



Legislation Details (With Text)

File #: 200848 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 10/13/2020 **In control:** COMMON COUNCIL
On agenda: **Final action:** 5/31/2023
Effective date:

Title: A substitute ordinance relating to excavation and installation permit requirements.
Sponsors: ALD. DIMITRIJEVIC, ALD. STAMPER, ALD. SPIKER, ALD. PEREZ, ALD. RAINEY, ALD. ZAMARRIPA, ALD. BAUMAN, ALD. BORKOWSKI, ALD. TAYLOR, ALD. WESTMORELAND
Indexes: PERMITS, PUBLIC IMPROVEMENTS
Attachments: 1. OCA Approval, 2. Notice published 6/16/2023

Date	Ver.	Action By	Action	Result	Tally
10/13/2020	0	COMMON COUNCIL	ASSIGNED TO		
5/17/2023	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/31/2023	2	COMMON COUNCIL	SUBSTITUTED	Pass	15:0
5/31/2023	2	COMMON COUNCIL	PASSED	Pass	15:0
6/6/2023	2	MAYOR	SIGNED		
6/16/2023	2	CITY CLERK	PUBLISHED		

200848
Version
SUBSTITUTE 2

ALD. DIMITRIJEVIC, STAMPER, SPIKER, PEREZ, RAINEY, ZAMARRIPA, BAUMAN, BORKOWSKI, TAYLOR AND WESTMORELAND

A substitute ordinance relating to excavation and installation permit requirements.

115-4-5 am

115-4-6 cr

This ordinance amends the requirements for serving notice of impending excavation or installation work in a public way or public place. Specifically, the ordinance requires that:

1. Written notice shall be given to the owners of abutting properties at least 72 hours prior to the commencement of work if the excavation or installation will be in progress for more than 24 hours.
2. The notice shall include the type of work being done along with its estimated length of time.
3. The commissioner of public works shall provide notice to the member of the common council in whose district the work will occur if the work will be in progress for more than 96 hours.

Finally, the ordinance creates a penalty for any permit holder who fails to notify the occupants of abutting properties of impending excavation work.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 115-4-5 of the code is amended 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]]~~ ~~>>72<<~~ hours prior to commencement of work if the excavation or installation will be in progress for more than ~~[[96]]~~ ~~>>24<<~~ hours, impede or obstruct access to abutting private property, or result in interruption of utility service to abutting private property. ~~>>If work will be in progress for more than 96 hours, the<< [[The]]~~ commissioner shall provide similar notice to the common council member in whose district the excavation or installation work will occur. The notice ~~>>to the abutting property owners<<~~ 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. ~~>>The notice shall identify the type of work to be performed and the estimated duration of the work. A color photograph or video shall be taken by the permit holder or person affiliated with the permit holder of the written notice being served. Photographs and video recordings shall be time and date-stamped and shall be maintained and made available to the commissioner, or the commissioner's designee, upon request. Proper photographs or video-recordings shall depict written notice being served to the occupants of abutting properties in a clear and unobstructed perspective, as determined by the commissioner.<<~~ 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 2. Section 115-4-6 of the code is created to read:

6. FAILURE TO NOTIFY. If work is started or the public way occupied without first providing notification as required in sub. 5, any person, firm or corporation violating this section shall be subject to penalties as provided in s. 115-48.

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: _____

LRB176382-4
Christopher Hillard
5/26/2023