

Legistar File No. 86213 Body - Version 2

DRAFTER'S ANALYSIS: Street Use Permits authorize use of a city street for purposes other than vehicle travel, for events such as festivals, block parties, races, runs, rallies, parades, marches and demonstrations. Currently most street use permits must be reviewed and approved by the Street Use Staff Commission, a public body made up of City staff and a representative of the State Capitol Police, with coordination by the Parks Division. This ordinance would eliminate the commission and reassign its review duties to relevant staff. The Parks Division will continue to coordinate. The revised ordinance would require event applicants to consult with relevant staff such as police, traffic engineering and Metro Transit, to discuss event logistics and make sure they provide sufficient details for a proper review. Input of the Capitol Police, when needed, will be obtained through the Madison Police Department. Applications will continue to be reviewed for compliance with existing "standards of issuance" in subsection (6) and a permit cannot be denied unless one or more of these standards will not be met. Events in the Downtown Zone will continue to be subject to additional standards in subsection (5). This ordinance does not propose to change any of those standards.

Substantive changes to reflect current practice include an exception for all farmers markets from the maximum number of days per year a street can be closed, requiring permits from the State Capitol for events on the state's jurisdiction, and changing the blocks of State Street that cannot be closed on a weekday from 200-600 to 200-300, to reflect current bus routes.

This ordinance also amends sections 9.136, 38.07(8), and 33.27, to remove references to the Commission.

The substitute makes four minor edits: updating the name of EDD's street vending staff in sections 9.13 and 10.056, removing references to two cross streets in favor of block numbers, including impact to other Metro facilities to require mandatory pre-meeting, and clarifying the abbreviated review process for events that only request parking spaces.

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

1. Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended as follows:
 - (1) Purpose, Title and Findings. 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, subject to Wis. Stat. § 349.185. The Common Council makes the following findings:
 - (a) The streets and sidewalks (highway rights-of-way) under the control of the City are intended for use in the ordinary way for travel for motor vehicles, other vehicles, and pedestrians.
 - (b) The City has a substantial interest in preserving traffic and pedestrian safety, the safe and orderly use of streets and sidewalks, the ability to provide emergency services to all parts of the City, while also encouraging recreation, tourism, celebration, physical exercise, economic vitality of the community and the right to

assemble, the right to exercise freedom of speech, expression, and association in a traditional public forum, as guaranteed by the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

- (c) Street Use Permitted events bring benefits to the City, including cultural, economic, tourism, and the City has a tradition of approving Street Use Permits for festivals, gatherings, athletic events, charity events, demonstrations, parades and other gatherings.
 - (d) A large street use event or more than one event occurring in the same general area, whether on-street or off-street, causes occupancy levels of adjacent streets and sidewalks to increase, which may create unsafe conditions and strain the City's resources and infrastructure.
 - (e) The Council further recognizes the appeal of the City's downtown area, including State Street and the State of Wisconsin Capitol square and streets surrounding the square, as a desired location for festivals, demonstrations and activities of all kinds. The unique geographic location and space limitations of the downtown area, as a narrow isthmus between two lakes, presents special challenges if an event closes the streets in the Downtown Zone. Special challenges include but are not limited to impacts on cross-town traffic, including Metro ~~transit~~ Transit service, and impacts upon business, government, and students in the area, especially on weekdays, and impacts on all users and visitors to the area on weekends, therefore the City has adopted the additional standards for the Downtown Zone for weekdays and weekends as stated in that section.
 - (f) This ordinance allows the City to manage the demands on the streets and sidewalks and strike a balance between the needs of users of the streets and sidewalks for transportation in the ordinary way and the use of such spaces for recreation, tourism, celebration, demonstration, and other non-standard reasons. This ordinance recognizes and balances the needs of City staff including police, fire, traffic engineering, parks and other departments to plan for and staff events occurring with a Street Use Permit and allow for reasonable reimbursement for such services when they are available and a process to deny or modify a permit when they are not, or when the standards of issuance stated herein cannot be met.
 - (g) The ability to deny or require modifications to a requested Street Use Permit as stated in this ordinance directly furthers the City's interests stated above and allows the City to respond to applications in a way that provides ample alternative channels for speech and without restricting more speech than necessary.
 - (h) The procedures and standards for approving a Street Use Permit in this ordinance are necessary to ensure safety for all, including event participants, workers, City employees, motor and non-motorized vehicle users, pedestrians, bicyclists, transit customers, and the general public. This ordinance also promotes the welfare of residential and non-residential occupants in areas where a Street Use Permit is issued.
- (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.
- (f) Downtown Zone (DZ) for purposes of this ordinance is defined as the area bounded by and including the following streets: North Blair Street where it terminates at James Madison Park, South Blair Street, John Nolen Drive, North Shore Drive, Proudfit Street, Regent Street, and Park Street from Regent Street to where it terminates at Lake Mendota. The Downtown Zone does not include the portions of streets forming the Capitol Square, the 100 blocks of each street intersecting with the Capitol Square, or the 200 block of Martin Luther King, Jr. Boulevard.

