



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 53818**

**File ID:** 53818

**File Type:** Ordinance

**Status:** Passed

**Version:** 3

**Reference:**

**Controlling Body:** STREET USE  
STAFF  
COMMISSION

**Lead Referral:** STREET USE STAFF  
COMMISSION

**File Created Date :** 11/13/2018

**File Name:** Street Use Permits/Create Downtown Zone

**Final Action:** 03/19/2019

**Title:** SECOND SUBSTITUTE - Creating Sections 10.056(2)(f), (5)(i) & (j) and (6)(r) and amending Sections 10.056(1), (6)(a), (b), (d), (i), (o), 10.056(11), and 10.056(12) (a) of the Madison General Ordinances creating and modifying the standards of issuance for Street Use Permits, creating the Downtown Zone and standards for street closures in that zone with exceptions for Legacy and Premier events, allowing a permit to be cancelled in case of emergency, adding language to preserve City control over the highways for transportation, and updating the findings and purpose section.

**Notes:** 6175streetusepermit2ndSUB  
MAYOR APPROVAL DATE: 03/25/19

**CC Agenda Date:** 03/19/2019

**Agenda Number:** 90.

**Sponsors:** Michael E. Verveer and Ledell Zellers

**Effective Date:** 03/30/2019

**Attachments:** GMVCB letter 11-19-2108.pdf, Staff answers to  
GMVCB letter for DCC 11-29-18.pdf,  
MNA-street-use-letter-2.pdf, Version 2, Version 1

**Enactment Number:** ORD-19-00020

**Author:** Lara Mainella

**Hearing Date:**

**Entered by:** dalthaus@cityofmadison.com

**Published Date:** 03/29/2019

## Approval History

Version	Date	Approver	Action
1		Michael May	Approved as to Form
1		Brent Sloat	Approve
2		Michael May	Approved as to Form
2		Brent Sloat	Approve
3		Michael May	Approved as to Form
3		Elizabeth York	Approve

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	11/13/2018	Referred for Introduction				
	<b>Action Text:</b> This Ordinance was Referred for Introduction <b>Notes:</b> Street Use Staff Commission, Downtown Coordinating Committee						
1	COMMON COUNCIL	11/20/2018	Refer	STREET USE STAFF COMMISSION		03/06/2019	Pass
	<b>Action Text:</b> A motion was made by Baldeh, seconded by Carter, to Refer to the STREET USE STAFF COMMISSION. The motion passed by voice vote/other. <b>Notes:</b> Additional referral to Downtown Coordinating Committee						
1	STREET USE STAFF COMMISSION	11/20/2018	Refer	DOWNTOWN COORDINATING COMMITTEE		02/21/2019	
	<b>Action Text:</b> This Ordinance was Refer to the DOWNTOWN COORDINATING COMMITTEE <b>Notes:</b>						
1	DOWNTOWN COORDINATING COMMITTEE	11/29/2018	Re-refer	DOWNTOWN COORDINATING COMMITTEE		02/21/2019	Pass

**Action Text:** Deb Archer, Greater Madison Visitors' and Convention Bureau, described a letter that the GMCVB sent to the Committee about their concerns regarding this new policy. She said that the GMCVB understands that there are issues and concerns that need to be addressed, but sees some consequences and losses of important events.

Tiffany Kenney, Madison Central Business Improvement District, wanted to express concerns about some of the unknowns on restrictions to some long-standing events, like Maxwell Street Days, and some of the new events that the BID has been promoting, such as the Night Market, which is partially sponsored by the City through its support of the programming coordinator. She also talked about her hope to eventually expand the Night Market to parts of State Street.

Verveer said that he has always thought that the BID's knowledge would be helpful as a member of the Street Use Staff Commission, even as a non-voting technical advisor. Kenney said that her knowledge of local business's needs and concerns, i.e. dumpster and refrigerator truck placement etc. might help bridge issues between events and brick-and-mortar business that sometimes cause tension. She often helps figure some of these logistic when she attends Commission meetings, even just as an audience participant.

Ryan Cressway, Jamie Patrick and Lucas Mellay all registered and were available to answer questions.

Ryan Reynolds, Race Day Events, registered in opposition, and said that Race Day events owns and operates many of the events that will be affected by the new policy. He said that it is a good problem that so many people wait to old events in our downtown. He doesn't oppose the whole thing, just parts of it and suggested that revisions could make it better for everyone.

Torkildson asked if there are ways to change the events to make them still allowable under these new rules. Reynolds said that they have already altered some race times and routes, but that sometimes conflicts, like the farmers' market make it logistically impossible to run a race on Saturday before 8am, as that is when the farmers are loading in their products.

Zellers said that she has heard from some constituents that would like to expand the downtown zone to the Yahara River. Reynolds asked if that was due to traffic interruption. Zellers said yes. Reynolds was concerned that the zone would keep expanding when people complained and would push out other events as well.

Alex Murray, Boys and Girls Club, said that the proceeds of many of these events and runs benefit many of the non-profits in the area, such as their relationship with the Shamrock Shuffle. The run is hugely important to their bottom line, and he is concerned about less people wanting to run in an event if it is not held downtown.

Torkildson asked how many of these events raise money for non-profits. Kellie Lamberty, Parks Division, said that most of the runs have some kind of connection to charitable causes.

Kellie Lamberty, Parks; Lara Mainella, City Attorney's Office; Tom Mohr, Traffic Engineering; Brian Chaney-Austin, Madison Police Department; and Katie Crawley, Mayor's Office, were all present as staff members who have worked on some of the logistics of the new ordinance and policy change.

Mainella said that staff resources to manage the growing number of events has been a concern for many years. Mainella added that there are also many spontaneous events, like protests, that exist outside of the Street Use Application process that also stretch staff resources. A Racial Equity and Social Justice Initiative (RESJI) analysis was requested to look at the implication of these concerns. Staff held a series of public meetings for both event stakeholders and the public to get feedback. The recent flooding events also made staff aware about the need to be able to cancel events due to unforeseen circumstances.

Zellers asked about the difference between the ordinance change and the attached policies. Mainella noted that this is only Phase I, and the ordinance is meant to be a quick fix to some of the main concerns, and allows the Street Use Commission to make their own policies. The Downtown

Zone policy is an example of that.

Zellers asked about their thoughts on expansion to the Yahara River. Lamberty said that any event that starts, stops or goes through the Downtown Zone would have to abide by these new policies. Many events that partially use the Isthmus area also use downtown in some way. Lamberty added that this ordinance and policies codify many of the issues that the Commission already looks at.

Verveer said that he generally thinks that policy changes like this should be reviewed by the Common Council. He is concerned that these issues are only reviewed within a staff bubble, as the Commission is comprised entirely by staff. Mainella said that the Commission is a publically noticed body and is open to the public, adding that their research on other cities showed that Madison's events approval process is much more public than their peer cities. Verveer said that meeting on Wednesday at 10:30 am is not very public friendly. Mainella said that adding Council approval would also make the policy less nimble and could add a layer of politics to a lot of First Amendment type issues and events.

Verveer said that many events also should have better aldermanic notification. He added that the loss of Friday Maxwell Street Days could be devastating to that event, and that he does not want to sponsor an ordinance or policy change that would allow such a change. He asked if some legacy events be grandfathered in to the policy. Mainella said that the staff considered legacy events as an idea, but didn't know where to draw the line. Lt. Chaney-Austin said grandfathering in existing events might close the door to communities of color, a growing demographic of the city. He spoke to a group that wanted to hold a hip-hop event but could not find an open date due to some many existing events.

Martin said that we should be careful and balance the users, noting that there is a sense of pride or locating an event downtown. Verveer said that the UW tried different routes for their Homecoming Parades, but ones held only on campus were not as successful. Crabb asked if the Greater State Street Business Association (GSSBA) knows about this, as it relates to Maxwell Street Days. Torkildson said that she does not believe that they know this will affect them, and is concerned about tying our hands in a way that could seriously affect downtown retail health.

Ahrens asked if all previously permitted events could be grandfathered. Mainella said she is concerned about a wholesale grandfathering of events. Zellers said that she believes that Verveer might offer an amendment to have policy changes be reviewed by the Common Council. Would another approach be to have the Downtown Zone policies reviewed by the Downtown Coordinating Committee?

