



Legislation Details (With Text)

File #: 53928 **Version:** 1 **Name:** Facility Access Permits
Type: Ordinance **Status:** Passed
File created: 11/27/2018 **In control:** Attorney's Office/Approval Group
On agenda: 3/5/2019 **Final action:** 3/5/2019
Enactment date: 3/16/2019 **Enactment #:** ORD-19-00014

Title: Creating Section 10.057 of the Madison General Ordinances entitled "Facility Access Permit", and amending Sections 1.08(3)(a) and 1.08(4) to establish a bond schedule and enforcement authority for this new Section.

Sponsors: Ledell Zellers, Keith Furman, Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. Body

Date	Ver.	Action By	Action	Result
3/5/2019	1	COMMON COUNCIL	Adopt	Pass
2/20/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/14/2019	1	DIGITAL TECHNOLOGY COMMITTEE (ended 11-2021)	Return to Lead with the Recommendation for Approval	
12/5/2018	1	BOARD OF PUBLIC WORKS	Refer	
12/4/2018	1	COMMON COUNCIL	Referred	Pass
11/27/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

The proposed ordinance creates a permit that would allow a third party to access, alter or connect to City facilities (including things such as manholes, conduits, fiber, traffic signals, street lights, etc.) Parties with the permit will also have a written agreement with the City including an approved project plan. The Board of Public Works will separately establish a permit fee in an amount sufficient for the City to recover its costs incurred to administer the permit. It is anticipated that the base fee will be \$200 with the option to bill for additional time and materials. No appropriation is required to create this permit.

Creating Section 10.057 of the Madison General Ordinances entitled "Facility Access Permit", and amending Sections 1.08(3)(a) and 1.08(4) to establish a bond schedule and enforcement authority for this new Section. DRAFTER'S ANALYSIS: This ordinance creates a new permit, administered by Traffic Engineering, that would allow City staff to track and have accurate knowledge of third parties accessing, altering or connecting to certain City facilities. This will improve the City's ability to oversee its infrastructure and prevent unauthorized access to or work in City facilities.

Currently, there is no formal process to review or approve access to the City's facilities. However, the City does have some written agreements with third party providers that allow some access, alteration or even connection to the City's facilities. Unfortunately, the City has come to discover that there has been either unauthorized activity associated with the City's facilities, or that approved work was not done according to plans. Such unapproved activity is a risk to the City's own use of its infrastructure, now and in the future, and could impair the health, safety and welfare of the public.

This ordinance creates a permit that would allow a third party to access, alter or connect to the City's facilities (defined as the City's handholes, manholes, conduits, fiber, electric supply, traffic signals, street lights, or electronic, telecommunications, or control cabinets, including any support structures for said items). It

would not apply to public emergencies or parties working under a public works contract. Nor would it not extend to someone plugging in a device to a City provided electrical or Ethernet outlet. Only parties acting under a written agreement with the City may obtain a permit, meaning third parties without a contractual relationship may not access, alter or connect to the City's facilities. Unauthorized alterations or connections are subject to immediate removal by the City.

Under the permit, the applicant is required to comply with an approved project plan and make the site available for inspection during the work. Following completion of the work, the permittee is required to submit as-built drawings of the work that was done in a format approved by Traffic Engineering. If it is later discovered that the work was not done according to the approved plans, the permittee will be ineligible for future permits until such time as the person can establish an ability to comply with the ordinance in the future. It is an express goal of this provision that the parties with whom the City has entered into agreements will use better contractors and subcontractors in the future, and that the City will have more complete and accurate records of its facilities.

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