

ORDINANCE #11-22

TOWN OF DUNN

AN ORDINANCE CREATING CHAPTER 11-22 OF THE GENERAL CODE OF ORDINANCES TO REGULATE HIGHWAY ACCESS FOR SPECIAL EVENTS IN THE TOWN OF DUNN

The Town Board of the Town of Dunn, Dane County, Wisconsin does ordain that Chapter 11-22 of the General Code of Ordinances entitled "Town of Dunn Special Events Ordinance" be and the same is hereby created to read as follows:

Section I: Title

This ordinance shall be cited as the "Town of Dunn Special Events Ordinance" and hereinafter referred to as "this ordinance".

Section II: Authority

This ordinance is adopted to protect the public health, safety and welfare of residents of the Town of Dunn. This ordinance is authorized by the powers granted to the Town of Dunn by the Town's adoption of Village powers under sec. 60.10(2)(c), Wis. Stats., and is in accord with sec. 61.34(1), Wis. Stats., and Wis. Admin. Code SPS 307

Section III: Purpose and Intent

The Town of Dunn recognizes that Town streets and highways are primarily for the use of vehicular travel. It further recognizes a need to use these public streets and highways for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such streets and highways. This Chapter is intended to regulate and control non-vehicular use of the streets and highways and for protecting the general welfare and safety of the persons using the streets and highways within the Town.

Section IV: Definitions

When used in this ordinance, the terms below shall be defined and limited as follows:

- (A) Processions, parades, runs, walks, marathons, bicycle races, etc., mean their usual and customary usage.
- (B) "Highways" or "streets" have the meaning set forth in Sec. 340.01, Wis. Stats., and also include areas owned by the Town of Dunn which are used primarily for pedestrian or vehicular traffic.

Section V: Permit Requirements

- (A) Permit Required. No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any street or highway under the jurisdiction of the Town unless a permit has been obtained in advance as provided in this Chapter.
- (B) Exemptions from Permit Requirement. A permit is not required for assembling or movement of a funeral procession or military convoy. Any parade, etc., sponsored by any agency of the federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit, however shall be exempt from the parade permit fee and insurance requirements contained herein.
- (C) When Application Must Be Made. A written application for a permit for any above-described function on the streets and highways under the jurisdiction of the Town shall be made by one (1) of the organizers or officers to the Town Clerk on a form provided by said Clerk no less than forty-five (45) days prior to the usage.
- (D) Information Required in Application. The application shall set forth the following information regarding the proposed usage:
 - (1) The name, address, telephone number, and email address of the individual or organization requesting use of Town roads or parks.
 - (2) A description of the event.
 - (3) The date when the usage is to be conducted and its duration.
 - (4) The number of participants expected for the event.
 - (5) A Certificate of Insurance in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for one (1) person and Five Hundred Thousand Dollars (\$500,000.00) for any one (1) accident and that shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the Town of Dunn as an additional insured in connection with said usage.
 - (6) Confirmation from the Town Highway Foreman that the event will not involve lands or roads that are under construction.
 - (7) Written approval of the safety plan from the Dane County Sheriff's Department.
 - (8) If applicable, written approval from the Dane County Highway Department for permission to use County Highway MN, County Highway AB, County Highway B, and/or Highway 51.
 - (9) A safety plan that includes:

- a. Constant patrolling of the event to monitor problems
 - b. Provisions for bathrooms and water during the event
 - c. Written rules provided to all participants and the Town that require participants to keep roads open, allow automobile traffic to pass, respect private property, use only the provided bathroom facilities, and refrain from littering.
- (10) For road, bike, or foot events, a written traffic safety plan that:
- a. Includes a map of the event route or activity area.
 - b. Includes guards with safety vests, flags, and cell phone or radio stationed at each intersection and crossing.
 - c. An assurance that roads will not be closed at any time.
 - d. Includes traffic cones and warning signs placed at each intersection
 - e. Includes signs around the course at neighboring cross roads to inform traffic that an event is in progress and that extra caution is needed.

Section VI: Basis for Discretionary Denial of Permit

The application may be denied:

- (A) If it is for a usage that is to be held on a weekday during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume.
- (B) If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
- (C) If sufficient supervision would not be provided as to reasonably assure the orderly conduct of the usage.
- (D) If the proposed route for conducting usage involves a street or highway under construction or detour route.
- (E) The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality.
- (F) The usage will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.

- (G) The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (H) If participants are likely to engage in aggressive or destructive activity based on similar past events.

Section VII: Mandatory Denial of Permit

The application shall be denied:

- (A) If it is made less than forty-five (45) days in advance of the time the usage is scheduled to commence; or
- (B) If it is for a usage that is primarily for private or commercial economic gain; or
- (C) If it is for a usage which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the Town; or
- (D) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
- (E) If the application does not contain the information required by Section V(D) of this Ordinance; or
- (F) If more than one (1) assembly area or more than one (1) dispersal area is proposed; or
- (G) Failure to receive permit under Sec. 84.07(4), Wis. Stats.

Section VIII: Grant or Denial of Permit

- (A) **Time When Required.** The Town Clerk Treasurer shall act as promptly as he or she reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed forty-five (45) days or more in advance shall be granted or denied not less than fifteen (15) days before the date of the usage stated in the application. The Town Clerk Treasurer shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.
- (B) **Modification of Requested Permit.** In lieu of denying a permit, the Town Clerk or Dane County Sheriff's Department may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Town Clerk or Dane County Sheriff's Department in writing of such acceptance.

Section IX: Fee

- (A) There shall be paid at the time of filing the application a permit a fee according to the following: \$25 dollars for road events with less than 100 participants and a duration of 4 hours or less with no staging areas, \$100 for events exceeding 100 participants or exceeding 4 hours in duration, an additional \$100 per staging area in the town. The fee or a portion of the fee may be waived at the discretion of the Town Board.
- (B) Where the Town Clerk determines that the cost of municipal services incidental to the usage will be increased, the Town Clerk may require an increased permit fee in an amount equal to the increased costs to the Town.

Section X: Emergency Revocation

The Town Clerk or Dane County Sheriff's Department may revoke a permit already issued if the official deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Town of Dunn and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

Section XI: Compliance with Regulations

- (A) Permittee. A permittee under this Ordinance shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the State and Town.
- (B) Participants. No person who leads or participates in any usage shall disobey or encourage others to disobey this Ordinance.

Section XX: Effective Date

This ordinance is effective on publication.

The Town Clerk shall properly publish this ordinance as required under Sec. 60.80 (2) of Wis. Statutes as a Class I Notice in a newspaper.

Adopted this 21st day of July, 2014.

By the Town Board of the Town of Dunn, Dane County, Wisconsin:

Town Board Chair

Attest: Town Clerk