

Ordinance 0025-25 – Parades, Processions, and Open-Air Meetings Permits

An ordinance to amend Chapter 82, Article II, Division 1, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Chapter 82, Article II, Division 1, Section 82-39 of the Municipal Code of the City of Racine is repealed and recreated as follows:

Purpose. This section is enacted to regulate and control parades, processions, or open-air meetings, and activities incidental thereto, within the city of Racine to the extent that the health, safety, and general welfare of the public and the good order of the city can be protected and maintained. This section applies to parades, processions, or open-air meetings, on a scheduled date or dates, requiring one or more licenses issued pursuant to sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine, lasting no longer than two consecutive days or consisting of reoccurring nonconsecutive days, to which the general public is solicited or otherwise encouraged to attend and requiring authorized use of any city-owned or city-controlled property including streets, parking lots, lands, select public facilities or city parks that may or may not require city services. Except vendors, as defined in this section, a permit issued pursuant to this section shall authorize all activities which would otherwise require a separate license to be issued pursuant to one or more of sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine.

(a) *Definitions.*

Open-air meeting. A planned or organized gathering of persons held outdoors in a space not fully enclosed by permanent walls and a roof, including but not limited to parks, plazas, sports venues, parking lots, or other outdoor areas accessible to the public for the purpose of discussion, expression, entertainment, ceremony, or other collective activity. The use of temporary coverings, such as tents, canopies, or stages, shall not by itself render the meeting enclosed or exempt from permitting requirements applicable to open-air events.

Parade. Parade means a planned or organized march or movement of persons, with or without vehicles, animals, floats, or other conveyances, along a street, sidewalk, or other public way, primarily for the purpose of display, entertainment, celebration, or commemoration, and intended to or likely to attract the attention of spectators.

Parade co-sponsorship. The Memorial Day Parade, the Juneteenth Day Parade, and Fourth Fest Parade shall be co-sponsored by the city. Co-sponsorship by the city does not mean there shall be no costs payable to the city by the parade's organizer who shall be the parade's primary sponsor.

Parade organizer. An approved applicant in charge or control of a parade. A parade organizer must be a non-profit or a not-for-profit entity.

Permit term. A period up to two consecutive days or an approved number of reoccurring nonconsecutive dates authorized in one calendar year.

Procession. A planned or organized movement of persons, with or without vehicles, animals, or other conveyances, along a street, sidewalk, or other public way, undertaken for ceremonial, memorial, expressive, or other solemn or purposeful activities, whether spectators are present or spectators are not present.

Reviewing authority. Applications for parade permits shall be reviewed by the public works and services committee, which shall then make its recommendation for approval, approval with conditions, or denial to the common council.

Vendor. A person, firm, party, or business entity who as part of the parade, procession, or open-air meeting offers anything for sale, trade, use, or reuse, including but not limited to, articles, food, produce, beverage, goods, service, art, craft, or product; or interacts with potential customers in or around the parade, procession, or open-air meeting, taking names for the purpose of making future sales, offering applications or materials for future sales, or in any other participating operation or attempting to publicly sell or offer for sale any such article or service. Nothing in this section shall be construed as negating a requirement to comply with Chapter 22, Article XIV of this code, or to obtain and maintain a street vendor's license in accordance with Chapter 22, Article XVII of this code.

- (b) *Permit Required.* A permit shall be required under this section prior to and as a condition of any person, party, firm, or corporation undertaking a parade, procession, or open-air meeting. A permit shall be issued in the name of the organizer, who shall be responsible for the conduct and supervision of all activities authorized under the permit, whether or not said organizer is present at the location of the parade, procession, or open-air meeting. However, this does not preclude enforcement of statutory or ordinance violations against individuals conducting the activities under such permit. Except vendors, a permit issued pursuant to this section shall authorize all activities that would otherwise require a separate license or permit to be issued pursuant to sections 22-531, 22-538, or 42-132 of the Municipal Code of the City of Racine
- (c) *Application.* Application for a parade, procession, or open-air meeting permit shall be fully completed, properly executed, and filed not more than 150 days and not less than 60 days prior to the proposed parade, procession, or open-air meeting with the department of customer service on a form designed for that purpose. The application shall:
1. Identify the organizer's name, address, telephone number(s), and email address;
 2. Set forth the exact dates and times of the parade, procession, or open-air meeting;
 3. Describe the specific location of the premises for which a permit is sought, including a scaled site plan; detailing the route for parades or processions; the estimated number of participants, vehicles, and floats; whether amplified sound, animals, or pyrotechnics will be involved; plans for food or alcohol sales; locations for vendors,

locations for portable restrooms; parking; garbage collection and other clean-up; and all other relevant information;

4. Include an operational plan describing the parade, procession, or open-air meeting and detailing actions the organizer will take to support the objectives of this section. The operational plan must address the permit standards and permit conditions contained herein and in (f) and (g) of this section;
5. Describe all city services required;
6. Any other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the parade permit should be issued.

