AGENDA OF THE SUSTAINABILITY COMMISSION

WEDNESDAY, APRIL 20, 2022, 5:00 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

1. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. Roll Call.

1. Chair- Seth Hoffmeister; Vice Chair-Ned Dorff; Elected Alder; John Arendt; Stephanie Dodge; Amy Kox; Kaurie Mihm-PRF; Julia Noordyk; Mark Walter.

C. Approval of the Agenda.

1. Approval of the Sustainability Commission meeting agenda for April 20, 2022.

D. Approval of Minutes.

1. Approval of minutes from March 16, 2022.

E. Regular Business.

1. Permeable pavement pilot project grant award
2. Discussion and possible action to recommend staff to create an Outdoor Lighting Ordinance that reduces lateral and vertical light pollution in Green Bay with the goal of creating a darker night sky.

F. Informational.

1. OEI Comprehensive Energy Planning Grant
2. Work Group Updates
3. Other Member Updates

G. Adjournment.

1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Sustainability Commission meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions

Sustainability Commission

Zoom Meeting Information

Join Zoom Meeting

https://us02web.zoom.us/j/82236285137?pwd=bzBScDVVRysrQlpSZEZpK2FMSnd4Zz09

Meeting ID: 822 3628 5137
Passcode: 769016

One tap mobile

+13126266799,,82236285137#,,,,*769016# US (Chicago)
+19292056099,,82236285137#,,,,*769016# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 822 3628 5137
Passcode: 769016
Find your local number: https://us02web.zoom.us/u/kxwwGfSBc

Public Comments

If you wish to speak at this public meeting or leave a comment, please fill out the online Comment Form prior to the meeting.

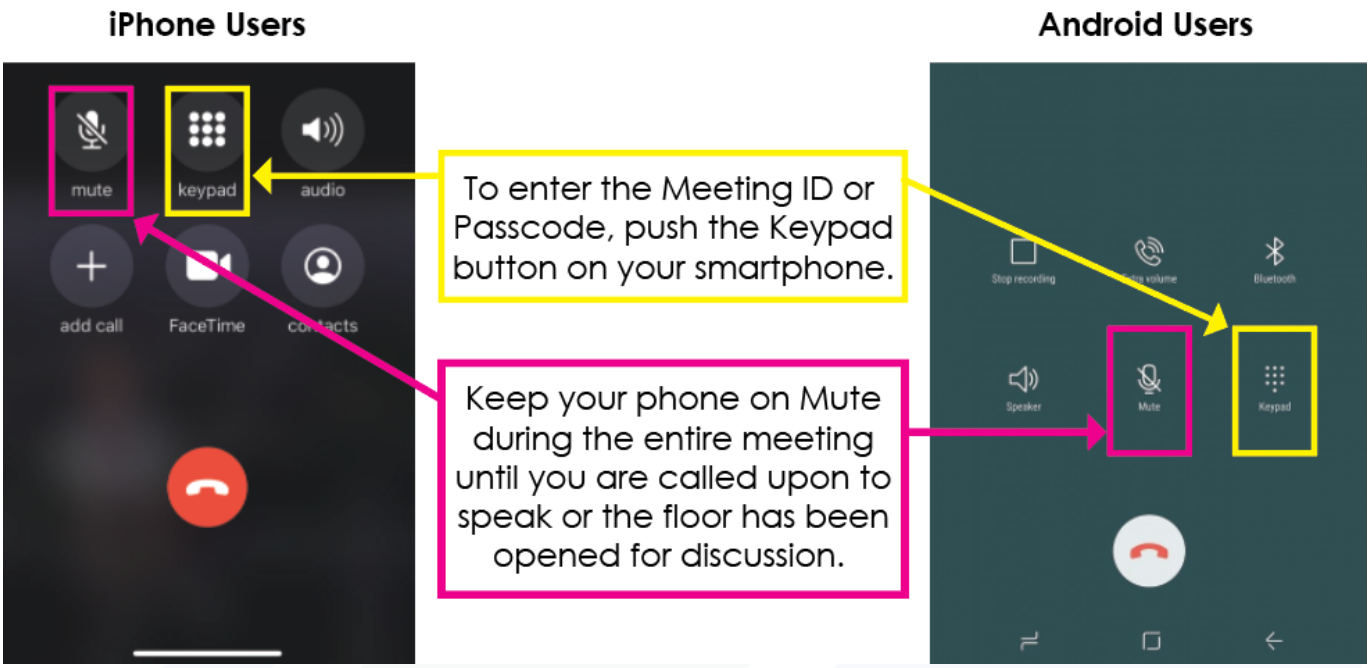
Additional Information

1. Wisconsin Open Meetings Law still applies
    a. Persons interested in speaking to an item must state their name and address for the minutes.
    b. Committee/Commission/Board members will still follow *Roberts Rules of Order Newly Revised 12th edition.*
2. Please log into the Zoom meeting at least 10 minutes before the meeting begins to ensure a proper connection and that your technology is working.
    a. If you are a Board Member, please log into CivicClerk with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourself.
    a. You may unmute yourself when you are called upon to speak.
4. Waiting room
    a. When you call in or connect via web or Zoom app, you will be placed in a "waiting room."
    b. The meeting host will then admit you to the meeting, and mute you upon entrance (you will still be able to hear and or otherwise observe the meeting).
5. Registering
    a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
    b. If you're using a phone, your registration will be tied to an email.
6. Raising your hand
    a. Committee/Commission/Board members—you can either use CivicClerk and request to speak or you can also utilize the "raise your hand" tool in the Zoom platform (you'd need to use a computer or tablet) to let the host know you would like to speak. You can also un-mute yourself and start speaking.
    b. Persons with items on the agenda or other interested parties —you can also utilize the "raise your hand" tool on the Zoom platform via computer or mobile device. You will be allowed to speak once the committee, commission, or board has moved to "open the floor for interested parties to speak." Once discussion on your agenda item has concluded, the host will mute you, unless the committee opens the floor again.
7. What devices should I use?
    a. Smart phone (please see more detailed instructions on page 3)
    b. Land line
    c. Tablet— in advance of the meeting, please download the Zoom Meeting app by using either the Apple Store or the Play Store. You will be asked to input your name, to identify you for the meeting.
    d. Computer— you can access the meeting through a web browser by clicking on the meeting link, or through the Zoom Meeting app. If using the app, please download it in advance of the meeting. You will be asked to input your name, to identify yourself for the meeting.
    e. For tablet and computer users--if you download the app you may be asked to verify your email.

8. Zoom etiquette
    a. Muting yourself when you're not speaking will prevent your background noise from interfering with others' ability to listen to and participate in the meeting.
    b. If you're using a telephone, please identify yourself with your phone number and state your name and address before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourself.
9. Closed session
    a. Persons in the Zoom meeting will be put into a waiting room while the committee/commission/board meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
    b. Persons watching a Common Council meeting live on YouTube will see a gray screen with the City logo during closed session.
10. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number in the Zoom Meeting Information box.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by **#**
3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not wish to speak, please make sure your phone is on **Mute**
    a. If you're using a smartphone, look at your screen and click the Mute button



Report to the
Sustainability Commission of the City of Green Bay

MEETING DATE

April 20, 2022

AGENDA ITEM # E.1

Permeable pavement pilot project grant award

BACKGROUND

Fund for Lake Michigan grant in the amount of $85,000 to construct a section of permeable pavers in the 400 block of Eliza St. during scheduled road reconstruction. Project will build staff capacity for implementation & design of permeable pavement street projects, reduce pollutant discharges to Fox River, manage stormwater runoff quantity, and increase community awareness of innovative stormwater management practices.

RECOMMENDATION

Staff recommends that the Sustainability Commission recommend to I & S Committee to accept this grant award.

FISCAL IMPACT

$5,000 match from Stormwater Utility.

ATTACHMENTS

1. Grant acceptance supporting documents

GRANT TRACKING FORM

PART #1: Notification of Grant Funds

(emailto:PamelaMa@greenbaywi.gov)

APPLICANT DEPARTMENT: Public Works **DATE:** 02/3/2022

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Melissa Schmitz/Resiliency Coordinator

APPROPRIATE COMMITTEE: Improvement & Services

NAME OF GRANT/FUNDING SOURCE: Fund for Lake Michigan

AMOUNT OF GRANT REQUEST: $85,000 **LOCAL MATCH REQUIREMENT:** $5,000

SOURCE OF MATCH: ☐ General Fund **X** Non-General Fund ☐ Not Applicable

TIMEFRAME OF GRANT: 5/4/2022 through 12/26/2022

TYPE OF GRANT REQUEST: **X** Monetary ☐ Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): Building staff capacity for implementation & design of permeable pavement street projects. Increase community awareness of innovative stormwater management practices.

How does the grant meet City/Department needs? Reducing pollutant discharges to local waterways & managing stormwater runoff quantity, MS4 permit compliance

What are the personnel requirements (include both existing and new staff) of the grant? Grant reporting, engineering design, project management, stormwater modeling of final design, public outreach & education.

DEPARTMENT HEAD SIGNATURE: _____

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; emailto:PamelaMa@greenbaywi.gov)

AMOUNT OF GRANT AWARD: $85,000 **CFDA/STATE ID #:** _____

LOCAL MATCH REQUIREMENT: $5,000

Please describe the source of match, if applicable: Stormwater Utility

Please describe any major changes in proposed grant-funded activities: _____

Please describe what the grant money will be spent on: _____

PART	*TO:* *DATE:*	*TO:* *DATE:*
#1: Request to Apply	Finance Dept	FC – Info/Action
#2: Request to Accept	Finance Dept	FC – Action

FC = Finance Committee

A fund within the Greater Milwaukee Foundation
c/o Greater Milwaukee Foundation
101 W. Pleasant St., Milwaukee, WI 53212
phone: (414) 272-5805

Fund for Lake Michigan Grant Agreement for Grant: 20220677

The grant to your organization from the Fund for Lake Michigan (the Fund) at the Greater Milwaukee Foundation (the Foundation) is for the explicit purpose(s) described below and in your grant application to the FFLM and is subject to your acceptance of the following conditions. To acknowledge this agreement, to accept the grant, and to be eligible to receive the funds when needed, **return one signed copy of this grant contract to the Fund for Lake Michigan via email to casey@fundforlakemichigan.org.**

Grant Information

Grantee name:	City of Green Bay		
Amount of grant:	$85,000	**Date authorized:**	4/01/2022
Grant purpose:	Building Municipal Green Streets Program Capacity		
Grant period begins:	5/03/2022	**Ends:** 12/26/2022	
Payment schedule:	$80,000 on 5/03/2022 and $5,000 on 1/15/2023		
Reporting schedule:	A final report is due 12/31/2022		
Special conditions:			
	if section IIA applies, final payment may not be issued until signage and other requirements have been met		

Special Provisions

All grants are made in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued thereunder.

Please read the following carefully:

I. EXPENDITURE OF FUNDS

This grant is to be used only for the purpose described in the grant application and in accordance with the approved budget. The program is subject to modification only with prior written approval from the Fund and the Foundation.

A. The grantee shall return to the Foundation any unexpended funds:

1. if the Fund or Foundation determines that the grantee has not performed in accordance with this agreement and approved program/budget,
2. if the grantee loses its exempt "public charity" status under Section 501(c)(3) of the Internal Revenue Code, or
3. if the grant period has ended.

B. No funds provided by the Foundation may be used for any political campaign, legislation, candidates, or office holders, or to support attempts to influence legislation or public policy positions by any government body, other than through making available the results of nonpartisan analysis, study, and research. Grantees may be required to note in presentations or printed publications resulting from the grant that such conclusions do not reflect the position of the Fund for Lake Michigan or the Greater Milwaukee Foundation.

C. Unless specifically authorized by the Foundation, expenses charged against this grant may not be incurred prior to the effective date of the grant or subsequent to the termination date, and may be incurred only as necessary to carry out the purposes and activities of the approved program.

D. The grantee organization is responsible for the expenditure of the funds and for maintaining adequate supporting records consistent with generally accepted accounting practices.

E. Private entities receiving funds from the Fund must solicit competitive bids for all contracts and other expenses estimated to be over $50,000. Public entities receiving funds from the Fund must follow their own procurement laws and policies.

II. SIGNAGE AND PUBLICITY

A. The grantee will include the Fund's logo and denote the Fund as a supporter of the project on printed materials, event announcements, the grantee's or project's website, and other media.

B. When applicable, Fund staff will be included in major press announcements involving the project described in the proposal, such as ground-breakings, ribbon cuttings, and award ceremonies.

C. The grantee is encouraged to acknowledge the Fund's support on social media and to follow the Fund for Lake Michigan on Twitter, Facebook, and LinkedIn.

D. The grantee will periodically share other photos, video clips, news articles, and other outreach materials that show the impact of the Fund's grant. These materials can be sent directly to Fund staff.

E. The grantee will, when asked, report on efforts to recognize the Fund for its support.

III. OPERATIONS AND MAINTENANCE

For all on-the ground restoration and infrastructure projects, the grantee **will maintain the project for at least five years.** If the Project fails to perform as anticipated, or if maintaining the Project is not feasible, then the grantee will provide a report to the Fund explaining the failure of the Project or why maintenance is not feasible. Failure to maintain the Project may make the grantee ineligible for future Fund for Lake Michigan funding, until the grantee corrects the maintenance problems.

IV. REPORTING REQUIREMENTS

Reports will be submitted according to the following schedule:

- A final report is due on: 12/31/2022

Reports should be submitted using the Fund for Lake Michigan's online grant system at https://www.grantinterface.com/lakemi/Common/LogOn.aspx. Please contact Casey Eggleston at casey@fundforlakemichigan or 608-334-7788 should you have any questions or problems submitting your reports. Grantees who fail to submit reports may delay or forfeit pending or future grant payments.

For on-the-ground restoration or infrastructure projects, reports should include before and after photos of the project site.

V. LIMIT OF COMMITMENT

Unless otherwise stipulated in writing, this grant is made with the understanding that the Fund for Lake Michigan and the Greater Milwaukee Foundation have no obligation to provide other or additional support to the grantee. Any violation of the foregoing conditions will result in cancellation of future payments and refunding to the Foundation of any amounts subject to the violation.

For the Grantee:

_____

Signature of Representative

_____

Print Name and Title

_____

Date

From:	Amber Meyer Smith
To:	Melissa Schmitz
Cc:	Casey Eggleston; James Brunette
Subject:	Fund for Lake Michigan grant contract
Date:	Friday, April 8, 2022 1:08:17 PM
Attachments:	City of Green Bay grant contract.pdf

Melissa:

It is my pleasure to inform you that the trustees of the Fund for Lake Michigan have approved a grant of $85,000 to the City of Green Bay to support your "Building Municipal Green Streets Program Capacity through Permeable Pavers at the Fox River" project.

The Fund for Lake Michigan is a donor-advised fund of the Greater Milwaukee Foundation, Inc. You should receive your initial grant payment directly from GMF once the attached grant contract is signed and returned to the Fund for Lake Michigan. The grant contract includes payment dates, reporting requirements and other important information and conditions of the grant. Please check the reporting and payment dates to make sure they make sense for your project, then **send the signed contract electronically to casey@fundforlakemichigan.org.**

We are excited about this project and are honored to support your work. For all publications and correspondence, please refer to this as a grant from the **Fund for Lake Michigan**. The Fund's name and logo should appear in publications, electronic materials, and on signs for events or projects supported by the grant.

Congratulations and best wishes. We look forward to hearing updates on your progress and hope that you will not hesitate to contact the Fund if we can further assist your efforts

--
Amber Meyer Smith
Program Officer, Fund for Lake Michigan

Global Water Center
247 W. Freshwater Way, Suite 210
Milwaukee, WI 53204
Cell phone: 608.347.6026
amber@fundforlakemichigan.org
www.fundforlakemichigan.org

Fund for Lake Michigan
Clearly making a deep impact.

At the Global Water Center
247 W. Freshwater Way, Suite 210, Milwaukee, WI 53204
414-418-5008 | fundforlakemichigan.org

1. Name of Organization	2. Project Title:
City of Green Bay, Department of Public Works	Building Municipal Green Streets Program Capacity through Permeable Paver Project at the Fox River

3. Brief Summary of the Project: *Please include: 1) the problem the project intends to address, 2) the activities your organization will conduct for this project, and 3) the outcomes you hope to achieve for water quality. Your summary should fit in this box.* ***Please note that this document will be shared directly with the trustees of the Fund for Lake Michigan.***

The City continues to face two key stormwater management challenges: managing urban stormwater runoff quantity and reducing pollutant discharges to local receiving waterways. To meet these challenges, the City would like to invest in green infrastructure (GI) located within the public rights-of-way (ROW) and private properties. The City's MS4 permit reflects the goals of the Lower Fox River TMDL program to significantly reduce total suspended solids and phosphorus loadings from urban stormwater discharges.

In 2020 & 2021, the City of Green Bay and Department of Public Works has made substantial efforts in educating staff and elected officials about GI and its benefits. Implementing a successful GI street project would help advance green street program design (building staff capacity) and governing body acceptance of green infrastructure in municipal ROW, especially road and alley reconstruction projects.

To move the needle forward on developing a green streets program for the City of Green Bay, the Department of Public Works is seeking $85,000 in grant funding to support construction of a section of permeable street in a residential neighborhood adjacent to the Fox River and the widely used Fox River Trail. The project would be the first permeable street project in the City and would provide an opportunity for public works engineers, project managers and other staff to establish a process for integrating GI into planned road and alley reconstruction projects.

Activities
Project engineering and design and construction; stormwater modeling of the final design, neighborhood / community engagement; and educational signage on the Eliza Street entrance to the Fox River Trail.

Outcomes
Stormwater runoff quantity reduction & pollutant reduction to the Fox River;
Build staff capacity to incorporate GI into planning, engineering design and construction management phases of street projects; Increase community awareness and acceptance of GI

Expected Water Quality Impacts on the Fox River
Preliminary WinSLAMM modeling results show the water quantity and quality benefits of implementing permeable pavers on Eliza Street between the Fox River and Madison Street.

- Runoff reduction (60.69%),
- Particulate solids reduction (92.70%)
- Particulate phosphorus (P) reduction (90.15%)
- Particulate total Kjeldahl nitrogen (TKN) reduction (82.58%)

Organizational overview

The City of Green Bay was founded as a European trading post in 1634 and was incorporated in 1854 making it the oldest city in Wisconsin. Throughout the nineteenth and twentieth centuries, Green Bay attracted industrial development along the Fox River, and while these businesses established a stable economy, consequences of production diminished water quality in the Fox River. As an older city, Green Bay has residential and commercial development in low-lying flood-prone areas, mainly occupied by low to moderate income households who may not have the finances to make their properties more resilient. Green Bay's development has created a great number of impervious surfaces, which lead to urban flooding. A changing climate demands the City of Green Bay's consideration of green infrastructure in the planning and design phases of road and alley reconstruction projects.

Project overview & Project Context

The City of Green Bay (the City) continues to face two key stormwater management challenges: managing urban stormwater runoff quantity and reducing pollutant discharges to local receiving waterways. To meet these challenges, the City would like to invest in green infrastructure (GI) located within the public rights-of-way (ROW) and private properties. The City's MS4 permit reflects the goals of the Lower Fox River TMDL program to significantly reduce total suspended solids and phosphorus loadings from urban stormwater discharges.

Since 2019, the City of Green Bay has taken action and increased collaboration to further understanding and implementation of green infrastructure in the community.

- Green Infrastructure Code Audit to identify and remove barriers and promote the inclusion and implementation of green infrastructure (GI) into both public and private projects and properties.
- Resiliency Coordinator was hired with funding support from the FFLM and the City's Stormwater Utility.
- Flood Resiliency workshops for City staff (East River Resiliency Collaborative).
- Financing GI workshop for the City's senior leadership (American Rivers, WaterNow Alliance).
- Joannes Park Neighborhood GI and resiliency outreach (United Way, Wello, NeighborWorks, TNC).
- GI education and Climate Resiliency workshop for GB high school students (Clean Wisconsin).
- Participation in the East River Resiliency Collaborative.
- Staff consultations and field visits with key Wisconsin municipalities on engineering design and best practices for GI installations and program design.

Implementing a successful GI street project would help advance green street program design (building staff capacity) and governing body acceptance of green infrastructure in municipal ROW, especially road and alley reconstruction projects. To move the needle forward on developing a green streets program for the City of Green Bay, the Department of Public Works is seeking $85,000 in grant funding to support construction of a section of permeable street in a

residential neighborhood adjacent to the Fox River and the widely used Fox River Trail. The project would be the first permeable street project in the City and would provide an opportunity for city engineers, project managers and other staff to establish a process for integrating GI into planned road and alley reconstruction. The City proposes to include permeable pavers as a part of the overall planned road reconstruction of Eliza St. – a street identified in the city's 5-year road reconstruction schedule.

The Fox River is the largest single source of phosphorus to Lake Michigan (Dolan and Chapra 2012) and is designated as an Area of Concern under the 1987 Great Lakes Water Quality Agreement. This permeable paver project will demonstrate the City's commitment to green infrastructure and allow residents to experience the benefits of these practices firsthand. In addition to being a highly visible location for green infrastructure, this project will provide an opportunity to educate the neighborhood and community about green infrastructure practices while garnering support for future projects

Project goals

- Successful implementation of the City's first green street project
- Build staff capacity for developing a green streets program
- Improve water quality of runoff entering the Fox River
- Water volume reduction of stormwater
- Increase community awareness and governing body acceptance of GI in right-of-way (ROW)

Specific Activities

- Project engineering, design, and project management of permeable paver installation
- Stormwater modeling of the final design
- Neighborhood / community engagement
- Install GI educational signage Eliza Street entrance to the Fox River Trail.

Project Deliverables

- Written process / checklist for DPW staff in evaluating the implementation of GI in ROW projects.
- Modeling results of final project design
- Before and after photos of project area
- Copies of newsletter articles and other published materials
- Grant reports

Expected Outcomes & Water Quality Impacts

Outline a process for DPW staff to evaluate GI in (ROW) road reconstruction projects.
Pollutant load reduction of stormwater entering the Fox River
Runoff reduction (quantity) of stormwater

Expected Water Quality Impacts on the Fox River

Preliminary WinSLAMM modeling results show the water quantity and quality benefits of implementing permeable pavers on Eliza Street between the Fox River and Madison Street. Results are based on an area of 1.15 acres which is shown on the project location map

- Runoff reduction (60.69%),
- Particulate solids reduction (92.70%)
- Particulate phosphorus (P) reduction (90.15%)
- Particulate total Kjeldahl nitrogen (TKN) reduction (82.58%)

Project partners

- City of Green Bay Public Works Department: Engineer, design and manage the construction of the project; grant administration, grant publicity, lead and coordinate community engagement and education.

- City of Green Bay Sustainability Commission: Julia Noordyk, member of the Commission and UW Sea Grant Outreach Specialist, will assist the Resiliency Coordinator with outreach and engagement with the community and Common Council.

- Wisconsin Department of Natural Resources: The WDNR is a supporter of the proposed project. Ben Benninghoff acted as a grant mentor to the Great Lakes Champions Mini-Grant Program (Green Infrastructure Code Audit). The Resiliency Coordinator and Mr. Benninghoff speak regularly and the City will share the best management approaches and practices with the WDNR at the conclusion of the project. The project will be reported in the City's annual MS4 report to the WDNR,

- Astor Neighborhood Association (ANA): The project is located in the Astor Neighborhood and the ANA board supports the project. They will share publicity of the project through a quarterly newsletter. The Resiliency Coordinator has gave a presentation to the ANA and visited five homes in the area adjacent to garner support for the proposed project.

- Green Bay Area Public School District: The Aldo Leopold Community School is located near the Fox River and the project will provide an environmental learning opportunity for students. The school district and City have begun discussing potential project locations for green infrastructure beneficial to both the City and the school district (i.e. playgrounds and parking areas). Ned Dorff, a member of the Sustainability Commission and a faculty member at Aldo Leopold School, will help facilitate educational opportunities for the students.

Project timeline

1st Quarter	Start neighborhood outreach; Design, bid, select contractor
2nd Quarter	Start construction; continue outreach to community

3rd Quarter	Finish construction; procure educational signage
4th Quarter	Wrap-up site restoration, close-out contract, submit grant report and deliverables

Will the project move forward if you are unable to secure all the necessary funding?

$5,000 from the Stormwater Utility is secured to support the educational components of the project. However, if the City is not awarded the FFLM grant, the permeable pavers (GI) will not be installed as part of the project. A successful green streets project is needed to gain more support from elected leaders.

Permits and Approvals

There are no permits required for the proposed project. Common Council approval is required to accept grant funds to carry out the proposed grant activities. This is standard practice for incoming grant funding to the City of Green Bay.

Department of Public Works engineering staff have started the preliminary design of the road reconstruction and the green infrastructure design will be finalized if the City of Green Bay is awarded the grant.

Project evaluation

Metrics of success include:

- Construction of Green Bay's first permeable street by the end of Q3.
- Through the creation of a departmental GI evaluation process, staff knowledge & capacity to incorporate GI in future ROW projects will be increased.
- Residents, especially in floodways, are better educated on sustainable practices, and are more resilient to weather-related events
- Lessons learned, modeling data, project successes will be shared with City committees and Common Council.
- Stormwater modeling of the final project design will be used to demonstrate the water quality and quantity impacts.

Project Challenges

Weather-related challenges could create delays with the construction of the project. Other city road reconstruction projects are also in the design process and the final design of Eliza St. could be delayed because of the design schedule and staff time constraints. In any case, DPW is committed to completing the project within the 2022 construction season.

Outreach

The benefits of green streets in municipal projects will be shared with neighborhood residents and the Green Bay Area School District. This will be achieved through face-to-face meetings with neighbors, information-sharing on the City website and social media, and articles published

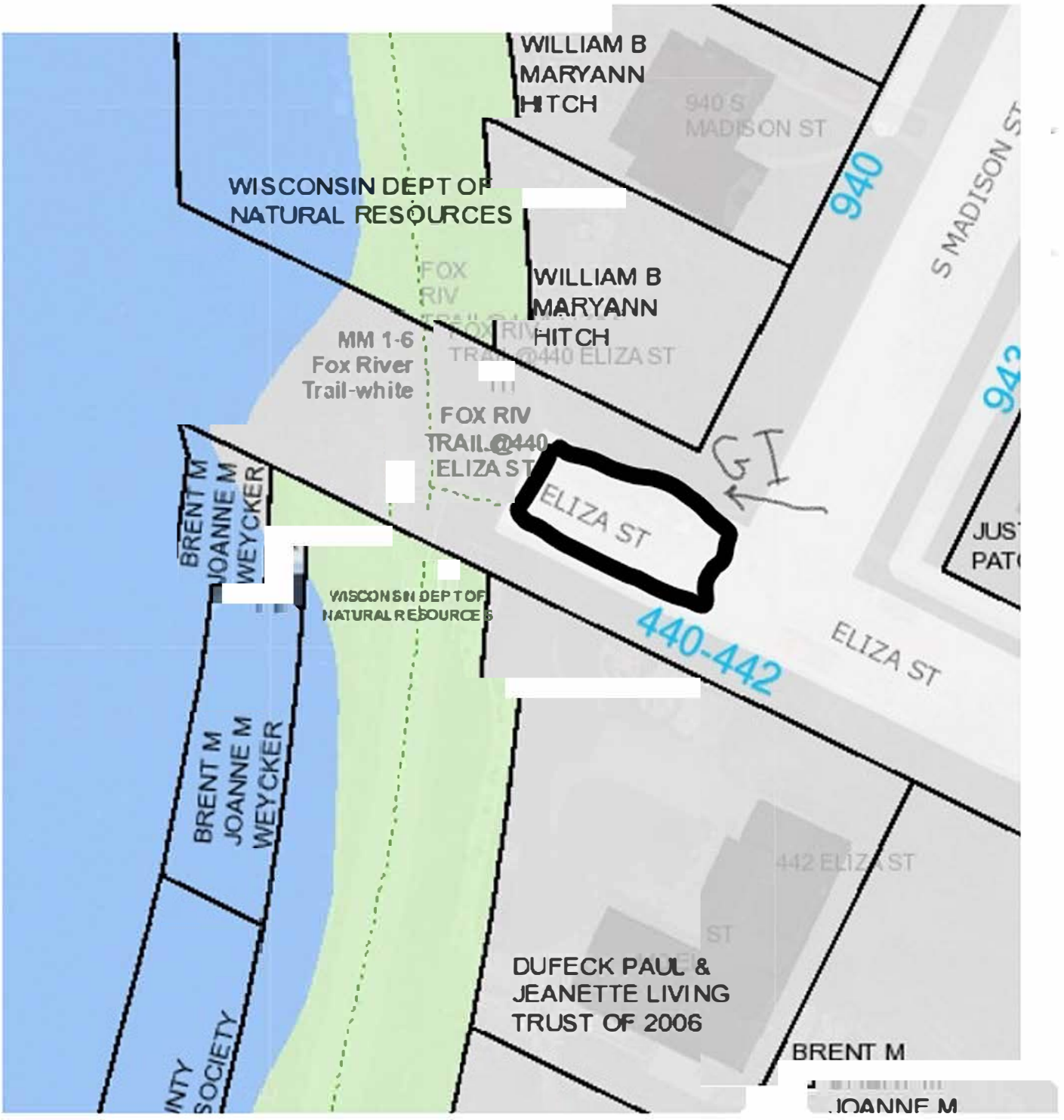
in neighborhood association newsletters and social media platforms. The City will share lessons learned with WDNR staff. The City will also install an educational sign near the entrance to the Fox River Trail in a highly visible area.

Sustainability

Integrating an evaluation process for GI suitability into road reconstruction planning will help institutionalize consideration of GI as an accepted engineering practice and best management practice for managing the City of Green Bay's stormwater. Vacuum sweeping of the street will be done at least two times annually to ensure long-term effectiveness of the permeable pavers to infiltrate stormwater and capture pollutants.

Capacity to conduct project

The project will be managed by the City's Department of Public Works. James Brunette (Assistant Director of Public Works) will oversee the design of the project and its construction. James has 23 years of design and construction management experience. Ting Thompson-Eagan is the project engineer and will be designing improvements to the existing sewer system and the roadway, including the implementation of the permeable pavers. Matt Woicek is the Assistant City Engineer and is responsible for scoping/planning of the reconstruction project, as well as review of the project design and contract documents. This grant will be administered by the City's Resiliency Coordinator, Melissa Schmitz. Ms. Schmitz has eight years of experience managing EPA Clean Water Act 106 and 319 grants during her employment with the Oneida Nation.


WILLIAM B
MARYANN
HITCH
940 S
MADISON ST
940
S MADISON ST
WISCONSIN DEPT OF
NATURAL RESOURCES
FOX
RIV
WILLIAM B
MARYANN
HITCH
MM 1-6
Fox River
Trail-white
FOX RIV
TRAIL @440
ELIZA ST
ELIZA ST
BRENT M
JOANNE M
WEYCKER
WISCONSIN DEPT OF
NATURAL RESOURCES
440-442
ELIZA ST
BRENT M
JOANNE M
WEYCKER
DUFECK PAUL &
JEANETTE LIVING
TRUST OF 2006
BRENT M

Fund for Lake Michigan

Fund for Lake Michigan Budget Template

Grantee Name: City of Green Bay Dept. of Public Works

Project Name: Building Municipal Green Streets Program Capacity through Permeable Paver Pilot at the Fox River

Grant Period: May 2022- November 2022

Total Project Expenses: $90,000	**$**	**90,000**
Amount Requested from the Fund for Lake Michigan:	**$**	**85,000**

Proposed Project Expenses (See Instructions) **NOTE:** *Please add rows for specific line items under each category.*	**Total Project Expenses**	**Fund for Lake Michigan Share**
Salaries, Taxes, and Benefits - By Position (see Instructions)		
	0	
Subtotal Salaries and Benefits	*0*	*0*
Materials and Supplies *Provide identify individually material purchases in excess of $5,000*		
Design, purchase,and install educational signage at the project site.	5,000	
Subtotal Materials and Supplies	*5,000*	*0*
Equipment *Please identify individually equipment purchases in excess of $5,000*		
Subtotal Equipment	*0*	*0*
Other Direct Expenses *Please identify individually items in excess of $5,000*		
Subtotal Other Direct Expenses	*0*	*0*
Contract Services *Please identify indivually contract services in excess of $5,000*		
Contracted estimated cost to furnish and install permeable pavers and associated storm water accessories	85,000	85,000
Subtotal Contract Services	*85,000*	*85,000*
Indirect Expenses (see Instructions)	*0*	*0*
	0	
Subtotal Indirect Expenses	*0*	*0*
Total Project Expenses	90,000	85,000

Proposed Project Revenue (See Instructions) **NOTE:** *Please add rows for specific line items under each category.*	**Secured, Pending, Planned, or In-kind**	**Total Project Revenue**
Fund for Lake Michigan Share	Planned	85,000
City of Green Bay Stormwater Utility	Secured	5,000
Total Project Revenue		**90,000**

"The mission of the Astor Neighborhood Association is to maintain the integrity, vitality, and diversity of the Astor community through the protection and preservation of its history, neighborhoods, and architecture."

February 24, 2022

Melissa M. Schmitz
Resiliency Coordinator
City of Green Bay
100 N Jefferson St.
Green Bay, WI 54301

Subject: Support for City of Green Bay's grant proposal to the Fund for Lake Michigan

Dear Ms. Schmitz,

I am writing in support of the City of Green Bay's grant project titled, "Building Municipal Green Streets Program Capacity through Permeable Paver Pilot Project at the Fox River". This project will help our community utilize innovative solutions to water quality issues and flood mitigation.

The Astor Neighborhood Association is excited about the educational opportunities the permeable paver project will provide our local schools & residents who use the Fox River Trail. The Astor Neighborhood Association would be honored to have this project within our neighborhood & we look forward to seeing its implementation!

Green infrastructure is a great tool to address water quality and quantity of stormwater runoff in urban areas and compliments the City of Green Bay's stormwater management plan and resiliency initiatives. This project will serve as a pilot project for the City's Public Works staff to implement green infrastructure into street projects, and it will also demonstrate the benefits and feasibility of green infrastructure to Green Bay area residents, community partners, and users of the nearby Fox River Trail.

Sincerely,

Ryan M. Pierce
President - Astor Neighborhood Association

Green Bay Area
Public School District
Engagement. Equity. Excellence.

Vicki Bayer
Deputy Superintendent
200 South Broadway | Green Bay, WI 54303
Phone: (920) 448-2005 | www.gbaps.org

February 17, 2022

Melissa M. Schmitz
Resiliency Coordinator
City of Green Bay
100 N Jefferson St.
Green Bay, WI 54301

Subject: Support for City of Green Bay's grant proposal to the Fund for Lake Michigan

Dear Ms. Schmitz,

I am writing in support of the City of Green Bay's grant project titled, "Building Municipal Green Streets Program Capacity through Permeable Paver Pilot Project at the Fox River". This project will help our community utilize innovative solutions to water quality issues and flood mitigation.

Aldo Leopold Community School, a Green Bay Area Public School District K-8 school, is situated along the Fox River at 622 Eliza Street, Green Bay, WI. Aldo Leopold Community School, along with the school District, actively seeks ways to create green space and reduce carbon footprint.

Green infrastructure is a great tool to address water quality and quantity of stormwater runoff in urban areas and compliments the City of Green Bay's stormwater management plan and resiliency initiatives. This project will serve as a pilot project for the City's Public Works staff to implement green infrastructure into street projects, and it will also demonstrate the benefits and feasibility of green infrastructure to Green Bay area residents, community partners, and users of the nearby Fox River Trail.

Sincerely,

Vicki Bayer
Deputy Superintendent

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

February 22, 2022

Vicki Elkin, Executive Director
Global Water Center
247 Freshwater Way, Suite 537
Milwaukee, WI 53204

Subject: Letter of Support for proposal *Building Municipal Green Streets Program Capacity Through Permeable Paver Pilot Project at the Fox River*

Dear Ms. Elkin:

On behalf of the Wisconsin Department of Natural Resources, this letter expresses support for the proposal *Building Municipal Green Streets Program Capacity Through Permeable Paver Pilot Project at the Fox River* submitted by Melissa Schmitz with the City of Green Bay. The goals of this project to build local capacity, increase community awareness and improve water quality align with DNR's municipal stormwater program (MS4) program adaptive learning approach. The DNR stormwater program is particularly interested in the operating process that the City will identify and outline since this type of information can be used by the Department when we develop guidance and provide technical assistance designed to protect and improve water quality and create an implementable permit program. This project also complements other efforts to develop green infrastructure projects and incorporate them into Green Bay's operations that DNR's stormwater program and the Office of Great Waters have engaged in with City of Green Bay staff and interested stakeholders.

We look forward to having meaningful discussions with the City of Green Bay as they prepare for and implement this project that will support the development of their green streets program. Stormwater best management approaches and practices that focus on water volume reduction while providing water quality treatment (i.e., reducing sediment and nutrients) continues to be an active area of interest for regulated communities, so we look forward to ongoing discussions regarding this project.

Sincerely,

Benjamin Benninghoff
Watershed Management Supervisor
Wisconsin Department of Natural Resources

cc: Donalea Dinsmore, OGW Great Lakes QA and Funding Coordinator
Joe Baeten, NER Watershed Management Supervisor
Shannon Haydin, Stormwater Program Section Chief
Chris Linskens, NER Stormwater Engineer

University of Wisconsin Sea Grant Institute
1975 Willow Drive, Madison, WI 53706-1177
608.262.0905 ph 608.262.0591 fax www.aqua.wisc.edu

February 24, 2022

Mayor Eric Genrich
City of Green Bay
400 N Jefferson St.
Green Bay, WI 54301-5026

RE: Letter of support for Fund for Lake Michigan grant application to support implementation and capacity building for green infrastructure in the City of Green Bay

Dear Mayor Genrich,

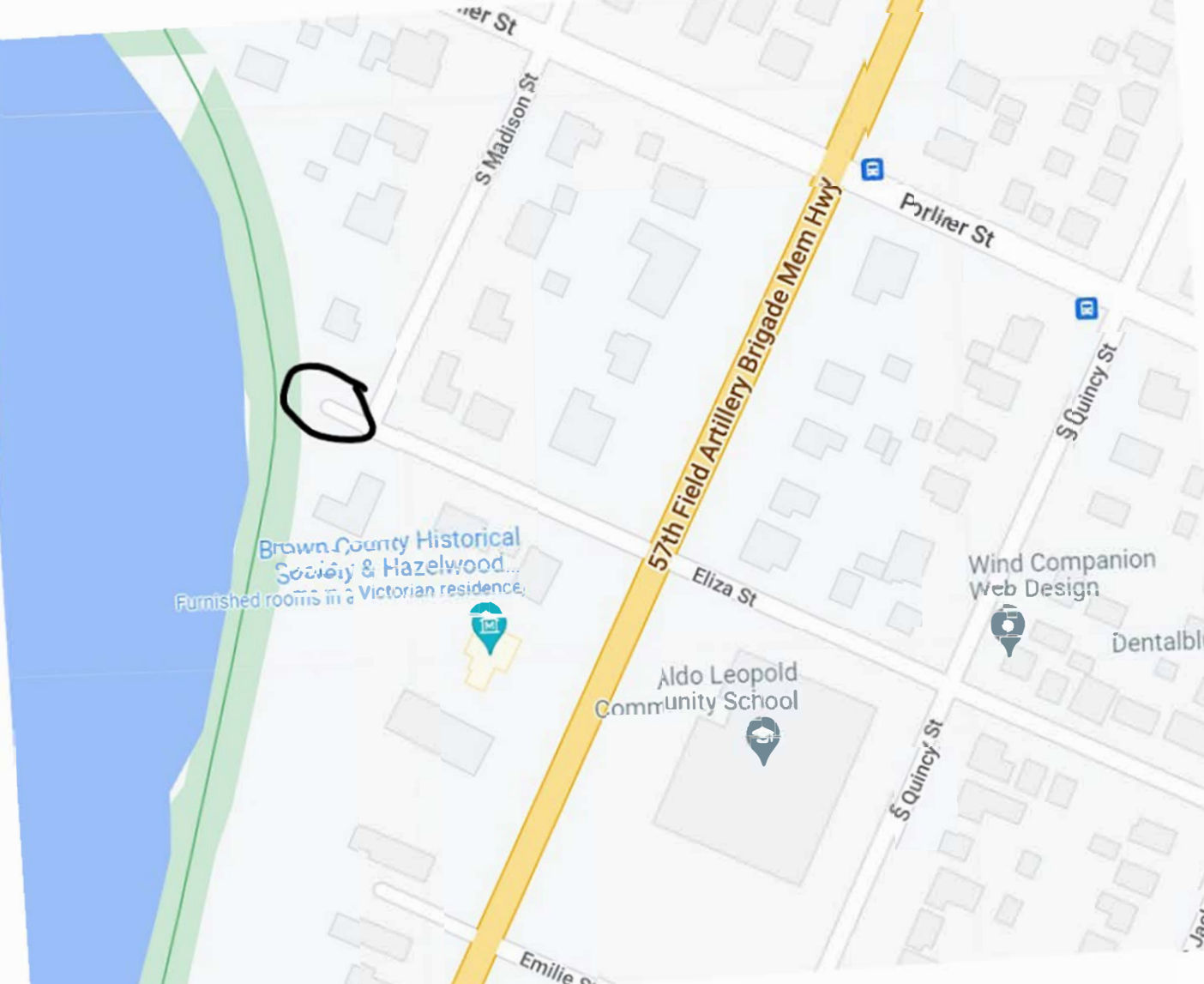
I am writing on behalf of the University of Wisconsin Sea Grant Institute with enthusiastic support for the City of Green Bay's proposal *Building Municipal Green Streets Program Capacity through Permeable Paver Pilot Project at the Fox River*. This project will increase the City of Green Bay's capacity to integrate green infrastructure practices into future public works and development projects.

