

**CITY OF MADISON, WISCONSIN**

A SUBSTITUTE ORDINANCE \_\_\_\_\_

PRESENTED June 6, 2017  
REFERRED BOHMDC, Board of Park  
Commissioners, BPW, Building  
Code, Fire Code, Conveyance  
Code & Licensing Appeals Bd

Creating Section 7.10 and amending Sections 1.08(3)(a) and 1.08(4) of the Madison General Ordinances to prohibit particulate matter to become airborne and establish bail amounts and grant the ability to issue citations for certain violations of the ordinance.

**LEGISTAR #47492**

Drafted by: Marci Paulsen

Date: July 11, 2017

SPONSORS: Aids. Zellers, DeMarb, Rummel,  
Verveer & Woods

DRAFTER’S ANALYSIS: This ordinance defines the term “particulate matter” and prohibits anyone from allowing such material to become airborne or leave the property where the material is being handled or stored. It also creates a bail deposit and grants authority to Engineering, Streets and Buildings Inspection to write citations under this ordinance.

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

1. Section 7.10 entitled “Fugitive Dust” of the Madison General Ordinances is created to read as follows:

**“7.10 FUGITIVE DUST.**

- (1) Definitions.  
“Particulate Matter” shall mean material suspended in the air in the form of minute solid particles, not including smoke or other combustion bi-products.
- (2) It shall be unlawful for any person to unreasonably cause, allow or permit any material to be handled or stored in any manner that permits particulate matter to become airborne and leave the property where the material is being handled or stored.
- (3) For the purposes of this section, compliance with any current government issued permit or a current City approved best management practice shall be considered reasonable.
- (4) Any person who violates this section for a first offense may be subject to a forfeiture of not less than fifty dollars (\$50) no more than two thousand dollars (\$2000), any person who violates this section for a second offense may be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) no more than two thousand dollars (\$2000), any person who violates this section for a third and subsequent offense may be subject to a forfeiture of not less than five hundred dollars (\$500) no more than two thousand dollars (\$2000). Each day of violation shall constitute a separate offense.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” for Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Permitting fugitive dust.	7.10(2)	\$100, 1 <sup>st</sup> \$500, 2 <sup>nd</sup> \$1,000, 3 <sup>rd</sup> and subsequent”

**Approved as to form:**

3. Subsection (4) entitled "Issuance of Tickets" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

"Enforcement Official

Ordinance Chapter or Section and Title

City Engineer or her/his  
designee, Streets Superintendant or her/his  
designee and Building Inspection Division  
Director or his/her designee."

Section 7.10, Fugitive Dust

EDITOR'S NOTE: The Municipal Court Judge must approval all new and amended bail deposits; these deposits have been so approved.