

DRAFTER’S ANALYSIS: This ordinance updates Section 3.11, establishing the Department of Public Works, to consolidate applicable language regarding the Fleet Service and Streets Divisions, and updates the ordinance language to be consistent with existing practices and positions. Under these amendments, Sections 8.13 and 10.01 are being repealed and largely recreated in Sec. 3.11(4). The Streets Division and Streets Superintendent duties are being updated to reflect current practices, and the formal title of the Streets Superintendent will be updated throughout the ordinances—legacy titles for that position, including the Street Superintendent, Street Commissioner, or Superintendent of Sanitation, remain scattered throughout the ordinances, leading to some confusion. The Engineering Division’s existing language is being updated to reflect other ordinances and existing practices. Existing language regarding a Director of Public Works is being replaced with the current position, the Public Works Team Leader. That position will continue to be appointed by the Mayor, but subject to Council approval through an employment contract. Additionally, while the Forestry section was moved to the Streets Division from the Parks Division in 2020, the ordinances have not been updated to reflect this change. Hence, this ordinance would update various sections to reflect that the Forester now reports to the Streets Superintendent and is part of the Streets Division. As part of these Forestry related changes, existing Parks Division’s citation authority for Forestry related offenses is being removed, and additional authority is being provided to the Streets Superintendent and the City Forester to allow for tree related ordinance enforcement by the Streets Division.

The substitute corrects some inadvertent omissions that were left out of the original version.

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

1. Section 3.11 entitled “Department of Public Works” of the Madison General Ordinances is amended as follows:

“3.11 - DEPARTMENT OF PUBLIC WORKS

- (1) There is created for the City of Madison a Department of Public Works
- (2) Duties of the Department. The Department of Public Works shall have charge of the supervision and control of:
  - (a) The construction, repair and maintenance of all streets, sidewalks, public alleys, bridges, viaducts, highways and rights-of-way.
  - (b) The construction, operation, and maintenance of all sanitary storm sewer facilities and appurtenances, including sanitary sewers and pumping stations, storm sewers, drains, ditches, culverts, and stream and water courses under the jurisdiction of the City.
  - (c) The control, management and supervision of all Public Works shops and garages, including all equipment and vehicles.
  - (d) The making of all necessary surveys, maps, public works plans, drawings and other documents.
  - (e) The preparation of contract drawings, specifications and cost estimates for all public works construction and maintenance and the supervision of such construction, including field inspection.
  - (f) The collection and disposal of all rubbish, ~~and garbage~~ and recycling, and the cleaning of all streets and alleys, including snow removal operations and leaf and brush collection.
  - (g) Maintaining, protecting and growing the City’s urban forest.
  - (h) The administration and maintenance of all public buildings.
  - (i) ~~The administration and maintenance of all public buildings.~~

- (3) Exceptions. The provisions of this ordinance shall not be applicable to the activities of the Fire Department, ~~the Board of Education, the Board of Vocational, Technical and Adult Education, the Madison Redevelopment Authority and the Madison Housing Authority~~ and the Community Development Authority.
- (4) Divisions. The department shall consist of four (4) divisions and the Water Utility.
- (a) ~~The Division of Engineering~~ Division.
1. The Engineering Division shall be directly responsible for the performance of all engineering services, including the design and preparation of all contract drawings and specifications for all public works construction; the preparation of cost estimates; the setting of line and grade for all such construction; the supervision and inspection of all such construction; the establishment of all street, alley and walk grades; all City survey and mapping operations, including supervision and maintenance of all survey and control information; maintenance of the Official Map, street and utility records; the maintenance and supervision of all street name and address records; the review of all subdivision plats for matters requiring engineering determination; and the operation and maintenance of all sanitary sewerage facilities and storm sewer systems under control of the City. ~~All duties imposed by the Wisconsin Statutes upon the Board of Public Works regarding sidewalks shall be and the same are hereby declared to be the duty of the City Engineer.~~
- (b) ~~The Division of Fleet Service~~ Division shall be directly responsible for the management, supervision, servicing, maintenance and repair of all municipal motor equipment, including boats.
1. The Fleet Service Division shall be supervised by the Fleet Service Superintendent.
  2. The Fleet Service Superintendent shall have supervision over the Municipal Service Garage and shall be responsible for servicing, maintenance and repair of all municipal motor equipment. She or he shall advise the Mayor, Common Council and all City officials on all matters relating to municipal motor equipment, including replacement and procurement.
- (e)(c) ~~The Division of Streets and Sanitation~~ Division
1. The Streets Division shall be directly responsible for the maintenance of all streets, highways, alleys, walks, pavements and surfaces; street cleaning, street repairs; street snow and ice removal; and the collection and disposal of garbage, recycling, rubbish and other wastes; leaf and brush collection; and the maintenance protection and growing of the City's urban forest.
  2. The Streets Division shall be supervised by the Streets Superintendent. The Streets Superintendent shall have the supervision of the maintenance and cleaning of streets, and removal of snow and ice therefrom, the collection of garbage, recycling, and refuse materials, leaf and brush collection, the oversight of the City's urban forestry operations, 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.

