

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 (Comptroller);
 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)
 - (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 of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event.
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 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). In the case of 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). (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09)

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

- (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 Superintendent 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, except that a single permit for identical street closures for more than one occasion over the course of twelve (12) months or less may be considered and approved as a single permit, if the appropriate fee is paid under Sec. 10.056(7)(a) herein. Any deviation from the approved conditions on a permit for more than one occasion shall be approved by the Street Use Staff Commission by submitting an amended application following all the application procedures and deadlines herein.
 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)

- (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 Permit. If the applicant requests permission to sell beer or wine on a public street, the applicant shall follow the procedure for a Class B Picnic License under Sec. 38.05(9)(e) of the Madison General Ordinances.
- (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. 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)
- (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)

- (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 sixteen (16') wide, free of obstacles, shall be maintained at all times.
 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)

(7) Fees.

- (a) Application Fee. A nonrefundable application fee of fifty dollars (\$50) shall be submitted with an application for each one-day event. If the application is for an event that requires street closure for two (2) or more consecutive days, the fee shall be one hundred dollars \$100. If the application is for single-day identical street closures for the same location for more than one occasion or event within a twelve (12) month period, the application fee shall be one-hundred and fifty dollars (\$150). 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.
- (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) The applicant for a street use permit on the Mall/Concourse shall agree to indemnify, defend, and hold the City and its 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 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. (Am. by ORD-09-000171, 12-31-09)
- (c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Commercial General Liability insurance to the Risk Manager with the City of Madison, its employees and agents as additional insured. The insurance shall include coverage for contractual liability with minimum limits of one million dollars (\$1,000,000) in the aggregate. 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)

- (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)