In recent years, the City of Green Bay has gained significant momentum in strengthening coastal resiliency and mitigating flood risk through the use of green infrastructure. This project will help to expand the City's impact on water resources with the installation of permeable pavement in a residential neighborhood adjacent to the Fox River. This project will also serve as an innovative demonstration project, helping to promote the benefits and feasibility of green infrastructure to the City, Green Bay-area communities and partners.

As the UW Sea Grant Water Quality and Coastal Community Specialist and a City of Green Bay Sustainability Commissioner, I strongly encourage the Fund for Lake Michigan to fully support this proposal to restore the health of and mitigate the effects of climate change in one the most important Great Lakes coastal watersheds. Please feel free to contact me if there are any questions regarding this letter of support.

Sincerely,

Julia Noordyk
Water Quality and Coastal Community Outreach Specialist
University of Wisconsin Sea Grant Institute
2420 Nicolet Dr. MAC 212
Green Bay, WI 54311
920-664-4054
noordyk@uwgb.edu


S Madison St
Porlier St
57th Field Artillery Brigade Mem Hwy
S Quincy St
Brown County Historical Society & Hazelwood...
Furnished rooms in a Victorian residence
Eliza St
Wind Companion Web Design
Aldo Leopold Community School
S Quincy St
Emilie St

Eliza St

Fox River Trail (Green Bay to Greenleaf)
S Madison St
S Madison St
943
442
Eliza St
Eliza St

421 Eliza St
Green Bay, Wisconsin
Google
Street View - Sep 2016

City of Dubuque, Iowa Green Alley Ways
Permeable Paver Project

- *Permeable paver systems installed in green alley ways are expected to reduce storm water runoff by 80%.*
- *Concrete permeable pavers were selected over alternative options because of their durability, performance and natural beauty.*
- *Mechanical installation costs for these permeable paver projects in Dubuque are under $4 per square foot.*

Permeable Pavers "Best Bang for the Buck" in Green Alley Reconstruction

The City of Dubuque's Green Alley Project is an infrastructure improvement project focusing on storm water runoff reduction. Between 1999 and 2011, Dubuque, IA was the site of six flood-related Presidential Disaster Declarations with total damages nearing the $70 million mark. In response to these repeated disasters, funding was secured to resurface approximately 240 alleys in the Bee Branch watershed with permeable pavement. The project is expected to reduce runoff in the watershed by 80% and help protect water quality in the Mississippi River. The Green Alleys project is phase 6 of a 12-phase flood mitigation effort currently under way in the watershed.

Because of their superior durability and aesthetic appeal, concrete permeable pavers were chosen over alternative pervious pavement options for the alley renovation. County Materials Corporation is supplying the majority of the pavers for the project. "We like the durability, and we like the look of them," comments city engineer Jon Dienst of the 4" x 8" H_2O Pro Pavers®, adding that the uniformity of the units also makes them ideal for mechanical installation.

On a project of this scope, that is no small concern. Three local contractors are involved in the installation, each typically laying well over 3,000 units per day. The pavers can be laid one layer at a time, with a typical pallet of 8 layers taking just 6-7 minutes to install. This helps the project progress at an optimum rate. County Materials has stepped up to the challenge of keeping ahead of the contractors' needs by maintaining careful communication between dispatchers, plant foremen and contractors. "They are installing a significant amount of pavers to meet project goals," says County Materials' sales representative Jon Schroetke. "It's our job to make sure we are delivering what they need within a realistic, quick time frame."

The base materials used for the project are larger gravel size than typical sandset paver applications. The larger sized stone is less labor intensive to vibrate in, and easier to maintain. It is also far more cost effective for the city. Instead of paying for 1/4" granite chip at $200-300 per ton, the City of Dubuque is able to use 3/8" clean limestone gravel at just $18-20 per ton. This results in a mechanical installed price of under $4 per square foot. "(The pavers) are the best bang for the

City of Dubuque, Iowa Green Alley Ways
Permeable Paver Project

buck. They're consistent. It's easier to remove debris out of these paver joints," says Dienst. "And they're cost effective, so we're not overly burdening the citizens of Dubuque," he adds, referring to the property assessment that is supplementing funding for the project.

As an added bonus to citizens, the pavers help extend seasonal access to the alleys. Like most Midwestern cities, Dubuque does not plow its alleys. The pavers eliminate water puddles and freezing in winter. Therefore they keep the alleys far more clear of snow than traditional paving, and minimize water accumulation in the spring.

At first, the City's engineering department fielded some pushback about the assessment for alley reconstruction. However, as residents watched the transformation happening in their alleys, the nature of the phone calls changed. Now, people are calling up and asking whether their alleys are next. The City is using the popularity of the alleys to help educate the public about watershed best practices.

Despite the speed at which the work is progressing, the Green Alleys project is a long-term endeavor. Twenty-three alleys were completed in 2014 with another 50 scheduled for 2015 and 2016. Reconstruction of the remaining alleys in the Bee Branch Watershed is scheduled to take place between 2024 and 2038. However, the City of Dubuque may not stop there. "At some point," says Dienst, "we'd like to extend to areas outside the Bee Branch watershed. We expect other areas of city will also want their alleys redone."

COUNTY MATERIALS CORPORATION
For more information call (800) 242-7733
www.countymaterials.com

Report to the
Sustainability Commission of the City of Green Bay

MEETING DATE

April 20, 2022

AGENDA ITEM # E.2

Discussion and possible action to recommend staff to create an Outdoor Lighting Ordinance that reduces lateral and vertical light pollution in Green Bay with the goal of creating a darker night sky.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Appleton Dark Sky Ordinances
2. Egg Harbor Outdoor Lighting Ordinance
3. Madison Chapter 10 - Streets, Alleys, Sidewalks, and Gutters
4. Madison Municipal Exterior Lighting Ordinance 10.085
5. Mequon Sec._58_567.___Outdoor_lighting_installations.

(1) Prior to the issuance of a Certificate of Occupancy, the operator of the community living arrangement, adult family home (B) operated by corporations, child welfare agencies, churches, associations or public agencies and adult family homes (C) operated by corporations, child welfare agencies, churches, associations or public agencies as defined by this ordinance shall provide evidence to the Inspections Supervisor that a valid license has been or will be issued from the State of Wisconsin and/or another appropriate governmental unit.

(2) For the purpose of this section, the location of a community living arrangement, an adult family home (B) operated by corporations, child welfare agencies, churches, associations or public agencies or an adult family home (C) operated by corporations, child welfare agencies, churches, associations or public agencies as defined by this ordinance shall be subject to the following requirements:

a. The total capacity of all community living arrangements, adult family homes (B) operated by corporations, child welfare agencies, churches, associations or public agencies and adult family home (C) operated by corporations, child welfare agencies, churches, associations or public agencies within any aldermanic district may not exceed one percent (1%) of the total population of that aldermanic district. Exception to this requirement may be granted at the discretion of the City by a special use permit pursuant to §23-66 of this ordinance.

b. The total capacity of all community living arrangements, adult family homes (B) operated by corporations, child welfare agencies, churches, associations or public agencies and adult family homes (C) operated by corporations, child welfare agencies, churches, associations or public agencies within the City may not exceed one percent (1%) of the total City population. Exception to this requirement may be granted at the discretion of the City by a special use permit pursuant to §23-66 of this ordinance.

(3) All community living arrangements, adult family homes (B) operated by corporations, child welfare agencies, churches, associations or public agencies and adult family home (C) operated by corporations, child welfare agencies, churches, associations or public agencies must be reviewed by the Division of Inspections and the Fire Department and receive the necessary permits from those departments.

(4) The exterior of the community living arrangements, adult family homes (B) operated by corporations, child welfare agencies, churches, associations or public agencies and adult family home (C) operated by corporations, child welfare agencies, churches, associations or public agencies shall conform to the character of the residential dwellings in the neighborhood in which it is located. Furthermore, all new structures proposed shall be compatible with the surrounding neighborhood.

(Ord 121-05, §1, 10-25-05; Ord 82-07, §1, 5-8-07)

Sec. 23-53. Outdoor lighting.

(a) ***Purpose.*** All areas containing outdoor lighting, including, but not limited to, floodlighting, security lighting, event lighting or the lighting of off-street parking and loading areas shall comply with the requirements of this section.

Furthermore, it is the intent of the regulations of this section to establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent the unnecessary glare of light on adjacent properties.

(b) ***Lighting definitions.*** The following terms are defined for this section:

(1) ***Foot-candle.*** A unit of measure for illumination. A unit of illumination on a surface that is one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

(2) ***Full cut-off fixture.*** A light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety degree (90º) horizontal plane from the base of the fixture.

(3) ***Horizontal foot-candle or luminance.*** The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.

(4) ***Light trespass.*** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

(5) ***Lumens.*** A unit of illumination, being the amount of illumination of a unit area of spherical surface, due to a light of unit intensity placed at the center of the sphere.

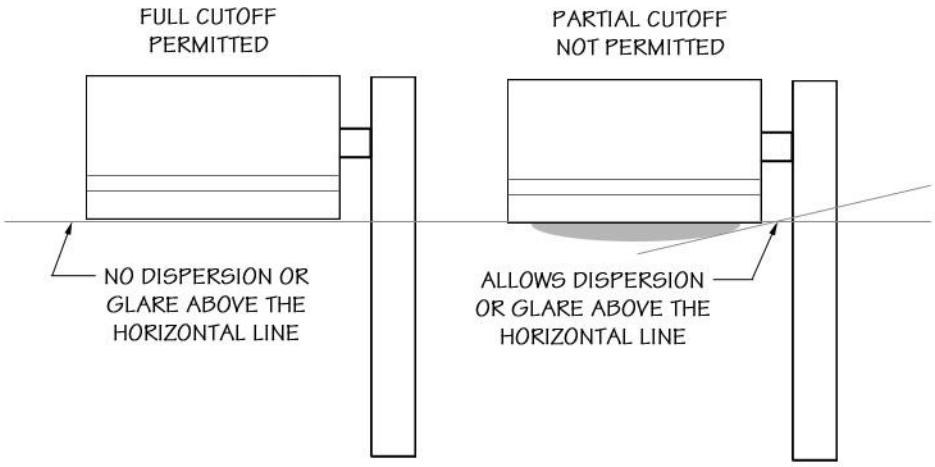
(6) ***Uplighting.*** Any light source that distributes illumination above a ninety-degree (90º) horizontal plane.

(7) ***Security lighting.*** Any light source used to illuminate a building, structure or property during evening hours that seeks to deter criminal activity.

(c) ***Lighting standards, configuration and timing.***

(1) All exterior lighting shall be of full cutoff design and directed downward and away from adjoining property, with luminaries shielded to prevent unnecessary glare as identified in the graphic on the next page.

Example of cutoff light fixtures



(2) Trees and shrubs shall not interfere with the distribution of exterior lighting necessary for security purposes as required by this section.

(3) Security lighting above building entrances, parking lots, off-street loading areas and service entrances shall be metal halide, LED, or another source, unless permitted otherwise during plan review, and incorporated in exterior areas going to and from the building(s) or use(s) within the site. (Ord 70-12, §1, 7-24-12)

(4) All exterior fixtures, when used for security purposes, except for parking lot lighting, shall be illuminated from dusk until dawn, unless otherwise specifically designated on the site plan and as approved through the site plan process. All other exterior lighting that is not necessary for security purposes shall be turned off one (1) hour after the close of business.

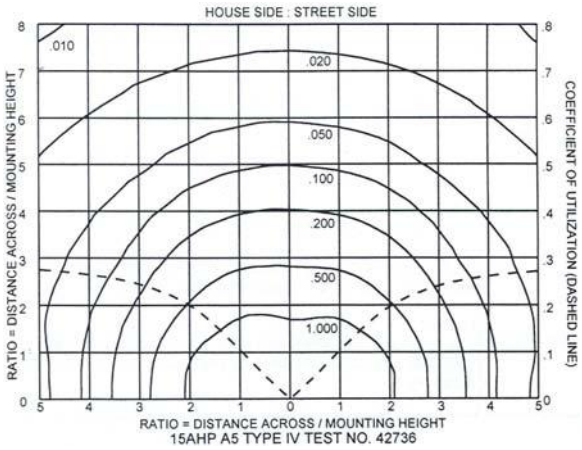
(5) Any exterior lighting device designed for security lighting shall be protected by weather and vandal-resistant covering, a managed light source for controlling the times of illumination and fully shielded and directed down to minimize glare and intrusiveness on adjacent properties or rights-of-way.

(6) Lighting in multi-level parking ramps shall be evaluated on a case-by-case basis to maximize safety and to minimize unnecessary glare to adjacent or nearby residential areas.

(d) ***Lighting plan.*** A lighting plan is required by this code. Such plan shall become an integral part of any site plan review application. No building permit shall be issued without first obtaining approval of a required lighting plan.

Details of exterior lighting shall be provided on a site plan as identified in §23-570, Site plan review and approval. Photometric calculations shall be detailed on an exterior lighting plan unless waived by the Community and Economic Development Director. Photometric calculations shall be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on Illumination Engineering Society (I.E.S.) file complied by an approved testing laboratory. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than ten (10) feet, at ground level, and may also be required at six (6) feet above ground level, depending on the applicable risk factors.

Example: Photometric Calculation



(e) ***Minimum illumination guidelines for security purposes.*** All minimum illumination guidelines for security lighting listed in this section shall be maintained from ground level to a height of six (6) feet. The minimum to maximum uniformity ratio may range up to 6:1 in acceptable layouts. In some circumstances, customer convenience, closed-circuit surveillance, and commercial entertainment uses may require a higher level of lighting.

(f) ***Outdoor lighting intensity standards.*** When outdoor lighting is proposed or required, the following standards in the table on the following page shall apply and the "activities" as described in the table shall be assigned and evaluated by the Appleton Police Department and Community and Economic Development Department based on the type of use, the hours of operation and the area in which the use is located.

Remainder of page intentionally left blank

Outdoor Lighting Intensity and Uniformity Standards.

Light Use	Minimum Horizontal Foot-candles	Maximum Horizontal Foot-candles	Additional Regulations
Parking lot	0.5	5	(1) Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking lot lighting. (2) Parking lot lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.
Outdoor display and sales	-	5	-
Walkways, sidewalks, bike paths	-	5.0	(1) Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens. (2) Lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.
Parks and playgrounds	-	0.5	Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.
Canopies and drive through facilities	5.0	20.0	(1) Light fixtures mounted on or under canopy ceilings shall be full cutoff, unless indirect lighting is be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure. (2) Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated. (3) Lighting for drive-through facilities must be fully shielded. (4) Canopy and bay lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.
Outdoor activity facility	All outdoor entertainment or recreational/sports facility lighting will be reviewed for compliance with minimum site lighting criteria and light trespass criteria and with regard to the intent of these exterior lighting standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.		
High risk activity (e.g., bank deposit night drop or ATM)	4.0	5.0	Lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.
Medium risk activity (e.g., convenience store open 24 hours)	2.0	4.0	Lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.
Low risk activity (e.g., place of worship, office)	0.50	2.0	Lighting shall be metal halide, LED, or another source, unless permitted otherwise during plan review.

(Ord 71-12, §1, 7-24-12)

(g) ***Light trespass.*** All areas containing outdoor lighting (except public street lighting) shall limit light trespass onto adjacent property, when measured at any point along a property line, to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim or a combination of these or other factors.

District Adjoining Subject Property	*Maximum Light Spillage to Adjoining Lots Measured in Foot-candles*
AG, R-1A, R-1B, R-1C, R-2, R-3, P-I, NC, C-O, TND	0.20
C-1, C-2, CBD, P, M-1, M-2	0.50

(h) ***Exterior illumination of buildings and other vertical structures.*** When buildings or other structures are illuminated, the design for the illumination shall be in accordance with the following:

(1) The illumination of buildings shall be limited to security lighting or highlighting unique architectural features.

(2) Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded.

(3) For statues, monuments, fountains, or other objects for which it may not be possible to illuminate with downward lighting, upward lighting may be used only in the form of spotlights that confine the illumination to the object of interest.

(4) If upward lighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

(i) ***Neon lighting.*** Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements. However such lighting shall be included in the light trespass requirements of §23-53(f). Furthermore, neon lighting shall not be considered as security lighting.

(j) ***Other outdoor lighting.***

(1) Outdoor lighting not otherwise specified in this code emitting more than one thousand two hundred (1,200) lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from six hundred (600) to one thousand two hundred (1,200) lumens may be installed in fixtures that are not full cutoff and may be visible from the property line provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.

(2) A spotlight or floodlight of less than one thousand eight hundred (1,800) lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than forty-five degrees (45º) below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five (5) minutes after the cessation of motion within its field of view.

(3) Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

(k) ***Enforcement.*** Failure to adhere to the requirements of this section or an approved lighting plan shall be deemed a violation of this code.

(l) ***Exceptions.***

(1) The temporary use of low wattage or low voltage lighting for approved festivals, celebrations, and the observance of holidays are exempt from this section except where they create a hazard or nuisance from glare.

(2) Consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.

(3) Emergency lighting and traffic control lighting shall be exempt from the requirements of this section.

(m) ***Lights not conforming to this chapter.***

(1) ***Authority to continue.*** Any lawful lighting fixtures located within the City at the effective date of this section or which shall come to be located in City as a result of annexation after the effective date of this code, which

does not conform to the provisions of this section, may continue provided the lighting remains in conformance with the provisions of this subsection.

(2) ***Ordinary maintenance and repair.*** Nothing in this subsection shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition that triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

(3) ***Loss of lawful status.***

a. Legal nonconforming status shall terminate under the following conditions:

1. If a light fixture is no longer used for a period of twelve (12) months or longer it shall be deemed abandoned and shall not thereafter be reestablished; or

2. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or

3. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent (50%) of its replacement value.

b. Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.

(4) ***Removal pursuant to public order.*** Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.

Sec. 23-54. Temporary uses and structures.

(a) ***Purpose***. This section is intended to provide for the regulation and control of temporary uses and temporary structures that occur on private property on an intermittent basis or for a specific period of time, not intended to become a permanent use or structure. This administrative procedure will assure that standards are addressed and that the temporary use or temporary structure will not have a negative impact on adjacent properties and neighborhoods.

(b) ***Permit required***. All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in this section prior to the establishment of a temporary use or structure, unless otherwise stated in this section.

(c) ***Permit applications and fees***. Application for a temporary use or structure shall be filed with the Community and Economic Development Director on forms available in the Community and Economic Development Department. Each application shall be accompanied by:

(1) A site plan drawing, drawn to scale, showing the property lines and dimensions, location of all existing and proposed structures/buildings, parking lot landscaping areas, on-street/off-street parking spaces and drive aisles, driveways, location, size and setback dimensions to property lines of the proposed temporary use and/or structure.

(2) Other information and plans as may be required by the Community and Economic Development Director to determine whether a temporary use/structure permit application should be approved, conditionally approved, or denied. The Community and Economic Development Director may also authorize omission of any information or plans if he or she finds they are not necessary.

(3) Permit fee. The fee for a temporary use/structure permit shall be established by the Common Council and is on file in the Office of the City Clerk.

(d) ***Action upon acceptance of a permit application***.

(1) After acceptance of a complete application, the Community and Economic Development Director shall

CHAPTER 157: OUTDOOR LIGHTING

Section

157.01 Purpose; Applicability; and Definitions
157.02 Regulation; Prohibitions
157.03 Uplighting; highlighting; floodlighting; motion lighting, recreation facilities
157.04 Fixture Height of light source
157.05 Exemptions; Temporary Lighting
157.06 Effective Date; Violations
157.99 Violations; Penalties

§ 157.01 PURPOSE; APPLICABILITY; AND DEFINITIONS

(A) Purpose

(1) Good outdoor lighting at night benefits everyone. It increases safety, enhances the Village's nighttime character, and helps provide security. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone.

(2) There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Village's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the village.

(3) This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations that limit the direction of lighting and the area that certain kinds of outdoor-lighting fixtures can illuminate.

(4) The secondary purpose of this ordinance is to preserve the rural nature of the countryside, enhance nighttime enjoyment of property, and enhance the enjoyment of the night sky.

(5) All lighting standards in this section are applicable to all lighting and no lighting shall be installed that violates the standards of this chapter.

(B) Definitions

The following terms or phrases, when capitalized herein shall have the following meaning:

EVENT LIGHTING. Any lighting used for outdoor activities with large public gatherings.

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOD OR SPOTLIGHT. Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FOOT-CANDLE. A measurable industry standard of illumination equivalent to one lumen per square foot.

GLARE. Light emitting from a light source with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

HEIGHT OF LIGHT SOURCE. The height of a light source shall be the vertical distance from the ground directly below the centerline of the light source to the lowest direct-light-emitting part of the light source.

I*NDIRECT LIGHT.* Direct light that has been reflected or has scattered off of other surfaces. LAMP. The component of a light source that produces the actual light.

LIGHT TRESPASS. The shining of light produced by a light source beyond the boundaries of the property on which it is located.

OUTDOOR LIGHTING. The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

UPLIGHTING. Any fixture aimed in such a way as to project the light upward above the horizontal plane passing through the lamp.

§157.02 REGULATIONS; PROHIBITIONS

(A) All residential lighting shall be confined to illuminating entry ways to principal and accessory structures, walkways and driveway entrances. The total exterior wattage of all exterior fixtures may not exceed three hundred (300) watts per parcel.

(B) All residential and commercial exterior lighting shall be designed such that the lamp is not directly visible from adjacent and neighboring properties or public rights-of-way.

(C) For all type of uses, light level shall be no greater than one-half (0.5) of a foot-candle at a height of five feet above grade at the property line.

(D) In addition to being in compliance with the below sections, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on publicly traveled ways. Specifically, any light not designed for roadway illumination that produces direct or reflected glare that could be disturbing to the operator of a motor vehicle is prohibited.

(E) Mercury vapor sources are prohibited from use. The installation, sale, offering for sale, lease or purchase of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

(F) Neon, blinking, flashing, moving, revolving, scintillating, flickering, changing intensity and changing color lights shall be prohibited except for temporary holiday displays, lighting for: public safety, motor vehicle traffic control, air traffic control, and waterway navigation and warning purposes.

§157.03 UPLIGHTING; HIGHLIGHTING; FLOODLIGHTING; MOTION LIGHTING, RECREATION FACILITIES

(A) Uplighting is only permitted when used as follows:

(1) To light a primary entrance, when the lighting fixture is wall-mounted under an architectural element (e.g. roofs over walkways/entries or overhanging, non-translucent eaves) and that this element contains the illumination, and

(2) To light local, state, or national flags, when no more than two light fixtures per flag are used.

(B) Highlighting, or illumination, of building facades by use of uplighting is prohibited. Driveways and landscaping lighting shall be limited to 35 incandescent watts per fixture per 150 square feet of driveway or landscape area.

(C) Floodlighting is only permitted when it is down-directed and fully-shielded such that the lamp is not visible from adjacent and/or neighboring properties. Ground-mounted floodlighting of a structure is prohibited.

(D) For safety and security lighting the use of motion sensors, photocells, or photocell/timers to control duration of nighttime illumination is required. In all cases light intensity on the property shall be limited to between one (1) and two (2) foot-candles measured at a height of 3 feet above grade.

(1) Motion sensors are the preferred method for controlling nighttime illumination since they turn on lights only when activated by motion and will remain on during the activity and for a set period of time (typically up to 30 minutes) following the last detection of motion. These are only permitted where the sensor is triggered by activity within the owner's property line.

(2) Photo cells illuminate a property for the entire night (i.e. they are activated by sunlight, turning lights on at dusk and off at dawn). They are only permitted under the following conditions:

(a) At primary points of entrance (e.g. front entries) or in critical common areas for commercial and multi-family properties.

(b) Where the light sources are fully-shielded by opaque material (i.e. the fixture illuminates the area but is not itself visibly bright

(c) Where the light source is fluorescent (or compact fluorescent) to eliminate excess electricity consumption. For non-residential properties, full cutoff HID (High Intensity Discharge) light sources (high pressure sodium and metal halide) may be used.

(3) Timer/Photocell combinations activate

the light source at dusk and turn it off at a selected time several hours later, well before dawn. This is the preferred method when used for nighttime control at primary points of entrance (e.g. front entries) and may be used with fully shielded lighting fixtures with non-transparent diffusion material.)

(D) In recreation facilities, all lighting must conform to the above standards, except for those used for event lighting. Event lighting shall be fully shielded or provided with sharp cut-off capability, so as to minimize uplighting, spill-light, and glare. Event lighting shall be turned off no more than 60 minutes after the conclusion of a performance.

§157.04 FIXTURE HEIGHT OF LIGHT SOURCE

(A) Any fixture with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot fixtures with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value 5 + (D/2), where D is the distance in feet to the nearest property boundary. The maximum height of the fixture may not exceed 20 feet.

(B) Non-residential, public service, and/or mixed residential and commercial fixture height of light source and types shall be as follows.

(1) Fixture height of light source shall be ten (10) feet or less in height, or the fixture must be fully shielded (cutoff), non-adjustable, and down directed (or building mounted and directed back at a facade).

(2) Parking lot lights shall be no greater than twelve (12) feet high. Light intensity on the lot shall not exceed one (1) foot-candle measured at a height of three (3) feet.

(3) Pedestrian area lighting shall be no more than twelve (12) feet in height. Light intensity shall be between one-half (0.5) and one (1) foot-candle measured at ground level. Low-level fixtures that are fully shielded and down directed are preferred in most areas. Pole mounted options above 6' must be fully shielded, non-adjustable, and down directed.

(C) Event lighting shall be exempt from height limitations.

§157.05 EXEMPTIONS; TEMPORARY LIGHTING

(A) Except as noted below, the following types of lighting shall be exempt from the provisions, requirements and review standards of this section

(1) Health, safety, and welfare. If a lighting plan or fixtures are proposed in which the deviations from this code provide demonstrable community and/or health, safety, and welfare benefits, an exemption may be considered.

(2) Holiday/Winter lighting for residential and commercial properties. The lighting associated with any national, state, local, or religious holiday or celebration is recommended to be lit for no more than one month prior and one month following the holiday. The light intensity of all holiday lighting shall not exceed one-half (0.5) of a foot-candle at the property line.

(3) Low voltage, 12 volt lighting or less for both residential and commercial properties.

(B) All temporary emergency lighting needed by emergency services, as well as all vehicular light sources, shall be exempt from the requirements of this article.

(C) Lighting for Temporary Commercial Use/Special Events may be requested through the Village Administrator, in conjunction with the special events permit.

§157.06 EFFECTIVE DATE; VIOLATIONS

(A) All existing outdoor lighting fixtures shall be considered legal nonconforming fixtures, provided that the existing fixtures may not be expanded or increased in a manner which would result in greater non-conformity.

§157.99 VIOLATIONS; PENALTIES

See § 10.99 (H)(8)

(Ord. 2008-06, passed 6-9-08)

CHAPTER 10

STREETS, ALLEYS, SIDEWALKS AND GUTTERS

Section

10.01 Street Commissioner (Superintendent of Sanitation).
10.02 Grades.
10.03 Damage to Sidewalk, Curb and Gutter, and Driveway Approach to be Repaired. (Cr. by Ord. 13,410, 9-24-03)
10.04 Obstruction of Streets by Contractors.
10.05 Occupancy of Rights-of-Way. (R./Rec. by Ord. 12,343, Adopted 3-2-99).
10.055 Reserved For Future Use. (R. by Ord. 5265, 2-11-76)
10.056 Street Use Permit.
10.06 Specifications For Construction of Sidewalks--Width of Walks.
10.07 Grade For Sidewalks--Location.
10.08 Construction of Driveway Approaches and Parking Facilities.
10.085 Outdoor Lighting. (Cr. by Ord. 10,631, Adopted 3-30-93)
10.09 Construction and Repair of Sidewalks and Reconstruction and Repair of Concrete Curb and Gutter. (Am. by Ord. 8080, 7-14-83)
10.10 Installation of Street Trees. (Cr. by Ord. 6028, 11-11-77)
10.101 Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way of Any Street, Alley or Highway. (Cr. by Ord. 12,106, 4-20-98)
10.11 Tearing Up Pavement, Etc.
10.12 Prohibiting Tractor Engines on Certain Streets.
10.13 Machinery Not to be Propelled on Streets For Exhibition Purposes.
10.14 Wheels Not to be Locked.
10.15 Curb Cuts and Driveway Approaches. (Am. by Ord. 6969, 4-30-80)
10.16 Deposit of Inoperable Vehicles Prohibited. (Cr. by Ord. 13,325, 5-28-03)
10.17 Deposit of Rubbish And Throwing Of Glass On Streets Prohibited.
10.18 Collection of Refuse and Recycling of Waste. (Am. by Ord. 10,950, Adopted 7-19-94)
10.185 Recycling and Reuse of Construction and Demolition Debris. (Cr. by ORD-09-00133, 9-18-09)
10.19 Dumping of Rubbish.
10.20 Hauling of Rubbish Over Streets.
10.21 Gasoline Curb Pumps Prohibited.
10.22 Air Hose Outlets and Standards.
10.23 Obstruction of Streets.
10.24 Obstruction of Crossings by Trains.
10.25 Plantings in the Terraces. (Am. by ORD-13-00064, 4-24-13)
10.26 Persons Not to Congregate on or Sell Merchandise on Streets or Sidewalks.
10.27 Fee for Delivery of Wood Chips. (Cr. by ORD-0600183, 12-21-06)
10.28 Snow and Ice to be Removed From Sidewalks.
10.29 Downspouts and Eaves of Buildings Not to Drain on Sidewalks.
10.30 Reserved For Future Use. (R. by Ord. 7415, 5-7-81)
10.31 Privileges in Streets. (Am. by Ord. 7730, 5-28-82)
10.32 News Boxes. (Cr. by Ord. 12,522, 1-4-00)
10.33 Bicycle-Sharing Facilities. (Cr. by ORD-11-00044, 3-23-11)
10.34 Street Numbers. (Am. by ORD-07-00030 3-15-07)
10.35 Reserved For Future Use (R. by ORD-07-00030 3-15-07)
10.36 Street Defined.
10.37 Streets Vacated.
10.38 Construction of Heated Concrete Sidewalk.
10.39 Installation of Street Lights. (Cr. by Ord. 6516, 2-23-79)

10.40 Traffic Controls For Street Construction and Maintenance Operations.
10.41 Compliance Inspection Fees. (Cr. by ORD-10-00058, 6-11-10)
10.42 Decorative Pavement Painting Design Permit. (Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)
10.50 Penalty.

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. (Am. by ORD-14-00012, 1-14-14)

10.02 GRADES.

(1) On File In The Office Of The City Engineer. The grades of all streets, alleys and sidewalks as established by the Council shall be kept on file in the office of the City Engineer.

(2) Recorded by the City Clerk. The grades of all streets, alleys and sidewalks shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the City Clerk. No street, alley or sidewalk shall be worked until the grade thereof is established.

(3) Altering Grades Prohibited. All persons are prohibited from altering the grade of any street, alley, sidewalk or public ground, or any part thereof, in the City of Madison by taking from or adding to the surface of such street, alley, sidewalk or public ground, and from digging, plowing or otherwise changing or disturbing the surface thereof unless authorized or instructed to do so by the Common Council or Board of Public Works.

10.03 DAMAGE TO SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH TO BE REPAIRED.

(1) It shall be unlawful to crack, break, displace or otherwise damage public sidewalk, curb and gutter, or driveway approach.

(2) It shall be the responsibility of the applicant for a building permit (permittee) to maintain public sidewalks, curbs and gutters, and driveway approaches in an unblemished state or to so repair the public sidewalks, curb and gutter, or driveway approach.

(3) Within one hundred twenty (120) days of the issuance of a demolition permit or a certificate of occupancy for a building, the public sidewalk, curb and gutter, and driveway approach shall be inspected for damage caused during the construction, repair, or demolition of the building. Notice of damage shall be sent to the permittee and the owner of the abutting property. If the permittee does not repair the damage to the satisfaction of the City Engineering Division, the City shall repair the damage and the cost shall be a special charge for current services against the abutting property.

(4) Penalty. Any person who violates any provision of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(Cr. by Ord. 13,410, 9-24-03)

10.04 OBSTRUCTION OF STREETS BY CONTRACTORS. Any person, firm, corporation, or utility and any officer or employee of the City who shall block, obstruct or excavate in or otherwise block or obstruct the traveled portion of any street or improved alley shall immediately notify the Chiefs of the Fire and Police Departments in writing of such fact, stating clearly and accurately where all such obstructions are placed or excavations made and the probable length of time the same shall so remain, and on the removal of such obstacle and the opening of such portion of said street for travel the said person, firm or corporation or the officer or employee of the City causing such obstacle shall immediately notify said Chiefs of the Fire and Police Departments in writing that such obstacle has been removed and that said street is open for travel.

10.05 OCCUPANCY OF RIGHTS-OF-WAY.

(1) General Provisions.

(a) Purpose and Findings. In the exercise of governmental functions the city has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place therein and to regulate the placement of facilities in the Rights-of-Way to ensure that the Rights-of-Way remain available for public services and safe for public use. The taxpayers of the City bear the financial burden for the upkeep of the rights-of-way and a primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by Persons who locate facilities therein.

The City finds increased use of the public rights-of-way and increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.

The City finds that occupancy and excavation of its rights-of-way causes costs to be borne by the City and its taxpayers, including but not limited to:

1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
2. Management costs associated with ongoing management activities necessitated by public right-of-way users.
3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, the City hereby enacts this ordinance relating to administration of and permits to excavate, obstruct and/or occupy the public rights-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for recovery of the costs incurred in doing so. This ordinance provides for the health, safety and welfare of the residents of the City as they use the right-of-way of the city, as well as to ensure the structural integrity of the public rights-of-way.

(b) Definitions. The following definitions apply in this ordinance. References hereafter to "sections" are unless otherwise specified references to sections in this ordinance. Defined terms remain defined terms whether or not capitalized.

"Applicant" means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

"City" shall mean the City of Madison, Wisconsin, a Wisconsin municipal corporation.

"Degradation" means the decrease in the useful life of the paved portion of the right-of-way, excluding the sidewalk right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

"Department" means the Department of Public Works of the City.
"Emergency" means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.
"Engineer" means the City Engineer or his/her designee.
"Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.
"Facilities" means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.
"In", when used in conjunction with "right-of-way", means over, above, within, on or under a right-of-way.
"Local representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Chapter
"Obstruct" means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way
"Permittee" shall mean any Person to whom a permit to occupy, excavate or obstruct a Right-of-Way has been granted by the City under Chapter 10 of the ordinances.
"Person" shall mean corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.
"Prequalified Contractor" means a contractor approved by the Department on an annual basis to work in the right-of-way.
"Public Utility" has the meaning provided in Wis Stats 196.01(5).
"Registrant" means any person who has registered with the City to have its facilities located in any right-of-way.
"Repair" means to perform construction work necessary to make the right-of-way useable for travel according to Department specifications, or to restore equipment to an operable condition.
"Restore or Restoration" means the process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per Department specifications.
"Right-of-Way" means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

(c) Administration. The Engineer or his/her designee is responsible for the administration of the rights-of-way, and the permits and ordinances related thereto.

(2) Registration for Right-of-Way Occupancy.

(a) Each person who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in Section 10.05(4). Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons who have facilities in the right-of-way pursuant to a franchise or other agreement.

(b) No person may construct, install, maintain, repair, remove, relocate or perform any other work on, or use any equipment or any part thereof in any right-of-way unless that person is registered with the Department or is a prequalified contractor.

(c) Nothing herein shall be construed to repeal or amend the provisions of a City ordinance requiring persons to plant or maintain the tree lawn in the area of the right-of-way between their property and the street curb or pavement, construct sidewalks or driveways or other similar activities. Persons performing such activities shall not be required to obtain any permits under this Chapter.

(3) Registration Information. The information provided to the Department at the time of registration shall include, but not be limited to:

(a) Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

(b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(c) A certificate of insurance on a form prescribed by the Department.

(d) If the registrant is a corporation, a LLC or LLP, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified by the Secretary of State.

(e) A copy of the registrant's certificate of authority from the Wisconsin Public Service Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

(f) Execution of an indemnification agreement in a form prescribed by the Department.

(g) The registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the registrant has knowledge of any change.

(4) Registration Fee. The Department shall charge an annual Registration Fee in an amount of $65 to recover the costs incurred by the City for processing and updating registration information.

(5) Reporting Obligations. It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the registrant of known construction plans will be useful to achieve this objective.

(a) Every registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the Department. The Department shall make available at the time of registration, and on January 15 of each year the Department's construction and major maintenance plan. The registrant's plan and the Department's plan shall be submitted on a form prescribed by the Department and shall contain the information determined by the Department to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:

1. The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and
2. The tentative locations and estimated beginning and ending dates for all projects contemplated for the two years following the next calendar year.

(b) By February 15 of each year, the Department will have available for inspection in its office a composite list of all projects of which the Department has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

(c) Thereafter, by February 1, each registrant may change any project in its list and must notify the Department of all such changes in said list. The Department will make all such changes available for inspection in its office. Notwithstanding the foregoing, a registrant may at any time join in a project of another registrant listed by the other registrant or undertake any maintenance or construction project not listed in registrant's plan.

(6) Permit to Excavate in Right-of-Way Required.

(a) Excavation Permit Required. Except as otherwise provided in this Chapter or other Chapters of the Madison General Ordinances, no person shall excavate any right-of-way without first having obtained an excavation permit from the Department. A copy of any permit issued under this Chapter shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.

(b) Excavation Permit Application. Application for a permit shall be made to the Department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

1. Registration with the Department if required by this Chapter.
2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of applicant's proposed project.
3. Payment of all money due to the City for:
   a. applicable permit fees and costs as set forth below;
   b. subject to Section 10.05(6)(b)4., unpaid fees or costs due for prior excavations; or
   c. subject to Section 10.05(6)(b)4., any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.
4. The Department shall not deny an applicant an excavation permit because of a dispute between the City and the applicant, related to Section 10.053(6)(b)3.a. or c. if:
   a. the dispute has been adjudicated in favor of the applicant;
   b. the dispute is the subject of any appeal filed by the applicant and no decision in the matter has as yet been rendered.

(7) Excavation Permit Fee. The Excavation Permit Fee shall be established by the Department in an amount sufficient to recover the costs incurred by the City. This fee shall recover administrative and inspection costs, as well as degradation costs should the permittee choose to repair rather than restore the right-of-way. Payment of said fees shall be collected prior to issuance of the permit. However, the Engineer may, with the advice and consent of the Finance Director, establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies. (Am. by ORD-11-00037, 3-8-11)

(a) Waiving of Fees. Fees shall not be waived unless the work involved is a direct result of the Engineer's demand that a plant owned by a utility be removed or relocated or unless waived by the Board of Public Works on appeal.