(3) ~~Street Use Staff Commission~~ City Agency Review.

(a) ~~The voting membership of the Street Use Staff Commission shall consist of a staff representative from each of~~ Applications shall be submitted to and processed by the Parks Division. All applications for street use permit shall be reviewed by the following City departments or divisions:

1. ~~Transportation/Traffic Engineering~~ City Engineering;
2. ~~Parking-Utility~~ Fire Department (MFD);
3. ~~City Engineering~~ Metro Transit;
4. ~~Parks-Division~~ Parking Division;
5. ~~Parks-Division-Mall Maintenance~~ Parks Division;
6. ~~Streets-Division~~ Police Department (MPD);
7. ~~Police Department~~; Risk Management (Finance Director) ; and;
8. ~~Fire-Department~~; Transportation/Traffic Engineering.
9. ~~Risk Management (Finance Director)~~
10. ~~Metro Transit~~;
11. ~~Economic Development Division (Street Vending)~~; and
12. ~~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.~~

(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.~~

(b) Additional Staff Review. Staff from the following agencies shall review applications for street use permits when, as determined by the Parks Division, the application requires their input, typically for the reasons below:

1. Economic Development Division/~~Street Vending Coordinator~~ employee designated by the Director of the Department of Planning and Community and Economic Development (events with vending or impacting licensed street vendors, sidewalk cafes, or roadway cafes).
2. Parks Division Mall Crew (events in the Street Mall/Capitol Concourse Special Assessment Area).
3. Streets Division (events where trash/recycling/clean up plan must be considered, or requesting City equipment from Streets).
4. Public Health Madison & Dane County (events with food service/food vending, or animals).
5. Wisconsin State Capitol Police (MPD will obtain input from the State Capitol Police for events that use the State Capitol grounds, require a permit from the State, or impact parking or other operations at the State Capitol).

(c) Applicant Consultation with Staff. All applicants are encouraged to discuss their application with the Parks Division prior to applying. Any applicant may be required to meet or consult with one or more of the City agencies identified in this ordinance. Parks staff will identify whether an applicant must, or should, consult with other city agencies to ensure compliance with the standards of issuance in sec. 10.056(6), as follows:

1. Prior to application. Applicants for the following event types shall consult with staff as indicated prior to their application being considered complete, and shall include any details arranged with City staff at that meeting in their final application:
 - a. An event with a traveling route (defined in Sec. 10.056(5)(i)1.) anywhere in the City, shall consult with MPD, Metro Transit and Traffic Engineering.
 - b. Any event ~~with a proposed route or footprint event~~ where the proposed route or footprint would require at least one Metro Transit fixed route to detour from its regular route, ~~or~~ would result in a bus stop or BRT station closure during the event, or would impact Metro Transit service by impacting access to a Metro Transit facility such as a garage, charging station or transfer station, shall consult with Metro Transit.
 - c. A new event with anticipated attendance of 1,000 or more people shall consult with MFD to discuss an emergency action plan (EAP).
 - d. Events serving or selling alcohol beverages shall consult with MPD and file the appropriate application for alcohol licensing with the City Clerk to meet the timelines required by Sec. 38.05(9)(e)2.
 - e. Any other event for which the Parks Division identifies an objective reason based on the standards of issuance in sec. 10.056(6) to consult with a specific agency listed in subs. (3)(a) or (b) above prior to application.
2. Review of Completed Application. Once a completed application is submitted, and any pre- application consultation required by sub. (3)(a) has taken place, all applicants (other than events qualifying for abbreviated review under sec. 10.056(5)(b)5.), shall meet or communicate with city staff identified by the Parks Division as a

prerequisite to permit approval and issuance. The purpose of this phase of review is to ensure impacted city agencies have necessary information to plan for the event, gather additional information from applicants, and propose and finalize conditions for permit approval or reasons for denial, consistent with the standards of issuance in sub. (6).

(4) Application.

(a) An application for a Street Use Permit shall be made online, by mail, or in-person at the Parks Division, ~~or using other methods made available by the City (such as online) using the form form(s) provided by the Parks Division.~~ The application shall ~~set forth~~ include the following information (except events subject to abbreviated review under 10.056(5)(b)5.):

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~~ completed 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~~ 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 number, ~~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~~ who will attend the proposed street use ~~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 or serving of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event. If any alcohol beverage license(s) will be requested for the event, the applicant shall indicate the type of license(s) requested and whether the applicant will still want a Street Use Permit if the necessary alcohol beverage license(s) are not granted.
8. A detailed description of any ~~recording or sound amplification equipment~~ to be used in connection with the street use, the requested hours for amplification, and if amplification is requested before 8:00 a.m. or after 11:00 p.m., justification for the request and how the amplified sound will not violate the standard of issuance in sub. (6)(i).
9. A designation of any public facilities or equipment to be utilized.

