY STREET,
ALLEY OR HIGHWAY.**



- (1) Intent and Purpose.
 - (a) The intent of this ordinance is to regulate the trimming, pruning and removal of trees in an effort to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning and removal that is unnecessarily disfiguring and/or destructive, and to give property owners notice of, and an opportunity to contest, proposed tree trimming, pruning and/or removal operations.
 - (b) Exemptions. This ordinance is not intended to apply to the trimming, pruning or removal of trees under the following circumstances:
 - 1. When the trees in the public street, alley, highway, or greenway are encroaching on an abutting property owner's property;
 - 2. When the trimming or pruning is being performed by the City of Madison Departments of Public Works or Transportation or employees of those departments as those departments work under the direction of the City

Forester who has established policies and procedures for trimming, pruning and removal;

3. When the trimming or pruning is in relation to routine installation (e.g. cable television, telephone, etc.), the installer shall not be required to obtain a permit, but must meet the standards in this ordinance and the standards of the city Forester in performing such work.
4. When the trimming, pruning or removal is by an individual property owner, the City Forester retains his or her discretion to issue individual permits for trimming, pruning or removal in the public right of way when such trimming meets the guidelines and standards of this ordinance and the City Forester.

(2) Definitions.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Greenway. As defined in Madison General Ordinances, [Sec. 16.23](#)(2).

Tree Trimming Plan. Tree Trimming Plan applies to trimming, pruning and removal of trees and includes any trimming and/or pruning of roots.

(3) Permit Required for Trimming, Pruning, and Removal of Trees within the Public Right-of-Way of any Street, Alley, Highway or Greenway.

- (a) No person shall trim, prune, or remove any tree that is in a public street, alley, highway or greenway or cause such work to be done by others, without first obtaining a permit from the City Forester. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.
- (b) Any person seeking a permit to trim, prune, or remove a tree in a public street, alley, highway or greenway shall submit a written proposed trimming, pruning or removal plan to the City Forester, setting forth the following:
 1. Clear and specific identification of the trees in a public street, alley, highway or greenway which the person is targeting for trimming, pruning, or removal. The identification shall include the name and block number(s) of the street(s) on which the trees are located.
 2. A clear and specific statement identifying the dates on which the trimming, pruning, or removal will begin and end.
 3. Detail regarding the general nature and character of the proposed trimming, pruning or removal.

The Habitat Stewardship Subcommittee will hold a hearing regarding the proposed Tree

Trimming Plan at its first meeting after submission of the plan. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

- (c) Notification. Upon submission of the Tree Trimming Plan to the City Forester, the party submitting the plan shall notify residents within the proposed tree trimming, pruning or removal area, via United States Mail or personal delivery.

The notice shall inform the resident(s) of the proposed date for trimming, pruning or removal, the date on which the Habitat Stewardship Subcommittee will consider the proposed Tree Trimming Plan, and inform the resident that he/she has the opportunity to appear and testify at the meeting of the Habitat Stewardship Subcommittee.

Whichever method is used to effect notification, the party shall submit proof to the Habitat Stewardship Subcommittee that notification was mailed or delivered to the affected residents.

All meetings of the Habitat Stewardship Subcommittee, including all deliberations on a proposed tree trimming plan shall be open to the public. The Subcommittee shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Park Division and shall be a public record.

The Habitat Stewardship Subcommittee, upon its findings, shall make a recommendation, including the reasons therefore, to the City Forester after the hearing. The recommendation shall be provided to the applicant. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

- (d) If the City Forester determines that the Tree Trimming Plan is in accordance with the intent and purpose of this ordinance, it will, within 10 days of the hearing at which the plan was considered, authorize the City Clerk to issue a permit to the person submitting the plan. The City Clerk will issue the permit upon submission of the permit fee of fifty dollars (\$50.00.) (Am. by Ord. 13,601, 5-11-04)
- (e) The permit shall indicate the streets affected by the Tree Trimming Plan and the dates on which the trimming, pruning or removal will occur. The permit will be valid for the streets and dates appearing on the permit, except as provided in subdivision (e)1. below. Any person trimming, pruning or removing trees outside of the streets or dates specified on the permit will be in violation of this ordinance and subject to penalty.
 - 1. Public utilities and contractors may apply for and obtain, in accordance with this ordinance, an annual forestry permit which will be valid for a period of one (1) year from the date of issue, subject to the following additional

conditions:

- a. Provide the City Forester fifteen (15) days advance written notice of work to be performed;
- b. Perform work in conformance with this ordinance and the written guidelines and directives of the City Forester;
- c. Pay an annual forester permit fee of fifty dollars (\$50) to the City Clerk's office.

2. The annual forestry permit will be subject to renewal upon reapplication to the City Forester and re-hearing before the Habitat Stewardship Subcommittee. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(4) Administration and Enforcement.

- (a) The purpose of this section is to provide for the administration and enforcement of this ordinance.
- (b) This section shall be administered and enforced by the City Forester and designees thereof and in conformity with Madison General Ordinances [Sec. 10.101](#)(1).
- (c) Violations of this section shall be brought to the attention of the City Forester.

(5) Emergency Trimming, Pruning or Removal. The above specified notice procedure does not apply when circumstances arise which require immediate action to protect the public from imminent harm, such as sickness, disease, personal injury or property damage. In determining imminent harm, there must be a balancing of the rights of the abutting property owner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action.

(6) Appeals. Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section may appeal to the Board of Park Commissioners by filing a notice of appeal, stating the grounds therefore, with the President of the Park Commission. The Board of Park Commissioners may, after a hearing, with notice to the appellant, reverse, affirm or modify, in whole or in part, the decision or determination of the Habitat Stewardship Subcommittee or the City Forester. The decision of the Board of Park Commissioners shall be a final administrative determination, subject to judicial review as may be provided by law. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(7) Penalty.

- (a) Any person who violates the provisions of this section shall, upon conviction, pay a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day during which any violation of the provisions of this

section shall occur or continue shall constitute a separate offense.

- (b) If, as the result of a violation of any provision of this section, the injury, mutilation, or death of a tree located within the public right-of-way of any street, alley, highway or greenway is caused, the cost of repair and replacement of such tree shall be the responsibility of the person in violation. The replacement value of trees shall be determined in accordance with the most recent edition of A Guide to Plant Appraisal published by the International Society of Arboriculture.

(Sec. 10.101 Cr. by Ord. 12,106, 4-20-98; Am. by Ord. 12,253, 11-17-98; ORD-13-00117, 6-26-13)

10.11 - TEARING UP PAVEMENT, ETC.



Any person who shall injure or tear up any pavement, sidewalk or crosswalk or any part thereof, or shall dig any hole, ditch or drain in any street, pavement or sidewalk, without a written permit therefor as provided in this chapter, or who shall hinder or obstruct the authorized making or repair of any pavement, sidewalk or crosswalk, or other public improvement, shall be subject to a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). (Am. by Ord. 13,760, Adopted 12-14-04)

10.12 - PROHIBITING TRACTION ENGINES ON CERTAIN STREETS.



No person shall propel or move or cause to be propelled or moved any traction engine or similar machinery having cogs, spikes or other projection on the outer circumference of wheels over or along any street or alley which has been paved with brick, macadam, asphalt or other pavement without first having obtained a permit therefor from the Street Commissioner (Superintendent of Sanitation). The Street Commissioner (Superintendent of Sanitation) is authorized to grant a permit in writing to propel or move a traction engine or similar machinery over paved streets or alleys in case any such engine or other machinery cannot be moved or propelled to its destination over streets or alleys that are not paved, and the Street Commissioner (Superintendent of Sanitation) shall designate in such permit the streets or alleys or portions thereof over or along which any such traction engine or similar machinery may be propelled or moved, provided that when any such traction engine or similar machinery is moved over or along streets paved with sheet asphalt, asphalt macadam, block or brick pavement, planks shall be placed on the street in a manner satisfactory to the Street Commissioner (Superintendent of Sanitation) and the machinery propelled or moved over the planks in order to protect the pavement from injury.

10.13 - MACHINERY NOT TO BE PROPELLED ON STREETS FOR EXHIBITION PURPOSES.



Machinery shall not be drawn or operated upon the streets for the purpose of exhibition.

10.14 - WHEELS NOT TO BE LOCKED.



No person shall use any wheeled vehicle upon any macadamized street with any wheel thereof locked or fastened so that the same will not turn.

10.15 - CURB CUTS AND DRIVEWAY APPROACHES.



- (1) No driveway approach, as defined in [Sec. 10.08](#) of the Madison General Ordinances, shall be constructed between the curb and gutter and property line on any street unless the entire combined curb and gutter shall first have been removed, and the same replaced with a curb cut and a driveway gutter which shall be constructed separate from the driveway approach.

Curb cuts and driveway gutters shall be constructed in accordance with the above, or in accordance with the requirements of those alternative methods as specified in the City of Madison Standard Specifications for Public Works Construction and all addenda and supplements thereto.

- (2) No person shall construct or maintain any plank, metal, or other type of access to any driveway approach or alley across any gutter on any street, unless permitted to do so by the Common Council. All such approaches on paved streets heretofore constructed and now maintained contrary to the provisions of this section shall be removed by the Street Superintendent if not removed by the owner after ten (10) days written notice given by said Street Superintendent.
- (3) All curb cuts and driveway approaches, excepting those specifically authorized by the Common Council, shall be made only by contractors qualified for such work by the Board of Public Works. Any property owner desiring a curb cut or a driveway approach or both shall file a written request for the same in accordance with the requirements of [Sec. 10.08](#) of the Madison General Ordinances. If the work is to be done by an officially designated contractor, the property owner shall pay the cost of the work to the City Treasurer, the amount to be determined by the City Engineer on the basis of the contract between the City of Madison and the officially designated contractor, and the City Engineer shall direct the officially designated contractor to undertake and complete such work. The City Engineer shall keep an accurate account of the expense of installing curb cuts and driveway approaches in front of each parcel of land served by such curb cuts or driveway approaches, shall report the same to the Finance Director, shall authorize payments to the officially designated contractor in accordance with the terms of his/her contract with the City, and shall authorize the Finance Director to bill the owner of the parcel of land served by such curb cuts and driveway approaches the actual cost of the work. (Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(Sec. 10.15 Am. by Ord. 6969, 4-30-80)

10.16 - DEPOSIT OF INOPERABLE
VEHICLES PROHIBITED.



- (1) It shall be unlawful for a property or business owner or operator to deposit or cause to be deposited any vehicle parts or any vehicle that reasonably appears to be inoperable or in a state of substantial disrepair upon any portion of the highway adjacent to his/her real property or place of business. A vehicle or vehicle parts deposited on the highway shall be considered "adjacent" if it is upon a portion of the highway that directly abuts or is within 500 feet in any direction of the real property or place of business in question.
- (2) Any person who violates Subsection (1) above shall, upon conviction, be subject to a forfeiture of not less than fifty dollars (\$50) and not more than five-hundred dollars (\$500) plus applicable costs. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(Cr. by Ord. 13,325, 5-28-03)

10.17 - DEPOSIT OF RUBBISH AND
THROWING OF GLASS ON STREETS
PROHIBITED.



No person shall deposit any brine, salt, grass, leaves or other rubbish in any street or gutter in the City, and no person shall deposit or permit to be deposited in or upon any street, alley, driveway, sidewalk or public park or in or upon any road or pleasure drive which is under the police jurisdiction of the City any glass, crockery, nails, tacks, pieces of metal, wire briar, thorn, broken stone or other articles liable to injure any person or the wheels or tires of vehicles, except as permitted in the following section. (Am. by Ord. 13,319, 5-28-03)

10.18 - COLLECTION OF REFUSE AND
RECYCLING OF WASTE.



- (1) Collection of rubbish and refuse in the City of Madison shall be in accordance with rules, procedures, and schedules as specified by the Street Superintendent. The Street Superintendent shall designate the days on which rubbish will be collected in the various districts of the City of Madison, which said rubbish collection day shall be kept as nearly uniform as possible for the various districts. No rubbish or refuse to be collected by the City shall be deposited upon the terrace of any street within the City of Madison more than twelve (12) hours before the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.

- (2) Deposit of Material in Gutter Prohibited. No material shall be placed in any gutter by any person so as to obstruct the flow of water therein unless such person shall provide a suitable culvert so as to provide for the free and unobstructed flow of water.
- (3) Sidewalks and Roadways Not to Be Obstructed. No material shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway. (Am. by Ord. 13,319, 5-28-03)
- (4) Damages Caused by Deposit of Rubbish. Any person depositing material in the streets of the City of Madison shall be liable for all damages which may accrue to the public due to the presence of such rubbish or material in the streets. (Am. by Ord. 13,319, 5-28-03)
- (5) Persons Who May Collect Rubbish and Refuse. No person, unless she/he has a contract with the City of Madison permitting her/him to collect and remove rubbish and refuse, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent shall collect or remove any rubbish or refuse which has been deposited or placed by any person on the terrace adjoining her/his premises for collection by the City as herein provided, except that nonprofit organizations may collect household furnishings that have been deposited or placed on the terrace for disposal during daylight hours between May 15 to May 31 and August 15 to August 31. "Person" as used in this section includes individuals, partnerships, associations and bodies politic or corporate. (Am. by Ord. 13,319, 5-28-03)
- (6) No owner or operator shall allow a rubbish or refuse container to remain on the terrace of the street in front of her/his premises for more than twenty-four (24) hours after the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. (Am. by Ord. 13,319, 5-28-03)
- (7) Separation of Solid Waste Required.
 - (a) Definitions:
 1. Brush is defined as bushes, tree limbs and branches, and other woodlike trimmings. Rosebush trimmings are considered to be brush.
 2. Appliances shall include air compressors, air conditioners, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves. (Am. by Ord. 11,170, 2-14-95)
 3. Magazines shall mean magazines and other materials printed on similar paper.
 4. Newsprint means that portion of newspapers or periodicals which remain in

substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling. Newsprint does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:

- a. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling;
 - b. The paper is no longer flat and folded to the approximate dimensions of its original condition;
 - c. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of resident or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings; (Am. by ORD-17-00030, 3-8-17)
 - d. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
5. Office paper shall mean high grade printing and writing papers from offices in nonresidential facilities and properties.
 6. Solid Waste shall mean garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in wastewater effluents or other water pollutants. Solid waste shall include microwave ovens from which the capacitor has been removed.
 7. Yard Waste shall mean leaves, grass clippings, garden and other organic yard debris.
 8. Directories shall mean any publication that lists names, addresses, telephone numbers or other similar contact information of people, businesses, members, employees, or other similar categories. In this subsection, this definition only applies to those directories capable of being recycled by the City of Madison, as determined by the Street Superintendent or designee. (Cr. by ORD-11-00043, 3-23-11)

(b) Applicability and Enforcement of Ordinance.

1. Subsections (7), (8), (9), (10) and (11) of Section 10.18 shall apply to all persons and entities who, directly or through the services of the City of Madison or another third party, dispose of or attempt to dispose of solid

wastes at any Dane County-owned landfill or at any other landfill located in the City of Madison and includes all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type. (Am. by Ord. 11,170, 2-14-95)

2. Owner Responsibility. Every owner or operator of multi-family dwellings, commercial, retail, industrial, governmental, and public service facilities shall be responsible for maintaining an effective means for tenants to comply with the requirements of this subsection (7), except for subdivision (f). In addition each owner or operator shall at the commencement of a tenant's move to the premises and each 6 months thereafter notify the tenants of the City and County recycling requirements. (Am. by ORD-09-00102, 7-2-09)
3. Pursuant to Wis. Admin. Code § NR 544.04(9) and NR 544.06(2)(e), the City of Madison shall use any lawful means to adequately enforce the requirements of its recycling program including but not limited to inspections to ascertain proper separation, preparation, and collection of recyclable materials and proper disposition of all solid waste including recyclables, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(c) (R. by ORD-11-00043, 3-23-11)

(d) Yard Waste.

1. Prohibited Yard Waste and Brush Disposal. No person shall:
 - a. Mix or permit the mixing of yard waste or brush with solid waste for landfill disposal at any Dane County-owned landfill or at any other landfill located in the City of Madison, or for City curbside garbage collection or place or permit the placing of yard waste or brush out for City curbside garbage collection;
 - b. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time or at any authorized yard waste, brush or compost site while the site is closed;
 - c. Deposit yard waste or brush in or upon any public street, water, or grounds in the City of Madison, except that, on streets where a public works project was completed in a calendar year and pursuant to the directives of the Street Superintendent, the adjoining property owner shall be allowed during that calendar year only to bag their yard waste and place the bags upon the public street immediately adjacent to the curb for pick up by the Streets Division. This limited exception shall solely apply during the calendar year of the completed public works project in an effort to allow the disturbed terraces to stabilize and

revegetate. Bags placed in the street under this exception shall not be a violation of any other provision of this section. (Am. by ORD-06-00176, 12-8-06; ORD-12-00061, 5-9-12)

- d. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill or collection site located in the City of Madison unless that person is a resident of the City or otherwise authorized user of the site.