(b) Fee Schedule. The minimum fee for each excavation permit for a single address shall be fifty dollars ($50); plus an additional twenty dollars ($20) per 100 square feet for excavation and sixty cents ($.60) per lineal foot for boring. The minimum fee for each excavation permit for multiple addresses shall be seventy-five dollars ($75); plus an additional twenty dollars ($20) per 100 square feet for excavation and sixty cents ($.60) per lineal foot for boring. Excavation permits for utility work in new subdivisions and within the limits of public works projects, where the work is undertaken prior to the installation of pavement, shall only be charged the minimum fee. The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fees set forth herein. This permit fee shall be in addition to any forfeiture provided elsewhere in this ordinance. (Am. by Ord. 13,473, 12-11-03)

For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Engineer is authorized to assess the actual cost of the City employee's time engaged in the review and inspection of the anticipated work multiplied by a factor determined by the respective department to represent the City's cost for statutory expense, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to City employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent (10%) for administration.

(c) City Exemption. The City and its contractors shall not pay degradation fees for excavations due to general government functions.

(d) Permit fees paid for a permit that the Department has revoked are not refundable.

(8) Right-of-Way Repair/Restoration.

(a) The Permittee shall be required to repair the public right-of-way to Department specifications, subject to inspection and acceptance by the Department, and to pay a degradation fee, as per Section 10.05(8)(d), unless the Permittee elects to restore the right-of-way pursuant to Section 10.05(8)(e). In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department. The Department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the Department.

(b) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this period it shall, upon notification from the Department, correct all work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure.

(c) Failure to Repair/Restore. If the Permittee fails to repair/restore the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all work required by the Department, the Department at its option may do such work. In that event the Permittee shall pay to the City, within thirty (30) days of billing, the cost of repairing/restoring the right-of-way.

(d) Degradation. The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area or the patch shall be calculated by adding one foot to each side of the actual street cut. Degradation fee schedule is provided in Figure 1 at the end of the ordinance.

(e) Restoration in Lieu of Repair and Degradation. The Permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. The restoration shall be in accordance with the Standard Specifications for Public Works Construction and the plans and specifications of the Department. The Permittee shall then also comply with Section 10.05(8)(b) and (c).

(9) Inspection.

(a) Notice of Completion. When the work under any permit hereunder is begun and completed, the Permittee shall notify the Department.

(b) Site Inspection. Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(c) Authority of Department. At the time of inspection the City may order the immediate cessation of any work which poses a threat to the life, health, safety or well being of the public. The City may issue an order to the registrant or Permittee for any work that does not conform to the applicable City standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant or Permittee shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Section 10.05(12).

(10) Ongoing Management Fees.

The cost of trimming trees around facilities is an ongoing cost to the City. The specific cost will be determined and a fee to offset those costs may be assessed in the future.

(11) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

(a) The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

1. The applicant or Permittee is required to be registered and has not done so;
2. Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
3. Misrepresentation of any fact by the applicant or Permittee;
4. Failure of the applicant or Permittee to maintain required bonds and/or insurance;
5. Failure of the applicant or Permittee to complete work in a timely manner;
6. The proposed activity is contrary to the public health, safety or welfare;
7. The extent to which right-of-way space where the permit is sought is available;
8. The competing demands for the particular space in the right-of-way;
9. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
10. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;

(b) Discretionary Issuance. The Department may issue a permit where issuance is necessary (a) to prevent substantial economic hardship to a customer of the Permittee or applicant, or (b) to allow such customer to materially improve its utility service, or (c) to allow the Permittee or applicant to comply with state or federal law or city ordinance or an order of a court or administrative agency.

(c) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Board of Public Works. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Board of Public Works may affirm, reverse or modify the decision of the Department.

(13) Work Done Without a Permit.

(a) Emergency Situations. Each registrant shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this Chapter.

If the City becomes aware of any emergency regarding a registrant's facilities, the Department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(b) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this Chapter or other Chapters of the Madison General Ordinances, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this Chapter.

(14) Location of Facilities.

(a) Undergrounding. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.

(b) Limitation of Space. The Department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate al of the requests of persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public, health, safety or welfare.

(c) Attachment to Bridges. Whenever an applicant or Permittee under this section requests permission to attach pipes, conduits, cables or wires to any City bridge structure, the applicant shall pay a fee of $1,000 upon the granting of such permission to help defray administrative expense in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in the case of repair, removal, or replacement of said bridge structure by the City.

(15) Relocation of Facilities. A registrant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the City, acting in its governmental capacity, requests such removal and relocation. If requested, the registrant shall restore the right-of-way. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefore.

(16) Interference with Other Facilities during Municipal Construction. When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the city shall notify the local representative. The registrant shall meet with the City's representative within twenty-four (24) hours and coordinate the protection, maintenance, supporting and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within seventy-two (72) hours, unless the City agrees to a longer period.

In the event that the registrant does not proceed to maintain, support, shore or move its facilities, the City may arrange to do the work and bill the registrant, said bill to be paid within thirty (30) days.

(17) Abandoned Facilities.

(a) Discontinued Operations. A registrant who has determined to discontinue its operations in the City must either:

1. Provide information satisfactory to the Department that the registrant's obligations for its facilities under this Chapter have been lawfully assumed by another registrant; or
2. Submit to the Department a proposal and instruments for dedication of its facilities to the City. If a registrant proceeds under this clause, the City may, at its option:
   a. accept the dedication for all or a portion of the facilities; or
   b. require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or
   c. require the registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

   However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way within two years, unless the Department waives this requirement.

(b) Abandoned Facilities. Facilities of a registrant who fails to comply with Section 10.05(17)(a)1., and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition, to any remedies or rights it has at law or in equity the City may, at its option (i) abate the nuisance, (ii) take possession of the facilities, or (iii) require removal of the facilities by the registrant, or the registrant's successor in interest.

(c) Public Utilities. This section shall not apply to a public utility, as defined by Section 196.01(5), Wis. Stats, that is required to follow the provisions of Section 196.81, Wis. Stats.

(18) Reservation of Regulatory and Police Powers. The City, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this Chapter does not surrender or in any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or maybe hereafter granted to the City under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this Chapter agrees that all lawful powers and rights, regulatory powers, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.

(19) Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(20) Penalty. Any person who violates this ordinance or fails to comply with the provisions of this ordinance shall be subject to a forfeiture of not less than one hundred twenty dollars ($120) nor more than six hundred dollars ($600). Each day such violation or failure to comply continues shall be considered a separate offense.

(Sec. 10.05 Am. by Ord. 12,343, Adopted 3-2-99)

10.055 RESERVED FOR FUTURE USE. (R. by Ord. 5265, 2-11-76)

10.056 STREET USE PERMIT.

(1) Purpose and Title. This section shall be known as the "Street Use Ordinance." The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be permitted, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets for purposes other than ordinary uses, pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.

(2) Definitions.

(a) City means the City of Madison.

(b) Person means any person, firm, partnership, association, corporation, company or organization of any kind.

(c) Street means any public way, street, highway, sidewalk, terrace, alley, or public square. For purposes of this ordinance, a bicycle path or bicycle way shall also be considered a street.

(d) State Street Mall-Capitol Concourse or Mall-Concourse for purposes of this ordinance, means those streets or portions of streets located within area described in Sec. 9.13(6)(a) of these Ordinances.

(e) Non-Mall-Concourse means those streets or portions of streets located in any part of the city other than the State Street Mall - Capitol Concourse defined herein.

(3) Street Use Staff Commission.

(a) The voting membership of the Street Use Staff Commission shall consist of a staff representative from each of the following City departments or divisions:

1. Transportation/Traffic Engineering;
2. Parking Utility;
3. City Engineering;
4. Parks Division;
5. Parks Division-Mall Maintenance;
6. Streets Division;
7. Police Department;
8. Fire Department;
9. Risk Management (Finance Director);
10. Metro Transit; and
11. a representative from the State Capitol Police Department.

Commission coordination shall be provided by the Parks Division. Membership on this Staff Commission shall not require mayoral appointment or Common Council approval. For the City staff positions, the Department head shall designate an individual to serve on the Commission on a regular basis for an indefinite term. The Department head may assign another individual to attend and vote in the absence of the regularly-assigned staff person.

The Street Use Staff Commission is considered a “full” or “formal” committee under Sec. 33.27, MGO, and subject to all applicable provisions of that section, including Sec. 33.27(2)(a), MGO. (Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-09-00038, 3-14-09; ORD-09-00171, 12-31-09; Am. by ORD-11-00037, 3-8-11)

(b) The Street Use Staff Commission may require the applicant or other authorized individual to attend one or more meetings of the Street Use Staff Commission and to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit shall be granted.

(Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(4) Application.

(a) An application for a Street Use Permit shall be made by mail, in-person at the Parks Division, or using other methods made available by the City (such as online) using the form provided by the Parks Division. The application shall set forth the following information:

1. The name, address and telephone number of the applicant or applicants. The applicant shall be the event sponsor. If the application is being filed by someone else on behalf of the event sponsor, that person shall also provide their name, title, address, and phone number.
2. In addition to the information required in subparagraph 1. above, if the applicant is not an individual, the full name and business or headquarters address of the organizational entity shall be provided. If the applicant is a corporation, limited liability company, or limited partnership, the name and address of the registered agent shall also be provided. If the entity is a general partnership, the name, and address of at least one (1) general partner shall be provided.
3. The name, address and telephone number of the person or persons who will be responsible for conducting and/or managing the proposed use of the street, if different from the individual(s) named in subparagraph 1. or 2. above. This person shall also provide a mobile phone, pager number, or other means for immediate contact during the event.
4. The exact date or dates, beginning and ending times for which the requested use of the street is proposed to occur, including and set-up and tear-down times. If an event sponsor requests identical street closures for the same location for more than one occasion or event within a twelve (12) month period, each event may be included on a single application.
5. An accurate description of that portion of the street proposed to be used.
6. The estimated number of persons for whom use of the proposed street area is requested.
7. The proposed use of the street, described in detail, including a description of all activities planned during the street use such as vending, music, selling or serving of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event. If any alcohol beverage license(s) will be requested for the event, the applicant shall indicate the type of license(s) requested and whether the applicant will still want a Street Use Permit if the necessary alcohol beverage license(s) are not granted. (Am. by ORD-11-0011, 9-12-11)
8. A description of any recording or sound amplification equipment to be used in connection with the street use.
9. A designation of any public facilities or equipment to be utilized.
10. Any additional information that the Street Use Staff Commission finds reasonably necessary to a fair determination as to whether a permit should be issued. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
11. Addendum and Attachments. Applicants requesting identical street closures for more than one occasion, or large events expecting over 10,000 attendees, shall include an "Addendum to Street Use Permit" with the application. The Addendum shall include written details regarding transportation management, parking, crowd control, resident access.

    Additionally, if there will be any extraordinary security measures including searches of persons or vehicles, the applicant shall submit that plan as a separate Attachment to the application. If the crowd control or security plan calls for the hiring of private security services, the applicant shall provide the name of the security firm.

12. For events that include service of beverages in recyclable containers or the use of corrugated cardboard, a Recycling Plan shall be submitted with the application, using a form that has been prepared for this purpose by the City Recycling Coordinator. The Recycling Plan shall describe the applicant's procedures for collection and recycling of all recyclable materials (defined by MGO 10.18(7)(e)) produced by the event, and shall provide, at a minimum, for adequate collection containers, recycling instructions for vendors and other participants, and arrangements for the material collected for recycling as required by MGO 10.18.

The City Recycling Coordinator (or designee) shall review the completed Plan and report his/her approval or denial of the Plan to the Staff Commission before or at their meeting at which the final decision is made on the application. If the Recycling Coordinator disapproves a plan, s/he shall work with the applicant to develop an approvable plan. (Cr. by ORD-08-00032, 3-21-08; Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(Am. by ORD-09-00171, 12-31-09)

(b) Deadline for Applications.

1. An application to close three (3) or more blocks or to close a street or streets that will require any bus route detours or substantial rerouting of vehicular traffic shall be submitted not less than thirty (30) days prior to the beginning date of the proposed event.
2. An application to close less than three (3) blocks that will not require any bus route detour or substantial rerouting of vehicular traffic shall be submitted not less than fourteen (14) days prior to the beginning date of the proposed event.
3. The deadline for application filing in sub. 1. and 2. above may be waived if, based upon the proposed date, time, place, size, duration, anticipated number of participants, and City services required, there will be sufficient time prior to the event for the Staff Commission to hold a public meeting to objectively review the application and make a decision under the standards of issuance herein within the timelines required by sub. (5)(f). For an administrative review under 10.056(5)(b)5., the application deadline may be waived if there is sufficient time prior to the event for the Parks designee to conduct the administrative review and make a decision within the timelines required by sub. (5)(f). The application deadline for events under sub. 4. below (events with alcohol) may not be waived. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-11-00118, 9-12-11)

(Am. by ORD-09-00171, 12-31-09)

4. An application for an event of any size for which a temporary Class B alcohol license will be requested shall be submitted not less than sixty (60) days prior to the beginning date of the proposed event, to allow for Common Council review as required by Sec. 38.05(9)(e)2. (Cr. by ORD-11-00118, 9-12-11)

(c) Petition Required for Certain Events on Local Streets. It is in the public interest to dedicate and use non Mall/Concourse local, streets for neighborhood-centered activities. If the application is for the use of not more than two (2) blocks of a non Mall/Concourse local street (defined as a street with a speed limit of twenty-five (25) miles per hour or less), the application shall be accompanied by a petition designating the proposed area of the street to be used, the date and times of the proposed use, and the petition shall be signed by an adult resident or occupant over the age of eighteen (18) of not less than seventy-five percent (75%) of all residential dwelling units and non-residential occupancies with a street address on that portion of the street designated for the proposed use. The petition form shall be included with the permit application and completed petitions shall be verified. (Am. by Ord. 12, 312, 2-1-99; ORD-06-00129, 9-21-06)

(5) Application Process and Permit Requirements.

(a) A Street Use Permit Application, the application fee under Sub. (7)(a), a petition, if required, and any additional materials shall be submitted to the Parks Division. Only

complete applications containing all of the information required under sub. (4)(a) shall be considered. The Street Use Staff Commission shall review all such applications within the time limits in sub. (5)(f), if the application was filed within the deadlines in sub. (4)(b), except those applications that qualify for administrative review shall be reviewed by the designee of the Parks Superintendant under sub. (5)(b)5., below. (Am. by Ord. 13,176, 11-5-02; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(b) Permit Review.

1. The Staff Commission shall evaluate the application using the standards found in this ordinance. The Commission shall either approve the issuance of a Street Use Permit with conditions or deny the permit. The reasons for denial shall be set forth in writing and provided to the applicant immediately, unless the applicant is present at the meeting at which the permit is denied.
2. Conditions of the permit shall include those required by this ordinance and those determined by the Staff Commission to be appropriate to ensure the safety of the public and provide for an orderly event. The information supplied under sub. (4)(a), if approved by the Staff Commission, shall also become conditions of the permit.
3. When approved, the Parks Division shall issue the permit. The permit shall include all information required on the application and any conditions added to the application by the Staff Commission.
4. Duration of Permit. Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event or street closure requested. Permits may be issued for a single day, multiple consecutive days, or single-day identical street closures for more than one occasion over the course of twelve (12) months or less ("Serial Events"). A Serial Event shall also be limited to not more than one (1) day per week and not more than fifteen (15) total days per year, except for the Dane County Farmers' Market. (Am. by ORD-13-00067, 4-24-13)
5. Administrative Review for Certain Applications. Applications for the use of not more than two (2) blocks of a residential, non-Mall/Concourse local street meeting all of the criteria of Sec. 10.056(4)(c), including the petition requirement, may be reviewed and approved administratively by a designee of the Parks Superintendent. Such applications shall be approved if the Parks designee finds that the Standards of Issuance and all other applicable criteria under this ordinance have been met, including the insurance provisions under 10.056(8). A decision on a permit under this section shall be made within the time limits in Sec. 10.056(5)(f). (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)
6. Changes to Approved Permit. The approved conditions for a street use event cannot be modified except by submitting an amended application for consideration by the Street Use Staff Commission, following all the application procedures and deadlines herein, and the permit may only be changed with the approval of the Commission, applying the same standards as for initial issuance of the permit. (Cr. by ORD-13-00067, 4-24-13)

(c) Street Vending. The applicant shall describe any proposed street vending activities on the application for a Street Use Permit, however, all street Vending activities, as defined in Sec. 9.13(1), MGO, are regulated by Sec. 9.13 of these ordinances and may require additional licenses administered by the Street Vending Coordinator. Sec. 9.13(6)(k) governs the options for a vendor to request suspension of certain vending rules and regulations and requests for "exclusive vending use" including invalidation of other vending licenses during an event. A Special Event Umbrella Vending license covering street vending activities of all vendors in an approved special event is available to event sponsors under Sec. 9.13(2), and administered by the Parks Division.

(d) Alcohol Beverage Licenses. If the applicant requests permission to sell beer or wine within the perimeter of the street use permit area, the applicant shall follow the procedure for a Temporary Class B Picnic License under Sec. 38.05(9)(e)2. of the Madison General Ordinances. Applications for such temporary license(s) in connection with a Street Use Permit are subject to approval by the Common Council under Sec. 38.05(9)(e)2. The Street Use Staff Commission has no authority to authorize the sale of any alcohol beverages or possession of open containers; however the Commission may impose conditions for the Street Use Permit not inconsistent with a concurrent alcohol beverage license and applicable laws. If the Commission approves a Street Use Permit prior to the Common Council's approval under Sec. 38.05(9)(e)2., the Commission shall indicate whether its approval is conditioned upon the issuance of an alcohol beverage license, and if so, the Commission's approval shall be conditional and the Street Use Permit shall only be issued after the Council has approved the alcohol beverage license(s). If approval of the requested alcohol beverage license is not a condition of the Street Use Permit, the Permit may be issued prior to the Council taking action on the alcohol license. Under no circumstances shall alcohol beverages of any kind be sold at a street use permitted event without the necessary alcohol beverage license(s) required by law. (Cr. by ORD-11-00118, 9-12-11)

(e) Sound Amplification. The use of sound amplification equipment may be approved as part of the Street Use Permit; and if approved, a separate permit under Sec. 24.04(3) shall not be required. Any applicable time limits in Sec. 24.04(3) shall not apply to a Street Use Permit. The Staff Commission shall determine the times and conditions for use of amplified sound using the standards of issuance herein, except that the use of sound amplification equipment may only be approved between 8:00 a.m. and 11:00 p.m. Requests for sound amplification before 8:00 a.m. or after 11:00 p.m. may be considered and granted by the Staff Commission if the Notification or petition required under Sec. 10.056(5)(g) described the proposed hours for amplification; and if the Staff Commission makes a specific finding that the Standards of Issuance, including sub. (6)(i), will not be violated by the use of amplified sound before 8:00 a.m. or after 11:00 p.m. (Am. by Ord. 12,474, 9-27-99; ORD-06-00128, 9-21-06; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(f) Time Limit for Decision. The decision to approve or deny a Street Use Permit shall be made within twenty-one (21) days of the date a complete application properly filed under sub. (5)(a) is received, unless the applicant expressly agrees to a longer period of time, or unless the application is for an event for which alcohol beverage licensing is also requested. Except for applications filed fewer than fourteen (14) days prior to the event under Sec. 10.056(4)(b)3., the decision to approve or deny shall be made no fewer than five (5) calendar days before the beginning of the proposed event, to allow a timely appeal as provided elsewhere in this section. An applicant may choose to voluntarily waive this 5-day decision deadline. (Am. by Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

(g) Notification Requirements.

The notices required by this paragraph shall be in addition to any petition which may be required under Sec. 10.056(4)(c), and any street vendor or other notifications required elsewhere in these Ordinances.

1. Notification by the Applicant.

a. Residential Neighborhood Events of two (2) blocks or less. The applicant shall deliver written notices announcing an event for which a permit has been granted, to each occupant on the streets to be closed at least seven (7) days prior to the event, unless a petition is required. The applicant shall provide the Parks Division a sample of any written notice required under this paragraph. If a petition is required under sub. (4)(c), the circulation of the petition shall serve as the only notice required under this paragraph.

b. Large Public Events of three (3) or more blocks, 10,000 or more estimated attendees and any event requiring bus detours or significant traffic rerouting. The applicant shall send a copy of the application to the alderperson(s) of the aldermanic district(s) where the street closure is requested and to any neighborhood association on file with the Department of Planning and Community and Economic Development, within five (5) days of filing the application. The notification shall include contact information for the applicant. The purpose of the notification shall be to exchange information and receive public comment about the details of the event. The applicant shall keep a record of all public comments and provide them at the Street Use Staff Commission meeting when the application is reviewed. If a permit is granted, the applicant shall also provide written notice announcing the event to each occupant on the street(s) to be closed, prior to the event. The applicant shall also promptly notify any merchants or building occupants identified by the Street Use Staff Commission, upon request of the Staff Commission. The applicant shall provide the Staff Commission a copy of the meeting announcement and other written notice(s) required under this paragraph.

c. 700 and 800 blocks of State Street. For events on the 700 or 800 blocks taking place during regular business hours, the applicant shall notify all of the business or educational occupants of both the 700 and 800 blocks, and include proof of that notification with their application. A list of occupants can be obtained from the Parks Division.

d. Notice. Notice of an event for which a permit has been granted shall be sufficient if provided to the owner or occupant of each building or use with street frontage or driveway access on the street or portion of streets to be closed.

2. Notification by the Street Use Staff Commission. The Street Use Staff Commission shall regularly report to Common Council members all Street Use Permits granted and denied. The Community Events Coordinator shall also notify the Street Vending Coordinator and other pertinent staff of permits that have been granted and denied, as needed.

(Sec. 10.056(5) Am. by Ord. 12,312, 2-1-99; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; ORD-09-00171, 12-31-09)

(h) Animals Prohibited. Under Sec. 23.315, MGO, animals are prohibited in all areas within the perimeter of a street use event when there are a total of ten (10) or more food vendors participating in the event. For purposes of this paragraph and Sec. 23.315, a "food vendor" is any vendor selling food or beverage and required to hold a temporary or permanent food and drink license from the City under Chapter 7. A food vendor is "participating" in the event if the vendor is either included in event sponsor's special event umbrella vending license, or holds a city street vending license and is allowed to remain within the perimeter of the event. If animals are prohibited under this paragraph, the event sponsor shall provide notice to the public at the entrance to the event that animals are prohibited at the event under Sec. 23.315.

(Cr. by ORD-10-00079, 8-12-10)

(6) Standards for Issuance. The following standards established within this subsection, in addition to any other mandatory requirements within Sec. 10.056 or elsewhere in these Ordinances, and as amended from time to time, shall govern the issuance of street use permits. In the case of a street use permit requested solely to facilitate access to an event occurring off the street, the "event" for purposes of these standards shall be those activities reasonably expected to take place within the street(s) to be closed. A Street Use Permit shall be issued to an applicant unless:

(a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location; or

(b) The concentration of persons at the event would unduly interfere with proper fire and police protection of, or other emergency service to or through, the event or to areas adjacent to the event's location; or

(c) The estimated number of participants or the size or type of event equipment is not sufficient to close a street and there is an alternative channel of communication available; or

(d) Another street use permit has already been granted for substantially the same time and location; or

(e) The size or time of the event would require so great a diversion of City police, fire and other emergency staff as to prevent normal protection of the City or to prevent adequate protection at another previously scheduled event whether or not that event has been issued a street use permit or other permit from the City; or

(f) The event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants; or

(g) Adequate sanitation or other necessary Health facilities will not be available at the event; or

(h) There is an insufficient number of parking places within a reasonable distance or inadequate alternative parking or transportation options to accommodate the number of vehicles expected; or

(i) The time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of the residents; or

(j) The proposed use or event will have a significantly adverse environmental impact; or

(k) (Repealed by ORD-05-00051, Eff. 03-19-05)

(l) The applicant has provided fraudulent information on the application; or

(m) The applicant has an outstanding balance owed to the City of Madison for unpaid fees for actual costs of equipment or services related to a previous Street Use Permit; or

(n) The applicant has failed to satisfy the following permit requirements established elsewhere in this ordinance:

1. Filing of any petition required under sub. (3).
2. Posting of any cash bond or surety required under sub. (7).
3. A valid indemnification agreement required under sub. (8).
4. Proof of insurance, timely submitted and approved by the Risk Manager, as may be required under sub. (8).
5. A valid agreement to pay actual costs of equipment and services as required under sub. (7).
6. Submittal of an "Addendum to Street Use Permit," and Attachment, if required under sub. (4)(a)11.
7. Submittal and approval of a Recycling Plan, if required under sub. (4)(a)12. (Cr. by ORD-08-00032, 3-21-08)

(o) The proposed street use does not comply with the following minimum safety restrictions:

1. At least one (1) emergency vehicle access lane a minimum of twenty (20') wide, free of obstacles, shall be maintained at all times. (Am. by ORD-11-00118, 9-12-11)
2. At least one (1) walkway for pedestrian access at least eight (8) feet wide shall be maintained at all times.
3. Any permit to close any portion of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless a traffic detour plan, approved by the Staff Commission, can be used. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

(p) Alcohol beverage licensing has been requested for the event, the Commission has made approval of the necessary alcohol beverage licensing a condition of approval for the Street Use Permit, and the Common Council has not approved the necessary alcohol beverage licensing. (Cr. by ORD-11-00118, 9-12-11)

(7) Fees.

(a) Application Fee. The application fee for a one-day event reviewable under Sec. 10.056(5)(b)5. (i.e. block party) is fifty dollars ($50), the application fee for all other one-day events is one hundred dollars ($100). If the application is for an event that requires street closure for two (2) or more consecutive days, the fee shall be two hundred dollars ($200¬). If the application is for a Serial Event (as defined in Sec. 10.056(5)(b)4.), the application fee shall be three hundred dollars ($300). An additional twenty-five dollars ($25) for each block or portion thereof in which any special vending approval under Sec. 9.13(6)(k)1. is requested shall be added to the application fee. All application fees shall be submitted with the application and are non-refundable. The application fee includes the administrative costs of processing the application. For events in the 700-800 blocks of State Street and residential neighborhood events of not more than two (2) blocks, the fee shall also include minimal use of City equipment and services. However, additional fees for actual costs of services and equipment provided may be incurred for any event, under Par. (c) below. All applications under this paragraph except for events reviewed under Sec. 10.056(5)(b)5. are subject to a two hundred and fifty dollar ($250) additional late fee if the application is submitted after the deadlines in Sec. 10.056(4)(b). (Am. by ORD-13-00067, 4-24-13; ORD-14-00050, 3-6-14)

(b) Cash or Bond Deposit for Certain Events. Prior to issuing a Street Use Permit for any portion of the Capitol Square or closure of more than three (3) blocks city-wide, the applicant shall post a minimum of three thousand dollars ($3,000) cash, certified check, or a surety bond in a form approved by the Risk Manager or the City Attorney to guarantee payment of the actual cost of City equipment and the City services provided. The cash or bond shall be delivered to the Parks Division.

(c) Fees for Equipment Rental and Additional Services. Event sponsors may rent equipment or arrange for services from the City as available. Additionally, if the street use results in more than the minimal use of any City equipment or any City services, whether or not such use was requested or expected, the event sponsor shall pay the actual costs for use of that equipment and services in accordance with a schedule determined by each department/division that bills for services and/or provides equipment for an event. The applicant shall agree to pay, within 20 days of billing, any additional actual costs, such as additional barricades or trash barrels, incurred by the City by the occasion of the event and its participants for City services and use of City-owned equipment.

(Sec. 10.056(7) Am. by Ord. 12,312, 2-1-99; ORD-05-00051, 3-19-05; ORD-09-00038, 3-14-09)

(8) Insurance.

(a) All applicants for a street use permit shall agree, as a condition of the permit, to indemnify, defend, and hold the City and its officers, officials, employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(b) The requirement of insurance and applicable minimum limits shall be determined by the City Risk Manager according to objective standards including but not limited to the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants.

(c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars ($1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case by case basis. Such Commercial General Liability coverage shall include coverage

for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. The certificate of insurance shall provide a thirty (30) days' written notice to the City upon cancellation, nonrenewal, or material change in the policy. If insurance is determined to be required for an event, the applicant shall provide the Certificate of Insurance described above no less than five (5) days prior to the event. (Am. by Ord. 13,176, 11-5-02)

(Sec. 10.056(8) Am. by Ord. 12,312, 2-1-99; Ord. 13,176, 11-5-02; ORD-11-00118, 9-12-11)

(9) Appeal Procedure. Any applicant may appeal the denial of a Street Use Permit to the Administrative Review Board. Appeal procedures shall be as provided in Section 9.49, Madison General Ordinances, Review of Administrative Determinations, except that all timelines in 9.49(6)(a) and (b), other than the thirty (30) day deadline for the person aggrieved to file a Notice of Appeal, shall be shortened as necessary to provide a meaningful appeal whenever possible prior to the first requested date of the proposed street closure.

(Am. by Ord. 12,312, 2-1-99)

(10) Severability. Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.

(11) Termination of a Street Use Permit. A Street Use Permit for an event in progress may be terminated by the Chief of Police or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety, if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. A Street Use Permit for an event in progress may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated Sec. 9.13 (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to Sec. 9.13(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event. (Sec. 10.056(11) Am. by Ord. 12,312, 2-1-99; ORD-08-00121, 11-22-08)

(12) Penalty. Any person who shall do any of the following may be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each violation:

(a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a street use permit is required without having been issued a valid Street Use Permit for said activity.

(b) Violate any condition placed upon a Street Use Permit; encourage others to do the same; or, as the applicant or sponsor of an event for which a Street Use Permit has been issued, permit or allow a violation of a condition of the Permit. The applicant or sponsor is considered to have permitted or allowed a violation of a condition if the applicant or sponsor was issued a permit with the conditions listed, or a letter thereto, and a violation of any listed condition occurs during the event.

(c) Provide false or inaccurate information on a written application for a Street Use Permit.

(d) Participate in an activity for which a street use permit is required without a valid street use permit having been granted or after a permit has been terminated pursuant to Subsection (11), above. (Am. by ORD-08-00121, 11-22-08)

(e) Violate any other subsection of this ordinance.

(Sec. 10.056(12) Am. by Ord. 12,312, 2-1-99)

(Sec. 10.056 Am. by ORD-05-00051, 3-19-05)

10.06 SPECIFICATIONS FOR CONSTRUCTION OF SIDEWALKS--WIDTH OF WALKS.

Except upon special authority obtained from the Common Council, no new walk upon any street, the grade of which shall have been established, shall be constructed, and no old walk shall be substantially reconstructed upon such street unless such new or reconstructed sidewalk shall be concrete, and constructed in accordance with the latest edition of the City of Madison Standard Street and Sewer Specifications and all addenda and supplements thereto. Said concrete sidewalks constructed on residential streets shall be five (5) feet wide, except the width shall be five feet four inches (5'4") wide where a new sidewalk at its termini abuts to existing sidewalks of that dimension. Unless the City Engineer shall so direct, new sidewalks shall not be greater or less than these widths. Unless business streets, such walks shall be of such widths as shall be directed by the City Engineer, and it shall be unlawful to build any walk in a business district of any width not authorized by the City Engineer. No sidewalk shall be constructed or reconstructed under the provisions of this section without first obtaining a permit from the City Engineer showing the location and required width of the proposed work. The permit fee shall be twenty-five dollars ($25). The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fee set forth herein. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars ($25) and no more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense. (Am. by ORD-14-00053, 3-12-14)

10.07 GRADE FOR SIDEWALKS--LOCATION.

Whenever a sidewalk shall be ordered to be built, the City Engineer shall immediately survey and stake out the location and grade of the same in case a grade has been established; and where no grade has been established, as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council, and when the same shall be established shall stake out the sidewalk as ordered by the Council; thereafter the City Director of the Building Inspection Division shall show said sidewalk grade on all subsequent building permits issued by him or her for new construction, and no sidewalks shall be laid under the provisions of this chapter until a grade therefore has been established by the Common Council. It shall be unlawful to construct any sidewalk except in accordance with such approved location and established grade, except with the permission of the Common Council. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08; ORD-14-00012, 1-14-14)

10.08 CONSTRUCTION OF DRIVEWAY APPROACHES AND PARKING FACILITIES.

Every driveway approach leading from any street to the lot line of any lot and every lot used as a parking facility shall hereafter be constructed only in accordance with the following requirements.

(1) Definitions. For the purpose of this section the following words are defined.

(a) Angle of approach shall mean the least angle between the center line of the driveway approach and the pavement edge.

(b) Automobile laundry shall mean a building or portion thereof containing facilities for washing automobiles using self-service methods or production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices, or any premise with a capacity of washing twenty (20) or more vehicles per eight (8) hour day. (Am. by Ord. 12,008, 1-15-98)

(c) Board shall mean the Board of Public Works of the City of Madison, Wisconsin.

(d) Class I driveway approach shall mean all those by which a street with a concrete curb is connected with a residence, barn, private garage or other improved property and ordinarily used only by the owner or occupant of the premises, his/her guests and necessary service vehicles. (Am. by ORD-14-00012, 1-14-14)

(e) Class II driveway approach shall mean the same as Class I but located where the street is constructed with shoulders without concrete curbs.

(f) Class III driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes or which will ordinarily carry a much heavier traffic movement than Classes I and II.

(g) Class III(a) driveway approach shall mean all those by which a street with a concrete curb is connected with private or public property and which is used for commercial purposes, primarily used by semitrailers and buses.

(h) Class IV driveway approach shall mean the same as Class III but located where the street is constructed with shoulders without concrete curbs.

(i) Class V driveway approach shall mean all of those by which a street with a concrete curb is connected with public property for the exclusive use of emergency fire equipment.

(j) Commercial site shall mean one tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial or residential site having five (5) or more parking stalls.

(k) Curb cut shall mean that section of concrete curb removed to permit ingress and egress from adjacent property and shall be measured between the points of tangency of the driveway approach radii with the normal street curbing.

(l) Driveway shall mean every way or area in private ownership and used for vehicular travel back of the street right-of-way line.

(m) Driveway approach shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.

(n) Entrance shall mean the point of connection of the driveway and the driveway approach at the street right-of-way line.

(o) Intersection turning area shall mean the part of the intersection included between the radius line used to connect the curb lines and the intersection of the curb lines if extended.

(p) Off-street vehicle facility shall mean any area or structure behind the street right-of-way improved and/or used for the parking, movement, servicing or storage of motor vehicles.

(q) Permit shall mean a permit to construct a driveway entrance and approach of a specified class granted by the City Engineering Division and Traffic Engineering Division upon application therefore in accordance with this ordinance.

(r) Permittee shall mean the applicant to whom the Board grants a permit.

(s) Residential site shall mean a single parcel in a residential zone containing a single residential structure of one or more dwelling units having four (4) or less parking stalls.

(t) Semitrailer refers to a combination of truck-tractor pulling a single semitrailer unit.

(u) Sight distance shall mean the distance from the driver's eye (driver's vehicle approaching the intersection) to the point of intersection of the paths of driver's vehicle and another approaching vehicle on a cross street, measured from the point where, as both vehicles approach the intersection, each driver is first able to see the other's vehicle. (Am. by ORD-14-00012, 1-14-14)

(v) Medium and large vehicle shall mean any automobile or truck exceeding sixteen (16) feet in length.

(w) Small vehicle shall mean any automobile or truck sixteen (16) feet in length or less.

(2) Number of Entrances.

(a) A maximum of two (2) entrances shall be permitted to a residential site provided that where a single off-street parking facility shall serve more than one residential site no more than two (2) entrances shall be permitted to such a facility.

(b) A maximum of two (2) driveway entrances shall be permitted to a commercial site from each of any one (1) or two (2) abutting streets.

(c) When in the opinion of the Traffic Engineer, after hearing the views of the permittee, it is in the interests of good traffic operation, the Traffic Engineer may permit:

1. One (1) additional driveway entrance along a continuous site frontage in excess of six hundred (600) feet or two (2) additional driveway entrances along a continuous site frontage in excess of twelve hundred (1,200) feet.
2. One (1) additional entrance from each of not more than two (2) abutting streets where continuous frontage is less than six hundred (600) feet; provided that such additional entrances be used exclusively as a service drive for the purpose of loading or unloading materials or merchandise, and which drive is physically separated from other off-street vehicle facilities and not available to customers thereof through the use of a six-inch (6") high raised rolled asphalt or poured in place concrete curb or a guardrail erected eighteen (18) inches in height to the center measured from the paved parking surface.
3. One (1) or two (2) driveway entrances from additional abutting streets.

(3) Location of Entrances.

(a) No entrance shall be closer than ten (10) feet to the right-of-way line of an intersecting street provided that no part of any driveway approach shall encroach on any intersection turning area (curb radius). Alleys shall be exempt from this provision and may be defined as "approaches," provided that the total maximum dimensions shall not exceed those permitted for other "approaches" in the same class. Where the alley is not included, the entrance must be a minimum of five (5) feet from the nearest boundary line of the alley.

(b) No entrance shall be closer than five (5) feet to an adjacent property line; provided, however, that in cases of practical difficulty or unnecessary hardship the City Engineer, Traffic Engineer and Director of the Building Inspection Division may jointly reduce such requirement with subsequent appeal to the Board, if necessary. No driveway approach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee unless both property owners sign a joint application for a permit. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(c) Any two entrances shall be at least ten (10) feet apart and in no case less than the sum of the approach radii.

(d) All entrances and approaches shall be so located as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with vehicular or pedestrian traffic on the street.

(4) Design Criteria.

(a) Special requirements.

1. Class I

Maximum permitted width of entrance	20 feet
Minimum permitted width of entrance	8 feet
Maximum permitted width of driveway	20 feet
Minimum permitted width of driveway	8 feet
Maximum permitted curb cut	30 feet
Minimum permitted curb cut	14 feet
Maximum turning radius at pavement edge	5 feet

2. Class II

Maximum permitted width of entrance	30 feet
Minimum permitted width of entrance	12 feet
Maximum permitted width of driveway	30 feet
Minimum permitted width of driveway	12 feet
Maximum permitted width of approach	50 feet
Minimum permitted width of approach	32 feet
Maximum turning radius at pavement edge	10 feet

3. Class III*

Maximum permitted width of entrance	30 feet
Minimum permitted width of entrance	18 feet
or two entrances of 10 ft. min. under one-way operation.	
Maximum permitted width of driveway	30 feet
Minimum permitted width of driveway	18 feet
or two driveways of 10 ft. min. under one-way operation.	
Maximum permitted curb cut	50 feet
Minimum permitted curb cut	28 feet
Turning radius at pavement edge-Minimum	5 feet
Maximum..10 feet provided no radius greater than 5 ft. shall encroach on a sidewalk.	

4. Class III(a)

Maximum permitted width of entrance	40 feet
Minimum permitted width of entrance	35 feet
Maximum permitted width of driveway	40 feet
Minimum permitted width of driveway	35 feet
Maximum permitted width of curb cut	60 feet
Minimum permitted width of curb cut	45 feet
Maximum turning radius at pavement edge	10 feet
Minimum turning radius at pavement edge	5 feet

5. Class IV*

Maximum permitted width of entrance	40 feet
Minimum permitted width of entrance	25 feet
Maximum permitted width of driveway	40 feet
Minimum permitted width of driveway	25 feet
Maximum permitted width of approach	70 feet
Minimum permitted width of approach	55 feet
Maximum turning radii	
Between pavement edge and outside edge of approach	20 feet
Edge of approach (adjacent approach edges where two approaches are constructed)	10 feet

*Minimum permitted width of entrance is ten (10) feet when serving twelve (12) or less vehicle parking stalls to an apartment dwelling unit facility.

6. Class V--Emergency Fire Equipment. Widths and radii for fire station driveways and approaches shall be determined by the dimensions and operating characteristics of the vehicles involved and deviations from the above design characteristics must be approved by the Board of Public Works.
7. The maximum width permitted herein for Class I and Class II driveways may be exceeded when approved by the Zoning Administrator for the express purpose of complimenting multiple off-street parking spaces. (Cr. by Ord. 10,224, 3-29-91)

(b) The Traffic Engineer may approve a Class III(a) driveway approach if plans are submitted by the applicant showing that the requested driveway approach will be used nearly exclusively by semitrailers and/or buses serving the site, and that other driveway approaches intended for exclusive use by smaller vehicles will not be used by semitrailers and/or buses and, further, that the use of the property is one of the following:

1. Post offices (used as distribution centers).
2. Mobile home sales and service.
3. Weigh stations.
4. Bus stations, bus terminals, bus turnarounds, bus garages and bus lots.
5. Building material sales establishments.
6. Express and parcel delivery establishments.
7. Feed and seed stores.
8. Feed mixing and grinding plants.
9. Milk and ice cream processing and bulk terminals.
10. Bottling or distribution plants of soft drinks, milk, beer, fuel and ice.
11. Storage and warehousing establishments.
12. Wholesaling establishments.
13. Service entrances to community and regional shopping centers.
14. Machinery and equipment sales and service establishments.
15. Highway maintenance shops and yards.
16. Foundries, machine shops, iron, steel and metal fabrication establishments.
17. Brick, tile or terra-cotta manufacture.
18. Asphalt and concrete batching or ready-mix plants.
19. Cartage establishments.
20. Concrete products casting.
21. Motor freight terminals.
22. Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses.

