

BODY – LEGISTAR 32944

DRAFTER'S ANALYSIS: This ordinance creates a fee for sidewalk construction permits and driveway entrance and approach permits for Class I and Class II driveways (generally, residential properties). Permits are currently required under these sections, but no fee is provided to account for Engineering Division staff time in the review of these applications. By creating this fee, the City will be better able to recover the cost to the City associated with these permits. This ordinance also increases the forfeiture for violating the sidewalk construction ordinance so that it is more consistent with other similar ordinances. Finally, this ordinance adds violations of these sections to the bond schedule, allowing City enforcement of these sections by citation. This will allow the City to take action against parties performing sidewalk, driveway approach and parking facility work without permits and performing such work contrary to permit conditions.

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

1. Section 10.06 entitled "Specifications for Construction of Sidewalks-Width of Walks" of the Madison General Ordinances is amended to read as follows:

"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. ~~There shall be no charge for this permit~~ 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 one-two hundred dollars (\$4200) and each day of continued violation shall constitute a separate offense."

2. Subdivision (f) entitled "Permit Fees for Certain Classes of Driveway Approaches" of Subsection (7) entitled "Application" of Section 10.08 entitled "Construction of Driveway Approaches and Parking Facilities" of the Madison General Ordinances is amended to read as follows:

"(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, expect 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.”

3. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Failure to comply with sidewalk construction requirements.	10.06	\$50, 1 st \$100, 2 nd \$200, 3 rd /more
Failure to comply with driveway approach and parking facility construction requirements.	10.08(9)(d)	\$50, 1 st \$100, 2 nd \$200, 3 rd /more”

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. These deposits have been so approved.