2. Permitted Yard Waste Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:

- a. Deposit yard waste at any authorized City of Madison yard waste drop-off sites or any authorized compost sites while such authorized sites are open;
- b. Compost yard waste in accordance with [Section 7.361](#);
- c. Deposit grass clippings, leaves and garden debris at curbside to be collected by the City during a fall and spring collection of yard waste.

3. Permitted Brush Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:

- a. Deposit brush at any authorized City of Madison brush drop-off site while such authorized sites are open.
- b. Deposit brush at curbside to be collected by the City according to the published brush collection schedule.
- c. Deposit holiday trees at curbside to be collected by the City during the special January collection period.

4. Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under her/his control in accordance with the requirements of this subsection. (Am. by ORD-14-00012, 1-14-14)

(e) Recyclable Waste. Every person disposing of newsprint, yard waste, office paper, directories, waste oil, magazines, tires, lead-acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, and HDPE and PETE plastic containers in the City of Madison shall separate such items from all other solid waste materials, shall recycle such separated items as provided herein and shall not place such separated items in containers for disposal with other refuse or garbage. (Am. by Ord. 11,170, 2-14-95; ORD-11-00043, 3-23-11; ORD-12-00085, 6-26-12)

- 1. For persons served by regular City refuse collection, except for waste oil, lead acid batteries, appliances, televisions, computer monitors, laptop or

desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass barrels and drum containers, the above-listed recyclable items shall be separated and placed at the curb in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such recyclable items may be disposed of by such persons in any other lawful manner. No person shall mix or permit the mixing of said recyclables with garbage or other solid waste in violation of such City rules, procedures or schedules. (Am. by ORD-12-00085, 6-26-12)

2. No person shall deposit or abandon any waste oil, lead acid batteries, or barrel or drum container in or upon any public street, alley, grounds or waters. Waste oil, lead acid batteries, barrels and drum containers shall be disposed of in a lawful manner. No person shall deposit waste oil, lead acid batteries, barrels and drum containers at City of Madison drop-off sites, nor curbside for pickup by the City of Madison.
3. All other persons subject to this ordinance as Dane County-owned or private landfill users shall facilitate and provide for separation and recycling of the above-listed items in a manner conducive to the recycling of said items. Owners of multifamily dwellings, commercial, retail, industrial, governmental and public service facilities shall place and maintain adequate separate containers in convenient locations for use by tenants, employees, customers and guests for the collection of said recyclable items and shall make arrangements for the recycling of such collected items by public or private means, or such material may be disposed of by said owners in any other lawful manner.
4. Private refuse haulers shall not commingle separate recyclables into containers used for or containing garbage or other refuse, but shall maintain recyclables separately so as not to destroy their value for recycling, and shall not dispose of solid waste containing the above-listed recyclables in any Dane County-owned or other landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
5. Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
6. No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison

at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.

- 7. No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(f) Plastic Bags.

- 1. Purpose. Each year, it is estimated that the average American uses 330 plastic bags. Hence, Madison residents will use approximately 74,794,500 plastic bags in 2009. Based upon national averages, only 0.6% of those bags (roughly 448,000) will be recycled, and the rest will eventually end up in the Dane County landfill or as sources of land and water based litter. Plastic bags are generally not biodegradable and instead rely upon photodegradation to break down. This is problematic in landfills where light is not able to break down the plastic film, leading to an estimated five hundred (500) year breakdown period. Furthermore, while plastic bags will break down into smaller toxic parts when in water, these smaller parts can be harmful to fish, birds, amphibians, and other water based organisms. While plastic bags are generally not biodegradable, they can be recycled and used for durable building and construction products, fencing and deck materials, and new plastic bags. In the Madison area, there is a market for the recycling of clean plastic bags, and many retailers who provide these bags offer recycling bins for use by customers. By banning the disposal of non-contaminated recyclable plastic bags, the City hopes to reduce the negative impacts on the environment associated with plastic bags to save space in the County landfill and protect our lands and waters from the negative impacts associated with plastic bags.
- 2. Definitions. For the purposes of this subdivision, the following definitions apply:
 - a. Contaminated plastic bag means any plastic bag that has been in direct contact with, and remains soiled by, organic or non-organic materials. Plastic bags that contain any solid waste are contaminated for the purposes of this ordinance.
 - b. Plastic bag shall mean any bag intended for the transportation, storage, or protection of goods that is made, in part, of plastic film. A plastic bag is not the same as a plastic container, as that term is used elsewhere in this subsection.

- c. Recyclable plastic bag means any plastic bag that is able to be recycled, or bundled for recycling purposes, in the Madison area, and includes all those types of plastic bags set forth by the Street Superintendent or designee.
3. Every person disposing, or attempting to dispose of non-contaminated recyclable plastic bags in the City of Madison shall separate such items from all other solid waste materials and not place them in containers for disposal with other refuse, garbage or recycling materials.
4. Non-contaminated recyclable plastic bags shall be separated and recycled in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such items may be disposed of in any other lawful manner, including through merchant provided drop off locations. No person shall mix or permit the mixing of non-contaminated recyclable plastic bags with garbage or other solid waste in violation of such City rules, procedures or schedules.
5. Non-contaminated recyclable plastic bags subject to this provision, and capable of being recycled, include:
 - a. Low density polyethylene bags (LDPE #4). These bags are made of plastic films with high clarity, and moderate stretch and strength characteristics. Such bags include thicker newspaper bags and bread bags.
 - b. Linear low density polyethylene bags (LLDPE #4). These bags are made of plastic films with moderate clarity that are stretchy and have a slightly tacky feel. Such bags include clear and thin newspaper bags, as well as dry cleaning bags.
 - c. Medium density polyethylene bags (MDPE #4). These bags are made of plastic films with moderate clarity, and poor stretch and strength characteristics. Such bags include consumer packaging bags such as toilet paper and paper towel packaging.
 - d. High density polyethylene bags (HDPE #2). These bags are made of plastic films with some opacity, that are crinkly to the touch, have low stretch and high strength characteristics, and are easily torn. Such bags include most grocery bags and retail bags.
6. Enforcement. No enforcement of this subdivision by the City will occur until the Streets Superintendent establishes a City-sponsored recycling program for non-contaminated recyclable plastic bags; such program shall be approved by the Common Council by resolution no later than September 1, 2009.

(Sec. [10.18\(7\)\(f\)](#) Cr. by ORD-09-00102, 7-2-09)

(8) Restrictions on Landfill Operations.

- (a) Landfill owners and operators shall not dispose of newsprint or newspapers in the City of Madison with garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.
- (b) On and after February 11, 1991, each municipality which desires to afford its residents, businesses, commercial, retail and governmental entities located within the municipality the opportunity to deposit in any landfill located within the City of Madison any solid waste which originates in or is generated, accumulated or collected in the municipality shall first adopt and provide an effective recycling program requiring landfill users located within the municipality to separate from all other solid waste, newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, High Density Polyethylene ("HDPE") and Polyethylene Terephthalate (PETE) plastic containers and provide for the recycling of said items and provide for the safe disposal of all other solid waste. (Am. by Ord. 11,170, 2-14-95)
- (c) On and after February 11, 1991, no landfill user shall deposit or cause to be deposited at any landfill located in the City of Madison any newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, or HDPE and PETE plastic containers, unless such user is a municipality which has in place an effective recycling program approved by the City of Madison Common Council or is an approved private waste hauler which certifies to the Common Council that each of its customers has an effective recycling program. The standards for determining whether a municipal or private program is effective shall be the same as those followed by the Dane County Board and its committees under [Section 41.23](#) of the Dane County Solid Waste Management Ordinance. (Am. by Ord. 11,170, 2-14-95)
- (d) If the Dane County Board approves the temporary suspension of the requirements of said [Section 41.23](#) as to certain separated items at all County-owned landfills, the suspension shall automatically apply to any other landfill located in the City of Madison. Nothing in this ordinance shall be construed to require a municipality to operate or contract for a solid waste collection system.
- (e) Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly

disposed of for recycling.

- (f) No person shall deposit in any Dane County-owned or other landfill located in the City of Madison materials other than as authorized herein and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. 159.

(9) Limitations on Collection of Solid Waste.

- (a) Unlawful to Remove Recyclable Material. It shall be unlawful for any person, unless under contract with the City of Madison, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent to collect or remove any recyclable newsprint, magazines, glass, plastic, aluminum cans, ferrous metal cans, or corrugated cardboard which has been deposited or placed by any person on the terrace adjoining her/his premises for collection by the City of Madison. (Am. by Ord. 13,319, 5-28-03)
- (b) Private refuse haulers shall not place recyclable newsprint which has been collected in separate containers into containers used for or containing garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.
- (c) No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.
- (d) No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.
- (e) No person other than a City of Madison resident or otherwise lawfully authorized user shall deposit any recyclable materials at any Dane County-owned or other collection site located in the City of Madison. No person may bring solid waste from a site outside the City limits and deposit those materials curbside within the City limits for pickup with or without permission from the property owner.
- (f) No person shall remove any recyclable items from a private premise, recyclable container or dumpster without the consent of the occupant, owner or lessee of the premise. (Cr. by ORD-09-00072, 5-8-09)

(10) Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:

- (a) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.

- (b) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.
- (c) The retailer shall recycle these items with a licensed recycler.
- (d) The retailer shall file a plan illustrating how the retailer will comply with this subsection. This plan shall be filed with the City Recycling Coordinator within ninety (90) days of adoption of this ordinance. (Cr. by Ord. 13,499, 1-23-04)

(11) Appliance Fees.

- (a) No appliance shall be placed on any terrace or curbside for collection by the City unless the appliance bears an appliance sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such appliance stickers shall be set by the Street Superintendent.
- (b) The Street Superintendent shall cause all appliances which have been placed at curbside or on the terrace without an appliance sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(New Sec. 10.18(10) Cr. by Ord. 11,170, 2-14-95; Am. by Ord. 13,319, 5-28-03; Renumb. By Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04)

(12) Large Item Fees.

- (a) No large item shall be placed on any terrace or curbside for collection by the City unless the large item bears a large item sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such large item stickers shall be set by the Street Superintendent.
- (b) The Street Superintendent shall cause all large items which have been placed at curbside or on the terrace without a large item sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein

charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by Ord. 12,780, 3-13-01; Am. by Ord. 13,319, 5-28-03; Renumbered by Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04; Am. by ORD-06-00016, 3-10-06)

(13) Electronics.

- (a) No televisions, computer monitors, laptop or desktop computers, or CPUs may be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Televisions, computer monitors, laptop or desktop computers, or CPUs must be disposed of at an authorized recycling deposit site or in any other lawful manner. No person shall deposit such recyclables at any authorized recycling center or deposit site while the site is closed. No televisions, computer monitors, laptop or desktop computers, or CPUs shall be deposited at an authorized public recycling site unless the item bears a fee sticker issued by the Street Superintendent. Fees for such stickers shall be set by the Street Superintendent.
- (b) The Street Superintendent shall cause all televisions, computer monitors, laptop or desktop computers, or CPUs which have been placed at curbside or on the terrace to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

(Sec. 10.18(13) Cr. by ORD-12-00085, 6-26-12)

(14) Penalty.

- (a) Any person who violates subsections (7), (9)(a - e) and (10) of [Section 10.18](#) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense within twelve months and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating [Sec. 10.18](#)(7), in addition to any forfeiture, shall be liable for the expense of the removal, testing or

separation of any matter deposited contrary to the provisions of this subsection.

- (b) Any person who violates [Section 10.18](#)(8) shall be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) for each offense within a twelve-month period and not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) for any subsequent offense within a twelve-month period.
- (c) Any solid waste containing yard waste in violation of this Section shall be cause for the City's garbage collector to refuse to pick up such solid waste.
- (d) Any person who violates [Section 10.18](#)(9)(f) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense. (Cr. by ORD-09-00072, 5-8-09)

(Sec. [10.18](#)(10) Renumb. to (11) by Ord. 11,170, 2-14-95; Renumb. to (12) by Ord. 12,780, 3-13-01; Renumb. and Am. by Ord. 13,499, 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

- (15) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(Sec. [10.18](#)(11) Renumbered to (12) by Ord. 11,170, 2-14-95; Renumb. to (13) by Ord. 12,780, 3-13-01; Renumb. by Ord. 13,499 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

10.185 - RECYCLING AND REUSE OF CONSTRUCTION AND DEMOLITION DEBRIS.



- (1) Definitions. For the purposes of this section, the following definitions apply:
 - (a) "Building," "owner," and "person" shall have the meanings ascribed to those terms in [Sec. 29.03](#), MGO.
 - (b) "City certified construction debris recycling facility" means a facility certified pursuant to guidelines set forth by the Street Superintendent whose practices cause the recycling or reuse of construction and demolition debris consistent with the requirement of this section.
 - (c) "Commercial" means any use other than residential, including, but not limited to, buildings used for retail purposes, offices, manufacturing, and provision of services.
 - (d) "Construction" means the assembly of materials to form a new building.
 - (e) "Construction and demolition debris" means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood

and wood products; wall coverings; plaster; drywall; aluminum and vinyl siding; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials. This term does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible, or materials which the Street Superintendent, from time to time, may indicate are no longer able to be readily recycled or reused in an economically viable manner.

- (f) "Contractor" means any person, other than the property owner, who is responsible for the construction, demolition, or remodeling of a building, or any part thereof, and where such work requires the issuance of a building, plumbing, electrical, HVAC or demolition permit under the Madison General Ordinances.
- (g) "Demolition" means the demolition or dismantling of a building, but does not include the systematic dismantling of part of a building for alteration, maintenance, remodeling or repair.
- (h) The terms "dwelling," "single-family dwelling," and "two-family dwelling" have the meanings ascribed to those terms in [Sec. 29.03](#), MGO. "Three-family dwelling" is a building containing three (3) dwelling units only. "Multi-family dwelling" is a building, or portion thereof, containing four (4) or more dwelling units.
- (i) "Recycle" means any process by which construction and demolition debris are diverted from final disposal as solid waste at a permitted landfill and instead are collected, separated and/or processed into raw materials for new, reused or reconstituted products, or for the recovery of materials for energy production processes.
- (j) "Recycler" means a recycling facility, transfer station or other waste handling facility approved by the Street Superintendent which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.
- (k) "Remodeling" means any improvements or alterations made to a building that do not involve the complete demolition and reconstruction of the building.
- (l) "Residential" means a building with one or more dwellings.
- (m) "Reuse" means:
 1. The on-site use of reprocessed construction and demolition debris including bricks, concrete, other masonry materials, soil, and rock used as fill, if such on-site use is authorized in writing by the Street Superintendent;
 2. The off-site redistribution of a material, which would otherwise be disposed

of, for use in the same or similar manner; or

3. The use of non-toxic wood as an alternative fuel source.

(n) "Street Superintendent" shall mean the Street Superintendent or his/her designee.

(2) Recycling and Reusing Requirement for Certain Multi-Family Dwellings and Commercial Buildings.

(a) All projects subject to this subsection shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition permit activities by meeting the following requirements:

1. The owner or contractor on a project that is issued a permit with an application date on or after the effective date of this section shall cause to be recycled or reused at least seventy percent (70%) of the construction and demolition debris produced on site, as measured by weight or volume.

(b) The following types of projects are subject to this subsection:

- 1. The construction or demolition of a multi-family dwelling constructed using concrete and steel supports.
- 2. The construction or demolition of a commercial building where the total square footage of the space involved is over one thousand (1,000) square feet.

(3) Recycling and Reusing Requirements for Certain Multi-Family Dwellings, Residential Buildings and Remodeling Projects.

(a) The owner or contractor on a project subject to this subsection shall cause to be recycled or reused all of the following construction or demolition debris produced on site as part of construction, demolition, or remodeling permit activities:

- 1. Wood that has not been rendered nonrecyclable by the application or attachment of paint, stains, varnish, or other liquids or solids;
- 2. Non-toxic metals;
- 3. Clean drywall scrap materials;
- 4. Corrugated Cardboard; and
- 5. Shingles.

(b) The following types of projects are subject to this subsection:

- 1. The construction or demolition of multi-family dwellings using wood frame construction.
- 2. The construction or demolition of a single-family, two-family, or three-family dwelling.
- 3. Except for roofing projects, the remodeling of a residential or commercial building where the total value of the project is twenty thousand dollars

(\$20,000) or greater.