Crabb added that at a minimum, the DCC could be a place for applicants to petition for an appeal if an application is denied. Martin agreed, and said that some grandfathering seems appropriate.

Frank believes that many downtown stakeholders would like to be a part of finding a good solution to these issues, and that more time would help that happen. Verveer says that he would be willing to work on a substitute ordinance amendment.

A motion was made by Verveer, seconded by Martin, to Re-refer to the December DOWNTOWN COORDINATING COMMITTEE meeting in order to provide time to work on some of the issues raised during their discussion. The motion passed by voice vote/other.

- |   |                     |  |          |              |                 |
|---|---------------------|--|----------|--------------|-----------------|
| 1 | STREET USE STAFF    | 12/05/2018   |          |              |                 |
|   | COMMISSION          |  |          |              |                 |
|   | <b>Action Text:</b> | Introduced, discussed and referred to future SUSC meeting. |          |              |                 |
| 1 | DOWNTOWN            | 12/20/2018   | Re-refer | DOWNTOWN     | 02/21/2019 Pass |
|   | COORDINATING        |  |          | COORDINATING |                 |
|   | COMMITTEE           |  |          | COMMITTEE    |                 |

**Action Text:** Alder Verveer asked for a staff presentation before public comment in order to make sure that the public could comment on the latest developments.

Kellie Lamberty, Parks Division, Dave McCaw, Madison Police Department, and Lara Mainella, City Attorney's Office went through a list of five topics that Alders Verveer, Zellers and Rummel were interested in addressing before substitute ordinance language is developed. Alder Verveer said that he will be asking for referral again at tonight's meeting in order to get further input on what language and ideas could be included into substitute ordinance language.

Verveer said that item #1 referred to the idea of putting the Downtown Zone Policies into the ordinance, instead of being a separate document that could be changed without Council approval.

Verveer said that item #2 would establish criteria for creating legacy events, and would allow events that have remained mostly unchanged for at least 10 years or more, like Maxwell Street Days, to be exempt from the Downtown Zone policy rules.

Lamberty said that it will be difficult to draw the line on what events could be considered legacy events, and still be fair. Many of the event fatigue and staffing capacity issues related to the staffing and road closures for runs and walks have a different community impact than events like Maxwell Street Days. Staff is considering the idea of working with some of the legacy eligible runs/walks to establish a route and date in their 2019 application that would be set for the future.

Verveer said that item #3 relates to unknown future events, such as an Olympic bid that would be something the city would want that would likely be against many of the new of the policy rules. He said that criteria should be developed to allow for an appeal to Common Council for large community events, as well as language that clarifies whether or not an event is City Sponsored.

Mainella noted that the challenge of defining a city sponsored event criteria is potential exposure to first amendment issues, so clear objective criteria will be important. Current rules are based on safety and logistical issues, and as such, are non-political. Exceptions that are too easy to get may diminish the crucial health, and safety policy considerations.

Verveer said that item #4 is about refining the block-out dates for move in and move out during August. Lamberty noted that the new high-rise buildings on campus, as well as East Washington Avenue create difficult logical problems, and staff would like to propose that even legacy events are not allowed to take place during this block-out period.

Henn asked if the block-out areas could be smaller where move-in and out is more problematic. Lamberty said they could look into that idea, as long as larger traffic patterns are not disrupted.

Verveer said that item #5 related to the timeframe for working through these issues, and he hopes that a substitute could come back before the DCC at the January meeting. The ordinance draft will be emailed in advance to give committee members time to review, with a potential final Common Council hearing in February.

#### Public Comment

Curtis Diller-Kilwans registered in opposition and did not speak.

Tiffany Kenny, BID Director, registered in opposition but did not speak.

John Hutchenson, Fontana Sports, registered in opposition and said that the Friday of Maxwell Street Days is essential to the health of State Street retail. It keeps a lot of people in businesses, and noted that the event doesn't plan on enlarging to close additional streets.

Abby Van Valkenburg, Race Day Events registered in opposition and said that they are supportive of the legacy events idea.

Sean Scanell, Opera House, registered in opposition and is very concerned about the future of Maxwell Street Days as the GSSBA gets most of its funding during that event, and fewer businesses may participate if Friday isn't allowed, thus endangering the whole of the businesses association. He added that State Street is a pedestrian mall and that we should be encouraging events like Maxwell Street Days and other festivals to use State Street, as that is what it is meant for.

Jamie Patrick, Madison Sports Commission registered neither in support nor opposition and said that the City's needs to allow new unforeseen community wide events that are essential to the greater city's success. There needs to be some flexibility to do things that are compelling and we should not limit our imaginations. Verveer asked him to help put his ideas into words that could be added to the new rules. Patrick said that they would be interested in helping come up with ideas and concepts.

Brodie Birkel, Isthmus Publishing and Evenest, registered in opposition and said that Isthmus manages events like Paddle and Portage among others. They have changed their date over the last few years, and have changed the route several times. He is concerned about trying to find a better route that does not close the intersection by Machinery Row. Verveer asked whether Isthmus could commit to a standard date/weekend and route for the years to come. Birkel said that they could commit to the new weekend date in June, but wanted to work with City Staff on finding a better route for the future.

Al Martin noted the Racial Equity and Social Justice Initiative (RESJI) analysis of the staff team, and wanted to make sure that they were looking at more than just issues surrounding bus route detours. The inclusivity of events also should be considered. Mainella said that the RESJI analysis is looking at the whole events process, including how easy or difficult it is for people to apply for street use permit and other RESJI related issues, among others, but noted that this ordinance change was mostly about downtown issues, which is why it is being reviewed by the DCC.

Martin asked if a referral to January will allow enough time. Verveer said he is optimistic. Mainella also said that this is only Phase I, and that Phase II will look at spontaneous events, parade permits and first amendment type events and demonstrations.

Martin asked about the letter from the Marquette Neighborhood Association, and said that it seems like many of their concerns did not really relate to the Downtown. Lamberty said that traffic and parking staff will look at their ideas, but added that any event that starts or ends in the Downtown Zone will have to abide by these rules, and that many of the events in District 2 and 6 will end up relating to the Downtown Zone policies. Zellers agreed and said that both she and Alder Rummel are happy with the existing map, and are no longer interested in expanding it, as it could start to have unforeseen effects on existing events that are wholly contained within District 2 or 6 that do not extend into the downtown.

Plotkin said that he thinks this really comes down to three main issues that need clarifying and criteria. Legacy events, "Olympic" caliber events appeals process, and the definition of a city-sponsored events. He had some language thoughts for legacy events that could provide a bit of flexibility. For example, perhaps Legacy events would have to meet 3 or 4 of "x" number of criteria such as: consistent name of event, type of event, 10 or more years of an event, consistent dates of event, consistent location/route of event, etc.

Mayer asked about the reasoning for starting run/walk events so early? Lamberty said that traffic engineering is concerned about traffic patterns and disruption.

A motion was made by Verveer, seconded by Zellers, to Re-refer to the DOWNTOWN COORDINATING COMMITTEE when substitute ordinance language is ready for discussion. The motion passed by voice vote/other.

1 DOWNTOWN  
COORDINATING  
COMMITTEE

01/17/2019 Referred

DOWNTOWN  
COORDINATING  
COMMITTEE

02/21/2019 Pass

**Action Text:** A motion was made by Verveer, seconded by Zellers, to Referred to a future DOWNTOWN COORDINATING COMMITTEE when a substitute ordinance and/or Policy document is ready for further action. The motion passed by voice vote/other.

**Notes:** The Committee discussed the most recent policy ideas with City Staff and heard from the public. Notes form the testimony and discussion were taken up under Legistar Item # 53818.

1 COMMON COUNCIL 01/29/2019

1 COMMON COUNCIL 02/05/2019 Refer TRANSPORTATION POLICY AND PLANNING BOARD 03/04/2019 Pass

**Action Text:** A motion was made by Baldeh, seconded by Carter, to Refer to the TRANSPORTATION POLICY AND PLANNING BOARD. The motion passed by voice vote/other.

