



AN ORDINANCE: By Public Services and Safety  
Committee  
Re: Amending Ch. 14, Art. V relating to Street Use  
Permits

ORDINANCE NO. 2016-08  
Introduced: July 20, 2016  
Committee/Commission Action:  
**RECOMMENDED FOR PASSAGE**

## AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

**Section 1.** Section 14-126 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

### **Sec. 14-126. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means any person, firm, partnership, association, corporation, company or organization of any kind organizing a parade or Event within the City.

*Block Party* means any neighborhood celebration, graduation party, fire parade, or other like Event which is closed to the general public in or upon any street or other public places in the City excluding lands under the Park and Recreation Department jurisdiction.

*Chief of Police* means the Chief of Police of the City.

*City* means the City of Neenah.

*Council* means the Neenah Common Council.

*Committee* means the Neenah Common Council's committee of jurisdiction for review of permit applications under this article.

*Event* means any parade, march, ceremony, show, exhibition, pageant, special event or procession, or similar display in or upon any street or other public places in the City excluding lands under the jurisdiction of the Park & Recreation Commission.

*Issuing Authority* means the person or entity authorized to approve a Permit by §14-129(b).

*Permit* means the Street Use Permit required by the City.

*Public Works Director* means the Public Works Director of the City.

*Street* means any public way, street, highway, sidewalk, terrace, or alley. For purposes of this article, a bicycle path or bicycle way shall also be considered a street.

*Traffic Engineer* means the Traffic Engineer of the Department of Public Works of the City.

**Section 2.** Section 14-127 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows

**Sec. 14-127. - Permit required.**

No person shall participate in or form any Event unless a Street Use Permit has been approved by the appropriate Issuing Authority and issued by the Traffic Engineer.

**Section 3.** Section 14-128 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows

**Sec. 14-128. - Exemptions.**

This article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities; and
- (3) A governmental agency acting within the scope of its functions

**Section 4.** Section 14-129 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows

**Sec. 14-129. - Application.**

- (a) *Application process.* The applicant may obtain a Street Use Permit application from the Department of Public Works. The applicant or their representative shall file the permit application with and contact the Traffic Engineer regarding the Event. The Traffic Engineer may require the applicant to meet with appropriate City staff to review the Event and prepare the permit application for review.

- (b) *Classes of permits.* The City, under this section, may issue the following classes of permits.
- (1) "Class A" (Block Party) Street Use Permit. A "Class A" Street Use Permit shall apply only to Block Parties. Upon completion of the permit application, it shall be submitted to the Public Works Director or designee. The Public Works Director or designee shall have the authority to issue a "Class A" permit. The applicant for a Class A permit shall be a resident of the block where the Block Party will occur.
  - (2) "Class B" (Low-Impact Event) Street Use Permit. A "Class B" Street Use Permit shall apply to Events that do not close any portion(s) of Street(s). Upon completion of the permit application, it shall be submitted to the Public Works Director or designee. The Public Works Director or designee shall have the authority to approve a "Class B" permit.
  - (3) "Class C" (High-Impact Event) Street Use Permit. A "Class C" Street Use Permit shall apply to any Event which does not meet the conditions under the "Class A" or "Class B" permit. Upon completion of the permit application, it shall be submitted to the Committee. It shall then be submitted to the Council with the Committee's recommendation. The Council shall have final authority to approve a "Class C" permit.
- (c) *Filing period.* Applications for Permits shall be filed with the Department of Public Works according to the following schedule:
- (1) Class A permit not less than 5 days before the date on which it is proposed to conduct the Event
  - (2) Class B permit not less than 10 days before the date on which it is proposed to conduct the Event
  - (3) Class C permit not less than 45 days before the date on which it is proposed to conduct the Event.
- (d) *Contents.* The application for a permit shall set forth the following information:
- (1) Name, address, e-mail and telephone number of the contact person for the Event;
  - (2) If an Event is proposed to be conducted for, or on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of authorized responsible heads of such organization;
  - (3) Date when the Event is to be conducted;
  - (4) Streets or public ways to be used for the Event;
  - (5) Location of any assembly or disband areas for the Event;
  - (6) The approximate number of participants or units in the Event;
  - (7) Beginning and ending times for the Event, including set-up/tear-down times or assembly/disband times;
  - (8) If the Event is to be held by, on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the Traffic Engineer a communication in writing from the person proposing to hold the Event, authorizing the applicant to apply for the permit as an agent;
  - (9) Services or equipment requested of the City Parks and Recreation Department, Public Works Department, or Police Department;