10. Any additional information that the ~~Street Use Staff Commission finds reviewing staff identified in sub. (3) find~~ reasonably necessary to a fair determination as to whether a permit should be issued.
11. Addendum and ~~Attachments~~ Emergency Action Plan. 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, and an emergency action plan (EAP) that includes details required by the Fire Department.
For events with fewer than 10,000 attendees, applicants shall complete an EAP using a form provided by the Fire Department.
Searches: 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.
Private Security: If the ~~crowd control or security plan calls for the hiring of crowd control/security plan or EAP includes~~ private security services, the applicant shall provide the name of and contact information for 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~~ food or beverage for individual consumption or other significant recycling concerns, applicants shall have a plan for collection of recyclable waste (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 Applicants are encouraged to consult with the City Recycling Coordinator in the Streets Division (or designee) shall review the completed Plan and report their 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, they shall work with the applicant to develop an approvable their plan.~~
13. Accessibility Plan. Applicants shall follow applicable ADA requirements and shall make events accessible for people with disabilities, and may be requested to complete a form provided by the City as part of their application, and/or meet with the City Disability Rights Coordinator for these purposes.

(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 deadlines in subs. 1. and 2. above 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). For an administrative review under ~~Sec. 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). The application deadline for events under sub. 4. below (events with alcohol) may not be waived.
4. An application for an event of any size for which a temporary Class B alcohol license will be requested shall be submitted not less than sixty (60) days prior to the beginning date of the proposed event, to allow for Common Council review as required by Sec. 38.05(9)(e)2.

(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.

(5) Application Process and Permit Requirements.

(a) Processing of Completed Applications. A Street Use Permit Application, the application fee under Sub. (7)(a), a petition, if required, and any additional other supporting 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~~ When an applicant is required by sec. 10.056(3)(c) to consult with City agencies prior to applying, the application will not be considered complete until those requirements have been fulfilled. The Parks designee shall process all such complete 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 Superintendant under sub. (5)(b)5., below.~~

(b) Permit Review.

1. ~~The Staff Commission Superintendent of Parks, or designee (hereafter, "designee"), shall evaluate the application using the standards found in this ordinance~~ ensure any pre-application consultation required by sub. (3)(c)1. has taken place, refer the application to applicable staff listed in sec. (3)(a) and (b), keep a record of their written comments and evaluate the application using the standards in this ordinance. The Commission designee shall either approve the issuance of a Street Use Permit with conditions or deny the permit for failure to meet one or more standards in this ordinance as articulated by the written comments of one or more staff

required by sec. (3)(a) or (b). 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~~ within the timelines required by this ordinance to allow a meaningful appeal.

2. Conditions of ~~the an approved~~ permit shall include those required by this ordinance and ~~those determined by the Staff Commission to be other~~ conditions appropriate to ensure the safety of the public and provide for an orderly event as determined by required staff according to sub. (3) applying the standards in sub. (6). The information ~~supplied under in the application required by~~ 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~~ required under the above process.
4. Duration of Permit.
 - a. General. 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. ~~Permits~~ A permit may be issued for a single day, multiple consecutive days, or single-day identical street closures for more than one occasion over the course of twelve (12) months or less ("Serial Events"). A Serial Event shall also be limited to not more than one (1) day per week and not more than fifteen (15) total days per year, except for ~~the Wednesday Dane County Farmers' Market on the 200 block of Martin Luther King Jr. Boulevard~~ farmers' markets where the majority of participants are farmers and growers who sell their own raw agricultural products, consistent with applicable state and local health laws.
 - b. Business Improvement District Programming. The time limits in sub. a. above do not apply to a permit issued to a Business Improvement District, as defined in Wis. Stat. § 66.1109, if all of the following circumstances are met:
 - i. The application is for an event within the Business Improvement District for programmed entertainment and activities open to the public, and the activities comply with all applicable laws;
 - ii. The event area is limited to the sidewalk or sidewalk areas, terraces, and pedestrian ways and does not include any portion of the roadway or area that is open to motor vehicle traffic;
 - iii. No buses or other vehicle traffic will be re-routed; and
 - iv. It shall be a condition of any permit issued under this section that the applicant enter into a contract with the City of Madison setting forth, at a minimum, conditions of the permit, details for allowable programming, payment for the programming and responsibility for costs of any city services associated with the event. City funding for such programming, if any, shall be approved by the Common Council and authorization to enter into the contract shall be according to applicable City contracting policies.

