

105-55.5. Special Event Permits.

1) DEFINITIONS. In this section:

a. **"Class A event"** means a special event requiring 100 or more hours of service as determined by the police department, based on the size, nature and location of the event.

b. **"Class B event"** means a special event requiring a minimum of 25 and a maximum of 99 hours of service as determined by the police department, based on the size, nature and location of the event.

c. **"Class C event"** means a special event requiring less than 25 hours of service as determined by the police department, based on the size, nature and location of the event.

d. **"Class D event"** means a special event requiring no hours of service as determined by the police department, based on the size, nature and location of the event, or:

d-1. Special events sponsored by the city or veterans groups.

d-2. Elementary and secondary school events under the direction and supervision of school authorities.

d-3. Demonstrations conducted for the purpose of indicating approval or disapproval of governmental policies or practices, expressing a view on public issues, or bringing into public notice any issue or other matter.

e. **"Special event" means** any planned extraordinary, temporary use of the public right of way or public premises of 25 people or more including but not limited to parades, processions, demonstrations, bicycle or foot races, festivals and block parties.

2) APPLICATION.

a. **Filing of Application.** Any person, group, organization or association, other than a city official for city business, desiring to hold a special event on the public right-of-way or public premises shall make written application and file same in duplicate with the commissioner of public works at least one week prior to Class D events, except at least 2 working days prior to demonstrations as specified in sub. 1-d-3; at least one month prior to Class A, B, and C events; and at least 3 months prior to Class A, B and C events classified as a downtown event. For purposes of this section, Downtown events are those special events to be held on the public right-of-way or public premises in the area bounded by St. Paul Avenue on the south and Juneau Avenue on the north, Prospect Avenue on the east and north 10th Street on the west, and shall also include the Civic Center Plaza, bounded by west Wells Street on the south and west State Street on the north, north 7th Street on the east and north 9th Street on the west.

b. **Contents of Application.** The application shall contain the following information:

b-1. The name, address, home and business telephone numbers of the applicant, or if the applicant is an organization, the name, address, home and business telephone numbers of the authorized representative of the organization who will be responsible for the conduct of the special event.

b-2. The date on which the special event is to be conducted and the hours when such special event is expected to start and terminate.

b-3. A detailed map of the proposed route.

b-4. The approximate number of persons, animals and vehicles which will be used in the special event and a brief description of the animals and vehicles.

b-5. A description of the portion of the width of the streets proposed to be traversed, and the location by street address of any assembly areas.

b-6. If an applicant for a permit will be conducting a street festival as defined in s.95-1-2-j, the applicant shall provide a list of all persons and their respective permanent addresses, including peddlers and solicitors, who have obtained permission from the respective festival organization to sell goods or take orders for the later delivery of goods within the barricaded area of the street festival, no later than 2 working days prior to each event for all non-food vendors and 7 working days for food vendors.

c. Approval or Denial of Permit.

Upon receipt of a completed application, the commissioner shall submit the application for review to the chief of police and the common council members in whose districts the event is to occur. The police department shall determine the classification of each special event. The commissioner shall have the authority to modify the route, time and place of a special event to facilitate crowd control in the interest of relieving congestion and promoting public safety, provided that the applicant's right of free speech is not denied thereby. The commissioner shall issue a permit unless:

c-1. The special event is of such a size or nature requiring the diversion

of so great a number of police officers, ambulances or other emergency services as to deny reasonable emergency services to the city as a whole.

c-2. The time, route, size and nature of the special event will unreasonably disrupt the safe and orderly use of any street or any public place, or material portion thereof, which is ordinarily subject to great congestion or traffic at the proposed time, or substantially interrupt the safe and orderly movement of other traffic.

c-3. The vehicles, equipment or other materials used in the special event do not comply with or meet all applicable health, fire and safety requirements.

c-4. The special event will interfere or conflict with another special event for which a permit has already been issued, or with a construction or public works project.

c-5. The conduct of the special event will be contrary to law, including noise regulations.

c-6. The application for the permit, including any required attachments and submissions, is not fully completed and executed.

c-7. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the commissioner of public works.

c-8. The application for permit contains a material falsehood or misrepresentation.

c-9. The applicant is legally incompetent to contract or to sue or be sued.

c-10. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage.

c-11. The common council member in whose district the event is to occur, opposes the issuance of the permit based on guidelines specified in subds. 1 to 10.

