

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Parades ~~and~~, Processions ~~and~~ Races

Code Section(s) created, amended, or repealed	<u>9.10</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>Ordinance Committee</u>
Date(s) Public Hearing(s) held (if required)	<u>August 21, 2006</u>
Date adopted	<u>August 21, 2006</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>August 25, 2006</u>
Date of publication (if required)	<u>N/A</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

1. Section 9.10 shall be amended to read as follows:

(1) PURPOSE AND SCOPE

The governing body of the Town of Cottage Grove 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 substantially 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 and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the Town of Cottage Grove, Dane County Wisconsin. This ordinance is intended to regulate and control parades and processions within the town limits, for the purpose of protecting the general safety and welfare of persons using the highways within the township.

(2) DEFINITIONS

(a) "Parade" means any march, or procession of any kind, which includes more than 10 persons; with the exception of a funeral procession, or other procession under the direct control of a uniformed police officer.

(b) "Highway" has the meaning set forth in §340.01(22), Wis. Stats., and also includes areas owned by the Town of Cottage Grove that are used principally for pedestrian or vehicular traffic or travel.

(c) "Race" means any competition among runners, bicyclists, or motorists using Cottage Grove public highways.

(3) PERMIT AND APPLICATION REQUIREMENTS

No person shall form, direct, lead, marshal, or participate in any race or parade on any highway under the jurisdiction of the Town of Cottage, unless a permit has been obtained in advance as provided in this section.

(4) 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 Cottage Grove shall be made by one of the organizers to the Town Clerk on a form provided by the Town Clerk no less than 45 days prior to the race or parade. 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. A single application can be filed for events that are of similar nature on multiple dates on one calendar year.

(5) INFORMATION REQUIRED IN APPLICATION

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

- (a) 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 responsible for conducting the race or parade.
- (d) The date and time when the race or parade is to be conducted and its duration.
- (e) Those items identified at subsection (11) of this ordinance.
- (f) The number 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.
- (h) Any additional information that the Town Clerk and/or Board finds reasonably necessary for a fair determination as to whether a permit should be issued.
- (i) A plan to address any emergency services that may be required.
- (j) A sample letter notifying property owners along the route of the events. The letter must be approved by the Town Board. At least 10 days prior to the race or parade, the applicant shall provide the Town Clerk with sufficient stamped envelopes stuffed with the approved letter for mailing to the property owners along the event route.

(6) 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 during working hours when the flow of vehicular traffic is typically high volume.
- (b) If it is for a race or parade that is to be held between hours of darkness.
- (c) If sufficient race or parade personnel are not provided as to reasonable assure the orderly conduct of the race or parade.
- (d) If it is made in less than the established time frame in subsection (4) above.

(7) MANADATORY DENIAL OF PERMIT

The application shall be denied:

- (a) If it is for a race or parade that would involve violation of federal, state or local laws relating to the use of highways or other application regulation of the Town of Cottage Grove.
- (b) If the granting of the permit would conflict with another permit already granted or for which an application is already pending.
- (c) If the application does not contain the information required by subsection (5) above.
- (d) If the applicant has failed to receive a required state or county permit.
- (8) PERMIT TO BE 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 emergency services vehicles, as to prevent adequate service to the rest of the Town.
- (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 person and property.
- (c) The conduct of the race or parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(9) PERMIT DEPOSIT AND CHARGES FOR INCREASED COSTS

The Town of Cottage Grove requires a Five Hundred dollar (\$500.00) deposit with the application. Of this deposit, One Hundred dollars (\$100.00) is retained to cover administrative costs. The remaining Four Hundred dollars (\$400.00) will be refunded if no additional costs are deemed incurred by the Town due to the race or parade. Where the Town Board determines that the cost of municipal services incident to the staging of the race or parade will be in excess of the deposit amount, the Town Board may require the permittee to make an additional deposit equal to the estimated excess cost. Costs to the Town that are in excess of any deposit will be billed to the applicant or organization. At its sole discretion, the Town may require the permittee to post insurance as set forth in subsection (10) below.

(10) REVOCATION

The Town Chair or Town Chair designee 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 or designee 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 Cottage Grove 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 Town and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(11) 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, including any required County or State permits.

(12) COPIES OF PERMIT DISTRIBUTED

Immediately upon the issuance of a permit, the Town Clerk shall send a copy to the police, fire, EMS and highway departments.

(13) COMPLIANCE WITH REGULATIONS

(a) A permittee under this section shall comply with all permit conditions and with all applicable state, county and local laws.

(b) No person who leads or participates in a race or parade shall disobey, or encourage others to disobey this section or the terms of any applicable permit.

(14) PENALTY FOR VIOLATION

In addition to, and separate from, any liability resulting from any negligent actions, or violation of any applicable state statute; violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

Adopted this 21ST day of August, 2006.

(Signed copy available in the Clerk's Office)

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form this
____ day of _____, 2006.

Constance L. Anderson, Esq.
Cottage Grove Town Attorney
Gregory D. Murray, Esq.
Cottage Grove Assistant Town Attorney

Clerk's Use Only

- Deposit Amount: \$500 paid by Cash / Check #: _____ on date: _____
- Deposit Amount Returned \$ _____ on date: _____
- Map indicating the route, including starting point, ending point and participant parking location
- Traffic control route, including any required County or State Permits
- Plan to address any emergency services that may be required
- Sample letter notifying property owners along the route of the event
Approved by Town Board on: _____
- Stuffed, stamped envelopes required: _____ provided by date: _____
- Date Permit Approved by Town Board: _____
- Date Permit and Application transmitted to Police Department: _____

TOWN OF COTTAGE GROVE
COTTAGE GROVE, WISCONSIN 53527

Parade, Procession or Race Permit

The permit holder listed below has applied for and has received a permit to conduct a parade, procession or race within the limits of the Town of Cottage Grove.

Permit holder: _____

Date of Event: _____ Time: _____ Duration: _____

Description of Event: _____

Route Map Attached

(Corporate Seal)

Given under my hand and the corporate seal of
the **TOWN OF COTTAGE GROVE**
County of Dane, State of Wisconsin,
This ____ day of _____, 20__.

Clerk