

TOWN OF HOWARD
CHAPTER 9
SPECIAL EVENTS ORDINANCE

9.01 EXTRAORDINARY ENTERTAINMENT AND AMUSEMENT ("SPECIAL") EVENTS.

(1) **PURPOSE.** The purpose of this section is to provide reasonable relations for extraordinary entertainment and amusement ("special") events, in order to protect the public health, safety and welfare from the potential adverse effects which may arise from such special events or the large number of persons attracted to such events upon premises not regularly used for or developed to regularly accommodate such events or gatherings. Such regulations are intended: to protect against traffic congestion, the overcrowding of lands, the potential for fires, explosion, riot or disorder or other dangers to persons or property, the diversion of public health, safety and emergency services from regular necessary duties, and the additional cost to the community of providing public services necessary to protect the public health, safety and welfare arising from such temporary special events; and to promote the preservation of public peace and order, the furtherance of sanitation and the safeguarding of the public health.

(2) **DEFINITION.** A "special event" is a temporary entertainment and amusement activity open to the general public and organized, produced or sponsored by a person which event is extraordinary in that it is not ordinarily conducted on a daily or regular normal average use basis as a lawful use of the premises upon which such event is to occur, cannot be held completely within the confines of an existing building on such premises, and for which event it is reasonably anticipated that the number of persons attending will at any time exceed the maximum occupancy of the existing building(s) on the property or will substantially exceed the regular normal average patronage and traffic generated otherwise attending such premises as a result of its regular normal average and lawful use. Such special events include, but are not limited to, festivals, carnivals, athletic or contest tournaments, picnics and fairs.

(3) **LICENSE REQUIRED.** Any person, whether or not holding an entertainment and amusement license under this section, is required to have a special event license prior to such event pursuant to the terms and provisions of this subsection.

(4) **EXEMPTIONS.** This subsection shall not apply to:

A. Any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or other permanently established place of assembly for special events for which it is reasonably anticipated that the number of persons attending will not exceed by more than 250 people the maximum seating of the structure where the assembly is held.

B. Special events sponsored by the Town or occurring upon public property and otherwise authorized or regulated by this Town Code, such special events being otherwise subject to governmental control to effectuate the purposes of this section.

(5) REGULATIONS.

A. Duration and Hours of Operation. The duration of any special event shall not exceed 3 consecutive days and any permit issued under this section shall specify the days upon which the event shall occur. No special event shall be open to the public except between the hours of 8:00 am and 12:00 Midnight on any Sunday through Thursday and 8:00 am to 1:00 AM on any Friday and Saturday, occurring within the duration of the special event. Such permit shall also specify the hours during which pre-event setup and post-event takedown operations may occur and no such operations may be conducted other than as so specified.

B. Maximum Attendance. A special event license shall specify the maximum peak number of people to attend the special event. The licensee shall not sell tickets to nor allow the attendance of more people at the special event at any time than as specified in the license. Any tickets sold or advertisement made prior to the grant of a license under this section and the satisfaction of all conditions of such license shall include therein in like medium, a statement that "the occurrence of the [special event] remains subject to the approval of the Town of Howard".

C. Parking. Off-street parking areas are required for each special event so as to provide parking space for the maximum anticipated attendance specified in the license, at the rate of at least one parking space for every three persons. Such parking areas shall be specified within the application and shall be located upon the special event premises; upon separate premises within 1000 feet of the special event premises; or upon premises located more than 1000 feet away from the special event premises, provided that the licensee provides a vehicular shuttle service to and from such away parking area, which operates in 15 minute round trip intervals at all times during the event and continuing for 30 minutes following the close of the event on any day. All temporary parking facilities for special events shall be maintained free of dust or mud and all dirt or mud tracked onto the public right-of-way shall be cleared and removed within 2 hours following the close of the event on any day. The Town Constable shall only post temporary parking-related regulations on public streets for special events if determined necessary by the Town Board for public traffic safety or as may be directed by the Town Board within the license approval process.

D. Sanitary Facilities and Potable Water. All sanitary facilities and potable water facilities shall be provided for the special event as required in the Building Code for places of public assembly.

E. Illumination. If the special event is to continue during hours of darkness, illumination shall be sufficient to light the entire area of the event at the rate of at least 5 foot candles, without the spillage of such illumination unreasonably beyond the boundaries of the special event premises.