d. Appeal of Permit Denials. The commissioner of public works shall grant or deny the application for a special event permit and notify the applicant of a denial within 3 working days after the filing of an application for a Class D event, except as soon as possible but not more than one working day for demonstrations as specified in sub. 1-d-3; within 10 working days after the filing of an application for a Class A, B or C event; and within 10 working days after the filing of an application for a Class A, B or C downtown event. Any applicant who has been denied a special event may upon written request to the city clerk, have the denial reviewed by the common council licensing committee which shall either affirm or reverse the initial action on the application. Such determination by the committee shall constitute final action. If the committee is unable to convene prior to the proposed date, of the special event, the applicant may seek judicial review of the denial.

e. Fees. The applicant for a special event permit shall pay the appropriate fee for the city services set forth in s. 81-114.6, no later than 3 days prior to the date of the special event. The commissioner of public works may

establish fees for provision of additional city services requested by the applicant not set forth in s. 81-114-6. Permits shall be issued upon payment of appropriate fees.

f. Exemptions. A permit fee is not required for Class D events. The Commissioner of public works may establish fees for provision of additional city services requested by the applicant not set forth in s. 81-114-6.

g. Refunds. Permit fee payments may be refunded, except for a \$50 permit processing fee, if an application for a special event permit is denied by the commissioner of public works or if notification of cancellation of a permitted special event is received by the department of public works is at least 10 working days prior to the scheduled event.

3. CONTENTS OF PERMIT. Each special permit shall state the following information:

a. The name, address, home and business telephone numbers of the person or organization named on the permit.

b. A description of activity for which the permit has been issued.

c. The date, hour and location for the special event.

d. The expiration time and date.

e. When possible, the estimated attendance for the special event.

f. Where applicable, the minimum and maximum speeds, and maximum intervals of space to be maintained by units of a parade.

g. Portions of the streets that may be occupied by the special event.

h. Such other information as the commissioner of public works shall find necessary to the enforcement of this section.

property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors.

4. PERMIT REGULATIONS.

a. City Not Liable. The special event permit application shall contain a statement that: "The applicant agrees to indemnify and save harmless the city from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, including both parties thereto and their employees, arising as a consequence of granting of the permit for such special event." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

b-2. The policy of insurance shall provide minimum combined single bodily injury and property damage of \$1,000,000, or such other insurance as deemed to be adequate by the city attorney.

c. No Discrimination. The special event permit application shall contain a statement that: "The applicant agrees that the sponsoring organization will not exclude any person from the public area described in the permit because of race, color, national origin or handicap." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

b. Insurance.

b-1. Each applicant for a Class A, B or C event shall furnish with the application fee submitted to the department of public works a certificate of insurance written by a company licensed in the state of Wisconsin, approved by the city and covering any and all liability or obligations which may result from the operations by the applicant's employees, agents, contractors or subcontractors, and including worker's compensation coverage in accordance with ch. 101, Wis. Stats. The certificate shall provide that the company will furnish the city with a 10-day written notice of cancellation, non-renewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and city against all claims arising from injuries to members of the public or damage to

5. PENALTY. Any person violating the provision of this section, upon conviction, shall forfeit a maximum of \$500 and the costs and disbursements of such action, and in default of payment thereof be confined in the county jail or house of correction for not more than 20 days, or until such forfeiture costs are paid.

105-56. Sales on Public Premises.

1. PURPOSE. It is determined and declared that the use of certain public premises for the specific public purposes to which such premises are intended is preeminent. It is further determined and declared that sales on the designated public premises interfere with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk and streets outside of the entrance to the Midwest Express Center, the Auditorium, the Arena, the Milwaukee public museum, the Bradley Center, the Performing Arts Center, the Eagles Auditorium, the Riverside Theater, Summerfest and Miller Park parking facilities, for sales interferes with the orderly

ingress and egress to and from those premises and therefore with their use for their intended purposes.

2. REGULATIONS.

a. It shall be unlawful for any person to sell or offer for sale any goods, merchandise, foodstuffs, tickets or any other articles of any kind on public premises reserved for specific public purposes and posted as such without the express written consent of the custodian of such premises.

b. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the premises of the Midwest Express Center, the Auditorium, the Arena, the Milwaukee public museum, the Bradley Center, the Performing Arts Center, the Eagles Auditorium, the Riverside Theater, Summerfest or Miller Park parking facilities, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell on the premises listed.

3. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

4. PENALTY. Any person convicted of violating any provisions of this section shall be fined not less than \$20 nor more than \$200 for each violation plus costs of prosecution. Each day's violation shall constitute a separate offense.