

# City of Middleton



## Expressive Activities Permit Application

## 7.20 EXPEDITED STREET OR PUBLIC FACILITY USE PERMIT FOR EXPRESSIVE ACTIVITIES.

- 1) **Purpose.** The ability to exercise First Amendment rights in a group setting for purposes of peaceful protest, demonstration or similar activity is of significant importance to a healthy democracy and is part of the democratic heritage in this country and of the State of Wisconsin. The purpose of this ordinance is to facilitate the ability for gatherings of people for expressive activities to make use of public streets and other public facilities without the burdens that are generally required by the City of Middleton Code of Ordinances for events that can generally be planned further in advance and, without diminishing the importance of the purposes for such gatherings, do not carry with them the same fundamental Constitutional importance as those activities recognized as expressive activities under this Section. At the same time, this Section recognizes that public streets and certain other public facilities serve other important public purposes and that the public interest in providing greater accommodation for expressive activities does not preclude minimal time, place and manner restrictions on the use of such facilities to ensure that public streets and other identified public facilities are preserved for their intended purposes. This Section is intended to permit the fullest accommodation of expressive activities while preserving the fundamental purpose and the safe, healthful use of public streets and other public facilities.
  
- 2) **Expressive Activities Defined.** For purposes of this Section, “expressive activities” means any gathering or events, the principal object of which is the expression, dissemination or communication of opinions, views or ideas by verbal, visual, literary or auditory means.
  
- 3) **Expressive Activities Exempt from Permit Requirements.** No permit shall be required for any expressive activity so long as such activity does not cause the obstruction of any public street, sidewalk, path or trail, and does not make use of any shelter, playground, April 2016 Chapter 7 Page 77 designated athletic field or similar recreational facility designated and improved for a specific use.
  
- 4) **Street or Facility Permit for Expressive Activity.** Whenever a gathering or event constituting an expressive activity as defined under subsection (2) will cause the obstruction of any public street, sidewalk, path or trail, or will make use of any shelter, playground, designated athletic field or similar recreational facility designated and improved for a specific use, a permit shall be obtained from the Chief of Police.
  - a) **Application.** An application for a permit under this section shall be filed no later than 48 hours in advance of the proposed event. The application shall be in writing on a form prescribed by the Chief of Police, which shall require only that information sufficient to identify the organizers of the event, the purpose of the event and any details necessary to evaluate the impact on the following public interests:

- (i) The flow of traffic in both the immediate and surrounding area including access to homes, businesses and other institutions as well as the ability for emergency vehicles to effectively respond to calls for assistance.
- (ii) The burden upon City resources, including, but not limited to police and public works personnel and equipment to ensure security and traffic control.
- (iii) The burden upon surrounding property, residents or occupants.
- (iv) Safety of participants.
- (v) Sanitation and prevention of the accumulation of litter and debris.

**b) Grounds for Denial or Imposition of Conditions.** In recognition that the purpose of this Section is to facilitate expressive conduct, the Chief of Police shall not deny any application or portion thereof unless the detriment to the public interests identified in this Section substantially outweighs the detriment to the exercise of First Amendment rights caused by the denial or partial denial. In making this determination, due consideration shall be given to the comparative burdens imposed by other events generally permitted in the City and the availability of alternate means to conduct the expressive activity. Mere inconvenience shall not constitute grounds for any denial in whole or in part unless the substitute permissions that are reasonably comparable to the requested permissions are granted. Substantial disruption of traffic on major arterial roads for any period of time or complete denial of direct vehicular access to any property for greater than 4 hours is presumed to be more than a mere inconvenience unless the use of the property does not traditionally require direct vehicular access to support its use; for example, a business that relies primarily on foot traffic or customers that typically park elsewhere than on or adjacent to the business property. The Chief of Police's discretion is further subject to the following limitations:

- (i) An application under this subsection may be denied in whole or in part for the reasons identified in Section 7.17(8), except that the time limit under Section 7.17(8)(b) shall be 48 hours and the grounds set forth in Section 7.17(8)(g) shall not apply.
- (ii) No permit shall be issued that would allow a material interference with any other duly authorized or permitted event or facility reservation.
- (iii) No permit shall allow the obstruction of any conservancy trail or authorize activities that present an unreasonable risk of damage to natural resources or City property.
- (iv) No insurance requirement may be imposed for a permit under this subsection unless the event involves the use of any motor vehicle, in which case proof of insurance required under Wis. Stats. § 344.63 shall be provided. Whenever practicable, proof shall be provided at the time of application, otherwise proof of insurance shall be made available for inspection prior to the start of the event.
- (v) A permit under this subsection shall not authorize any commercial activity, however, incidental sale of merchandise, food or beverages may occur provided that such activity is clearly incidental to the expressive purposes of the event, and any such activity complies with all other applicable City ordinances or other State or local

regulations.

c) **Time for Approval.** The Chief of Police shall issue the permit along with a list of any necessary conditions within 36 hours or the application shall be deemed approved. All representations in the application regarding the nature of the event, as modified by the Chief of Police and as supplemented by any additional conditions, shall be deemed conditions of the permit, the violation of which shall be considered a violation of this section. For purposes of this paragraph, a permit is considered issued when it is made available for receipt upon request at the Police Department.

