

**Town of Medina
Dane County, WI**

Event, Race and Parade Ordinance

1.01 PURPOSE

The governing body of the Town of Medina recognizes that the highways of the Town are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for races, parades and processions that do not close or interfere with the public's right to travel on such highways. This ordinance is intended to regulate and control marathons, bicycle and other races, parades, processions or any other occasion or event that increases public travel on highways for a limited timeframe for the purpose of protecting the general welfare and safety of the persons using the highways of the Town of Medina, Dane County, Wisconsin.

1.02 DEFINITIONS

As used in this Section:

- (a) "Parade" means any parade, march or procession of any kind and the assembly areas therefor.
- (b) "Highway" has the meaning set forth in §340.01(22), Wis. Stats., and also includes areas owned by the Town of Medina that are used principally for pedestrian or vehicular traffic.
- (c) "Race" means any competition among runners, bicyclists, or motorists using Medina public highways.

1.03 PERMIT REQUIRED

No person shall form, direct, marshal, lead or participate in any race, parade or event on any highway under the jurisdiction of the Town of Medina unless a permit has been obtained in advance as provided in this section: provided that, upon notification to the Town Chair, a parade on sidewalks and footways, in which persons move not more than two (2) abreast and which does not hinder normal use of the sidewalk or footway and conforms with Traffic Control Devices and other traffic regulations, may be conducted without a permit.

- (a) No road closures permitted.
- (b) No banners or structures over or across the roadway.
- (c) No staging, structures or activities in the road right of way.

(d) Anyone training on the course prior to event must obey all permit conditions.

1.04 EXEMPTIONS FROM PERMIT REQUIREMENT

A permit is not required for assembling or movement of a funeral procession or for any parade sponsored by an agency of the Federal or State government, acting in its governmental capacity within the scope of its authority. Federal and State authorities are requested to coordinate preparations for and holding parades sponsored by them under this Section with the Town Chair.

1.05 WHEN APPLICATION MUST BE MADE

A written application for a permit for any race or parade on the highways under the jurisdiction of the Town of Medina shall be made in triplicate by one of the organizers to the Town Clerk on a form provided by said officer no less than 10 days prior to the Town Board meeting proceeding the race or parade. A single application can be made for events that are of similar nature over similar routes on multiple dates in one calendar year. Applicants who file after this deadline may be required to cover the cost of a special meeting of the Town Board to review the application. Appearance before the Town Board may be required. Applicants are encouraged to apply a month ahead of this requirement in the event the Town Board determines additional information is needed from the applicant to approve the permit.

1.06 INFORMATION REQUIRED IN APPLICATION

The application shall set forth the following information regarding the proposed race or parade:

- (a) The name, address and telephone number of the applicant.
- (b) If the race or parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- (c) The name, address and telephone number of the person who will be responsible for conducting the race or parade.
- (d) The date when the race or parade is to be conducted and its duration.
- (e) Those items identified in Section 1.14 of this ordinance.
- (f) The number and size of participants or units comprising the race or parade.
- (g) If the race or parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Town Clerk a communication in writing from the person proposing to hold the race or parade authorizing the applicant to apply for the permit on his behalf.

(h) Any additional information that the Town Clerk and/or Board finds reasonably necessary to a fair determination as to whether a permit should be issued.

1.07 RECOMMENDATIONS OF GOVERNMENTAL AGENCIES

The Town Clerk shall submit a copy of the application to the Town Board for report and action.

1.08 BASIS FOR DISCRETIONARY DENIAL OF PERMIT

The application may be denied:

- (a) If it is for a race or parade that is to be held on a work day during hours when and at places where, in addition to the proposed race or parade, the flow of vehicular traffic is usually delayed by its own volume; or
- (b) If it is for a race or parade that is to be held between the hours of 10:00 p.m. and 7:00 a.m.
- (c) If sufficient race or parade marshals are not provided as to reasonably assure the orderly conduct of the race or parade.
- (d) The applicant has a past history of noncompliance with the conditions of the permit or conducting the events in a manner that substantially interrupted the safe and orderly movement of traffic contiguous to its route.

1.09 MANDATORY DENIAL OF PERMIT

The application shall be denied:

- (a) If it is made in less than the established time frame established in Section 1.05 of this ordinance; or
- (b) If it is for a race or parade that would involve violation of Federal, State, or local laws relating to use of highways or of other applicable regulations of the Town of Medina; or
- (c) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
- (d) If the application does not contain the information required by Section 1.06; or
- (e) If more than one assembly area or more than one dispersal area is proposed; or
- (f) Failure to receive a permit under §84.07(4), Wis. Stats., if required.