(d) Permit Application Fee.

The non-refundable permit fee shall be as set forth in the fee schedule established by the common council per event application. A base permit fee shall apply for all parades or processions. For parade or procession routes exceeding ten blocks, a per-block fee shall be assessed for each additional block greater than ten, with all fees established by the common council.

(e) Review.

1. Received applications for parade, procession, or open-air meeting permits shall be referred by the department of customer service to the department of public works, the police department, the fire department, and the public health department and any other affected city departments for review and written comment.
2. Within 15 days of receiving the application from the department of customer service, the police department, fire department, public health department, and any other affected city department to which the department of customer service referred the application for permit shall send its comments to the department of public works.
3. Upon the conclusion of the 15-day departmental review period, the department of public works shall refer the application and departmental comments to the chair of the public works and services committee with a request that the chair submit a communication presenting the permit application pursuant to sec. 2-117.

(f) Standards For Permit Issuance.

1. The public works and services committee shall consider the following standards for permit issuance and recommend granting the permit only upon finding that:
 - a. The proposed parade, procession, or open-air meeting is an appropriate recreational or cultural use of the affected locations.
 - b. The operational plans submitted by the organizer will promote the health, safety, and general welfare of the public and the good order of the city.
 - c. The activity or use will comply with applicable federal, state, county, and city laws, rules, and regulations.

- d. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.
 - e. The activity or use will not unreasonably interfere with the use of the location by the general public.
 - f. The activity or use will not entail an unusual, extraordinary, or burdensome expense to the city which is not recovered in the permit fees or charges.
 - g. The area that is the subject of the application is not reserved for another use on the date(s) requested.
2. Notwithstanding anything else contained in this section, the public works and services committee may require modifications to the parade, procession, or open-air meeting plan as submitted by the organizer, including as to the location, parade or procession length and route, date, and time.

(g) Permit Conditions.

1. Because all parade, procession, or open-air meeting are unique and independent in terms of type, purpose, location, size, duration, and participation, presenting unique issues and circumstances and challenges regarding the health, safety, and general welfare of the public, the public works and services committee, as a condition of issuance, may adopt reasonable operational rules, regulations, and requirements for the parade.
2. Notwithstanding subsection(g)1., the following permit conditions are applicable to all parades:
 - a. Compliance with applicable federal, state, county, and city laws, rules, and regulations including licensing conditions and operational requirements contained within sections 22-531, 22-538, and 42-132, of the Municipal Code of the City of Racine when a parade, procession, or open-air meeting activity would otherwise require a license or permit issued pursuant to one of those sections by the organizer and vendors.
 - b. The organizer shall be responsible for submitting a temporary traffic control plan providing and removing all temporary traffic control devices and detour signs.
 - c. The organizer shall provide a detour plan for the closure of all state connecting highways, arterial streets, and collector streets.
 - d. The organizer shall clean up area immediately following use.
 - e. Parade organizer shall supervise all persons using the location under authority of the parade permit to ensure compliance with the permit conditions.
 - f. Parade organizer shall procure any other license or permit required for the activity.
 - g. No later than 14 days prior to the event, parade organizer submit a list of all vendors who will be vending during the parade.

3. Notwithstanding subsection(g)1., the following additional permit conditions are applicable to parades that are not co-sponsored by the city:
 - a. Parade organizer shall pay any costs as defined by subsection (h).
 - b. Parade organizer shall execute an indemnification and hold harmless agreement in favor of the city and payment of the hold harmless agreement fee as set forth in the fee schedule established by the common council.
 - c. Parade organizer shall obtain and install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators. Parking meter hoods are valid for one event only.
 - d. Parade organizer shall reimburse the city for costs incurred in enforcing permit standards and conditions.
 - e. Parade organizer shall procure and maintain one or more liability insurance policy(ies) written by one or more insurance company(ies) licensed to do business in the State of Wisconsin as required by paragraph (j) of this Section.

(h) *City Services.*

1. Parades provide an enhancement to the quality of life for the residents of the city to which the city may contribute city services. Subject to subsection (g), if the parade will require the use of city equipment or services, the parade organizer shall pay the cost, as determined by the city staff, for the use of such equipment or services as set forth in the fee schedule established by the common council.
2. This may include, but is not limited to equipment rental, equipment installation, personnel costs for set up and tear down, and waste removal. As a condition of approval of an application, the applicant shall pay, at the time the application is filed, the cost of any city services identified. The cost for use of city venues with regularly established fees, for protective services provided by the Racine police department and the Racine fire department, overtime costs for City employees, as well as costs paid to third parties, even if charged by the city, such as utility charges and insurance premiums, shall be the sole responsibility of the parade organizer. All charges shall be paid in full within 30 days of billing.