2 DOWNTOWN COORDINATING COMMITTEE 02/21/2019 Return to Lead with the Following Recommendation(s) STREET USE STAFF COMMISSION 03/06/2019 Pass

**Action Text:** A motion was made by Verveer, seconded by Martin, to Return to Lead for approval with the Following Recommendation(s) to the STREET USE STAFF COMMISSION.

- a) Amend the Definitions so that they include a definition of Premier Events.
- b) Amend the Definitions with the following definition for City-sponsored events and make such events exempt from Downtown Zone policies, as shown in the BID's redline document: Any event where the City of Madison or department or agency thereof is the applicant or an event the City has a contractual relationship that directly supports the event in question.
- c) Amend the Loss of Legacy Status section, 10.056(5)(j)1.e.i., to read, "There is a request to significant change any one of the following..."
- d) Staff shall create language to address the variable dates as related to the UW Homecoming Parade's ability to maintain its Legacy Status.
- e) Amend the ordinance language and map so that Langdon Street, between Lake Street and Wisconsin Avenue, and all streets north of this part of Langdon to the lake, are no longer in the Downtown Zone.
- f) Amend 10.056(5)(i)2.b.i. to allow an event to start after 3 pm. on Sundays, as follows: Sundays – traveling route must start by 9:00am 8:00am or after 3:00pm.

The motion passed by voice vote/other.

**Notes:** DCC recommends approval of the ordinance with the following amendments:

- a) Amend the Definitions so that they include a definition of Premier Events.
- b) Amend the Definitions with the following definition for City-sponsored events and make such events exempt from Downtown Zone policies, as shown in the BID's redline document: Any event where the City of Madison or department or agency thereof is the applicant or an event the City has a contractual relationship that directly supports the event in question.
- c) Amend the Loss of Legacy Status section, 10.056(5)(j)1.e.i., to read, "There is a request to significant change any one of the following..."
- d) Staff shall create language to address the variable dates as related to the UW Homecoming Parade's ability to maintain its Legacy Status.
- e) Amend the ordinance language and map so that Langdon Street, between Lake Street and Wisconsin Avenue, and all streets north of this part of Langdon to the lake, are no longer in the Downtown Zone.
- f) Amend 10.056(5)(i)2.b.i. to allow an event to start after 3 pm. on Sundays, as follows: Sundays - traveling route must start by 9:00am 8:00am or after 3:00pm.

2 TRANSPORTATION POLICY AND PLANNING BOARD 03/04/2019 Return to Lead with the Following Recommendation(s) STREET USE STAFF COMMISSION 03/04/2019 Pass

**Action Text:** Tom Mohr from City Traffic Engineering gave a presentation on the second substitute ordinance. Lara Mainella from City Attorney's Office went over the redline changes to the original ordinance and was available for questions. Katy Sellner with Metro and from Kelli Lamberty from Parks were also available for questions.

Tiffany Kenney, executive director for Madison Central Business Improvement District, neither support or oppose, registered and wished to speak. Bob Schaefer registered and wished to speak.

Alder Kemble moved adoption of the second substitute ordinance, Kaysen seconded.

Alder Zellers requested Metro and Traffic Engineering staff to speak to the Langdon street exemption and the three o'clock on Sundays. Mohr said for general traffic, an event used the parking lane on Gorham Street to get to the Edgewater area, it would not be an issue during the weekend, it would be during the week. Sellner with Metro said if there were a race on Gorham, it would impact the buses ability to service the public. Sellner mentioned that on Langdon East of Lake, Metro has late night campus mid-May through the end of August and then on school breaks that could be potentially impacted. Regarding the after 3pm on Sunday question, Mohr reference a graph showing that traffic volume does not start to drop until 7pm, so Mohr would recommend the three o'clock time pushed later in the day. Sellner agreed with Mohr.

Alder Zellers, seconded by Alder Ahrens, made a motion to amend the second substitute ordinance to remove the Langdon Street exemption to the Downtown Zone (page 3, item 2)

The amendment passed by voice vote/other.

Sheppard requested more clarity with the data, possibly presenting the data with seasonal differences, as well as information on the variety of events. Sheppard also requested codifying staff's comments and concerns. Alder Zellers had concerns about closing arterial or collector streets after 3 pm on Sunday, page 4 - 2.(b)(i.), and the Langdon street exemption, page 3 item 2, and asked Alder Verveer to speak to those concerns and on the second substitute ordinance overall. Alder Verveer recommended adoption of the second substitute ordinance to Common Council, citing the Downtown Coordinating Committee supported the ordinance unanimously.

Kaysen cited concern that the racial equity and social justice evaluation was not complete, concerns regarding the idea of pay to play and the difficulty involved with communicating bus detours more effectively to transit riders, and would be voting no.

Alder Kemble agreed with Kaysen and Sheppard, and would still like to see the RESJ and data, but would be voting yes to give staff, policy level support. Alder Zellers mentioned the enormous amount of work done, and would be voting yes, knowing there will be more work to be done in the future.

A motion was made by Zellers, seconded by Ahrens, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by the following vote:

**Notes:** TPPB recommended approval of the ordinance with an amendment to remove the Langdon Street exemption to the Downtown Zone (page 3, item 2).  
Roll Call Vote: 6:1:1 - Ayes: Zellers, Ahrens, Kemble, Oeth, Burck, Sheppard, No: Kaysen, Non-Voting: Wilson

3	STREET USE STAFF COMMISSION	03/06/2019	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
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**Action Text:** A motion was made by Veum, seconded by Blake-Horst, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

3	COMMON COUNCIL	03/19/2019	Adopt	Pass
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**Action Text:** A motion was made by Baldeh, seconded by Carter, to Adopt. The motion passed by voice vote/other.

There was 1 registrant in support.

**Notes:**



## Text of Legislative File 53818

### Fiscal Note

The proposed ordinance change creates a Downtown Zone for purposes of Street Use Permits and creates exceptions for Legacy Events and Premier Events. In 2018, Street Use Permit application fees for Legacy Events was \$3,500 and for Premier Events was \$700. All of the events are expected to continue in 2019. No significant fiscal impacts are anticipated.

### Title

SECOND SUBSTITUTE - Creating Sections 10.056(2)(f), (5)(i) & (j) and (6)(r) and amending Sections 10.056(1), (6)(a), (b), (d), (i), (o), 10.056(11), and 10.056(12)(a) of the Madison General Ordinances creating and modifying the standards of issuance for Street Use Permits, creating the Downtown Zone and standards for street closures in that zone with exceptions for Legacy and Premier events, allowing a permit to be cancelled in case of emergency, adding language to preserve City control over the highways for transportation, and updating the findings and purpose section.

### Body

DRAFTER'S ANALYSIS: This ordinance amendment creates a geographic area called the Downtown Zone for purposes of reviewing Street Use Permits for street closures for events, festivals, races, etc., in that zone. The Downtown Zone includes the core of the isthmus extending roughly from Blair to Park Streets, but excludes the Capitol Square, the 100 blocks off the square, and 200 block of Martin Luther King Jr. Boulevard, where events are encouraged. This amendment creates specific new standards for closing arterial or collector streets in the Downtown Zone to consider impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within that zone, including rules for events that include a "traveling route" such as races and runs, start times on weekends, restrictions on weekday closures, and specific rules for State Street. This amendment also elaborates on the criteria for approving a Street Use Permit, allowing the Staff Commission to consider the overall number of permitted events and other activities happening in the City when considering an application for a street use event. Currently the ordinance allows consideration of traffic impacts and the ability to provide police and other emergency services, and impacts on residents. The existing ordinance does not explicitly mention impacts on public transit, overall strain on city services, nor does it speak to the overlap of events over the course of a weekend. This amendment makes it explicit that the Commission may consider the following factors: size, location, route, duration of an event, as well as safety concerns articulated by the Police or Fire Department, significant impairment to traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services. Those factors can be considered based on the proposed event itself or the combination of events or activities known to be occurring on the same day or same weekend. This amendment also clarifies the requirement for a Traffic Management Plan for closures of State Street that include closing Gorham, Johnson and Dayton-Fairchild Streets, and creates a new rule that John Nolen Drive cannot be completely closed for a Street Use Event unless it is a City-Sponsored event. This amendment clarifies that a permit for an event that has not yet started can be terminated by the Police or Fire Chief, upon consultation with the Superintendent of Parks, if termination is reasonable and necessary in the face of imminent danger or threat to public safety.

