

..Number
241460
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
THE CHAIR

..Title
A substitute ordinance relating to special event permits.

..Sections

105-55.5-1-a	am
105-55.5-1-b	rc
105-55.5-1-c	rc
105-55.5-1-d	rp
105-55.5-1-e	rp
105-55.5-1-f	rn
105-55.5-2-a	rc
105-55.5-2-c-0	am
105-55.5-2-c-12	cr
105-55.5-2-c-13	cr
105-55.5-2-d	rn
105-55.5-2-d	cr
105-55.5-2-e	rn
105-55.5-2-e	am
105-55.5-2-f	rn
105-55.5-2-g	rn
105-55.5-2-g	am
105-55.5-4-b	am

..Analysis
This ordinance reclassifies special event permits from AA, A, B, C, and D, to A (needing a resolution), B (needing MPD and/or MFD services) and C (no MPD/MFD services). This ordinance further revises the lead time for late permits, adds late permits to the list of reasons for denying permits, and provides that late permits cannot be appealed. This ordinance codifies which situations may require a permit to have an operating agreement authorized by the common council and gives the police and fire departments the authority to deny a permit if the event presents an unreasonable safety risk.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-55.5-1-a of the code is amended to read:

105-55.5. Special Event Permits.

1. DEFINITIONS. In this section:

a. ~~[[“Class AA event”]]>>“Class A event”<<~~ means a special event ~~>>necessitating a separate operating agreement per sub. 2-d<<~~ authorized by the common council and mayor by ~~[[separate agreement or]]~~ resolution for the purposes of safely facilitating large public gatherings of people by restricting vehicular and pedestrian access and use ~~[[within a designated area larger than one contiguous city block and within a defined timeframe in excess of 2 days]]~~, and that requires ~~[[more than 150 hours of-]]~~ services as determined and documented by the police department and the ~~[[department of public works]]~~ ~~>>fire department<<~~ based on the size, nature and location of the event.

Part 2. Section 105-55.5-1-b and c of the code is repealed and recreated to read:

b. “Class B event” means a special event requiring service as determined by the police department and fire department, based on the size, nature and location of the event.

c. “Class C event” means a special event requiring no service as determined by the police department and fire department, based on the size, nature and location of the event, or any of the following:

c-1. A special event sponsored by the city or a veterans group.

c-2. An elementary and secondary school event under the direction and supervision of school authorities.

c-3. A demonstration 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.

c-4. A neighborhood block party, defined as a gathering of residents that reside on either side of the street on a single city block for the purpose of neighborhood fellowship.

Part 3. Section 105-55.5-1-d and e of the code is repealed.

Part 4. Section 105-55.5-1-f of the code is renumbered 105-55.5-1-d.

Part 5. Section 105-55.5-2-a of the code is repealed and recreated to read:

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 under the following schedule:

a-1. Not less than 30 calendar days prior to a Class C event, except for the following:

a-1-a. Not less than 2 working days prior to a demonstration, as described in sub. 1-c-3.

a-1-b. Not less than 14 calendar days prior to a block party, as described in sub 1-c-4.

a-2. Not more than 365 nor fewer than 60 days prior to a Class B event.

a-3. Not more than 365 nor fewer than 90 days prior to a Class A event or to a Class B event classified as a “downtown event.” For purposes of this section, a “downtown event” means a special event to be held on the public right-of-way or public premises in the area bounded by St. Paul Avenue on the south, Juneau Avenue on the north, Prospect Avenue on the east, and 10th Street on the west, and shall also include the Civic Center Plaza, bounded by Wells Street on the south, State Street on the north, James Lovell Street on the east, and 9th Street on the west.

Part 6. Section 105-55.5-2-c-0 of the code is amended to read:

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 >> the chief of fire<< and the common council members in whose districts the event is to occur. The police department [,] >> and fire department,<< in consultation with the commissioner and the local common council member or members, 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:

Part 7. Section 105-55.5-2-c-12 and 13 of the code is created to read:

c-12. A permit is submitted after the deadline as specified in sub 2-a.

c-13. The police or fire department determines the event presents an unreasonable public safety risk and the applicant cannot safely secure the event.

Part 8. Section 105-55.5-2-d to g of the code is renumbered to 105-55.5-2-e to h.

Part 9. Section 105-55.5-2-d of the code is created to read:

d. Conditions Requiring Common Council Resolution. An operating agreement authorized by the common council via resolution may be required if:

d-1. The commissioner determines the number of street closures will unreasonably disrupt the safe and orderly use of any street or any public place per par. c-2.

d-2. The commissioner determines the event will use an unreasonable amount of public works resources.

d-3. The police or fire department determines 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 per par. c-1, or the area within which the event is being permitted will be so densely occupied or emergency personnel or vehicular access will be obstructed, thus requiring necessary augmentation of such services for the protection of attendees and residents.

d-4. A recurring or annual event that retains the same route or street closures will only need an operating agreement for subsequent years at the discretion of the commissioners of public works, the police chief and the fire chief.

Part 10. Section 105-55.5-2-e of the code is amended to read:

e. 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]]~~ >>C<< special event permit, except as soon as possible but not more than one working day for demonstrations as specified in sub. ~~[[1-e-3]]~~ >>1-c-3<< or within 30 working days after the filing of an application for a Class ~~[[AA,]]~~ A ~~[[,]]~~ >>or<< B ~~[[or-G]]~~ special event permit. >>With the exception of an untimely filed permit as specified in sub 2-a, any<< ~~[[Any]]~~ applicant who has been denied a special event permit may upon written request filed with the city clerk within 10 calendar days of issuance of the denial, have the denial reviewed by the appropriate common council standing committee, which shall forward its recommendation to the common council for affirmation or reversal of the initial action on the application. Such determination by the common council shall constitute final action. If the committee and the common council are unable to convene prior to the proposed date of the special event, the applicant may seek judicial review of the denial.

Part 11. Section 105-55.5-2-g of the code is amended to read:

g. Exemptions. A permit fee is not required for Class ~~[[D]]~~ >>C<< 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.

Part 12. Section 105-55.5-4-b of the code is amended to read:

4. PERMIT REGULATIONS

b. Insurance. b-1. Each applicant for a Class ~~[[AA,]]~~ A ~~[[,]]~~ >>or<< B ~~[[or-G]]~~ 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 applicants' 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 property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors.

..LRB

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: April 28, 2025

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

Public Works

..Drafter

LRB180470-3

Gunnar Raasch

02/18/2025