4. Any roofing project that includes the tear-off of the existing roofing materials.

(c) The following projects are exempt from this section:

1. A project that only requires a plumbing permit, an electrical permit or an HVAC mechanical permit.
2. A project for which a building permit or demolition permit is not required.
3. A project for which, due to changes in the markets for recycled material, the Street Superintendent waives the requirements of this section.

(4) Certification and Audit of Compliance.

(a) Certification.

1. Certification of compliance with this section shall be made by the owner or contractor pursuant to this subdivision, and in the form and manner as prescribed by the Street Superintendent. All certification forms shall include a statement from the owner or contractor certifying that the information contained in the form is truthful and accurate.

The owner or contractor subject to the requirements of subsections (2) or (3) shall, either within sixty (60) days of completion of a project or, if the owner or contractor has multiple projects subject to the requirements of this section during a calendar year and has the preauthorization of the Street Superintendent to file an annual report, by December 31 of each calendar year, submit documentation to the Street Superintendent certifying compliance with this section.

2. Except as set forth in paragraph 4., certification forms shall include the following:
 - a. A list of the construction and demolition debris that were recycled or reused;
 - b. A summary of where and how the construction and demolition debris were recycled or reused;
 - c. The actual or estimated volume or weight of the construction and demolition debris that were recycled or reused;
 - d. A statement from the owner or contractor that documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) exists and will be maintained for two (2) years from submission of the Certification form; and
 - e. A statement from the owner or contractor indicating the extent to which

the project complies with the requirements of subsections (2) or (3).

3. It shall be sufficient proof of compliance with this section if the owner or contractor submits the following to the Street Superintendent with the certification form:
 - a. Weight tickets from the owner or contractor that show that debris from the project were taken to a City certified construction debris recycling facility; or
 - b. Proof of LEED (Leadership in Energy and Environmental Design) or GBH (Green Built Home) certification, or other similar certification acceptable to the Street Superintendent.
 4. The owner or contractor's failure to follow the requirements of this subdivision for any project shall be prima facie evidence that subsections (2) and (3) were not complied with on that project.
- (b) Audit. Prior to, and up to two (2) years after, submission of a Certification form, the Street Superintendent may initiate an audit of an owner or contractor to monitor and ensure compliance with the requirements of this section. An owner or contractor must comply with all reasonable requests for information and documentation made by the Street Superintendent within thirty (30) days of said request.
- (c) Requirement to Maintain and Provide Information.
1. The owner or contractor who submits a certification form as required under this subsection must maintain documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) for two (2) years after submission of the Certification form.
 2. Within thirty (30) days of a request made under subdivision (b), the owner or contractor must provide the Street Superintendent the requested information or documentation. The failure to provide this requested information or documentation shall be considered proof that the owner or contractor did not recycle or reuse that portion of construction and demolition debris relating to said information or documentation.
- (5) The Street Superintendent may promulgate such rules and regulations as necessary to implement the provisions of this section.
- (6) Penalties. The following penalties apply to violations of this section:
- (a) Any person who fails to meet the recycling and reuse requirements in subsection (2) shall be subject to the following forfeitures:
 1. For construction or demolition projects involving ten thousand (10,000)

square feet or more of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than fifty dollars (\$50) nor more than five hundred dollars (\$500); and

- 2. For construction or demolition projects involving less than ten thousand (10,000) square feet of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than twenty-five dollars (\$25) nor more than two hundred and fifty dollars (\$250).
- (b) Any person who fails to meet the recycling and reuse requirements of subsection (3) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the first estimated ton of construction or demolition debris not recycled or reused, and not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each subsequent ton of construction or demolition debris not recycled or reused.
- (c) Any person who fails to follow a requirement of subsection (4) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (d) Any person who submits a certification under subsection (4) that falsely states or represents that a project has met the requirements of this section, shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

(7) Effective Date. This ordinance shall be effective on January 1, 2010.

10.19 - DUMPING OF RUBBISH OR REFUSE.



- (1) Dumping on Public Property. It shall be unlawful to dump rubbish or refuse in any street, alley or public place within the City of Madison.
- (2) Misuse of City Receptacles. No property owner or commercial interest, including news box operators, or an employee, agent or representative of a property owner or commercial interest, shall place, or cause to have placed, any rubbish or refuse in the City owned and publicly maintained trash and recycling receptacles located in the State Street Mall Concourse area or other public right-of-way, unless such disposal is incidental unrelated to the use of the property or the business operation. This prohibition does not extend to the disposal or refuse or waste by customers of a business. The City receptacles subject to this subsection do not include refuse and recycling carts provided to property owners as part of the Street Division's refuse and recycling program.

- (3) Dumping on Private Property . No person shall deposit any brush, newsprint, yard waste, solid waste or other refuse or rubbish of any kind whatsoever on a lawn or a terrace or in a dumpster or other refuse container located in or upon commercial or residential property without the permission of an owner or lessee of said property.
- (4) Any person who violates subsection (1) shall be subject to a forfeiture of not more than two thousand dollars (\$2,000). Any person who violates subsection (2) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense within twelve months and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the third and any subsequent violation within any twelve-month period. Any person who violates subsection (3) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each separate offense. Each day such violation continues shall be considered a separate offense.

(Sec. 10.19 Am. by Ord. 11,150, 1-30-95; Am. by [ORD-18-00081](#), 8-3-18)

10.20 - HAULING OF RUBBISH OVER STREETS.



No person shall haul any rubbish or refuse except in a vehicle provided with a box well closed or with a tarpaulin to retain such material while the truck or vehicle in which it is conveyed is traveling to its destination.

10.21 - GASOLINE CURB PUMPS PROHIBITED.



No gasoline curb pump shall be installed in the streets of the City of Madison, nor shall any gasoline curb pump be replaced with a new gasoline curb pump.

10.22 - AIR HOSE OUTLETS AND STANDARDS.



No air hose outlets or air hose standards shall be installed in any public street or alley in the City of Madison, nor shall any air hose outlet or air hose standard be replaced with a new air hose outlet or a new air hose standard.

10.23 - OBSTRUCTION OF STREETS AND SIDEWALKS.



- (1) Any person unnecessarily obstructing or causing to be obstructed any street, alley, crosswalk, terrace or sidewalk so as to interfere with public traffic or access shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred (\$200).
- (2) Any person depositing snow or ice from private property upon any sidewalk, roadway or

street, bike path or upon the non-adjacent private property of another without consent, or causing or ordering the same to be done shall be subject to a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

- (a) In addition to its commonly understood meaning, for the purposes of this Subsection only, the term "private property" includes any portion of the public right-of-way abutting the private property in question, such as the sidewalk, terrace, or driveway apron.

(Am. by ORD-09-00067, 4-2-09; ORD-14-00087, 5-7-14)

- (3) The City Engineer, Street Superintendent, or Building Inspection Division Director, or his/her designee(s), shall cause the removal of all snow and ice from any sidewalk, roadway or street that resulted from a violation of Subsection (2) above when the owner of the property where the snow and or ice originated from has failed to do so. An accurate account of the expenses incurred shall be kept and the costs thereof shall be assessed against the property as a special charge. Prosecution under Subsection (2) of this Ordinance shall not bar the City from proceeding under Subsection (3) of this Ordinance, nor shall proceeding under Subsection (3) bar prosecution under Subsection (2). (Cr. by ORD-10-00027, 3-18-10; Am. by ORD-11-00037, 3-8-11)

(Sec. 10.23 Am. by Ord. 11,313, 8-4-95)

10.24 - OBSTRUCTION OF CROSSINGS BY TRAINS.



- (1) It shall be unlawful to stop and leave standing any railroad train, locomotive or car upon or across any street crossing in the City of Madison longer than five (5) minutes.
- (2) It shall be unlawful to operate or permit to be operated any railway train, locomotive or car upon or across any street crossing to the obstruction of public travel thereon for a longer period of time than five (5) minutes.
- (3) It shall be unlawful to stop any railroad train or car within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.
- (4) It shall be unlawful to obstruct any street crossing in the City of Madison for a continuous period of more than five (5) minutes by the operation of more than one (1) train or locomotive over the same crossing.
- (5) The five (5) minute limitation as contained in subsection (1) shall be reduced to three (3) minutes if the violation occurs between the hours of 7:00 a.m. and 9:00 a.m., between 12:00 noon and 1:00 p.m. and between 3:30 p.m. and 5:30 p.m. on weekdays.
(Am. by Ord. 12,044, 3-2-98)
- (6) Any conductor, engineer or brake operator on any engine or train so stopping, operating on, or discharging passengers on any crossing or crosswalk in violation of

this section shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and the corporation owning or operating any such train, engine or car shall be subject to a forfeiture of not less than twenty dollars (\$20) nor more than two hundred dollars (\$200) for each violation of subsection (1) or in case of a violation coming under subsection (5), not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for each violation. (Am. by Ord. 12,044, 3-2-98; ORD-14-00012, 1-14-14)

- (7) It shall be a defense to any prosecution under this section if any obstruction hereunder is caused by accident or to a contingency wholly beyond the control of the operators of the train.

10.25 - PLANTINGS IN THE TERRACES.



- (1) Purpose. The purpose of this Section is to establish criteria for private plantings and landscaping features within the terrace portion of the public right-of-way. This ordinance will allow for the permissive use of the terrace without the need for additional permits or a privilege in street, provided such use does not interfere with the public's use of the space. Uses inconsistent with this Section may be subject to penalty hereunder, or may require approval under other Sections of these Ordinance. Uses consistent with this Section are an exception to the privilege in street requirements under Section 10.31 as they are being permitted by general ordinance affecting the whole public as allowed for under Wis. Stat. § 66.0425(1).
- (2) Definitions. For the purposes of this section, the following definitions apply:
 - (a) "Occupant" is any person who legally resides in a residential property immediately adjacent to a terrace, including any individual condominium owner within a condominium development.
 - (b) "Owner" is the person who has legal title to a property immediately adjacent to a terrace, and, for multi-unit properties, includes condominium associations.
 - (c) "Permissible plantings" are those plants, other than trees and shrubs, and landscape features that have been deemed permissible plantings under subsection (3).
 - (d) "Terrace" is that portion of the public right-of-way in between the curb or road-way and the adjoining lot line, whether or not the area is occupied by a sidewalk or multi-use path.
- (3) Permissible Plantings. The owner of a property may plant, maintain and cultivate, or allow an occupant or tenant of the property to plant, maintain and cultivate, certain plants and landscaping features within the terrace adjoining the owner's property if said plantings and landscaping features are consistent with the requirements of this

subsection. Plantings may not include any trees or shrubs, the planting of which are subject to Secs. [23.21](#) and [23.22](#), MGO. Plantings and landscape features are permissible plantings under this subsection if the following conditions are met:

- (a) Approved Plantings. Any non-woody plantings that are commonly found in vegetable gardens, flower gardens or landscaping are allowed. Any plant species that are deemed invasive and regulated under Wis. Admin. Code ch. NR 40, or elsewhere in these ordinances, are not allowed.
- (b) Landscaping Features. Landscaping features meant to protect approved plantings, such as mulch, small rocks or other similar features, shall be allowed provided the materials are stable, do not create any potential public safety hazard, and are easily removable. Temporary wire fencing, lattices, vegetable cages and the like, are permissible landscaping features if necessary to assist the establishment of approved plantings, but must be removed at the end of the growing season. Specific criteria for these items shall be included in the terrace treatment policy provided for in sub. (c) below. Pots, concrete planters, irrigation equipment and the like, are not landscaping features subject to this subdivision, but rather are encroachments subject to the privileges in street ordinance in [Sec. 10.31](#), except that raised planting beds are permissible landscaping features as provided for in the terrace treatment policy.
- (c) Terrace Treatment Policy. To ensure public safety and access to public facilities, the City Engineer, in consultation with the Food and Alcohol Policy Administrator, shall prepare a terrace treatment policy that describes the following: (Am. by ORD-15-00116, [10-28-15](#))
 1. Where on terraces and which terraces approved plantings and landscaping features may be placed;
 2. How high they are allowed to be maintained;
 3. Criteria for more permanent features, such as low retaining walls, steps, and other incidental items when those items are necessary due to steep grades within the terrace;
 4. Criteria for raised planting beds, including permissible features, materials, and locations; and,
 5. Standards for the use of chemical agents such as insecticides or fertilizers.

The terrace treatment policy shall be approved by the Board of Public Works, after consultation with the Food Policy Council, and any amendments to this policy shall be approved by the Board of Public Works in like fashion. Once the terrace treatment policy is approved, the owner or occupant of the property may only place plantings and landscaping features in the terrace pursuant to the terrace treatment policy.

(d) Maintenance of Approved Plantings and Landscaping Features.

1. Approved plantings and landscaping features shall be maintained in a safe and orderly manner, free of any unapproved planting or landscaping feature and in the areas allowed under the terrace treatment policy.
2. Under no circumstances shall an approved planting or landscaping feature obstruct or endanger the public's use of a roadway, sidewalk or other multi-use path, and all approved plantings and landscaping features shall be maintained so as not to interfere with the public's right of travel over these areas, or the visibility required to exit private driveways.

(e) Responsibility. The owner or occupant responsible for the permissible plantings accepts full responsibility for the care and maintenance of the permissible plantings, and understands that permissible plantings in the terrace are made at their own risk, and that they may be removed at any time by the City without compensation. The owner or occupant seeking to place permissible plantings in the terrace is responsible for contacting Digger's Hotline to identify and mark any underground utilities prior to digging within the right-of-way.

(f) Removal. Prior to performing any public works project that may threaten any permissible planting, the City shall attempt to notify property owners and occupants of the City's plans in order to give the owner or occupant sufficient time to relocate the plantings. This notification provision shall not apply in emergency situations or where such notice is not practicable.

(4) Planting of Shrubbery on Terraces Prohibited. Except for permissible plantings made under sub. (3), no person shall plant or maintain or cause to be planted or maintained on any terrace between the sidewalk and curb on any street in the City of Madison any plant or shrub in excess of twenty-four (24) inches in height or within a distance of twenty-four (24) inches from the back of the curb unless necessary to control erosion of the soil.

Any plants or shrubbery planted or maintained on any terrace contrary to the provisions of this ordinance shall be removed. The enforcement of this ordinance shall be under the supervision of the Police Department, the City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development.

Upon default of any person ordered to remove said plants or shrubbery, the City Engineering Division and/or the Department of Planning and Community and Economic Development may cause said plants or shrubbery to be removed. The cost of removal shall be assessed against the lot adjoining the terrace upon which the plants or shrubbery were located as provided in [Section 27.05\(2\)\(bb\)](#), MGO. Prosecution under this section shall not bar the City from causing the plants or shrubbery to be removed, nor shall the City's removal of the plants or shrubbery bar prosecution

hereunder. (Am. by ORD-08-00109, 10-7-08; ORD-12-00134, 1-2-13)

- (5) Penalty. Any person who plants, maintains and/or cultivates plants and landscaping features within the terrace adjoining the owner's property inconsistent with the requirements of this section, including contrary to the Terrace Treatment Policy, shall be subject to a forfeiture of not less than \$25 nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense.

(Am. by Ord. 8473, 12-10-84; ORD-12-00027, 3-14-12; ORD-13-00064, 4-24-13; Am. by [ORD. 19-00035](#), 5-27-19)

**10.26 - PERSONS NOT TO CONGREGATE
ON OR SELL MERCHANDISE ON STREETS
OR SIDEWALKS.**

☐ ☐ ☐ ☐ ☐

No persons shall congregate on any public sidewalk or any part of a public street or street corner so as to obstruct the same, nor shall any person or persons use any sidewalks or any part of a street as a place for vending, selling or dealing in merchandise, except as provided in [Section 9.13](#) of these ordinances, under the penalty of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense. (Am. by Ord. 11,312, 8-4-95)

**10.27 - FEE FOR DELIVERY OF WOOD
CHIPS.**

☐ ☐ ☐ ☐ ☐

Except for community gardens in the City of Madison, any person who receives a delivery of wood chips from the City of Madison shall pay a fee to the City Treasurer in an amount to be determined yearly by the Streets Superintendent, or designee. (Cr. by ORD-06-00183, 12-21-06; Am. by ORD-10-00021, 3-13-10)

**10.28 - SNOW AND ICE TO BE REMOVED
FROM SIDEWALKS.**

☐ ☐ ☐ ☐ ☐

- (1) The owner of each lot or part of lot shall remove all snow and ice upon the sidewalk abutting the premises which he or she owns not later than 12:00 noon of the day after the snow or ice has accumulated on the sidewalk, regardless of the source of accumulation. The owner of property abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the curb ramp, if any, regardless of the source of the snow accumulation.