The Substitute ordinance makes the following changes: the rules for the Downtown Zone have been moved into the ordinance (rather than a noncodified set of policies as originally proposed) and two categories for exceptions to the Downtown Zone rules are created: Legacy Events and Premier Events. A Legacy Event is one that has held a permit in the Downtown Zone for at least 10 years as of 2018. Such events can apply for exceptions to the Downtown Zone rules for their 2019 permit and if acceptable conditions are reached, the event will continue to be

exempt from the rule(s) in question and receive a date priority for future years as long as they don't change their event to a degree that causes it to lose this status. Legacy Events that do not require an exception to the new rules can also receive date priority for their traditional event date, in keeping with current practice. An event's Legacy Exempt Status and date priority, as with all street use permits, are subject to the City's rights to use the streets for transportation, infrastructure, and transit initiatives, including Bus Rapid Transit, and are also subject to change due to construction, and this substitute makes this explicit. A Premier Event is one that meets minimum criteria for tourism revenue and positive exposure for the City, as determined by a staff review based on criteria that includes minimum hotel room nights, attendance, direct spending and economic impact of the event. The criteria will be developed by staff with input from the organization that the City contracts with for tourism and destination marketing services, currently the Greater Madison Convention and Visitor's Bureau, operating under the name Destination Madison. This substitute also creates a new rule that prohibits events in the Downtown Zone during certain student move-in dates in August, and adds a number of findings to the purpose section.

The Second Substitute makes these additional changes: allowing events in the Downtown Zone to start after 3 pm. on Sundays, exempting City-Sponsored Events from all rules for the Downtown Zone, changing the definition of City-Sponsored events to remove "financial relationship;" making clear that the UW Homecoming Parade qualifies for Legacy status despite the fact that the parade is on a different date every year; softening the language for losing Legacy status so that only a "significant" change in date, time, duration, location, or route will cause loss of Legacy status; and duplicating definitions for City-Sponsored and Premier Events.

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

1. Subsection (1) entitled "Purpose and Title" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(1) Purpose, and Title and Findings. This section shall be known as the "Street Use Ordinance."

The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be permitted, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets for purposes other than ordinary uses, pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained, subject to Wis. Stat. § 349.185. The Common Council makes the following findings:

- (a) The streets and sidewalks (highway rights-of-way) under the control of the City are intended for use in the ordinary way for travel for motor vehicles, other vehicles, and pedestrians.
- (b) The City has a substantial interest in preserving traffic and pedestrian safety, the safe and orderly use of streets and sidewalks, the ability to provide emergency services to all parts of the City, while also encouraging recreation, tourism, celebration, physical exercise, economic vitality of the community and the right to assemble, the right to exercise freedom of speech, expression, and association in a traditional public forum, as guaranteed by the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.
- (c) Street Use Permitted events bring benefits to the City, including cultural, economic, tourism, and the City has a tradition of approving Street Use Permits for festivals, gatherings, athletic events, charity events, demonstrations, parades and other

- gatherings.
- (d) A large street use event or more than one event occurring in the same general area, whether on-street or off-street, causes occupancy levels of adjacent streets and sidewalks to increase, which may create unsafe conditions and strain the City's resources and infrastructure.
  - (e) The Council further recognizes the appeal of the City's downtown area, including State Street and the State of Wisconsin Capitol square and streets surrounding the square, as a desired location for festivals, demonstrations and activities of all kinds. The unique geographic location and space limitations of the downtown area, as a narrow isthmus between two lakes, presents special challenges if an event closes the streets in the Downtown Zone. Special challenges include but are not limited to impacts on cross-town traffic, including Metro transit service, and impacts upon business, government, and students in the area, especially on weekdays, and impacts on all users and visitors to the area on weekends, therefore the City has adopted the additional standards for the Downtown Zone for weekdays and weekends as stated in that section.
  - (f) This ordinance allows the City to manage the demands on the streets and sidewalks and strike a balance between the needs of users of the streets and sidewalks for transportation in the ordinary way and the use of such spaces for recreation, tourism, celebration, demonstration, and other non-standard reasons. This ordinance recognizes and balances the needs of City staff including police, fire, traffic engineering, parks and other departments to plan for and staff events occurring with a Street Use Permit and allow for reasonable reimbursement for such services when they are available and a process to deny or modify a permit when they are not, or when the standards of issuance stated herein cannot be met.
  - (g) The ability to deny or require modifications to a requested Street Use Permit as stated in this ordinance directly furthers the City's interests stated above and allows the City to respond to applications in a way that provides ample alternative channels for speech and without restricting more speech than necessary.
  - (h) The procedures and standards for approving a Street Use Permit in this ordinance are necessary to ensure safety for all, including event participants, workers, City employees, motor and non-motorized vehicle users, pedestrians, bicyclists, transit customers, and the general public. This ordinance also promotes the welfare of residential and non-residential occupants in areas where a Street Use Permit is issued."

2. Subdivision (f) entitled "Downtown Zone" of Subsection (2) entitled "Definitions" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

"Downtown Zone (DZ) for purposes of this ordinance is defined as the area bounded by and including the following streets: North Blair Street where it terminates at James Madison Park, South Blair Street, John Nolen Drive, North Shore Drive, Proudfit Street, Regent Street, and Park Street from Regent Street to where it terminates at Lake Mendota. The Downtown Zone does not include the portions of streets forming the Capitol Square, the 100 blocks of each street intersecting with the Capitol Square, or the 200 block of Martin Luther King, Jr. Boulevard."

3. Subdivision (i) of Subsection (5) entitled "Application Process and Permit Requirements" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

- “(i) Additional Standards for the Downtown Zone. Beginning with the effective date of ORD-19-XXXXX, applications for a permit for an event that will occur, start, end or pass through the Downtown Zone shall be subject to the following additional standards of issuance which are hereby established to take into account the special impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within this zone:

1. Definitions.

Arterial. A street with a functional classification of “arterial” as classified by the City Traffic Engineer on a map created for that purpose.

City-Sponsored Event. An event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.

Closure. A full closure of the street where all lanes of traffic are closed. This does not include a parking lane closure or single lane closure where motor vehicle traffic is still permitted to move in both directions. “Closure” also includes a cross street being closed to traffic (example: application for State Street that would require closing Gorham Street to motor vehicle traffic where it intersects State Street without allowing such traffic to cross would qualify as a request for a full closure of Gorham Street.) Any request to use the roadway of State Street is considered a full closure because State Street does not have the option for a partial lane closure. However, an event where participants stay on sidewalks and obey all traffic signals at cross streets is not considered a “closure.”

Collector. A street with a functional classification of “collector” as classified by the City Traffic Engineer on a map created for that purpose.

Downtown Zone. See 10.056(2)(f).

Legacy Event. Any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.

Premier Event. An event that meets the base minimum criteria to qualify as a premier event under the process established in Sec. 10.056(5)(j)2.

Traveling Route. A run, race, walk, march, parade, procession or other event where people travel from one location to another or travel along a route that returns to the starting point.

2. A full closure of all lanes of traffic on a street with a functional classification of “arterial” or “collector”, as classified by the City Traffic Engineer on a map created for that purpose, shall only be approved in the Downtown Zone with the following conditions:

- a. Weekdays. No closure of arterial or collector street Monday through Friday.  
b. Weekends. Arterial or collector streets may only be closed on a weekend as follows:

i. Start Time.

Saturday - traveling route must start by 8:00 a.m.

Sunday - traveling route must start by 9:00 a.m. or after 3:00 p.m., with no street closure of any street in the Downtown Zone before 3:00 pm., including for set-up.

ii. Exceptions to Saturday/Sunday Start Times.

