

LEGISTAR #51587 – Version 1

DRAFTER'S ANALYSIS: This ordinance makes several changes to the amplification areas on State Street and in the downtown area. Under current ordinance, the use of sound amplification equipment (to amplify music or the voice) is only allowed during certain hours of the day, city-wide. On State Street and certain other downtown areas, such amplification can only occur in designated performance areas, the hours are different and a reservation and permit through the Parks Division is required. This ordinance makes some housekeeping changes to update the names of existing performance spaces. It also expands the evening hours from 5 to 7 pm. to 5 to 9 pm. in the following spaces: the Confluence at Library Mall, the Pillars, and 30 on the Square. Finally, this ordinance creates a new performance space in the 500 block of North Frances Street (a/k/a Concrete Park.) This space will be available to reserve seven days a week during the hours of 12:00 to 1:00 p.m. and 5:00 to 9:00 p.m.

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

Subdivision (b) entitled "State Street Mall, Other Downtown Amplification Areas" of Subsection (3) entitled "Sound Amplification" of Section 24.04 entitled "Prohibition of Noises Disturbing the Public Peace" of the Madison General Ordinances is amended to read as follows:

"(b) State Street Mall, Other Downtown Amplification Areas.

1. It shall be unlawful for any person, firm, corporation or other entity to amplify any sound with the use of sound amplifying equipment on the State Street Mall or other designated downtown amplification areas at any time without first having obtained an amplification permit described in this section. For purposes of this section, the "State Street Mall" shall be defined as the 100-800 blocks of State Street, including the plaza area on North Carroll Street where the 100 block of State Street meets West Mifflin Street, and Elizabeth Link Peace Park.
2. State Street Mall Amplification Areas. Use of sound amplifying equipment to amplify sound within the State Street Mall (as defined herein) shall be limited to the following performance areas and the following days and times:
 - a. "The Pedium Confluence at Library Mall." ~~The raised platform and pulpit on performance space at the confluence of the 700 and 800 blocks of State Street at the intersection with East Campus Mall,~~ from 12:30 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. daily, except during the four (4) days prior to and throughout each of the University of Wisconsin final exam periods, electronic sound amplification is prohibited in the 700 and 800 blocks of State Street;
 - b. ~~One of the following two areas: "the Pillars": the circle area directly within the boundaries of the sculpture pillars in the plaza area on North Carroll Street between State Street and West Mifflin Street, or "30 on the Square": the area directly in front of the Pillars, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. on Saturdays.~~
"30 on the Square/The Pillars" is located in the pedestrian plaza area on North Carroll Street, north of the intersection where Carroll, State and Mifflin Streets meet. The Pillars is the circle area within the boundaries of the pillars for the "Form of Origin" sculpture. "30 on the Square" is formed by the semi-circle area in front of the Pillars and adjacent to the low wall parallel to the Veterans Museum. When a permit is obtained, amplification may occur from one of these two areas. The available times are Sundays through Fridays from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 9:00 p.m., and Saturdays from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:00 p.m. to 9:00 p.m.
 - c. Elizabeth Link Peace Park. The performance area within the city park located at 452 State Street, ~~from 12:00 to 1:00 p.m. and 5:00 to 7:00 p.m. daily Mondays through Wednesdays from 12:00 p.m. to 1:00 p.m. and 5:00 to 7:00 p.m., and~~

- Thursdays through Sundays from 12:00 to 1:00 p.m., 1:30 to 2:30 p.m., 4:30 to 5:30 p.m., and 6:00 to 7:00 p.m.
- d. Concrete Park/Frances Plaza. One performance area on the 500 block of North Frances Street, with all performers and equipment contained within the bottom three steps of the existing amphitheater near where North Frances meets the State Street sidewalk. The available times are seven days a week from 12:00 to 1:00 pm. and 5:00 to 9:00 pm.
3. Other Downtown Amplification Areas.
- a. Rotary Plaza. The raised stage area on the Pinckney Street side of the Rotary Centennial Plaza, located at the northeast corner of Pinckney and North Hamilton Streets, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays, and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m., and 5:00 p.m. to 7:00 p.m. on Saturdays.
4. Applications for an amplification permit for the Street Mall or downtown amplification areas shall be made at the office of the Parks Division ~~in the Department of Public Works~~ or on the city website, if available.
- a. Permit Fee. The fee for an amplification permit and reservation for a State Street Mall or other Downtown amplification area shall be established by the Park Commission.
- b. Electrical Use Fee. Applicants shall also pay an additional fee for the use of electricity pursuant to an amplification permit, shall be charged by the hour, and the hourly fee shall be established by the Park Commission.
- c. Application and Permit Process. Amplification permits for the designated downtown amplification areas listed above may be applied for at any time prior to the requested reservation time, and are approved on a first-come, first-served basis during regular business hours at the Parks Division office or as may be available on the city website, subject to the following: No permit shall be granted more than three (3) weeks ahead of the date requested. A person, firm, corporation or other entity shall not be eligible for more than one (1) advance (i.e. not same-day) permit reservation within any one (1) week period. However, an applicant who already holds an advanced reservation permit is eligible for additional permit(s) during that one-week period, on a same-day basis only, if the space is available. No person, firm, corporation or other entity may obtain a permit for more than one (1) available time period at any designated amplification area within a 24-hour period.
- d. A sponsor of a special event which encompasses one or more of the State Street Mall or other downtown amplification areas may apply for a Street Use Permit, pursuant to Sec. 10.056, MGO, to obtain an extension of the time limits for sound amplification set forth in this section, under Sec. 10.056, MGO.
5. Permittees under this section shall comply with sound pressure levels as set forth in Sec. 24.08, MGO.
6. A valid amplification permit under this provision is a reservation for the use of the designated area and entitles the permit holder to use devices, equipment or instruments to amplify sound during the times for which the permit is granted.”