(i) *Insurance.*

1. The parade organizer shall, at a minimum, procure and maintain during the term of the parade occurrence-based insurance policies, hereinafter specified insuring the parade and all associated parade activities. The public works and services committee may require additional coverages and/or increased coverage when deemed necessary.
 - a. *Commercial General Liability:*
 - General Aggregate—Two million dollars (\$2,000,000.00)
 - Each Occurrence—One million dollars (\$1,000,000.00)
 - b. *Automobile Liability:* (When required as a permit condition)

Combined single limit coverage for bodily injury and property damage per accident in the amount of one million dollars (\$1,000,000.00).

- c. *Liquor Liability Coverage* (When alcohol is approved for the parade)

General Aggregate—One million dollars (\$1,000,000.00)

Each Occurrence—One million dollars (\$1,000,000.00)

- d. *Umbrella Liability* in the following amounts over the Commercial General Liability and Automobile Liability amounts listed herein: (When required as a permit condition)

Two million dollars (\$2,000,000.00) per occurrence

Two million dollars (\$2,000,000.00) aggregate

2. The commercial general liability coverages required herein may be subject to a deductible or self-insured retention. If the commercial general liability insurance coverage policy has a deductible or self-insured retention, said deductible or self-insured retention may not exceed \$5,000.00. The umbrella liability policy shall not contain exclusions or exceptions not present in the general liability insurance policy.
3. *Certificate of Insurance.* The insurance coverages listed above shall be verified by a Certificate of Insurance issued to the city and shall provide that should any of the described policies be canceled before the expiration date thereof, the issuing company will mail 10 days written notice to the certificate holder.
4. *Additional Named Insured Endorsement.* The City of Racine, its elected and appointed officials, officers, employees, authorized representatives, and volunteers, and each of them, must be named as additional insureds on the commercial general liability, automobile liability, liquor liability, and umbrella liability. The parade organizer shall provide the city with a copy of the endorsement(s) naming the City of Racine, its elected and appointed officials, officers, employees, authorized representatives, and volunteers, and each of them as additional insureds.
5. *Cancellation Endorsement.* All insurance policies maintained pursuant to this section will provide by endorsement that they may not be terminated nor may coverage be reduced except after 10 days' prior written notice to the city. The special event organizer shall provide the city with a copy of the cancellation endorsement.
6. *Primary Insurance Endorsement.* All insurance obtained by the special event organizer must be primary and noncontributory to any insurance or self-insurance carried by city of Racine. The parade organizer shall provide the city with a copy of the Primary Coverage Endorsement.
7. *Waiver of Subrogation Endorsement.* All policies maintained pursuant to this section shall by endorsement, waive all claims of subrogation and/or contribution against the city the insurer may have arising out of the parade. The parade organizer shall provide the city with a copy of the Waiver of Subrogation Endorsement.

(j) *Enforcement.* The enforcement of this section shall be under the jurisdiction of the department of public works, police department, fire department, and the public health department, which shall have the authority to inspect to determine compliance with this Section.

(k) *Suspension or Revocation of Permit.*

1. The commissioner of public works or the chief of police may suspend or revoke any permit issued hereunder that is operated contrary to the terms of a permit issued under this section, upon providing the permit holder with a reasonable time, not to exceed five business days, in which to file a written request for review with the city clerk in said matter, and show cause why the proposed action should not be taken. The city clerk shall forthwith forward the permit holders written request for review to the city administrator, who shall consider the written request for review and shall sustain or overrule the suspension or revocation, by written decision, within three business days of the receipt of the written request by the city clerk. The city administrator shall immediately cause the written decision to be provided to the permit holder.
2. A permit may be administratively suspended by an enforcing authority identified in paragraph (j) without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety, or welfare, where the parade is not operated in conformance with representations made in the application and the approved permit contrary to the provisions of this section. In such cases, an opportunity for a post-suspension hearing shall be provided following the provisions for an appeal set forth in subsection (k)1.

(L) *Penalties.* Any parade, procession, or open-air meeting held without an approved permit shall be in violation of this section.

(a) Bond amount. Any person charged with a violation of this article may pay a deposit of \$2,500.00 plus costs in lieu of a court appearance.

(b) Forfeiture. Any person found in violation of this section shall forfeit not more than \$5,000.00.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor

disapproves, the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

PROPOSED