A. Events that obey traffic signals and have the capacity to control participants to safely allow motor vehicle traffic to cross on arterials/collectors, and

- B. City-sponsored events, defined as an event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.
- 3. No permit shall be issued for a closure of any part of the 200 thru 600 blocks of State Street (West Dayton Street to North Lake Street) at any time on the days of Monday through Friday. However, an event that stays on sidewalks and whose participants obey all traffic signals is not considered a "closure" and not subject to this subsection.
- 4. Any permit to close any part of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
  - a. The closure complies with all provisions of this subsection for the Downtown Zone including those for collectors and arterials in sub. 2. above.
  - b. The event organizer agrees to a traffic management plan that meets the requirements of Sec. 10.056(6)(o)3.b., MGO.
- 5. Beginning in 2019, for new events that have never been issued a Street Use Permit, no permit shall be issued for a closure for an event that includes a race or run with a traveling route that ends at the Capitol Square or crosses any arterial street within the Downtown Zone during the second half of the route, regardless of the start time."

4. Subdivision (j) entitled "Exceptions to the Standards for the Downtown Zone" of Subsection (5) entitled "Application Process and Permit Requirements" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

"(j) Exceptions to the Standards for the Downtown Zone.

- 1. Legacy Events.
  - a. Process. The standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that meets the following criteria:
    - i. Event is considered a Legacy Event, which is any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.
    - ii. Event organizer has worked with the Street Use Staff Commission to reach agreeable conditions for its Street Use Permit for 2019 (or future year under sub. b.iii.) that complies with the standards of issuance in sub. (6) and takes into account the stated purpose of the additional standards for the Downtown Zone in sub. (5)(i), and has been issued a permit that includes such conditions.
  - b. Legacy Exempt Status. An event meeting the criteria of Sec.10.056(5)(j)1. will be granted Legacy Exempt Status which means:
    - i. The standards for the Downtown Zone shall not apply to the event, so long as the event has not done anything to lose its Legacy Exempt Status, as set forth in sub.1.e.
    - ii. The event will be given priority over any other application for its traditionally-requested date for future years, subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy Exempt Status as set forth in sub.1.e.
    - iii. If this ordinance is amended to change or create additional rules for

the Downtown Zone beyond those adopted by ORD-19-XXXXX, an event with Legacy Exempt Status may apply for an exception to such new rule(s) using the process in sub. a.ii..

- c. Date Priority for Legacy Events That Do Not Violate the Downtown Zone. A Legacy Event that complies with the standards for the Downtown Zone will also be given priority over any other application for its traditionally-requested date for future years, ("Legacy date priority") subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy status as set forth in sub. 1.e.
- d. Event Date Defined. As used herein, "date" refers, in most cases, to the annual day of the week and/or weekend during which the event has traditionally taken place (e.g. third Saturday in July or third weekend of July.) For an event traditionally held on the same calendar date each year (e.g. January 1) "date" refers to the exact date. Moving an event to a different week or weekend or changing the day of the week (Sunday instead of Saturday) may be considered a significant change in date for purposes of losing Legacy status under sub. 1.e., except for the University of Wisconsin-Madison Homecoming parade which is traditionally held on a Friday night in the fall that fluctuates as a result of the university's calendar and the Big Ten Conference football schedule.
- e. Loss of Legacy Status. An event will lose Legacy date priority or Legacy Exempt Status under this section and no longer be considered a Legacy Event if any one of the following occur:
  - i. There is a significant change to any one of the following: date, start time, duration, location, approved route, or other substantial change in the logistics or set-up of the event from that approved for 2019 (or future year if applicable under sub. 1.b.iii.), except that a request to change route or location caused by sub. f. or construction will not cause loss of Legacy status.
  - ii. The type or nature of the event substantially changes.
  - iii. There is either a documented violation of a condition of the approved permit or the Standards of Issuance, or a citation or other enforcement action is commenced for another violation of Sec. 10.056, MGO.
- f. Limits of Legacy Status, Retention of Rights. Date priority for a Legacy event under sub. 1.c. and Legacy Exempt Status under sub.1.b. will be honored by the City of Madison to the extent it does not conflict with City-owned or City-approved construction projects, public utilities, governmental transportation projects, public transit initiatives including but not limited to Bus Rapid Transit (BRT) routes, or other City rights and obligations with respect to the rights-of-way. Legacy Exempt Status, or the issuance of any Street Use Permit under this ordinance, does not guarantee any permit holder any rights beyond those granted by the permit in question and shall not interfere with the City's rights and obligation to control the use of the highways and rights-of-way under its control.

A change in route or location of any Legacy event, if the change is required by this paragraph f., shall not cause the event to lose its Legacy status so long as all other criteria for such status remains in effect.

2. Premier Event.

- a. Purpose and Findings. The City finds that under certain circumstances, an

extraordinary event of a caliber that brings significant tourism value to the City will qualify for exceptions to the standards for the Downtown Zone, if the event requires a street closure in the Downtown Zone. Such a premier event will bring significant, positive national or international recognition to the City and an economic benefit to the area that outweighs the negative impacts on the Downtown Zone under certain circumstances. Therefore, the standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that has been granted premier status using the following procedure.

- b. Staff Internal Review and Criteria. An event sponsor may initiate the process for seeking premier event status by contacting the Mayor's office, who shall refer the event to the Parks Division Events Coordinator for a staff review to determine, first, if the requested street use requires an exception from the standards for the Downtown Zone, and second, if the overall event will meet certain base minimum criteria to qualify as a premier event. Such criteria shall be developed by the Parks Division and pertinent staff with input from the tourism promotion organization that holds a contract with the City for destination marketing, and made available to the public. Such criteria shall include: minimum hotel room nights; minimum direct spending dollars and/or minimum economic impact dollars as measured by a recognized event impact calculator that measures the economic value of an event; minimum estimated total attendance; and other criteria as appropriate, to determine if the event meets the purposes stated above. The staff review shall also include notification to the alder of the affected district(s) and an estimate of City costs for the street use portion of the event. If staff finds the minimum base criteria can be met, staff shall inform the event sponsor and report the same to the Street Use Staff Commission at the time the event applies for a Street Use Permit.
  - c. Application to Commission: Event sponsor may apply for a Street Use Permit under the regular procedures and standards of this ordinance, except that in addition to the standards of issuance in sub. (6), event sponsor must conclusively demonstrate to the Commission that the minimum base criteria in sub. b. above can be met. The Commission shall review the application as required by this ordinance, except that the Commission may approve a permit that includes exceptions to the standards for the Downtown Zone in sub. (5)(i)."
3. City-Sponsored Events. The standards for the Downtown Zone in Sec.10.056(5)(i) shall not apply to a City-Sponsored Event."

5. Subdivision (a) 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:

"(a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location. If the requested location is in the Downtown Zone, the standards set forth in sub. (5)(i) shall also apply; or"

6. Subdivision (b) 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:

“(b) The concentration of persons at the event, the proposed event location, or other physical characteristics of the event would unduly interfere with the City's ability to provide proper fire and police protection of, or other emergency service to or through, the event, or to areas adjacent to the event's location, or to other parts of the City; or”

7. Subdivision (d) 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:

“(d) The Event for Which the Application is Submitted Conflicts with Other Events or Activities, as Follows:

1. Same Place/Time. Another event at substantially the same time and location has already been issued a ~~s~~Street ~~u~~se ~~p~~ermit has already been granted for substantially the same time and location or parade permit; or”
2. Same Day/Weekend. Another event on the same date or same weekend has already been issued a street use, parade, or Parks special event permit and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department associated with any of the proposed events, the combination of events would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services; or
3. Other Events/Activities. One or more events or activities are known to be occurring on the same date or same weekend, whether or not such activities require a City permit, and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department, for any of the events or activities, the combination of activities would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services.”

8. Subdivision (i) 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:

“(i) The time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of ~~the residents or~~ non-residential occupants or uses in the vicinity of the event; or”

9. Subdivision (o) 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:

“(o) The proposed street use does not comply with the following minimum safety restrictions:

1. At least one (1) emergency vehicle access lane a minimum of twenty (20') wide, free of obstacles, shall be maintained at all times.
2. At least one (1) walkway for pedestrian access at least eight (8) feet wide shall be maintained at all times.
3. Any permit to close any portion of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
  - a. The closure can be approved under the standards for the Downtown Zone under sub. (5)(i), and
  - b. a traffic ~~detour~~ management plan, that includes all requirements established for this event by City staff for traffic control, traffic detours, barricades, signage, and parking, is approved by the Staff Commission, ~~can be used~~ event organizer agrees to cooperate with all aspects of the plan, and the



plan is included as a condition of approval of the permit.