5. ~~Administrative~~ Abbreviated Review for Certain Applications. The Parks Superintendent or designee may review and approve the following applications may be reviewed and approved administratively by without referral to other staff, and may use a modified designee of the Parks Superintendent application form for such purposes. 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 any insurance that may be required under Sec. 10.056(8). The decision on an application made under this section shall be made within the time limits in Sec. 10.056(5)(f) unless waived by the applicant.
 - a. 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.
 - b. Applications for a temporary "No Parking Zone" when the request is for meters or areas on streets that are not completely closed to traffic, as permitted by Sec. 12.1425(3)(a)2., MGO.
6. Changes to Approved Permit. ~~The An approved conditions for a street use event permit cannot be modified except by submitting an amended application for consideration that includes all information determined necessary by the Street Use Staff Commission, following Parks designee. Requests to amend a permit shall follow all the application procedures and deadlines herein, and the permit may only be changed with the approval of the Commission, applying the same The standards as for initial of issuance of the permit shall apply to any changes and as such, may require review by other agency staff. If changes are approved the Parks Division shall issue an amended permit.~~
 - (c) Street Vending. The applicant shall describe any proposed street vending activities on the application for a Street Use Permit, however, all ~~street~~ Street Vending activities, as defined in Sec. 9.13(1), MGO, are regulated by Sec. 9.13, 9.135, and 9.136 of these ordinances and may require additional licenses administered by the Street Vending Coordinator. Sec. 9.13(6)(k) 9.136(1)(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 Licenses. If the applicant requests permission to sell beer or wine within the perimeter of the street use permit area, the applicant must apply for the Stret Use Permit at least sixty (60) days in advance and shall also follow the procedure for a Temporary Class B Picnic License under in Sec. 38.05(9)(e)2. of the Madison General Ordinances. Applications for such temporary license(s) in connection with a Street Use Permit are subject to which requires approval by the Common Council under Sec. 38.05(9)(e)2. The A Street Use Staff Commission has no authority to permit issued under this ordinance does not authorize the sale of any alcohol beverages or possession of open containers; however ~~the Commission may impose conditions for the a~~ Street Use Permit may include conditions not inconsistent with a concurrent alcohol beverage license and applicable laws. If ~~the Commission approves a Street Use Permit is approved~~ prior to the Common Council's approval under Sec. 38.05(9)(e)2., the ~~Commission permit~~ shall indicate whether its approval is conditioned upon the issuance of an alcohol beverage license, and if so, the

~~Commission's approval~~ street use permit shall be conditional and the ~~Street Use Permit~~ shall only be issued after the Council has approved the alcohol beverage license(s). If approval of the requested alcohol beverage license is not a condition of the Street Use Permit, the Permit may be issued prior to the Council taking action on the alcohol license. Under no circumstances shall alcohol beverages of any kind be sold at a street use permitted event without the necessary alcohol beverage license(s) required by law.

- (e) Sound Amplification. The amplification of sound and use of related 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~~ shall meet the standards of issuance herein, ~~except that the use of sound.~~ Sound amplification equipment may only be approved between 8:00 a.m. and 11:00 p.m., ~~unless any notification 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 the applicant demonstrates~~ 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.
- (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, or unless the application is for an event for which alcohol beverage licensing is also requested. 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.
- (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, or and Any Event Requiring Bus Detours or Significant Traffic Rerouting. The applicant shall ~~send~~ provide two notices of their event: first, by sending a copy of the application to the alderperson(s) of the alder 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 Parks Division will ensure the alders of the affected district(s) are so notified. 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 to the Street Use Staff Commission Parks Division meeting when prior to the time when application is reviewed. If a permit is granted, the applicant shall also provide a second notification by sending a 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 Parks Division, at their Parks Division request of the Staff Commission. The applicant shall provide the ~~Staff Commission Parks Division~~ 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, when required above, 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, unless different means of notification are specified above.

2. ~~Notification by the Street Use Staff Commission~~ Notifying Common Council. The ~~Street Use Staff Commission Parks Division~~ shall regularly report to Common Council members all Street Use Permits granted and denied. The ~~Community Events Coordinator Parks Division~~ shall also notify the ~~Street Vending Coordinator~~ an employee designated by the Director of the Department of Planning and Community and Economic Development and other pertinent staff of permits that have been granted and denied, as needed.

- (h) Animals Prohibited. Under Sec. 23.315, MGO, animals are prohibited in all areas within the perimeter of a street use event when there are a total of ten (10) or more food vendors participating in the event. For purposes of this paragraph and Sec. 23.315, a "food vendor" is any vendor selling food or beverage and required to hold a temporary or permanent food and drink license from the City under Chapter 7, MGO. A food vendor is "participating" in the event if the vendor is either included in event sponsor's special event umbrella vending license, or holds a city street vending license and is allowed to remain within the perimeter of the event. If animals are prohibited under this paragraph, the event sponsor shall provide notice to the public at the entrance to the event that animals are prohibited at the event under Sec. 23.315.
- (i) Additional Standards for the Downtown Zone. Beginning with the effective date of ORD-19-00020, applications for a permit for an event that will occur, start, end or pass through the Downtown Zone shall be subject to the following additional standards of issuance which are hereby established to take into account the

special impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within this zone:

1. Definitions.

Arterial. A street with a functional classification of "arterial" as classified by the Director of Traffic Engineering on a map created for that purpose.