~~(f)(d)~~ The Water Utility . See Chapter 13.

~~(g)(e)~~ The Division of Parks Division .

1. The Parks Division shall be responsible for and oversee the development, maintenance and use of the City's park system, as well as the City's golf enterprise, Forest Hill Cemetery, Olbrich Botanical Gardens, and Mall-Concourse maintenance. The Parks Division shall be responsible for the execution of all public works improvements in the parks.

(5) Composition of the Department . The Department of Public Works shall consist of the City Engineer, the Fleet Service Superintendent, the Streets Superintendent of Sanitation, the Parks Superintendent of Parks, and the Water Utility General Manager, which department heads shall perform their duties under the direction of the Director of Public Works Mayor, and as otherwise provided by these Ordinances.

(6) The Director of Public Works Team Leader . A Public Works Team Leader shall be appointed by the Mayor. The Public Works Team Leader shall perform administrative oversight of the Department of Public Works and its divisions, and promote a positive departmental working environment through meetings, written communication, one-on-one contacts, and public contacts and relationships. The Department of Public Works shall be managed and directed by a Director of Public Works. Effective March 1, 1989, the position of Director of Public Works as it becomes vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. During any period in which there is a vacancy in this position the City Engineer shall exercise the authority for fulfilling the duties, responsibilities and obligations of this position. He/she shall, together with the division heads, be charged with the duty of preparing and presenting the annual operating and capital budgets of the several divisions of the department. Such Director shall have full authority to establish technical standards, methods, and procedures for the department and its divisions and to see that they are properly executed. He/she shall have authority to employ, assign, or reassign all personnel within the various divisions and to resolve all disputes between the divisions and conflicting demands for labor and equipment. All public works construction plans adopted by the Common Council shall be carried out by him/her according to design and time schedules within allocated budgets. Effective March 1, 1989, the positions of City Engineer, Streets Superintendent, Superintendent of Parks and Fleet Service Superintendent as they become vacant shall be filled according to Sec. 3.54(9)(f) of these ordinances. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option.

(7) Retention of Present Boards . The creation of this Department of Public Works shall not affect the functions of the various boards and commissions as presently constituted under existing statutes or ordinances. The Director of the Department of Public Works shall be a member of the Technical Coordinating Committee of the Dane County Transportation Study."

2. Section 8.055 entitled "Saleable Logs" of the Madison General Ordinances is amended as follows:

"Upon a determination that a former City tree could have marketable value if sold for lumber, City divisions may inform the Parks Streets Superintendent, who may take

possession of any such City-owned logs. Any such saleable logs may be stockpiled and sold or disposed of by the ~~Parks~~ Streets Superintendent in a manner consistent with the City's interests, which may include consideration of non-monetary interests such as the reuse of local materials. If any logs are sold or disposed of under this Section, the ~~Parks~~ Streets Superintendent shall report annually to the Council about the program and the manner of disposition.”

3. Section 8.13 entitled “Fleet Service Division” of the Madison General Ordinances is repealed.

4. Section 10.01 entitled “Street Commissioner (Superintendent of Sanitation)” of the Madison General Ordinances is repealed.

5. Subsection (1) of Section 10.10 entitled “Installation of Street Trees” of the Madison General Ordinances is repealed.

“(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 Streets Superintendent ~~of Parks~~ and the Board of Public Works and the Board of Park Commissioners.”