4. A complete closure of all lanes of vehicle traffic on any portion of John Nolen Drive shall not be approved, with the exception of a closure for a City-sponsored event."

10. Subdivision (r) entitled "Student Move-In Dates" 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:

"(r) Student Move-In Dates. The proposed street use includes a run, walk, parade or similar traveling route that closes any lane of traffic in the Downtown Zone on any date from August 13 through the Sunday of the third full weekend of August, or any of the move-in dates for residence halls and apartments operated by the University of Wisconsin-Madison's University Housing department, as those dates are established by the University. Notwithstanding the foregoing, the Commission may exercise flexibility and approve a traveling route with a traffic lane closure in the Downtown Zone on one of the dates listed above if, for a certain year, due to the sequence of move-in dates and proximity in time or location to other events around that time, the Commission finds that the other standards of issuance can be met while approving the event on that date. Such approval shall apply only for the year in question and shall not entitle the event sponsor to future approval on the same or similar date in the future."

11. Subsection (11) entitled "Termination of a Street Use Permit" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(11) Termination of a Street Use Permit.

(a) In Advance of an Event. A Street Use Permit for an event that has not yet commenced may be terminated by the Chief of Police or the Fire Chief or their respective designees, upon consultation with the Superintendent of Parks, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.

(b) During an Event. A Street Use Permit for an event in progress may be terminated by the Chief of Police or the Fire Chief, or their designees, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. Additionally, the Chief of Police or designee may terminate a Street Use Permit for an event in progress if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. ~~A Street Use Permit for an event in progress may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.~~ A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated Sec. 9.13 (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to Sec. 9.13(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event."

12. Subdivision (a) of Subsection (12) entitled "Penalty" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

“(a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a ~~s~~Street ~~u~~Use  
pPermit is required without having been issued a valid Street Use Permit for said activity or after  
a Street Use Permit has been terminated pursuant to Subsection (11).”

## CITY OF MADISON, WISCONSIN

2<sup>nd</sup> SUBSTITUTE ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

November 20, 2018  
Street Use Staff  
Commission, DCC  
(11/29/18)  
CC (12/4/18)

Creating Sections 10.056(2)(f), (5)(i) & (j) and (6)(r) and amending Sections 10.056(1), (6)(a), (b), (d), (i), (o), 10.056(11), and 10.056(12)(a) of the Madison General Ordinances creating and modifying the standards of issuance for Street Use Permits, creating the Downtown Zone and standards for street closures in that zone with exceptions for Legacy and Premier events, allowing a permit to be cancelled in case of emergency, adding language to preserve City control over the highways for transportation, and updating the findings and purpose section.

LEGISTAR #53818

Drafted by: Lara Mainella

Date: March 12, 2019

SPONSORS: Alders Zellers & Verveer

**DRAFTER'S ANALYSIS:** This ordinance amendment creates a geographic area called the Downtown Zone for purposes of reviewing Street Use Permits for street closures for events, festivals, races, etc., in that zone. The Downtown Zone includes the core of the isthmus extending roughly from Blair to Park Streets, but excludes the Capitol Square, the 100 blocks off the square, and 200 block of Martin Luther King Jr. Boulevard, where events are encouraged. This amendment creates specific new standards for closing arterial or collector streets in the Downtown Zone to consider impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within that zone, including rules for events that include a "traveling route" such as races and runs, start times on weekends, restrictions on weekday closures, and specific rules for State Street. This amendment also elaborates on the criteria for approving a Street Use Permit, allowing the Staff Commission to consider the overall number of permitted events and other activities happening in the City when considering an application for a street use event. Currently the ordinance allows consideration of traffic impacts and the ability to provide police and other emergency services, and impacts on residents. The existing ordinance does not explicitly mention impacts on public transit, overall strain on city services, nor does it speak to the overlap of events over the course of a weekend. This amendment makes it explicit that the Commission may consider the following factors: size, location, route, duration of an event, as well as safety concerns articulated by the Police or Fire Department, significant impairment to traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services. Those factors can be considered based on the proposed event itself or the combination of events or activities known to be occurring on the same day or same weekend. This amendment also clarifies the requirement for a Traffic Management Plan for closures of State Street that include closing Gorham, Johnson and Dayton-Fairchild Streets, and creates a new rule that John Nolen Drive cannot be completely closed for a Street Use Event unless it is a City-Sponsored event. This amendment clarifies that a permit for an event that has not yet started can be terminated by the Police or Fire Chief, upon consultation with the Superintendent of Parks, if termination is reasonable and necessary in the face of imminent danger or threat to public safety.

The Substitute ordinance makes the following changes: the rules for the Downtown Zone have been moved into the ordinance (rather than a noncodified set of policies as originally proposed) and two categories for exceptions to the Downtown Zone rules are created: Legacy Events and Premier Events. A Legacy Event is one that has held a permit in the Downtown Zone for at least 10 years as of 2018. Such events can apply for exceptions to the Downtown Zone rules for their 2019 permit and if acceptable conditions are reached, the

**Approved as to form:**

event will continue to be exempt from the rule(s) in question and receive a date priority for future years as long as they don't change their event to a degree that causes it to lose this status. Legacy Events that do not require an exception to the new rules can also receive date priority for their traditional event date, in keeping with current practice. An event's Legacy Exempt Status and date priority, as with all street use permits, are subject to the City's rights to use the streets for transportation, infrastructure, and transit initiatives, including Bus Rapid Transit, and are also subject to change due to construction, and this substitute makes this explicit. A Premier Event is one that meets minimum criteria for tourism revenue and positive exposure for the City, as determined by a staff review based on criteria that includes minimum hotel room nights, attendance, direct spending and economic impact of the event. The criteria will be developed by staff with input from the organization that the City contracts with for tourism and destination marketing services, currently the Greater Madison Convention and Visitor's Bureau, operating under the name Destination Madison. This substitute also creates a new rule that prohibits events in the Downtown Zone during certain student move-in dates in August, and adds a number of findings to the purpose section.

The Second Substitute makes these additional changes: allowing events in the Downtown Zone to start after 3 pm. on Sundays, exempting City-Sponsored Events from all rules for the Downtown Zone, changing the definition of City-Sponsored events to remove "financial relationship;" making clear that the UW Homecoming Parade qualifies for Legacy status despite the fact that the parade is on a different date every year; softening the language for losing Legacy status so that only a "significant" change in date, time, duration, location, or route will cause loss of Legacy status; and duplicating definitions for City-Sponsored and Premier Events.

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

1. Subsection (1) entitled "Purpose and Title" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

- "(1) Purpose, and Title and Findings. This section shall be known as the "Street Use Ordinance." The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be permitted, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets for purposes other than ordinary uses, pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained, subject to Wis. Stat. § 349.185. The Common Council makes the following findings:
- (a) The streets and sidewalks (highway rights-of-way) under the control of the City are intended for use in the ordinary way for travel for motor vehicles, other vehicles, and pedestrians.
  - (b) The City has a substantial interest in preserving traffic and pedestrian safety, the safe and orderly use of streets and sidewalks, the ability to provide emergency services to all parts of the City, while also encouraging recreation, tourism, celebration, physical exercise, economic vitality of the community and the right to assemble, the right to exercise freedom of speech, expression, and association in a traditional public forum, as guaranteed by the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.
  - (c) Street Use Permitted events bring benefits to the City, including cultural, economic, tourism, and the City has a tradition of approving Street Use Permits for festivals, gatherings, athletic events, charity events, demonstrations, parades and other gatherings.
  - (d) A large street use event or more than one event occurring in the same general area, whether on-street or off-street, causes occupancy levels of adjacent streets and sidewalks to increase, which may create unsafe conditions and strain the City's resources and infrastructure.
  - (e) The Council further recognizes the appeal of the City's downtown area, including State Street and the State of Wisconsin Capitol square and streets surrounding the square, as a desired location for festivals, demonstrations and activities of all kinds. The unique geographic location and space limitations of the downtown area, as a narrow isthmus between two lakes, presents special challenges if an event closes the streets in the Downtown Zone. Special challenges include but are not limited to impacts on cross-town traffic, including Metro transit service, and impacts upon business, government, and students in the area, especially on weekdays, and impacts on all users and visitors to the area on weekends, therefore the City

has adopted the additional standards for the Downtown Zone for weekdays and weekends as stated in that section.

