

CHAPTER 11

Processions, Parades, Runs, Walks, Bicycle Races and Marathons

- 7-11-1 Purpose; Definitions
- 7-11-2 Permit Requirements

SEC. 7-11-1 PURPOSE; DEFINITIONS.

- (a) **Purpose.** The Village of Marshall recognizes that Village streets and highways are primarily for the use of vehicular travel. It further recognizes a need to use these public streets and highways for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such streets and highways. This Chapter is intended to regulate and control non vehicular use of the streets and highways and for protecting the general welfare and safety of the persons using the streets and highways within the Village. Said authority to regulate is contained in Sec. 349.185, Wis. Scats., and related sections.
- (b) **Definitions.** As used in this Chapter:
 - (1) "Processions, parades, runs, walks, marathons, bicycle races, etc.," means their usual and customary usage.
 - (2) "Highways" or "streets" have the meaning set forth in Sec. 340.01, Wis. Stats., and also include areas owned by the Village of Marshall which are used primarily for pedestrian or vehicular traffic.

SEC. 7-11-2 PERMIT REQUIREMENTS.

- (a) **Permit Required.** No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any street or highway under the jurisdiction of the Village unless a permit has been obtained in advance as provided in this Chapter.
- (b) **Exemptions from Permit Requirement.** A permit is not required for assembling or movement of a funeral procession or military convoy. Any parade, etc., sponsored by any agency of the federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit, however shall be exempt from the parade permit fee and insurance requirements contained herein.
- (c) **When Application Must Be Made.** A written application for a permit for any above-described function on the streets and highways under the jurisdiction of the Village shall be made by one (1) of the organizers or officers to the Village Clerk-Treasurer on a form provided by said Clerk-Treasurer no less than fifteen (15) days prior to the usage. Application made less than forty-five (45) days prior to the day of the proposed usage must be made in person.
- (d) **Information Required in Application.** The application shall set forth the following information regarding the proposed usage:
 - (1) The name, address and telephone number of the applicant.

- (2) If the usage 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.
 - (3) The name, address and telephone number of the person who will be responsible for conducting the usage.
 - (4) The date when the usage is to be conducted and its duration.
 - (5) The assembly area, the starting point, the route to be traveled and the termination point.
 - (6) The number and size of participants or units comprising the usage.
 - (7) If the usage is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Clerk-Treasurer a communication in writing from the person proposing to hold the usage authorizing the applicant to apply for the permit on its behalf.
 - (8) Any additional information which the Clerk-Treasurer finds reasonably necessary for a fair determination as to whether a permit should be issued.
- (e) **Recommendations of Governmental Agencies.** The Village Clerk-Treasurer shall submit a copy of the application to the Chief of Police and Director of Public Works.
- (f) **Basis for Discretionary Denial of Permit.** The application may be denied:
- (1) If it is for a usage that is to be held on a work day during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume.
 - (2) If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
 - (3) If sufficient usage marshals are not provided as to reasonably assure the orderly conduct of the usage.
 - (4) If the proposed route for conducting usage involves a street or highway under construction or detour route.
- (g) **Mandatory Denial of Permit.** The application shall be denied:
- (1) If it is made less than fifteen (15) days in advance of the time the usage is scheduled to commence; or
 - (2) If it is for a usage that is primarily for private or commercial economic gain; or
 - (3) If it is for a usage which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the Village; or
 - (4) If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
 - (5) If the application does not contain the information required by Subsection (d); or
 - (6) If more than one (1) assembly area or more than one (1) dispersal area is proposed; or
 - (7) Failure to receive permit under Sec. 84.07(4), Wis. Stats.
- (h) **Permit Issued Unless Threat to Public Safety.** The Village Clerk-Treasurer shall issue a permit to the applicant subject to the foregoing requirements of this Chapter, unless the Clerk-Treasurer concludes that:
- (1) The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or

- (2) The usage will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
 - (3) The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
 - (4) The usage is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (i) **Grant or Denial of Permit.**
- (1) Time When Required. The Village Clerk-Treasurer shall act as promptly as he reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed forty-five (45) days or more in advance shall be granted or denied not less than thirty (30) days before the date of the usage stated in the application. Action on applications filed less than forty-five (45) days in advance shall be taken within fifteen (15) days after the application is filed, but in no case later than forty-eight (48) hours in advance of the time applied for. The Village Clerk-Treasurer shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.
 - (2) Modification of Requested Permit. In lieu of denying a permit, the Chief of Police may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Clerk-Treasurer or Chief of Police in writing of such acceptance.
- (j) **Fee.** (Rev. 5/94', Ord. 1994-12) There shall be paid at the time of filing the application for a usage permit a fee of Ten Dollars (\$10.00). Schools shall be exempt from the fee.
- (k) **Charge for Increased Costs.** Where the Village Clerk-Treasurer determines that the cost of municipal services incident to the staging of the usage will be increased because of the usage, the Clerk-Treasurer may require the permittee to make an additional payment into the general fund of the Village in an amount equal to the increased costs.
- (l) **Emergency Revocation.** The Village Clerk-Treasurer or Chief of Police may revoke a permit already issued if the official 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, an above-named official 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 Village of Marshall and such third parties as may be injured or damaged, in a amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (m) **Usage Permit Contents.** Each usage permit shall state such information as the Village Clerk-Treasurer shall find necessary to the enforcement of this Chapter.
- (n) **Copies of Usage Permit Distributed.** Immediately upon the issuance of a usage permit, the Village Clerk-Treasurer shall send a copy thereof to the following:

- (1) Each public transportation utility whose regular service will be affected by the usage.
- (2) Chief of Police, Director of Public Works and Fire Chief.
- (o) **Compliance with Regulations.**
 - (1) Permittee. A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and Village.
 - (2) Participants. No person who leads or participates in any usage shall disobey or encourage others to disobey this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable usage permit.
- (p) **Insurance Required.** Prior to issuance of the permit by the Village Clerk-Treasurer, each permittee shall furnish evidence of a liability insurance policy in amounts of not less than One Hundred Thousand Dollars (\$100,000.00) for one (1) person and Five Hundred Thousand Dollars (\$500,000.00) for any one (1) accident and shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the Village of Marshall as an additional insured in connection with said usage.

Cross-Reference: Section 7-7-1.