



Legislation Text

File #: 36979, **Version:** 2

Fiscal Note

The 2015 adopted City Operating budget both provides additional resources for administration of the program and anticipates additional revenues of \$200,000 in 2015 (under General Fund Revenues - Building Permits) derived from a restructuring of the program fees, which will help offset the costs of the street occupancy permit program. No additional appropriation is required.

Title

SUBSTITUTE Creating Secs. 10.055 and 29.135, repealing and recreating Sec. 29.10, and amending Secs. 29.07(3)(e), 29.13(4), 1.08(3)(a) and 1.08(4) to shift the administration of the Street Occupancy Permit Program to the Traffic Engineering Division.

Body

DRAFTER'S ANALYSIS: This ordinance makes numerous changes to effectively update and relocate the street occupancy permit from the Building Code (Chapter 29) to Chapter 10. This change is being made as a result of the decision to shift oversight of the street occupancy permit program from the Building Inspection Division to the Traffic Engineering Division as part of the 2014 budget process in which the Traffic Engineering Division was authorized to add a position to administer this program. By relieving the Building Inspection Division of the administration of this ordinance, this permit no longer makes sense to include in Chapter 29 and is better located in Chapter 10 with the other ordinances pertaining to streets, alleys, sidewalks and gutters. However, a portion of the existing ordinance addresses roofed passageways and barricades, which structures are best left within the oversight of the Building Inspection Division. Hence, these provisions, while tied to the street occupancy permit, will continue to be administered by the Building Inspection Division in Chapter 29 and will remain within a redrafted Sec. 29.10. Another new ordinance is being created to relocate the existing watchman requirements in Sec. 29.10 into a new standalone ordinance, while giving the term a gender neutral designation ("flag person").

In relocating and updating the street occupancy permit requirements from the Building Code to Chapter 10, the substantive portions of the ordinance remain intact, albeit reorganized and titled. This is meant to make the ordinance requirements easier to comprehend. Additional provisions have been added to address the necessary procedural requirements and appeal rights, as well as to create a penalty structure that will allow effective enforcement. The fee structure is being updated as well to better recover the costs to the City of administering this program. This new fee structure will be variable and be based upon the length of the occupation, the street classification and the type and location of the public land being requested for occupancy. Indeed, by updating this fee structure in this way, the City will be better able to fully recover its costs associated with administering this program, including the costs to fund the new Traffic Engineering position as well as the increased costs incurred involving more complex projects located in the central portion of the city.

Additionally, clauses are being added into the ordinance that will require applicants to identify, at the time of application for a permit, whether the occupancy will require that any street trees be removed, trimmed or pruned. Applicants will be reminded that any such removal, trimming or pruning is subject to Sec. 10.101, and the failure to abide by other ordinances during the occupation, including the tree removal ordinances, will be cause to revoke an existing street occupancy permit.

In order to enforce this ordinance, Traffic Engineering is being granted citation authority over Sec. 10.055 and new bond schedules will be established for the relocated and renumbered ordinances.

Finally, a bond schedule is also being added for the privilege in street ordinance, Sec. 10.31, at this time. This violation, which does not currently have a bond schedule, also addresses the use of public lands and is therefore consistent with the subject matter of this ordinance. City Engineering, the Parks Division, and the Building Inspection Division have begun to take on a more proactive approach to violations of this Section such that it is now necessary to provide them with citation authority over this Ordinance.

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