City-Sponsored Event. An event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.

Closure. A full closure of the street where all lanes of traffic are closed. This does not include a parking lane closure or single lane closure where motor vehicle traffic is still permitted to move in both directions. "Closure" also includes a cross street being closed to traffic (example: application for State Street that would require closing Gorham Street to motor vehicle traffic where it intersects State Street without allowing such traffic to cross would qualify as a request for a full closure of Gorham Street.) Any request to use the roadway of State Street is considered a full closure because State Street does not have the option for a partial lane closure. However, an event where participants stay on sidewalks and obey all traffic signals at cross streets is not considered a "closure."

Collector. A street with a functional classification of "collector" as classified by the Director of Traffic Engineering on a map created for that purpose.

Downtown Zone. See Sec. 10.056(2)(f).

Legacy Event. Any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.

Premier Event. An event that meets the base minimum criteria to qualify as a premier event under the process established in Sec. 10.056(5)(j)2.

Traveling Route. A run, race, walk, march, parade, procession or other event where people travel from one location to another or travel along a route that returns to the starting point.

2. A full closure of all lanes of traffic on a street with a functional classification of "arterial" or "collector", as classified by the Director of Traffic Engineering on a map created for that purpose, shall only be approved in the Downtown Zone with the following conditions:

- a. Weekdays. No closure of arterial or collector street Monday through Friday.
- b. Weekends. Arterial or collector streets may only be closed on a weekend as follows:

- i. Start Time.

Saturday - traveling route must start by 8:00 a.m.

Sunday - traveling route must start by 9:00 a.m. or after 3:00 p.m., with no street closure of any street in the Downtown Zone before 3:00 pm., including for set-up.

- ii. Exceptions to Saturday/Sunday Start Times.
 - A. Events that obey traffic signals and have the capacity to control participants to safely allow motor vehicle traffic to cross on arterials/collectors, and
 - B. City-sponsored events, defined as an event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.
 3. No permit shall be issued for a closure of any part of the 200 thru 600 to 300 blocks of State Street ~~(from West Dayton Street to North Lake Street)~~ at any time on the days of Monday through Friday. However, an event that stays on sidewalks and whose participants obey all traffic signals is not considered a "closure" and not subject to this subsection.
 4. Any permit to close any part of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
 - a. The closure complies with all provisions of this subsection for the Downtown Zone including those for collectors and arterials in sub. 2. above.
 - b. The event organizer agrees to a traffic management plan that meets the requirements of Sec. 10.056(6)(o)3.b., MGO.
 5. Beginning in 2019, for new events that have never been issued a Street Use Permit, no permit shall be issued for a closure for an event that includes a race or run with a traveling route that ends at the Capitol Square or crosses any arterial street within the Downtown Zone during the second half of the route, regardless of the start time.
- (j) Exceptions to the Standards for the Downtown Zone.
1. Legacy Events.
 - a. Process. The standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that meets the following criteria:
 - i. Event is considered a Legacy Event, which is any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.
 - ii. Event organizer ~~has worked with the Street Use Staff Commission to reach agreeable conditions for its~~ was issued a Street Use Permit for 2019 (or future year under sub. b.iii.) that complies with the other standards of issuance in sub. (6) and takes into account the stated purpose of the additional standards for the Downtown Zone in sub. (5)(i), and has been issued a permit that includes such conditions.
 - b. Legacy Exempt Status. An event meeting the criteria of Sec. 10.056(5)(j)1. will be granted Legacy Exempt Status which means:

- i. The standards for the Downtown Zone shall not apply to the event, so long as the event has not done anything to lose its Legacy Exempt Status, as set forth in sub. 1.e.
 - ii. The event will be given priority over any other application for its traditionally-requested date for future years, subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy Exempt Status as set forth in sub. 1.e.
 - iii. If this ordinance is amended to change or create additional rules for the Downtown Zone beyond those adopted by ORD-19-00020, an event with Legacy Exempt Status may apply for an exception to such new rule(s) using the process in sub. a.ii.
- c. **Date Priority for Legacy Events That Do Not Violate the Downtown Zone.** A Legacy Event that complies with the standards for the Downtown Zone will also be given priority over any other application for its traditionally-requested date for future years, ("Legacy date priority") subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy status as set forth in sub. 1.e.
- d. **Event Date Defined.** As used herein, "date" refers, in most cases, to the annual day of the week and/or weekend during which the event has traditionally taken place (e.g. third Saturday in July or third weekend of July). For an event traditionally held on the same calendar date each year (e.g. January 1) "date" refers to the exact date. Moving an event to a different week or weekend or changing the day of the week (Sunday instead of Saturday) may be considered a significant change in date for purposes of losing Legacy status under sub. 1.e., except for the University of Wisconsin-Madison Homecoming parade which is traditionally held on a Friday night in the fall that fluctuates as a result of the university's calendar and the Big Ten Conference football schedule.
- e. **Loss of Legacy Status.** An event will lose Legacy date priority or Legacy Exempt Status under this section and no longer be considered a Legacy Event if any one of the following occur:
 - i. There is a significant change to any one of the following: date, start time, duration, location, approved route, or other substantial change in the logistics or set-up of the event from that approved for 2019 (or future year if applicable under sub. 1.b.iii.), except that a request to change route or location caused by sub. f. or construction will not cause loss of Legacy status.
 - ii. The type or nature of the event substantially changes.
 - iii. There is either a documented violation of a condition of the approved permit or the Standards of Issuance, or a citation or other enforcement action is commenced for another violation of Sec. 10.056, MGO.