Provided that when ice has so formed upon any sidewalk that it cannot be removed, then the owner shall keep the same effectively sprinkled with sand or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed. Any person violating any of the provisions of this section shall be

subject to a forfeiture of not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for a first offense and not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for any subsequent offense. Each day any violation of this ordinance continues shall constitute a separate offense. (Am. by Ord. 11,218, 3-31-95; Ord. 13,760, Adopted 12-14-04; ORD-07-00185, 12-20-07; Am. by [ORD-19-00095](#), 12-12-19)

- (2) The Department of Planning and Community and Economic Development shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. An accurate account of the expenses incurred shall be kept and the costs thereof shall be assessed against the property as a special charge under [Section 4.09](#)(13). Prosecution under Subsection (1) of this ordinance shall not bar the City from proceeding under Subsection (2) of this ordinance, nor shall proceeding under Subsection (2) bar prosecution under Subsection (1). (Am. by Ord. 8262, 2-20-84; ORD-07-00185, 12-20-07; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)
- (3) Actions for violations of [Sec. 10.28](#)(1) shall be commenced by citation as provided by Wis. Stat. § 66.0113 or summons and complaint or warrant as provided by Wis. Stat. § 66.0114(1)(a). (Am. by Ord. 6370, [10-10](#)-78; ORD-07-00185, 12-20-07)

10.29 - DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.



No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon any public sidewalk in the City of Madison. When the eaves of any building extend over or are so constructed that water may fall upon any public sidewalk such eaves shall be so protected by proper spouts or otherwise that no water shall fall upon any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to the provisions of this section shall be subject to a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each day any such spout or eaves shall be so maintained.

10.30 - RESERVED FOR FUTURE USE.



(R. by Ord. 7415, 5-7-81)

10.31 - PRIVILEGES IN STREETS.



- (1) Privilege for an obstruction or enlargement or alteration to such obstruction beyond the lot line, or within the public street right-of-way, alley or public ground, other than by permit issued under another provision of these ordinances, for encroachments of ninety (90) days or less, shall be granted only as provided in this section. All existing

encroachments which are nonconforming to the provisions of this section are to hereafter comply with the requirements of this section. No building permits shall be issued under [Section 29.05](#) on any premises where an encroachment exists until the requirements of this section are met, unless the Director of the Department of Planning and Community and Economic Development or her/his designee determines that an emergency condition exists which requires immediate remedy, provided an application for privilege in streets is submitted with the application for said building permit.

(Am. by Ord. 12,522, Adopted 1-4-00)

- (2) (a) Applications for privileges in streets shall be made to the Economic Development Division of the Planning and Community and Economic Development Department. A nonrefundable application and initial processing fee of seven hundred fifty dollars (\$750) shall accompany said application. There shall be no proration of the application and initial processing fee.

A Report of Ownership and a drawing or survey at a scale of not less than 1" = 10' on an 8½ × 14 size paper or in an equivalent digital file, showing the privilege in streets in relation to the owner's property shall also accompany said application. The drawing or survey shall include sufficient data to permit City staff to draft a legal description and determine the square footage of the street area occupied by the privilege in streets.

The Director of the Economic Development Division or her/his designee (Director) shall not recommend that the privilege be granted unless the applicant shows that the requirements of this section will be satisfied, and that applicable ordinances, resolutions and Board of Public Works and Plan Commission policies will be complied with. If the Director recommends approval of an application for a privilege in streets, the Director shall inform the applicant in writing of its recommendation and the conditions of approval. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare an agreement, setting forth the requirements and conditions under which the privilege in streets is permitted. Following execution of all the documents by the applicant, the required documents are to be executed by the Director, who shall monitor the payment of the annual fees in the event they are not collected as a special charge.

Following receipt of the insurance certificate and the first year's fee, the agreement is to be recorded with the Dane County Register of Deeds. A copy of the recorded agreement shall be furnished to the Applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.

(Sec. [10.31](#)(2)(a) Am. by Ord. 12,105, 4-20-98; Am. by Ord. 13,411, 9-24-03; ORD-08-00025, 3-15-08; ORD-13-00212, 12-[10](#)-13)

- (b) Appeal. In the event the Director disapproves an application for a privilege in

streets, the Director shall inform the applicant, in writing, of the reasons for disapproval. The applicant or any interested party, including any City department head or alderperson, may appeal the Director's decision to the Board of Public Works within thirty (30) days after mailing of the Director's notice to the address of the applicant as shown on the application. Such appeal must be in writing, and must inform the Board of the reasons why the applicant believes the Director's decision to be in error. Failure to so appeal a denial shall result in automatic approval of the denial without further action by the Director or Board of Public Works.

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the applicant and the Director may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall issue a written decision which shall affirm, reverse or modify the determination of the Director. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(Sec. 10.31(2) Am. by Ord. 10,969, 8-29-94; Am. by Ord. 13,411, 9-24-03)

- (3) (a) Conditions of Approval. Any privilege granted by the City of Madison shall be to the owner, agent or person obligated pursuant to a regulatory order of the property adjacent to the public area to be occupied by the privilege in streets and shall be on condition that the applicant or the applicant's heirs and assigns shall become primarily liable for damages to person or property by reason of the granting of the privilege.
- (b) Insurance. The applicant shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage and minimum limits of one million dollars (\$1,000,000) per occurrence. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the privilege in streets. This insurance condition may be waived for other governmental units and in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived. (Am. by Ord. 12,886, 8-24-01; ORD-14-00005, 1-14-14)
- (c) Removal of Encroachment. The applicant shall remove said encroachment or obstruction upon ten (10) days written notice by the City of Madison. Additionally,

the applicant or the applicant's heirs or assigns shall be entitled to no damages for removal of the privilege in streets, and if the applicant shall not remove the same upon due notice, it shall be removed at the applicant's expense and levied as a special charge for current services rendered against the applicant's property as provided by law; if the applicant is not the owner of the property adjacent to the public area to be occupied by the privilege in streets, said applicant shall provide a bond, in such amount to cover the cost of removal of any object, structure or instrument pursuant to any privilege and the total annual fees for the estimated life of the privilege. In the event of acquisition of all or a portion of the applicant's property for a planned public improvement, no compensation will be paid to the applicant for the improvements constructed within the area on which the privilege in streets exists, for cost incurred in realigning personal property located on the area on which the privilege in streets exists, or for loss of value or damage to the remaining improvements of the applicant caused by reasons of the acquisition or taking as provided under Wis. Stat. [ch. 32](#).

In accepting the privilege, the applicant waives any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of compensation charged by the City of Madison. The applicant may be required to comply with additional conditions as the Director may impose, including execution of a written agreement incorporating all conditions upon which the privilege in streets is to be granted. Such agreement shall be binding upon the applicant, the applicant's heirs and assigns and shall be drafted in recordable form and recorded in the Office of the Dane County Register of Deeds, and the terms and conditions contained in the agreement or resolution shall remain in full force and effect as long as the privilege in streets exists. The privilege may be terminated by the applicant at any time by providing the Director written notice of its desire to terminate this privilege. Following removal of the privilege in streets and restoration of the public area on which the privilege in streets existed to the satisfaction of the City Engineer and the Director of Planning and Community and Economic Development, the Director shall record in the Dane County Register of Deeds office a suitable document terminating the privilege. A copy of the document shall be furnished to the applicant and the City Clerk. (Am. by Ord. 13,411, 9-24-03)

(d) Fee Schedule.

1. An annual minimum fee of five hundred dollars (\$500) or an amount established hereinafter, shall be charged for the privilege of encroaching into street right of way. The annual fee may be levied as a special charge for current services rendered against the applicant's property as provided by

law. The agreement may provide for alternative means of payment of annual fees in excess of ten thousand dollars (\$10,000). An annual fee for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the privilege in streets is issued. There shall be no proration upon termination of any privilege in streets.

2. For every use of public space permitted as a privilege under the terms of this chapter, the following annual rental fee shall apply:
 - a. For each story above or below the surface, the fee shall be fixed at five percent (5%) of the square foot value per story, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or if more than one lot abuts such use, five percent (5%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars (\$500), whichever is greater.
 - b. If such use of space involves utilization of the surface by the applicant, the fee for such surface use shall be fixed at ten percent (10%) of the square foot value, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or, if more than one lot abuts such use, ten percent (10%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars (\$500), whichever is greater.
 - c. Every five (5) years the Director shall re-calculate the fee using current property values as fixed by the City Assessor.
 - d. Monitoring wells and other multiple location privileges: annual fee of five hundred dollars (\$500) for the first encroachment plus one hundred dollars (\$100) for each additional location.
 - e. If such use is for fiber optic for a non-public utility use, the fee shall be two dollars (\$2.00) per lineal foot for two inch (2") diameter duct and four dollars (\$4.00) per lineal foot for four inch (4") diameter duct. (Cr. by Ord. 13,411, 9-24-03)

(Sec. 10.31(3)(d) Am. by Ord. 11,888, 6-27-97; ORD-13-00212, 12-10-13)

- (e) Existing street encroachments shall be subject to the terms and provisions of this ordinance upon renewal. (Cr. by Ord. 13,411, 9-24-03)
- (f) Although subject to the provisions of this section, there shall be no application fee

or annual fee (if encroachment is approved) for the following:

1. Neighborhood Identification Signs.
2. Bicycle racks.
3. Decorative Pavement Painting Design Permit under [Sec. 10.42](#), MGO. (Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)
4. Little Free Libraries. (Cr. by ORD-13-00212, 12-10-13)
5. Bus Shelters.
 - a. For the purposes of this paragraph, "Bus Shelters" means a privately owned and maintained shelter, approved by Metro Transit and Traffic Engineering, adjacent to a bus stop and intended to provide temporary shelter for bus passengers.
 - b. A bus shelter shall be considered a "Madison Transit Utility bus shelter" for the purposes of Secs. [3.14](#)(4)(i) and [31.03](#)(2), but only for non-commercial messages.

(Sec. [10.31](#)(3)(f)5. Cr. by ORD-15-00087, 9-11-15)

(Sec. [10.31](#)(3)(f) Cr. by Ord. 13,411, 9-24-03)

- (g) Although subject to the provisions of this Section, there shall be no annual fee (if encroachment is approved) for existing architectural features that contribute to the historic character of buildings that have been designated a Madison Landmark.
(Cr. by ORD-09-00131, 9-18-09)

(Sec. [10.31](#)(3) Am. by Ord. 10,969, 8-29-94)

(4) Construction, Reconstruction, Abandonment and Maintenance of Underground Sidewalk Vaults.

- (a) In addition to the requirements of this section, no vault under any sidewalk, in any street or alley in the City of Madison shall be constructed, reconstructed or repaired unless plans prepared by a registered professional engineer have been submitted to and approved by the City Engineer and the Director of Planning and Community and Economic Development and a permit has been obtained from the Director of Planning and Community and Economic Development. No vault shall be abandoned without first obtaining a Street Opening Permit, as issued under [Section 10.03](#), Madison General Ordinances, and a building permit if alterations to the building are involved in the abandonment.
- (b) All vaults under sidewalks shall be constructed or reconstructed in accordance with the State of Wisconsin Administrative Code, the City of Madison General Ordinances, other applicable Building Codes, and plans and specifications of any

City project. Loading requirements for all vaults within the right-of-way shall be as follows:

1. Sidewalks with no vehicular restrictions: 250 pounds/square foot or 12,000 pound concentrated load in any position.
 2. Sidewalks with partial vehicular restriction: 115 pounds/square foot or 10,000 pound concentrated load, plus 30% impact factor. Concentrated load distributed as a four-wheel vehicle with 5,200 pounds on each rear wheel, 1,300 pounds each front wheel.
 3. Sidewalks with total vehicular restriction: 100 pounds/square foot.
 4. The most severe distribution and concentration shall govern.
 5. Vehicular restrictions shall be permanently fixed barriers. In addition, no cover or door to any such vault, constructed in any sidewalk, shall contain any open spaces greater than one-half inch ($\frac{1}{2}$ ") in width. Wherever possible, vaults shall be constructed or reconstructed so that the outside vault wall encroaches no more than six (6) feet into the right-of-way.
- (c) All vaults and covers or doors to any such vault in the City of Madison, which encroach on the public right-of-way, shall be maintained in a safe condition, and capable of carrying the loadings required in Section [10.31](#)(4)(b), Madison General Ordinances. If the Director of Planning and Community and Economic Development finds at any time that the above mentioned ordinances, laws and codes are not being complied with, s/he shall serve written notice on the property owner. The property owner shall then have twenty (20) days to indicate in writing his/her intention to remove, replace or repair the vault. The Director of Planning and Community and Economic Development and City Engineer may require interim measures to protect the public safety, at the owner's expense.

If the property owner elects to retain the vault, to repair or replace it for continued use, or to abandon the vault, s/he shall complete such repairs, replacement or abandonment within eighty (80) days of the original notice. The total cost of certification, reconstruction, replacement or abandonment shall be the responsibility of the property owner.

The City may, if it finds it to be in its best interest, participate in the vault abandonment. The City's share shall not exceed one half the cost of removing the vault, closing any existing accesses to the vault, and backfilling, nor shall it exceed \$10,000 per parcel of land. The property owner's share shall be treated as other special assessments. All other costs to prepare the vault for abandonment, such as relocating utilities or storage space, shall be the responsibility of the property owner.

(Sec. [10.31](#)(4)(c) Am. by Ord. 11,945, [10](#)-14-97)

- (d) Cellar Doors and Covers of Vaults on Sidewalks Not to Be Kept Open . No person shall keep or leave open any cellar door or cover of any vault on any highway or sidewalk, or suffer the same to be left or kept open except when necessary for purposes of moving material or merchandise to or from such cellar or vault, and whenever the same shall be open it shall be properly guarded to protect persons using the sidewalk or highway from any danger. It shall be unlawful for any person to permit any such cellar door and cover of a vault in any public sidewalk in front of the premises owned or occupied by her/him, or any part of such sidewalk, to become or continue so broken as to be dangerous to persons traveling on such sidewalks.
- (5) Any person causing or maintaining any obstruction or excavation contrary to this section shall be subject to a forfeiture of not less than \$25 nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.31 Am. by Ord. 7730, 5-28-82)

10.32 - NEWS BOXES.



- (1) Purpose . To promote public health, safety, and welfare through the regulation of placement, appearance, maintenance, and insuring of news boxes in the public right-of-way.
- (2) Applicability . The provisions of this ordinance shall apply to all news boxes, whether installed and maintained prior to or after the effective date of any of the provision of this ordinance. Those news boxes installed prior to the effective date of this ordinance shall be brought into compliance within thirty days of the effective date thereof.
- (3) Definitions . For the purpose of this ordinance, the following words shall have the meaning indicated.

"News Box" shall mean any coin-operated or self-service box, container, or other dispenser placed in the public right-of-way for the vending of, or free distribution of newspapers or other publications.

"Public Right-of-Way" shall mean the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated right-of-way for travel purposes.

"Person" shall mean any individual, corporation, company, association, firm, partnership, limited liability company or partnership, or other business entity and their lessors, transferees, and receivers.

- (4) Administration. This section is administered by the Economic Development and Building Inspection Divisions of the Department of Planning and Community and Economic Development. (Am. by ORD-08-00025, 3-15-08; ORD-08-00109, 10-7-08)
- (5) Application. Application for a permit shall be made to the Economic Development Division. A permit shall issue within ten (10) days of the receipt of complete application materials. A complete application shall include:
 - (a) The name, address, and telephone number of the applicant.
 - (b) A Certificate of Insurance showing General Liability Insurance, including Property Damage, in the amount of one million (\$1,000,000) per occurrence and naming the City of Madison as an additional insured.
 - (c) An agreement, in a form acceptable to the City, that the applicant will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's news box(es) in the public right-of-way.
 - (d) An annual permit fee of fifty (\$50) dollars.

(Am. by ORD-08-00025, 3-15-08)

- (6) Appeal of Permit Determination. Review of the grant or denial of a permit shall follow the provisions of [Section 9.49](#), M.G.O.
- (7) Standards. Every person shall install and maintain all news boxes as follows:
 - (a) No person may place a news box in the public right of way without having obtained a permit.
 - (b) No news box shall be placed at any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.
 - (c) No chaining, bolting, or other means shall be used to attach a news box to any property within the public right-of-way without prior express written permission of the owner.
 - (d) News boxes shall be maintained in a safe, clean, and neat condition and in good repair at all times.
 - (e) There shall be two (2) or more feet of open area behind any curb face.
 - (f) There shall be three (3) or more feet of open area behind the curb face at any bus stop, loading zone or other place where parking is prohibited or where stopping, standing or parking is otherwise restricted.
 - (g) There shall be at least five (5) feet between any news box and any driveway opening, fire hydrant, police or fire call box or other emergency facility.
 - (h) There shall be at least fifteen (15) feet between any news box and any fire station

driveway, railroad track, intersecting property line at an intersection, and marked or unmarked crosswalk.