(c) The following special design features may be permitted at high volume entrances if approved by the Board after reviewing the recommendations of the Traffic Engineer:

1. One or more driveway approaches may be replaced by a street type entrance. The cost of additional drainage structures necessitated by such entrances shall be borne by the permittee.

2. One or more driveways to a major traffic generator may be replaced with special geometrically designed approaches and entrances where such generated traffic volumes and turning movements are in such quantities as to significantly reduce the capacity of the adjacent street and/or pose a hazard to through traffic on the adjacent street. These special geometrically designed approaches and entrances include (but are not limited to) speed change lanes, median crossovers, traffic islands and special driveway approach design treatments. The owner of the traffic generator shall be financially responsible for the cost of the special geometrically designed approaches and entrances as well as the cost of additional drainage structures, street lighting and traffic signals, and conduit necessitated at such approaches and entrances.

(d) The angle of approach of any driveway approach shall be not less than forty-five (45) degrees. A ninety (90) degree angle of approach is preferable on Class I and Class III approaches.

(e) Right-of-way areas adjacent to driveway approaches shall be left unimproved for vehicular use. The drawing accompanying the application shall show exactly how encroachment on such adjacent areas is to be prevented. If encroachment develops a need for additional protection, it shall be provided promptly by the permittee.

(f) All driveway approaches shall be constructed and the right-of-way area adjacent to or between approaches shall be graded at the permittee's expense, subject to drainage requirements as specified by the Board.

(g) The driveway approach between the property line and the road pavement or street curb line shall be paved in accordance with specifications for such concrete, asphalt or crushed stone work prescribed by the Board. All Class III and Class III(a) approaches shall be constructed of concrete. All Class IV driveways shall be constructed of asphalt.

(h) If required by the Traffic Engineer, polyvinyl chloride (PVC) conduit up to three (3) inches in diameter shall be placed twelve (12) inches back of the curb line and a minimum of twenty-four (24) inches below the flow line and extending to the intersecting point of the curb radius and the curb line under each driveway approach. This conduit shall be turned up at each end to terrace finish grade using a 90° elbow and capped at this grade with a permanent PVC cap. (See Figure I in Sec. 10.08(6)(b)1.) The Traffic Engineer may require a deposit to insure installation of this conduit and any other associated structures. (Am. by Ord. 11,512, 1-26-96)

(i) Gasoline pumps or similar facilities served by such driveways and approaches shall be a minimum of fifteen (15) feet from the right-of-way line of the street measured to the center of the gasoline pump and no driveway approach shall be constructed to serve any such existing facility which is less than twelve (12) feet from the right-of-way line.

(5) Special Provisions for Entrances and Exits at Parking Facilities and Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)

(a) The design of entrances to parking facilities shall provide:

1. A sufficient distance from the nearest intersection to prevent vehicles stopping within the intersection.

2. That both permitted driveway approaches from a major street may be for ingress only with egress to a secondary street thereby eliminating vehicle back-up on the major street.

3. For ultimate one-way movement through the parking facility where there is access from two (2) or more streets and a one-way movement becomes necessary.
4. That exits onto a multi-lane street shall be either a part of an intersection or far enough away from an intersection to permit minimum hazard lane changes for left or "U" turning vehicles.
5. That exits shall not be in such proximity to a "stop" intersection as to be blocked by street vehicles stopped by the stop sign or traffic signal during any but peak traffic hours.
6. That no driveway approach shall be located where it will be used as a terminal end of a crosswalk.
7. For adequate sight distance and they shall be clearly visible to street traffic.
8. For minimum interference to street traffic at all times.

(6) Design Criteria for Permanent Parking Facilities. (Am. by ORD-12-00134, 1-2-13)

(a) General Requirements for Permanent Parking Facilities. Off-street parking facilities for residential lots in the Central Area with a parking area totaling two thousand (2000) square feet or less, without an accessible parking stall, or twenty-two hundred (2200) square feet or less, with an accessible parking stall, excluding the driveway to the parking area, are exempt from this ordinance and are subject to City Zoning Administrator review and approval. (Intro par. Cr. by Ord. 11,205, Adopted 3-21-95)

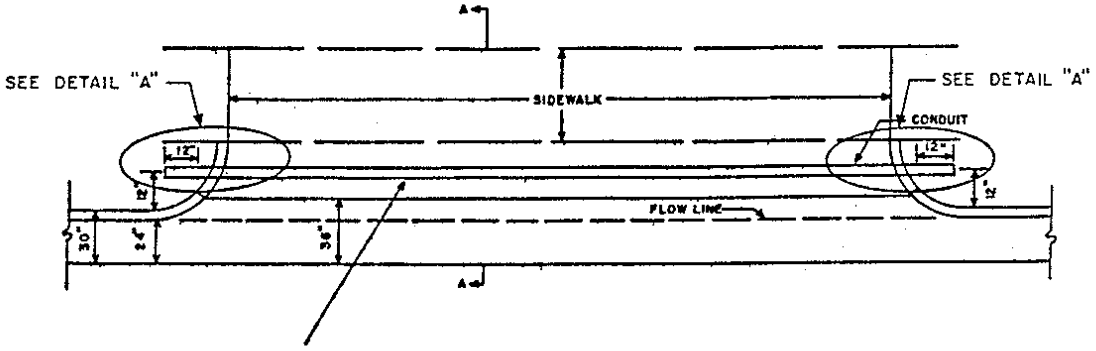
1. Each off-street parking space shall contain at least a rectangular area of a minimum width of eight (8) feet and a minimum length of eighteen (18) feet exclusive of access drives, or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet. However, where off-street parking spaces are provided for small vehicles, such space shall be at least seven and one-half (7½) feet in width and at least sixteen (16) feet in length and shall have a vertical clearance of at least seven (7) feet. Where the off-street parking requirement exceeds five (5) spaces, not more than twenty-five percent (25%) of the required number of spaces may be designed for small vehicles provided that any spaces designed for small vehicles shall be clearly identified by sign(s). The City Traffic Engineer may approve small vehicle parking spaces for up to 50 percent (50%) of the required number of spaces if the applicant proves hardship by providing a parking study and site plan demonstrating the need for small vehicle parking spaces. (Am. by ORD-11-00082, 6-16-11)
2. The typical parking facility diagrams and parking stall and drive aisle dimension table on the following page shall determine the minimum requirements for a parking facility plan. (See Figures II and III in Sec. 10.08(6)(b)2. and 3.)
3. For any given parking angle between twenty (20) degrees and ninety (90) degrees not specifically listed in Figures II and III in Sec. 10.08(6)(b)2. and 3, use a table angle nearest the given angle.
4. When two (2) rows of stalls use the same drive aisle for access requiring two-way traffic because of stall layout, the drive aisle shall be a minimum of eighteen (18) feet in width or that which is called for in Figures II and III in Sec. 10.08(6)(b)2. and 3., whichever is greater.
5. No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except in those parking facilities which accommodate four (4) or less parking stalls. However, alleyways may be used for ingress and egress to and from parking stalls,

providing the stalls are set back the distance from the property line so that the drive aisle width is sufficient, as in recommended Figures II and III in Sec. 10.08(6)(b)2 and 3.

6. Every parking facility shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner; unless permitted by the City Traffic Engineer. (Am. by Ord. 11,533, 3-1-96; ORD-05-00128, 7-22-05)
7. The parking facility design shall be such as to furnish adequate parking for the proposed land use it serves. Adjacent street curb parking shall not be considered as part of the needed supply of parking.
8. The parking facility design shall be such as to reduce irregular and eliminate illegal traffic movements onto or in the street such as left turns, "U" turns, excessive speed in driveways and parking facilities, etc. (Am. by Ord. 11,533, 3-1-96)
9. The parking facility design shall be such as to provide maximum vehicle storage in the aisles for cars waiting to park.
10. All off-street parking facilities, except a parking space accessory to a single family dwelling, shall be improved with a bituminous, or Portland Cement concrete pavement, or paving brick surface in accordance with City of Madison standards and specifications. Such parking facilities shall be so graded and drained as to dispose of all surface water, in accordance with existing City drainage policies and ordinances. Such parking facilities shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so designed as to prevent encroachment onto adjacent land areas, parking facilities or street rights-of-way through the use of a permanently installed, continuous six-inch (6") minimum height curbing, such as poured concrete or rolled asphalt curb (backfilled) or timbers, precast or preformed wheel stops permanently pinned in place or guardrail erected at a height of eighteen (18) inches to the center from the paved parking surface, or fencing of sufficient strength to act as a vehicle bumper stop.
11. Where applicable, screening, landscaping and vision clearance shall be provided as set forth in the City of Madison Zoning Code.
12. Outdoor lighting of off-street parking facilities shall be in conformity with Madison General Ordinances Section 10.085. (Am. by Ord. 10,631, Adopted 3-30-93)
13. Every parking facility, area and appurtenances thereto shall be maintained in a safe and sightly manner.
14. If practicable and feasible, all new building entrances shall be positioned on the site to draw traffic away from the driveway approach instead of congesting it at that point. If practicable and feasible for existing buildings, the building entrance shall also be located or relocated in the same manner for the same purpose.
15. The parking lot shall be adequately signed and marked to secure the traffic operation as planned.
16. Provision shall be made for expeditious and safe movements of pedestrians within the parking facility.

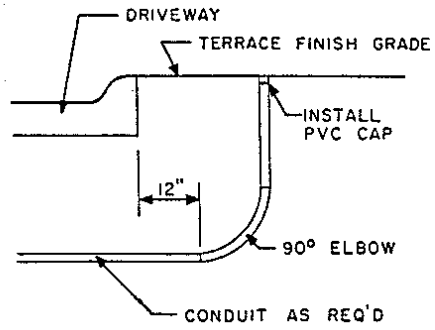
(b) 1. Figure I.

CONDUIT PLACEMENT DETAILS FOR
COMMERCIAL DRIVE ENTRANCES IN MADISON

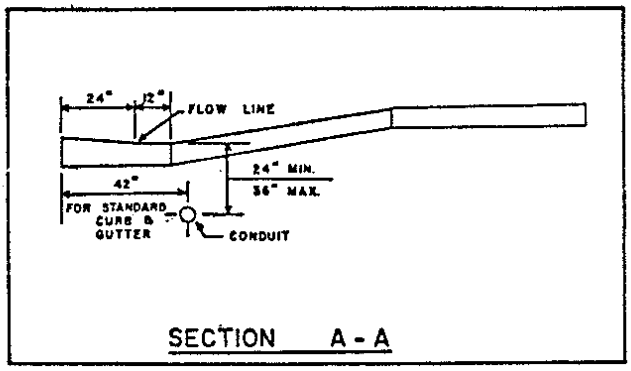


PLAN VIEW

SLOPE CONDUIT ⅛" PER FOOT
(EITHER WAY) FOR DRAINAGE



DETAIL "A"



SECTION A - A

(Sec.10.08(6)(b)1.Am. by Ord. 9516, 7-6-88)

2. Figure II.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
MEDIUM AND LARGE VEHICLES

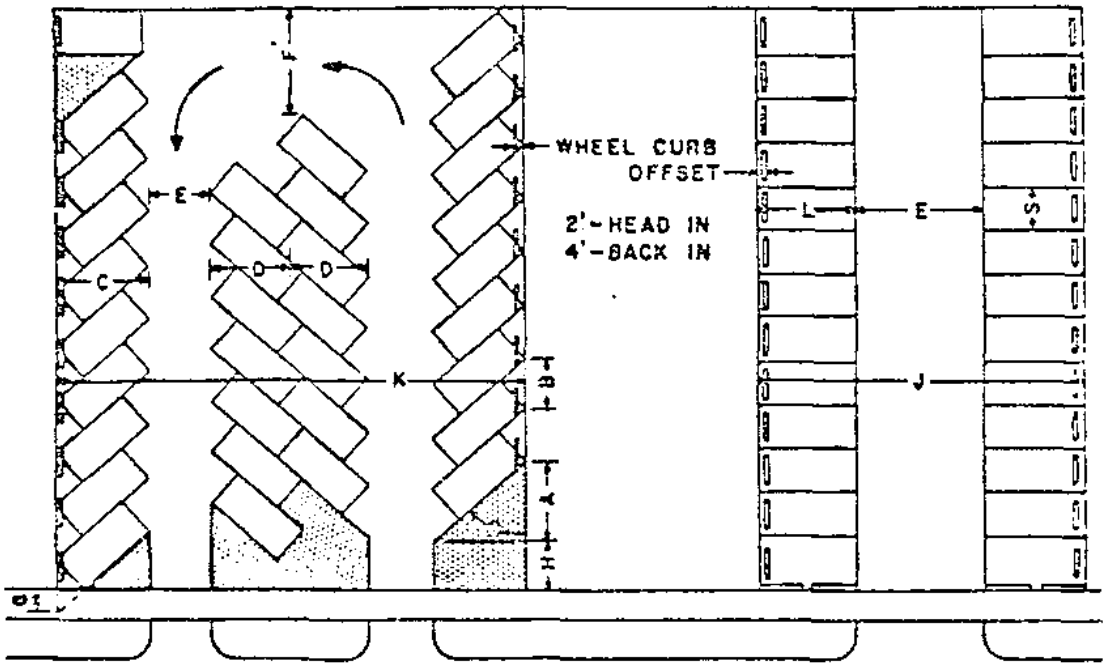


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H	J	K
0E	8.0 8.6 9.0	22.0 23.0 25.0	0.0 0.0 0.0	22.0 23.0 25.0	8.0 8.5 9.0	8.0 8.5 9.0	11.0 10.5 10.0		0.0 0.0 0.0	0.0 0.0 0.0	27.0 27.5 28.0	
20E	8.0 8.6 9.0 9.6 10.0	18.0 18.0 18.0 18.0 18.0	38.5 40.0 41.0 41.0 42.5	23.5 25.0 26.0 28.0 29.0	14.0 14.5 15.0 15.0 15.5	13.0 13.5 14.0 14.5 15.0	10.0 9.5 9.5 9.5 9.0		19.8 21.8 22.8 23.8 24.8	4.0 4.0 4.0 4.0 4.0	38.0 38.5 39.5 39.5 40.0	74.0 75.0 77.0 77.0 79.0
30E	8.0 8.6 9.0 9.6 10.0	18.0 18.0 18.0 18.0 18.0	28.5 29.0 30.0 30.0 30.5	16.0 17.0 18.0 19.0 20.0	15.5 16.0 16.5 17.0 17.5	12.5 12.5 13.0 13.5 13.5	10.5 10.0 9.5 9.0 9.0		12.0 12.5 13.5 14.3 14.8	6.0 6.0 6.0 6.0 6.0	41.5 42.0 42.5 43.0 44.0	77.0 77.0 78.0 79.0 80.0
40E	8.0 8.6 9.0 9.6 10.0	18.0 18.0 18.0 18.0 18.0	21.5 22.0 22.5 22.5 23.0	12.5 13.0 14.0 15.0 15.5	18.0 18.5 19.0 19.0 19.5	14.5 14.5 15.0 15.0 15.5	11.0 10.5 10.0 10.0 9.5		7.3 7.8 8.3 8.8 9.0	9.0 8.5 8.0 7.5 7.0	47.0 47.5 48.0 48.0 48.5	87.0 87.0 88.0 88.0 88.0

TABLE OF DIMENSIONS (IN FEET) - Cont'd.

O	S	L	A	B	C	D	E	F	G	H	J	K
45E	8.0	18.0	19.0	11.5	18.0	16.0	11.0	15.0	5.7	10.0	47.0	90.0
	8.6	19.5	19.5	12.0	18.5	16.0	10.5	15.5	6.0	9.5	47.5	90.0
	9.0	18.0	20.0	12.5	19.0	16.0	10.0	16.0	6.4	9.0	48.0	90.0
	9.6	18.0	20.0	13.5	19.5	16.5	9.0	16.5	7.8	8.5	48.0	90.0
	10.0	18.0	20.5	14.0	20.0	16.5	0.0	17.0	7.0	8.0	49.0	90.0
50E	8.0	18.0	16.0	10.5	19.0	16.5	12.0	15.5	4.9	11.0	50.0	95.0
	8.6	18.0	16.5	11.0	19.5	17.0	11.0	16.0	5.0	10.5	50.0	95.0
	9.0	18.0	17.0	12.0	20.0	17.5	10.5	16.5	5.5	10.0	50.5	96.0
	9.6	18.0	17.0	12.5	20.5	18.0	10.0	16.5	5.8	9.5	51.0	97.0
	10.0	18.0	17.0	13.0	20.5	18.0	10.0	17.0	6.0	9.0	51.0	97.0
60E	8.0	18.0	12.0	9.0	20.0	17.5	18.0	15.0	2.3	13.0	58.0	111.0
	8.6	18.0	12.0	10.0	20.5	18.0	17.0	15.0	2.5	12.5	58.0	111.0
	9.0	18.0	12.0	10.5	20.5	18.0	17.0	15.0	2.6	12.0	58.0	111.0
	9.6	18.0	12.5	11.0	21.0	18.0	16.0	15.0	2.8	11.5	58.0	110.0
	10.0	18.0	12.5	11.5	21.0	18.0	15.0	15.0	2.9	11.0	57.0	108.0
70E	8.0	18.0	7.5	8.5	20.5	18.0	19.5	17.0	1.0	15.0	60.5	116.0
	8.6	18.0	7.5	9.0	20.5	18.0	19.0	17.0	1.0	14.5	60.0	115.0
	9.0	18.0	7.5	9.5	20.5	18.0	18.5	17.0	1.0	14.0	59.5	114.0
	9.6	18.0	7.5	10.0	21.0	18.0	17.5	17.0	1.0	13.5	59.5	114.0
	10.0	18.0	7.5	10.5	21.0	18.5	17.0	17.0	1.0	13.0	59.0	113.0
80E	8.0	18.0	3.5	8.0	20.0	17.0	27.0	18.0	0.3	17.5	67.0	128.0
	8.6	18.0	3.5	8.5	20.0	17.5	25.0	18.0	0.3	17.0	65.0	125.0
	9.0	18.0	3.5	9.0	20.0	17.5	23.0	18.0	0.3	16.0	63.0	121.0
	9.6	18.0	3.5	9.5	20.0	17.5	22.0	18.0	0.3	15.5	62.0	119.0
	10.0	18.0	3.5	10.0	20.0	17.5	22.0	18.0	0.3	14.5	62.0	119.0
90E	8.0	18.0	0.0	8.0	18.0	18.0	28.0	20.0	0.0	0.0	64.0	128.0
	8.6	18.0	0.0	8.5	18.0	18.0	26.0	20.0	0.0	0.0	62.0	124.0
	9.0	18.0	0.0	9.0	18.0	18.0	24.0	20.0	0.0	0.0	59.0	120.0
	9.6	18.0	0.0	9.5	18.0	18.0	23.0	20.0	0.0	0.0	59.0	118.0
	10.0	18.0	0.0	10.0	18.0	18.0	22.0	20.0	0.0	0.0	58.0	116.0

3. Figure III.

PARKING DESIGN STANDARDS
City of Madison - Traffic Engineering Division
SMALL VEHICLES

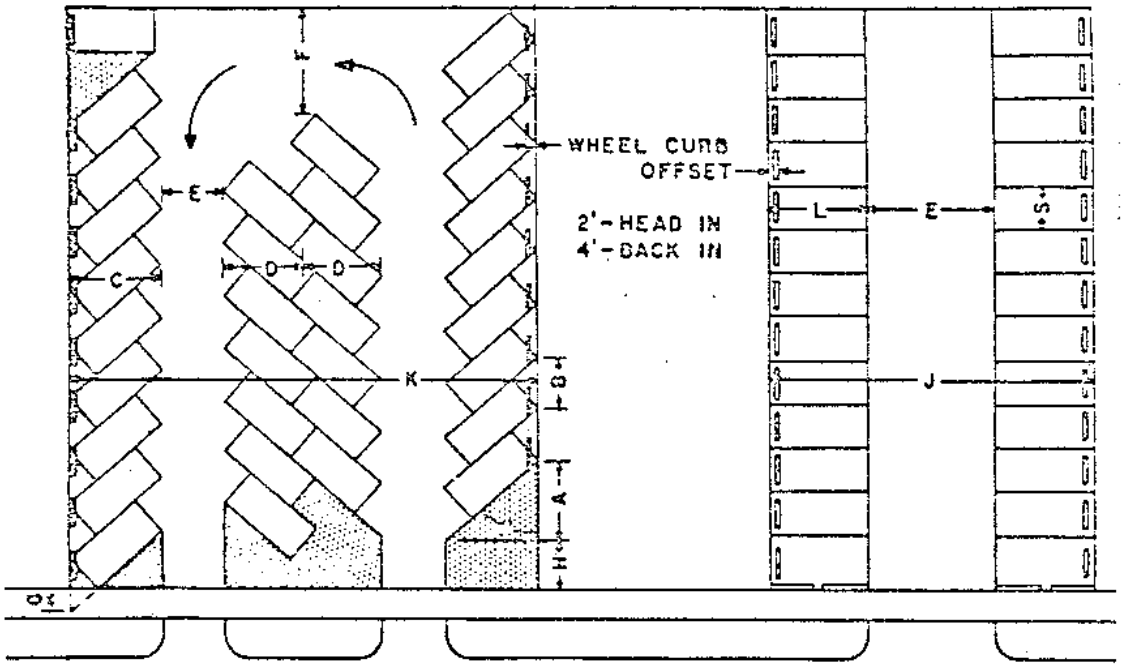


TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	G	H	J	K
0E	7.5 8.0 8.5	20.0 21.0 22.0	0.0 0.0 0.0	20.0 21.0 22.0	7.5 8.0 8.5	7.5 8.0 8.5	9.0 8.5 8.0		0.0 0.0 0.0	0.0 0.0 0.0	24.0 24.5 25.0	
20E	7.5 8.0 8.5 9.0 9.5	16.0 16.0 16.0 16.0 16.0	36.0 37.5 39.0 40.5 42.0	22.0 23.5 25.0 26.0 27.0	12.0 12.5 13.0 13.0 13.5	9.0 9.0 9.5 10.0 10.5	9.0 8.5 8.5 8.5 8.0		18.2 19.8 21.8 22.8 23.8	3.5 3.5 3.5 3.5 3.5	33.0 33.5 34.5 34.5 35.0	60.0 60.0 62.0 63.0 64.0
30E	7.5 8.0 8.5 9.0 9.5	16.0 16.0 16.0 16.0 16.0	25.0 26.0 27.0 28.0 28.5	15.0 16.0 17.0 18.0 19.0	14.0 14.5 15.0 15.5 16.0	11.0 11.5 12.0 12.5 13.0	9.5 9.0 8.5 8.0 8.0		11.0 12.0 12.5 13.5 14.3	5.5 5.5 5.5 5.5 5.5	37.5 38.0 38.5 39.0 40.0	69.0 70.0 71.0 72.0 74.0

TABLE OF DIMENSIONS (IN FEET) - Cont'd

O	S	L	A	B	C	D	E	F	G	H	J	K
40E	7.5	16.0	19.0	11.5	16.0	13.0	10.0		6.8	8.0	42.0	78.0
	8.0	16.0	19.5	12.5	16.0	13.5	10.0		7.3	7.5	42.0	79.0
	8.5	16.0	20.0	13.0	16.5	14.0	9.0		7.8	7.5	42.0	79.0
	9.0	16.0	20.5	14.0	17.0	14.0	8.5		8.3	7.0	42.5	79.0
	9.5	16.0	21.0	15.0	17.0	14.5	8.5		8.8	6.5	42.5	80.0
45E	7.5	16.0	17.0	10.5	16.5	14.0	10.0	13.0	5.2	9.0	43.0	81.0
	8.0	16.0	17.0	11.0	17.0	14.0	9.5	13.5	5.7	8.5	43.5	81.0
	8.5	16.0	17.5	12.0	17.0	14.5	9.5	14.0	6.0	8.0	43.5	82.0
	9.0	16.0	18.0	13.0	17.5	15.0	8.5	14.5	6.4	7.5	43.5	82.0
	9.5	16.0	18.5	13.5	18.0	15.5	8.0	15.0	6.8	7.5	44.0	83.0
50E	7.5	16.0	14.5	10.0	17.0	15.0	11.0	13.5	4.5	10.0	45.0	86.0
	8.0	16.0	15.0	10.5	17.5	15.0	10.5	14.0	4.9	9.5	45.5	86.0
	8.5	16.0	15.0	11.0	18.0	15.5	10.0	14.5	5.0	9.0	46.0	87.0
	9.0	16.0	15.5	12.0	18.0	15.5	10.0	14.5	5.5	8.5	46.0	87.0
	9.5	16.0	16.0	12.5	18.5	16.0	9.0	15.0	4.8	8.0	46.0	87.0
60E	7.5	16.0	10.0	8.5	18.0	15.5	17.0	13.0	2.0	11.5	53.0	101.0
	8.0	16.0	10.5	9.0	18.0	16.0	16.5	13.0	2.3	11.5	52.5	101.0
	8.5	16.0	10.5	10.0	18.0	16.5	16.0	13.0	2.5	11.0	52.0	101.0
	9.0	16.0	11.0	10.5	18.5	16.5	15.5	13.0	2.6	10.5	52.0	101.0
	9.5	16.0	11.0	11.0	18.5	17.0	15.0	13.0	2.8	10.0	52.0	101.0
70E	7.5	16.0	6.5	8.0	18.0	16.0	18.0	15.0	1.0	13.5	54.0	104.0
	8.0	16.0	6.5	8.5	18.0	16.5	17.0	15.0	1.0	13.0	53.0	103.0
	8.5	16.0	6.5	9.0	18.0	16.5	17.0	15.0	1.0	12.5	53.0	103.0
	9.0	16.0	6.5	9.5	18.5	17.0	16.0	15.0	1.0	12.0	53.0	103.0
	9.5	16.0	6.5	10.0	18.5	17.0	16.0	15.0	1.0	11.5	53.0	103.0
80E	7.5	16.0	3.0	7.5	18.0	16.5	24.0	16.0	0.3	15.5	60.0	117.0
	8.0	16.0	3.0	8.0	18.0	16.5	22.0	16.0	0.3	15.5	58.0	113.0
	8.5	16.0	3.0	8.5	18.0	16.5	21.0	16.0	0.3	14.5	57.0	111.0
	9.0	16.0	3.0	9.0	18.0	17.0	20.0	16.0	0.3	14.0	56.0	110.0
	9.5	16.0	3.0	8.5	18.0	17.0	19.0	16.0	0.3	13.0	55.0	108.0
90E	7.5	16.0	0.0	7.5	16.0	16.0	25.0	18.0	0.0	0.0	57.0	114.0
	8.0	16.0	0.0	8.0	16.0	16.0	23.0	18.0	0.0	0.0	55.0	110.0
	8.5	16.0	0.0	8.5	16.0	16.0	22.0	18.0	0.0	0.0	54.0	108.0
	9.0	16.0	0.0	9.0	16.0	16.0	21.0	18.0	0.0	0.0	53.0	106.0
	9.5	16.0	0.0	9.5	16.0	16.0	20.0	18.0	0.0	0.0	52.0	104.0

(c) (R. by ORD-12-00134, 1-2-13).

(d) Car washes shall be designed to provide the following:

1. Parking and Reservoir Space Requirements.
   a. One parking space for each two employees, and one parking space for the owner or manager of any car wash.
   b. Reservoir parking spaces equal in number to five (5) times the maximum capacity of a self-service or any other car wash shall be provided: maximum capacity, in this instance, shall be defined as the greatest possible number of automobiles undergoing some phase of laundering at the same time, which shall be determined by dividing the length in feet of each production line by twenty (20).
   c. One additional space shall be provided for each nozzle of any vacuum cleaning machine, while storage space for other car washes shall be adequate to accommodate all vehicles off-street which are awaiting delivery.
   d. Self-service car washes without indoor drying equipment shall provide one drying area stall for each self-service car wash stall to be located outside the area of any exit lane or area used for any other laundering process.
2. The exit door of any car wash shall be at least twenty-five (25) feet from any street or alley lot line.
3. For a self-service or full-service car wash having some type of indoor drying equipment the exit door shall be at least forty (40) feet beyond such dryers. However, the Director of the Building Inspection Division may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and car wash equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets Section 24.08, Madison General Ordinances, and all other requirements. (Am. by ORD-08-00109, 10-7-08)

4. The off-street facility shall make provisions for adequate queue storage that prevents queue interference with pedestrian or other vehicular movement and shall supply a queuing model to the Traffic Engineer for approval.
5. Any exterior lighting shall be in conformity with Madison General Ordinances Section 10.085(6)(a)12.
6. The hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Exceptions to these hours are subject to City Plan Commission review and approval under Section 28.183.
7. A reasonable means, approved by the Director of the Building Inspection Division to prevent the drainage or deposition of water which may create icing conditions, or the drainage or deposition of other cleaning material which may create undesirable conditions in the storm drainage system, from these premises or from any vehicle so serviced on such premises upon any public sidewalk, street or right-of-way of the City of Madison. Reasonable means may include, but are not limited to, drainage pits, areas or racks, mechanical shakers, compressed air blasts, fan blowers, etc. which will dry or remove water or other liquid material from the underside of the vehicle. (Am. by ORD-08-00109, 10-7-08
8. All of the provisions of this subdivision shall be prospective in operation and shall apply to the granting of all building permits for the construction of car washes and all building permits for alterations to, enlargements of and remodeling of existing building, provided, however, that paragraph 7. of this subdivision shall be applicable to existing car washes now in operation and such existing car washes shall comply with the subdivision.

(Sec. 10.08(6)(d) Am. by Ord. 12,008, 1-15-98; ORD-12-00134, 1-2-13)

(7) Application.

(a) All applications for Class III, IIIa, IV and commercial site driveway approach permits shall be made at the office of the Traffic Engineer on a form prescribed by the Board. Applications for commercial driveway approach permits that are proposed as part of a Planned Commercial Development, Planned Urban Development, Conditional Use application, or other application under Chapter 28, may be filed with the Zoning Administrator. (Am. by Ord. 13,489, 1-23-04)

(b) All applications for driveway approaches except Class I and Class II to parking and loading facilities shall be accompanied by scaled drawings, in quintuplicate, and approved by the respective City departments before a building permit will be issued. The following items must be indicated and dimensioned on the five submitted drawings:

1. A scaled drawing plot plan on a single sheet (1" = 20') or larger.
2. Address and parcel number of property.
3. Property lines, existing and proposed structures.
4. Width of abutting rights-of-way, roadways and terraces.

5. Location of driveway approaches-existing, proposed and adjoining.
6. Proposed driveway radii.
7. Type of surface-driveway approach, driveway and parking lot.
8. Proposed routing of motor vehicles entering and leaving.
9. Proposed treatment of right-of-way area adjacent to or between approaches.
10. Rate of slope or grade of approaches and driveways.
11. Utility poles, fire hydrants, trees or other structures to be moved.
12. Means of separation between parking lot and sidewalk.
13. Number, arrangement and size of parking stalls.
14. Proposed parking facility lighting in conformity with Madison General Ordinances Section 10,085. (Am. by Ord. 10,631, Adopted 3-30-93)
15. Distance to intersecting streets within five hundred (500) feet and location, elevation and size of all storm sewers available.
16. Indicate elevation of existing site to City datum. Elevations to be spotted at twenty-five (25) ft. intervals or one (1) ft. contours.
17. If no storm sewers are available, the owner is to include elevation of the top of the curb.
18. If the street is unimproved, the plot plan is to indicate the location and elevation of the drainage ditches abutting the site and proposed street centerline elevation.
19. Proposed method of drainage including the following:
    a. Proposed finished elevations of parking lot, including direction of drainage and elevations of proposed gutters or swales.
    b. Elevations, location and size of inlets, catch basin and storm sewers to be constructed in conjunction with the parking lots.
20. Location of all downspouts from the building and proposed method of disposing of surface water.
21. Name and address of person responsible for paying storm sewer connection charges that may be levied in conjunction with this project.

(c) Application for residential driveway approaches shall be made at the City Engineering Division. Application for commercial driveway approaches to off-street vehicle facilities shall be made at the Traffic Engineering Division.

(d) Before any Class III, III(a) or IV driveway approach permit for the construction or reconstruction of an off-street parking facility is granted under any ordinance, the applicant shall indicate on such application the location of proposed entrances and exits for the accommodation of motor vehicles entering and leaving said facility, together with the proposed plan of routing of motor vehicles entering and leaving said facility. Said application shall then be referred to the Traffic Engineering Division, City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development for their approval. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(e) On receipt and approval of the permit application and appropriate fee(s) under Sec. 10.08(8)(f) below, a permit shall be granted for construction which shall conform to the application. Driveway and parking lot permits shall not be granted or shall be deemed void for any parcel, lot or property which has not been legally divided per City of Madison ordinances. (Am. by Ord. 13,489, 1-23-04)

(f) Permit Fees for Certain Classes of Driveway Approaches. The minimum fee for the review, issuance and inspection of a permit for a single address with a Class I or II driveway approach, sidewalk or terrace improvements shall be twenty-five dollars ($25). The fee for a permit issued after commencing work, expect in cases of emergency as determined by the Engineer, shall be double the fees. The fee for referral of the aforementioned permit that has automatically terminated under Sec. 10.08(8)(a) shall be twenty-five dollars ($25). The fee for the review and issuance of a permit for each Class III, IIIa, IV and commercial site driveway approach shall be $100 for each new approach, modification or reconstruction of an existing approach, removal or closure of an existing approach, including those required under Sec. 10.08(8)(h); or change of class under Sec. 10.08(8)(f). The $100 fee shall apply to each separate driveway approach so approved, whether approved on a single permit form or multiple forms. The fee for renewal of a permit that has automatically terminated under Sec. 10.08(8)(a) shall be $50 for each separate driveway approach for which renewal is requested. (Cr. by Ord. 13,489, 1-23-04; Am. by ORD-14-00053, 3-12-14)

(8) Restrictions and Responsibilities.

(a) Driveway approaches and parking facility requirements must be completed within one (1) year after the permit is issued; otherwise the permit shall automatically terminate. The permit may be renewed prior to the termination date, for a period not to exceed one (1) additional year, by payment of the fee under sec. 10.08(7)(f). (Am. by Ord. 13,489, 1-23-04)

(b) The construction of such driveway and approaches shall not interfere with any existing structure on any street right-of-way without specific permission in writing from the Board and other owner thereof.

(c) The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction of any approach or driveway.

(d) The permittee shall assume responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.

(e) No entrance or approach shall be relocated or its dimensions altered unless a new permit authorizing the relocation or reconstruction is issued for the appropriate driveway approach under Sec. 10.08(7). (Am. by Ord. 13,489, 1-23-04)

(f) A driveway entrance and approach constructed for one class shall not be used under a different class until the appropriate permit for such different class at that location is issued under Sec. 10.08(7). (Am. by Ord. 13,489, 1-23-04)

(g) Where a permit has been granted for entrances to a parking facility, or the Traffic Engineer has approved a site plan for a new or existing parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in Subsection (6)) or (7), as appropriate. The circumstances under which a parking facility shall be considered to have been altered shall include, but are not limited to: any portion or element of the facility as shown on the approved plan is not constructed or completed according to the approved plan, or if any moveable fixtures or features of the facility are located other than as shown on the approved plan. The circumstances under which the plan of operation shall be considered to have changed shall include but are not limited to: vehicles parked beyond the limits of the approved plan, in areas or in a manner other than as designated on the plan, vehicles allowed to circulate, make ingress or egress in any manner other than was shown on the approved plan, excess vehicle storage or other non-vehicle items permitted to be stored that were not approved on the plan, or in a place other than where approved on the plan. (Am. by Ord. 12,865, 8-7-01; Ord. 13,489, 1-23-04)

(h) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also be deemed a request for a permit to reconstruct or close any existing nonconforming or unused entrances and approaches to the same site. No permit to construct a new driveway approach or reconstruct any existing approach shall be granted unless the applicant agrees to properly reconstruct or close any other existing nonconforming or unused entrances or approaches on the site and permits are issued for the same under Sec. 10.08(7). All costs incurred shall be at the expense of the property owner. (Am. by Ord. 13,489, 1-23-04)

(i) Where a driveway approach is no longer used or no longer leads to a driveway, residence, barn, garage, parking facility or other improved area for the lawful use of vehicles, by reason of abandonment, construction, reconstruction or change of land use, such approaches shall be removed and standard curb and gutter replaced at the expense of the property owner and shall be completed within one (1) year after issuance of the appropriate permits under this section. (Am. by Ord. 13,489, 1-23-04)

(j) When a building permit is required for the reconstruction or remodeling of an existing commercial site or a zoning or occupancy certificate is required for use or change of use for any land, buildings or structures, all of the existing, as well as the proposed, driveway approaches and parking facilities shall comply with all design standards as set forth in this ordinance.

(k) No person shall construct a new driveway approach, modify or reconstruct an existing approach, remove or close an existing approach, change the class of an approach, work on any driveway approach for which a permit has automatically terminated under 10.08(8)(a), or cause any of the above to take place, without the appropriate valid permit(s) issued therefore. This provision shall apply equally to the owner or occupant of the property that the driveway approach leads to and any person performing the construction or work on the driveway approach in question. (Cr. by Ord. 13,489, 1-23-04)

(9) Administration.

(a) The Board is hereby authorized to prescribe the form of bond and the form of application for permits under this section and shall have general supervision of the enforcement of the provisions of this section. It shall have authority to make such rules and regulations, consistent with the provisions of this section and law, as may be necessary for the proper administration and enforcement of this section.

(b) If approval of any proposed driveway approach or proposed parking lot and driveway approach is denied, the applicant, owner lessor or lessee may appeal to the Board of Public Works for a review of the denial by filing notice of appeal with the City Clerk within thirty (30) days after such denial. The Notice of Appeal shall state the basis or bases upon which the applicant seeks review of the denial. At such hearing the applicant shall have the opportunity to cross examine witnesses, may call witnesses in her/his own behalf and may be represented by legal counsel. After holding a hearing, the Board shall by majority vote make findings of fact and conclusions of law and may by majority vote affirm, modify or reverse the denial of the driveway approach or parking lot and driveway approach consistent with the provisions of this section. The Board shall have only the power to determine whether staff has properly interpreted the provisions of this section and may not modify, change or substitute for any provision contained in these ordinances. (Am. by Ord. 11,007, 10-12-94)

(c) Inspection to determine compliance within the terms of this ordinance shall be the responsibility of the Building Inspection Division of the Department of Planning and Community and Economic Development. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

(d) Any person violating the provisions of this section shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense.

(10) This ordinance shall be in effect from and after its passage and publication.

(Sec. 10.08 Am. by Ord. 7204, 1-22-81)

10.085 OUTDOOR LIGHTING.

(1) Purpose and Intent. This ordinance regulates all outdoor lighting installed on residential site and commercial site property, both publicly and privately owned within the City of Madison with the exception of outdoor lighting on public streets, public bikeways and public walkways which are regulated elsewhere in the ordinances. The purpose of this ordinance is to create standards for outdoor lighting that do not interfere with the reasonable use of commercial site and residential site property, that prevent light trespass and conserve energy yet maintain night time safety. Installation of outdoor lighting is not mandatory but if installed, it shall be in conformance with the provisions of the ordinance, the building code and all other codes and regulations as applicable and under appropriate permit and inspection.

(2) Definitions.

Commercial Site shall mean a tract consisting of one or more contiguous lots or parts of lots which are to be used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities or any commercial site having five (5) or more parking stalls.

Covered Parking Facilities shall mean a parking facility with an overhead covering and shall include all floors except the roof level of a multilevel parking structure or ramp.

Driveway shall mean every way or area used for vehicular travel back of the street right-of-way line.

Footcandle shall mean the illumination of a surface one foot distant from a source of light equivalent to one candle.

Building Inspection Division shall mean the Building Building Inspection Division of the City Department of Planning and Community and Economic Development. (Am. by ORD-08-00109, 10-7-08

Installation shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

Light Trespass shall mean stray light or spill light flowing across the property boundary. (Am. by Ord. 13,717, 10-26-04)

Lighting Sources shall mean any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted shall fall within the electromagnetic spectrum to a length of between 380 and 770 nanometers. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, metal halide and mercury vapor lamps.

