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191574
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PROPOSED SUBSTITUTE A
..Reference

..Sponsor
ALD. BAUMAN

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

..Section
81-114.6-1 rn
81-114.6-1 cr
81-114.6-2 rn
81-114.6-3 rn
81-114.6-4 rn
81-114.6-5 rn
105-55.5-1-a rn
105-55.5-1-a cr
105-55.5-1-b rn
105-55.5-1-b am
105-55.5-1-c rn
105-55.5-1-d rn
105-55.5-1-e rn
105-55.5-1-f rc
105-55.5-2-a am
105-55.5-2-c-0 am
105-55.5-2-c-11 rn
105-55.5-2-c-11 cr
105-55.5-2-c-12 am
105-55.5-2-d am
105-55.5-4-b-1 am
105-55.5-4-d cr
105-55.5-4-e cr
105-55.5-4-f cr

..Analysis
This ordinance revises the definition of “special event” to describe a broader array of activities and events. It also defines a new class of special event, the “Class AA event,” which is an event authorized by the common council and mayor by separate agreement or resolution for 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 by the police department and the department of public works based on the size, nature and location of the event. There shall be no specific permit fee for a Class AA special event; rather, the applicant shall pay the actual hourly cost for police and public works services, as documented by the chief of police and commissioner of public works.

This ordinance also makes the following changes to the special event permit procedures:

1. Determination of the classification of a special event shall be made by the police department in consultation with the commissioner of public works and the local common council member or members, rather than solely by the police department.
2. The commissioner of public works shall not issue a special event permit if the scope, scale, duration or level of disruption of the event is of such magnitude that the issuance of the special event permit will be detrimental to the public interest, regardless of the fees that will be paid to the city if the permit is issued. This shall also be grounds for the local common council member to oppose issuance of the special event permit.
3. The full common council, rather than a standing committee, shall make the final determination regarding an appeal of denial of a special event permit.

..Body

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

Part 1. Section 81-114.6-1 to 5 of the code is renumbered 81-114.6-2 to 6.

Part 2. Section 81-114.6-1 of the code is created to read:

81-114.6. Special Events – City Services.

1. Class AA Event: The actual hourly cost for police and public works services, as documented by the chief of police and commissioner of public works.

Part 3. Section 105-55.5-1-a to e is renumbered 105-55.5-1-b to f.

Part 4. Section 105-55.5-1-a of the code is created to read:

105-55.5. Special Event Permits.

1. DEFINITIONS.

- a. “Class AA event” means a special event authorized by the common council and mayor by separate agreement or resolution for 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 by the police department and the department of public works based on the size, nature and location of the event.

Part 5. Section 105-55.5-1-b of the code is amended to read:

b. "Class A event" means a special event requiring >>at least<< 100 [~~or more~~] >>, but not more than 150,<< hours of service as determined by the police department, based on the size, nature and location of the event.

Part 6. Section 105-55.5-1-f of the code is repealed and recreated to read:

f. "Special event" means any planned extraordinary, temporary use of the public right-of-way or public premises, including sidewalks, streets, alleys, designated parking spaces and loading zones, or any other public space under the jurisdiction of the department of public works, for any of the following:

f-1. A parade, procession, demonstration, race or festival.

f-2. A block party for residents of one contiguous block.

f-3. A photo, film or video shoot.

f-4. The parking, loading, unloading and idling of motor buses, semi-truck tractors and trailers, cargo trucks, passenger or cargo vehicles, or cargo trailers associated with an event at a licensed public entertainment premises or other permitted event, or associated with nearby lodging or a civic, social, familial or business event.

f-5. The storage of equipment, materials or supplies associated with an event at a licensed public entertainment premises or other permitted event or associated with nearby lodging or a civic, social, familial or business event.

f-6. A school recess play area.

f-7. A pedestrian and vehicular traffic safety zone imposing directional requirements and exclusive use and access restrictions.

Part 7. Section 105-55.5-2-a and c-0 of the code is amended 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 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 AA events and to<< Class A, B and C events classified as "downtown events." 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.

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 >>, 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 8. Section 105-55.5-2-c-11 of the code is renumbered 105-55.5-2-c-12.

Part 9. Section 105-55.5-2-c-11 of the code is created to read:

c-11. The scope, scale, duration or level of disruption of the event is of such magnitude that the issuance of the special event permit will be detrimental to the public interest, regardless of the fees that will be paid to the city if the permit is approved.

Part 10. Section 105-55.5-2-c-12 of the code is amended to read:

c-12. The common council member in whose district the event is to occur opposes the issuance of the permit based on guidelines specified in ~~[[subs. 1 to 40]]~~ >>subs. 1 to 11<< .

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

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 AA event or 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 >>appropriate<< common council ~~[[licensing]]~~ >>standing<< committee ~~[[which shall either affirm or reverse the initial action on the application]]~~ >>, which shall forward its recommendation to the common council for affirmation or reversal of the initial action on the application<< . Such determination by the ~~[[committee]]~~ >>common council<< shall constitute final action. If the committee ~~[[is]]~~ >>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 12. Section 105-55.5-4-b-1 of the code is amended to read:

4. PERMIT REGULATIONS.

b. Insurance.

b-1. Each applicant for a Class >>AA<< 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 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.

Part 13. Section 105-55.5-4-d, e and f of the code is created to read:

d. Number of Special Event Permits. No applicant shall be granted more than 120 special event permits per calendar year.

e. Vehicle Parking. The parking, loading, unloading and idling of motor buses, semi-truck tractors and trailers, cargo trucks, passenger or cargo vehicles, or cargo trailers, as described in sub. 1-f-4, shall comply with the following requirements:

e-1. Parking shall be permitted only within a designated portion of the public right-of-way or public premises which is not more than 200 feet in length.

e-2. Parking shall be permitted for a period of not more than 24 hours per special event.

e-3. No motor vehicle shall be permitted to run, idle or otherwise mechanically operate a motor, engine or generator while parked within 50 feet of any single-, 2-, or multi-family dwelling, or hotel or lodging facility of any type.

f. Storage of Equipment, Materials, or Supplies. The storage of equipment, materials or supplies, as described in sub. 1-f-5, shall be permitted for a period of not more than 24 hours per special event.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB175752-3

Jeff Osterman

01/28/2020