

CITY OF MADISON, WISCONSIN

REPORT OF: **Street Use Staff Team**

PRESENTED \_\_\_\_\_  
REFERRED \_\_\_\_\_

TITLE: **Report on DRAFT 2<sup>nd</sup> Substitute ordinance ID# 33659 and 33659A** amendments to Ordinance 10.056 of the Madison General Ordinances as set forth in Exhibit R pursuant to Sec. 66.0103, Wis. Stats, regarding street use permits.

REREFERRED \_\_\_\_\_

REPORTED \_\_\_\_\_  
BACK \_\_\_\_\_

AUTHOR: Kelli Lamberty  
Street Use Staff Team

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSPENDED \_\_\_\_\_  
ID NUMBER \_\_\_\_\_

DATED: **11/22/04**

TO THE COMMON COUNCIL ORGANIZING COMMITTEE

This is a report of the discussion of the above referenced item at the November 10, 2004 meeting of the Street Use Staff Team. Overall, the Street Use Staff Team approved the organizational and procedural changes proposed in this version of the amendment to the Street Use Permit ordinance, MGO 10.056, and recommends ADOPTION of the DRAFT 2nd Substitute Ordinance, ID# 33659 - (Two) To adopt and confirm amendments to Section 10.056 of the Madison General Ordinance, but requests consideration of the items detailed below.

The report will present the discussion of the Street Use Staff Team regarding specific, noted sections of the Street Use Permit ordinance and following, provide possible language revisions to the ordinance that would encompass the discussion points of the Street Use Staff Team.

- 1) 10.056(4)(c) The definition of "primarily residential" as it relates to petition requirements for a Street Use Permit has been problematic as there is not an objective, standard definition of the term. Traffic Engineering produces a City map, "Highway and Street Functional Classification Map", which classifies streets as arterial, collector or local. Those streets designated as local most closely match the Team's understanding of primarily residential. It is proposed that "local", as represented on the , "Highway and Street Functional Classification Map" be substituted for or added to "primarily residential" in the ordinance language related to petition requirements.

It is also requested that the Mall-Concourse exemption to this requirement be maintained.

Finally, for this section, a petition is included with the Street Use Permit application, not separately available as indicated in the current ordinance language

Petition Required for Certain Events on Local, Residential Streets, Intent.  
Subject to the regulations of this ordinance, the Common Council finds that It is in the public interest to dedicate and use Non-Mall/Concourse local, residential streets for neighborhood-centered activities. If the application is

for the use of not more than two (2) blocks of a primarily residential Non-Mall/Concourse, local street (if classified as a "local" street on the Functional Classification Map maintained by City Traffic Engineering) 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 not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. The petition form shall be available included with the permit application from the City Clerk and completed petitions shall be verified. ~~the event sponsor shall provide at least 48-hour written notice of the event to all residents and commercial tenants, owners and lessees.~~

2) The Team noted the following omissions in the ordinance language.

10.056(4)(a) INSERT or Parks Division immediately following ". . . on a form provided by the City Clerk"

10.056(4)(a)7. INSERT location and use of tents, stages, or other equipment

3) 10.056(4)(a)11  
10.056(6)(n)6.

The Street Use Staff Team has reservations regarding the proposal to require large events to submit their security plans as a part of an Addendum that is approved by the Staff Team. Essentially, the Team does not believe it has the authority to approve the security plans of local law enforcement. The Team would support the requirement that the security plans of large events be submitted with their applications and be included as an attachment of the Street Use Permit when they are issued for large events. Such a requirement should be applied to any application for an event expecting over 10,000 attendees and anticipating "any extraordinary security measures".

10.056(4)(a)11. Addendum and Attachments. Applicants requesting identical street closures for more than one occasion, or large stadium or auditorium 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, or individuals and anticipated number of security personnel.

10.056(6)(n)6. Submittal of the Street Use Staff Team of an "Addendum to Street Use Permit," and Attachment if required under sub. (4)(a)11 for all applications requesting identical street closures for more than one occasion and all applications for large stadium or auditorium events expecting over 10,000 attendees. The Addendum shall include specific conditions as needed to meet the Standards of Issuance, including conditions regarding transportation management, parking, crowd control, and resident access.

4) 10.056(5)(g)1.b.

Regarding the notification requirements for Large Public Events, the Street Use Staff Team would not include "any event in the 700 or 800 blocks of State Street" in this category. This site is typically used for events and activities that are small in number of participants and often impromptu in nature.

The Team agrees that notification of area alders and neighborhood associations for large events is a reasonable and responsible requirement for events in this category. The proposed requirement for a public meeting with the neighborhood association, however, seems an excessively burdensome requirement for organizers. Instead of a public meeting, the Staff Team would request that the notification of the event would include the event sponsor's contact information and solicit input and feedback.

In order to maintain the flexibility of the application process and to allow for the consideration of large public events in a very short time frame, it was suggested that the notification requirement, after a permit is issued, simply read "prior to the event".

10.056(5)(g)1.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. and any event in the 700 or 800 blocks of State Street. 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 Development, within five (5) days of filing the application. The notification shall include contact information for the applicant. The applicant shall further arrange a public meeting to be held prior to the Street Use Staff Team meeting at which the application will be reviewed. The applicant shall announce this meeting by obtaining a mailing list of affected addresses from the Department of Planning and Development and mailing or hand-delivering the announcement to those addresses and to the Staff Team coordinator, within five (5) days of filing the application. The purpose of the public meeting 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 Team 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 at least seven (7) days prior to the event. The applicant shall also promptly notify any merchants or building occupants identified by the Street Use Staff Team, upon request of the Staff Team. The applicant shall provide the Staff Team a copy of the meeting announcement and other written notice(s) required under this paragraph.

- 5) 10.056(11) It was suggested that the language for "Termination of a Street Use Permit" be modified so that the Chief of Police has the same ability as the Fire Chief to terminate an event if threats to public safety are imminent.

10.056(11) Termination of a Street Use Permit.

(a) Chief of Police. 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 ~~major~~ violation of ~~any~~ the conditions of the permit such that the standards of issuance are no longer met.

(b) Fire Chief. 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.