F. Noise. No licensee shall permit any sound created by the special event activity to carry unreasonably beyond the boundaries of the special event premises.

G. Security. Private unarmed security guards licensed by the State of Wisconsin shall be provided for a special event at the rate of at least one security guard for every 300 people anticipated to attend the special event as set forth in the license.

H. Fire Protection and Emergency Medical Service. A licensee shall provide all fire and emergency medical service/protection applicable to the special event activities and premises as required by the Town Fire Prevention Code and the Wisconsin Administrative Code, including alarms, extinguishing devices, fire lanes and fire escapes.

I. Traffic Control. A license shall provide licensed law enforcement officers to conduct traffic control if the event is taking place on roads located within the Town borders. The number of law enforcement officers required shall be left to the discretion of the Town Board.

J. Compliance with Other Code Provisions. No special event shall occur unless all other necessary Town permits, licenses and approvals applicable to the special event activities have been granted and any license granted under this subsection shall be conditioned upon the licensee obtaining all such other licenses, permits and approvals.

(6) APPLICATION.

A. Any person intending to sponsor or produce a special event shall make written application for a special event license and file same with the Town Clerk at least 60 days prior to the date of the special event.

B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by an authorized officer in the case of a corporation, by a general partner in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

C. The application shall contain and disclose:

- i. The name, address and home and business telephone numbers of the authorized representative of the applicant who shall be responsible for the conduct of the special event and available to the Town at all times for all communications and necessary contacts.

- ii. The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation.
- iii. The address and legal description of all property upon which the special event is to be held, together with the name, residence and mailing address of the record owner(s) of all such property.
- iv. Proof of ownership of all property upon which the special event is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for the special event.
- v. The nature or purpose of the special event.
- vi. The total number of days and/or hours during which the special event is to last, including setup and takedown operations.
- vii. The maximum number of persons which the applicant shall permit to attend at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event in consideration of the nature of the special event.
- viii. The maximum number of tickets to be sold, if any.
- ix. The plans of the applicant to limit the maximum number of people permitted to assemble.
- x. Any plans for fencing the location of the special event and the gates contained in such fence.
- xi. The plans for supplying potable water, including the source, amount available and location of outlets.
- xii. The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited.
- xiii. The plans for holding, collection, and disposing of solid waste material.
- xiv. The plans, if any, to illuminate the location of the special event, including the source and amount of power and the location of lamps.
- xv. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots and any shuttle service.
- xvi. The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.
- xvii. The plans for fire protection and emergency medical services, including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
- xviii. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
- xix. The plans for food and beverage concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

- xx. The plans and specific description for each of any other type of vendor or amusement or entertainment provider who will be allowed to operate on the grounds, including the names and addresses of all such vendors and their license or permit numbers, if any.

D. No application shall be accepted as filed until the Town Clerk determines that the information in the application is complete and sufficient for filing purposes as required under this subsection. Upon filing, the Clerk shall distribute copies of the application to the Town Board members and Fire Protection and Emergency Medical Services providers.

(7). INDEMNITY. The special event license application shall contain a statement that: "The applicant agrees to indemnify and save harmless the Town from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, arising in any way as a consequence of the granting of a license for a special event." No license may be issued unless the applicant has agreed to the terms of this statement on the written application.

(8) INSURANCE. Each applicant for a special event license shall furnish to the Town, no later than 10 days prior to the special event, a certificate of insurance written by a company licensed in the State of Wisconsin, approved by the Town Attorney and covering any and all liability or obligations which may result from the operations by the applicant's employees, agents, contractors or subcontractors, and including workers' compensation coverage in accordance with ch. 101, Wis. Stats. The certificate shall provide that the company will furnish the Town with a 10-day prior written notice of cancellation, nonrenewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and Town against 71 claims arising from injuries to members of the public or damage to 'property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of at least \$1,000,000.00 per person/aggregate.

(9) LICENSE FEES. Concurrent with the filing of any application for a special event license, the applicant shall pay a nonrefundable license administration and review fee to the Town in the amount of \$100.00. Any Non-profit organizations, with proper proof of non-profit status, shall pay a review fee of \$10.00. In addition, a special event licensee shall be responsible for and pay to the Town a fee for all Town fire and police services provided by the Town for the special event. