

Claude J. Krawczyk  
730 North Plankinton Avenue # 9D  
Milwaukee, WI 53203  
[claude.krawczyk@wilaw.com](mailto:claude.krawczyk@wilaw.com)  
414-688-4241

December 31, 2019

Public Works Committee Members  
c/o Jodi Lemmer  
Milwaukee City Hall  
200 East Wells Street  
Milwaukee, WI 53202  
[Jodi.Lemmer@milwaukee.gov](mailto:Jodi.Lemmer@milwaukee.gov)

RE: 700 Block of North Plankinton Avenue

Dear Committee Members:

I want to bring to your attention some serious problems that significantly and negatively affect approximately 350 residents living on the 700 block of North Plankinton Avenue (and the general public) on a daily basis. I have been in regular, personal contact with Department of Public Works Commissioner, Jeff Polenske, and other DPW staff members, as well as Alderman Bob Bauman, for more than 18 months now to try to resolve these problems. In spite of these meetings, e-mails and other contacts, not only have my concerns never been fully addressed, things have actually become much worse in the last few months.

In a nutshell, it is fair to say that Empire Building tenants, primarily the Riverside Theater, but also Mo's Steakhouse, commandeer the public right-of-way on a daily basis for their own convenience, to the detriment of their neighbors and in violation of the law. They use all of Plankinton Avenue, as well as the public alley, sidewalk and Riverwalk around their building, as if it was their private and exclusive property. These are not isolated or even occasional issues, but daily occurrences that have been repeated for 20 or more years now. And the city continues to let them get away with it!

Back in 1988 when the Riverside Theater opened as a live performance venue and no one lived on Plankinton Avenue, their activities may not have created many problems. Things are very different now. Our block has been transformed from a largely vacant commercial area into a thriving residential neighborhood over the years. It is well past time that the city recognized this residential renaissance and made some reasonable changes to accommodate residents as well as businesses.

We are not only your voters, but the principal property taxpayers on Plankinton Avenue. Exhibit A to this letter shows that the combined assessed value of the condominium units in my building (Riverfront Lofts at 730 North Plankinton) is nearly \$17 million. Our unit owners collectively paid \$432,290 in property taxes in 2019. The City of Milwaukee share was \$177,217. And as you know, new higher tax bills arrived in the mail just a few weeks ago.

With the addition of MKE Lofts (105 apartments with an assessed value of \$13,391,800, total 2019 taxes of \$352,545.24 and a city share of \$141,738.81) and the Germania Apartments (90 apartments with an assessed value of \$4,477,800, total 2019 taxes of \$117,980.03 and a city share of \$47,393.04) these past

few years, the street has been truly transformed. The total assessed value and taxes paid by these three residential buildings on our block is nearly five times that of the Empire Building!

This doesn't even account for dozens of apartments and condos built in the last 20 or so years just north of Wells Street in the Cawker Building and just south of Wisconsin Avenue in the former Grand Avenue off of Plankinton. These residents are also impacted by the illegal practices of our commercial neighbors.

My wife and I moved downtown over 20 years ago because we want to be close to theaters, restaurants, offices and other amenities. I know that all of our neighbors feel the same way. We all want businesses to thrive and we do understand that downtown living comes with some challenges and drawbacks, which we are willing to accept. However, we also want the businesses on our street to begin to bear the burden of their own operations, rather than spreading it onto their neighbors and the general public, as they have been doing for many years.

My specific concerns involve the use of public right of way by our commercial neighbors, described below:

- (1) The Public Sidewalks.** Whenever a large crowd is expected to arrive *en masse* at a Riverside show (which is virtually for all shows), portable crowd control barriers similar to those used at the airport should be stationed on the sidewalks of Wisconsin Avenue and Plankinton Avenue around the Empire Building. The sidewalks should then be patrolled by attentive and considerate theater security staff to permit other pedestrians not attending the show to freely walk by while theatergoers wait to get inside.

