



## Legislation Details (With Text)

**File #:** 36336      **Version:** 1      **Name:** Right-of-way permit & license requirements  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/24/2014      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 1/6/2015      **Final action:** 1/6/2015  
**Enactment date:** 1/15/2015      **Enactment #:** ORD-15-00006  
**Title:** Amending Section 9.20, creating Section 10.08(8)(I) and amending Section 10.09 of the Madison General Ordinances to update the permit and license requirements for performing certain work in the right-of-way.  
**Sponsors:** Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/6/2015	1	COMMON COUNCIL	Adopt	Pass
12/17/2014	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
12/2/2014	1	COMMON COUNCIL	Referred	
11/24/2014	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

Amending Section 9.20, creating Section 10.08(8)(I) and amending Section 10.09 of the Madison General Ordinances to update the permit and license requirements for performing certain work in the right-of-way.

**Body**

DRAFTER'S ANALYSIS: This ordinance rearranges existing licensing and permit requirements for performing certain concrete and asphalt work, mudjacking, sewer drain cleaning and inspection and private snow removal in the public right-of-way to make the ordinance requirements more clear. This ordinance also expressly subjects landscaping paving to these requirements--which work has already been treated as subject to these ordinances. Under the changes, licenses for concrete layers, asphalt pavers, mudjackers and landscape pavers will still be required, but no license fee will be imposed as this license will be granted as part of the required permit under Secs. 10.08 or 10.09.

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

1. Section 9.20 entitled "Licensing of Concrete Layers, Asphalt Pavers, Mudjackers, Sewer Drain Cleaners, Sewer CCTV Inspectors, and Private Snow Removal Equipment Operators" of the Madison General Ordinances is amended to read as follows:

**"9.20 LICENSING OF CONCRETE LAYERS, ASPHALT PAVERS, LANDSCAPE PAVERS, MUDJACKERS, SEWER DRAIN CLEANERS, SEWER CCTV INSPECTORS, AND PRIVATE SNOW REMOVAL EQUIPMENT OPERATORS.**

(1) License Requirement.

(a) Concrete Layer, Asphalt Paver, Landscape Pavers and Mudjacker License. Except as provided in (2), no person, partnership, firm, corporation or organization shall construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, concrete

driveways, asphalt driveways, or asphalt terraces, or landscape pavers upon any streets or public walkway; ~~clean or inspect by CCTV any public sewer main or any portion of a private sewer lateral located in the public right-of-way; or plow snow or ice in the public right-of-way with mechanized equipment in excess of seven hundred fifty (750) pounds without first having obtained a license from the City Engineer to perform such work. Any person desiring to obtain such license shall pay a fee of fifty dollars (\$50), submit his/her qualifications as a concrete layer, asphalt paver, landscape paver, or mudjacker, sewer cleaner, sewer CCTV inspector, or snow plow operator for the approval of the City Engineer at the time of submitting for a permit for this work under Secs. 10.08 or 10.09.~~ and shall, ~~a~~ At the time of the license application, the person shall also deliver a surety bond to the City of Madison in the sum of five thousand dollars (\$5,000), to be approved by the City Attorney. ~~If approved, the license period shall run for two years from February 1 through January 31 March 2 through March 1 and may be renewed biennially upon the payment of fifty dollars (\$50), the filing and approval of a bond as above provided, and submission of qualifications for City Engineer approval.~~

(b) Sewer Drain Cleaner, Sewer CCTV Inspector, and Private Snow Removal Equipment Operator License. Except as provided in (2), no person, partnership, firm, corporation or organization shall clean or inspect by CCTV any public sewer main or any portion of a private sewer lateral located in the public right-of-way, or plow snow or ice in the public right-of-way with mechanized equipment in excess of seven hundred fifty (750) pounds without first having obtained a license from the City Engineer to perform such work. Any person desiring to obtain such license shall pay a fee of fifty dollars (\$50), submit his/her qualifications as a sewer cleaner, sewer CCTV inspector, or snow plow operator for the approval of the City Engineer, and shall, at the time of application, deliver a surety bond to the City of Madison in the sum of five thousand dollars (\$5,000), to be approved by the City Attorney. If approved, the license period shall run for two years from March 2 through March 1 and may be renewed biennially upon the payment of fifty dollars (\$50), the filing and approval of a bond as above provided, and submission of qualifications for City Engineer approval.

(2) Exception to License Requirement Owners of buildings with four (4) or fewer units that are zoned residential may construct their own concrete sidewalk, concrete driveway, or asphalt driveway, install landscape pavers, clean or inspect with CCTV any public sewer main or any portion of a private sewer lateral located within the public right-of-way adjacent to their property, or operate snow removal equipment in excess of seven hundred fifty (750) pounds within the public right-of-way adjacent to their property without obtaining a license.

(3) Permit Requirement. No person, partnership, firm, corporation, or organization may construct or lay any concrete sidewalk, concrete terrace, concrete curb and gutter, concrete driveway, asphalt driveway or asphalt curb and gutter, or landscape paving within the public right-of-way without obtaining a permit from the City Engineer prior to performing the work pursuant to Secs. 10.08 or 10.09. 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. The permit fee shall be twenty five (\$25) dollars.

(4) Any licensee under (1) above who is not required to also obtain a permit shall nonetheless 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."

2. Subdivision (l) of Subsection (8) entitled "Restrictions and Responsibilities" of Section 10.08 entitled "Construction of Driveway Approaches and Parking Facilities" of the Madison General Ordinances is created to read as follows:

"(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)."

3. Section 10.09 entitled "Construction and Repair of Sidewalks and Reconstruction and Repair of Concrete Curb and Gutter" of the Madison General Ordinances is amended to read as follows:

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

- (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) of the Wisconsin Statutes or Wis. Stat. § 66.0701 of the Wisconsin Statutes 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.
- (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). ~~Property owners are not precluded from doing the work themselves, provided that they have obtained the necessary approvals and permits and are able to meet the City's standard specifications for concrete and concrete structures.~~
- (4) Sidewalk Repair or Replacement Rebate. Once the final work is approved and accepted by the City Engineer, property owners proceeding under this 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.
- (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 twenty-five (\$25) dollars. 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."