Organizers and participants of expressive activities that do not qualify under this section for a permit or permit exemption may apply for a permit under Section 7.17.

#### Application Process

The timelines described in the ordinance above shall begin once the thoroughly completed application is received by the office of the City of Middleton Chief of Police.

#### Contact Information

Chief Charles Foulke  
Middleton Police Department  
7341 Donna Drive  
Middleton, WI 53562  
Phone: (608) 824-7300  
cfoulke@ci.middleton.wi.us



**City of Middleton**  
**Application for an Expressive**  
**Activities Event Permit**

Ordinance 7.20

Application materials, additional City permit applications, and all base permit and license fees **MUST** be submitted at least forty-eight (48) hours prior to the event.

<b>ORGANIZATION INFORMATION-Answer all questions completely.</b>				
Name of Organization <input type="text"/>				
Street Address <input type="text"/>	City <input type="text"/>	State <input type="text"/>	Zip <input type="text"/>	
Website <input type="text"/>		<input type="text"/>		
Event Contact Person <input type="text"/>		Email <input type="text"/>		
Day Phone <input type="text"/>	Evening Phone <input type="text"/>		Cell Phone <input type="text"/>	
Alternate Contact <input type="text"/>		Email <input type="text"/>		
Day Phone <input type="text"/>	Evening Phone <input type="text"/>		Cell Phone <input type="text"/>	

<b>EVENT INFORMATION-Answer all questions completely.</b>				
Name of Event <input type="text"/>	Date(s) of Event <input type="text"/>	Event Hours <input type="text"/>	Set-up Begins <input type="text"/>	Clean-up Begins <input type="text"/>
Location of the Event: <input type="text"/>				
You <b>MUST</b> attach a map or diagram of your event indicating the specific location, layout of your event, the direction of the route, including all turns and the number of traffic lanes to be used.				
Generally describe your event and its purpose: <input type="text"/>				
Number of Years in Existence <input type="text"/>	Estimated Parking Needs <input type="text"/>	Estimated Attendance at Your Event <input type="text"/>		