I have personally had to wade through crowds many times as a pedestrian and often get dirty looks or more from those waiting in line—who think I am skipping ahead. Once I even witnessed a very upset citizen who couldn't get through the crowd to the bus stopped at Wisconsin Avenue before it took off. A thoughtful and responsible business operator would have taken these simple steps to address these problems voluntarily, but that has not happened here.

- (2) The Public Riverwalk.** Over the years, the sound, video, special effects and other production aspects of many shows has skyrocketed, resulting in far more equipment that accompanies many acts. Frankly, the Riverside Theater was never meant to host these kinds of shows and certainly wasn't designed to accommodate them. So how do they handle all of this additional equipment? It is loaded onto the public Riverwalk east of the Empire Building and east of our own condominium building—without permission. The result is not only unsightly, it also creates trip hazards and even blocks pedestrian access, especially for those in wheelchairs. It should never be permitted.

All equipment cases and other items now routinely stored on the Riverwalk during shows should be loaded back onto the trucks they came in and removed off-site until the show ends. If this is too impractical, another venue should be used for large production shows. Frankly, the taxpayer-financed, but highly underutilized, Miller High Life Theater at the Wisconsin Center District was designed to host these kinds of shows. It would be ideal based on its off-street loading docks, its deep stage, its distance from residential buildings and for many more reasons.

- (3) The Public Alley.** Our condominium association pays an annual fee to the city for the privilege of maintaining a canopy awning at our front door on Plankinton Avenue because it extends over the public sidewalk—even though it impedes no one. However, the Empire Building/Riverside Theatre has maintained a permanent loading dock platform in the public alley between our

building and theirs for years—without a permit and without paying any fee—even though it regularly impedes vehicular traffic, including garbage pick-ups and snow plows. The Riverside is also allowed (in this case, with a permit, I believe) to park large semi-trailer trucks in the alley for hours and even days at a time. Not only does this create a very difficult maneuver into and of our building for the drivers of 53 cars—often resulting in thousands of dollars of damage to our vehicles—it also presents a genuine safety hazard for pedestrians and motorists crossing or exiting the alley on Plankinton Avenue. Even worse, I believe it creates a very real fire safety hazard for hundreds of theater-goers, whose access to several fire exits is blocked by these trucks. To add insult to injury, when there are no production trucks around, the Empire Building tenants regularly use the alley as their private parking lot with little or no enforcement by the city in spite of posted signs and ordinances prohibiting alley parking.

We do understand that the loading dock is necessary to operate their business and we are willing to live with the noise of trucks being loaded late at night after shows end. However, there is no reason why the city-issued permits to the Riverside Theater should not include a window of 10:00 a.m. until 2:00 p.m. on the day of any show to unload their production trucks in the alley and then take them off-site until after the show for re-loading not earlier than 10:00 p.m. until 2:00 a.m. The permit should also require that the loading dock platform be folded against the building at all other times except when active unloading or loading is taking place. Then no vehicles of any kind should be allowed to park in the alley at any other time, except delivery or contractor trucks engaged in active loading or unloading, which should be moved upon completion. And the city should vigorously enforce all of these requirements on a daily basis, without calls from our residents.

**(4) The Public Street.** While all of these practices in the public right of way create very real problems for residential neighbors and the general public, the most outrageous practice happens on the street—and it has become much worse in recent months. As I finish writing this letter on the last day of my second full decade living on Plankinton Avenue, the parking meters on the entire west side of our street are covered with red “No Parking” bags, reserving the length of the entire block for the exclusive use of the Riverside Theater. With only 3-4 days of reprieve, this has been the same since the day before Thanksgiving, Wednesday November 26, 2019. That means, for at least 31 of the last 35 days, 24-hours day, no one living on or visiting any of the residents of the 700 block on North Plankinton Avenue have been able to park on the west side of the street.