- (i) A clear area shall be maintained at bus shelter openings and on the street side of bus shelters; in no case shall a news box be placed closer than five (5) feet from a bus shelter.
- (j) No news box shall be used for advertising signs or publicity purpose other than that dealing with the display, sale, or purchase of the material sold or available within, or of an activity sponsored by the publication. Except for the news boxes in the State Street and Capitol Square District, allowable advertising, other than the name of the publication, shall appear only once, shall be on the side of the news box facing away from the street, and shall not exceed 18" x 18". Printing or other display on news boxes in the State Street and Capitol Square District shall be limited to the front and back of the news box. It shall be centered on the box and shall contain one (1) line of print no more than three and one-half (3½) inches in height, two (2) lines totaling not more than five (5) inches in height, or a logo no more than eight (8) inches in height. (Am. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)
- (k) No news box shall be placed on Olin Terrace.
- (l) No news box shall remain empty of current publications for more than fourteen (14) consecutive days.
- (m) Any news box shall be removed upon ten (10) days written notice to the person named on the application for any lawful governmental purpose, including, but not limited to, right of way repair.
- (n) In the State Street and Capitol Square District, which includes State Street and intersecting streets to a point one hundred twenty-five (125) feet from the abutting State Street right of way and the Capitol Square and intersecting streets to one hundred twenty-five (125) feet from the abutting Capitol Square right of way, all news boxes shall be located only at the sites designated below. (Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)
- (o) All news boxes in the State Street and Capitol Square District shall be black in color and shall have the following dimensions:
 - 1. Height between thirty-four (34) inches and forty-six (46) inches. (Am. by ORD-10-00075, 8-12-10)
 - 2. Width between sixteen (16) inches and twenty-five (25) inches.
 - 3. Depth between sixteen (16) inches and twenty (20) inches.

(Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

- (8) Enforcement. The office of the Economic Development Division shall enforce this

ordinance.

- (a) A Notice of Violation issued from the Economic Development Division shall specify the nature of any violation and the location of the news box in violation.
- (b) Any person aggrieved by orders from the Economic Development Division may appeal to the Board of Public Works within fifteen (15) days after the mailing of the Notice of Violation(s). Such appeal must be in writing and must inform the Board of the reasons why the person aggrieved believes the orders have been issued in error. Within thirty (30) days after receipt of the request for appeal, the Board shall hold a hearing at which the parties may offer testimony and documents. Within ten (10) days of the hearing, the Board shall affirm, modify, or reverse the orders of the Economic Development Division. A concurring vote of two-thirds ($\frac{2}{3}$) of the voting members present shall be required to modify or reverse an order. Appeal of the action of the Board shall be to Circuit Court. No further enforcement action shall take place during the pendency of an appeal.
- (c) Failure to correct a violation of [Sec. 10.32\(7\)](#) or request a hearing by filing an appeal under [Sec. 10.32\(8\)\(b\)](#) may result in a news box being removed. Thirty (30) days after notice of removal is mailed, a news box is subject to disposal.
- (d) Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than twenty five dollars (\$25) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.32(8) Am. by ORD-08-00025, 3-15-08)

(Sec. 10.32 Cr. by Ord. 12,522, Adopted 1-4-00)

10.33 - BICYCLE-SHARING FACILITIES.



- (1) Purpose. A City-sponsored bicycle-sharing program offers residents and visitors of the City the ability to use rented bicycles as an alternative form of short-term transportation. Such a program will be an important amenity and means of transportation for City residents, workers and visitors, and will help bring visitors to the City's downtown, displace car traffic, take pressure off of the City's downtown parking needs, and improve public health by providing opportunities for exercise. This program will also help the City meet its goals of reducing air pollution and greenhouse gas emissions and having twenty percent (20%) of all downtown trips done by bicycle by 2020.

For a bicycle-sharing program to be successful, program facilities will have to be placed at optimal locations throughout the urban environment that prioritize visibility, location desirability, and convenience, among other considerations. However, due to a lack of sufficient public or private open space at optimal locations, it will be necessary, at certain locations, to place some of the facilities of a City-sponsored bicycle-sharing program within the City right-of-way, including on

sidewalks and terraces. It may also be necessary, and desirable, to place these facilities on other City land.

Hence, to enable the success of the City-sponsored bicycle-sharing program, this section allows for the placement of bicycle-sharing facilities in the right-of-way and other City land through the granting of a bicycle-sharing facility privilege pursuant to the requirements of Wis. Stat. § 66.0425.

- (2) Applicability. The provisions of this ordinance shall only apply to bicycle-sharing facilities within the right-of-way or on other City land that are part of a City-sponsored bicycle-sharing program.
- (3) Definitions. For the purpose of this ordinance, the following words shall have the meaning indicated.
 - (a) Bicycle-Sharing Facility means a facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program. This definition includes, but is not limited to, a rental station, informational signs, bicycles, solar panels, or other equipment attached to and necessary for the facility's operation.
 - (b) Bicycle-Sharing Program is a program which provides specially designed bicycles for short-term rent to the public at multiple facilities throughout the City and in which the users of the bicycles are able to return the bicycles at any other bicycle-sharing facility maintained by the program in the City.
 - (c) Bicycle-Sharing System is the entire network of bicycle-sharing facilities that make up a City-sponsored bicycle-sharing program, including facility locations on right-of-way, other City land, and private property.
 - (d) City-Sponsored means that the City provides a bicycle-sharing program support, either by running and operating such a program in cooperation with another party, providing an applicant direct financial support for the program, or providing an applicant with significant assistance in the operation and establishment of the program.
 - (e) Contact Information includes the address, telephone number(s), e-mail address(s), and any and all other means that would allow City staff to contact a person, including the address of any registered agent.
 - (f) Managing Agent is the person who, by virtue of his or her position, operates a bicycle-sharing program and has control, including physical and contractual, over the bicycle-sharing facilities used therein.
 - (g) Other City Land includes City park land, City-owned or leased greenways, and bike paths owned by or under the control of the City.
 - (h) Owner means any person who jointly or severally is vested with all or part of legal

title to (or beneficial ownership of) the bicycle-sharing facilities.

- (i) Person means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust, or other entity that may enter into contracts.
 - (j) Right-of-Way means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane, public sidewalk and terrace in which the City has an interest, including any other dedicated right-of-way for travel purposes.
- (4) Administration. This section is administered by the Director of the Department of Planning and Community and Economic Development or her/his designee.
- (5) Application. The application for a privilege under this section may be made by either the owner or managing agent of the bicycle-sharing program and shall be made to the Department of Planning and Community and Economic Development and shall include and incorporate the following:
- (a) Application Fee. A nonrefundable application and initial processing fee of five hundred dollars (\$500) shall accompany the application. There shall be no proration of the application and initial processing fee. This application fee shall cover all locations of bicycle-sharing facilities. Any application to increase the number of bicycle-sharing facilities by more than thirty-five percent (35%) shall be accompanied by a new fee under this section.
 - (b) Program Information. The application shall include the name, address, and telephone number of the bicycle-sharing program owner(s) and managing agent(s), and a basic description of the bicycle-sharing program, along with the means of City sponsorship of said program, the information required in sub. (c) below, and any other information as may be required by the Director of the Department of Planning and Community and Economic Development.
 - (c) Location Information. The application shall include a description and drawing of the proposed bicycle-sharing facility locations sufficient enough to permit City staff to draft a legal description of the privilege(s) sought. All right-of-way, greenway and bike path locations for which a privilege is sought must be approved by the City Engineer, or designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel at the location. All park land locations for which a privilege is sought must be approved by the Superintendent of the Parks Division, or designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel or use at the location. The applicant is urged to consult with the City Engineer and Superintendent of the Parks Division regarding proposed

locations prior to submitting an application under this section.

- (6) Approval of Application. Subject to the required conditions of approval noted in Sub. (8), the Director of the Department of Planning and Community and Economic Development shall not approve the bicycle-sharing facility privilege application unless the requirements of this section are satisfied, and that all other applicable ordinances, resolutions and policies will be complied with. If the Director approves the bicycle-sharing facility privilege application, the Director shall inform the applicant in writing of this recommendation and the conditions of approval.
- (7) Agreement. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare a bicycle-sharing facility privilege agreement, setting forth the requirements and conditions under which the bicycle-sharing facility privilege is permitted, including the conditions set forth in Sub. (8) below. This agreement may be included as part of a general bicycle-sharing program operating agreement between the owner and the City, and may cover bicycle-sharing facilities not located on right-of-way or other City land. This agreement shall be binding upon the owner, the owner's heirs and assigns, and the terms and conditions contained in the agreement shall remain in full force and effect as long as the bicycle-sharing facility privilege exists. The Director is authorized to execute this bicycle-sharing facility privilege agreement on behalf of the City. Following receipt of the insurance certificate, a copy of the agreement shall be furnished to the applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.
- (8) Conditions of Approval. As a condition of approval of the application, the following conditions must be met and shall be included in the bicycle-sharing facility privilege agreement required under Sub. (7):
 - (a) Insurance. The owner shall be required to furnish a Certificate of Insurance, on a form provided by the City, evidencing existence of general public liability and property damage insurance with the City of Madison being named as an additional insured. The insurance shall include contractual liability coverage with minimum limits of one million dollars (\$1,000,000) combined single limits per occurrence, which coverage owner agrees to keep in full force and effect throughout the term of the agreement entered into under this section.
 - (b) Indemnification. The bicycle-sharing facility agreement shall include a requirement that the owner will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the bicycle-sharing facilities in the public right-of-way or on other City land.
 - (c) Removal of Facilities. The owner shall remove the bicycle-sharing facilities in the

right-of-way that are permitted under this section upon ten (10) days written notice by the City of Madison. Additionally, the owner or the owner's heirs or assigns shall be entitled to no damages for removal of the bicycle-sharing facilities, and if the owner shall not remove the same upon due notice, it shall be removed at the owner's expense.

- (d) Permits and Approvals. Owner is responsible for obtaining and maintaining all other required permits and approvals necessary to install and operate the program's facilities in the right-of-way or on other City land. Failure to have or maintain valid permits or approvals will cause the bicycle-sharing facility privilege granted under this section to immediately expire. Such expiration shall apply to the location in question, or the entire program, as the case may be.
 - (e) Restoration. After a bicycle-sharing facility is removed, the owner shall restore the right-of-way or other City land to its original condition. City may charge the owner for its costs associated with restoring the right-of-way or other City property to its original condition if the owner fails to do so.
 - (f) Signs. As a condition of approval, the owner must agree and acknowledge that all signs on the bicycle-sharing facility equipment are subject to [Sec. 10.33\(10\)](#) herein. Further, the owner agrees to give the City final approval of the specifications for any signs displayed on the bicycles, and such approved specifications shall be included in the agreement required under Sub. (7) and/or any bicycle-sharing program operating agreement between the owner and the City.
 - (g) Waiver. In accepting the bicycle-sharing facility privilege, the owner agrees to waive any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of fees or compensation charged by the City.
 - (h) Termination. The bicycle-sharing facility privilege will be terminated pursuant to the terms of the agreement required under Sub. (7). Following removal of the bicycle-sharing facility and restoration of the public area on which the facilities existed to the satisfaction of the City Engineer or the Superintendent of the Parks Division, as the case may be, the Director shall provide a document terminating the privilege to the owner, filing a copy with the City Clerk.
 - (i) Annual fee. An annual permit fee for each bicycle-sharing facility location of fifty (\$50) dollars per square foot of right-of-way or other City land occupied by the base of the rental station equipment and authorized poster board sign (as described below in [Sec. 10.33\(10\)\(c\)3.a.](#)), or two hundred and fifty dollars (\$250), whichever is greater.
- (9) Operational Changes. If, at any time after approval of the application, the owner or

managing agent desires to relocate existing program facilities subject to the agreement required under Sub. (7), or place new facilities in the right-of-way or on other City land (subject to the requirement of Sub. (5)(a) above), the applicant must submit an operational change request to the Director which shall include the information set forth in Sub. (5)(c) above, and shall proceed according to the procedures and requirements of Subsections (6) through (8).

(10) Signs on City-Sponsored Bicycle-Sharing Facilities.

(a) Signs on City-sponsored bicycle-sharing facilities located on non-city owned property shall be subject to [Sec. 31.046](#)(4).

(b) Signs on City-sponsored bicycle-sharing facilities on other City lands may be displayed in compliance with the requirements of [Sec. 10.33](#)(10)(c) herein.

(c) Signs on City-Sponsored Bicycle-Sharing Facilities in the Right-of-Way.

1. Purpose and Findings. As stated in [Sec. 10.33](#)(1), a bicycle-sharing program is critical to the well-being of the City of Madison, its residents and taxpayers. The City has considered options for providing a convenient, cutting-edge, public bicycle-sharing program for short-term travel about the city, especially the downtown area. To be successful, some of the facilities must be placed in the highway right-of-way. In order to fund a high quality City-sponsored program with the features the City desires, the program must be supported in part by allowing limited advertising for sponsors on City-sponsored bicycle-sharing facility equipment and bicycles located in the right-of-way and on other City land.

The Common Council finds that the display of signs consistent with this section on City-sponsored bicycle-sharing facilities and bicycles, in the right-of-way and on other City land, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, when included as part of the overall program, such signs will further the City's substantial governmental interests set forth in [Sec. 10.33](#)(1) by:

- a. Allowing the City to select and control the location and appearance of the equipment and signs;
- b. Identifying the equipment as part of the City-sponsored bicycle program;
- c. Providing necessary directions and instructions for using the bicycle program;
- d. Allowing for attractive, well-maintained public bicycle equipment;
- e. Providing information about sponsors of the program thereby defraying the costs of offering the program to the public;

- f. Offering an environmentally beneficial transportation option that relieves vehicular congestion, reduces air pollution and greenhouse gas emissions;
 - g. Improving public health by providing opportunities for recreation and exercise;
 - h. The Common Council further finds that signs mounted on the bicycles used in the City-sponsored bicycle-sharing program are incidental to the primary use of the bicycles as vehicles.
 2. Certain Wisconsin statutes and regulations, specifically Wis. Stat. § 86.19 and regulations adopted thereto, raise doubts about whether such signs may be placed within the highway rights-of-way. The determination of whether to place maps, directional information, instructions, operator or manufacturer logos, advertisements including business name and logo of sponsors, or other signs on City-sponsored bicycle-sharing facilities located on city sidewalks or terraces is a matter of the local affairs and government of the City of Madison. The Common Council of the City of Madison hereby determines that, to the extent Wis. Stat. § 86.19 and Wisconsin Administrative Code regulations restrict the City's ability to place signs or to sell or authorize the sale of advertisements on City-sponsored bicycle-sharing facilities within the limits of any street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19, to the extent stated herein.
 3. Sign Criteria. The City, or the owner or managing agent operating under a bicycle-sharing facility privilege agreement under Sub. (7), may place advertisements and other signs on City-sponsored bicycle-sharing facilities in the street or highway right-of-way (except State Trunk Highways as defined in Wis. Stat. § 84.02) as follows:
 - a. Poster Board Sign. One sign, permanently attached to the bicycle-sharing facility equipment, with not more than two (2) sign faces of not more than five feet and one inch (5'1") square feet in area per sign face, or with a single sign face of not more than ten (10) square feet in area. This sign shall not be illuminated, shall not include any flashing, moving, digital or electronic changeable copy features as those terms are defined in Chapter 31, and shall be oriented toward users of the facility and not toward the roadway, street frontage or motor vehicle traffic. The sign shall include a map showing the bicycle-sharing system, other directional information, and instructions for using the bicycle-sharing facility, and may also include:
 - i. Maps and information about other City of Madison governmental

services;

- ii. A City of Madison logo and/or the logo and/or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility of not more than one half ($\frac{1}{2}$) of a square foot in area each; and,
- iii. Text describing the bicycle-sharing program and up to one logo and/or business name of the owner, managing agent or manufacturer of the bicycle-sharing facility of not more than one half ($\frac{1}{2}$) of a square foot in area.

(Am. by ORD-14-00066, 4-16-14)

- b. Sponsor Signs. Four (4) additional signs mounted on a piece of equipment necessary for the bicycle-sharing facility, not more than twelve inches by nine inches (12" × 9") in area each, measured by drawing a box around the sign copy, to identify a sponsor of the facility. Such signs shall include only the logo and/or business name of the sponsor, and must include the words "sponsored by" or a similar statement to signify the sponsorship. Such signs shall not be illuminated nor shall they include any flashing, moving, digital or electronic changeable copy features as those terms are defined in [Chapter 31](#).
- c. Operator Logos. In addition to the logos on the poster board sign under sub. 3.a.ii. above, the following signs bearing only the name and logo(s) of the owner, managing agent, or manufacturer of the bicycle-sharing facility or other symbol to identify the equipment as a bicycle-sharing facility may be displayed on the facility equipment:
 - i. One 2-sided round sign of not more than two (2) square feet in area, per side, and
 - ii. Up to two (2) additional signs of not more than one half ($\frac{1}{2}$) of a square foot mounted on the equipment;
 - iii. One sign incorporated into the instructional panel described in sub. f. below.

