

AMENDING CHAPTER 79 OF THE DANE COUNTY CODE OF ORDINANCES, REQUIRING A PERMIT FOR HIGHWAY ACCESS FOR SPECIAL EVENTS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE I. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 79.04(9m) is created to read as follows:

79.04 DEFINITIONS.

(9m) *Special Event* means any temporary, planned, extraordinary occurrence on highway right-of-way including, but not limited to, parades, processions, festivals and bicycle, motorcycle or foot races/rides.

ARTICLE 3. Section 79.145 is created to read as follows:

79.145 HIGHWAY ACCESS FOR SPECIAL EVENTS: PERMIT REQUIRED.

(1) *Authority.* This Section is adopted under the authority of ss. 349.185 and 349.23(1), (2) and (3), Wis. Stats.

(2) *Permits.*

(a) Permits shall be required for all special events which take place in or along county trunk highway right-of-way.

(b) Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin. Only complete applications containing all required information shall be considered.

(c) Completed applications will be accepted beginning March 1 of the calendar year the event takes place. An event date will be reserved on a first-come, first-serve basis. Applications must be submitted at least 30 days prior to the scheduled event.

(d) Completed applications must include the following information: (i) completed permit application; (ii) signed "Requirements For Permit To Use County Trunk Highways" form; (iii) Completed and signed "Indemnification/Hold Harmless" form; (iv) Detailed map of event route; (v) Certificate of Insurance naming Dane County as an additional insured.

(3) *Review.*

The department and the Sheriff's Office shall evaluate the application and the department shall approve, approve with conditions or deny the permit request. The reasons for denial shall be set forth in writing and provided to the applicant. Permits shall be issued unless it is determined that one of the following conditions exist:

(a) the time and size of the event would substantially interrupt the safe and orderly movement of vehicular or pedestrian traffic in or around the vicinity of the event's location;

(b) the concentration of persons at the event would interfere with the administration of emergency services;

(c) another highway use permit has already been applied for or issued for substantially the same time and location;

(d) the event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants;

(e) the time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort or convenience of local residents;

(f) the applicant has provided incomplete or fraudulent information on the application or has failed to satisfy the permit requirements; or

(g) any other condition which, in the discretion of the department, creates an unacceptable health or safety risk.

(4) The department shall notify the Parks department and each affected municipality when a permit application is received.

(5) All applicants for a special event permit shall agree, as a condition of the permit, to indemnify, defend and hold Dane County and its officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the County 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.

(6) A preliminary decision shall be made on the application within fourteen (14) days of receipt by the department. Applicants shall be notified of any changes in permit conditions or routes at least twenty-one (21) days prior to the scheduled event.

(7) Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event.

(8) Any applicant may appeal the denial of a special event permit to the Dane County Highway Committee or its designee. All appeals shall be made in writing to the department within ten (10) days of denial.

(9) *Penalty.* Any person who fails to obtain a special event permit in violation of this ordinance may be subject to the penalties set forth in sec. 79.025 herein.