- (f) This ordinance allows the City to manage the demands on the streets and sidewalks and strike a balance between the needs of users of the streets and sidewalks for transportation in the ordinary way and the use of such spaces for recreation, tourism, celebration, demonstration, and other non-standard reasons. This ordinance recognizes and balances the needs of City staff including police, fire, traffic engineering, parks and other departments to plan for and staff events occurring with a Street Use Permit and allow for reasonable reimbursement for such services when they are available and a process to deny or modify a permit when they are not, or when the standards of issuance stated herein cannot be met.
- (g) The ability to deny or require modifications to a requested Street Use Permit as stated in this ordinance directly furthers the City's interests stated above and allows the City to respond to applications in a way that provides ample alternative channels for speech and without restricting more speech than necessary.
- (h) The procedures and standards for approving a Street Use Permit in this ordinance are necessary to ensure safety for all, including event participants, workers, City employees, motor and non-motorized vehicle users, pedestrians, bicyclists, transit customers, and the general public. This ordinance also promotes the welfare of residential and non-residential occupants in areas where a Street Use Permit is issued."

2. Subdivision (f) entitled "Downtown Zone" of Subsection (2) entitled "Definitions" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

"Downtown Zone (DZ) for purposes of this ordinance is defined as the area bounded by and including the following streets: North Blair Street where it terminates at James Madison Park, South Blair Street, John Nolen Drive, North Shore Drive, Proudfit Street, Regent Street, and Park Street from Regent Street to where it terminates at Lake Mendota. The Downtown Zone does not include the portions of streets forming the Capitol Square, the 100 blocks of each street intersecting with the Capitol Square, or the 200 block of Martin Luther King, Jr. Boulevard."

3. Subdivision (i) of Subsection (5) entitled "Application Process and Permit Requirements" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is created to read as follows:

"(i) Additional Standards for the Downtown Zone. Beginning with the effective date of ORD-19-XXXX, applications for a permit for an event that will occur, start, end or pass through the Downtown Zone shall be subject to the following additional standards of issuance which are hereby established to take into account the special impacts on traffic patterns, Metro Transit service, and residential, business and government occupants within this zone:

1. Definitions.

Arterial. A street with a functional classification of "arterial" as classified by the City Traffic Engineer on a map created for that purpose.

City-Sponsored Event. An event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.

Closure. A full closure of the street where all lanes of traffic are closed. This does not include a parking lane closure or single lane closure where motor vehicle traffic is still permitted to move in both directions. "Closure" also includes a cross street being closed to traffic (example: application for State Street that would require closing Gorham Street to motor vehicle traffic where it intersects State Street without allowing such traffic to cross would qualify as a request for a full closure of Gorham Street.) Any request to use the roadway of State Street is considered a full closure because State Street does not have the option for a partial lane closure. However, an event where participants stay on sidewalks and obey all traffic signals at cross streets is not considered a "closure."

Collector. A street with a functional classification of "collector" as classified by the City Traffic Engineer on a map created for that purpose.

Downtown Zone. See 10.056(2)(f).

Legacy Event. Any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.

Premier Event. An event that meets the base minimum criteria to qualify as a premier event under the process established in Sec. 10.056(5)(j)2.

Traveling Route. A run, race, walk, march, parade, procession or other event where people travel from one location to another or travel along a route that returns to the starting point.

2. A full closure of all lanes of traffic on a street with a functional classification of “arterial” or “collector”, as classified by the City Traffic Engineer on a map created for that purpose, shall only be approved in the Downtown Zone with the following conditions:
  - a. Weekdays. No closure of arterial or collector street Monday through Friday.
  - b. Weekends. Arterial or collector streets may only be closed on a weekend as follows:
    - i. Start Time.  
Saturday – traveling route must start by 8:00 a.m.  
Sunday – traveling route must start by 9:00 a.m. or after 3:00 p.m., with no street closure of any street in the Downtown Zone before 3:00 pm., including for set-up.
    - ii. Exceptions to Saturday/Sunday Start Times.
      - A. Events that obey traffic signals and have the capacity to control participants to safely allow motor vehicle traffic to cross on arterials/collectors, and
      - B. City-sponsored events, defined as an event where the City of Madison or a department or agency thereof is the applicant, or an event for which the City has a contractual relationship that directly supports the event in question.
3. No permit shall be issued for a closure of any part of the 200 thru 600 blocks of State Street (West Dayton Street to North Lake Street) at any time on the days of Monday through Friday. However, an event that stays on sidewalks and whose participants obey all traffic signals is not considered a "closure" and not subject to this subsection.
4. Any permit to close any part of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
  - a. The closure complies with all provisions of this subsection for the Downtown Zone including those for collectors and arterials in sub. 2. above.
  - b. The event organizer agrees to a traffic management plan that meets the requirements of Sec. 10.056(6)(o)3.b., MGO.
5. Beginning in 2019, for new events that have never been issued a Street Use Permit, no permit shall be issued for a closure for an event that includes a race or run with a traveling route that ends at the Capitol Square or crosses any arterial street within the Downtown Zone during the second half of the route, regardless of the start time.”

4. Subdivision (j) entitled “Exceptions to the Standards for the Downtown Zone” of Subsection (5) entitled “Application Process and Permit Requirements” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is created to read as follows:

“(j) Exceptions to the Standards for the Downtown Zone.

1. Legacy Events.

- a. Process. The standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that meets the following criteria:
  - i. Event is considered a Legacy Event, which is any event that has held a permit in the Downtown Zone on the same date and substantially the same location for at least ten (10) continual years counting backwards from 2018, excluding location changes caused by construction.
  - ii. Event organizer has worked with the Street Use Staff Commission to reach agreeable conditions for its Street Use Permit for 2019 (or future year under sub. b.iii.) that complies with the standards of issuance in sub. (6) and takes into account the stated purpose of the additional standards for the Downtown Zone in sub. (5)(i), and has been issued a permit that includes such conditions.
- b. Legacy Exempt Status. An event meeting the criteria of Sec.10.056(5)(j)1. will be granted Legacy Exempt Status which means:

- i. The standards for the Downtown Zone shall not apply to the event, so long as the event has not done anything to lose its Legacy Exempt Status, as set forth in sub.1.e.
    - ii. The event will be given priority over any other application for its traditionally-requested date for future years, subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy Exempt Status as set forth in sub.1.e.
    - iii. If this ordinance is amended to change or create additional rules for the Downtown Zone beyond those adopted by ORD-19-XXXXX, an event with Legacy Exempt Status may apply for an exception to such new rule(s) using the process in sub. a.ii..
  - c. Date Priority for Legacy Events That Do Not Violate the Downtown Zone. A Legacy Event that complies with the standards for the Downtown Zone will also be given priority over any other application for its traditionally-requested date for future years, ("Legacy date priority") subject to the limits described in sub. 1.f., or other circumstances beyond the control of the City of Madison, and provided it does not lose Legacy status as set forth in sub. 1.e.
  - d. Event Date Defined. As used herein, "date" refers, in most cases, to the annual day of the week and/or weekend during which the event has traditionally taken place (e.g. third Saturday in July or third weekend of July.) For an event traditionally held on the same calendar date each year (e.g. January 1) "date" refers to the exact date. Moving an event to a different week or weekend or changing the day of the week (Sunday instead of Saturday) may be considered a significant change in date for purposes of losing Legacy status under sub. 1.e., except for the University of Wisconsin-Madison Homecoming parade which is traditionally held on a Friday night in the fall that fluctuates as a result of the university's calendar and the Big Ten Conference football schedule.
  - e. Loss of Legacy Status. An event will lose Legacy date priority or Legacy Exempt Status under this section and no longer be considered a Legacy Event if any one of the following occur:
    - i. There is a significant change to any one of the following: date, start time, duration, location, approved route, or other substantial change in the logistics or set-up of the event from that approved for 2019 (or future year if applicable under sub. 1.b.iii.), except that a request to change route or location caused by sub. f. or construction will not cause loss of Legacy status.
    - ii. The type or nature of the event substantially changes.
    - iii. There is either a documented violation of a condition of the approved permit or the Standards of Issuance, or a citation or other enforcement action is commenced for another violation of Sec. 10.056, MGO.
  - f. Limits of Legacy Status, Retention of Rights. Date priority for a Legacy event under sub. 1.c. and Legacy Exempt Status under sub.1.b. will be honored by the City of Madison to the extent it does not conflict with City-owned or City-approved construction projects, public utilities, governmental transportation projects, public transit initiatives including but not limited to Bus Rapid Transit (BRT) routes, or other City rights and obligations with respect to the rights-of-way. Legacy Exempt Status, or the issuance of any Street Use Permit under this ordinance, does not guarantee any permit holder any rights beyond those granted by the permit in question and shall not interfere with the City's rights and obligation to control the use of the highways and rights-of-way under its control.