- f. Limits of Legacy Status, Retention of Rights. Date priority for a Legacy event under sub. 1.c. and Legacy Exempt Status under sub. 1.b. will be honored by the City of Madison to the extent it does not conflict with City-owned or City-approved construction projects, public utilities, governmental transportation projects, public transit initiatives including but not limited to Bus Rapid Transit (BRT) routes, or other City rights and obligations with respect to the rights-of-way. Legacy Exempt Status, or the issuance of any Street Use Permit under this ordinance, does not guarantee any permit holder any rights beyond those granted by the permit in question and shall not interfere with the City's rights and obligation to control the use of the highways and rights-of-way under its control.

A change in route or location of any Legacy event, if the change is required by this paragraph f., shall not cause the event to lose its Legacy status so long as all other criteria for such status remains in effect.

2. Premier Event.

- a. Purpose and Findings. The City finds that under certain circumstances, an extraordinary event of a caliber that brings significant tourism value to the City will qualify for exceptions to the standards for the Downtown Zone, if the event requires a street closure in the Downtown Zone. Such a premier event will bring significant, positive national or international recognition to the City and an economic benefit to the area that outweighs the negative impacts on the Downtown Zone under certain circumstances. Therefore, the standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that has been granted premier status using the following procedure.
- b. Staff Internal Review and Criteria. An event sponsor may initiate the process for seeking premier event status by contacting the Mayor's office, who shall refer the event to the Parks Division Events Coordinator for a staff review to determine, first, if the requested street use requires an exception from the standards for the Downtown Zone, and second, if the overall event will meet certain base minimum criteria to qualify as a premier event. Such criteria shall be developed by the Parks Division and pertinent staff with input from the tourism promotion organization that holds a contract with the City for destination marketing, and made available to the public. Such criteria shall include: minimum hotel room nights; minimum direct spending dollars and/or minimum economic impact dollars as measured by a recognized event impact calculator that measures the economic value of an event; minimum estimated total attendance; and other criteria as appropriate, to determine if the event meets the purposes stated above. The staff review shall also include notification to the alder of the affected district(s) and an estimate of City costs for the street use portion of the event. If staff finds the minimum base criteria can be met, staff shall inform the event sponsor and report the same to the Street Use Staff Commission at the time staff responsible for reviewing the application when the event applies for a Street Use Permit.

- c. ~~Application to Commission.~~ Event sponsor may apply for a Street Use Permit under the regular procedures and standards of this ordinance, except that in addition to the standards of issuance in sub. (6), event sponsor must conclusively demonstrate ~~to the Commission~~ that the minimum base criteria in sub. b. above can be met. ~~The Commission shall review the application~~ shall be reviewed as required by this ordinance, except that the ~~Commission may approve a permit that includes~~ may include exceptions to the standards for the Downtown Zone in sub. (5)(i).
 3. City-Sponsored Events. The standards for the Downtown Zone in Sec.10.056(5)(i) shall not apply to a City-Sponsored Event.
- (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. If the requested location is in the Downtown Zone, the standards set forth in sub. (5)(i) shall also apply; or
 - (b) The concentration of persons at the event, the proposed event location, or other physical characteristics of the event would unduly interfere with the City's ability to provide proper fire and police protection of, or other emergency service to or through the event, to areas adjacent to the event's location, or to other parts of the City; 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) ~~The Event for Which the Application is Submitted Conflicts with Other Events or Activities, as Follows~~ event conflicts with other events or activities, as follows:
 1. Same Place/Time. Another event at substantially the same time and location has already been issued a Street Use Permit or parade permit; or
 2. Same Day/Weekend. Another event on the same date or same weekend has already been issued a street use, parade, or Parks special event permit and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department associated with any of the proposed events, the combination of events would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services; or
 3. Other Events/Activities. One or more events or activities are known to be occurring on the same date or same weekend, whether or not such activities require a City permit, and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department, for any of the events or activities, the combination of activities would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services.