The logo signs under this subsection c. are solely to identify the equipment as a City-sponsored bicycle-sharing facility and shall not include any sponsorship advertising.

- d. One sign of not more than 20 square inches, mounted upon the payment equipment, to identify credit cards accepted for payment.

- e. One sign of not more than 105 square inches denoting the location name of the bicycle-sharing station.
 - f. One instructional panel with information for operating the bicycle-sharing facility mounted elsewhere on the equipment, that may include a twelve square inch sign bearing the logo or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility, and no other logos, business names or sponsorship signs of any kind.
 - g. Signs on Bicycles. Signs mounted on the bicycles provided under the City-sponsored bicycle-sharing program are considered incidental to the primary and principle use of the bicycles as vehicles. The bicycles may include signs identifying the business name or logo of the owner, managing agent, or manufacturer of the facility or the bikes, and the logo, business name or other sign copy identifying sponsors of the bicycle-sharing program. The specifications for any signs on the bicycles, including number, location, size, and materials, must be approved by the City and included in the written bicycle-sharing facility privilege agreement.
4. Any sign on a City-sponsored bicycle-sharing facility in the highway right-of-way or other City land not authorized by this section is prohibited.
5. This Charter Ordinance, Sec. 10.33(10)(c), shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.
6. Sec. 10.33(10)(c) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(11) Penalty. Any person causing or maintaining any bicycle-sharing facility in the right-of-way or on other City land contrary to this section shall be subject to a forfeiture of not less than twenty-five (\$25) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.33 Cr. by ORD-11-00044, 3-23-11)

10.34 - STREET NUMBERS.



- (1) The purpose for uniform street addresses is to enable emergency vehicles to respond quickly to calls, expedite postal and other delivery services, eliminate confusion, and to locate business places and residences without difficulty or delay.
- (2) The City Engineer shall establish and maintain a street address for all parcels in the

City of Madison in conformance with this ordinance and in consultation with the U.S. Postal Service Addressing Guidelines. Residential buildings shall take their address off the street upon which they front. Commercial buildings shall take their address off the street from which they gain primary access and primary fire apparatus access to the property. Internal building addresses shall be numeric and approved by the City Engineer in consultation with the Fire Marshal. The City Engineer shall maintain records, including maps and databases, of the street address numbers and street names.

- (3) It shall be the duty of each owner or occupant of any building, within twenty (20) days after the completion or occupancy, whichever occurs first, of such building, or in the event that any building is assigned a new number by the City Engineer, to attach securely, or apply to the same, in a conspicuous position, that can be plainly seen from the street, the address number assigned by the City Engineer. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four inches (4") high (102 mm) with a minimum of stroke width of 0.5 inch (12.7 mm). The address numbers shall contrast with the background on which they are affixed. The address number shall be not higher than the first or ground floor of said building. If any building is located so that the address number is not clearly visible from the street, an additional address number shall be posted at the intersection of the driveway with the street or in a conspicuous place that is clearly seen from the street. The additional address number shall be placed upon a post or other structure that displays the number at least forty-eight (48) inches above the ground. No person shall affix or caused to be affixed, or allow to remain upon any building, which she or he owns or occupies, a different number from the one designated by the City Engineer. It shall be the duty of each owner or occupant of any building keep such numbers so attached or applied at all times. (Am. by ORD-09-00126, 8-20-09; ORD-14-00012, 1-14-14)
- (4) The different streets in the City of Madison shall bear the names given on the maps referred to in [Sec. 10.34](#)(2). New public and private street names shall be subject to the approval of the City Engineer who shall consult with the US Postal Service Standard Addressing Guidelines and generally shall use the following criteria:
 - a) New street names shall not duplicate or closely approximate street names already assigned within the City of Madison municipal limits or surrounding areas.
 - b) Postal suffixes, prefixes and directionals shall not be used as street names (example: Terrace St, East Ave).
 - c) Directionals shall not be used as a suffix (Yellow St East). No post-directionals shall be allowed (Yellow East).
 - d) Special characters such as apostrophes, hyphens, decimals, or periods shall not be allowed.

- e) Use the most common spelling of a street name (example: "Dakota", not "Dacota"; "Wind", not "Wynd").

New street names shall be no longer than 17 character spaces including the Postal approved abbreviated suffix.

- (5) The following US Postal Service Standard Abbreviations shall be used for the street suffix. The first four (N, S, E, W) are to be used for prefix directionals only.

N - NORTH	S - SOUTH	E - EAST
W - WEST	ALY - ALLEY	AVE - AVENUE
BLVD - BOULEVARD	BND - BEND	BLF - BLUFF
CIR - CIRCLE	CT - COURT	CRES - CRESCENT
CRST - CREST	DR - DRIVE	GLN - GLEN
LN - LANE	PKWY - PARKWAY	PL - PLACE
PLZ - PLAZA	PT - POINT	RDG - RIDGE
RD - ROAD	ST - STREET	TER - TERRACE
TRCE - TRACE	TRL - TRAIL	

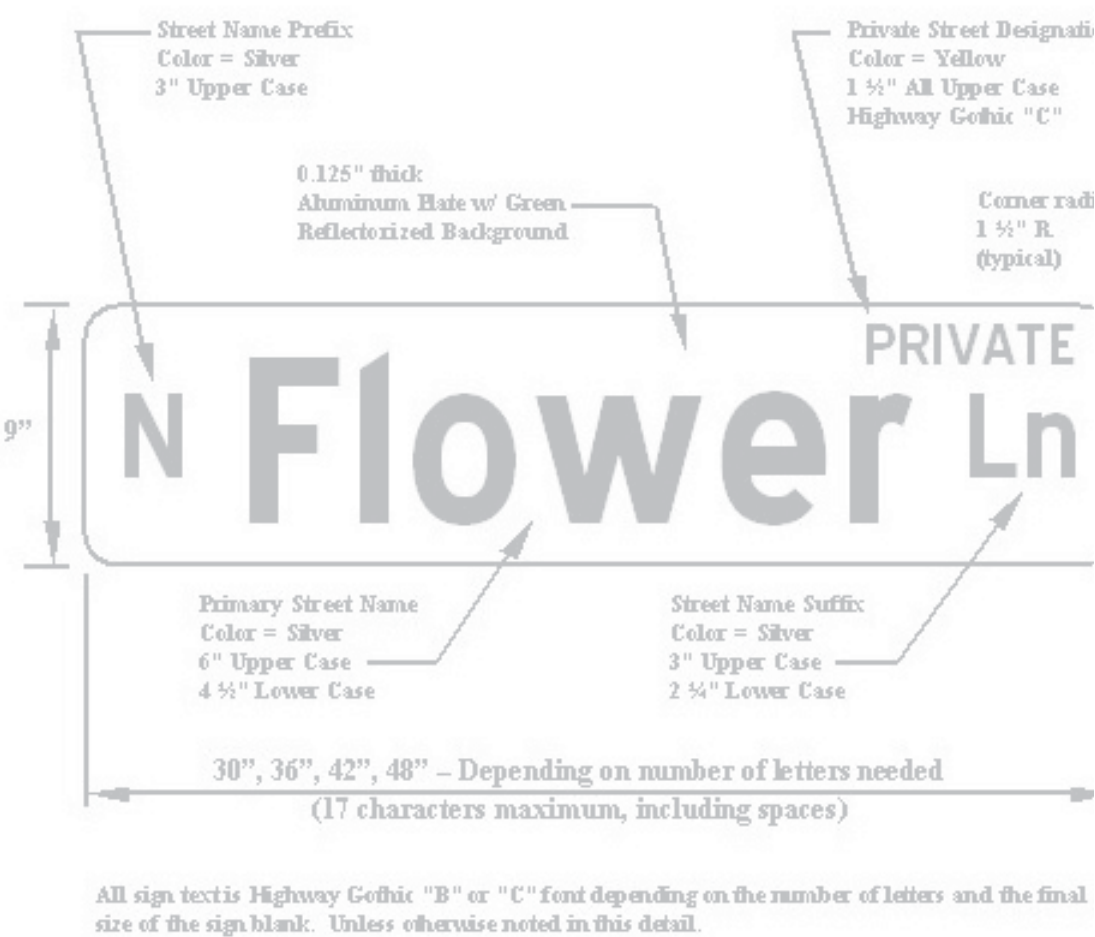
The following suffixes may not be abbreviated:

LOOP MALL PASS PATH ROW RUN SPUR WALK WAY

- (6) Effective November 1, 1990, the owner(s) of a building site(s) which use building addresses from a privately owned street or right-of-way, shall install and maintain private street name signs at all intersections with private streets and public streets. In addition, the owners shall install and maintain a regulation Stop sign and a "Private Drive" or "Private Road" sign at all intersections of public streets and private streets. At intersections of private streets and public streets, the private street sign shall be installed above but it shall be at the owner's option to install the public street sign. The owner shall adhere to the specifications for the design, manufacture and installation of private street signs as contained herein. However, the City Engineer, in consultation with the Fire Marshall, may approve private street name signs that are generally

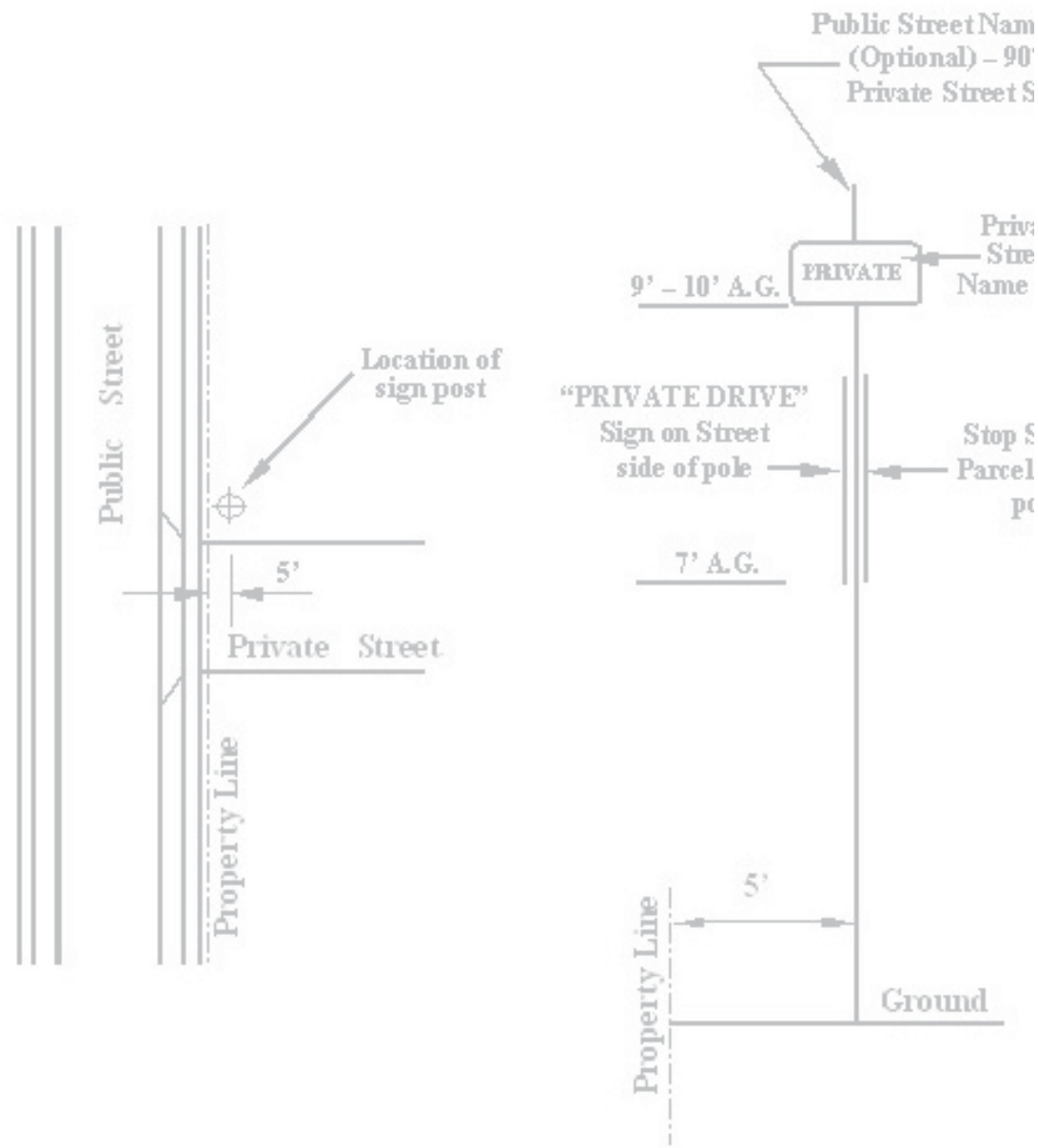
equivalent to these specifications. Private street name signs that are similar in style or architecture to the development may be approved if equivalent in size, location, height and reflective properties to the specifications.

(a) Sign Design.



MGO: Sec. 10.34(3)(a)
Detail 1 – Street Name Signage
Rev. 2-1-2007

(b) Sign Installation. Street name signs shall be installed five (5) feet behind the property line on private property on the right hand side of the private street approach to the public street. Signs may be mounted on wood posts, drive posts or on two (2) inch (I.D.) steel pipe mounted on a concrete stub buried in the ground. At all private-public street intersections, the property owner shall install and maintain a regulation stop sign (minimum 24" x 24") and a "Private Drive" sign (minimum 18" x 18") mounted on the street name sign post seven (7) feet above ground (measured to the bottom of the sign). Street name signs shall be mounted no less than nine (9) feet, nor more than ten (10) feet above ground (measured to the bottom of the sign).



MGO: Sec. 10.34(3)(b)
Detail 1 – Street Signage Placement
Rev. 2-1-2007

- (7) If the owner or occupant of any building fails to duly display and maintain the proper numbers on such building or on the additional address number sign or fails to install a private street name sign, the City Engineer, the Fire Chief, the Director of the Inspection Division, or their designees shall send him/her a notice. If the owner or operator fails to comply with the requirements of this ordinance, s/he shall, upon conviction thereof, be subject to a forfeiture of not more than two hundred dollars (\$200) and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (Am. by ORD-07-00018, 2-22-07)

(Sec. 10.34 R. & R by ORD-07-00030, 3-15-07)

10.35 - RESERVED FOR FUTURE USE.

(R. by ORD-07-00030, 3-15-07)

10.36 - STREET DEFINED.



The term "street" as used in this chapter shall include all of the territory set apart for highway purposes between the boundary lines of the property abutting thereon, whether or not the same is actually used for travel. When the terms "sidewalk" or "roadway" are used in this chapter they shall have the meaning as defined in Chapter 12.

10.37 - STREETS VACATED.



The following streets, alleys and portions of streets and alleys in the City of Madison are hereby vacated and discontinued:

- (1) That part of East Dayton Street situated between North Seventh Street and the extension of line between Lots 2 and 3, Block 4 of the Girstenbrei Plat of the City of Madison, said part being 214 feet northeast of the northeast line of North Sixth Street, in the City of Madison, Dane County, Wisconsin (January 15, 1938).
- (2) That part of a 12-foot alley in Sections 21 and 28, Town 7 North, Range 9 East, Dane County, Wisconsin, extending from the northwest line of Monroe Street to the southeast line of Keyes Avenue extended, the easterly line of said alley being 13 feet westerly from and parallel to the center line of Consumers Company's spur track as located November 15, 1920, and the west line of said alley being 25 feet from and parallel to the center line of said spur track, hereinafter more particularly described: The westerly 12 feet in width of property described as beginning at the most northerly corner of Lot 16, Block 1, of the Plat of Hillington Green; thence southwesterly along the southeasterly line of said Lot 16, 119 feet to the most southerly corner of said lot; thence southeasterly along an extension of the southwesterly line of said Lot 16, 50.3 feet to a point of intersection of said line with an extension southwesterly of the southeasterly line of Block 7 of said Plat of Hillington Green; thence northeasterly along said extension of said last mentioned line 36.5 feet to a point on the westerly line of Lot 12, Block 2, of Terry's Addition, which point is distant 31.7 feet southwesterly from the most northerly corner of said Lot 12; thence northeasterly along the westerly line of said Lot 12, 31.7 feet to the most northerly corner of said Lot 12; thence west along the south line of Lot 9, Block 7, of the Plat of Hillington Green 26.5 feet to the southwest corner of said Lot 9, 47.3 feet to an angle in said line; thence continuing northeasterly along the westerly line of said Lot 9, 90 feet to the northwest corner of said Lot 9; thence southwesterly in a direct line 67.9 feet to the point of beginning, City of Madison, Dane County, Wisconsin (March 26, 1939).
- (3) That part of Rogers Street in the City of Madison extending between the northwest line

of Spaight Street to the southeast line of Jenifer Street being that portion of Rogers Street lying between Block 229 and Block 236 of the original plat of the City of Madison (November 12, 1938).