It also means that no patrons of Rock Bottom or any other nearby establishment have been able to park there either. And it means that the city has likely forfeited hundreds or even thousands of dollars of parking meter revenue, just in the last 35 days. This is not new, the public has been robbed of street parking spaces and the city has been robbed of parking revenue 2-4 times or more each week, virtually every week, this past year and for many years previously—including, for example, on both days of Open Doors weekend in September, when the west side of Plankinton sat empty during both days as thousands of people visited downtown. Later that afternoon and evening, Riverside workers and presumably their VIP guests parked their private passenger vehicles on the street for free, as they have done hundreds of times in the past and will do again this very evening.

During three out of the past four weekends this December, the Milwaukee Symphony Orchestra performed at the Riverside. They had no production trucks or buses for their performers—the main reason the Riverside claims they need to block the street for many other shows. There are no trucks or buses parked on the street today—or for the past several days. Yet permits were

issued by DPW to the Riverside preventing anyone else from parking on the west side of the street 24/7 for 31 of the past 35 days! We personally had company visit us at our condo 7-8 times during this holiday period. All but two were forced to pay \$20 or more to park in nearby parking lots or structures—most owned and/or operated by Towne Realty or their affiliated entity! Now there was no guarantee that our guests would have found street parking during any of these visits, but their odds would have increased tremendously if the west side of Plankinton had been open. Those who visited on Thanksgiving or for a Sunday afternoon Packer game almost certainly would have found free street parking, if not for the Riverside's 31 day "special event."

The trucks and buses parked on Plankinton for Riverside events present another very different, but even more challenging problem. They run their engines or generators constantly from the time they arrive, often early in the morning, until they leave after 10:00 p.m. or even later—all while parked directly under the windows of residents at the Germania and MKE Lofts and right across the street from residents in our building and the Cawker Building. If you don't think this is disturbing, please come down to Plankinton Avenue when trucks and buses are parked on the street. One friend of mine who lived on the 6<sup>th</sup> floor at MKE Lofts in 2018 said that she had to use headphones inside her living room and bedroom just to listen to TV or music whenever a truck or bus was parked outside. It's not surprising to hear that she didn't renew her lease and moved out. In addition to the noise, there could be health hazards caused by trucks and buses idling for 16 or more straight hours.

The Riverside theater will tell you that these "special event" permits are essential for their business operations. Don't buy it. This is all about their convenience and cost savings. Buses and trucks should not be allowed to park along Plankinton Avenue at any time. They should only be allowed to load and unload in the alley or on the street in front of the Empire Building and then should be moved off-site once unloaded. And there certainly can't be any possible rationale for issuing "special event" permits solely to accommodate free street parking for private passenger vehicles. The issuance of "special event" permits is simply not needed at any time and must end now.

Not only are these "special event" permits unnecessary, they are illegal. Attached as Exhibit B is the full text of Milwaukee Code of Ordinances Section 105-55.5. **Special Event Permits** with the most pertinent provisions highlighted in yellow. You don't need any legal training to read and understand the clear meaning of this ordinance. It defines a "special event" as *"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."*

Clearly the Riverside obtains "special event" permits and uses the street in the ordinary course of their everyday business. This is not a parade, block party or other occasional event which causes only temporary inconvenience, but rather an on-going way of life on our street, which causes constant problems for residents. The City's own website regarding special event permits (<https://city.milwaukee.gov/SpecialEvents.gov#.XgvBZkdKgdV>) only reinforces my position: *"In case of large scale events which create a significant impact on neighborhoods, the Special Event Office facilitates meetings with the event organizer, Milwaukee Police Department, DPW staff, a representative from the Alderperson's office, etc. to ensure public safety, traffic flow is maintained, **and the majority of the neighbors are supportive of the impending event.** ..."*

Furthermore, one of the key conditions for issuing a special event permit has never been met in the 20 years I have lived on Plankinton Avenue: **“Applicants must obtain signatures of consent from property owners or individuals who would be effected by the event. Flyers detailing the event must be distributed to those living and/or working in the area at least one week prior to the event. Flyers should include the date, time, exact location, and the event organizers contact information.”** This text is directly from the *“Special Event Notification and Approval Petition”* which is attached to the *“Special Event Permit Application”* on the city’s website. I’ve never been asked to sign one before or been invited to any meeting to discuss any *“impending event.”*

Clearly the Riverside Theater is not entitled to “special event” permits on an almost daily basis for their ordinary, everyday business operations. They should not be granted any further permits to park buses, trucks or cars on Plankinton Avenue at any time for any reason.