Non-Shielded or Non-Cutoff Lighting Fixtures shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, a non-shielded lamp or light source and distributes light at any angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Open Parking Facilities shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Outdoor Canopy shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and which shall include but shall not be limited to canopies over gas station pumps or canopies at convenience stores.

Outdoor Lighting Fixtures shall mean lighting sources which are electrically powered illuminating devices, lighted or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or for advertisement. Such devices shall include, but are not limited to, searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking area lights, sports lights and sign panels.

Outdoor Merchandizing Area shall mean car sales lots, equipment sales lots, retail gasoline stations, garden centers, and other similar areas where products are permanently displayed or dispensed outdoors.

Person shall mean any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Residential Site shall mean a single parcel in a residential zone containing a residential structure of one or more dwelling units with a parking facility for one (1) or more cars. (Am. by Ord. 13,717, 10-26-04)

Shielded or Cutoff Lighting Fixtures shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees (15°) above horizontal. No light is permitted at an angle more than four degrees (4°) above horizontal. (Am. by Ord. 13,717, 10-26-04)

Uniformity Ratio shall mean the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.

(3) General Requirements.

(a) All outdoor lighting fixtures installed and thereafter maintained upon private or public residential, commercial, industrial and other nonresidential property shall comply with the following:

1. The maximum allowable light trespass shall be 0.5 horizontal footcandles four (4) feet above the ground. The point of measurement of this offending light shall be at any point at the outer wall of an adjacent building occupied for residential or public use, or at any point greater than 10 feet from the adjacent lot line. This measurement shall not include any ambient, natural light.
2. All fixtures greater than 1,000 initial lumens (equivalent to 70 watts incandescent) shall be full cutoff, or shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five (5) feet or higher above the ground at the property boundary. The light source shall not be of such intensity so as to cause discomfort or annoyance.
3. Any outdoor lighting fixture installed on a parking lot, parking structure or outdoor merchandizing area shall use either high pressure sodium, metal halide, or fluorescent lamps. The lighting system shall be extinguished or reduced to fifty percent (50%) no later than thirty (30) minutes after the close of business for the day or after the end of normal office hours for the majority of employees. (Am. by ORD-07-00032, 3-22-07)
4. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 P.M.

(b) All outdoor lighting fixtures installed prior to March 30, 1993 shall be exempt from this ordinance except as follows:

1. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to fifty percent (50%) or more of the total number of fixtures, then all fixtures shall comply with the provisions of this ordinance.
2. All outdoor lighting fixtures installed on residential parking facilities irrespective of installation date shall conform to subsection (4)(c) herein.

(c) All outdoor lighting fixtures shall be maintained according to approved plans.

(d) Trees and shrubbery shall not be located where they significantly reduce or block the lighting of parking facilities or roadways.

(e) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; outdoor merchandizing areas; building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.

(Am. by Ord. 13,717, 10-26-04)

(4) Specific Design Requirements.

(a) A lighting system for parking facilities and outdoor merchandizing areas in commercial, industrial, agricultural and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:

1. Open Parking Facilities. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
   a. High Activity: Facilities for major or league athletic events or major cultural or civic events.
   b. Medium Activity: Shopping centers, retail parking areas, hospital and clinic parking areas, transportation parking (airports, commuter lots, etc.), cultural, civic or recreational events, and fast food facilities.
   c. Low Activity: Employee parking, educational facility parking, office parks and church parking.
2. Horizontal Illuminances for Parking Facilities.
   a. Open Parking Facilities.

General Parking & Pedestrian Area					Vehicle Use Area (Driveway)		
Level of Activity	Min. Footcandles[1] on Pavement	Max Avg Footcandles on Pavement	Max Uniformity Ratio[1] (Avg:Min)	Max. Watts[3]/Sq Foot Lighting Load[2]	Minimum Footcandles[1] on Pavement	Max Avg Footcandles on Pavement	Maximum Uniformity Ratio[1] (Avg:Min)
High	0.6 fc	3.75 fc	5:1	.12	.67 fc	2.5 fc	5:1
Med	0.4 fc	2.5 fc	5:1	.10	.33 fc	1.5 fc	5:1
Low	0.2 fc	1.5 fc	5:1	.08	.125 fc	1.0 fc	5:1

(Sec. 10.085(4)(a)2.a. Am. by Ord. 11,392, Adopted 11-7-95)

   b. Covered Parking Facilities.

Areas	Minimum Footcandle Average on Pavement	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Maximum Watts[3]/Sq Ft Lighting Load
General Parking and Pedestrian Areas	5 fc	1.25 fc	9 fc	4:1	.2
Private Controlled Entry Parking	3 fc	.75 fc	6 fc	4:1	.2

[1]Not mandatory within 4 feet of the pavement edge.
[2]Not mandatory for driveways.
[3]Watts shall mean lamp wattage and ballast consumption.

(b) An outdoor lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five (5) watts per lineal foot. Watts shall mean lamp wattage and ballast consumption. Such lighting shall be shielded or installed so as to illuminate the building, and not the sky.

(c) A parking facility for more than three (3) cars on a residential site shall be lighted to provide at least .25 footcandles on any surface with an average illumination level of at least .75 footcandles. Outdoor light fixtures shall be designed and installed to minimize light trespass. In addition, the uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1. (Am. by ORD-05-00055, 4-6-05)

(d) For an outdoor merchandizing area, the maximum initial illumination level in 75% of the lot shall not exceed 20 footcandles. A contiguous area not to exceed 25% of the lot may be illuminated to a level which shall not exceed 40 footcandles.

(e) The maximum initial illumination level under an outdoor canopy shall not exceed 50 footcandles at any point.

(Am. by Ord. 13,717, 10-26-04)

(5) Approval Procedures.

(a) Any person desiring to install outdoor lighting fixtures greater than 1,000 initial lumens shall submit to the Building Inspection Division for review the following materials:

1. A catalog page, cut sheet or photograph of the lighting fixtures including the mounting method.
2. A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
3. A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall initial illumination levels and uniformities and the point where 0.5 horizontal footcandles occurs on the property or adjacent property at a distance four (4) feet above the ground. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
4. A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

(Am. by Ord. 13,717, 10-26-04; ORD-08-00109, 10-7-08)

(b) Upon review of the material described above, the Building Inspection Division may authorize the installation of outdoor lighting fixtures. (Am. by ORD-08-00109, 10-7-08)

(6) Administrative Exemption.

(a) Any person may submit a written request to the Building and Fire Code Review and Appeals Board for an administrative exemption from the requirements of this ordinance. The basis for an administrative exemption shall be any one or more of the following reasons: the provisions of the ordinance do not fully apply; the application of the ordinance may cause a manifest injustice to be done; the compliance time required for compliance with the ordinance is unreasonable; an alternate plan for outdoor lighting is equally good or better than standards set by the ordinance. The request shall state fully

the circumstances and conditions relied upon as the basis for an administrative exemption and shall be accompanied by plans and legal description of the property involved. In addition, the request shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Location of the outdoor lighting fixtures for which the exemption is requested.
3. The nature of the circumstances which necessitate the exemption.
4. Use of the outdoor lighting fixture involved.
5. All description data as called for in subsection (5) herein.
6. Such other data and information as may be required by the Board.

(b) In considering whether to grant the request for an administrative exemption from the ordinance, the Building and Fire Code Review and Appeals Board may consider the following factors:

1. Special circumstances or conditions applying to the land, building or outdoor lighting fixture for which the exemption is sought;
2. Deprivation to the applicant of the reasonable use of the land, buildings or outdoor lighting fixtures that strict application of the ordinance may cause;
3. The effect of the granting of the exemption on the public welfare.

(7) Penalties. Any person violating the provisions of this ordinance shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and each day of continued violation shall constitute a separate offense.

(Sec. 10.085 Cr. by Ord. 10,631, Adopted 3-30-93)

10.09 CONSTRUCTION AND REPAIR OF SIDEWALKS AND RECONSTRUCTION AND REPAIR OF CONCRETE CURB AND GUTTER.

(1) 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) The provisions of Section 66.0703(1) of the Wisconsin Statutes or Section 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. (Am. by Ord. 10,182, 1-31-91)
(Am. by Ord. 8080, 7-14-83)

(3) 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. 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. Once the final work is approved and accepted by the City Engineer, property owners proceeding under this subsection 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. (Cr. by ORD-12-00070, 5-24-12)

10.10 INSTALLATION OF STREET TREES.

(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 Superintendent of Parks and the Board of Public Works and the Board of Park Commissioners.

(2) Diseased or destroyed street trees shall be replaced by the City, provided that adequate space for tree growth is available and subject to availability of funds. The replacement of diseased or destroyed trees shall not be assessed to the abutting property owner.

(3) The full cost, including inspection and supervision, of the initial installation of street trees shall be assessed to the abutting properties providing that the abutting properties have not been denied access to the right-of-way in which the street trees are installed. Assessment for street trees shall be in accordance with Wis. Stat. § 66.0701 and this ordinance, except where street trees are installed as a part of a street improvement project in which case Sec. 4.09, MGO, shall govern. The maintenance of street trees shall be the responsibility of the City.

(4) When the City Forester proposes the installation of street trees assessed to abutting properties he/she shall prepare a report listing the street trees to be planted, their location and a schedule of assessments.

(5) A notice shall be published in the official newspaper stating that the City Forester proposes to plant and assess street trees to each of the benefited properties and that the Board of Public Works will hold public hearings on the selection, planting and assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10), and not more than forty (40) days after such publication. (Am. by ORD-10-00114, 12-8-10)

(6) The Board of Public Works shall hold a public hearing on the planting of trees and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Forester's report.

(7) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Forester's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985, in the City and a copy of such notice shall be mailed at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication.

(8) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove or modify, or it may re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the tree planting and to accomplish a fair and equitable assessment.

Upon adoption by the Common Council, the assessments shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date. A copy of the resolution adopted by the Common Council shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence.

(Am. by Ord. 8798, 2-27-86)

(9) After the project is completed and all costs have been charged to the project, the City Forester shall modify each special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (7) and after a public hearing, amend, cancel, or confirm any such prior assessment.

If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, the excess over cost shall be refunded to the property owner.

(Am. by Ord. 8798, 2-27-86)

(10) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Wis. Stat. § 66.0703(12), within forty (40) days of the day of the final determination of the governing body.

(11) The Council may, without any notice or hearing provided in Subsections (5), (6), (7) and (8), levy and assess the whole or any part of the cost of installation of street trees as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment.

(12) Special assessments for the installation of street trees shall be payable in installments as provided by Section 4.08 of the Madison General Ordinances. (Cr. by Ord. 6224, 4-27-78)

(Am. by ORD-12-00052, 4-25-12)

10.101 REGULATION OF TREE TRIMMING, PRUNING AND REMOVAL WITHIN THE PUBLIC RIGHT-OF-WAY OF ANY STREET, ALLEY OR HIGHWAY.

(1) Intent and Purpose.

(a) The intent of this ordinance is to regulate the trimming, pruning and removal of trees in an effort to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning and removal that is unnecessarily disfiguring and/or destructive, and to give property owners notice of, and an opportunity to contest, proposed tree trimming, pruning and/or removal operations.

(b) Exemptions. This ordinance is not intended to apply to the trimming, pruning or removal of trees under the following circumstances:

1. When the trees in the public street, alley, highway, or greenway are encroaching on an abutting property owner's property;
2. When the trimming or pruning is being performed by the City of Madison Departments of Public Works or Transportation or employees of those departments as those departments work under the direction of the City Forester who has established policies and procedures for trimming, pruning and removal;
3. When the trimming or pruning is in relation to routine installation (e.g. cable television, telephone, etc.), the installer shall not be required to obtain a permit, but must meet the standards in this ordinance and the standards of the city Forester in performing such work.
4. When the trimming, pruning or removal is by an individual property owner, the City Forester retains his or her discretion to issue individual permits for trimming, pruning or removal in the public right of way when such trimming meets the guidelines and standards of this ordinance and the City Forester.

(2) Definitions.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Greenway. As defined in Madison General Ordinances, Sec. 16.23(2).

Tree Trimming Plan. Tree Trimming Plan applies to trimming, pruning and removal of trees and includes any trimming and/or pruning of roots.

(3) Permit Required for Trimming, Pruning, and Removal of Trees within the Public Right-of-Way of any Street, Alley, Highway or Greenway.

(a) No person shall trim, prune, or remove any tree that is in a public street, alley, highway or greenway or cause such work to be done by others, without first obtaining a permit from the City Forester. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

(b) Any person seeking a permit to trim, prune, or remove a tree in a public street, alley, highway or greenway shall submit a written proposed trimming, pruning or removal plan to the City Forester, setting forth the following:

1. Clear and specific identification of the trees in a public street, alley, highway or greenway which the person is targeting for trimming, pruning, or removal. The identification shall include the name and block number(s) of the street(s) on which the trees are located.
2. A clear and specific statement identifying the dates on which the trimming, pruning, or removal will begin and end.

3. Detail regarding the general nature and character of the proposed trimming, pruning or removal.

The Habitat Stewardship Subcommittee will hold a hearing regarding the proposed Tree Trimming Plan at its first meeting after submission of the plan. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(c) Notification. Upon submission of the Tree Trimming Plan to the City Forester, the party submitting the plan shall notify residents within the proposed tree trimming, pruning or removal area, via United States Mail or personal delivery.

The notice shall inform the resident(s) of the proposed date for trimming, pruning or removal, the date on which the Habitat Stewardship Subcommittee will consider the proposed Tree Trimming Plan, and inform the resident that he/she has the opportunity to appear and testify at the meeting of the Habitat Stewardship Subcommittee.

Whichever method is used to effect notification, the party shall submit proof to the Habitat Stewardship Subcommittee that notification was mailed or delivered to the affected residents.

All meetings of the Habitat Stewardship Subcommittee, including all deliberations on a proposed tree trimming plan shall be open to the public. The Subcommittee shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Park Division and shall be a public record.

The Habitat Stewardship Subcommittee, upon its findings, shall make a recommendation, including the reasons therefore, to the City Forester after the hearing. The recommendation shall be provided to the applicant. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(d) If the City Forester determines that the Tree Trimming Plan is in accordance with the intent and purpose of this ordinance, it will, within 10 days of the hearing at which the plan was considered, authorize the City Clerk to issue a permit to the person submitting the plan. The City Clerk will issue the permit upon submission of the permit fee of fifty dollars ($50.00.) (Am. by Ord. 13,601, 5-11-04)

(e) The permit shall indicate the streets affected by the Tree Trimming Plan and the dates on which the trimming, pruning or removal will occur. The permit will be valid for the streets and dates appearing on the permit, except as provided in subdivision (e)1. below. Any person trimming, pruning or removing trees outside of the streets or dates specified on the permit will be in violation of this ordinance and subject to penalty.

1. Public utilities and contractors may apply for and obtain, in accordance with this ordinance, an annual forestry permit which will be valid for a period of one (1) year from the date of issue, subject to the following additional conditions:
   a. Provide the City Forester fifteen (15) days advance written notice of work to be performed;
   b. Perform work in conformance with this ordinance and the written guidelines and directives of the City Forester;
   c. Pay an annual forester permit fee of fifty dollars ($50) to the City Clerk's office.
2. The annual forestry permit will be subject to renewal upon reapplication to the City Forester and re-hearing before the Habitat Stewardship Subcommittee. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(4) Administration and Enforcement.
   (a) The purpose of this section is to provide for the administration and enforcement of this ordinance.
   (b) This section shall be administered and enforced by the City Forester and designees thereof and in conformity with Madison General Ordinances Sec. 10.101(1).
   (c) Violations of this section shall be brought to the attention of the City Forester.

(5) Emergency Trimming, Pruning or Removal. The above specified notice procedure does not apply when circumstances arise which require immediate action to protect the public from imminent harm, such as sickness, disease, personal injury or property damage. In determining imminent harm, there must be a balancing of the rights of the abutting property owner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action.

(6) Appeals. Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section may appeal to the Board of Park Commissioners by filing a notice of appeal, stating the grounds therefore, with the President of the Park Commission. The Board of Park Commissioners may, after a hearing, with notice to the appellant, reverse, affirm or modify, in whole or in part, the decision or determination of the Habitat Stewardship Subcommittee or the City Forester. The decision of the Board of Park Commissioners shall be a final administrative determination, subject to judicial review as may be provided by law. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09)

(7) Penalty.
   (a) Any person who violates the provisions of this section shall, upon conviction, pay a forfeiture of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). Each day during which any violation of the provisions of this section shall occur or continue shall constitute a separate offense.
   (b) If, as the result of a violation of any provision of this section, the injury, mutilation, or death of a tree located within the public right-of-way of any street, alley, highway or greenway is caused, the cost of repair and replacement of such tree shall be the responsibility of the person in violation. The replacement value of trees shall be determined in accordance with the most recent edition of A Guide to Plant Appraisal published by the International Society of Arboriculture.

(Sec. 10.101 Cr. by Ord. 12,106, 4-20-98; Am. by Ord. 12,253, 11-17-98; ORD-13-00117, 6-26-13)

10.11 TEARING UP PAVEMENT, ETC. Any person who shall injure or tear up any pavement, sidewalk or crosswalk or any part thereof, or shall dig any hole, ditch or drain in any street, pavement or sidewalk, without a written permit therefor as provided in this chapter, or who shall hinder or obstruct the authorized making or repair of any pavement, sidewalk or crosswalk, or other public improvement, shall be subject to a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500). (Am. by Ord. 13,760, Adopted 12-14-04)

10.12 PROHIBITING TRACTION ENGINES ON CERTAIN STREETS. No person shall propel or move or cause to be propelled or moved any traction engine or similar machinery having cogs, spikes or other projection on the outer circumference of wheels over or along any street or alley which has been paved with brick, macadam, asphalt or other pavement without first having obtained a permit therefor from the Street Commissioner (Superintendent of Sanitation). The Street Commissioner (Superintendent of Sanitation) is authorized to grant a permit in writing to propel or move a traction engine or similar machinery over paved streets or alleys in case any such engine or other machinery cannot be moved or

propelled to its destination over streets or alleys that are not paved, and the Street Commissioner (Superintendent of Sanitation) shall designate in such permit the streets or alleys or portions thereof over or along which any such traction engine or similar machinery may be propelled or moved, provided that when any such traction engine or similar machinery is moved over or along streets paved with sheet asphalt, asphalt macadam, block or brick pavement, planks shall be placed on the street in a manner satisfactory to the Street Commissioner (Superintendent of Sanitation) and the machinery propelled or moved over the planks in order to protect the pavement from injury.

10.13 MACHINERY NOT TO BE PROPELLED ON STREETS FOR EXHIBITION PURPOSES. Machinery shall not be drawn or operated upon the streets for the purpose of exhibition.

10.14 WHEELS NOT TO BE LOCKED. No person shall use any wheeled vehicle upon any macadamized street with any wheel thereof locked or fastened so that the same will not turn.

10.15 CURB CUTS AND DRIVEWAY APPROACHES.

(1) No driveway approach, as defined in Sec. 10.08 of the Madison General Ordinances, shall be constructed between the curb and gutter and property line on any street unless the entire combined curb and gutter shall first have been removed, and the same replaced with a curb cut and a driveway gutter which shall be constructed separate from the driveway approach.

Curb cuts and driveway gutters shall be constructed in accordance with the above, or in accordance with the requirements of those alternative methods as specified in the City of Madison Standard Specifications for Public Works Construction and all addenda and supplements thereto.

(2) No person shall construct or maintain any plank, metal, or other type of access to any driveway approach or alley across any gutter on any street, unless permitted to do so by the Common Council. All such approaches on paved streets heretofore constructed and now maintained contrary to the provisions of this section shall be removed by the Street Superintendent if not removed by the owner after ten (10) days written notice given by said Street Superintendent.

(3) All curb cuts and driveway approaches, excepting those specifically authorized by the Common Council, shall be made only by contractors qualified for such work by the Board of Public Works. Any property owner desiring a curb cut or a driveway approach or both shall file a written request for the same in accordance with the requirements of Sec. 10.08 of the Madison General Ordinances. If the work is to be done by an officially designated contractor, the property owner shall pay the cost of the work to the City Treasurer, the amount to be determined by the City Engineer on the basis of the contract between the City of Madison and the officially designated contractor, and the City Engineer shall direct the officially designated contractor to undertake and complete such work. The City Engineer shall keep an accurate account of the expense of installing curb cuts and driveway approaches in front of each parcel of land served by such curb cuts or driveway approaches, shall report the same to the Finance Director, shall authorize payments to the officially designated contractor in accordance with the terms of his/her contract with the City, and shall authorize the Finance Director to bill the owner of the parcel of land served by such curb cuts and driveway approaches the actual cost of the work. (Am. by Ord. 8762, 12-31-85; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(Sec. 10.15 Am. by Ord. 6969, 4-30-80)

10.16 DEPOSIT OF INOPERABLE VEHICLES PROHIBITED.

(1) It shall be unlawful for a property or business owner or operator to deposit or cause to be deposited any vehicle parts or any vehicle that reasonably appears to be inoperable or in a state of substantial disrepair upon any portion of the highway adjacent to his/her real property or place of business. A vehicle or vehicle parts deposited on the highway shall be considered "adjacent" if it is upon a portion of the highway that directly abuts or is within 500 feet in any direction of the real property or place of business in question.

(2) Any person who violates Subsection (1) above shall, upon conviction, be subject to a forfeiture of not less than fifty dollars ($50) and not more than five-hundred dollars ($500) plus applicable costs. Each day or portion thereof that a violation exists or continues shall be considered a separate offense.

(Cr. by Ord. 13,325, 5-28-03)

10.17 DEPOSIT OF RUBBISH AND THROWING OF GLASS ON STREETS PROHIBITED. No person shall deposit any brine, salt, grass, leaves or other rubbish in any street or gutter in the City, and no person shall deposit or permit to be deposited in or upon any street, alley, driveway, sidewalk or public park or in or upon any road or pleasure drive which is under the police jurisdiction of the City any glass, crockery, nails, tacks, pieces of metal, wire briar, thorn, broken stone or other articles liable to injure any person or the wheels or tires of vehicles, except as permitted in the following section. (Am. by Ord. 13,319, 5-28-03)

10.18 COLLECTION OF REFUSE AND RECYCLING OF WASTE.

(1) Collection of rubbish and refuse in the City of Madison shall be in accordance with rules, procedures, and schedules as specified by the Street Superintendent. The Street Superintendent shall designate the days on which rubbish will be collected in the various districts of the City of Madison, which said rubbish collection day shall be kept as nearly uniform as possible for the various districts. No rubbish or refuse to be collected by the City shall be deposited upon the terrace of any street within the City of Madison more than twelve (12) hours before the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.

(2) Deposit of Material in Gutter Prohibited. No material shall be placed in any gutter by any person so as to obstruct the flow of water therein unless such person shall provide a suitable culvert so as to provide for the free and unobstructed flow of water.

(3) Sidewalks and Roadways Not to Be Obstructed. No material shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway. (Am. by Ord. 13,319, 5-28-03)

(4) Damages Caused by Deposit of Rubbish. Any person depositing material in the streets of the City of Madison shall be liable for all damages which may accrue to the public due to the presence of such rubbish or material in the streets. (Am. by Ord. 13,319, 5-28-03)

(5) Persons Who May Collect Rubbish and Refuse. No person, unless she/he has a contract with the City of Madison permitting her/him to collect and remove rubbish and refuse, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent shall collect or remove any rubbish or refuse which has been deposited or placed by any person on the terrace adjoining her/his premises for collection by the City as herein provided, except that nonprofit organizations may collect household furnishings that have been deposited or placed on the terrace for disposal during daylight hours between May 15 to May 31 and August 15 to August 31. "Person" as used in this section includes individuals, partnerships, associations and bodies politic or corporate. (Am. by Ord. 13,319, 5-28-03)

(6) No owner or operator shall allow a rubbish or refuse container to remain on the terrace of the street in front of her/his premises for more than twenty-four (24) hours after the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. (Am. by Ord. 13,319, 5-28-03)

(7) Separation of Solid Waste Required.

(a) Definitions:

1. Brush is defined as bushes, tree limbs and branches, and other woodlike trimmings. Rosebush trimmings are considered to be brush.
2. Appliances shall include air compressors, air conditioners, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens,

ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves. (Am. by Ord. 11,170, 2-14-95)

3. Magazines shall mean magazines and other materials printed on similar paper.

4. Newsprint means that portion of newspapers or periodicals which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling. Newsprint does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
   a. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling;
   b. The paper is no longer flat and folded to the approximate dimensions of its original condition;
   c. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;
   d. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

5. Office paper shall mean high grade printing and writing papers from offices in nonresidential facilities and properties.

6. Solid Waste shall mean garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in wastewater effluents or other water pollutants. Solid waste shall include microwave ovens from which the capacitor has been removed.

7. Yard Waste shall mean leaves, grass clippings, garden and other organic yard debris.

8. Directories shall mean any publication that lists names, addresses, telephone numbers or other similar contact information of people, businesses, members, employees, or other similar categories. In this subsection, this definition only applies to those directories capable of being recycled by the City of Madison, as determined by the Street Superintendent or designee. (Cr. by ORD-11-00043, 3-23-11)

(b) Applicability and Enforcement of Ordinance.

1. Subsections (7), (8), (9), (10) and (11) of Section 10.18 shall apply to all persons and entities who, directly or through the services of the City of Madison or another third party, dispose of or attempt to dispose of solid wastes at any Dane County-owned landfill or at any other landfill located in the City of Madison and includes all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type. (Am. by Ord. 11,170, 2-14-95)

2. Owner Responsibility. Every owner or operator of multi-family dwellings, commercial, retail, industrial, governmental, and public service facilities shall be responsible for maintaining an effective means for tenants to comply with the requirements of this subsection (7), except for subdivision (f). In addition each owner or operator shall at the commencement of a tenant's move to the premises and each 6 months thereafter notify the tenants of the City and County recycling requirements. (Am. by ORD-09-00102, 7-2-09)

3. Pursuant to Wis. Admin. Code § NR 544.04(9) and NR 544.06(2)(e), the City of Madison shall use any lawful means to adequately enforce the requirements of its recycling program including but not limited to inspections to ascertain proper

separation, preparation, and collection of recyclable materials and proper disposition of all solid waste including recyclables, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(c) (R. by ORD-11-00043, 3-23-11)

(d) Yard Waste.

1. Prohibited Yard Waste and Brush Disposal. No person shall:
   a. Mix or permit the mixing of yard waste or brush with solid waste for landfill disposal at any Dane County-owned landfill or at any other landfill located in the City of Madison, or for City curbside garbage collection or place or permit the placing of yard waste or brush out for City curbside garbage collection;
   b. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time or at any authorized yard waste, brush or compost site while the site is closed;
   c. Deposit yard waste or brush in or upon any public street, water, or grounds in the City of Madison, except that, on streets where a public works project was completed in a calendar year and pursuant to the directives of the Street Superintendent, the adjoining property owner shall be allowed during that calendar year only to bag their yard waste and place the bags upon the public street immediately adjacent to the curb for pick up by the Streets Division. This limited exception shall solely apply during the calendar year of the completed public works project in an effort to allow the disturbed terraces to stabilize and revegetate. Bags placed in the street under this exception shall not be a violation of any other provision of this section. (Am. by ORD-06-00176, 12-8-06; ORD-12-00061, 5-9-12)
   d. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill or collection site located in the City of Madison unless that person is a resident of the City or otherwise authorized user of the site.
2. Permitted Yard Waste Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
   a. Deposit yard waste at any authorized City of Madison yard waste drop-off sites or any authorized compost sites while such authorized sites are open;
   b. Compost yard waste in accordance with Section 7.361;
   c. Deposit grass clippings, leaves and garden debris at curbside to be collected by the City during a fall and spring collection of yard waste.

3. Permitted Brush Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
   a. Deposit brush at any authorized City of Madison brush drop-off site while such authorized sites are open.
   b. Deposit brush at curbside to be collected by the City according to the published brush collection schedule.
   c. Deposit holiday trees at curbside to be collected by the City during the special January collection period.
4. Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under her/his control in accordance with the requirements of this subsection. (Am. by ORD-14-00012, 1-14-14)

(e) Recyclable Waste. Every person disposing of newsprint, yard waste, office paper, directories, waste oil, magazines, tires, lead-acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, and HDPE and PETE plastic containers in the City of Madison shall separate such items from all other solid waste materials, shall recycle such separated items as provided herein and shall not place such separated items in containers for disposal with other refuse or garbage. (Am. by Ord. 11,170, 2-14-95; ORD-11-00043, 3-23-11; ORD-12-00085, 6-26-12)

1. For persons served by regular City refuse collection, except for waste oil, lead acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass barrels and drum containers, the above-listed recyclable items shall be separated and placed at the curb in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such recyclable items may be disposed of by such persons in any other lawful manner. No person shall mix or permit the mixing of said recyclables with garbage or other solid waste in violation of such City rules, procedures or schedules. (Am. by ORD-12-00085, 6-26-12)
2. No person shall deposit or abandon any waste oil, lead acid batteries, or barrel or drum container in or upon any public street, alley, grounds or waters. Waste oil, lead acid batteries, barrels and drum containers shall be disposed of in a lawful manner. No person shall deposit waste oil, lead acid batteries, barrels and drum containers at City of Madison drop-off sites, nor curbside for pickup by the City of Madison.
3. All other persons subject to this ordinance as Dane County-owned or private landfill users shall facilitate and provide for separation and recycling of the above-listed items in a manner conducive to the recycling of said items. Owners of multifamily dwellings, commercial, retail, industrial, governmental and public service facilities shall place and maintain adequate separate containers in convenient locations for use by tenants, employees, customers and guests for the collection of said recyclable items and shall make arrangements for the recycling of such collected items by public or private means, or such material may be disposed of by said owners in any other lawful manner.

4. Private refuse haulers shall not commingle separate recyclables into containers used for or containing garbage or other refuse, but shall maintain recyclables separately so as not to destroy their value for recycling, and shall not dispose of solid waste containing the above-listed recyclables in any Dane County-owned or other landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
5. Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
6. No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.
7. No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(f) Plastic Bags.

1. Purpose. Each year, it is estimated that the average American uses 330 plastic bags. Hence, Madison residents will use approximately 74,794,500 plastic bags in 2009. Based upon national averages, only 0.6% of those bags (roughly 448,000) will be recycled, and the rest will eventually end up in the Dane County landfill or as sources of land and water based litter. Plastic bags are generally not biodegradable and instead rely upon photodegration to break down. This is problematic in landfills where light is not able to break down the plastic film, leading to an estimated five hundred (500) year breakdown period. Furthermore, while plastic bags will break down into smaller toxic parts when in water, these smaller parts can be harmful to fish, birds, amphibians, and other water based organisms. While plastic bags are generally not biodegradable, they can be recycled and used for durable building and construction products, fencing and deck materials, and new plastic bags. In the Madison area, there is a market for the recycling of clean plastic bags, and many retailers who provide these bags offer recycling bins for use by customers. By banning the disposal of non-contaminated recyclable plastic bags, the City hopes to reduce the negative impacts on the environment associated with plastic bags to save space in the County landfill and protect our lands and waters from the negative impacts associated with plastic bags.

2. Definitions. For the purposes of this subdivision, the following definitions apply:
   a. Contaminated plastic bag means any plastic bag that has been in direct contact with, and remains soiled by, organic or non-organic materials. Plastic bags that contain any solid waste are contaminated for the purposes of this ordinance.
   b. Plastic bag shall mean any bag intended for the transportation, storage, or protection of goods that is made, in part, of plastic film. A plastic bag is not the same as a plastic container, as that term is used elsewhere in this subsection.
   c. Recyclable plastic bag means any plastic bag that is able to be recycled, or bundled for recycling purposes, in the Madison area, and includes all those types of plastic bags set forth by the Street Superintendent or designee.
3. Every person disposing, or attempting to dispose of non-contaminated recyclable plastic bags in the City of Madison shall separate such items from all other solid waste materials and not place them in containers for disposal with other refuse, garbage or recycling materials.
4. Non-contaminated recyclable plastic bags shall be separated and recycled in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such items may be disposed of in any other lawful manner, including through merchant provided drop off locations. No person shall mix or permit the mixing of non-contaminated recyclable plastic bags with garbage or other solid waste in violation of such City rules, procedures or schedules.
5. Non-contaminated recyclable plastic bags subject to this provision, and capable of being recycled, include:
   a. Low density polyethylene bags (LDPE #4). These bags are made of plastic films with high clarity, and moderate stretch and strength characteristics. Such bags include thicker newspaper bags and bread bags.
   b. Linear low density polyethylene bags (LLDPE #4). These bags are made of plastic films with moderate clarity that are stretchy and have a slightly tacky feel. Such bags include clear and thin newspaper bags, as well as dry cleaning bags.
   c. Medium density polyethylene bags (MDPE #4). These bags are made of plastic films with moderate clarity, and poor stretch and strength characteristics. Such bags include consumer packaging bags such as toilet paper and paper towel packaging.

      High density polyethylene bags (HDPE #2). These bags are made of plastic films with some opacity, that are crinkly to the touch, have low stretch and high strength characteristics, and are easily torn. Such bags include most grocery bags and retail bags.
   d. High density polyethylene bags (HDPE #2). These bags are made of plastic films with some opacity, that are crinkly to the touch, have low stretch and high strength characteristics, and are easily torn. Such bags include most grocery bags and retail bags.
6. Enforcement. No enforcement of this subdivision by the City will occur until the Streets Superintendent establishes a City-sponsored recycling program for non-contaminated recyclable plastic bags; such program shall be approved by the Common Council by resolution no later than September 1, 2009.

(Sec. 10.18(7)(f) Cr. by ORD-09-00102, 7-2-09)

(8) Restrictions on Landfill Operations.

(a) Landfill owners and operators shall not dispose of newsprint or newspapers in the City of Madison with garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

(b) On and after February 11, 1991, each municipality which desires to afford its residents, businesses, commercial, retail and governmental entities located within the municipality the opportunity to deposit in any landfill located within the City of Madison any solid waste which originates in or is generated, accumulated or collected in the municipality shall first adopt and provide an effective recycling program requiring landfill users located within the municipality to separate from all other solid waste, newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, High Density Polyethylene ("HDPE") and Polyethylene Terephthalate (PETE) plastic containers and provide for the recycling of said items and provide for the safe disposal of all other solid waste. (Am. by Ord. 11,170, 2-14-95)

(c) On and after February 11, 1991, no landfill user shall deposit or cause to be deposited at any landfill located in the City of Madison any newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, or HDPE and PETE plastic containers, unless such user is a municipality which has in place an effective recycling program approved by the City of Madison Common Council or is an approved private waste hauler which certifies to the Common Council that each of its customers has an effective recycling program. The standards for determining whether a municipal or private program is effective shall be the same as those followed by the Dane County Board and its committees under Section 41.23 of the Dane County Solid Waste Management Ordinance. (Am. by Ord. 11,170, 2-14-95)

(d) If the Dane County Board approves the temporary suspension of the requirements of said Section 41.23 as to certain separated items at all County-owned landfills, the suspension shall automatically apply to any other landfill located in the City of Madison. Nothing in this ordinance shall be construed to require a municipality to operate or contract for a solid waste collection system.

(e) Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.

(f) No person shall deposit in any Dane County-owned or other landfill located in the City of Madison materials other than as authorized herein and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. 159.

(9) Limitations on Collection of Solid Waste.

(a) Unlawful to Remove Recyclable Material. It shall be unlawful for any person, unless under contract with the City of Madison, or unless she/he be a City employee acting under the direction of the Common Council and the Street Superintendent to collect or remove any recyclable newsprint, magazines, glass, plastic, aluminum cans, ferrous metal cans, or corrugated cardboard which has been deposited or placed by any person on the terrace adjoining her/his premises for collection by the City of Madison. (Am. by Ord. 13,319, 5-28-03)

(b) Private refuse haulers shall not place recyclable newsprint which has been collected in separate containers into containers used for or containing garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

(c) No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.

(d) No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(e) No person other than a City of Madison resident or otherwise lawfully authorized user shall deposit any recyclable materials at any Dane County-owned or other collection site located in the City of Madison. No person may bring solid waste from a site outside the City limits and deposit those materials curbside within the City limits for pickup with or without permission from the property owner.

(f) No person shall remove any recyclable items from a private premise, recyclable container or dumpster without the consent of the occupant, owner or lessee of the premise. (Cr. by ORD-09-00072, 5-8-09)

(10) Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:

(a) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.

(b) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.

(c) The retailer shall recycle these items with a licensed recycler.

(d) The retailer shall file a plan illustrating how the retailer will comply with this subsection. This plan shall be filed with the City Recycling Coordinator within ninety (90) days of adoption of this ordinance. (Cr. by Ord. 13,499, 1-23-04)

(11) Appliance Fees.

(a) No appliance shall be placed on any terrace or curbside for collection by the City unless the appliance bears an appliance sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such appliance stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all appliances which have been placed at curbside or on the terrace without an appliance sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(New Sec. 10.18(10) Cr. by Ord. 11,170, 2-14-95; Am. by Ord. 13,319, 5-28-03; Renumb. by Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04)

(12) Large Item Fees.

(a) No large item shall be placed on any terrace or curbside for collection by the City unless the large item bears a large item sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such large item stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all large items which have been placed at curbside or on the terrace without a large item sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by Ord. 12,780, 3-13-01; Am. by Ord. 13,319, 5-28-03; Renumbered by Ord. 13,499, 1-23-04; Am. by Ord. 13,638, 6-23-04; Am. by ORD-06-00016, 3-10-06)

(13) Electronics.

(a) No televisions, computer monitors, laptop or desktop computers, or CPUs may be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Televisions, computer monitors, laptop or desktop computers, or CPUs must be disposed of at an authorized recycling deposit site or in any other lawful manner. No person shall deposit such recyclables at any authorized recycling center or deposit site while the site is closed. No televisions, computer monitors, laptop or desktop computers, or CPUs shall be deposited at an authorized public recycling site unless the item bears a fee sticker issued by the Street Superintendent. Fees for such stickers shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all televisions, computer monitors, laptop or desktop computers, or CPUs which have been placed at curbside or on the terrace to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

(Sec. 10.18(13) Cr. by ORD-12-00085, 6-26-12)

(14) Penalty.

(a) Any person who violates subsections (7), (9)(a - e) and 10 of Section 10.18 shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each offense within twelve months and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating Sec. 10.18(7), in addition to any forfeiture, shall be liable for the expense of the removal, testing or separation of any matter deposited contrary to the provisions of this subsection.

(b) Any person who violates Section 10.18(8) shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) for each offense within a twelve-month period and not less than one thousand dollars ($1000) nor more than five thousand dollars ($5000) for any subsequent offense within a twelve-month period.

(c) Any solid waste containing yard waste in violation of this Section shall be cause for the City's garbage collector to refuse to pick up such solid waste.

(d) Any person who violates Section 10.18(9)(f) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. (Cr. by ORD-09-00072, 5-8-09)

(Sec. 10.18(10) Renumb. to (11) by Ord. 11,170, 2-14-95; Renumb. to (12) by Ord. 12,780, 3-13-01; Renumb. and Am. by Ord. 13,499, 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

(15) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(Sec. 10.18(11) Renumbered to (12) by Ord. 11,170, 2-14-95; Renumb. to (13) by Ord. 12,780, 3-13-01; Renumb. by Ord. 13,499 1-23-04; Renumb. by ORD-12-00085, 6-26-12)

10.185 RECYCLING AND REUSE OF CONSTRUCTION AND DEMOLITION DEBRIS.

(1) Definitions. For the purposes of this section, the following definitions apply:

(a) "Building," "owner," and "person" shall have the meanings ascribed to those terms in Sec. 29.03, MGO.

(b) "City certified construction debris recycling facility" means a facility certified pursuant to guidelines set forth by the Street Superintendent whose practices cause the recycling or reuse of construction and demolition debris consistent with the requirement of this section.

(c) "Commercial" means any use other than residential, including, but not limited to, buildings used for retail purposes, offices, manufacturing, and provision of services.

(d) "Construction" means the assembly of materials to form a new building.

(e) "Construction and demolition debris" means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; aluminum and vinyl siding; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials. This term does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible, or materials which the Street Superintendent, from time to time, may indicate are no longer able to be readily recycled or reused in an economically viable manner.