<b>ADDITIONAL INFORMATION</b>		<a href="#">Find out more information about Middleton Forms and Permits</a>	
	NO	YES	Action to be taken:
Was a Special Event or Expressive Activities Permit ever previously approved or denied for this event?	<input type="checkbox"/>	<input type="checkbox"/>	
Will there be outdoor amplified sound? Ordinance 7.15	<input type="checkbox"/>	<input type="checkbox"/>	\$20 Outdoor <a href="#">Amplified Sound Permit</a> Application Fee
Will alcohol be sold, served or consumed? Ordinance 7.08	<input type="checkbox"/>	<input type="checkbox"/>	\$10 <a href="#">Temporary Class B (Picnic) License</a> Fee (for non-profits only)
Are you requesting any City street(s) to be closed to traffic? Ordinance 7.17(7), 7.17(8)(k) & 7.17(9)	<input type="checkbox"/>	<input type="checkbox"/>	Prepare traffic control plan in conformance with MUTCD.
Will your event use portions of County or State roads? Ordinance 7.17(8)(c)	<input type="checkbox"/>	<input type="checkbox"/>	Provide a copy of the <a href="#">County</a> or <a href="#">State</a> Permit
Will your event require guest or attendee vehicle parking and/or shuttles? Ordinance 7.17(11)(c)	<input type="checkbox"/>	<input type="checkbox"/>	
Will park, conservancy land, or trails be used?	<input type="checkbox"/>	<input type="checkbox"/>	
Have you reserved the park, pavilion, or any other city facilities for this purpose? Ordinance 21.02	<input type="checkbox"/>	<input type="checkbox"/>	Park rental fees vary and require an <a href="#">agreement form</a>
Will items or services be sold at the event?	<input type="checkbox"/>	<input type="checkbox"/>	\$50 <a href="#">Solicitor/Direct Seller Permit</a> Fee Ordinance 7.05
Will items or services sold at your event present unique liability issues (e.g. body piercing, massage, tattoo, etc.) Ordinance 7.11	<input type="checkbox"/>	<input type="checkbox"/>	Provide a copy of the State License
Does this event involve a plan for tents, stages, inflatable bounce houses or temporary structures?	<input type="checkbox"/>	<input type="checkbox"/>	Must contact <a href="#">Diggers Hotline</a> to have the area marked. Other lines may be required to be located by City Utility Department for a fee. Site plan may be required.
Does your event include food concession, preparation areas, and/or do you intend to cook food in the event area?	<input type="checkbox"/>	<input type="checkbox"/>	The food vendors will need to be licensed through the state.
Will there be open flame cooking in booths or trailers? Fire Code	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Middleton Fire Department</a> will need to be notified.
Does your event include the use of fireworks, rockets, lasers, or other pyrotechnics? Wis. Stat. 167.10	<input type="checkbox"/>	<input type="checkbox"/>	\$100 Fireworks Permit Fee and a \$1 million insurance bond
Will Liquefied Petroleum Gas (i.e. Propane) be used? Ordinance 5.13	<input type="checkbox"/>	<input type="checkbox"/>	
Will there be any temporary electrical wiring used? Ordinance 12.09	<input type="checkbox"/>	<input type="checkbox"/>	\$50/base <a href="#">Electrical Permit</a> Fee
Will there be a need for additional refuse or recycling containers?	<input type="checkbox"/>	<input type="checkbox"/>	Arrange for your own refuse/recycling containers through <a href="#">Pellitteri</a> or any other hauler, at your own cost.
Do you plan to provide portable toilets at your event? Ordinance 6.04	<input type="checkbox"/>	<input type="checkbox"/>	Ratio 1 to 100 or 1 to 50 for Alcohol Focused Events.
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Will your event require dedicated coverage by an Emergency Medical Service Provider?	<input type="checkbox"/>	<input type="checkbox"/>	
Are Police Services being requested?	<input type="checkbox"/>	<input type="checkbox"/>	Services can be charged a fee per hour, per officer. (ie. Traffic control, parades, security related)
Will there be a clear path of travel (min. 18' wide) for emergency vehicles throughout your event venue?	<input type="checkbox"/>	<input type="checkbox"/>	
Will your event involve the use of traffic safety equipment, signs or barricades? <small>Ordinance 8.08 &amp; 7.17(9)(d) and (f)</small>	<input type="checkbox"/>	<input type="checkbox"/>	
Will hot air balloons be used at your event?	<input type="checkbox"/>	<input type="checkbox"/>	Please contact <a href="#">Middleton Municipal Airport at Morey Field</a>
Do your event plans include any casino games, bingo games, drawing, or lottery opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	
Have you met with community groups, residents, businesses, places of worship, schools, Madison Metro bus, postal service and other entities that may be directly affected by your event?	Please List: <input type="text"/>		
How are you marketing, promoting, or advertising the event?	Please List: <input type="text"/>		

### Additional Fees/Costs

In addition to the aforementioned fees, Expressive Activities Event sponsors may be charged for damage to grounds, buildings, and/or failure to pick up litter generated from the event.

- Damage to grounds includes but is not limited to car and truck rut repairs, skid steer rut repairs, or damage to berms/turf as a result of low riding vehicles. Repair of damage will be charged at the rate of \$40 per staff hour of repair, equipment and materials at cost (soil, seed, hay, etc.)
- Damage to buildings include but is not limited to vandalism, defacement, and breakage to any buildings, fences, equipment, gardens, tables, trees, barrels, etc. Repair of damage will be billed at a rate of \$40 per staff hour of clean-up. Equipment, materials and contractor services will be billed at cost (glass, wood, brackets, etc.)
- Event sponsors are responsible for the pick-up and removal of all refuse and recyclables. If the Public Lands Department staff has to clean up following an event, the sponsor may be charged at a rate of \$40 per staff hour of clean-up. Equipment, materials and contractor services will be billed at cost (garbage bags, special trash and recyclable service pick-up, etc.).

## LEGAL NOTICE

I understand the filing of this application does not ensure the issuance of this permit. The Fire Chief or Police Chief may revoke an expressive activities event permit or terminate an event in the interest of the immediate public health or safety because of fire, casualty, a natural disaster or a public emergency; or for violation of conditions or restrictions that result in a threat to the health or safety of any participant or the general public. I also understand that all Special Event organizers and participants must comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations. Fees for park facilities, food sales permits, tent and fireworks permits and other permits as needed are in addition to the fees submitted for the Special Events Applications.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

### FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Police				
Date Permit Issued			Permit Number	