Finally, the last significant problem we encounter on Plankinton Avenue on a daily basis is caused by the Empire Building management and Mo’s Steakhouse, but is also allowed to perpetuate by the City’s indifference. It involves the area along Plankinton Avenue adjacent to the Empire Building. This area should be a 24/7 “No Parking” or “Loading Only” zone due to the constant activity generated by Mo’s, the Riverside and other Empire Building tenants. This loading zone is constantly abused with vehicles parked all day long, which causes the delivery trucks serving the Empire Building to double park in the traffic lane. This creates a very dangerous situation for vehicles entering and exiting the alley, which I and all of my neighbors must do to use the 53 cars we park inside our building.

For several months after a neighborhood meeting held in November 2018, DPW significantly (but not consistently) increased their enforcement of the loading zone rules, which helped to alleviate, but not eliminate, this problem. However, earlier this year, without notice to me or any of my neighbors, DPW relaxed the loading zone time limits solely to accommodate Mo’s. Now instead of no parking until 9:00 p.m., the loading zone time limit was originally pushed back to 3:30 p.m. and more recently to 6:00 p.m. Today and every day, Mo’s lines up orange cones on the street in front of the building just before the no parking restrictions end and then leaves the cones there until their valets can park patron cars for free—while charging the customer a fee. And the city does nothing to stop them! Then patrons and valets double-park in the street when arriving or departing, creating the same dangerous conditions for drivers and pedestrians entering, exiting or crossing the alley. And the city does nothing to stop them! No other establishment in the City receives this kind of preferential treatment. Why does it happen here?

How can any of this be a positive thing for the residents of Plankinton Avenue, the general public or the City as a whole? What about our significant personal investments in our homes? What about the City’s substantial investment of TIF dollars in the Germania Building, MKE Lofts and other nearby projects? How will this favoritism to Empire Building tenants help patrons of the future MSO facility just one block to the west? As the public becomes more and more aware of these problems, how does that impact potential downtown residents and future downtown redevelopment? And why is this situation any different than the Summerfest police cost issue? The continued special treatment and public subsidies for the highly successful operations of Summerfest is different only in scale from the continued special treatment and public subsidies expected by the Riverside Theater and Mo’s Steakhouse, which have been provided by the City for years without any questions.

For over 18 years, I personally tried working with our neighbors to reasonably accommodate their business needs, as well as our needs as residents. I even arranged for Mo’s to store their trash dumpsters

within an enclosed area within our own condo building—rent free—so they wouldn't be in the way of Riverside production trucks in the alley. Many of our residents thought it was a bad idea at the time and still do, but we have honored our agreement for over 19 year now. Nevertheless, the Riverside and Mo's have consistently ignored many of their obligations under the written agreement they signed with our association in December 2001. We continued to overlook their non-compliance for years, but the straw that broke the camel's back for me occurred in late June of 2018.

On that beautiful summer evening, my wife and I encountered barricades and security personnel from the Riverside Theater on the Riverwalk. They blocked our access into our own building. I was livid! This incident shows the audacity of our business neighbors, who must actually think they have absolute control over the entire public realm near their building. The Riverside blames the entire episode on Rock Bottom Brewery, which was certainly their partner in crime as they hosted an unpermitted private event on their Riverwalk deck that evening. Yet, even if Rock Bottom robbed the bank, the Riverside drove the get-away car that evening. More importantly, Rock Bottom management sincerely apologized for their highly inconsiderate conduct and took important steps to prevent a reoccurrence. Our neighbors from the Empire Building took the opposite approach and doubled-down on their egregious conduct.

