

236-11
Village of Black Earth Street Use Ordinance
Ordinance 05-O-02

§ 236-11. Street Use Permits.

- A. **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets 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 Village can be protected and maintained. This ordinance is adopted pursuant to the authority granted to the Village in the Wisconsin Statutes including but not limited to, Chapters 61, 86, 340, 346, 349 and § 349.185(1).
- B. **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. The application shall set forth the following minimum information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is 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 authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used, including route map if applicable.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
 - (8) The amount of any law enforcement personnel who may be needed for traffic control, or any other anticipated law enforcement needs.
- C. **Review by Administrative Officials.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by the Village Clerk and forwarded to Public Works and the Police for their recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- D. **Representative.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

E. **Mandatory Denial of Street Use Permit.** An application for a Street Use Permit shall be denied if:

- (1) The proposed street use is primarily for private or commercial gain.
- (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- (4) The application for a Street Use Permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of six (6) hours.
- (6) The proposed use could equally be held in a public park or other location.

In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

F. **Permit Fee.** Each application for a Street Use Permit shall be accompanied by a fee of \$20.00.

G. **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents and/or business owners over eighteen (18) years of age residing along that portion of the street designated for the proposed use within ninety (90) days of the event. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Black Earth, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____, the ____ day of _____, 20____, for the purpose of _____ and do hereby consent to the Village of Black Earth granting a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Black Earth shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than six (6) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate _____ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- H. **Insurance.** The applicant for a Street Use Permit may be required by the Village Board to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Black Earth. The applicant may be required to furnish a performance bond prior to being granted the permit.
- I. **Clean Up Requirements.** The holder of any permit issued under this section shall return the street to the condition that existed prior to the use within 12 hours after the permit expires. The Village will make such restoration in the event that the permit holder fails to do so and shall bill the permit holder for the cost incurred by the Village in performing the work. These clean up requirements and acceptance of such Village charges is an express condition of granting the Street Use Permit. Failure to make timely payment within a reasonable time after receiving the bill shall constitute an additional ground for the refusal to the permit holder of any other permit in the future.
- J. **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Police if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the Village of Black Earth.
- K. **Penalty Provision.** The penalty for violation of any provision of § 236.11 of this ordinance shall be as provided in Chapter 1 General Provisions § 1-4 of this Code.

Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Village Board would have passed the other provisions of this ordinance, irrespective of whether or not one or more provisions may be declared invalid. If any provision is declared invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 6th day of April, 2005.

Published: 5-12-05

Approved by: Village President, Jeanne Poast

Motion by: Kurt Karbusicky

Attested by: Village Clerk, Tina Butteris

Second by: Mitch Hodson