- (4) That part of the alley lying northerly of Lots 8, 9, 10 and 11, Plat of Kendall Terrace, more particularly described as follows: Beginning at the northeast corner of Lot 8, thence westerly along the northerly line of Lots 8, 9, 10 and 11, to the northwesterly corner of Lot 11, thence northerly on an extension of the westerly line of Lot 11, to the southerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, thence easterly along said right-of-way line to the northwest corner of Lot 7, to the place of beginning (August 14, 1939).
- (5) That part of Hancock Street in the City of Madison extending from Gorham Street to Lake Mendota, lying between Block 262 and Block 272, original plat of the City of Madison (May 13, 1940).
- (6) That part of Roth Street in the City of Madison, more particularly described as follows, to-wit: Beginning at a point on the westerly line of Packers Avenue 1,183.1 feet southerly from the east and west quarter of [Section 31](#), Town 8 North, Range 10 East, Dane County, Wisconsin; thence south 0 degrees 3 minutes east 66.11 feet along the easterly line of Packers Avenue; thence north 83 degrees 36 minutes west 573.93 feet; thence north 10 degrees 11 minutes east 66.14 feet; thence south 83 degrees 36 minutes east 567.9 feet to a point of beginning (October 14, 1940).
- (7) That certain alleyway in Block 35, Randall Addition to Nakoma, City of Madison, which alleyway extends from Yuma Drive to a southwesterly direction to the northwest line of Lot 19, Block 35, Randall Addition to Nakoma (March 31, 1941).
- (8) All of Derby Court as platted in the E. J. Baskerville Replat of Lots 5 to 16 inclusive, of Block 303 of the Addition of Blocks 301, 302, 303 and 304 to the City of Madison (June 15, 1942).
- (9) That part of Jackson Street lying between Florence Street and Sullivan Street; all that part of Florence Street which lies between a line which is 10 feet southeasterly of the west corner of Lot 8, Block 3, Sullivan's Replat, said line being at right angles to the northerly line of said street to Jackson Street in said Sullivan's Replat; all that part of Sullivan Street which lies between a line which extends from the southwest corner of Lot 8, Block 2, Sullivan's Replat across said street at right angles to the north line thereof to Jackson Street in said Sullivan's Replat; all of the above being in Sullivan's Replat of a part of Lot 100 of Farwell's Addition to the City of Madison, Dane County, Wisconsin (July 13, 1942).
- (10) That part of the alley in Block 15, Nakoma, lying northeasterly of the northwesterly line of Lot 36, Replat "B" of Blocks 15 and 16, Nakoma, except the following: A certain strip of land 20 feet wide described as follows: Beginning at the most northerly corner of Lot

36, Replat "B" of Blocks 15 and 16, Nakoma; thence north 28 degrees 33 minutes east 190.8 feet, thence south 69 degrees 56 minutes east 73.2 feet, thence north 18 degrees 31 minutes east 20 feet, thence north 69 degrees 56 minutes west 89.45 feet, thence south 28 degrees 33 minutes west 204.5 feet, thence south 50 degrees 42 minutes east 20 feet, to the point of beginning (October 12, 1942).

- (11) The alley extending from Kalen Street to Olin Avenue in the City of Madison and lying between Lots 5, 6, 7 and 8 and Lots 1, 2, 3 and 4 of Block 3, Orchard Lawn Addition in the City of Madison (June 24, 1944).
- (12) That part of the alley in Block 35, Randall Addition to Nakoma, in the City of Madison, Dane County, Wisconsin, which lies between the southwest line of Lot 8 and the northeast line of Lots 7 and 19 of said Block 35, and also that part of Nakoma Road described as follows: Beginning at the east corner of Lot 14, Block 35, of Randall Addition to Nakoma; thence southwesterly along the southeasterly line of Lots 8 to 14 inclusive and said line extended, 184 feet to the northeasterly line of Lot 7 of said Block 35; thence southeasterly along said northeasterly line of Lot 7 to a point which is distant 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive and said line extended, measured at right angles thereto; thence northeasterly, along a line parallel to and 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive, and said line extended, to the point of intersection of said parallel line with an extension southeasterly of the northeasterly line of said Lot 14 of said Block 35; thence northwesterly along said extension of said lot line, 43.5 feet, more or less to beginning (November 13, 1944).
- (13) The alley in Block 5, Eighmy Ramsay Company's Addition to the City of Madison (November 13, 1944).
- (14) An alley located in Outlot 4 of the University Addition to the City of Madison referred to as all that part of Outlot 4 of University Addition to the City of Madison, Dane County, Wisconsin, the boundaries of which are described as follows: Beginning at a point which is distant 241 feet west of the east line of said Outlot 4 and 389.67 feet south of the south line of West Dayton Street; thence north, parallel to said east line of Outlot 4, 95 feet to the south line of lands owned by the Illinois Central Railroad Co.; thence west, parallel to West Dayton Street, 17.67 feet more or less to the east line of lands owned by said Railroad Company, said line being distant 175 feet east from the east line of North Murray Street; thence south, parallel to the east line of said Outlot 4 of University Addition, 95 feet more or less to the south line of lands owned by said Illinois Central Railroad Company; thence east 17.67 feet more or less to the point of beginning (October 1, 1945).
- (15) All of the alley in the Plat of Kendall Terrace, City of Madison, Dane County, Wisconsin, paralleling and abutting upon the railroad right-of-way which alley is described as

follows: All of the alley in the plat of Kendall Terrace in the City of Madison, Dane County, Wisconsin, as shown on the map of said plat on record in the office of the Register of Deeds for Dane County. Said alley is located between the southerly line of the right-of-way of the Chicago, Milwaukee and Pacific Railroad Company and the northerly line of Lots 8, 9, 10, 11, 12 and 13 of said plat and extends from the westerly line of Lot 7 of said plat to an extension northerly in a straight line, of the westerly line of Lot 13 to said railway right-of-way line (December 17, 1945).

- (16) That part of Olive Street in the City of Madison extending from Pennsylvania Avenue to Commercial Avenue (April 14, 1947).
- (17) A part of North Lawn Avenue in the City of Madison and a part of Sachs Street in said City, and all of an alley in Block 1 of Reuter's Subdivision in said City, which is described as follows: All of North Lawn Avenue lying west of Blocks 1 and 2 of Reuter's Subdivision north of the southerly line of Block 2 extended, and all of Sachs Street in said subdivision except that part lying east of the east line of Block 1 extended, and also all of the alley in said Block 1, said streets being more particularly described as follows: Beginning at the northwest corner of Block 1 Reuter's Subdivision; thence south 0 degrees 17 minutes west along the west side of said Block 1 at a distance of 108.3 feet to the southwest corner of said Block 1; thence east along the south line of Block 1 a distance of 272.3 feet to the southeast corner of said Block 1; thence south 50 feet to the north line of Block 2; thence west along the north line of Block 2 a distance of 271.6 feet to the northwest corner of Block 2; thence south 0 degrees 17 minutes west along the west line of Block 2 a distance of 200 feet to the southwest corner of Block 2; thence north 82 degrees 30 minutes west on an extension of the southerly line of Block 2 a distance of 30.26 feet to the west line of North Lawn Avenue in said subdivision; thence north 0 degrees 17 minutes east 336.7 feet along said west line to the southerly line of East Washington Avenue; thence north 59 degrees 44 minutes east 34.9 feet to the point of beginning (April 25, 1947).
- (18) That part of the alley between Rusk Street and Division Street in Edison Replat, City of Madison, more particularly described as follows: Beginning at the southwest corner of Outlot A, Edison's Replat in the City of Madison, thence south 82 degrees 20 minutes east 151.6 feet along the south line of Outlot A to the west line of Division Street; thence south 33 feet along the west line of Division Street; thence north 82 degrees 20 minutes west to a point of intersection with the northwest line of Outlot A projected southwesterly; thence northwesterly on said southwesterly projection to the point of beginning (August 22, 1947).
- (19) That part of Northwestern Avenue between the east line of Sherman Avenue and the west line of Ruskin Street in the City of Madison.
- (20) That portion of Doncaster Drive lying within the plat of Second Addition to Crawford

Heights, to-wit: between Whenona Drive and Nieman Place, and also that portion of Nieman Place between U. S. Highways 12 and 18 and Mohawk Drive.

- (21) That portion of Spohn Avenue from the east line of Sherman Avenue to the west line of Ruskin Street.
- (22) All of an unnamed street, alley or areaway in Reuter's Subdivision in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at the northeast corner of Lot 8, Block 2, of said Reuter's Subdivision; thence north, along the east line of Reuter's Subdivision 260.08 feet to the southeast line of East Washington Avenue; thence southwesterly, along said street line, 34.9 feet to the east line of Lot 3, Block 1 of said Reuter's Subdivision; thence southerly, along the east line of said Block 1, and said line extended, 241.88 feet to the north line of Block 2 of Reuter's Subdivision; thence easterly, along said north line of Block 2, 30 feet to beginning, all of which lies in Block 1 of Reuter's Subdivision.
- (23) All that portion of the public street known as Seminole Highway lying south of Lot 1, Plat of Westwood, in the City of Madison, Dane County, Wisconsin, more particularly described as follows: That portion of Seminole Highway lying south of Lot 1, Plat of Westwood extending from the east line of Winslow Lane extended southerly to the east line of the Plat of Westwood extending southerly, all as shown on the recorded Plat of Westwood, part of the northwest quarter of the southwest quarter of [Section 33](#), Town 7 North, Range 9 East, Dane County, Wisconsin.
- (24) All that part of the access road or alley in Block 2, replat of parts of Blocks 2, 3, 4 and 5, University Park, formerly in the Town of Madison, now in the City of Madison, which alley or access road runs from Eugenia Avenue between Lots 18 and 19 and along the eastern boundaries of Lots 13 to 17, both inclusive, in Block 2, the part herein described as follows, to-wit: Commencing at the southwest corner of said Lot 18; thence northeasterly along the northerly line of said alley a distance of 149.5 feet; thence at right angles to a point on the southerly line of said alley which is distant 149.5 feet from the northwest corner of aforesaid Lot 19; thence 149.5 feet in a southwesterly direction along the southerly line of said alley to the northwest corner of said Lot 19; thence in a northwesterly direction along the easterly line of Eugenia Avenue to the point of beginning.
- (25) That part of Plymouth Circle described as follows: All that part of Plymouth Circle in the City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at a point on the northerly line of Lot 29 of Sunset Hills Subdivision which point is distant 25.4 feet northwesterly from the northeasterly corner of said Lot 29; thence westerly along the arc of a circle having a radius of 123.6 feet, convex toward the north, the long chord of which bears north 74 degrees 13 minutes west 82.52 feet to a point which is distant 15 feet northwesterly from the northwesterly line of said Lot 29;

thence in a westerly direction, along the arc of a circle convex toward the south, having a radius of 65 feet, the long chord of which bears north 32 degrees 53 minutes west, 113.6 feet, chord measurement and which arc is concentric with and at all points distant 15 feet northerly from the southerly line of Plymouth Circle as now platted; thence in a northerly direction, along the arc of a circle convex toward the east having a radius of 123.6 feet, the long chord of which bears north 8 degrees 27 minutes east, 82.52 feet chord measurement, to a point on the easterly line of Lot 25 of said Sunset Hills Subdivision, which point is distant 4.84 feet northerly from the southeasterly corner of said Lot 25; thence in a southerly line of Plymouth Circle to point of beginning.

- (26) That part of a street known as Memory Lane in the Plat of Coney Weston, City of Madison, Dane County, Wisconsin, more particularly described as the west 33 feet of the said Plat of Coney Weston, being the east half of the southeast quarter of the southeast quarter of [Section 30](#), Town 7 North, Range 9 East in the City of Madison, Dane County, Wisconsin.
- (27) That part of a public walk located in the Plat of Sunset Village, Sunset Ridge Addition to the City of Madison, more particularly described as follows: A part of the northeast quarter of [Section 20](#), Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the northwest corner of Lot 381, Plat of Sunset Village, Sunset Ridge Addition, City of Madison, Dane County, Wisconsin; thence south 89 degrees, 00 minutes east 145.63 feet along the north line of said Lot 381 to the most northerly corner of Lot 400, said Plat of Sunset Village, Sunset Ridge Addition; thence south 59 degrees, 30 minutes east 150 feet along the northeast line of said Lot 400 to the northeast corner of said Lot 400; thence northeasterly 10 feet along the west line of Hillside Terrace to the most southerly corner of Lot 399, said Plat of Sunset Village, Sunset Ridge Addition; thence north 59 degrees 30 minutes west 151 feet along the southwest line of said Lot 399 to the southeast corner of Lot 382; thence north 89 degrees 00 minutes west 145.63 feet along the south line of said Lot 382 to the southwest corner of said Lot 382; thence south 0 degrees 10 minutes west 10 feet along the east line of Meadow Lane to the point of beginning. (Am. by Ord. 11,653, 8-20-96)
- (28) That portion of the public street known as Albert Court, also known as Prairie Court, lying east of the exterior of the southwestern boundary of Lot 10, Block 14, Fourth Addition to Washington Heights, City of Madison, Dane County, Wisconsin, except the eastern 36 feet of said Albert Court abutting and intersecting with Prairie Avenue in the Brigham-Lerdahl Plat, City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at the point of intersection of the extension of the southwesterly line of Lot 10, Block 14, Fourth Addition to Washington Heights Plat with the centerline of a 50 foot street known as Albert Court; thence north 49 degrees 13

minutes east along said centerline to Albert Court 198 feet to the intersection with the northeasterly line of said Washington Heights Plat; thence north 49 degrees 15 minutes east along the centerline of Albert Court, also known as Prairie Court as defined in Brigham-Lerdahl Plat 29.6 feet to the beginning of a curve; thence northeasterly along the curved centerline, the radius of which is 225.1 feet, to a point which is one foot northwest of the intersection with the extension of the line between Lots 10 and 11 of said Brigham-Lerdahl Plat, this being and is the description of the centerline of that part of the 50 foot width street which is intended to be vacated.

- (29) That portion of Hilltop Drive in the City of Madison, to-wit: Beginning at the southeast corner of Lot 12 of the S. A. Mackesey Addition, City of Madison, Dane County, Wisconsin; thence east along the north line of Lot 92, Town of Madison Assessor's Plat No. 3 of Oak Park Heights to a point 60 feet west of the east line of Hilltop Drive; thence north on a line that is parallel to and 60 feet west of, measured at right angles, the east line of Hilltop Drive to its point of intersection with the easterly prolongation of the north line of Lot 10 of the S. A. Mackesey Addition; thence west along said easterly prolongation to the northeast corner of said Lot 10; thence south along the east line of Lots 10, 11 and 12 of the S. A. Mackesey Addition to the point of beginning.

- (30) That part of Picton Place and Kingston Drive described as follows: Parcel 1—"Picton Place," being a part of the First Addition to Arbor Hills in the Town of Fitchburg, Dane County, Wisconsin, described as follows: Beginning at the most southerly corner of Lot 39 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60 feet; thence north 60 degrees 17 minutes west 135 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 74 degrees 43 minutes west 21.21 feet to a point of tangency; thence 29 degrees 43 minutes east 90 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 15 degrees 17 minutes east 21.21 feet to a point of tangency; thence south 60 degrees 17 minutes east 135 feet to the point of beginning.

Parcel 2—a part of "Kingston Drive", being a part of the First Addition to Arbor Hills, Town of Fitchburg, Dane County, Wisconsin described as follows: Beginning at the most southerly corner of Lot 41 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60.03 feet; thence north 58 degrees 35 minutes west 150.07 feet; thence north 29 degrees 43 minutes east 75.03 feet to the start of a curve; thence on a curve to the left which has a radius of 15.45 feet and a long chord which bears south 14 degrees 26 minutes east 21.52 feet to a point of tangency; thence south 58 degrees 35 minutes east 135.07 feet to the point of beginning.