6. Subsection (4) entitled “Issuance of Citations” 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 as follows:

<u>Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Superintendent of Parks or <del>her/his</del> designee, and Park Rangers.	Section 7.32, Deposit of Rubbish and Refuse on Streets, Public Grounds, or in Lakes or in Any Manner to Create Any Stench or Nuisance; Section 7.321, Depositing Human Waste Products Regulated; Section 7.322, Animal Defecation on Public or Private Property Regulated; Section 8.11, Forest Hill Cemetery; Section 8.15, Regulation of Private Use of Greenways, Park Lands, and the Southwest Bike Path; Section 8.16, Unauthorized Vehicles on Public Lands; Section 8.17, Vending in Public Parks; Section 8.18, Parking Regulated in Certain Parks; Section 8.185, Watercraft and/or Other Boating Equipment Storage on City Property Regulated; Section 8.188, Anchoring and Mooring of Watercraft Regulated; Section 8.19, Animals Prohibited in Certain Areas; Section 8.21, Public Parks To Be Closed During Certain Hours; Section 8.215, Lake Access Permits; Section 8.22, Fishing in Certain Parks of Tenney Park Prohibited; Section 8.23, Use Of Public Golf Courses Restricted To Golfing Purposes; Section 8.24, Alcohol Beverage Control and Container Control on Certain Public Property; Section 8.25, Trapping On Public Lands Prohibited Except By Permit; Section 8.26, Temporary Structure Prohibited without Permit; Section 8.265, Lodging in Parks Prohibited; Section 8.27, Snow Mobile and Cross-Country Ski

	<p>Regulations; Section 8.29, Public Address Systems in Parks; Section 8.30, Radio-Controlled Toys Prohibited in Parks; Section 8.31, Bicycles in Parks; Section 8.32, Disc Golf Without a Permit; Section 8.36, Play Golf on City Lands Restricted to Golf Courses; Section 8.37(1), Play of Tournament Without Permit Prohibited; Section 8.40, Preservation of Conservation Parks; Section 8.42, Feeding Birds on Public Property Prohibited; Section 9.13, License for Selling on Public Streets; Section 9.54, Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending; Section 10.056, Street Use Permit; <del>Section 10.101, Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way of Any Street, Alley or Highway;</del> Section 10.31, Privileges in Streets; Section 23.05(4)(d) and (f), Smoking Prohibited in Posted City Parks and Beaches and on Henry Vilas Zoo Property; Section 23.06, Damage to Property; Section 23.065, Scratchiti; Section 23.07(2), Unlawful Trespass; Section 23.19, Destruction of Birds Prohibited; <del>Section 23.21, Pruning or Removing Trees in Public Highways or Public Places;</del> <del>Section 23.24, Breaking, Damaging, or Injuring Trees, Shrubs;</del> Section 23.32, Regulation of Dogs and Cats Running at Large; <del>Section 23.40, Dutch Elm, Oak Wilt and Emerald Ash Borer Protections;</del> Section 24.04, Prohibition of Noises Disturbing the Public Peace; Section 25.05, Sparklers Prohibited in Public Parks; Section 34.5608(5)(a) and (c)4.b., Fireworks Event Permit Park Clean-Up Plan; Section 38.07(4), Drink or Possess Alcohol Beverage in City Park after 10:00 p.m.</p>
<p><u>Streets Superintendent, City Forester, or Designees.</u></p>	<p><u>Section 10.101, Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way of Any Street, Alley or Highway; Section 23.02(1), Advertisements on Public Property (Trees) Prohibited; Section 23.21, Pruning or Removing Trees in Public Highways or Public Places; Section 23.22, Planting of Trees in Public Highway; Section 23.23, Depositing Materials Near Trees; Section 23.24, Breaking, Damaging, or Injuring Trees, Shrubs; Section 23.25, Attaching Electrical Wire to Trees; Section 23.40, Dutch Elm, Oak Wilt and Emerald Ash Borer Protections.</u></p>

7. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the correct name of the Streets Superintendent (changing Street Superintendent, Street Commissioner, or Superintendent of Sanitation).

8. The City Attorney is directed to make corresponding changes to other City ordinances to change the title of Director of Public Works to the Public Works Team Leader.

EDITOR'S NOTE:

Section 8.13 entitled "Fleet Service Division" of the Madison General Ordinances currently reads as follows:

“8.13 - Fleet Service Division

- (1) The Fleet Service Division shall be supervised by the Fleet Service Superintendent.
- (2) The Fleet Service Superintendent shall have supervision over the Municipal Service Garage and shall be responsible for servicing, maintenance and repair of all municipal motor equipment. She or he shall advise the Mayor, Common Council and all City officials on all matters relating to municipal motor equipment, including replacement and procurement.”

Section 10.01 entitled “Street Commissioner (Superintendent of Sanitation)” of the Madison General Ordinances currently reads as follows:

“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.”