



Legislation Details (With Text)

File #: 53204 **Version:** 1 **Name:** Temporary Land Use Permit
Type: Ordinance **Status:** Passed
File created: 9/17/2018 **In control:** Attorney's Office/Approval Group
On agenda: 11/20/2018 **Final action:** 11/20/2018
Enactment date: 12/4/2018 **Enactment #:** ORD-18-00121

Title: Creating Section 8.10 of the Madison General Ordinances entitled "Temporary Land Use Permit", amend Section 8.15(1) to account for this change, and amend Section 1.08(3)(a) to establish a bond schedule for this new section.

Sponsors: Paul R. Soglin, Samba Baldeh

Indexes:

Code sections:

Attachments: 1. Body

Date	Ver.	Action By	Action	Result
11/20/2018	1	COMMON COUNCIL	Adopt	Pass
11/7/2018	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/24/2018	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
10/23/2018	1	WATER UTILITY BOARD	Return to Lead with the Recommendation for Approval	Pass
9/25/2018	1	BOARD OF PUBLIC WORKS	Refer	
9/25/2018	1	BOARD OF PUBLIC WORKS	Refer	
9/25/2018	1	COMMON COUNCIL	Refer	Pass
9/17/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No Appropriation Required

Title

Creating Section 8.10 of the Madison General Ordinances entitled "Temporary Land Use Permit", amend Section 8.15(1) to account for this change, and amend Section 1.08(3)(a) to establish a bond schedule for this new section.

Body

DRAFTER'S ANALYSIS: This ordinance fills in a gap in the City's current ordinances by creating a temporary land use permit for the City that will establish a formal process to allow third parties to temporarily use the City's non-right-of-way property (e.g. parkland, stormwater lands, greenways, and other municipal lands) for purposes not otherwise provided for by ordinance. Currently, persons may use other permits and ordinance procedures to use some City owned properties on a temporary basis (i.e., a parks event permit, a street use permit, a street occupancy permit, a facility rental agreement, etc.). However, in light of the general prohibition on the private use of City owned greenways and parklands in Sec. 8.15, there is not currently a formal process for allowing private parties to temporarily use these City-owned lands. Nor is there a provision in place to address the temporary use of other City-owned lands, such as well sites, municipal buildings, or land-banked lands. This has proven problematic when, for example, residential property owners wish to cross City-owned parkland or stormwater lands to cut down or remove a dangerous tree, or fix a fence marking the boundary

between the properties. Absent any sort of process, City lands are often accessed and used without the City's knowledge or permission, and oftentimes damage to City property occurs. By creating this permit, private parties will not have to unlawfully use the City's property, and the City's interests will be protected by requiring City staff to review the proposal ahead of time and by requiring restoration of the City's land after the use occurs. This ordinance also gives the City the ability to require damage deposits or accept surety bonds to ensure that the City's property is fully restored following the use thereof

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