A change in route or location of any Legacy event, if the change is required by this paragraph f., shall not cause the event to lose its Legacy status so long as all other criteria for such status remains in effect.
- 2. Premier Event.
  - a. Purpose and Findings. The City finds that under certain circumstances, an extraordinary event of a caliber that brings significant tourism value to the City will qualify for exceptions to the standards for the Downtown Zone, if the event requires a street closure in the Downtown Zone. Such a premier event will bring significant, positive national or international recognition to the City and an economic benefit to the area that outweighs the negative impacts on the Downtown Zone under certain

circumstances. Therefore, the standards for the Downtown Zone in Sec. 10.056(5)(i) shall not apply to an event that has been granted premier status using the following procedure.

- b. Staff Internal Review and Criteria. An event sponsor may initiate the process for seeking premier event status by contacting the Mayor's office, who shall refer the event to the Parks Division Events Coordinator for a staff review to determine, first, if the requested street use requires an exception from the standards for the Downtown Zone, and second, if the overall event will meet certain base minimum criteria to qualify as a premier event. Such criteria shall be developed by the Parks Division and pertinent staff with input from the tourism promotion organization that holds a contract with the City for destination marketing, and made available to the public. Such criteria shall include: minimum hotel room nights; minimum direct spending dollars and/or minimum economic impact dollars as measured by a recognized event impact calculator that measures the economic value of an event; minimum estimated total attendance; and other criteria as appropriate, to determine if the event meets the purposes stated above. The staff review shall also include notification to the alder of the affected district(s) and an estimate of City costs for the street use portion of the event. If staff finds the minimum base criteria can be met, staff shall inform the event sponsor and report the same to the Street Use Staff Commission at the time the event applies for a Street Use Permit.
- c. Application to Commission: Event sponsor may apply for a Street Use Permit under the regular procedures and standards of this ordinance, except that in addition to the standards of issuance in sub. (6), event sponsor must conclusively demonstrate to the Commission that the minimum base criteria in sub. b. above can be met. The Commission shall review the application as required by this ordinance, except that the Commission may approve a permit that includes exceptions to the standards for the Downtown Zone in sub. (5)(i)."
3. City-Sponsored Events. The standards for the Downtown Zone in Sec.10.056(5)(i) shall not apply to a City-Sponsored Event."

5. Subdivision (a) 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:

"(a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location. If the requested location is in the Downtown Zone, the standards set forth in sub. (5)(i) shall also apply; or"

6. Subdivision (b) 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:

"(b) The concentration of persons at the event, the proposed event location, or other physical characteristics of the event would unduly interfere with the City's ability to provide proper fire and police protection of, or other emergency service to or through, the event, ~~or~~ to areas adjacent to the event's location, or to other parts of the City; or"

7. Subdivision (d) 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:

"(d) The Event for Which the Application is Submitted Conflicts with Other Events or Activities, as Follows:  
1. Same Place/Time. Another event at substantially the same time and location has already been issued a ~~s~~Street ~~u~~Use ~~p~~Permit ~~has already been granted for substantially the same time and location~~ or parade permit; or"  
2. Same Day/Weekend. Another event on the same date or same weekend has already been issued a street use, parade, or Parks special event permit and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department associated with any of the proposed events, the combination of events would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services; or



3. Other Events/Activities. One or more events or activities are known to be occurring on the same date or same weekend, whether or not such activities require a City permit, and, due to the size, location, route, duration, or safety concerns that can be objectively articulated by the Police or Fire Department, for any of the events or activities, the combination of activities would significantly impair traffic flow, Metro Transit service, or the provision of police, fire, or other emergency services.”

8. Subdivision (i) 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:

“(i) The time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort and convenience of ~~the residents~~ or non-residential occupants or uses in the vicinity of the event; or”

9. Subdivision (o) 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:

“(o) The proposed street use does not comply with the following minimum safety restrictions:

1. At least one (1) emergency vehicle access lane a minimum of twenty (20') wide, free of obstacles, shall be maintained at all times.
2. At least one (1) walkway for pedestrian access at least eight (8) feet wide shall be maintained at all times.
3. Any permit to close any portion of State Street shall not include the closing of the cross streets of Gorham Street, Johnson Street and Dayton-Fairchild Streets unless:
  - a. The closure can be approved under the standards for the Downtown Zone under sub. (5)(i), and
  - b. aA traffic ~~detour~~ management plan; that includes all requirements established for this event by City staff for traffic control, traffic detours, barricades, signage, and parking, is approved by the Staff Commission, ~~can be used~~ event organizer agrees to cooperate with all aspects of the plan, and the plan is included as a condition of approval of the permit.
4. A complete closure of all lanes of vehicle traffic on any portion of John Nolen Drive shall not be approved, with the exception of a closure for a City-sponsored event.”

10. Subdivision (r) entitled “Student Move-In Dates” 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:

“(r) Student Move-In Dates. The proposed street use includes a run, walk, parade or similar traveling route that closes any lane of traffic in the Downtown Zone on any date from August 13 through the Sunday of the third full weekend of August, or any of the move-in dates for residence halls and apartments operated by the University of Wisconsin-Madison's University Housing department, as those dates are established by the University. Notwithstanding the foregoing, the Commission may exercise flexibility and approve a traveling route with a traffic lane closure in the Downtown Zone on one of the dates listed above if, for a certain year, due to the sequence of move-in dates and proximity in time or location to other events around that time, the Commission finds that the other standards of issuance can be met while approving the event on that date. Such approval shall apply only for the year in question and shall not entitle the event sponsor to future approval on the same or similar date in the future.”

11. Subsection (11) entitled “Termination of a Street Use Permit” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(11) Termination of a Street Use Permit.

- (a) In Advance of an Event. A Street Use Permit for an event that has not yet commenced may be terminated by the Chief of Police or the Fire Chief or their respective designees, upon consultation with the Superintendent of Parks, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.

(b) During an Event. A Street Use Permit for an event in progress may be terminated by the Chief of Police or the Fire Chief, or their designees, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety. Additionally, the Chief of Police or designee may terminate a Street Use Permit for an event in progress if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent or destructive behavior causing injury to persons or damage to property, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. ~~A Street Use Permit for an event in progress may be terminated by the Fire Chief or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.~~ A Street Use Permit for an event in progress may be terminated by the Superintendent of Parks, or designee, if there is a violation of any condition of the permit such that the standards of issuance are no longer met, or if the applicant, sponsor, or other person affiliated with the event has violated Sec. 9.13 (Street Vending), the regulations adopted thereto, or any resolution adopted pursuant to Sec. 9.13(6)(k) (Vending and Exclusive Vending Rights During Special Events) within the perimeter of the event.”

12. Subdivision (a) of Subsection (12) entitled “Penalty” of Section 10.056 entitled “Street Use Permit” of the Madison General Ordinances is amended to read as follows:

“(a) Hold, sponsor, initiate, commence, or be in charge of any activity for which a ~~Street Use Permit~~ is required without having been issued a valid Street Use Permit for said activity or after a Street Use Permit has been terminated pursuant to Subsection (11).”