(f) "Contractor" means any person, other than the property owner, who is responsible for the construction, demolition, or remodeling of a building, or any part thereof, and where such work requires the issuance of a building, plumbing, electrical, HVAC or demolition permit under the Madison General Ordinances.

(g) "Demolition" means the demolition or dismantling of a building, but does not include the systematic dismantling of part of a building for alteration, maintenance, remodeling or repair.

(h) The terms "dwelling," "single-family dwelling," and "two-family dwelling" have the meanings ascribed to those terms in Sec. 29.03, MGO. "Three-family dwelling" is a building containing three (3) dwelling units only. "Multi-family dwelling" is a building, or portion thereof, containing four (4) or more dwelling units.

(i) "Recycle" means any process by which construction and demolition debris are diverted from final disposal as solid waste at a permitted landfill and instead are collected, separated and/or processed into raw materials for new, reused or reconstituted products, or for the recovery of materials for energy production processes.

(j) "Recycler" means a recycling facility, transfer station or other waste handling facility approved by the Street Superintendent which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.

(k) "Remodeling" means any improvements or alterations made to a building that do not involve the complete demolition and reconstruction of the building.

(l) "Residential" means a building with one or more dwellings.

(m) "Reuse" means:

1. The on-site use of reprocessed construction and demolition debris including bricks, concrete, other masonry materials, soil, and rock used as fill, if such on-site use is authorized in writing by the Street Superintendent;
2. The off-site redistribution of a material, which would otherwise be disposed of, for use in the same or similar manner; or
3. The use of non-toxic wood as an alternative fuel source.

(n) "Street Superintendent" shall mean the Street Superintendent or his/her designee.

(2) Recycling and Reusing Requirement for Certain Multi-Family Dwellings and Commercial Buildings.

(a) All projects subject to this subsection shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition permit activities by meeting the following requirements:

1. The owner or contractor on a project that is issued a permit with an application date on or after the effective date of this section shall cause to be recycled or reused at least seventy percent (70%) of the construction and demolition debris produced on site, as measured by weight or volume.

(b) The following types of projects are subject to this subsection:

1. The construction or demolition of a multi-family dwelling constructed using concrete and steel supports.
2. The construction or demolition of a commercial building where the total square footage of the space involved is over one thousand (1,000) square feet.

(3) Recycling and Reusing Requirements for Certain Multi-Family Dwellings, Residential Buildings and Remodeling Projects.

(a) The owner or contractor on a project subject to this subsection shall cause to be recycled or reused all of the following construction or demolition debris produced on site as part of construction, demolition, or remodeling permit activities:

1. Wood that has not been rendered nonrecyclable by the application or attachment of paint, stains, varnish, or other liquids or solids;
2. Non-toxic metals;
3. Clean drywall scrap materials;
4. Corrugated Cardboard; and
5. Shingles.

(b) The following types of projects are subject to this subsection:

1. The construction or demolition of multi-family dwellings using wood frame construction.
2. The construction or demolition of a single-family, two-family, or three-family dwelling.
3. Except for roofing projects, the remodeling of a residential or commercial building where the total value of the project is twenty thousand dollars ($20,000) or greater.
4. Any roofing project that includes the tear-off of the existing roofing materials.

(c) The following projects are exempt from this section:

1. A project that only requires a plumbing permit, an electrical permit or an HVAC mechanical permit.
2. A project for which a building permit or demolition permit is not required.
3. A project for which, due to changes in the markets for recycled material, the Street Superintendent waives the requirements of this section.

(4) Certification and Audit of Compliance.

(a) Certification.

1. Certification of compliance with this section shall be made by the owner or contractor pursuant to this subdivision, and in the form and manner as prescribed by the Street Superintendent. All certification forms shall include a statement from the owner or contractor certifying that the information contained in the form is truthful and accurate.

   The owner or contractor subject to the requirements of subsections (2) or (3) shall, either within sixty (60) days of completion of a project or, if the owner or contractor has multiple projects subject to the requirements of this section during a calendar year and has the preauthorization of the Street Superintendent to file an annual report, by December 31 of each calendar year, submit documentation to the Street Superintendent certifying compliance with this section.

2. Except as set forth in paragraph 4., certification forms shall include the following:
   a. A list of the construction and demolition debris that were recycled or reused;
   b. A summary of where and how the construction and demolition debris were recycled or reused;
   c. The actual or estimated volume or weight of the construction and demolition debris that were recycled or reused;
   d. A statement from the owner or contractor that documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) exists and will be maintained for two (2) years from submission of the Certification form; and
   e. A statement from the owner or contractor indicating the extent to which the project complies with the requirements of subsections (2) or (3).

3. It shall be sufficient proof of compliance with this section if the owner or contractor submits the following to the Street Superintendent with the certification form:
   a. Weight tickets from the owner or contractor that show that debris from the project were taken to a City certified construction debris recycling facility; or
   b. Proof of LEED (Leadership in Energy and Environmental Design) or GBH (Green Built Home) certification, or other similar certification acceptable to the Street Superintendent.

4. The owner or contractor's failure to follow the requirements of this subdivision for any project shall be prima facie evidence that subsections (2) and (3) were not complied with on that project.

(b) Audit. Prior to, and up to two (2) years after, submission of a Certification form, the Street Superintendent may initiate an audit of an owner or contractor to monitor and ensure compliance with the requirements of this section. An owner or contractor must comply with all reasonable requests for information and documentation made by the Street Superintendent within thirty (30) days of said request.

(c) Requirement to Maintain and Provide Information.

1. The owner or contractor who submits a certification form as required under this subsection must maintain documentation supporting compliance with this section (including, but not limited to, weight tickets from recycling facilities and landfills, or copies thereof) for two (2) years after submission of the Certification form.

2. Within thirty (30) days of a request made under subdivision (b), the owner or contractor must provide the Street Superintendent the requested information or documentation. The failure to provide this requested information or documentation shall be considered proof that the owner or contractor did not recycle or reuse that portion of construction and demolition debris relating to said information or documentation.

(5) The Street Superintendent may promulgate such rules and regulations as necessary to implement the provisions of this section.

(6) Penalties. The following penalties apply to violations of this section:

(a) Any person who fails to meet the recycling and reuse requirements in subsection (2) shall be subject to the following forfeitures:

1. For construction or demolition projects involving ten thousand (10,000) square feet or more of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than fifty dollars ($50) nor more than five hundred dollars ($500); and

2. For construction or demolition projects involving less than ten thousand (10,000) square feet of newly constructed and/or demolished space, for each percentage point of difference between the amount required to be recycled or reused and the amount actually recycled or reused, not less than twenty five dollars ($25) nor more than two hundred and fifty dollars ($250).

(b) Any person who fails to meet the recycling and reuse requirements of subsection (3) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for the first estimated ton of construction or demolition debris not recycled or reused, and not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each subsequent ton of construction or demolition debris not recycled or reused.

(c) Any person who fails to follow a requirement of subsection (4) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500).

(d) Any person who submits a certification under subsection (4) that falsely states or represents that a project has met the requirements of this section, shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250) nor more than one thousand dollars ($1000).

(7) Effective Date. This ordinance shall be effective on January 1, 2010.

10.19 DUMPING OF RUBBISH.

(1) It shall be unlawful to dump rubbish in any street, alley or public place within the City of Madison.

(2) Any person, firm, association or corporation who violates this section shall be subject to a forfeiture of not more than two thousand dollars ($2000). Each day such violation continues shall be considered a separate offense.

(3) No person shall deposit any brush, newsprint, yard waste, solid waste or other refuse or rubbish of any kind whatsoever on a lawn or a terrace or in a dumpster or other refuse container located in or upon commercial or residential property without the permission of an owner or lessee of said property.

(4) Any person who violates subsection (3) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each separate offense.

(Sec. 10.19 Am. by Ord. 11,150, 1-30-95)

10.20 HAULING OF RUBBISH OVER STREETS. No person shall haul any rubbish or refuse except in a vehicle provided with a box well closed or with a tarpaulin to retain such material while the truck or vehicle in which it is conveyed is traveling to its destination.

10.21 GASOLINE CURB PUMPS PROHIBITED. No gasoline curb pump shall be installed in the streets of the City of Madison, nor shall any gasoline curb pump be replaced with a new gasoline curb pump.

10.22 AIR HOSE OUTLETS AND STANDARDS. No air hose outlets or air hose standards shall be installed in any public street or alley in the City of Madison, nor shall any air hose outlet or air hose standard be replaced with a new air hose outlet or a new air hose standard.

10.23 OBSTRUCTION OF STREETS AND SIDEWALKS.

(1) Any person unnecessarily obstructing or causing to be obstructed any street, alley, crosswalk, terrace or sidewalk so as to interfere with public traffic or access shall be subject to a fine of not less than fifty dollars ($50) nor more than two hundred ($200).

(2) Any person depositing snow or ice from private property upon any sidewalk, roadway or street, or upon the non-adjacent private property of another without consent, or causing or ordering the same to be done shall be subject to a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200).

(a) In addition to its commonly understood meaning, for the purposes of this Subsection only, the term "private property" includes any portion of the public right-of-way abutting the private property in question, such as the sidewalk, terrace, or driveway apron.

(Am. by ORD-09-00067, 4-2-09)

(3) The City Engineer, Street Superintendent, or Building Inspection Division Director, or his/her designee(s), shall cause the removal of all snow and ice from any sidewalk, roadway or street that resulted from a violation of Subsection (2) above when the owner of the property where the snow and or ice originated from has failed to do so. An accurate account of the expenses incurred shall be kept and reported to the Finance Director, who shall annually prepare a statement of the expense so incurred and report the same to the City Clerk. The amount therein charged to each lot or parcel of land shall be entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected like other taxes upon real estate. Prosecution under Subsection (2) of this Ordinance shall not bar the City from proceeding under Subsection (3) of this Ordinance, nor shall proceeding under Subsection (3) bar prosecution under Subsection (2). (Cr. by ORD-10-00027, 3-18-10; Am. by ORD-11-00037, 3-8-11)

(Sec. 10.23 Am. by Ord. 11,313, 8-4-95)

10.24 OBSTRUCTION OF CROSSINGS BY TRAINS.

(1) It shall be unlawful to stop and leave standing any railroad train, locomotive or car upon or across any street crossing in the City of Madison longer than five (5) minutes.

(2) It shall be unlawful to operate or permit to be operated any railway train, locomotive or car upon or across any street crossing to the obstruction of public travel thereon for a longer period of time than five (5) minutes.

(3) It shall be unlawful to stop any railroad train or car within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

(4) It shall be unlawful to obstruct any street crossing in the City of Madison for a continuous period of more than five (5) minutes by the operation of more than one (1) train or locomotive over the same crossing.

(5) The five (5) minute limitation as contained in subsection (1) shall be reduced to three (3) minutes if the violation occurs between the hours of 7:00 a.m. and 9:00 a.m., between 12:00 noon and 1:00 p.m. and between 3:30 p.m. and 5:30 p.m. on weekdays. (Am. by Ord. 12,044, 3-2-98)

(6) Any conductor, engineer or brake operator on any engine or train so stopping, operating on, or discharging passengers on any crossing or crosswalk in violation of this section shall be subject to a forfeiture of not less than ten dollars ($10) nor more than one hundred dollars ($100), and the corporation owning or operating any such train, engine or car shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than two hundred dollars ($200) for each violation of subsection (1) or in case of a violation coming under subsection (5), not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) for each violation. (Am. by Ord. 12,044, 3-2-98; ORD-14-00012, 1-14-14)

(7) It shall be a defense to any prosecution under this section if any obstruction hereunder is caused by accident or to a contingency wholly beyond the control of the operators of the train.

10.25 PLANTINGS IN THE TERRACES.

(1) Definitions. For the purposes of this section, the following definitions apply:

(a) "Occupant" is any person who legally resides in a residential property immediately adjacent to a terrace, including any individual condominium owner within a condominium development.

(b) "Owner" is the person who has legal title to a property immediately adjacent to a terrace, and, for multi-unit properties, includes condominium associations.

(c) "Permissible plantings" are those plants, other than trees and shrubs, and landscape features that have been deemed permissible plantings under subsection (2).

(d) "Residential property" is any single or multi-family property zoned residential under Chapter 28, MGO.

(e) "Terrace" is that portion of the public right-of-way in between the curb or road-way and the adjoining lot line, whether or not the area is occupied by a sidewalk or multi-use path.

(2) Permissible Plantings. The owner of a residential property may plant, maintain and cultivate, or allow an occupant of the residential property to plant, maintain and cultivate, certain plants and landscaping features within the terrace adjoining the owner's property if said plantings and landscaping features are consistent with the requirements of this subsection. Plantings may not include any trees or shrubs, the planting of which are subject to Secs. 23.21 and 23.22, MGO. Plantings and landscape features are permissible plantings under this subsection if the following conditions are met:

(a) Approved Plantings. Any non-woody plantings that are commonly found in vegetable gardens, flower gardens or landscaping are allowed. Any plant species that are deemed invasive and regulated under Wis. Admin. Code ch. NR 40, or elsewhere in these ordinances, are not allowed.

(b) Landscaping Features. Landscaping features meant to protect approved plantings, such as mulch, small rocks or other similar features, shall be allowed provided the materials are stable, do not create any potential public safety hazard, and are easily removable. Temporary wire fencing, lattices, vegetable cages and the like, are permissible landscaping features if necessary to assist the establishment of approved plantings. Specific criteria for these items shall be included in the terrace treatment policy provided for in sub. (2)(c) below. Pots, raised flower beds, railroad ties, and the like, are not landscaping features subject to this subdivision, but rather are encroachments subject to the privileges in street ordinance in Sec. 10.31.

(c) Terrace Treatment Policy. To ensure public safety and access to public facilities, the City Engineer, in consultation with the Food and Alcohol Policy Coordinator, shall prepare a terrace treatment policy that describes the following:

1. Where on terraces approved plantings and landscaping features may be placed;
2. How high they are allowed to be maintained;
3. Criteria for more permanent features, such as low retaining walls, steps, and other incidental items when those items are necessary due to steep grades within the terrace; and,

4. Standards for the use of chemical agents such as insecticides or fertilizers.

The terrace treatment policy shall be approved by the Board of Public Works, after consultation with the Food Policy Council, and any amendments to this policy shall be approved by the Board of Public Works in like fashion. Once the terrace treatment policy is approved, the owner or occupant of the property may only place plantings and landscaping features in the terrace pursuant to the terrace treatment policy.

(d) Maintenance of Approved Plantings and Landscaping Features.

1. Approved plantings and landscaping features shall be maintained in a safe and orderly manner, free of any unapproved planting or landscaping feature and in the areas allowed under the terrace treatment policy.

2. Under no circumstances shall an approved planting or landscaping feature obstruct or endanger the public's use of a roadway, sidewalk or other multi-use path, and all approved plantings and landscaping features shall be maintained so as not to interfere with the public's right of travel over these areas, or the visibility required to exit private driveways.

(e) Responsibility. The owner or occupant responsible for the permissible plantings accepts full responsibility for the care and maintenance of the permissible plantings, and understands that permissible plantings in the terrace are made at their own risk, and that they may be removed at any time by the City without compensation. The owner or occupant seeking to place permissible plantings in the terrace is responsible for contacting Digger's Hotline to identify and mark any underground utilities prior to digging within the right-of-way.

(f) Removal. Prior to performing any public works project that may threaten any permissible planting, the City shall attempt to notify property owners and occupants of the City's plans in order to give the owner or occupant sufficient time to relocate the plantings. This notification provision shall not apply in emergency situations or where such notice is not practicable.

(3) Planting of Shrubbery on Terraces Prohibited. Except for permissible plantings made under sub. (2), no person shall plant or maintain or cause to be planted or maintained on any terrace between the sidewalk and curb on any street in the City of Madison any plant or shrub in excess of twenty-four (24) inches in height or within a distance of twenty-four (24) inches from the back of the curb unless necessary to control erosion of the soil.

Any plants or shrubbery planted or maintained on any terrace contrary to the provisions of this ordinance shall be removed. The enforcement of this ordinance shall be under the supervision of the Police Department, the City Engineering Division, and the Building Inspection Division of the Department of Planning and Community and Economic Development.

Upon default of any person ordered to remove said plants or shrubbery, the City Engineering Division and/or the Department of Planning and Community and Economic Development may cause said plants or shrubbery to be removed. The cost of removal shall be assessed against the lot adjoining the terrace upon which the plants or shrubbery were located as provided in Section 27.05(2)(bb), MGO. Prosecution under this section shall not bar the City from causing the plants or shrubbery to be removed, nor shall the City's removal of the plants or shrubbery bar prosecution hereunder. (Am. by ORD-08-00109, 10-7-08; ORD-12-00134, 1-2-13)

(Am. by Ord. 8473, 12-10-84; ORD-12-00027, 3-14-12; ORD-13-00064, 4-24-13)

10.26 PERSONS NOT TO CONGREGATE ON OR SELL MERCHANDISE ON STREETS OR SIDEWALKS. No persons shall congregate on any public sidewalk or any part of a public street or street corner so as to obstruct the same, nor shall any person or persons use any sidewalks or any part of a street as a place for vending, selling or dealing in merchandise, except as provided in Section 9.13 of these ordinances, under the penalty of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each offense. (Am. by Ord. 11,312, 8-4-95)

10.27 FEE FOR DELIVERY OF WOOD CHIPS. Except for community gardens in the City of Madison, any person who receives a delivery of wood chips from the City of Madison shall pay a fee to the City Treasurer in an amount to be determined yearly by the Streets Superintendent, or designee. (Cr. by ORD-06-00183, 12-21-06; Am. by ORD-10-00021, 3-13-10)

10.28 SNOW AND ICE TO BE REMOVED FROM SIDEWALKS.

(1) The owner of each lot or part of lot shall remove all snow and ice upon the sidewalk abutting the premises which he or she owns not later than 12:00 noon of the day after the snow or ice has accumulated on the sidewalk, regardless of the source of accumulation. The owner of property abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the curb ramp, if any, regardless of the source of the snow accumulation.

Provided that when ice has so formed upon any sidewalk that it cannot be removed, then the owner shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than twenty dollars ($20) nor more than fifty dollars ($50) for a first offense and not less than thirty dollars ($30) nor more than one hundred dollars ($100) for any subsequent offense. Each day any violation of this ordinance continues shall constitute a separate offense. (Am. by Ord. 11,218, 3-31-95; Ord. 13,760, Adopted 12-14-04; ORD-07-00185, 12-20-07)

(2) The Department of Planning and Community and Economic Development shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. An accurate account of the expenses incurred shall be kept and the costs thereof shall be assessed against the property as a special charge under Section 4.09(13). Prosecution under Subsection (1) of this ordinance shall not bar the City from proceeding under Subsection (2) of this ordinance, nor shall proceeding under Subsection (2) bar prosecution under Subsection (1). (Am. by Ord. 8262, 2-20-84; ORD-07-00185, 12-20-07; Am. by ORD-11-00037, 3-8-11; ORD-14-00012, 1-14-14)

(3) Actions for violations of Sec. 10.28(1) shall be commenced by citation as provided by Wis. Stat. § 66.0113 or summons and complaint or warrant as provided by Wis. Stat. § 66.0114(1)(a). (Am. by Ord. 6370, 10-10-78; ORD-07-00185, 12-20-07)

10.29 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS. No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon any public sidewalk in the City of Madison. When the eaves of any building extend over or are so constructed that water may fall upon any public sidewalk such eaves shall be so protected by proper spouts or otherwise that no water shall fall upon any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to the provisions of this section shall be subject to a fine of not less than five dollars ($5) nor more than twenty-five dollars ($25) for each day any such spout or eaves shall be so maintained.

10.30 RESERVED FOR FUTURE USE. (R. by Ord. 7415, 5-7-81)

10.31 PRIVILEGES IN STREETS.

(1) Privilege for an obstruction or enlargement or alteration to such obstruction beyond the lot line, or within the public street right-of-way, alley or public ground, other than by permit issued under another provision of these ordinances, for encroachments of ninety (90) days or less, shall be granted only as provided in this section. All existing encroachments which are nonconforming to the provisions of this section are to hereafter comply with the requirements of this section. No building permits shall be issued under Section 29.05 on any premises where an encroachment

exists until the requirements of this section are met, unless the Director of the Department of Planning and Community and Economic Development or her/his designee determines that an emergency condition exists which requires immediate remedy, provided an application for privilege in streets is submitted with the application for said building permit.
(Am. by Ord. 12,522, Adopted 1-4-00)

(2) (a) Applications for privileges in streets shall be made to the Economic Development Division of the Planning and Community and Economic Development Department. A nonrefundable application and initial processing fee of seven hundred fifty dollars ($750) shall accompany said application. There shall be no proration of the application and initial processing fee.

A Report of Ownership and a drawing or survey at a scale of not less than 1" = 10' on an 8 ½ x 14 size paper or in an equivalent digital file, showing the privilege in streets in relation to the owner's property shall also accompany said application. The drawing or survey shall include sufficient data to permit City staff to draft a legal description and determine the square footage of the street area occupied by the privilege in streets.

The Director of the Economic Development Division or her/his designee (Director) shall not recommend that the privilege be granted unless the applicant shows that the requirements of this section will be satisfied, and that applicable ordinances, resolutions and Board of Public Works and Plan Commission policies will be complied with. If the Director recommends approval of an application for a privilege in streets, the Director shall inform the applicant in writing of its recommendation and the conditions of approval. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare an agreement, setting forth the requirements and conditions under which the privilege in streets is permitted. Following execution of all the documents by the applicant, the required documents are to be executed by the Director, who shall monitor the payment of the annual fees in the event they are not collected as a special charge.

Following receipt of the insurance certificate and the first year's fee, the agreement is to be recorded with the Dane County Register of Deeds. A copy of the recorded agreement shall be furnished to the Applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.

(Sec. 10.31(2)(a) Am. by Ord. 12,105, 4-20-98; Am. by Ord. 13,411, 9-24-03; ORD-08-00025, 3-15-08; ORD-13-00212, 12-10-13)

(b) Appeal. In the event the Director disapproves an application for a privilege in streets, the Director shall inform the applicant, in writing, of the reasons for disapproval. The applicant or any interested party, including any City department head or alderperson, may appeal the Director's decision to the Board of Public Works within thirty (30) days after mailing of the Director's notice to the address of the applicant as shown on the application. Such appeal must be in writing, and must inform the Board of the reasons why the applicant believes the Director's decision to be in error. Failure to so appeal a denial shall result in automatic approval of the denial without further action by the Director or Board of Public Works.

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the applicant and the Director may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall issue a written decision which shall affirm, reverse or modify the determination of the Director. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(Sec. 10.31(2) Am. by Ord. 10,969, 8-29-94; Am. by Ord. 13,411, 9-24-03)

(3) (a) Conditions of Approval. Any privilege granted by the City of Madison shall be to the owner, agent or person obligated pursuant to a regulatory order of the property adjacent to the public area to be occupied by the privilege in streets and shall be on condition that the applicant or the applicant's heirs and assigns shall become primarily liable for damages to person or property by reason of the granting of the privilege.

(b) Insurance. The applicant shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage and minimum limits of one million dollars ($1,000,000) per occurrence. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the privilege in streets. This insurance condition may be waived for other governmental units and in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived. (Am. by Ord. 12,886, 8-24-01; ORD-14-00005, 1-14-14)

(c) Removal of Encroachment. The applicant shall remove said encroachment or obstruction upon ten (10) days written notice by the City of Madison. Additionally, the applicant or the applicant's heirs or assigns shall be entitled to no damages for removal of the privilege in streets, and if the applicant shall not remove the same upon due notice, it shall be removed at the applicant's expense and levied as a special charge for current services rendered against the applicant's property as provided by law; if the applicant is not the owner of the property adjacent to the public area to be occupied by the privilege in streets, said applicant shall provide a bond, in such amount to cover the cost of removal of any object, structure or instrument pursuant to any privilege and the total annual fees for the estimated life of the privilege. In the event of acquisition of all or a portion of the applicant's property for a planned public improvement, no compensation will be paid to the applicant for the improvements constructed within the area on which the privilege in streets exists, for cost incurred in realigning personal property located on the area on which the privilege in streets exists, or for loss of value or damage to the remaining improvements of the applicant caused by reasons of the acquisition or taking as provided under Wis. Stat. ch. 32.

In accepting the privilege, the applicant waives any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of compensation charged by the City of Madison. The applicant may be required to comply with additional conditions as the Director may impose, including execution of a written agreement incorporating all conditions upon which the privilege in streets is to be granted. Such agreement shall be binding upon the applicant, the applicant's heirs and assigns and shall be drafted in recordable form and recorded in the Office of the Dane County Register of Deeds, and the terms and conditions contained in the agreement or resolution shall remain in full force and effect as long as the privilege in streets exists. The privilege may be terminated by the applicant at any time by providing the Director written notice of its desire to terminate this privilege. Following removal of the privilege in streets and restoration of the public area on which the privilege in streets existed to the satisfaction of the City Engineer and the Director of Planning and Community and Economic Development, the Director shall record in the Dane County Register of Deeds office a suitable document terminating the privilege. A copy of the document shall be furnished to the applicant and the City Clerk. (Am. by Ord. 13,411, 9-24-03)

(d) Fee Schedule.

1. An annual minimum fee of five hundred dollars ($500) or an amount established hereinafter, shall be charged for the privilege of encroaching into street right of way. The annual fee may be levied as a special charge for current services rendered against the applicant's property as provided by law. The agreement may provide for alternative means of payment of annual fees in excess of ten thousand dollars ($10,000). An annual fee for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the privilege in streets is issued. There shall be no proration upon termination of any privilege in streets.
2. For every use of public space permitted as a privilege under the terms of this chapter, the following annual rental fee shall apply:
   a. For each story above or below the surface, the fee shall be fixed at five percent (5%) of the square foot value per story, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or if more than one lot abuts such use, five percent (5%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars ($500), whichever is greater.
   b. If such use of space involves utilization of the surface by the applicant, the fee for such surface use shall be fixed at ten percent (10%) of the square foot value, as last fixed by the City Assessor, of the lot directly abutting such use, multiplied by the square footage of the use of space, or, if more than one lot abuts such use, ten percent (10%) of the average of the square foot value of the lots directly abutting such use, as last fixed by the City Assessor, multiplied by the square footage of the use of space or five hundred dollars ($500), whichever is greater.
   c. Every five (5) years the Director shall re-calculate the fee using current property values as fixed by the City Assessor.
   d. Monitoring wells and other multiple location privileges: annual fee of five hundred dollars ($500) for the first encroachment plus one hundred dollars ($100) for each additional location.
   e. If such use is for fiber optic for a non-public utility use, the fee shall be two dollars ($2.00) per lineal foot for two inch (2") diameter duct and four dollars ($4.00) per lineal foot for four inch (4") diameter duct. (Cr. by Ord. 13,411, 9-24-03)

(Sec. 10.31(3)(d) Am. by Ord. 11,888, 6-27-97; ORD-13-00212, 12-10-13)

(e) Existing street encroachments shall be subject to the terms and provisions of this ordinance upon renewal. (Cr. by Ord. 13,411, 9-24-03)

(f) Although subject to the provisions of this section, there shall be no application fee or annual fee (if encroachment is approved) for the following:

1. Neighborhood Identification Signs.
2. Bicycle racks.
3. Decorative Pavement Painting Design Permit under Sec. 10.42, MGO. (Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)
4. Little Free Libraries. (Cr. by ORD-13-00212, 12-10-13)

(Sec. 10.31(3)(f) Cr. by Ord. 13,411, 9-24-03)

(g) Although subject to the provisions of this Section, there shall be no annual fee (if encroachment is approved) for existing architectural features that contribute to the historic character of buildings that have been designated a Madison Landmark. (Cr. by ORD-09-00131, 9-18-09)

(Sec. 10.31(3) Am. by Ord. 10,969, 8-29-94)

(4) Construction, Reconstruction, Abandonment and Maintenance of Underground Sidewalk Vaults.

(a) In addition to the requirements of this section, no vault under any sidewalk, in any street or alley in the City of Madison shall be constructed, reconstructed or repaired unless plans prepared by a registered professional engineer have been submitted to and approved by the City Engineer and the Director of Planning and Community and Economic Development and a permit has been obtained from the Director of Planning and Community and Economic Development. No vault shall be abandoned without first obtaining a Street Opening Permit, as issued under Section 10.03, Madison General Ordinances, and a building permit if alterations to the building are involved in the abandonment.

(b) All vaults under sidewalks shall be constructed or reconstructed in accordance with the State of Wisconsin Administrative Code, the City of Madison General Ordinances, other applicable Building Codes, and plans and specifications of any City project. Loading requirements for all vaults within the right-of-way shall be as follows:

1. Sidewalks with no vehicular restrictions: 250 pounds/square foot or 12,000 pound concentrated load in any position.
2. Sidewalks with partial vehicular restriction: 115 pounds/square foot or 10,000 pound concentrated load, plus 30% impact factor. Concentrated load distributed as a four-wheel vehicle with 5,200 pounds on each rear wheel, 1,300 pounds each front wheel.
3. Sidewalks with total vehicular restriction: 100 pounds/square foot.
4. The most severe distribution and concentration shall govern.
5. Vehicular restrictions shall be permanently fixed barriers. In addition, no cover or door to any such vault, constructed in any sidewalk, shall contain any open spaces greater than one-half inch (½") in width. Wherever possible, vaults shall be constructed or reconstructed so that the outside vault wall encroaches no more than six (6) feet into the right-of-way.

(c) All vaults and covers or doors to any such vault in the City of Madison, which encroach on the public right-of-way, shall be maintained in a safe condition, and capable of carrying the loadings required in Section 10.31(4)(b), Madison General Ordinances. If the Director of Planning and Community and Economic Development finds at any time that the above mentioned ordinances, laws and codes are not being complied with, s/he shall serve written notice on the property owner. The property owner shall then have twenty (20) days to indicate in writing his/her intention to remove, replace or repair the vault. The Director of Planning and Community and Economic Development and City Engineer may require interim measures to protect the public safety, at the owner's expense.

If the property owner elects to retain the vault, to repair or replace it for continued use, or to abandon the vault, s/he shall complete such repairs, replacement or abandonment within eighty (80) days of the original notice. The total cost of certification, reconstruction, replacement or abandonment shall be the responsibility of the property owner.

The City may, if it finds it to be in its best interest, participate in the vault abandonment. The City's share shall not exceed one half the cost of removing the vault, closing any existing accesses to the vault, and backfilling, nor shall it exceed $10,000 per parcel of land. The property owner's share shall be treated as other special assessments. All other costs to prepare the vault for abandonment, such as relocating utilities or storage space, shall be the responsibility of the property owner.

(Sec. 10.31(4)(c) Am. by Ord. 11,945, 10-14-97)

(d) Cellar Doors and Covers of Vaults on Sidewalks Not to Be Kept Open. No person shall keep or leave open any cellar door or cover of any vault on any highway or sidewalk, or suffer the same to be left or kept open except when necessary for purposes of moving material or merchandise to or from such cellar or vault, and whenever the same shall be open it shall be properly guarded to protect persons using the sidewalk or highway from any danger. It shall be unlawful for any person to permit any such cellar door and cover of a vault in any public sidewalk in front of the premises owned or occupied by her/him, or any part of such sidewalk, to become or continue so broken as to be dangerous to persons traveling on such sidewalks.

(5) Any person causing or maintaining any obstruction or excavation contrary to this section shall be subject to a forfeiture of not less than $25 nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.31 Am. by Ord. 7730, 5-28-82)

10.32 NEWS BOXES.

(1) Purpose. To promote public health, safety, and welfare through the regulation of placement, appearance, maintenance, and insuring of news boxes in the public right-of-way.

(2) Applicability. The provisions of this ordinance shall apply to all news boxes, whether installed and maintained prior to or after the effective date of any of the provision of this ordinance. Those news boxes installed prior to the effective date of this ordinance shall be brought into compliance within thirty days of the effective date thereof.

(3) Definitions. For the purpose of this ordinance, the following words shall have the meaning indicated.

"News Box" shall mean any coin-operated or self-service box, container, or other dispenser placed in the public right-of-way for the vending of, or free distribution of newspapers or other publications.

"Public Right-of-Way" shall mean the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated right-of-way for travel purposes.

"Person" shall mean any individual, corporation, company, association, firm, partnership, limited liability company or partnership, or other business entity and their lessors, transferees, and receivers.

(4) Administration. This section is administered by the Economic Development and Building Inspection Divisions of the Department of Planning and Community and Economic Development. (Am. by ORD-08-00025, 3-15-08; ORD-08-00109, 10-7-08)

(5) Application. Application for a permit shall be made to the Economic Development Division. A permit shall issue within ten (10) days of the receipt of complete application materials. A complete application shall include:

(a) The name, address, and telephone number of the applicant.

(b) A Certificate of Insurance showing General Liability Insurance, including Property Damage, in the amount of one million ($1,000,000) per occurrence and naming the City of Madison as an additional insured.

(c) An agreement, in a form acceptable to the City, that the applicant will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's news box(es) in the public right-of-way.

(d) An annual permit fee of fifty ($50) dollars.

(Am. by ORD-08-00025, 3-15-08)

(6) Appeal of Permit Determination. Review of the grant or denial of a permit shall follow the provisions of Section 9.49, M.G.O.

(7) Standards. Every person shall install and maintain all news boxes as follows:

(a) No person may place a news box in the public right of way without having obtained a permit.

(b) No news box shall be placed at any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.

(c) No chaining, bolting, or other means shall be used to attach a news box to any property within the public right-of-way without prior express written permission of the owner.

(d) News boxes shall be maintained in a safe, clean, and neat condition and in good repair at all times.

(e) There shall be two (2) or more feet of open area behind any curb face.

(f) There shall be three (3) or more feet of open area behind the curb face at any bus stop, loading zone or other place where parking is prohibited or where stopping, standing or parking is otherwise restricted.

(g) There shall be at least five (5) feet between any news box and any driveway opening, fire hydrant, police or fire call box or other emergency facility.

(h) There shall be at least fifteen (15) feet between any news box and any fire station driveway, railroad track, intersecting property line at an intersection, and marked or unmarked crosswalk.

(i) A clear area shall be maintained at bus shelter openings and on the street side of bus shelters; in no case shall a news box be placed closer than five (5) feet from a bus shelter.

(j) No news box shall be used for advertising signs or publicity purpose other than that dealing with the display, sale, or purchase of the material sold or available within, or of an activity sponsored by the publication. Except for the news boxes in the State Street and Capitol Square District, allowable advertising, other than the name of the publication, shall appear only once, shall be on the side of the news box facing away from the street, and shall not exceed 18" x 18". Printing or other display on news boxes in the State Street and Capitol Square District shall be limited to the front and back of the news box. It shall be centered on the box and shall contain one (1) line of print no more than three and one-half (3½) inches in height, two (2) lines totaling not more than five (5) inches in height, or a logo no more than eight (8) inches in height. (Am. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(k) No news box shall be placed on Olin Terrace.

(l) No news box shall remain empty of current publications for more than fourteen (14) consecutive days.

(m) Any news box shall be removed upon ten (10) days written notice to the person named on the application for any lawful governmental purpose, including, but not limited to, right of way repair.

(n) In the State Street and Capitol Square District, which includes State Street and intersecting streets to a point one hundred twenty-five (125) feet from the abutting State Street right of way and the Capitol Square and intersecting streets to one hundred twenty-five (125) feet from the abutting Capitol Square right of way, all news boxes shall be located only at the sites designated below. (Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(o) All news boxes in the State Street and Capitol Square District shall be black in color and shall have the following dimensions:

1. Height between thirty-four (34) inches and forty-six (46) inches. (Am. by ORD-10-00075, 8-12-10)
2. Width between sixteen (16) inches and twenty-five (25) inches.
3. Depth between sixteen (16) inches and twenty (20) inches.

(Cr. by ORD-10-00012, Pub. 2-4-10, Eff. 6-1-10)

(8) Enforcement. The office of the Economic Development Division shall enforce this ordinance.

(a) A Notice of Violation issued from the Economic Development Division shall specify the nature of any violation and the location of the news box in violation.

(b) Any person aggrieved by orders from the Economic Development Division may appeal to the Board of Public Works within fifteen (15) days after the mailing of the Notice of Violation(s). Such appeal must be in writing and must inform the Board of the reasons why the person aggrieved believes the orders have been issued in error. Within thirty (30) days after receipt of the request for appeal, the Board shall hold a hearing at which the parties may offer testimony and documents. Within ten (10) days of the hearing, the Board shall affirm, modify, or reverse the orders of the Economic Development Division. A concurring vote of two-thirds (2/3) of the voting members present shall be required to modify or reverse an order. Appeal of the action of the Board shall be to Circuit Court. No further enforcement action shall take place during the pendency of an appeal.

(c) Failure to correct a violation of Sec. 10.32(7) or request a hearing by filing an appeal under Sec. 10.32(8)(b) may result in a news box being removed. Thirty (30) days after notice of removal is mailed, a news box is subject to disposal.

(d) Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than twenty five dollars ($25) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.32(8) Am. by ORD-08-00025, 3-15-08)

(Sec. 10.32 Cr. by Ord. 12,522, Adopted 1-4-00)

10.33 BICYCLE-SHARING FACILITIES.

(1) Purpose. A City-sponsored bicycle-sharing program offers residents and visitors of the City the ability to use rented bicycles as an alternative form of short-term transportation. Such a program will be an important amenity and means of transportation for City residents, workers and visitors, and will help bring visitors to the City's downtown, displace car traffic, take pressure off of the City's downtown parking needs, and improve public health by providing opportunities for exercise. This program will also help the City meet its goals of reducing air pollution and greenhouse gas emissions and having twenty percent (20%) of all downtown trips done by bicycle by 2020.

For a bicycle-sharing program to be successful, program facilities will have to be placed at optimal locations throughout the urban environment that prioritize visibility, location desirability, and convenience, among other considerations. However, due to a lack of sufficient public or private open space at optimal locations, it will be necessary, at certain locations, to place some of the facilities of a City-sponsored bicycle-sharing program within the City right-of-way, including on sidewalks and terraces. It may also be necessary, and desirable, to place these facilities on other City land.

Hence, to enable the success of the City-sponsored bicycle-sharing program, this section allows for the placement of bicycle-sharing facilities in the right-of-way and other City land through the granting of a bicycle-sharing facility privilege pursuant to the requirements of Wis. Stat. § 66.0425.

(2) Applicability. The provisions of this ordinance shall only apply to bicycle-sharing facilities within the right-of-way or on other City land that are part of a City-sponsored bicycle-sharing program.

(3) Definitions. For the purpose of this ordinance, the following words shall have the meaning indicated.

(a) Bicycle-Sharing Facility means a facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program. This definition includes, but is not limited to, a rental station, informational signs, bicycles, solar panels, or other equipment attached to and necessary for the facility's operation.

(b) Bicycle-Sharing Program is a program which provides specially designed bicycles for short-term rent to the public at multiple facilities throughout the City and in which the users of the bicycles are able to return the bicycles at any other bicycle-sharing facility maintained by the program in the City

(c) Bicycle-Sharing System is the entire network of bicycle-sharing facilities that make up a City-sponsored bicycle-sharing program, including facility locations on right-of-way, other City land, and private property.

(d) City-Sponsored means that the City provides a bicycle-sharing program support, either by running and operating such a program in cooperation with another party, providing an applicant direct financial support for the program, or providing an applicant with significant assistance in the operation and establishment of the program.

(e) Contact Information includes the address, telephone number(s), e-mail address(s), and any and all other means that would allow City staff to contact a person, including the address of any registered agent.

(f) Managing Agent is the person who, by virtue of his or her position, operates a bicycle-sharing program and has control, including physical and contractual, over the bicycle-sharing facilities used therein.

(g) Other City Land includes City park land, City-owned or leased greenways, and bike paths owned by or under the control of the City.

(h) Owner means any person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the bicycle-sharing facilities.

(i) Person means any individual, partnership, association, corporation, joint venture, limited liability company or partnership, trust, or other entity that may enter into contracts.

(j) Right-of-Way means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane, public sidewalk and terrace in which the City has an interest, including any other dedicated right-of-way for travel purposes.

(4) Administration. This section is administered by the Director of the Department of Planning and Community and Economic Development or her/his designee.

(5) Application. The application for a privilege under this section may be made by either the owner or managing agent of the bicycle-sharing program and shall be made to the Department of Planning and Community and Economic Development and shall include and incorporate the following:

(a) Application Fee. A nonrefundable application and initial processing fee of five hundred dollars ($500) shall accompany the application. There shall be no proration of the application and initial processing fee. This application fee shall cover all locations of bicycle-sharing facilities. Any application to increase the number of bicycle-sharing facilities by more than thirty-five percent (35%) shall be accompanied by a new fee under this section.