1.10 PERMIT ISSUED UNLESS THREAT TO PUBLIC SAFETY

The Town Board shall issue a permit to the applicant subject to the foregoing paragraphs of this Section, unless the Board concludes that:

- (a) The policing of the race or parade 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; or
- (b) The race or parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
- (c) The conduct of the race or parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
- (d) The race or parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

1.11 GRANT OR DENIAL OF PERMIT

(a) Time when required. The Town Clerk 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 fifteen (10) days or more in advance of the Town Board meeting shall be reviewed and acted upon at said Town Board meeting. The Town Clerk 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 Chair may authorize the changing of assembly areas or dispersal areas or the conducting of the race or parade at a date or time or over a route different than as applied for as permitted. The applicant or permittee may accept such modification by immediately notifying the Town Chair in writing of such acceptance.

1.12 PERMIT DEPOSIT AND CHARGES FOR INCREASED COSTS

The Town of Medina requires a Seven Hundred dollar (\$700.00) deposit with the application. Of this Two Hundred Fifty Dollars (\$250.00) is to be administrative costs, the remaining Four Hundred Fifty Dollars (\$450.00) will be refunded if no additional costs are deemed incurred. The Town of Medina retains the right to donate any or all of the administrative costs back to event organizers. Where the Town Chair determines that the cost of municipal services incident to the staging of the race or parade will be increased because of the race or parade, the Town Board may require the permittee to make payment into the general fund of the municipality in an amount equal to the increased cost for the municipal services.

1.13 REVOCATION

The Town Chair may revoke a permit already issued, if he or she 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, the Town Chair 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 Medina 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 race or parade sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

1.14 PERMIT CONTENTS

- (a) A map indicating the route including the starting point, ending point and participant parking location.
- (b) A traffic control plan for the route.
- (c) A plan to address any emergency services that may be required.
- (d) A Hold Harmless agreement relieving the Town of Medina from damages or injuries resulting from the event.
- (e) A Certificate of Liability Insurance
- (f) A sample letter notifying property owners along the route of the event(s)
- (g) A copy of the publication that will be published one week prior to the race, parade or event in the Waterloo Courier. The publication must include the dates, times and routes.

1.15 COPIES OF PERMIT DISTRIBUTED

Immediately upon the issuance of a permit, the Town Clerk shall send a copy thereof to the following:

- (a) When deemed necessary each public transportation utility whose regular routes will be affected by the race or parade.
- (b) The Marshall Area EMS Director, the Marshall Area Fire Chief, the Village of Marshall Police Chief and the Dane County Sheriffs Department.

1.16 COMPLIANCE WITH REGULATIONS

(a) Permittee. A permittee under this Section shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the State and the Town of Medina.

- (b) Participants. No person who leads or participates in a race or parade shall disobey, or encourage others to disobey, this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable permit.

1.17 PENALTY FOR HOLDING AN EVENT WITHOUT A PERMIT.

Any event held in the Town of Medina or any part of the Town of Medina without a permit will be subject to a fine of One Thousand Five Hundred Dollars (\$1,500.00) and will be denied approval of any permit for a period of twenty-four (24) months from the date of payment of the fine.

1.18 EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

- (a) **Town Board Approval.** Amendments to this ordinance were adopted on this 20th day of April, 2015.

APPROVED BY:

Town Chair: Steve Schulz

Town Supervisor: Timm Kersten

Town Supervisor: Will Behnke

Town Supervisor: Sue Zingshiem

Town Supervisor: Open
ATTESTED BY:

Town Clerk: Jean Johnson

(b) **Public Notice.**

Public Review. A notice was published in the Courier Newspaper on April 2, 2015, to inform residents that an amendment to the Event, Race and Parade Ordinance was on file with the Town Clerk for a two week period, from April 5th to April 19th, 2015, during which it was available for inspection.

Posting. The Notice of Adoption of Ordinances relating to this ordinance was posted on April 23rd, 2015, at the Medina Town Hall.

Publication. A Notice of Adoption of Ordinances relating to this ordinance was published in the Courier Newspaper, the publication of record for the Town of Medina on April 30, 2015