

VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 16, SERIES OF 2011
AN ORDINANCE AMENDING SECTION 40-177 STREET USE PERMITS OF THE
MUNICIPAL CODE OF THE VILLAGE OF LITTLE CHUTE

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Village of Little Chute Municipal Code, Chapter Places, Article VII Section 40-177 amended as follows:

Sec. 40-177. - Purpose and procedure.

- (a) *Purpose.* The streets in possession of the village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the director of public works may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this article is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the village can be protected and maintained.

- (b) *Application.* A written application for a street use permit by persons or groups desiring the same shall be made on a letter provided to the director of public works and shall be filed with the director of public works. The letter shall include the following information regarding the proposed street use:

The reason to close the street.

The street you wish to close.

Location of the street (between what two intersections).

Date and hours the street will be closed (not to exceed 11:00 p.m.).

Signature of agent/applicant. (Include address and telephone number.)

Attach a petition with signatures of adjacent residents, as described in subsection (f) of this section approving the closing of street for a party.

- (c) *Review.* Before any application for a street use permit is considered, the application shall be considered in light of the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (d) Denial of street use permit. An application for a street use permit may be denied if:
- (1) The proposed street use would violate any federal or state law or any ordinance of the village.
 - (2) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
 - (3) The application for a street use permit does not contain the information required above.
 - (4) The application requests a period for the use of the street in excess of two days.

- (5) The proposed use could equally be held in a public park or other location.
- (6) Any other reason in which the ~~village board~~ **Director of Public Works or Chief of Police** concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) *Fee.* There shall be no fee for a street use permit.
- (f) *Consent to issuance.* In addition to any fee required by the previous subsection, each application for a street use permit shall provide evidence of having contacted all affected properties for the purpose of expressing a willingness to participate, or no objection. This evidence shall be in the form of a petition designating the proposed area of the street to be used and time for said proposed use. The petition shall be signed by not less than 75 percent of the residents, over 18 years of age who reside along that portion of the street designated for the proposed use. Parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six months, are exempt from this requirement.
- (g) *Notification.* Upon approval of the permit, the director of public works shall ensure that village police and fire personnel are notified of the road closure.
- (h) *Indemnification.* The applicant for a street use permit ~~shall~~ **may** be required to indemnify, defend and hold the village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the village 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. ~~The applicant shall be required complete the indemnification form provided by public works along with the application prior to board approval.~~
- (i) *Termination.* A street use permit for an event in progress may be terminated by the village president or a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the village. A law enforcement officer shall have the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit. (Code 2006, § 7-8-1; Ord. No. 8(Ser. of 2010), § 1, 6-16-2010)

Section 2. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date. This Ordinance shall become effective on the date of passage and posting.

Date introduced: August 10, 2011/Approved and adopted:

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____
Vicki Schneider, Village Clerk