(b) Program Information. The application shall include the name, address, and telephone number of the bicycle-sharing program owner(s) and managing agent(s), and a basic description of the bicycle-sharing program, along with the means of City sponsorship of said program, the information required in sub. (c) below, and any other information as may be required by the Director of the Department of Planning and Community and Economic Development.

(c) Location Information. The application shall include a description and drawing of the proposed bicycle-sharing facility locations sufficient enough to permit City staff to draft a legal description of the privilege(s) sought. All right-of-way, greenway and bike path locations for which a privilege is sought must be approved by the City Engineer, or

designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel at the location. All park land locations for which a privilege is sought must be approved by the Superintendent of the Parks Division, or designee, who shall assure that the proposed location complies with all applicable ordinances and does not unnecessarily or unduly interfere with the public's right of travel or use at the location. The applicant is urged to consult with the City Engineer and Superintendent of the Parks Division regarding proposed locations prior to submitting an application under this section.

(6) Approval of Application. Subject to the required conditions of approval noted in Sub. (8), the Director of the Department of Planning and Community and Economic Development shall not approve the bicycle-sharing facility privilege application unless the requirements of this section are satisfied, and that all other applicable ordinances, resolutions and policies will be complied with. If the Director approves the bicycle-sharing facility privilege application, the Director shall inform the applicant in writing of this recommendation and the conditions of approval.

(7) Agreement. Following concurrence of the applicant with the conditions of approval, the Director, in cooperation with the City Attorney, shall prepare a bicycle-sharing facility privilege agreement, setting forth the requirements and conditions under which the bicycle-sharing facility privilege is permitted, including the conditions set forth in Sub. (8) below. This agreement may be included as part of a general bicycle-sharing program operating agreement between the owner and the City, and may cover bicycle-sharing facilities not located on right-of-way or other City land. This agreement shall be binding upon the owner, the owner's heirs and assigns, and the terms and conditions contained in the agreement shall remain in full force and effect as long as the bicycle-sharing facility privilege exists. The Director is authorized to execute this bicycle-sharing facility privilege agreement on behalf of the City. Following receipt of the insurance certificate, a copy of the agreement shall be furnished to the applicant and the City Clerk. The Risk Manager shall monitor the insurance requirements.

(8) Conditions of Approval. As a condition of approval of the application, the following conditions must be met and shall be included in the bicycle-sharing facility privilege agreement required under Sub. (7):

(a) Insurance. The owner shall be required to furnish a Certificate of Insurance, on a form provided by the City, evidencing existence of general public liability and property damage insurance with the City of Madison being named as an additional insured. The insurance shall include contractual liability coverage with minimum limits of one million dollars ($1,000,000) combined single limits per occurrence, which coverage owner agrees to keep in full force and effect throughout the term of the agreement entered into under this section.

(b) Indemnification. The bicycle-sharing facility agreement shall include a requirement that the owner will hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the bicycle-sharing facilities in the public right-of-way or on other City land.

(c) Removal of Facilities. The owner shall remove the bicycle-sharing facilities in the right-of-way that are permitted under this section upon ten (10) days written notice by the City of Madison. Additionally, the owner or the owner's heirs or assigns shall be entitled to no damages for removal of the bicycle-sharing facilities, and if the owner shall not remove the same upon due notice, it shall be removed at the owner's expense.

(d) Permits and Approvals. Owner is responsible for obtaining and maintaining all other required permits and approvals necessary to install and operate the program's facilities in the right-of-way or on other City land. Failure to have or maintain valid permits or approvals will cause the bicycle-sharing facility privilege granted under this section to immediately expire. Such expiration shall apply to the location in question, or the entire program, as the case may be.

(e) Restoration. After a bicycle-sharing facility is removed, the owner shall restore the right-of-way or other City land to its original condition. City may charge the owner for its costs associated with restoring the right-of-way or other City property to its original condition if the owner fails to do so.

(f) Signs. As a condition of approval, the owner must agree and acknowledge that all signs on the bicycle-sharing facility equipment are subject to Sec. 10.33(10) herein. Further, the owner agrees to give the City final approval of the specifications for any signs displayed on the bicycles, and such approved specifications shall be included in the agreement required under Sub. (7) and/or any bicycle-sharing program operating agreement between the owner and the City.

(g) Waiver. In accepting the bicycle-sharing facility privilege, the owner agrees to waive any and all right to contest in any manner the validity of this ordinance or Wis. Stat. § 66.0425, or the amount of fees or compensation charged by the City.

(h) Termination. The bicycle-sharing facility privilege will be terminated pursuant to the terms of the agreement required under Sub. (7). Following removal of the bicycle-sharing facility and restoration of the public area on which the facilities existed to the satisfaction of the City Engineer or the Superintendent of the Parks Division, as the case may be, the Director shall provide a document terminating the privilege to the owner, filing a copy with the City Clerk.

(i) Annual fee. An annual permit fee for each bicycle-sharing facility location of fifty ($50) dollars per square foot of right-of-way or other City land occupied by the base of the rental station equipment and authorized poster board sign (as described below in Sec. 10.33(10)(c)3.a.), or two hundred and fifty dollars ($250), whichever is greater.

(9) Operational Changes. If, at any time after approval of the application, the owner or managing agent desires to relocate existing program facilities subject to the agreement required under Sub. (7), or place new facilities in the right-of-way or on other City land (subject to the requirement of Sub. (5)(a) above), the applicant must submit an operational change request to the Director which shall include the information set forth in Sub. (5)(c) above, and shall proceed according to the procedures and requirements of Subsections (6) through (8).

(10) Signs on City-Sponsored Bicycle-Sharing Facilities.

(a) Signs on City-sponsored bicycle-sharing facilities located on non-city owned property shall be subject to Sec. 31.046(4).

(b) Signs on City-sponsored bicycle-sharing facilities on other City lands may be displayed in compliance with the requirements of Sec. 10.33(10)(c) herein.

(c) Signs on City-Sponsored Bicycle-Sharing Facilities in the Right-of-Way.

1. Purpose and Findings. As stated in Sec. 10.33(1), a bicycle-sharing program is critical to the well-being of the City of Madison, its residents and taxpayers. The City has considered options for providing a convenient, cutting-edge, public bicycle-sharing program for short-term travel about the city, especially the downtown area. To be successful, some of the facilities must be placed in the highway right-of-way. In order to fund a high quality City-sponsored program with the features the City desires, the program must be supported in part by allowing limited advertising for sponsors on City-sponsored bicycle-sharing facility equipment and bicycles located in the right-of-way and on other City land.

The Common Council finds that the display of signs consistent with this section on City-sponsored bicycle-sharing facilities and bicycles, in the right-of-way and on other City land, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, when included as part of the overall program, such signs will further the City's substantial governmental interests set forth in Sec. 10.33(1) by:

a. Allowing the City to select and control the location and appearance of the equipment and signs;
b. Identifying the equipment as part of the City-sponsored bicycle program;
c. Providing necessary directions and instructions for using the bicycle program;
d. Allowing for attractive, well-maintained public bicycle equipment;
e. Providing information about sponsors of the program thereby defraying the costs of offering the program to the public;
f. Offering an environmentally beneficial transportation option that relieves vehicular congestion, reduces air pollution and greenhouse gas emissions;
g. Improving public health by providing opportunities for recreation and exercise;
h. The Common Council further finds that signs mounted on the bicycles used in the City-sponsored bicycle-sharing program are incidental to the primary use of the bicycles as vehicles.

2. Certain Wisconsin statutes and regulations, specifically Wis. Stat. § 86.19 and regulations adopted thereto, raise doubts about whether such signs may be placed within the highway rights-of-way. The determination of whether to place maps, directional information, instructions, operator or manufacturer logos, advertisements including business name and logo of sponsors, or other signs on City-sponsored bicycle-sharing facilities located on city sidewalks or terraces is a matter of the local affairs and government of the City of Madison. The Common Council of the City of Madison hereby determines that, to the extent Wis. Stat. § 86.19 and Wisconsin Administrative Code regulations restrict the City's ability to place signs or to sell or authorize the sale of advertisements on City-sponsored bicycle-sharing facilities within the limits of any street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19, to the extent stated herein.

3. Sign Criteria. The City, or the owner or managing agent operating under a bicycle-sharing facility privilege agreement under Sub. (7), may place advertisements and other signs on City-sponsored bicycle-sharing facilities in the street or highway right-of-way (except State Trunk Highways as defined in Wis. Stat. § 84.02) as follows:

a. Poster Board Sign. One sign, permanently attached to the bicycle-sharing facility equipment, with not more than two (2) sign faces of not more than five feet and one inch (5'1") square feet in area per sign face. This sign shall not be illuminated, shall not include any flashing, moving, digital or electronic changeable copy features as those terms are defined in Chapter 31, and shall be oriented toward users of the facility and not toward the roadway, street frontage or motor vehicle traffic. At least one side of this sign shall include a map showing the bicycle-sharing system, other directional information, instructions for using the bicycle-sharing facility, and may also include:

i. Maps and information about other City of Madison governmental services; and

ii. A City of Madison logo and/or the logo and/or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility of not more than one half (1/2) of a square foot in area each.

In lieu of a map and the signs in i. and ii. above, the other side of this sign may display text describing the bicycle-sharing program and up to one logo and/or business name of the owner, managing agent or manufacturer of the bicycle-sharing facility of not more than one half (1/2) of a square foot in area.

b. Sponsor Signs: Four (4) additional signs mounted on a piece of equipment necessary for the bicycle-sharing facility, not more than twelve inches by nine inches (12" x 9") in area each, measured by drawing a box around the sign copy, to identify a sponsor of the facility. Such signs shall include only the logo and/or business name of the sponsor, and must include the words "sponsored by" or a similar statement to signify the sponsorship. Such signs shall not be illuminated nor shall they include any flashing, moving, digital or electronic changeable copy features as those terms are defined in Chapter 31.

c. Operator Logos: In addition to the logos on the poster board sign under sub. 3.a.ii. above, the following signs bearing only the name and logo(s) of the owner, managing agent, or manufacturer of the bicycle-sharing facility or other symbol to identify the equipment as a bicycle-sharing facility may be displayed on the facility equipment:

i. One 2-sided round sign of not more than two (2) square feet in area, per side, and

ii. Up to two (2) additional signs of not more than one half (1/2) of a square foot mounted on the equipment;

iii. One sign incorporated into the instructional panel described in sub. f. below.

The logo signs under this subsection c. are solely to identify the equipment as a City-sponsored bicycle-sharing facility and shall not include any sponsorship advertising.

d. One sign of not more than 20 square inches, mounted upon the payment equipment, to identify credit cards accepted for payment.

e. One sign of not more than 105 square inches denoting the location name of the bicycle-sharing station.

f. One instructional panel with information for operating the bicycle-sharing facility mounted elsewhere on the equipment, that may include a twelve square inch sign bearing the logo or business name only of the owner, managing agent, or manufacturer of the bicycle-sharing facility, and no other logos, business names or sponsorship signs of any kind.

g. Signs on Bicycles. Signs mounted on the bicycles provided under the City-sponsored bicycle-sharing program are considered incidental to the primary and principle use of the bicycles as vehicles. The bicycles may include signs identifying the business name or logo of the owner, managing agent, or manufacturer of the facility or the bikes, and the logo, business name or other sign copy identifying sponsors of the bicycle-sharing program. The specifications for any signs on the bicycles, including number, location, size, and materials, must be approved by the City and included in the written bicycle-sharing facility privilege agreement.

4. Any sign on a City-sponsored bicycle-sharing facility in the highway right-of-way or other City land not authorized by this section is prohibited.

5. This Charter Ordinance, Sec. 10.33(10)(c), shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

6. Sec. 10.33(10)(c) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

(11) Penalty. Any person causing or maintaining any bicycle-sharing facility in the right-of-way or on other City land contrary to this section shall be subject to a forfeiture of not less than twenty-five ($25) nor more than five hundred dollars ($500). Each day such violation continues shall be considered a separate offense.

(Sec. 10.33 Cr. by ORD-11-00044, 3-23-11)

10.34 STREET NUMBERS.

(1) The purpose for uniform street addresses is to enable emergency vehicles to respond quickly to calls, expedite postal and other delivery services, eliminate confusion, and to locate business places and residences without difficulty or delay.

(2) The City Engineer shall establish and maintain a street address for all parcels in the City of Madison in conformance with this ordinance and in consultation with the U.S. Postal Service Addressing Guidelines. Residential buildings shall take their address off the street upon which they front. Commercial buildings shall take their address off the street from which they gain primary access and primary fire apparatus access to the property. Internal building addresses shall be numeric and approved by the City Engineer in consultation with the Fire Marshal. The City Engineer shall maintain records, including maps and databases, of the street address numbers and street names.

(3) It shall be the duty of each owner or occupant of any building, within twenty (20) days after the completion or occupancy, whichever occurs first, of such building, or in the event that any building is assigned a new number by the City Engineer, to attach securely, or apply to the same, in a conspicuous position, that can be plainly seen from the street, the address number assigned by the City Engineer. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four inches (4") high (102 mm) with a minimum of stroke width of 0.5 inch (12.7 mm). The address numbers shall contrast with the background on which they are affixed. The address number shall be not higher than the first or ground floor of said building. If any building is located so that the address number is not clearly visible from the street, an additional address number shall be posted at the intersection of the driveway with the street or in a conspicuous place that is clearly seen from the street. The additional address number shall be placed upon a post or other structure that displays the number at least forty-eight (48) inches above the ground. No person shall affix or caused to be affixed, or allow to remain upon any building, which she or he owns or occupies, a different number from the one designated by the City Engineer. It shall be the duty of each owner or occupant of any building keep such numbers so attached or applied at all times. (Am. by ORD-09-00126, 8-20-09; ORD-14-00012, 1-14-14)

(4) The different streets in the City of Madison shall bear the names given on the maps referred to in Sec. 10.34(2). New public and private street names shall be subject to the approval of the City Engineer who shall consult with the US Postal Service Standard Addressing Guidelines and generally shall use the following criteria:

a) New street names shall not duplicate or closely approximate street names already assigned within the City of Madison municipal limits or surrounding areas.

b) Postal suffixes, prefixes and directionals shall not be used as street names (example: Terrace St, East Ave).

c) Directionals shall not be used as a suffix (Yellow St East). No post-directionals shall be allowed (Yellow East).

d) Special characters such as apostrophes, hyphens, decimals, or periods shall not be allowed.

e) Use the most common spelling of a street name (example: "Dakota", not "Dacota"; "Wind", not "Wynd").

New street names shall be no longer than 17 character spaces including the Postal approved abbreviated suffix.

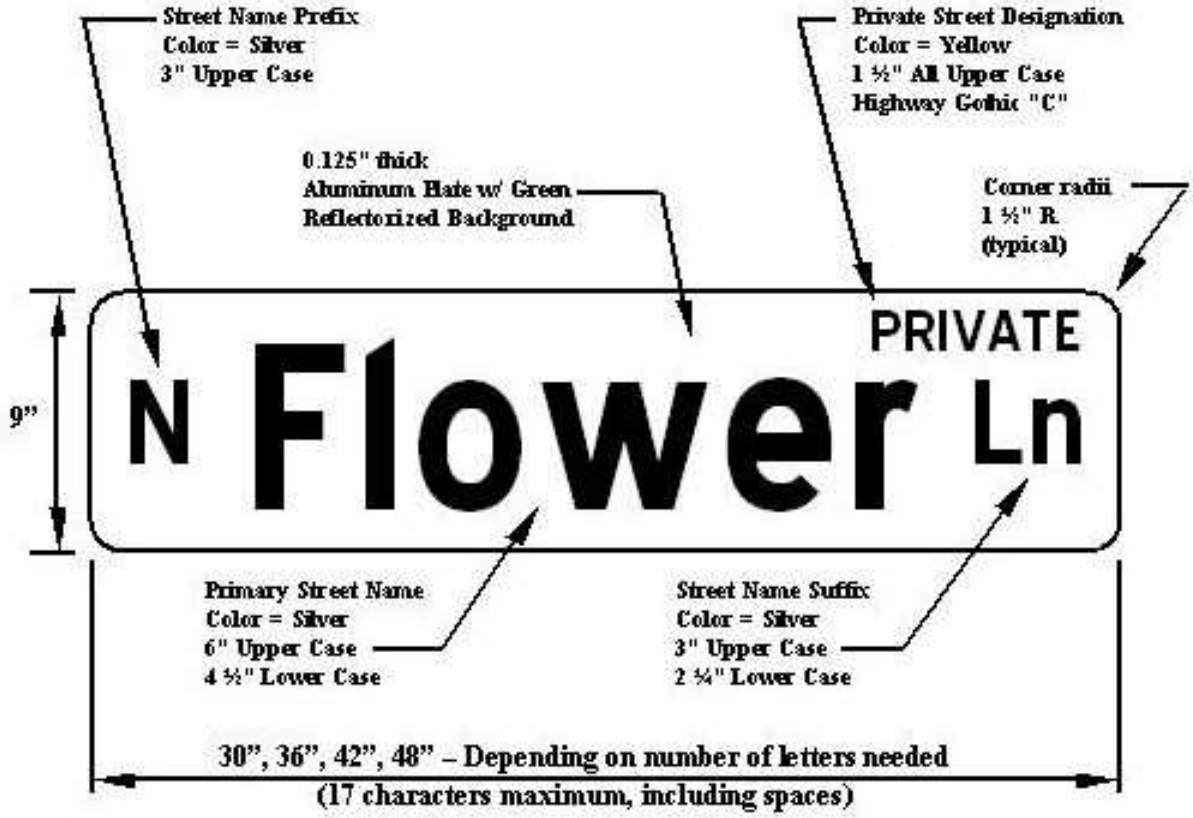
(5) The following US Postal Service Standard Abbreviations shall be used for the street suffix. The first four (N, S, E, W) are to be used for prefix directionals only.

N – NORTH	S – SOUTH	E – EAST
W – WEST	ALY-ALLEY	AVE- AVENUE
BLVD-BOULEVARD	BND – BEND	BLF – BLUFF
CIR – CIRCLE	CT – COURT	CRES – CRESCENT
CRST-CREST	DR – DRIVE	GLN – GLEN
LN – LANE	PKWY – PARKWAY	PL – PLACE
PLZ – PLAZA	PT - POINT	RDG - RIDGE
RD – ROAD	ST – STREET	TER – TERRACE
TRCE – TRACE	TRL – TRAIL	

The following suffixes may not be abbreviated:
LOOP MALL PASS PATH ROW RUN SPUR WALK WAY

(6) Effective November 1, 1990, the owner(s) of a building site(s) which use building addresses from a privately owned street or right-of-way, shall install and maintain private street name signs at all intersections with private streets and public streets. In addition, the owners shall install and maintain a regulation Stop sign and a "Private Drive" or "Private Road" sign at all intersections of public streets and private streets. At intersections of private streets and public streets, the private street sign shall be installed above but it shall be at the owner's option to install the public street sign. The owner shall adhere to the specifications for the design, manufacture and installation of private street signs as contained herein. However, the City Engineer, in consultation with the Fire Marshall, may approve private street name signs that are generally equivalent to these specifications. Private street name signs that are similar in style or architecture to the development may be approved if equivalent in size, location, height and reflective properties to the specifications.

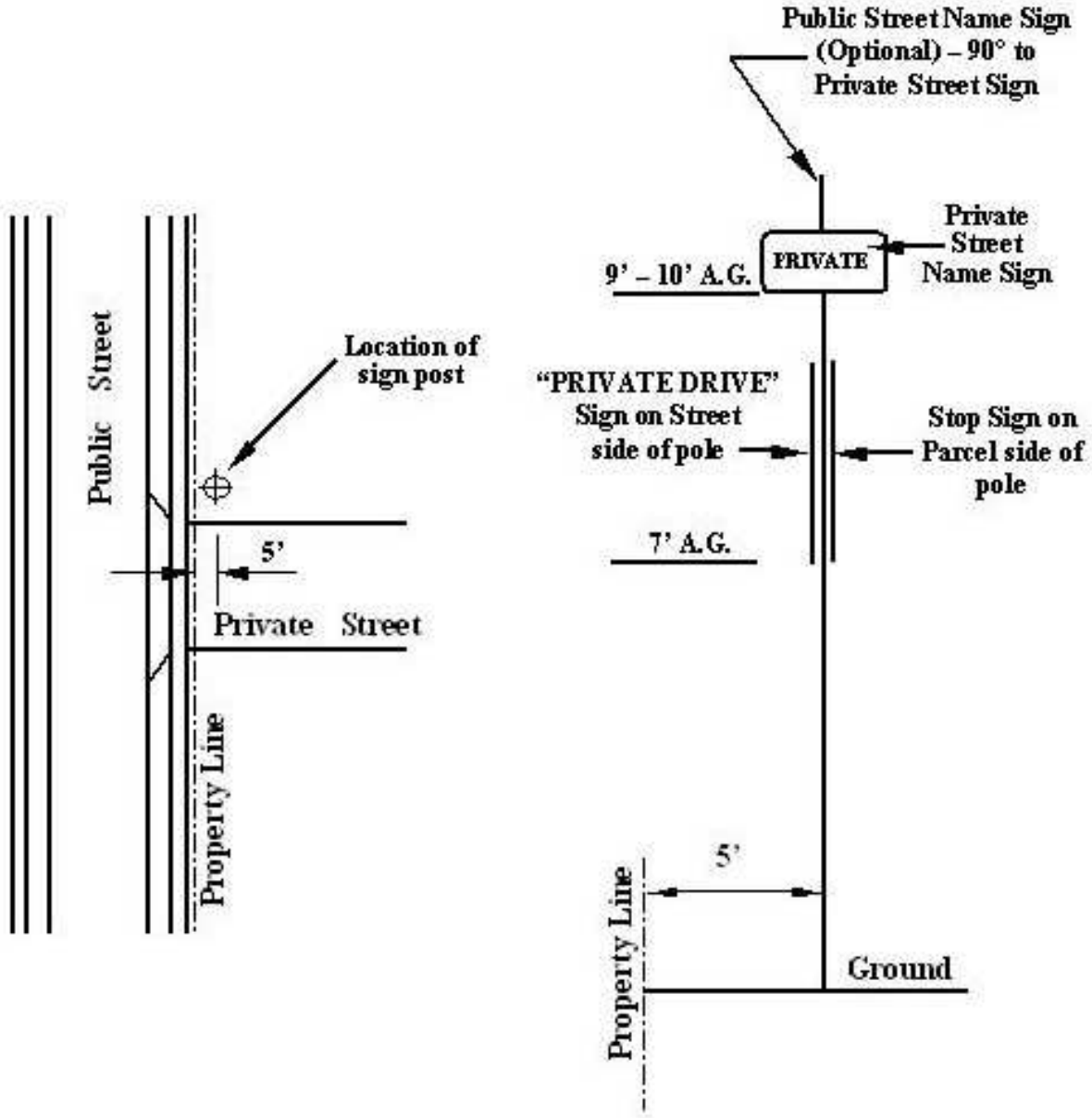
(a) Sign Design.



All sign text is Highway Gothic "B" or "C" font depending on the number of letters and the final size of the sign blank. Unless otherwise noted in this detail.

MGO: Sec. 10.34(3)(a)
Detail 1 – Street Name Signage
Rev. 2-1-2007

(b) Sign Installation. Street name signs shall be installed five (5) feet behind the property line on private property on the right hand side of the private street approach to the public street. Signs may be mounted on wood posts, drive posts or on two (2) inch (I.D.) steel pipe mounted on a concrete stub buried in the ground. At all private-public street intersections, the property owner shall install and maintain a regulation stop sign (minimum 24" x 24") and a "Private Drive" sign (minimum 18" x 18") mounted on the street name sign post seven (7) feet above ground (measured to the bottom of the sign). Street name signs shall be mounted no less than nine (9) feet, nor more than ten (10) feet above ground (measured to the bottom of the sign).



MGO: Sec. 10.34(3)(b)
Detail 1 – Street Signage Placement
Rev. 2-1-2007

(7) If the owner or occupant of any building fails to duly display and maintain the proper numbers on such building or on the additional address number sign or fails to install a private street name sign, the City Engineer, the Fire Chief, the Director of the Inspection Division, or their designees shall send him/her a notice. If the owner or operator fails to comply with the requirements of this ordinance, s/he shall, upon conviction thereof, be subject to a forfeiture of not more than two hundred dollars ($200) and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. (Am. by ORD-07-00018, 2-22-07)

(Sec.10.34 R. & R by ORD-07-00030, 3-15-07)

10.35 RESERVED FOR FUTURE USE. (R. by ORD-07-00030, 3-15-07)

10.36 STREET DEFINED. The term "street" as used in this chapter shall include all of the territory set apart for highway purposes between the boundary lines of the property abutting thereon, whether or not the same is actually used for travel. When the terms "sidewalk" or "roadway" are used in this chapter they shall have the meaning as defined in Chapter 12.

10.37 STREETS VACATED. The following streets, alleys and portions of streets and alleys in the City of Madison are hereby vacated and discontinued:

(1) That part of East Dayton Street situated between North Seventh Street and the extension of line between Lots 2 and 3, Block 4 of the Girstenbrei Plat of the City of Madison, said part being 214 feet northeast of the northeast line of North Sixth Street, in the City of Madison, Dane County, Wisconsin (January 15, 1938).

(2) That part of a 12-foot alley in Sections 21 and 28, Town 7 North, Range 9 East, Dane County, Wisconsin, extending from the northwest line of Monroe Street to the southeast line of Keyes Avenue extended, the easterly line of said alley being 13 feet westerly from and parallel to the center line of Consumers Company's spur track as located November 15, 1920, and the west line of said alley being 25 feet from and parallel to the center line of said spur track, hereinafter more particularly described: The westerly 12 feet in width of property described as beginning at the most northerly corner of Lot 16, Block 1, of the Plat of Hillington Green; thence southwesterly along the southeasterly line of said Lot 16, 119 feet to the most southerly corner of said lot; thence southeasterly along an extension of the southwesterly line of said Lot 16, 50.3 feet to a point of intersection of said line with an extension southwesterly of the southeasterly line of Block 7 of said Plat of Hillington Green; thence northeasterly along said extension of said last mentioned line 36.5 feet to a point on the westerly line of Lot 12, Block 2, of Terry's Addition, which point is distant 31.7 feet southwesterly from the most northerly corner of said Lot 12; thence northeasterly along the westerly line of said Lot 12, 31.7 feet to the most northerly corner of said Lot 12; thence west along the south line of Lot 9, Block 7, of the Plat of Hillington Green 26.5 feet to the southwest corner of said Lot 9, 47.3 feet to an angle in said line; thence continuing northeasterly along the westerly line of said Lot 9, 90 feet to the northwest corner of said Lot 9; thence southwesterly in a direct line 67.9 feet to the point of beginning, City of Madison, Dane County, Wisconsin (March 26, 1939).

(3) That part of Rogers Street in the City of Madison extending between the northwest line of Spaight Street to the southeast line of Jenifer Street being that portion of Rogers Street lying between Block 229 and Block 236 of the original plat of the City of Madison (November 12, 1938).

(4) That part of the alley lying northerly of Lots 8, 9, 10 and 11, Plat of Kendall Terrace, more particularly described as follows: Beginning at the northeast corner of Lot 8, thence westerly along the northerly line of Lots 8, 9, 10 and 11, to the northwesterly corner of Lot 11, thence northerly on an extension of the westerly line of Lot 11, to the southerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, thence easterly along said right-of-way line to the northwest corner of Lot 7, to the place of beginning (August 14, 1939).

(5) That part of Hancock Street in the City of Madison extending from Gorham Street to Lake Mendota, lying between Block 262 and Block 272, original plat of the City of Madison (May 13, 1940).

(6) That part of Roth Street in the City of Madison, more particularly described as follows, to-wit: Beginning at a point on the westerly line of Packers Avenue 1,183.1 feet southerly from the east and west quarter of Section 31, Town 8 North, Range 10 East, Dane County, Wisconsin; thence south 0 degrees 3 minutes east 66.11 feet along the easterly line of Packers Avenue; thence north 83 degrees 36 minutes west 573.93 feet; thence north 10 degrees 11 minutes east 66.14 feet; thence south 83 degrees 36 minutes east 567.9 feet to a point of beginning (October 14, 1940).

(7) That certain alleyway in Block 35, Randall Addition to Nakoma, City of Madison, which alleyway extends from Yuma Drive to a southwesterly direction to the northwest line of Lot 19, Block 35, Randall Addition to Nakoma (March 31, 1941).

(8) All of Derby Court as platted in the E. J. Baskerville Replat of Lots 5 to 16 inclusive, of Block 303 of the Addition of Blocks 301, 302, 303 and 304 to the City of Madison (June 15, 1942).

(9) That part of Jackson Street lying between Florence Street and Sullivan Street; all that part of Florence Street which lies between a line which is 10 feet southeasterly of the west corner of Lot 8, Block 3, Sullivan's Replat, said line being at right angles to the northerly line of said street to Jackson Street in said Sullivan's Replat; all that part of Sullivan Street which lies between a line which extends from the southwest corner of Lot 8, Block 2, Sullivan's Replat across said street at right angles to the north line thereof to Jackson Street in said Sullivan's Replat; all of the above being in Sullivan's Replat of a part of Lot 100 of Farwell's Addition to the City of Madison, Dane County, Wisconsin (July 13, 1942).

(10) That part of the alley in Block 15, Nakoma, lying northeasterly of the northwesterly line of Lot 36, Replat "B" of Blocks 15 and 16, Nakoma, except the following: A certain strip of land 20 feet wide described as follows: Beginning at the most northerly corner of Lot 36, Replat "B" of Blocks 15 and 16, Nakoma; thence north 28 degrees 33 minutes east 190.8 feet, thence south 69 degrees 56 minutes east 73.2 feet, thence north 18 degrees 31 minutes east 20 feet, thence north 69 degrees 56 minutes west 89.45 feet, thence south 28 degrees 33 minutes west 204.5 feet, thence south 50 degrees 42 minutes east 20 feet, to the point of beginning (October 12, 1942).

(11) The alley extending from Kalen Street to Olin Avenue in the City of Madison and lying between Lots 5, 6, 7 and 8 and Lots 1, 2, 3 and 4 of Block 3, Orchard Lawn Addition in the City of Madison (June 24, 1944).

(12) That part of the alley in Block 35, Randall Addition to Nakoma, in the City of Madison, Dane County, Wisconsin, which lies between the southwest line of Lot 8 and the northeast line of Lots 7 and 19 of said Block 35, and also that part of Nakoma Road described as follows: Beginning at the east corner of Lot 14, Block 35, of Randall Addition to Nakoma; thence southwesterly along the southeasterly line of Lots 8 to 14 inclusive and said line extended, 184 feet to the northeasterly line of Lot 7 of said Block 35; thence southeasterly along said northeasterly line of Lot 7 to a point which is distant 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive and said line extended, measured at right angles thereto; thence northeasterly, along a line parallel to and 43.5 feet southeasterly from the southeasterly line of Lots 8 to 14 inclusive, and said line extended, to the point of intersection of said parallel line with an extension southeasterly of the northeasterly line of said Lot 14 of said Block 35; thence northwesterly along said extension of said lot line, 43.5 feet, more or less to beginning (November 13, 1944).

(13) The alley in Block 5, Eighmy Ramsay Company's Addition to the City of Madison (November 13, 1944).

(14) An alley located in Outlot 4 of the University Addition to the City of Madison referred to as all that part of Outlot 4 of University Addition to the City of Madison, Dane County, Wisconsin, the boundaries of which are described as follows: Beginning at a point which is distant 241 feet west of the east line of said Outlot 4 and 389.67 feet south of the south line of West Dayton Street; thence north, parallel to said east line of Outlot 4, 95 feet to the south line of lands owned by the Illinois Central Railroad Co.; thence west, parallel to West Dayton Street, 17.67 feet more or less to the east line of lands owned by said Railroad Company, said line being distant 175 feet east from the east line of North Murray Street; thence south, parallel to the east line of said Outlot 4 of University Addition, 95 feet more or less to the south line of lands owned by said Illinois Central Railroad Company; thence east 17.67 feet more or less to the point of beginning (October 1, 1945).

(15) All of the alley in the Plat of Kendall Terrace, City of Madison, Dane County, Wisconsin, paralleling and abutting upon the railroad right-of-way which alley is described as follows: All of the alley in the plat of Kendall Terrace in the City of Madison, Dane County, Wisconsin, as shown on the map of said plat on record in the office of the Register of Deeds for Dane County. Said alley is located between the southerly line of the right-of-way of the Chicago, Milwaukee and Pacific Railroad Company and the northerly line of Lots 8, 9, 10, 11, 12 and 13 of said plat and extends from the westerly line of Lot 7 of said plat to an extension northerly in a straight line, of the westerly line of Lot 13 to said railway right-of-way line (December 17, 1945).

(16) That part of Olive Street in the City of Madison extending from Pennsylvania Avenue to Commercial Avenue (April 14, 1947).

(17) A part of North Lawn Avenue in the City of Madison and a part of Sachs Street in said City, and all of an alley in Block 1 of Reuter's Subdivision in said City, which is described as follows: All of North Lawn Avenue lying west of Blocks 1 and 2 of Reuter's Subdivision north of the southerly line of Block 2 extended, and all of Sachs Street in said subdivision except that part lying east of the east line of Block 1 extended, and also all of the alley in said Block 1, said streets being more particularly described as follows: Beginning at the northwest corner of Block 1 Reuter's Subdivision; thence south 0 degrees 17 minutes west along the west side of said Block 1 at a distance of 108.3 feet to the southwest corner of said Block 1; thence east along the south line of Block 1 a distance of 272.3 feet to the southeast corner of said Block 1; thence south 50 feet to the north line of Block 2; thence west along the north line of Block 2 a distance of 271.6 feet to the northwest corner of Block 2; thence south 0 degrees 17 minutes west along the west line of Block 2 a distance of 200 feet to the southwest corner of Block 2; thence north 82 degrees 30 minutes west on an extension of the southerly line of Block 2 a distance of 30.26 feet to the west line of North Lawn Avenue in said subdivision; thence north 0 degrees 17 minutes east 336.7 feet along said west line to the southerly line of East Washington Avenue; thence north 59 degrees 44 minutes east 34.9 feet to the point of beginning (April 25, 1947).

(18) That part of the alley between Rusk Street and Division Street in Edison Replat, City of Madison, more particularly described as follows: Beginning at the southwest corner of Outlot A, Edison's Replat in the City of Madison, thence south 82 degrees 20 minutes east 151.6 feet along the south line of Outlot A to the west line of Division Street; thence south 33 feet along the west line of Division Street; thence north 82 degrees 20 minutes west to a point of intersection with the northwest line of Outlot A projected southwesterly; thence northwesterly on said southwesterly projection to the point of beginning (August 22, 1947).

(19) That part of Northwestern Avenue between the east line of Sherman Avenue and the west line of Ruskin Street in the City of Madison.

(20) That portion of Doncaster Drive lying within the plat of Second Addition to Crawford Heights, to-wit: between Whenona Drive and Nieman Place, and also that portion of Nieman Place between U. S. Highways 12 and 18 and Mohawk Drive.

(21) That portion of Spohn Avenue from the east line of Sherman Avenue to the west line of Ruskin Street.

(22) All of an unnamed street, alley or areaway in Reuter's Subdivision in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at the northeast corner of Lot 8, Block 2, of said Reuter's Subdivision; thence north, along the east line of Reuter's Subdivision 260.08 feet to the southeast line of East Washington Avenue; thence southwesterly, along said street line, 34.9 feet to the east line of Lot 3, Block 1 of said Reuter's Subdivision; thence southerly, along the east line of said Block 1, and said line extended, 241.88 feet to the north line of Block 2 of Reuter's Subdivision; thence easterly, along said north line of Block 2, 30 feet to beginning, all of which lies in Block 1 of Reuter's Subdivision.

(23) All that portion of the public street known as Seminole Highway lying south of Lot 1, Plat of Westwood, in the City of Madison, Dane County, Wisconsin, more particularly described as follows: That portion of Seminole Highway lying south of Lot 1, Plat of Westwood extending from the east line of Winslow Lane extended southerly to the east line of the Plat of Westwood extending southerly, all as shown on the recorded Plat of Westwood, part of the northwest quarter of the southwest quarter of Section 33, Town 7 North, Range 9 East, Dane County, Wisconsin.

(24) All that part of the access road or alley in Block 2, replat of parts of Blocks 2, 3, 4 and 5, University Park, formerly in the Town of Madison, now in the City of Madison, which alley or access road runs from Eugenia Avenue between Lots 18 and 19 and along the eastern boundaries of Lots 13 to 17, both inclusive, in Block 2, the part herein described as follows, to-wit: Commencing at the southwest corner of said Lot 18; thence northeasterly along the northerly line of said alley a distance of 149.5 feet; thence at right angles to a point on the southerly line of said alley which is distant 149.5 feet from the northwest corner of aforesaid Lot 19; thence 149.5 feet in a southwesterly direction along the southerly line of said alley to the northwest corner of said Lot 19; thence in a northwesterly direction along the easterly line of Eugenia Avenue to the point of beginning.

(25) That part of Plymouth Circle described as follows: All that part of Plymouth Circle in the City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at a point on the northerly line of Lot 29 of Sunset Hills Subdivision which point is distant 25.4 feet northwesterly from the northeasterly corner of said Lot 29; thence westerly along the arc of a circle having a radius of 123.6 feet, convex toward the north, the long chord of which bears north 74 degrees 13 minutes west 82.52 feet to a point which is distant 15 feet northwesterly from the northwesterly line of said Lot 29; thence in a westerly direction, along the arc of a circle convex toward the south, having a radius of 65 feet, the long chord of which bears north 32 degrees 53 minutes west, 113.6 feet, chord measurement and which arc is concentric with and at all points distant 15 feet northerly from the southerly line of Plymouth Circle as now platted; thence in a northerly direction, along the arc of a circle convex toward the east having a radius of 123.6 feet, the long chord of which bears north 8 degrees 27 minutes east, 82.52 feet chord measurement, to a point on the easterly line of Lot 25 of said Sunset Hills Subdivision, which point is distant 4.84 feet northerly from the southeasterly corner of said Lot 25; thence in a southerly line of Plymouth Circle to point of beginning.

(26) That part of a street known as Memory Lane in the Plat of Coney Weston, City of Madison, Dane County, Wisconsin, more particularly described as the west 33 feet of the said Plat of Coney Weston, being the east half of the southeast quarter of the southeast quarter of Section 30, Town 7 North, Range 9 East in the City of Madison, Dane County, Wisconsin.

(27) That part of a public walk located in the Plat of Sunset Village, Sunset Ridge Addition to the City of Madison, more particularly described as follows: A part of the northeast quarter of Section 20, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at the northwest corner of Lot 381, Plat of Sunset Village, Sunset Ridge Addition, City of Madison, Dane County, Wisconsin; thence south 89 degrees, 00 minutes east 145.63 feet along the north line of said Lot 381 to the most northerly corner of Lot 400, said Plat of Sunset Village, Sunset Ridge Addition; thence south 59 degrees, 30 minutes east 150 feet along the northeast line of said Lot 400 to the northeast corner of said Lot 400; thence northeasterly 10 feet along the west line of Hillside Terrace to the most southerly corner of Lot 399, said Plat of Sunset Village, Sunset Ridge Addition; thence north 59 degrees 30 minutes west 151 feet along the southwest line of said Lot 399 to the southeast corner of Lot 382; thence north 89 degrees 00 minutes west 145.63 feet along the south line of said Lot 382 to the southwest corner of said Lot 382; thence south 0 degrees 10 minutes west 10 feet along the east line of Meadow Lane to the point of beginning. (Am. by Ord. 11,653, 8-20-96)

(28) That portion of the public street known as Albert Court, also known as Prairie Court, lying east of the exterior of the southwestern boundary of Lot 10, Block 14, Fourth Addition to Washington Heights, City of Madison, Dane County, Wisconsin, except the eastern 36 feet of said Albert Court abutting and intersecting with Prairie Avenue in the Brigham-Lerdahl Plat, City of Madison, Dane County, Wisconsin, more particularly described as follows: Beginning at the point of intersection of the extension of the southwesterly line of Lot 10, Block 14, Fourth Addition to Washington Heights Plat with the centerline of a 50 foot street known as Albert Court; thence north 49 degrees 13 minutes east along said centerline to Albert Court 198 feet to the intersection with the northeasterly line of said Washington Heights Plat; thence north 49 degrees 15 minutes east along the centerline of Albert Court, also known as Prairie Court as defined in Brigham-Lerdahl Plat 29.6 feet to the beginning of a curve; thence northeasterly along the curved centerline, the radius of which is 225.1 feet, to a point which is one foot northwest of the intersection with the extension of the line between Lots 10 and 11 of said Brigham-Lerdahl Plat, this being and is the description of the centerline of that part of the 50 foot width street which is intended to be vacated.

