City of Madison

Building Department Newsletter

Issue 2, October 2011

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CODE QUESTION AND ANSWER OF THE QUARTER

Q: Who is responsible for cutting the grass in a drainage ditch or utility easement on my property?

A: The property owner is responsible for maintaining their property which includes removal of weeds and mowing of grass located within all easements that run with the property.

Code Enforcement Officers Pull Signs

Madison allows certain temporary signs, or lead-in signs, to be placed within the city rights-of-way for a specific period of time. Small temporary signs, commonly called "snipe" signs or real estate "lead-in" signs, special event signs and directional signs are permitted to be placed in the rights-of-way beginning ***after*** noon on Friday. Such signs must be removed from the rights-of-way, however, by sunset on the day prior to the following regular business day, which would be on Sunday, or Monday if it is a holiday. One exception for churches and civic organizations allows sign placement up to 24 hours before the event advertised, but sign removal is required no later than 24 hours after the event ends. The maximum size of "lead-in" temporary signs is six square feet and no more than 10 such signs may be placed for each subdivision, event or location advertised.

Signs that don't meet the requirements outlined above or that remain within the city rights-of-way after the time period permitted are considered in violation of the sign control regulations of the city and will be removed by code enforcement officers. Signs that are in violation and removed from the rights-of-way are disposed of and cannot be returned to the sign owner.

All sign types are prohibited from being affixed in any manner to a utility pole, traffic sign, telephone junction box, electrical transformer or any other similar device or location and will be immediately removed and disposed of by code enforcement staff.

All other temporary signs including banners are limited to a maximum of 32 square feet in size and must be located on private property and not in the city rights-of-way. Neither permanent nor temporary signs, other than "lead-in" signs *(described above)*, are allowed to be erected within or protrude into any public rights-of-way or utility easements. In addition, ***a permit may be required*** and can be applied for with the Planning Department. For information about sign permits, please contact the Planning Department at 256-772-5630. For information pertaining to enforcement of illegal signs, please contact the Building Department at 256-772-5644.

CITY OF MADISON
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FAQ'S

Q. Do I need a permit to erect a fence.

A. Yes, a fence permit is required for any fence four feet in height or higher. The fence permit must be obtained prior to erection of any new fence and replacement of fences that have fallen, been torn or blown down. A plot plan of the property provided depicting the location of the fence on the property must accompany the permit application. The cost of the fence permit is $50.00. Minor replacement of random deteriorated fence boards does not require a permit; however, replacement of whole sections of a fence does require a permit. In addition, the property owner erecting the fence will be required to sign an affidavit stating that the fence will not be installed within any city rights-of-way and that the property owner understands that any fence erected within any utility or drainage easement will not be replaced or re-erected by the city or the utility company if the fence must be removed to perform work within or to gain access to any easement. Please note that fences are required as a barrier around all swimming pools.

Q. How do I obtain copies of inspections and plans for my home?

A. A form called an Open Records Request must be obtained from, completed and returned to the City Clerk's office located on the main floor of City Hall. Once completed, the request is sent to the Permit Supervisor of the Building Department to research and locate the files. There is a small fee charged for the time needed to locate the files and a fee to make copies of the documents. Files and plans for homes older than thirteen years are not required to be maintained by the City and therefore are not available. As a result of flood damage over five years ago to the area where the files and plans were previously maintained, many files and plans may no longer be available.

Q. I am having a new home built. When can I legally occupy my home?

A. A new home or business cannot be legally occupied until all inspections have been completed, especially an approved final inspection, and a Certificate of Occupancy is signed and issued by the Director of Building of the City of Madison. It is a violation of the City Code of Ordinances and the Building Code to occupy any new home or business without first obtaining a Certificate of Occupancy.

Is it a Nuisance?

Maintaining a high quality of life for City of Madison residents is important. Part of this equation is the citizen's responsibility for maintaining their property in a safe and sanitary condition and by not contributing to blight which includes a number of property conditions which can impact property values of adjacent neighbors and the neighborhood in general.

The Building Department's Code Enforcement Officers enforce various sections of the City of Madison Code of Ordinances aimed at identifying property conditions that may be public nuisances. Code Enforcement Officers receive numerous complaints from citizens on a weekly basis and includes overgrown grass, junk cars and abandoned homes. Each complaint must be investigated to determine if indeed a violation of the City Code of Ordinances exists. If a violation does exist the property owner responsible for the violation is given a notice and depending upon the violation, provided so many days to correct and bring their property into compliance. Here is just a sampling of some nuisances which a property owner may be cited for:

→Grass and weeds over 12 inches high
→Abandoned, inoperable or unlicensed vehicles
→Discarding or dumping of waste or accumulation of rubbish or debris on private property such as junk, lumber, furniture, stoves, car parts and similar items
→Abandonment of a structure and deterioration of the same
→Maintaining unsanitary or unhealthy conditions
→Maintaining an unsafe or unprotected swimming pool
→Discharging human or animal waste on public or private property
→Obstruction of any park, stream, water course, sidewalk, parkway, street, highway or easement

Although some situations may appear to be nuisances and a violation, they may in fact be disputes between property owners and a civil matter rather than an actual violation of any ordinance. A couple of examples of civil issues between property owners may be the questionable location of a fence between two properties or tree limbs or shrubs that have grown over and encroached upon someone else's property. Also, violations of subdivision restrictions and covenants are not investigated by Code Enforcement Officers because subdivision restrictions and covenants are agreements between the subdivision developer and Homeowner's Association or between property owners.