- (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, clean up, or other necessary ~~Health~~ 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 residents or non-residential occupants or uses in the vicinity of the event; 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, Parade Permit under Sec. 12.87, a Parks special event permit or other permit or procedure of the Parks Division requiring payment or reimbursement for fees; 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. (4)(c).
 - 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.
- (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 twenty (20') 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. The closure can be approved under the standards for the Downtown Zone under sub. (5)(i), and
 - b. A traffic management plan that includes all requirements established for this event by City staff for traffic control, traffic detours, barricades, signage, and parking, is approved ~~by the Staff Commission~~, event organizer agrees to cooperate with all aspects of the plan, and the plan is included as a condition of approval of the permit.
4. A complete closure of all lanes of vehicle traffic on any portion of John Nolen Drive shall not be approved, with the exception of a closure for a City-sponsored event.
- (p) Alcohol beverage licensing has been requested for the event as required by sub. (5)(d), ~~the Commission has made~~ approval of the necessary alcohol beverage licensing is a condition of approval for the Street Use Permit, and the Common Council has not approved the necessary alcohol beverage licensing.
- (q) Any activity to take place within the permitted area is contrary to federal, state or local law, or any vehicle, equipment or other materials to be used within the permitted area will not meet all applicable laws. This provision does not apply to a law that, by its express language, may be suspended or rendered non-applicable by the issuance of a Street Use Permit.
1. Events taking place on both City and State Capitol jurisdiction and the event organizer has not or will not obtain the applicable state permit(s) required by State law or regulation.
- (r) Student Move-In Dates. The proposed street use includes a run, walk, parade or similar traveling route that closes any lane of traffic in the Downtown Zone on any date from August 13 through the Sunday of the third full weekend of August, or any of the move-in dates for residence halls and apartments operated by the University of Wisconsin-Madison's University Housing department, as those dates are established by the University. Notwithstanding the foregoing, ~~the Commission may exercise flexibility and approve~~ a traveling route with a traffic lane closure in the Downtown Zone on one of the dates listed above may be approved if, for a certain year, due to the sequence of move-in dates and proximity in time or location to other events around that time, ~~the Commission finds reviewing staff make a finding~~ that the other standards of issuance can be met while approving the event on that date. Such approval shall apply only for the year in question and shall not entitle the event sponsor to future approval on the same or similar date in the future.
- (7) Fees.
- (a) Application Fee. The application fee for a one-day event reviewable under Sec. 10.056(5)(b)5. (i.e. block party) is fifty dollars (\$50), the application fee for all other one-day events is one hundred dollars (\$100). If the application is for an event that requires street closure for two (2) or more consecutive days, the fee shall be two hundred dollars (\$200). If the application is for a Serial Event under Sec. 10.056(5)(b)4.a. or a BID event under Sec. 10.056(4)(a)4.b., the application fee shall be three hundred dollars (\$300). An additional twenty-five dollars (\$25) for each block or portion thereof in which any special vending approval under Sec. 9.13(6)(k)1. is requested shall be added to the application fee. All application fees shall be submitted with the application and are non-refundable. 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. All applications under this paragraph except for events reviewed under Sec. 10.056(5)(b)5. are subject to a two hundred and fifty dollar (\$250) additional late fee if the application is submitted after the deadlines in Sec. 10.056(4)(b).

- (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.
- (8) Insurance and Indemnification.
- (a) All applicants for a street use permit shall agree, as a condition of the permit, to indemnify, defend, and hold the City and its officers, officials, 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 and applicable minimum limits 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.
 - (c) If insurance has been determined to be required for an event under sub. (b) above, the applicant shall furnish a Certificate of Insurance providing evidence of Commercial General Liability coverage with minimum limits of one million dollars (\$1,000,000) per occurrence or a higher limit if determined by the City Risk Manager to be necessary on a case by case basis. Such Commercial General Liability coverage shall include coverage for contractual liability and list the City of Madison, its officers, officials, employees and agents as additional insureds. 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.
- (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 Section 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.

- (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) In Advance of an Event. A Street Use Permit for an event that has not yet commenced may be terminated by the Chief of Police or the Fire Chief or their respective designees, upon consultation with the Superintendent of Parks, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.
 - (b) During an Event. A Street Use Permit for an event in progress may be terminated by the Chief of Police or the Fire Chief, or their designees, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. Additionally, the Chief of Police or designee may terminate a Street Use Permit for an event in progress 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 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.
- (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 or after a Street Use Permit has been terminated pursuant to Subsection (11).
 - (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.
 - (e) Violate any other subsection of this ordinance.

2. Subparagraph d. entitled "700-800 Blocks of State Street - Suspension of Rules" of Paragraph 1. entitled "Special Event Vending Approvals" of Subdivision (k) entitled "Vending

During Street Use Events” of Subsection (1) of Section 9.136 entitled “Street Vending on the State Street Mall/Capitol Concourse” of the Madison General Ordinances is repealed.