(29) That portion of Hilltop Drive in the City of Madison, to-wit: Beginning at the southeast corner of Lot 12 of the S. A. Mackesey Addition, City of Madison, Dane County, Wisconsin; thence east along the north line of Lot 92, Town of Madison Assessor's Plat No. 3 of Oak Park Heights to a point 60 feet west of the east line of Hilltop Drive; thence north on a line that is parallel to and 60 feet west of, measured at right angles, the east line of Hilltop Drive to its point of intersection with the easterly prolongation of the north line of Lot 10 of the S. A. Mackesey Addition; thence west along said easterly prolongation to the northeast corner of said Lot 10; thence south along the east line of Lots 10, 11 and 12 of the S. A. Mackesey Addition to the point of beginning.

(30) That part of Picton Place and Kingston Drive described as follows: Parcel 1--"Picton Place," being a part of the First Addition to Arbor Hills in the Town of Fitchburg, Dane County, Wisconsin, described as follows: Beginning at the most southerly corner of Lot 39 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60 feet; thence north 60 degrees 17 minutes west 135 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 74 degrees 43 minutes west 21.21 feet to a point of tangency; thence 29 degrees 43 minutes east 90 feet to the start of a curve; thence on a curve to the left which has a radius of 15 feet and a long chord which bears south 15 degrees 17 minutes east 21.21 feet to a point of tangency; thence south 60 degrees 17 minutes east 135 feet to the point of beginning.

Parcel 2--a part of "Kingston Drive", being a part of the First Addition to Arbor Hills, Town of Fitchburg, Dane County, Wisconsin described as follows: Beginning at the most southerly corner of Lot 41 of said First Addition to Arbor Hills; thence south 29 degrees 43 minutes west 60.03 feet; thence north 58 degrees 35 minutes west 150.07 feet; thence north 29 degrees 43 minutes east 75.03 feet to the start of a curve; thence on a curve to the left which has a radius of 15.45 feet and a long chord which bears south 14 degrees 26 minutes east 21.52 feet to a point of tangency; thence south 58 degrees 35 minutes east 135.07 feet to the point of beginning.

(31) That portion of Segoe Road in the City of Madison, to-wit: Commencing at the northwest corner of Outlot A as recorded in the Plat of Golf Green Subdivision, City of Madison, Dane County, Wisconsin; thence north 89 degrees 31 minutes east along the north line of said Outlot A 245 feet; thence south 1 degree 42 minutes east, 20 feet to the south line of the newly widened Odana Road; thence continuing south 1 degree 42 minutes east 183.64 feet to the new northwest line of Segoe Road; thence 48 degrees 59 minutes east along said new northwest line of Segoe Road 37.68 feet to the point of beginning of this description; thence continuing north 48 degrees 59 minutes east along said new northwest line of Segoe Road 46.71 feet; thence on a curve to the left whose radius is 70 feet and whose long chord bears north 24 degrees 15 minutes east for a distance of 58.58 feet; thence north 0 degrees 29 minutes west, 60.53 feet; thence on a curve to the left whose radius is 15 feet and whose long chord bears north 45 degrees 29 minutes west for a distance of 21.21 feet to the south line of newly widened Odana Road; thence south 89 degrees 31 minutes west along said south line of newly widened Odana Road, 18 feet; thence on a curve to the right whose radius is 15 feet and whose long chord bears south 45 degrees 29 minutes east for a distance of 21.21 feet; thence south 0 degrees 29 minutes east 52.88 feet; thence on a curve to the right whose radius is 120 feet and whose long chord bears south 24 degrees 15 minutes west for a distance of 100.41 feet to the point of beginning of this description.

(32) That part of Jones Court in the City of Madison described as follows: All of Jones Court lying west of Corry Street, also being all of Atwood Court lying west of Mendota Street as shown in James P. Corry Addition, City of Madison, Dane County, Wisconsin.

Note: Some streets and alleys are vacated by resolution. Check with City Clerk for necessary information.

10.38 CONSTRUCTION OF HEATED CONCRETE SIDEWALK. Whenever a sidewalk is to be constructed with electric, circulating fluid, steam or any other type of heating system, the property owner shall submit plans for approval to the City Engineer showing the type of heating and the location and design of the heating unit in the sidewalk and its connection to the source of power or heat at least five (5) days prior to installation. A record of all heated sidewalk installations shall be kept in the office of the City Engineer. A permit for such installation shall be obtained from the City Engineer before commencement of the work. Acceptance of the permit by the applicant shall constitute her/his agreement to the following conditions. (Am. by ORD-14-00012, 1-14-14)

(1) A metal identification plate shall be placed flush with the sidewalk or the words "Heated Walk" shall be stamped in each section of sidewalk. Letters shall be a minimum of two (2) inches high.

(2) When the heated sidewalk is in need of repair and requires the repair or reinstallation of the heating system, the property owner shall pay any and all costs involved for replacement of the heated sidewalk. It shall be the responsibility of the property owner to make arrangements with her/his own contractor for repairing or reinstalling the heating system. In the event that new utilities are to be installed or if existing utilities are in need of repair under the heated sidewalk, it shall be the responsibility of the utility to repair at its expense the heating system and the sidewalk. (Am. by ORD-14-00012, 1-14-14)

(3) All heated sidewalk installations will be inspected by the City Engineer prior to pouring the concrete sidewalk.

(4) No part of the heating system will be installed in that portion of the sidewalk that is located within three (3) feet of the back of the curb and gutter.

10.39 INSTALLATION OF STREET LIGHTS.

(1) It shall be the policy of the City of Madison to promote traffic safety and general welfare of the City through the installation and upgrading of street lighting within the public right-of-way of any street, alley or highway. The City Traffic Engineer shall direct, regulate and control the installation and upgrading of all street lighting within the City. (Am. by Ord. 9144, 3-30-87)

(2) The full cost, including inspection and supervision, of the installation and upgrading of street lighting shall be assessed to the abutting properties provided that the abutting properties have not been denied access to the right-of-way in which the street lights are installed. Assessment for street lights shall be in accordance with Section 66.0701 of the Wisconsin Statutes, Section 12.03(4)(c) and (d) of the Madison General Ordinances and this ordinance, except where street lights are installed as a part of a street improvement district, in which case Section 66.0703(1) of the Wisconsin Statutes shall govern. (Am. by Ord. 9144, 3-30-87)

(3) When the City Traffic Engineer proposes the installation or upgrading of street lights assessed to abutting properties he/she shall prepare a report listing the street lights to be installed or upgraded, their location, and a schedule of assessments. (Am. by Ord. 9144, 3-30-87)

(4) A notice shall be published in the official newspaper stating that the City Traffic Engineer proposes to install or upgrade and assess street lighting to each of the benefited properties and that the Board of Public Works will hold public hearing on the installation, upgrading, and assessments. Such notice shall be published as a Class I notice, under Chapter 985, Wisconsin Statutes, ten (10) days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after such publication. (Am. by Ord. 9144, 3-30-87)

(5) The Board of Public Works shall hold a public hearing on the installation and upgrading of street lights and assessments and shall prepare a report to the Common Council which shall consist of a recommendation on the City Traffic Engineer's report. (Am. by Ord. 9144, 3-30-87)

(6) A notice shall be published in the official newspaper stating that the Board of Public Works has prepared a report on the City Traffic Engineer's Report and that the Common Council will hold a public hearing on the assessments. Such notice shall be published as a Class I notice, under Chapter 985, Wisconsin Statutes, in the City and a copy of such notice shall be mailed, at least ten (10) days before the hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication and mailing.

(7) The Common Council shall hold a public hearing on the assessments and after the hearing may approve, disapprove, modify, or re-refer the report to the Board of Public Works with such directions as it deems necessary to change the plans for the street light installation and upgrading and to determine a fair and equitable assessment.

Upon adoption by the Common Council, the assessment shall be deemed authorized and made, and the date of such adoption shall constitute the date of levy. Assessments so levied shall be a lien against the property from such date.
(Am. by Ord. 9144, 3-30-87)

(8) After the project is completed and all costs have been charged to the project, the City Traffic Engineer shall modify such special assessment proportionately based on actual cost sustained and submit a revised schedule of assessments to the Common Council.

Whenever the actual cost of any project shall, upon completion or after the receipt of bids, be found to vary materially from the estimates, or whenever any assessment is void or invalid for any reason, or whenever the Common Council shall determine to reconsider and reopen any assessment, it may, after giving notice as provided in Subsection (6) and after a public hearing, amend, cancel, or confirm any such prior assessment. If the cost of the project shall be less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately where any assessments have been paid, and the excess over cost shall be refunded to the property owner.
(Am. by Ord. 8798, 2-27-86)

(9) Any person against whose land a special assessment has been levied under this ordinance shall have the right to appeal therefrom in the manner prescribed in Section 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of the final determination by the governing body.

(10) The Council may, without any notice or hearing provided in Subsections (4), (5), (6) and (7), levy and assess the whole or any part of the cost of installation and upgrading of street lights as a special assessment upon the property specially benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. The waiver form shall advise property owners of the availability of the procedures of this section and that waiver of such notice of hearing provisions does not preclude the Common Council from acting according to Subsection (8) nor the property owner's right of appeal contained in Subsection (9). (Am. by Ord. 9144, 3-30-87)
(Sec. 10.39 Cr. by Ord. 6516, 2-23-79)

10.40 TRAFFIC CONTROLS FOR STREET CONSTRUCTION AND MAINTENANCE OPERATIONS. Adoption by reference. The manual on Traffic Control for Street Construction and Maintenance Operations under date of 1972 is adopted by reference as if each provision were reprinted in full in this section. It shall be unlawful for any person, firm or corporation to suffer, cause or permit the violation of any provisions hereof. Each day of violation shall be considered a separate and distinct offense.

10.41 COMPLIANCE INSPECTION FEES.

(1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars ($75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)

(2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Cr. by ORD-10-00058, 6-11-10)

10.42 DECORATIVE PAVEMENT PAINTING DESIGN PERMIT.

(1) Purpose. The purpose of this ordinance is to permit the painting of the roadway on certain local streets by granting a permit for neighborhood associations and others with a stake in the neighborhood to paint the pavement as provided herein. By permitting decorative application of paint the City of Madison does not intend to create a forum for speech nor to convert the surface of the highway right of way into a forum for speech, nor does the City intend such paintings to be an official traffic control device. Decorative designs hereunder shall be intended to enhance the appearance of the roadway and work in connection with the ordinary uses of the roadway, and shall not be designed to draw pedestrians, or cyclists into portions of the roadway that are not intended for their use.

(2) Charter Ordinance. Certain state statutes and administrative rules, specifically Wis. Stat. § 86.19, and administrative regulations adopted pursuant to that statute, raise doubts about whether such painted designs may be located on a roadway within the limits of highway rights-of-way. The determination of whether to allow local neighborhood and business associations to apply decorative paint to a local street as described in this ordinance is a local affair of the government of the City of Madison. Therefore, the City of Madison, through its Common Council, hereby

hereby determines that, to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve the decorative application of paint within the limits of any street or highway right of way, the City will not be governed by sec. 86.19 to that extent. Any signs not authorized by this Ordinance shall remain subject to regulation pursuant to state and local law. This Charter Ordinance shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02. This Section 10.42 is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101 and Article XI, Sec. 3 of the Wisconsin Constitution.

(3) Eligible Applicants. A Neighborhood Association or Neighborhood Planning Council recognized as such by the City, or a business association or other non-profit community organization that would be eligible for a neighborhood grant administered by the Planning Division, may apply for a permit to apply a decorative painted design to the surface of a local City roadway within the area served by the organization.

(4) Application through Privileges in Streets.

(a) Application shall be made to the Economic Development Division of the Planning and Community and Economic Development Department using the procedure for Privileges in Streets in Sec. 10.31. The designee of that division shall notify the City Traffic Engineer upon receipt of the application. The application form shall include:

1. Full legal business name of the applicant association, and type of association.
2. Registered Agent for applicant, if applicable.
3. Name and contact information of a person with primary responsibility for the application.
4. Scale, color drawing showing the detailed design and proposed location meeting the requirements of Sec. 10.31.
5. Petition with a signature from not less than sixty percent (60%) of the total number of residential dwelling units, businesses, and non-residential properties within a two hundred (200) foot radius from the proposed design location, indicating approval of the project and location. The petition area can be expanded at the discretion of the City Traffic Engineer up to a radius of six hundred (600) feet (approximate distance of a standard City block). Each dwelling unit, business and non-residential property is entitled to one signature.
6. Statement that the alderperson for the district in which the painting project is proposed has been notified and given a copy of the application by regular mail or electronic mail.
7. Any other information required by Sec. 10.31.
8. Any additional information deemed necessary by the Traffic Engineer.

(b) Application Fee. The fee to apply for a permit to paint the pavement under this section shall be one hundred and fifty dollars ($150) and nonrefundable. This does not include the separate application fee for the Street Use Permit required by sub. (9) to close the street for the painting project. However, applicants are exempt from the application fee and annual fee for a privilege in streets, under Sec. 10.31(3)(f).

(c) Temporary Chalk Applications. An application to paint the pavement with water-soluble chalk that meets the criteria of Sec. 23.06(6) shall be made using the same criteria of sub. (a) except that such applications are not reviewed under Section 10.31 and may be administratively approved or denied by the Traffic Engineer. All provisions of this ordinance shall apply to the City Traffic Engineer's review and to any permit issued, except those provisions that expressly incorporate Sec. 10.31.

(5) Eligible Locations:

(a) A painted intersection design may be located at the intersection of two streets both with a functional classification of "local" or a mid-block location on a street with a functional classification of "local," only on streets with a speed limit of not more than twenty-five (25) miles per hour, and shall not be located within two hundred (200) feet of an intersection with a street with a higher functional classification. State Trunk Highways,

County Highways and federally funded mass transit ways are not eligible. The location must be within the area served by the applicant association.

(b) The City Traffic Engineer must approve the proposed location. Whether a proposed location meets the above criteria, including the functional classification of the street, shall be determined by the City Traffic Engineer.

(6) Paint and Design Elements.

(a) The proposed painting shall include decorative designs and patterns only, and shall contain no text, numerals, symbols, overt messages or any images designed to convey a message of any kind, including commercial messages.

(b) Prohibited paint or design features:

1. No retroreflectivity.
2. The paint and resulting design shall not include any relief or texture (except anti-skid texturizing material under sub. (6)(d) herein, if approved by the City Traffic Engineer.)
3. The design shall not create a three-dimensional or multi-dimensional effect or other optical illusion.
4. The design shall not include any element that mimics or imitates an official traffic control device or marking or would be confused with the same.
5. The design shall not include any element that interferes with or hinders the visibility of an official traffic control device or marking already in place, such as stop lines, marked cross walks, edge lines, lane markers, bike lane markers, etc.
6. The design shall not include any feature or element that, in the opinion of the City Traffic Engineer, would create a safety hazard for vehicles or pedestrians.
7. Nothing about the design shall violate any applicable city, state or federal law.

(c) The City Traffic Engineer shall review the proposed design to determine compliance with the criteria of this ordinance, and shall take into account the proposed design in relation to the configuration of the intersection or roadway, including but not limited to: the overall shape and size of the intersection or roadway, the presence and location of stop lines and marked and unmarked crosswalks, and whether or not the proposed design would interfere with such markings or is likely to confuse motor vehicle drivers, bicycle operators or pedestrians using the roadway.

(d) Acceptable Paint Materials.

1. Only acrylic water-based traffic marking paint may be used, in the colors traditionally available (white, yellow, blue, red, and black) or other colors that may be achieved by mixing the traditional colors.
2. Paint must not result in a slippery surface. To accomplish this, the traffic marking paint must contain an anti-skid additive approved by the City Traffic Engineer.
3. Paint must not be retroreflective.
4. A temporary chalk design applied entirely with water-soluble chalk that meets the criteria of Sec. 23.06(6) may be used instead of paint and shall be subject to all design and location criteria herein.

(7) Approval Criteria. All applications shall be reviewed according to the procedures for privileges in streets in Sec. 10.31, however no permit shall be issued without the review and express approval of the City Traffic Engineer who shall apply the criteria of this ordinance to all such applications.

(8) Appeal Process. Appeals of a decision to approve or deny an application under this section shall be available as provided in Sec. 10.31(2)(b), and any such appeal may also include a review of the decision of the City Traffic Engineer under this ordinance.

(9) Project Installation Procedure. Once the design has been fully approved under this ordinance, the applicant must apply for and obtain a Street Use Permit under Sec. 10.056 for permission to close the affected street(s) for the date(s) and times of the painting project. No work may be performed on the painting project within the roadway or on a bike path without an approved Street Use

Permit for the date(s) and time(s) of the work. All requests to close the street are subject to Sec. 10.056 and the decision of the Street Use Staff Commission as provided in that ordinance.

(10) Insurance and Indemnification. If a permit is approved the applicant shall agree to indemnify the City of Madison and provide proof of insurance as required by Sec.10.31. Compliance with Sec. 10.31 shall be sufficient for the insurance and indemnification requirements of this section.

(11) Repair and Maintenance of the Design. The applicant shall be solely responsible for maintaining the design in good condition and repair. If the design should become deteriorated or damaged and in the opinion of the City, the design is repairable, the applicant must repair it or make arrangements for the repair within sixty (60) days of written notice by the City. "Repair" shall mean restoring the original design to the originally-approved specifications. All repairs or maintenance, whether voluntary or in response to a notice under this section, shall be in compliance with all requirements of this ordinance and shall require a Street Use Permit as described in sub. (9). If the design is not repaired according to the notice. The City may cause the design to be removed and restore the roadway to its previous condition, at the expense of the applicant. The procedures in this paragraph for maintenance and removal may be exercised in addition to the procedure for removal of an encroachment in Sec.10.31(3)(c). Removal and charges for costs associated with removal shall be as allowed by Sec. 10.31. The bond requirement in Sec. 10.31(3)(c) may be waived upon the recommendation of the City Risk Manager.

(12) No Renewals. Once issued, a permit under this section authorizes the design as approved for as long as the design exists, as long as the design does not change and it is repaired and maintained as required by sub. (11). A request to change the originally-approved design will require an application for a new permit and a new permit fee and be processed as a new application.

(13) Damage, Removal. In granting a permit under this ordinance, the City of Madison shall not be responsible for any maintenance or repairs or removal of the design; any damage to the design regardless of cause, including but not limited to damage caused by any utility or contractor performing work in the right-of-way or resulting from street surface maintenance such as street cleaning, plowing and road treatment for snow and ice. Utility work or roadwork by the City or a utility may result in damage to the design requiring the design to be permanently removed. Additionally, if any portion of the design creates a hazard in the sole opinion of the City, the City may remove the design without notice to the applicant. The permit shall be considered terminated upon removal of the design for any reason by the City or the applicant.

(14) Permit Revocation. A permit under this section may be revoked by the City at any time if the applicant violates the conditions of the approved permit, including but not limited to installing something other than the approved design, modification of the design subsequent to the initial installation, or violations of the terms of the encroachment agreement under Sec. 10.31. Prior to revocation of a permit under this subsection, the City shall send written notice to the applicant, except that if the encroachment agreement is terminated according to the procedures in that agreement or in Sec. 10.31, the permit under this section automatically terminates. The permit shall also be considered terminated upon removal of the design for any reason under subs. (11) or (13) herein.

Section 10.42 is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).
(Sec. 10.42 Cr. by CHA-13-00003, 6-26-13, Eff. 8-19-13)

10.50 PENALTY. Any person who shall violate any provisions of this chapter for which no penalty is already provided shall be subject to a fine of not less than twenty dollars ($20) nor more than four hundred dollars ($400).

Why do we have a lighting ordinance? (p. 1)

The City of Madison regulates exterior lighting to improve the quality of the night time environment, and to avoid conflict between neighbors caused by poor lighting. Madison Municipal Ordinance 10.085 applies to all outdoor lighting installed on residential property.

Like many other things, how we use exterior lighting on our own property can affect our neighbors and other City residents. Glare from poor lighting has the potential to cause severe problems because of its effect on the dark-adapted eye. Problems associated with glare can included transient night blindness in drivers and pedestrians, and more pervasive visual problems associated with night vision in the older eye.

High levels of illumination caused by over-lighting create many problems. For example, over-lit surroundings can create security problems when the eye fails to adapt to seeing in adjoining dark areas and shadows, compromising personal security and safety. High illumination levels can also deprive residents of the darkness needed for sound sleep, while the cumulative illumination of a large city brightens the night sky for surrounding communities, changing their rural character and robbing them of the stars.

Madison's exterior lighting ordinance wasenacted to encourage the wise use of exterior lighting to provide enough light for a safe nighttime environment,without wasting energy and creating nuisance, while avoiding the problems described above.

Applicability (p. 2)

Madison's municipal exterior lighting ordinance is written to prevent:

- Skyglow - light spilling into the night sky
- Light Trespass - glare and spill light caused by exterior lighting that shines onto neighboring property

Any exterior light fixture with a light source (bulb) brighter than 1,000 lumens must meet the requirements of the ordinance. Light fixtures installed prior to enactment of the ordinance (March 1993) are exempt from its provisions. Subsequent amendments to the ordinance only apply to fixtures installed or modified after the date of the amendment.

Lumens

A measure of light output that is consistent for all types of light sources.

Examples of common residential light sources with less than 1,000 lumens brightness are: 60W incandescent, 15W fluorescent, 23W CFL and 50W halogen.

The lumens of a light source are usually given by the bulb manufacturer on the product packaging.

Architectural Lighting

In addition to choosing fixtures to prevent light trespass and glare, lights used to illuminate buildings (rather than entries, sidewalks, etc.) are limited to a maximumconnected lighting load of five watts per lineal foot of building facade. Lights used for this purpose must be installed so as to illuminate only the building, and not the night sky. Flood lights should not be used to illuminate parking areas away from a building.

Madison's skyglow as seen from Dodgeville

About this brochure

This brochure explains the provisions of the ordinance, and offers some suggestions on how to comply with it.

If you require more detailed information about the ordinance, the exact ordinance language is available from:

- City of Madison Web site
- City Building Inspection Office
- Madison Public Library

Visit relevant Web sites:

- Wisconsin Dark Sky: darkskywisconsin.uwex.edu
- International Dark Sky Association: darksky.org

Brochure design by Lauranne J. Bailey
- Revised June 2017

Madison Municipal Exterior Lighting Ordinance

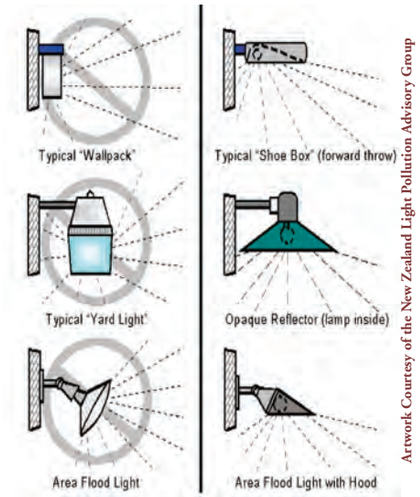
10.085

A Guide for Residential Properties

UW Extension

Shielding the light source (p. 3)

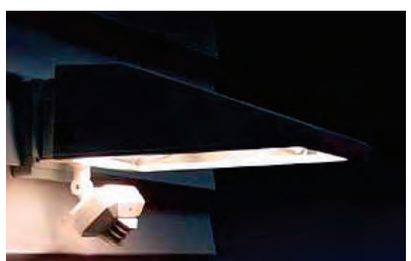
All exterior light sources greater than 1,000 lumens must be shielded so that the light source is not visible from any point higher than an angle 4° above the horizontal. This means that if your eye is above the fixture, you should not be able to see glare from the light source or lens.



Artwork Courtesy of the New Zealand Light Pollution Advisory Group

Unshielded vs. shielded

In most cases, meeting this provision means that a light source must be enclosed in a non adjustable shield that is aimed downward. Exterior lighting that is mounted underneath an eave or soffit may also meet the definition of shielded, if light from the source does not rise more than four degrees above the horizontal.



Motion sensor light

Preventing light trespass (p. 4)

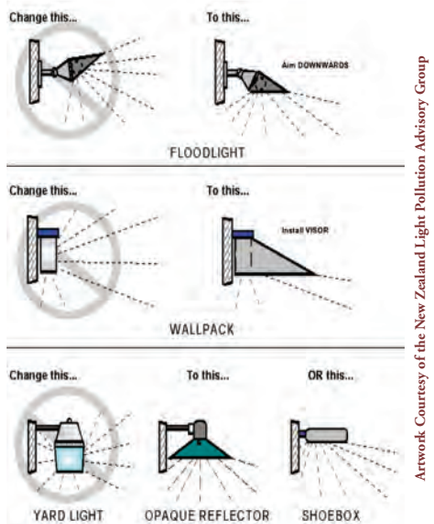
Madison's municipal exterior lighting ordinance limits the amount of glare and spill light that falls onto other property from light sources on your property. In the following two cases, the city building inspector makes the determination when a lighting complaint is made:

1) Light tresspass (from any number of light sources) cannot exceed 0.5 footcandle. The illumination amount (in footcandles) must be measured using a light meter, either at a point ten feet past the adjoining property line, or at a point four feet above the ground (or higher) on an occupied structure.

Footcandle
A measure of the illumination emanating from a light source.

The dark-adapted eye can see the light of a candle 10 miles away.

2) There cannot be a direct line of sight between other property and a light source (or it's reflector) on your property, such that glare from the light source would cause discomfort or annoyance on the other property.



Artwork Courtesy of the New Zealand Light Pollution Advisory Group

Modifications to eliminate glare and skyglow

Does your lighting comply with the ordinance? (p. 5)

Although you may not own a light meter, or be able to estimate the lighting load for architectural lighting, determining if our lights cause glare, light trespass, or skyglow is as easy as taking a quick nighttime walk along our property line. Looking at your residence, do you see any of the following:

- Can you see glare from your exterior lights?
- Do any of your lights shine upward into the night sky?
- As you walk along the property line, do your lights shine onto your neighbors property or the sidewalk?

Here are a few things you can do:

1) Permanently re-aim fixtures so that the light is directed only to the area you want to illuminate.
2) Add shields to existing fixtures to prevent glare and spill light, or replace your fixtures with shielded ones.
3) Replace an existing lamp with one that is less than 1,000 lumens.
4) Add motion sensors to all-night security lighting to light your entry when you come home or draw your neighbor's attention to prowlers.

Light trespass from a streetlight

What to do about other sources of nuisance lighting? (p. 6)

Once your own lighting complies with the ordinance, you may want to discuss the ordinance with a neighbor whose light is annoying you. Remember, most people are not aware that their light is a nuisance, and may not realize how easy it is to fix. Ask them to evaluate their exterior lights, just as you evaluated your own. Share with them how you modified your lights to improve the nighttime environment. Try to be helpful and supportive, and maintain neighborly relations.

Cutoff streetlight

If you find that exterior lighting from nearby residential or commercial property continues to cause annoyance, contact the City of Madison-Building Inspection Unit. Make a note of the location of the light fixture, the time of day it is normally lit, and your vantage point for viewing the problem light. An inspector will come by when it is dark and take the appropriate action to remedy the problem.

You may find that a street light is the cause of glare or over-lighting on yourproperty.The City is installing cutoff streetlights as older fixtures fail. In some cases the streetlight may be replaced with a full cutoff streetlight before it has failed (although you will be asked to bear the cost). You should note the light's pole number (either a metal tag or block letters) and contact the City of Madison Traffic Engineering Divison about streetlight problems.

Sec. 58-567. Outdoor lighting installations.

(a) *Purpose and intent.* The purpose of this section to minimize "light trespass" or "obtrusive light," or more specifically to regulate and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, to mitigate the impact on ecosystems, to promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting.

(b) *Scope.*

(1) The following regulations shall apply to all luminaries installed, erected or maintained in all districts except on parcels that contain a single-family or plex dwelling unit as defined in [section] 58-8.

(2) New uses, buildings, and additions. All new land uses, developments, buildings, structures, or building additions of 25 percent or more in terms of gross floor area either with a single addition or cumulative additions, subsequent to the effective date of this ordinance shall meet the requirements of this section for the entire property. This provision includes additions of any size that increase the number of parking spaces by 25 percent. For building additions less than 25 percent the applicant shall meet the provisions of this section for all new outdoor lighting installed.

(3) Change of use. Any change of use to an existing building or structure, except in the case of a single tenant in a multi-tenant building, shall meet the requirements of this section for the entire property to the greatest extent possible as determined by the department of community development.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Acreage, net. The area of a parcel being developed for a development project including the open space required by the zoning district.

Classifications of lighting. Lighting shall be classified in one of the following categories:

(1) *Class 1 "functional" lighting.* All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

(2) *Class 2 "safety" lighting.* All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

(3) *Class 3 "decorative" lighting.* Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

(4) *Multi-class lighting.* Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for Class 1, 2 and 3 lighting. All multi-class lighting shall comply with the most restrictive class of which it falls under.

Development project. Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the city for approval.

Direct illumination. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Footcandle. A unit of light expressed in lumens per square foot.

Fully shielded fixture or *full cutoff fixture.* An outdoor light fixture shielded in such a manner that 100 percent of all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

Glare. Intense light from an illumination source which may result in visual impairment or discomfort.

Height. The height of a light structure shall be the vertical distance between the uppermost extremity of any light structure, pole or supporting member and the grade level.

Light source. A single artificial source of luminescence.

Lumen. The unit used to measure the actual amount of light which is produced by a lamp. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered.

Luminaire. The complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Measurement. For the purposes of this section, unless otherwise stated illumination levels shall be measured at a point three feet above grade with the measuring device aimed directly at the light source(s) being measured. Measurements shall be taken using baffles or shields to separate the sources(s) under review from other existing or ambient sources such as streetlights, in a manner that eliminates to the greatest extent possible other light sources.

Opaque. Opaque means that material must not transmit light from an internal illumination source.

Outdoor light fixtures. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, linear strip lights, search lights, spot lights and flood lights for:

(1) Buildings and structures;

(2) Recreational areas;

(3) Parking lot areas;

(4) Landscape and architectural lighting;

(5) Signs (advertising or other);

(6) Product display areas.

Outdoor light output, total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered.

Partially shielded fixture or *cutoff fixture.* An outdoor light fixture shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal, as determined by photometric test or certified by the manufacturer.

Temporary lighting. Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects, not including exempt lighting listed in subsection (n). Temporary lighting shall be approved by the department of community development.

Uniformity ratio. The average illuminance shall not exceed minimum values by more than the product of the minimum value and the specified ratio.

Use, abandonment of. The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.

Watt. The unit used to measure the electrical power consumption of a lamp, or when describing a fixture, the fixture input wattage before ballast losses.

(d) *Establishment of zones.* Lighting zones are defined by a parcels base zoning district.

(1) *Zone 1*—Principal non-residential uses in residential zones B-1, B-6, B-7, IPS*.

(2) *Zone 2*—B-2, B-3, B-4, B-5.

(3) *Zone 3*—TC, AC.

*Note: IPS zoned properties may use Zone 2 criteria if not abutting a residential use.

(e) *Shielding and exceptions.* All nonexempt outdoor lighting fixtures shall have full shielding to prevent direct view of the lamp or reflector as viewed from anywhere along the property line or above the horizontal, except for the following:

(1) Class 1 and Class 3 lighting fixtures with an initial lamp output at or below 500 lumens per fixture may be unshielded provided that the fixture is screened from public view.

(2) Class 1 and Class 3 lighting fixtures with an initial lamp output at or below 1,000 lumens per fixture may be partially shielded provided that the fixture is screened from public view.

(f) *Total outdoor light output standards.* Total outdoor lighting lumen output shall not exceed the limits in Table 58-567-1, given in lumens per acre. The following shall be included in this limit:

(1) Indoor lighting, located within 12 feet of window glass, that is used for or contributes to illumination of displays, merchandise or signage shall be included in the total outdoor light output, by including 25 percent of the contributing as though they produced only one-quarter of the lamp's rated lumen output. If the indoor lighting is directed through the window glass or otherwise used for exterior illumination then the full 100 percent of the lamp's rated lumen output shall be included.

(2) Outdoor lighting fixtures that are fully shielded and installed under canopies, roof eaves and building overhangs are counted toward these limits according to the following:

(3) Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five feet but less than ten feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output, by including 25 percent of the contributing lamp's rated lumen output;

(4) Outdoor light fixtures located under the canopy and ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output, by including ten percent of the contributing lamp's rated lumen output.

Table 58-567-1 Total Outdoor Light Output Standards

Maximum Lumens Per Acre (Initial Lamp Lumens)	Lighting Zone		
	Zone 3	Zone 2	Zone 1
Total (fully shielded + unshielded)	125,000	100,000	50,000
Unshielded only (Class 1 and 3)	10,000	10,000	4,000

(g) *General regulations.*

(1) *All classes of lighting.*

a. Luminaries attached to a building shall not exceed 16 feet in height from grade.

(2) *Class 1 lighting.*

a. The maximum illumination of any interior or exterior illuminated sign, including subdivision signs, shall not exceed 15 footcandles when measured with a light meter held perpendicular to the sign at a distance of 12 inches. All existing signage shall have one year from the effective date of this ordinance to achieve substantial compliance with this section.

b. The maximum illumination of any vertical building surface shall not exceed ten footcandles.

(3) *Class 2 lighting.*

a. Parking lot lighting shall maintain a two footcandle average and a uniformity ratio of 12:1.

b. The height of parking lot light structures may by right be, but shall not exceed, the greater of 16 feet or 75 percent of the height of the principal structure; provided in no case shall the height of any parking lot light structure exceed 20 feet or shall any structure located within 100 feet of a residential use or a undeveloped residentially zoned property exceed a height of 16 feet.

c. Light structures intended for pedestrian traffic shall not exceed ten feet in height and have average illumination levels between 0.5 and one footcandle.

d. Bollards shall not exceed 42 inches in height and 8,500 lumens per fixture with 0 percent of lumen output at or above the horizontal plane.

e. Security lighting shall not exceed 25 percent of the total allowed lumen output.

f. Lighting intended for exit discharge shall not exceed 1.5 footcandles at the floor or grade level.

(4) *Class 3 lighting.*

a. Only the United States flag and the state flag shall be permitted to be illuminated from dusk to dawn. Other flags may be illuminated if they are located on the same pole or part of a group or array that includes the United States or state flag. Flag lighting sources shall not exceed 10,000 lamp lumens per flag pole and shall be shielded to prevent viewing the fixture opening, and designed to apply 80 percent of the fixture output onto the area of the flag.

b. Lighting of aesthetic features including but not limited to hardscape and landscape features, fountains, displays, and statuary shall not exceed 500 lumens per fixture.

c. The maximum illumination of any vertical building surface or facade shall not exceed ten footcandles.

(h) *Light trespass.* Unless otherwise approved in accordance with this section, all luminaries shall be of a full cutoff design and directed so as to confine the area of light dispersion to the property and/or building area which it is intended to illuminate. More specifically, all lighting installations shall conform to the following standards:

(1) All luminaries except street lights shall be located, aimed or shielded so as to prevent stray light trespassing across property boundaries, measurable at or below 0.5 footcandles while holding meter perpendicular to offending source(s).

(2) Where adjacent to non-residential property, the maximum permitted illumination level located ten feet within that adjacent property shall be no greater than 0.1 horizontal footcandles.

(3) Where adjacent to residential property, the maximum permitted illumination level on a residentially zoned parcel located immediately within that adjacent property shall be no greater than 0.01 horizontal footcandles.

(4) Ground mounted lighting. In order to fully hide the light fixture from public view and to prevent glare and brightness from normal public view, all ground mounted luminaries designed or intended for purposes of illuminating, signs, flagpoles or other onsite amenities shall be completely screened, at the

time of installation, with non-seasonal vegetative cover or other materials as approved by the planning commission, or park and open space board if the lighting is proposed within a city owned park or preserve. Additional louvers or shielding may be required to prevent source brightness and glare from normal public view.

(i) *Hours of operation.*

(1) All outdoor luminaries shall be turned off from close of business to sunrise with the following exceptions:

a. Commercial, industrial and institutional uses which remain open after 11:00 p.m. as permitted by zoning regulations or conditional use requirements shall be allowed to keep their approved outdoor lighting on for the period of time they remain open and up to one-half hour after closing.

b. Approved commercial, industrial, and institutional security lighting shall be allowed in accordance with the provisions of this Code.

c. All illuminated on-premises and off-premises signs for advertising purposes shall be turned off from close of business to sunrise.

(2) Recreational facilities. Shall be allowed to keep their approved outdoor lighting on for the period of time the recreational use continues.

(j) *Special uses.* In addition to the requirements of this chapter, the following uses shall have additional restrictions.

(1) *Illuminated outdoor recreation facilities.*

a. Shall be subject to a conditional use grant.

b. Lighting for outdoor recreational facilities including athletic fields, courts, or tracks shall be exempt from the lumens per acre limits of this section.

c. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America. (IESNA RP-6)

d. Lighting trespass requirements are maintained.

(2) *Auto display lots.*

a. Lighting for display lots shall be exempt from the lumens per parcel limits of this section.

b. Total output. The total light output used for illuminating display lots shall not exceed 20 footcandles.

c. Every display lot lighting system and design shall be certified by a registered engineer as conforming to all restrictions in this section.

(3) *Service station canopies.*

a. All luminaries mounted on the under surface of service station canopies shall be fully shielded, recessed, and utilize flat glass or flat plastic (acrylic or polycarbonate) covers, with no direct illumination permitted at or above the horizontal plane.

b. Total output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 20 footcandles. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.

c. No lighting shall be placed on the facade or roof of the canopy.

(4) *Private street lighting.*

a. Where private street lighting is installed, on private or public roads, the luminaries shall be fully shielded and not exceed 2,700 lumens per fixture.

(k) *Permits.*

(1) Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the building inspector. All applications shall include a scaled plan depicting the proposed number, specific locations, intensity (stated in wattage and lumens), manufacturers isofootcandle curve reference plot, manufacturers fixture cutsheet and the type of illumination of all light sources. Staff, in their judgment, may defer the plan to the planning commission or park and open space board if the structure, building and/or use is proposed within a city owned park or preserve, for approval. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to fulfill the technical requirements of the building and electrical ordinance of the city but are in addition thereto.

(2) Any permit issued by the electrical inspector under the provisions of this section shall expire and be null and void if not implemented within six months of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same time period as the related site plan.

(l) *Prohibitions.* The following types of lighting shall be prohibited except as otherwise approved by planning commission:

(1) Swivel mounted luminaries.

(2) Outdoor neon lighting.

(3) Festoon lighting, "string" lighting or any light source erected in such a manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.

(4) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.

(5) Display of intermittent lights or flashing, blinking, moving lights except as follows:

a. Where such lights are required by state or federal law.

b. Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.

(6) *Laser source light.* The use of laser source light or any similar high intensity light is prohibited.

(7) *Searchlights.*

(8) Light intended to illuminate naturally occurring environmental features including but not limited wetlands, rivers, lakes and dedicated open spaces shall be prohibited except as approved as part of a conditional use grant.

(m) *Exceptions.* The planning commission, may approve exceptions to the provisions of this subsection where, in their opinion, strict compliance to the regulations is impractical and the alternative would further the public interest.

(n) *Exemptions.* The following types of lighting shall be exempt from the outdoor lighting regulations:

(1) Seasonal decorations are exempt from the requirements of this chapter unless it constitutes a public nuisance (traffic, safety, etc.).

(2) Tower lighting or any other lighting which is required by federal or state regulations.

(Code 1957, § 3.14(6); Ord. No. 96-878, 5-14-1996; Ord. No. 97-910, 2-11-1997; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2010-1308, § I, 3-9-2010; Ord. No. 2017-1506, § IV, 10-10-2017)

Report to the
Sustainability Commission of the City of Green Bay

MEETING DATE

April 20, 2022

AGENDA ITEM # F.1

OEI Comprehensive Energy Planning Grant

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None

Report to the
Sustainability Commission of the City of Green Bay

MEETING DATE

April 20, 2022

AGENDA ITEM # F.3

Other Member Updates

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None