

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

November 20, 2018
Street Use Staff
Commission, DCC
(11/29/18)
CC (12/4/18)

Creating Section 10.056(2)(f), amending Sections 10.056(6)(a), (b), (d), (i), (o), 10.056(11), and 10.056(12)(a) of the Madison General Ordinances creating and modifying the standards of issuance for street use permits, creating the Downtown Zone and authorizing policies for permits in that zone, and allowing a permit to be cancelled prior to an event in case of emergency.

Drafted by: Lara Mainella

Date: November 12, 2018

SPONSORS: Alder Zellers, Mayor Soglin & Alder Verveer

DRAFTER'S ANALYSIS: This ordinance amendment creates a geographic area called the Downtown Zone for purposes of reviewing Street Use Permits for street closures for events, festivals, races, etc., in that zone. The Downtown Zone includes the core of the isthmus extending roughly from Blair to Park Streets, but excludes the Capitol Square, the 100 blocks off the square, and 200 block of Martin Luther King Jr. Boulevard, where events are encouraged. This amendment will allow the Street Use Staff Commission to create rules for street closures in the Downtown Zone to consider impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within that zone. This amendment also elaborates on the criteria for approving a street use permit, allowing the Staff Commission to consider the overall number of permitted events and other activities happening in the City when considering an application for a street use event. Currently the ordinance allows consideration of traffic impacts and the ability to provide police and other emergency services, and impacts on residents. The existing ordinance does not explicitly mention impacts on public transit, overall strain on city services, nor does it speak to the overlap of events over the course of a weekend. This amendment makes it explicit that the Commission may consider the following factors: size, location, route, duration of an event, as well as safety concerns articulated by the Police or Fire Department, significant impairment to traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services. Those factors can be considered based on the proposed event itself or the combination of events or activities known to be occurring on the same day or same weekend. This amendment also clarifies the requirement for a Traffic Management Plan for closures of State Street that include closing Gorham, Johnson and Dayton-Fairchild Streets, and creates a new rule that John Nolen Drive cannot be completely closed for a Street Use Event unless it is a City-Sponsored event. Finally, this amendment clarifies that a permit for an event that has not yet started can be terminated by the Police or Fire Chief, upon consultation with the Superintendent of Parks, if termination is reasonable and necessary in the face of imminent danger or threat to public safety.

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

- 1. Subdivision (f) entitled "Downtown Zone" of Subsection (2) entitled "Definitions" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

Approved as to form:

“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 DZ 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.”

2. Subdivision (a) of Subsection (6) entitled “Standards for Issuance” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(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. Requests for a permit in the Downtown Zone shall be subject to additional written standards for the Downtown Zone established by the Staff Commission to take into account the special impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within that zone; or”

3. Subdivision (b) of Subsection (6) entitled “Standards for Issuance” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(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, ~~or~~ to areas adjacent to the event’s location, or to other parts of the City; or”

4. Subdivision (d) of Subsection (6) entitled “Standards for Issuance” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(d) The event for Which the Application is Submitted 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~~ Street Use Permit has already been granted for substantially the same time and location 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.”

5. Subdivision (i) of Subsection (6) entitled “Standards for Issuance” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(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 non-residential occupants or uses in the vicinity of the event; or”

6. Subdivision (o) of Subsection (6) entitled “Standards for Issuance” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

- “(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. (6)(a), and
 - b. aA traffic detour 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, can be used 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."

7. Subsection (11) entitled "Termination of a Street Use Permit" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(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 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."

8. Subdivision (a) of Subsection (12) entitled "Penalty" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

- (a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a sStreet uUse pPermit 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)."