

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PARADE AND PUBLIC GATHERINGS.
2. FAIRS AND CARNIVALS.
3. CABLE TELEVISION.

CHAPTER 1

PARADE AND PUBLIC GATHERINGS

SECTION

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9-101. Definitions. The following words, for the purpose of this chapter shall have the following meanings:

(1) "Parade" or "public gatherings" is any meeting, parade, demonstration, exhibitions, festival, homecoming, assembly, donations collected for any purpose or other such event to be held in, upon, or along any street, or on any other city owned outdoor public place in Cross Plains.

(2) "City" is the City of Cross Plains.

(3) "Parade permit" is a permit as required by this chapter.

(4) "Person" is any person, firm, group, partnership, association, corporation, company or organization of any kind. (Ord. #92-4, June 1992)

9-102. Purposes. (1) The City of Cross Plains recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

¹Municipal code references

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

(2) The city passes this chapter to regulate the time, place, and manner of parades.

(3) The City of Cross Plains passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort and convenience.

(4) The City of Cross Plains has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, tranquility in the streets of the city.

(6) This chapter is passed to help minimize traffic and business interruption on or along city streets and public places. (Ord. #92-4, June 1992)

9-103. Permit. (1) No person shall parade or hold a gathering unless a parade permit has been obtained from the Cross Plains Board of Commissioners. Any parade held without the proper permit shall be unlawful. One permit per year to any person or organization for a public gathering or parade is deemed sufficient to the Cross Plains Board of Commissioners.

(2) This chapter shall not apply to funeral processions on the public streets. (Ord. #92-4, June 1992)

9-104. Application. (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners, for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or ten days prior to any regularly scheduled called meeting of the Cross Plains Board of Commissioners. No permit shall be granted sooner than 180 days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or gathering, or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade or gathering is to be conducted;

(d) The route to be travelled, the starting point, and termination point;

(e) The approximate number of persons who, and animals which will constitute such parade; the type of animals and description of the vehicles;

(f) The hours when the parade or gathering will begin and end;

- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (h) The location by street of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly areas;
- (j) The interval of space to be maintained between units of the parade;
- (k) If the parade or gathering is to be held on behalf of any person other than the applicant, the authorization of that person; and
- (l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Cross Plains.

(4) The Cross Plains Board of Commissioners shall decide whether to grant the application for a permit. The board may consult with the chief of police in making their decision.

(5) The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point or other time, place and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. (Ord. #92-4, June 1992)

9-105. Standards for issuance. (1) The Cross Plains Board of Commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

- (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
- (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services;
- (c) The parade is scheduled to move from its origin to its termination expeditiously and without reasonable delay;
- (d) No other permit has been granted for the same day;
- (e) A permit shall be granted to the first person properly applying under the requirements of this chapter;
- (f) No permit shall be granted for a parade except those restricted to the following time:
 - (i) No earlier than 8:00 A.M.
 - (ii) No later than 12:00 Midnight.

The city recorder shall notify the applicant within five days after the action of the board commissioners if the permit has been denied or granted. If denied, the city recorder will set forth the reasons why. (Ord. #92-4, June 1992)

9-106. Duties of permittee. A permittee shall comply with application information, permit directions and conditions and with all applicable laws and ordinances.

The permittee shall advise parade participants of such permit requirements.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade. (Ord. #92-4, June 1992)

9-107. Revocation of permit. The board of commissioners shall have authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

- (1) Applicant materially misrepresented facts or information in the application.
- (2) Applicant failed to meet the standards for issuance set forth herein.
- (3) A public emergency arises requiring revocation to protect the safety of persons or property.
- (4) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants occurs. (Ord. #92-4, June 1992)

9-108. Notice to city officials. Immediately upon issuance of a parade permit, the city recorder shall send a copy of the permit to the following: the mayor; the fire chief; chief of police. (Ord. #92-4, June 1992)

9-109. Violation and penalty. It shall be unlawful for any person to parade without first obtaining a permit as required by this chapter.

It shall be unlawful for any person to participate in a parade, or public gathering in Cross Plains for which a permit has not been granted.

It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (Ord. #92-4, June 1992)

CHAPTER 2

FAIRS AND CARNIVALS

SECTION

9-201. Report required to be filed with the city manager.

9-202. City manager to inspect premises.

9-203. Issuance of license.

9-204. License fee.

9-205. Permit to be displayed.

9-206. Definitions.

9-207. Appeals to board of commissioners.

9-208. Violation and penalty.

9-201. Report required to be filed with city manager. Each person, corporation, or organization shall file with the city manager a report of the location of any such fair or carnival prior to the first day on which such activity will be open to the public. In addition to the location, the report shall also contain a statement of the duration of the fair or carnival, the type of activities that will be conducted, the name and address of a person who will be in charge of the activity or who will conduct the fair or carnival. The report shall also include a list and description of games, rides, contests, entertainment or activities that will be conducted at the fair or carnival giving a particular description of the activities. (Ord. #92-7, Dec. 1992)

9-202. City manager to inspect premises. Upon filing the report the city manager will inspect or cause to be inspected the activity for the purpose of determining if the activity creates a health, safety, and/or welfare threat to the citizens of the City of Cross Plains. The inspection will also be for the purpose of determining if any games, rides, contests, or amusements are safe or present hazards to the public and if any special provisions must be put in place to control crowds and/or traffic. (Ord. #92-7, Dec. 1992)

9-203. Issuance of license. Following the inspection, if the city manager finds the activities planned to be in compliance with state, county, and local laws and further finds no health, safety, or welfare violations, he will issue or cause to be issued a "Fair Permit" expressly authorizing the activity to be conducted in the City of Cross Plains as a public fair. This license shall be dated and shall expire at the end of two weeks per year and may be issued for ongoing fairs. (Ord. #92-7, Dec. 1992, as amended by Ord. #95-1, April 1995)

9-204. License fee. The City of Cross Plains is authorized and empowered to collect a license fee of \$100.00 per year for one two-week time

period for issuing their permit. (Ord. #92-7, Dec. 1992, as amended by Ord. #95-1, April 1995)

9-205. Permit to be displayed. The fair permit will be displayed on the premises of the business clearly visible to the public. (Ord. #92-7, Dec. 1992)

9-206. Definitions. For purposes of this chapter a "public fair" or "carnival" is defined as a gathering of buyers and sellers for the purpose of exhibiting and selling goods accompanied by any amusement, contest, or entertainment in which goods or prizes or premiums are awarded or offered at the location. (Ord. #92-7, Dec. 1992)

9-207. Appeals to board of commissioners. Any person adversely affected by a determination of the city manager may appeal his decision to the board of commissioners within 10 days of an unfavorable determination. (Ord. #92-7, Dec. 1992)

9-208. Violation and penalty. A violation of this chapter shall be punishable by a fine not to exceed fifty dollars. (Ord. #92-7, Dec. 1992)

CHAPTER 3

CABLE TELEVISION

SECTION

9-301. To be furnished under franchise.

9-302. Regulations for basic cable television service.

9-301. To be furnished under franchise. Cable television service shall be furnished to the City of Cross Plains and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Cross Plains and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

9-302. Regulations for basic cable television service. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the City of Cross Plains to regulate basic cable television service within the boundaries of Cross Plains; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the City of Cross Plains, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code.

Whenever the regulations cited in this section refer to "franchising authority", it shall be deemed to be a reference to the City of Cross Plains. (Ord. #93-7, May 1994)

¹For complete details relating to the cable television franchise agreement see Ord. #87-1, dated January, 1987, in the office of the city recorder.