- (10) Vending activities associated with the Event. Event sponsors are permitted to control vending within the public right-of-way footprint of the Event; and
  - (11) An attached map showing the Event location and/or route.
  - (12) The applicant's tax exempt number or exempt letter, if the applicant is exempt from taxation under Internal Revenue Code § 501(c);
  - (13) Any additional information that the City finds reasonable and necessary for a fair determination of whether a permit should be issued.
- (e) *Late application.* The City, where good cause is shown, may consider an application that is filed less than the filing period, provided that there is sufficient time to obtain the Issuing Authority's approval. The authority granted by Code §4-66 to the Mayor to issue permits after a late filing shall apply to permits issued under this article.
- (f) *Fee.* A permit application fee in the amount regularly set by the Neenah Common Council shall be required for any "Class C" permit application.
- (g) *Costs.* Except as otherwise provided in subparagraph (4) below, in addition to the fee required by subsection (e) of this section, the applicant shall also be responsible for 100 percent of the City's reasonable service and/or equipment costs associated with the Event. Costs shall be calculated as follows:
- (1) *Public Works.*
    - a. *Hourly rate.* Include wages and fringes. The correct fringe benefit rate percentage shall be determined by the Finance Department.
    - b. *Time.* Charge at the appropriate hourly rate for the time the work occurred (regular time, overtime, or double time). The time should include preparation time (loading equipment, posting parking restrictions, etc.), time spent on the day(s) of the Event, and time spent in dismantling from an Event.
    - c. *Vehicle rate.* Include charges for equipment time using rates included in the City of Neenah Fee Schedule.
    - d. *Administrative charge.* An administrative charge of 15 percent will be added to the total cost of personnel and equipment.
  - (2) *Police.*
    - a. Include charges for any staff beyond regularly scheduled staff needed to assist with the Event or overall City coverage during an Event.
    - b. Administrative charge. An administrative charge of 15 percent will be added to the total cost of personnel and equipment.
  - (3) *Parks and Recreation.* Charge for Events based on rates approved by the Parks and Recreation Commission.
  - (4) *Nonprofit cost schedule.* Nonprofit Event sponsors exempt from taxation under Internal Revenue Code § 501(c) shall reimburse a portion of the City's costs as calculated above according to the following schedule:

- a. If total Police and Public Works costs under subsections (1) and (2) are \$999.99 or less, the Event shall be charged for only Park and Recreation costs under subsection (3);
- b. If total Police and Public Works costs under subsections (1) and (2) are between \$1,000.00 and \$1,499.99, the Event shall be charged \$500.00 and any Park and Recreation costs under subsection (3);
- c. If total Police and Public Works costs under subsections (1) and (2) are between \$1,500.00 and \$3,000.00, the Event shall be charged \$750.00 and any Park and Recreation costs under subsection (3);
- d. If total Police and Public Works costs under subsections (1) and (2) are over \$3,000.00, the Event shall be charged \$750.00 plus those costs above \$3,000.00 and any Park and Recreation costs under subsection (3);
- e. School-sponsored Events shall not be charged for any costs under this paragraph.

(5) *Communityfest*. Communityfest, as a City-sponsored Event, is not subject to the provisions of this subsection.

(6) *Block Parties*: "Class A" Block parties are not subject to the provisions of this subsection.

(h) *Standards for issuance*. In determining whether to issue a permit, the Issuing Authority shall consider the following factors based on the representations in the application and any other information relevant to the conduct of the Event:

(1) *Traffic congestion*. The conduct of the Event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location.