- (31) That portion of Segoe Road in the City of Madison, to-wit: Commencing at the northwest corner of Outlot A as recorded in the Plat of Golf Green Subdivision, City of

Madison, Dane County, Wisconsin; thence north 89 degrees 31 minutes east along the north line of said Outlot A 245 feet; thence south 1 degree 42 minutes east, 20 feet to the south line of the newly widened Odana Road; thence continuing south 1 degree 42 minutes east 183.64 feet to the new northwest line of Segoe Road; thence 48 degrees 59 minutes east along said new northwest line of Segoe Road 37.68 feet to the point of beginning of this description; thence continuing north 48 degrees 59 minutes east along said new northwest line of Segoe Road 46.71 feet; thence on a curve to the left whose radius is 70 feet and whose long chord bears north 24 degrees 15 minutes east for a distance of 58.58 feet; thence north 0 degrees 29 minutes west, 60.53 feet; thence on a curve to the left whose radius is 15 feet and whose long chord bears north 45 degrees 29 minutes west for a distance of 21.21 feet to the south line of newly widened Odana Road; thence south 89 degrees 31 minutes west along said south line of newly widened Odana Road, 18 feet; thence on a curve to the right whose radius is 15 feet and whose long chord bears south 45 degrees 29 minutes east for a distance of 21.21 feet; thence south 0 degrees 29 minutes east 52.88 feet; thence on a curve to the right whose radius is 120 feet and whose long chord bears south 24 degrees 15 minutes west for a distance of 100.41 feet to the point of beginning of this description.

- (32) That part of Jones Court in the City of Madison described as follows: All of Jones Court lying west of Corry Street, also being all of Atwood Court lying west of Mendota Street as shown in James P. Corry Addition, City of Madison, Dane County, Wisconsin.

Note: Some streets and alleys are vacated by resolution. Check with City Clerk for necessary information.

10.38 - CONSTRUCTION OF HEATED CONCRETE SIDEWALK.



Whenever a sidewalk is to be constructed with electric, circulating fluid, steam or any other type of heating system, the property owner shall submit plans for approval to the City Engineer showing the type of heating and the location and design of the heating unit in the sidewalk and its connection to the source of power or heat at least five (5) days prior to installation. A record of all heated sidewalk installations shall be kept in the office of the City Engineer. A permit for such installation shall be obtained from the City Engineer before commencement of the work. Acceptance of the permit by the applicant shall constitute her/his agreement to the following conditions. (Am. by ORD-14-00012, 1-14-14)

- (1) A metal identification plate shall be placed flush with the sidewalk or the words "Heated Walk" shall be stamped in each section of sidewalk. Letters shall be a minimum of two (2) inches high.
- (2) When the heated sidewalk is in need of repair and requires the repair or reinstallation of the heating system, the property owner shall pay any and all costs involved for

replacement of the heated sidewalk. It shall be the responsibility of the property owner to make arrangements with her/his own contractor for repairing or reinstalling the heating system. In the event that new utilities are to be installed or if existing utilities are in need of repair under the heated sidewalk, it shall be the responsibility of the utility to repair at its expense the heating system and the sidewalk. (Am. by ORD-14-00012, 1-14-14)

- (3) All heated sidewalk installations will be inspected by the City Engineer prior to pouring the concrete sidewalk.
- (4) No part of the heating system will be installed in that portion of the sidewalk that is located within three (3) feet of the back of the curb and gutter.

10.39 - INSTALLATION OF STREET LIGHTS.



- (1) It shall be the policy of the City of Madison to promote traffic safety and general welfare of the City through the installation and upgrading of street lighting within the public right-of-way of any street, alley or highway. The City Traffic Engineer shall direct, regulate and control the installation and upgrading of all street lighting within the City. (Am. by Ord. 9144, 3-30-87)
- (2) The full cost, including inspection and supervision, of the installation and upgrading of street lighting shall be assessed to the abutting properties provided that the abutting properties have not been denied access to the right-of-way in which the street lights are installed. Assessment for street lights shall be in accordance with Section 66.0701 of the Wisconsin Statutes, Section 12.03(4)(c) and (d) of the Madison General Ordinances and this ordinance, except where street lights are installed as a part of a street improvement district, in which case Section 66.0703(1) of the Wisconsin Statutes shall govern. (Am. by Ord. 9144, 3-30-87)
- (3) When the City Traffic Engineer proposes the installation or upgrading of street lights assessed to abutting properties he/she shall prepare a report listing the street lights to be installed or upgraded, their location, and a schedule of assessments. (Am. by Ord. 9144, 3-30-87)
- (4) A notice shall be published in the official newspaper stating that the City Traffic Engineer proposes to install or upgrade and assess street lighting to each of the benefited properties and that the Board of Public Works will hold public hearing on the installation, upgrading, and assessments. Such notice shall be published as a Class I notice, under Chapter 985, Wisconsin Statutes, ten (10) days before the hearing or proceeding, 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. (Am. by Ord. 9144, 3-30-87)

- (5) The Board of Public Works shall hold a public hearing on the installation and upgrading of street lights and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Traffic Engineer's report. (Am. by Ord. 9144, 3-30-87)
- (6) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Traffic Engineer'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 Chapter 985, Wisconsin Statutes, in the City and a copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, 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.
- (7) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove, modify, or re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the street light installation and upgrading and to determine a fair and equitable assessment.

Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date.

(Am. by Ord. 9144, 3-30-87)

- (8) After the project is completed and all costs have been charged to the project, the City Traffic Engineer shall modify such special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (6) and after a public hearing, amend, cancel, or confirm any such prior assessment. If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, and the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

- (9) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Section 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of the final determination by the governing body.

- (10) The Council may, without any notice or hearing provided in Subsections (4), (5), (6) and (7), levy and assess the whole or any part of the cost of installation and upgrading of street lights as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. The waiver form shall advise property owners of the availability of the procedures of this section and that waiver of such notice of hearing provisions does not preclude the Common Council from acting according to Subsection (8) nor the property owner's right of appeal contained in Subsection (9). (Am. by Ord. 9144, 3-30-87)

(Sec. 10.39 Cr. by Ord. 6516, 2-23-79)

10.40 - TRAFFIC CONTROLS FOR STREET CONSTRUCTION AND MAINTENANCE OPERATIONS.

□ □ □ □ □

Adoption by reference. The manual on Traffic Control for Street Construction and Maintenance Operations under date of 1972 is adopted by reference as if each provision were reprinted in full in this section. It shall be unlawful for any person, firm or corporation to suffer, cause or permit the violation of any provisions hereof. Each day of violation shall be considered a separate and distinct offense.

10.41 - COMPLIANCE INSPECTION FEES.

□ □ □ □ □

- (1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars (\$75) per compliance inspection, as defined in [Sec. 27.03](#)(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)
- (2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

10.42 - DECORATIVE PAVEMENT PAINTING DESIGN PERMIT.

□ □ □ □ □

- (1) Purpose. The purpose of this ordinance is to permit the painting of the roadway on certain local streets by granting a permit for neighborhood associations and others with a stake in the neighborhood to paint the pavement as provided herein. By permitting decorative application of paint the City of Madison does not intend to create a forum for speech nor to convert the surface of the highway right of way into a forum for speech, nor does the City intend such paintings to be an official traffic control device. Decorative designs hereunder shall be intended to enhance the appearance of the roadway and work in connection with the ordinary uses of the roadway, and shall not be designed to draw pedestrians, or cyclists into portions of the roadway that are not intended for their use.
- (2) Charter Ordinance. Certain state statutes and administrative rules, specifically Wis. Stat. § 86.19, and administrative regulations adopted pursuant to that statute, raise doubts about whether such painted designs may be located on a roadway within the limits of highway rights-of-way. The determination of whether to allow local neighborhood and business associations to apply decorative paint to a local street as described in this ordinance is a local affair of the government of the City of Madison. Therefore, the City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve the decorative application of paint within the limits of any street or highway right of way, the City will not be governed by sec. 86.19 to that extent. Any signs not authorized by this Ordinance shall remain subject to regulation pursuant to state and local law. This Charter Ordinance shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02. This [Section 10.42](#) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101 and Article XI, Sec. 3 of the Wisconsin Constitution.
- (3) Eligible Applicants. A Neighborhood Association or Neighborhood Planning Council recognized as such by the City, or a business association or other non-profit community organization that would be eligible for a neighborhood grant administered by the Planning Division, may apply for a permit to apply a decorative painted design to the surface of a local City roadway within the area served by the organization.
- (4) Application through Privileges in Streets.
 - (a) Application shall be made to the Economic Development Division of the Planning and Community and Economic Development Department using the procedure for Privileges in Streets in [Sec. 10.31](#). The designee of that division shall notify the City Traffic Engineer upon receipt of the application. The application form shall include:
 1. Full legal business name of the applicant association, and type of association.

2. Registered Agent for applicant, if applicable.
 3. Name and contact information of a person with primary responsibility for the application.
 4. Scale, color drawing showing the detailed design and proposed location meeting the requirements of [Sec. 10.31](#).
 5. Petition with a signature from not less than sixty percent (60%) of the total number of residential dwelling units, businesses, and non-residential properties within a two hundred (200) foot radius from the proposed design location, indicating approval of the project and location. The petition area can be expanded at the discretion of the City Traffic Engineer up to a radius of six hundred (600) feet (approximate distance of a standard City block). Each dwelling unit, business and non-residential property is entitled to one signature.
 6. Statement that the alderperson for the district in which the painting project is proposed has been notified and given a copy of the application by regular mail or electronic mail.
 7. Any other information required by [Sec. 10.31](#).
 8. Any additional information deemed necessary by the Traffic Engineer.
- (b) Application Fee. The fee to apply for a permit to paint the pavement under this section shall be one hundred and fifty dollars (\$150) and nonrefundable. This does not include the separate application fee for the Street Use Permit required by sub. (9) to close the street for the painting project. However, applicants are exempt from the application fee and annual fee for a privilege in streets, under [Sec. 10.31\(3\)\(f\)](#).
- (c) Temporary Chalk Applications. An application to paint the pavement with water-soluble chalk that meets the criteria of [Sec. 23.06\(6\)](#) shall be made using the same criteria of sub. (a) except that such applications are not reviewed under Section [10.31](#) and may be administratively approved or denied by the Traffic Engineer. All provisions of this ordinance shall apply to the City Traffic Engineer's review and to any permit issued, except those provisions that expressly incorporate [Sec. 10.31](#).
- (5) Eligible Locations :
- (a) A painted intersection design may be located at the intersection of two streets both with a functional classification of "local" or a mid-block location on a street with a functional classification of "local," only on streets with a speed limit of not more than twenty-five (25) miles per hour, and shall not be located within two hundred (200) feet of an intersection with a street with a higher functional

classification. State Trunk Highways, County Highways and federally funded mass transit ways are not eligible. The location must be within the area served by the applicant association.

- (b) The City Traffic Engineer must approve the proposed location. Whether a proposed location meets the above criteria, including the functional classification of the street, shall be determined by the City Traffic Engineer.

(6) Paint and Design Elements.

- (a) The proposed painting shall include decorative designs and patterns only, and shall contain no text, numerals, symbols, overt messages or any images designed to convey a message of any kind, including commercial messages.
- (b) Prohibited paint or design features:
 - 1. No retroreflectivity.
 - 2. The paint and resulting design shall not include any relief or texture (except anti-skid texturizing material under sub. (6)(d) herein, if approved by the City Traffic Engineer.)
 - 3. The design shall not create a three-dimensional or multi-dimensional effect or other optical illusion.
 - 4. The design shall not include any element that mimics or imitates an official traffic control device or marking or would be confused with the same.
 - 5. The design shall not include any element that interferes with or hinders the visibility of an official traffic control device or marking already in place, such as stop lines, marked cross walks, edge lines, lane markers, bike lane markers, etc.
 - 6. The design shall not include any feature or element that, in the opinion of the City Traffic Engineer, would create a safety hazard for vehicles or pedestrians.
 - 7. Nothing about the design shall violate any applicable city, state or federal law.
- (c) The City Traffic Engineer shall review the proposed design to determine compliance with the criteria of this ordinance, and shall take into account the proposed design in relation to the configuration of the intersection or roadway, including but not limited to: the overall shape and size of the intersection or roadway, the presence and location of stop lines and marked and unmarked crosswalks, and whether or not the proposed design would interfere with such markings or is likely to confuse motor vehicle drivers, bicycle operators or pedestrians using the roadway.
- (d) Acceptable Paint Materials.

1. Only acrylic water-based traffic marking paint may be used, in the colors traditionally available (white, yellow, blue, red, and black) or other colors that may be achieved by mixing the traditional colors.
 2. Paint must not result in a slippery surface. To accomplish this, the traffic marking paint must contain an anti-skid additive approved by the City Traffic Engineer.
 3. Paint must not be retroreflective.
 4. A temporary chalk design applied entirely with water-soluble chalk that meets the criteria of [Sec. 23.06](#)(6) may be used instead of paint and shall be subject to all design and location criteria herein.
- (7) Approval Criteria. All applications shall be reviewed according to the procedures for privileges in streets in [Sec. 10.31](#), however no permit shall be issued without the review and express approval of the City Traffic Engineer who shall apply the criteria of this ordinance to all such applications.
- (8) Appeal Process. Appeals of a decision to approve or deny an application under this section shall be available as provided in [Sec. 10.31](#)(2)(b), and any such appeal may also include a review of the decision of the City Traffic Engineer under this ordinance.
- (9) Project Installation Procedure. Once the design has been fully approved under this ordinance, the applicant must apply for and obtain a Street Use Permit under [Sec. 10.056](#) for permission to close the affected street(s) for the date(s) and times of the painting project. No work may be performed on the painting project within the roadway or on a bike path without an approved Street Use Permit for the date(s) and time(s) of the work. All requests to close the street are subject to [Sec. 10.056](#) and the decision of the Street Use Staff Commission as provided in that ordinance.
- (10) Insurance and Indemnification. If a permit is approved the applicant shall agree to indemnify the City of Madison and provide proof of insurance as required by [Sec. 10.31](#). Compliance with [Sec. 10.31](#) shall be sufficient for the insurance and indemnification requirements of this section.
- (11) Repair and Maintenance of the Design. The applicant shall be solely responsible for maintaining the design in good condition and repair. If the design should become deteriorated or damaged and in the opinion of the City, the design is repairable, the applicant must repair it or make arrangements for the repair within sixty (60) days of written notice by the City. "Repair" shall mean restoring the original design to the originally-approved specifications. All repairs or maintenance, whether voluntary or in response to a notice under this section, shall be in compliance with all requirements of this ordinance and shall require a Street Use Permit as described in sub. (9). If the design is not repaired according to the notice. The City may cause the design to be

removed and restore the roadway to its previous condition, at the expense of the applicant. The procedures in this paragraph for maintenance and removal may be exercised in addition to the procedure for removal of an encroachment in [Sec. 10.31](#)(3)(c). Removal and charges for costs associated with removal shall be as allowed by [Sec. 10.31](#). The bond requirement in [Sec. 10.31](#)(3)(c) may be waived upon the recommendation of the City Risk Manager.

- (12) No Renewals. Once issued, a permit under this section authorizes the design as approved for as long as the design exists, as long as the design does not change and it is repaired and maintained as required by sub. (11). A request to change the originally-approved design will require an application for a new permit and a new permit fee and be processed as a new application.
- (13) Damage, Removal. In granting a permit under this ordinance, the City of Madison shall not be responsible for any maintenance or repairs or removal of the design; any damage to the design regardless of cause, including but not limited to damage caused by any utility or contractor performing work in the right-of-way or resulting from street surface maintenance such as street cleaning, plowing and road treatment for snow and ice. Utility work or roadwork by the City or a utility may result in damage to the design requiring the design to be permanently removed. Additionally, if any portion of the design creates a hazard in the sole opinion of the City, the City may remove the design without notice to the applicant. The permit shall be considered terminated upon removal of the design for any reason by the City or the applicant.
- (14) Permit Revocation. A permit under this section may be revoked by the City at any time if the applicant violates the conditions of the approved permit, including but not limited to installing something other than the approved design, modification of the design subsequent to the initial installation, or violations of the terms of the encroachment agreement under [Sec. 10.31](#). Prior to revocation of a permit under this subsection, the City shall send written notice to the applicant, except that if the encroachment agreement is terminated according to the procedures in that agreement or in [Sec. 10.31](#), the permit under this section automatically terminates. The permit shall also be considered terminated upon removal of the design for any reason under subs. (11) or (13) herein.

[Section 10.42](#) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(Sec. 10.42 Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)

10.50 - PENALTY.

Any person who shall violate any provisions of this **chapter** for which no penalty is already provided shall be subject to a fine of not less than twenty dollars (\$20) nor more than four hundred dollars (\$400).

□ 9.54 - EQUIPMENT PLACEMENT ON SIDEWALKS AND TERRACES, PERMITS FOR INFORMATION TABLES AND EXPRESSIVE STREET VENDING.

CHAPTER 11 - PUBLIC UTILITIES □