3. Subparagraph c. of Paragraph 2. entitled “Special Approvals Process” of Subdivision (k) entitled “Vending During Street Use Events” of Subsection (1) entitled “700-800 Blocks of State Street - Suspension of Rules” of Section 9.136 entitled “Street Vending on the State Street Mall/Capitol Concourse” of the Madison General Ordinances is amended as follows:

“c. The Common Council shall consider the requested approvals not less than fourteen (14) days prior to the event start date. If license invalidation is requested under Sec. 9.136(1)(k)1.a., the applicant shall provide at least one (1) week's written notice of the Common Council meeting to the Director (to the attention of ~~the Street Vending Coordinator~~ an employee designated by the Director of the Department of Planning and Community and Economic Development), any licensed street vendors (including merchant vendors and sidewalk cafes) with assigned sites in the event perimeter, and any Sec. 9.54 permit holders with assigned sites in the event perimeter. The notice shall include all of the details required for the resolution and information about participating in the event including fees. The Common Council may grant the approvals authorized in Sec. 9.136(1)(k)1.a., b., and c. after making a finding that the requested approval(s) are necessary to maintain the integrity, comprehensiveness and success of the special event. License invalidation shall not be approved unless the applicant also satisfactorily demonstrates and the Council finds that special conditions exist warranting the exclusive vending rights. The Street Use Permit ~~issued by the Street Use Staff Commission~~ shall include a reference to the approvals granted by the Common Council.”

4. Subsection (9) entitled “Project Installation Procedure” of Section 10.42 entitled “Decorative Pavement Painting Design Permit” of the Madison General Ordinances is amended as follows:

“(9) Project Installation Procedure. Once the design has been fully approved under this ordinance, the applicant must apply for and obtain a Street Use Permit under Sec. 10.056 for permission to close the affected street(s) for the date(s) and times of the painting project. No work may be performed on the painting project within the roadway or on a bike path without an approved Street Use Permit as required by Sec. 10.056 for the date(s) and time(s) of the work. ~~All requests to close the street are subject to Sec. 10.056 and the decision of the Street Use Staff Commission as provided in that ordinance.~~”

5. Subsection (2) entitled “Full Committees” of Section 33.27 entitled “Staff Committees” of the Madison General Ordinances is amended as follows:

- “(2) Full Committees. Full Committees each have a separate ordinance setting forth their powers and duties and are subject to all the rules applicable to committees, except they are not subject to the rules on term limits, committee attendance or filing of statements of interest. The Full Committees are:
- (a) ~~Street Use Staff Commission. See Sec. 10.056(3), MGO.~~
 - (b) Board of Assessors. See Sec. 33.03, MGO.
 - (c) Olin Terrace Use Commission. See Sec. 8.39, MGO.

6. Subsection (8) entitled “Possess Open Container on Street” of Section 38.07 entitled “General Restrictions” of the Madison General Ordinances is amended as follows:

- “(8) Possess Open Container on Street. shall be unlawful for any person to possess an open container which contains alcohol beverages or consume any alcohol beverages upon any public street (including sidewalks and alleys) within the City of Madison except when such street or portion thereof is included within an area for which ~~the Street Use Staff Commission has granted~~ a Street Use Permit has been granted pursuant to Sec. 10.056 of these ordinances and a temporary Class B License (Picnic) has been approved by the Common Council under Sec. 38.05(9)(e)2., and except in areas holding a sidewalk cafe license pursuant to Sec. 9.13 of these ordinances, and for which the sidewalk is part of the licensed premises as that term is used in Sec. 38.02 of these ordinances.”

7. Subdivision (c) entitled “Definitions” of Subsection (1) of Section 9.13 entitled “Street Vending Licenses” of the Madison General Ordinances is amended by amending therein the following:

“Director of Department of Planning and Community and Economic Development or Director when used in Secs. 9.12, 9.13, 9.135 and 9.136 means the position in Sec. 3.12(3), or any City employee they designate to perform any duty or function of the City under Secs. 9.13, 9.135, or 9.136, ~~most often the position known as the Street Vending Coordinator, or their designee.”~~

EDITOR’S NOTES:

Subparagraph d. entitled “700-800 Blocks of State Street - Suspension of Rules” of Paragraph 1. entitled “Special Event Vending Approvals” of Subdivision (k) entitled “Vending During Street Use Events” of Subsection (1) of Section 9.136 entitled “Street Vending on the State Street Mall/Capitol Concourse” of the Madison General Ordinances currently reads as follows:

- “d. 700-800 Blocks of State Street - Suspension of Rules. Certain vending rules may be suspended by the Street Use Staff Commission for street use events held entirely within the "podium area" of the 700 block of State Street, or anywhere in the 800 block of State Street. The Street Use Staff Commission may approve the suspension of portions of Sec. 9.13 and the Mall/Concourse Regulations to allow vending of non-personally prepared food and non-handcrafted items within the event. The street use applicant must demonstrate that vending such items is necessary to ensure the integrity and

success of the event. If granted, suspension of rules under this paragraph shall be indicated on the street use permit and does not require Common Council approval.”

Title: Amending Sections 10.056, 9.13(1)(c) 9.136, 38.07(8), and 33.27 of the Madison General Ordinances to eliminate the Street Use Staff Commission and assign their duties to relevant City staff.