(2) *Police resources*. The conduct of the Event will not require the diversion of so great a number of police officers of the City to properly protect the line of movement in the areas contiguous thereto as to prevent normal police protection to the City.

(3) *Emergency medical services*. The conduct of the Event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed Event and contiguous areas.

(4) *Police and fire protection generally*. The concentration of persons, animals and vehicles at assembly points of the Event will not unduly interfere with the proper fire and police protection of areas contiguous to the Event.

(5) *Firefighting*. The conduct of the Event will not interfere with the movement of firefighting equipment en route to a fire.

(6) *Time and location*. The time and location of the Event and the manner of its conduct is not of the type likely to disturb the reasonable and orderly repose of the citizens of the City or to unreasonably create a disturbance. Issuance of a street use

permit shall not be deemed a waiver of the City's Noise Ordinance, Code ch. 11, Art. IV, Div. 3.

(7) *Delay en route.* The Event is scheduled to move from its point of origin to its point of termination as expeditiously and without unreasonable delays en route.

(8) *Disaster planning.* The Event has the means to address natural disasters, lost children, active shooter situations, and other emergency situations.

(9) *Accessibility.* The conduct of the Event will not inhibit access for persons with disabilities.

(10) *Complaints.* Any complaints filed with the Public Works Department associated with the Event within the past two years, if applicable.

(11) *Conditions.* The Issuing Authority may approve an Event permit, subject to conditions that will satisfy any of the above-listed concerns.

(12) Sponsors of Events which will close any street to through traffic shall be required to notify residents abutting the Event a minimum of five working days before the Event. Notifications shall include the following information as follows:

- a. Name and telephone number of the contact person that can be reached if issues arise during the Event;
- b. Date when the Event is to be conducted;
- c. Streets or public ways to be used for the Event;
- d. Location of any assembly or disband areas for the Event;
- e. Beginning and ending times for the Event, including set-up/tear-down times or assembly/disband times;
- f. Instructions on to how the property owner or tenant can navigate the area;
- g. A map showing the Event location and access routes;
- h. Any additional information that the City finds reasonable and necessary for a fair determination of whether a permit should be issued.

(i) *Rejection of application.*

(1) In the event that the permit application is rejected, the applicant will be contacted in writing within five working days with a statement of the reasons for said rejection.

(2) The applicant may modify the application to satisfy the requirements of the Issuing Authority and resubmit it without paying an additional fee.

(3) The applicant may appeal to the Common Council for Class B permits and to the Public Services & Safety Committee for Class A permits any rejection pursuant to Chapter 68 of the Wisconsin Statutes.

(k) *Issuance.*

(1) *Copies to officials.* Upon the issuance of a permit, the Traffic Engineer shall provide a copy to the Chief of Police or designee, any other affected City department and the general manager or responsible head of any transportation utility which may be affected by the location of the proposed Event.

(2) *Duties of permittee.* Permittees under this chapter shall comply with all permit directions and conditions and all applicable laws and ordinances.

(3) *Possession.* The parade chair or other person heading or leading such activities shall carry the parade permit upon his person during the conduct of the parade.

(l) *Traffic Engineer authority.* The Traffic Engineer is authorized to close streets under this section based on a consideration of all related conditions to maintain public safety in administering street use permits granted under this section.

**Section 5.** Section 14-130 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows

**Sec. 14-130. - Insurance.**

For Class B & C Events, prior to the Event, the applicant shall furnish evidence of a general liability insurance policy in the amount of not less than \$1,000,000.00 in a form acceptable to the City. The policy shall be in force and effect at the time of the Event. The evidence of insurance shall include a certificate of insurance naming the City of Neenah, its officers, councilmembers, agents, employees, and authorized volunteers as an additional insured in connection with the usage.

**Section 6. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 7. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Stevenson/Pollnow  
Adopted: July 20, 2016  
Approved: July 20, 2016  
Published: July 25, 2016

Approved:



Dean R. Kaufert, Mayor

THIS INSTRUMENT WAS DRAFTED BY:

City Attorney James G. Godlewski  
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Attest:



Patricia A. Sturn, City Clerk