That event and the reaction to my complaint afterwards from management at the Riverside, Mo's and Towne Realty convinced me that working collaboratively with our neighbors was not possible. So for the past 18 months, I have sent dozens of e-mails and likely hundreds of photos to Ald. Bauman, Commissioner Polenske and others at the City, evidencing the near daily abuses of the public right-of-way by our commercial neighbors. I have included some of these photos as Exhibit C to this letter. Yet, despite some occasional meager progress, the situation has only grown worse. Its now time to escalate the matter and I am hopeful the Public Works Committee can provide the appropriate relief. I look forward to discussing these issues with you in person at an upcoming committee meeting or meetings. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Claude J. Krawczyk". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Claude J. Krawczyk

**EXHIBIT A**

**RIVERFRONT LOFTS--730 NORTH PLANKINTON AVENUE**

Unit #	2019 Assessment	2018 Tax	
		Bill	City Share
1	319,100	9,534.31	3,144.28
2A	315,000	7,920.56	3,272.91
2B	494,000	12,522.12	5,167.95
2C	475,000	12,060.50	4,966.80
2D	490,600	12,464.13	5,131.95
3A	338,500	8,691.50	3,583.63
3B	449,600	11,403.28	4,697.90
3C	507,500	13,064.33	5,372.80
3D	437,100	11,242.74	4,627.49
4A	316,000	7,946.42	3,283.50
4B	495,500	12,539.19	5,162.66
4C	446,000	11,310.13	4,659.78
4D	467,600	11,869.03	4,888.46
5A	308,500	6,756.19	2,796.51
5B	447,500	11,348.94	4,675.66
5C	460,000	11,672.37	4,808.00
5D	422,500	10,864.97	4,472.92
6A	378,500	9,563.59	3,945.17
6B	517,500	13,323.08	5,478.67
6C	446,000	11,310.13	4,659.78
6D	443,000	11,232.51	4,628.02
7A	325,500	8,192.23	3,384.07
7B	457,500	11,770.60	4,843.46
7C	521,500	13,263.68	5,459.09
7D	433,500	10,986.70	4,527.45
8A	335,000	8,600.93	3,546.58
8B	450,500	11,589.47	4,769.35
8C	450,500	11,589.47	4,769.35
8D	518,000	13,336.01	5,483.96
9A	360,000	9,247.80	3,811.25
9B	457,500	11,607.70	4,781.53
9C	507,000	13,051.40	5,367.51
9D	533,500	13,574.17	5,586.13
10A	475,400	12,070.85	4,971.03
10B	507,500	13,064.33	5,372.80
10C	802,500	20,697.38	8,495.91
10D	814,500	21,007.87	8,622.95
<b>TOTAL</b>	<b>\$16,924,900</b>	<b>\$432,290.61</b>	<b>\$177,217.26</b>

**MKE LOFTS--725 N. PLANKINTON AVENUE**

Unit's	2019 Assessment	2018 Tax Bill	City Share
105 Apts.	\$13,391,800	\$352,545.24	\$141,738.81

**GERMANIA APARTMENTS--135 W. WELLS STREET**

Unit's	2019 Assessment	2018 Tax Bill	City Share
90 Apts.	\$4,477,800	\$117,980.03	\$47,393.04

**TOTAL RESIDENTIAL PROPERTIES ON PLANKINTON**

Unit's	2019 Assessment	2018 Tax Bill	City Share
231 Homes	\$34,794,500	\$902,815.88	\$366,349.11

**EMPIRE BUILDING—710 N. PLANKINTON AVENUE**

Unit's	2019 Assessment	2018 Tax Bill	City Share
No Homes	\$7,369,000	\$227,884.28	\$77,993.50



## EXHIBIT B

### 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.

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

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.

**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.