



Legislation Details (With Text)

File #: 37507 **Version:** 1 **Name:** Street Use Permit - illegal activity
Type: Ordinance **Status:** Passed
File created: 3/3/2015 **In control:** STREET USE STAFF COMMISSION
On agenda: 3/3/2015 **Final action:** 4/21/2015
Enactment date: 4/30/2015 **Enactment #:** ORD-15-00046
Title: Creating Section 10.056(6)(q) and amending Sections 10.056(6)(m) and 10.056(6)(n)1. of the Madison General Ordinances to clarify that a Street Use Permit for an event that includes an illegal activity may be denied, clarifying the list of unpaid fees that could result in permit denial, and correcting a typographical error.
Sponsors: Paul R. Soglin, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/21/2015	1	COMMON COUNCIL	Adopt	Pass
4/1/2015	1	STREET USE STAFF COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/3/2015	1	COMMON COUNCIL	Refer	Pass
3/3/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Creating Section 10.056(6)(q) and amending Sections 10.056(6)(m) and 10.056(6)(n)1. of the Madison General Ordinances to clarify that a Street Use Permit for an event that includes an illegal activity may be denied, clarifying the list of unpaid fees that could result in permit denial, and correcting a typographical error.

Body

DRAFTER'S ANALYSIS: This ordinance clarifies that a Street Use Permit may be denied if any activity that would take place within the permitted area is illegal according to federal, state or local law, or if equipment to be used within the event will not comply with applicable law. A narrow exception is drawn for activities which, based on the express language of another law, are not illegal when a Street Use Permit has been issued. Examples of activities that would not be illegal include carrying open intoxicants within the event perimeter when an appropriate alcohol beverage license has been issued, displaying portable signs in the right of way, or simply standing in the roadway (obstructing traffic). Such activities are not illegal when a Street Use Permit has been issued. This ordinance makes it clear that the City may deny a street use permit if the requested activity is criminal or illegal. This ordinance also adds to the list of unpaid fees that could result in denial of a street use permit and corrects a typographical error.

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

1. Subdivision (q) of Subsection (6) entitled "Standards for Issuance" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:
"(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.”

2. Subdivision (m) 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:

“(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”

3. Paragraph 1. of Subdivision (n) 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:

“1. Filing of any petition required under sub. ~~(34)~~(c).”