



Legislation Details (With Text)

**File #:** 001675      **Version:** 6

**Type:** Ordinance      **Status:** Passed

**File created:** 3/20/2001      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/21/2001

**Effective date:**

**Title:** A substitute ordinance relating to permits for excavation or installation in public ways or public places.

**Sponsors:** ALD. MURPHY

**Indexes:** PERMITS, PUBLIC IMPROVEMENTS

**Attachments:** 1. WEPCO Letter.PDF, 2. WUCA Letter.PDF, 3. Ameritech Letter.PDF, 4. Ameritech Oct Letter.PDF

Date	Ver.	Action By	Action	Result	Tally
3/20/2001	0	COMMON COUNCIL	ASSIGNED TO		
3/21/2001		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/22/2001	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/11/2001	1	CITY CLERK	DRAFT SUBMITTED		
9/6/2001	2	CITY CLERK	DRAFT SUBMITTED		
9/7/2001	2	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/7/2001	2	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/12/2001	2	PUBLIC WORKS COMMITTEE	HELD IN COMMITTEE	Pass	4:0
9/24/2001	3	CITY CLERK	DRAFT SUBMITTED		
9/27/2001	3	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/27/2001	3	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/2/2001	4	CITY CLERK	DRAFT SUBMITTED		
10/3/2001	4	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/15/2001	5	CITY CLERK	DRAFT SUBMITTED		
10/18/2001	5	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/18/2001	5	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/24/2001	5	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:0
11/6/2001	5	COMMON COUNCIL	RETURNED TO COMMITTEE - SIGNATURES		
12/4/2001	5	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/4/2001	5	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/4/2001	5	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/5/2001	5	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

12/5/2001	5	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/5/2001	5	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/11/2001	6	CITY CLERK	DRAFT SUBMITTED		
12/12/2001	6	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
12/17/2001	5	JUDICIARY & LEGISLATION COMMITTEE	NOT ACTED ON		
12/21/2001	6	COMMON COUNCIL	PASSED	Pass	14:0
1/7/2002	6	MAYOR	SIGNED		
1/14/2002	6	CITY CLERK	PUBLISHED		

001675  
SUBSTITUTE 6

ALD. MURPHY

A substitute ordinance relating to permits for excavation or installation in public ways or public places.

115-3-1 am

115-4-5 cr

115-4.5-3 rc

This ordinance requires any holder of a public way excavation or installation permit to serve written notice of the excavation or installation work to each occupant of abutting private property at least 48 hours prior to commencement of the work if any of the following are true:

1. The excavation or installation will be in progress for more than 96 hours.
2. The excavation or installation will impede or obstruct access to abutting private property.
3. The excavation or installation will result in interruption of utility service to abutting private property.

Such notice shall include the name and telephone number of a person knowledgeable about and responsible for the work to be performed. No notification shall be required in the cases of emergency excavations or excavations for minor maintenance activities.

In addition, this ordinance requires that the commissioner of public works provide similar notice to the common council member in whose district the excavation or installation work will occur.

This ordinance also clarifies the prohibition on performing excavation or installation work in the public right-of-way after the permit for such work has expired, an offense for which the commissioner of public works may issue a citation. In addition, reinspection fees shall be paid for all department of public works inspection services performed after expiration of a permit. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 115-3-1 of the code is amended to read:

**115-3. Permits for Excavation and/or Installation in Public Ways and Public Places.**

1. No person shall make any excavation and/or installation in any public way or public place for any purpose whatsoever unless ~~[[he shall have secured a]]~~ >>he or she possesses a currently-valid<< permit therefor from the commissioner, except where required by contract with the city for constructing, paving or reconstructing a street. City forces charged with the duty or repairing or reconstructing streets and city forces charged with the duty of installing, replacing or removing street lighting, alarm systems or traffic control signal devices, poles or standards are not required to secure a permit, except that where electrical conduit is laid in the public way, a permit shall be taken out. >>If any work for which a permit has been issued has not been started, resumed or completed by the expiration date of the permit, the permit shall lapse and be void, and no work shall be begun, resumed or completed until a new permit is obtained and the appropriate fee paid.<<

Part 2. Section 115-4-5 of the code is created to read:

**115-4. Granting of Permits.**

5. Whenever a permit for excavation or installation in a public way or public place is granted, the permit holder shall, as a condition of permit issuance, be required to serve written notice of the impending excavation or installation work to each occupant of abutting private property at least 48 hours prior to commencement of work if the excavation or installation will be in progress for more than 96 hours, impede or obstruct access to abutting private property, or result in interruption of utility service to abutting private property. The commissioner shall provide similar notice to the common council member in whose district the excavation or installation work will occur. The notice shall include a name and telephone number of a person who is affiliated with the permit holder and directly responsible for and knowledgeable of the work to be performed. No notification shall be required for emergency public way excavation, such as but not limited to an excavation relating to a gas, water or steam leak or an electrical outage, or for an excavation carried out in conjunction with minor maintenance activities, such as but not limited to manhole adjustments, hydrant or valve repairs or work on utility services to individual properties.

Part 3. Section 115-4.5-3 of the code is repealed and recreated to read:

**115-4.5. Permit Fees and Refunds.**

3. REINSPECTION FEE. Any person holding an expired permit for excavation or installation work which was not completed by the expiration date of the permit shall, in addition to a fee for a new permit to complete the work, also pay the applicable inspection fees of s. 81-50 for all department of public works inspection services performed after expiration of the permit.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: \_\_\_\_\_

LRB01110-7

JDO

12/10/01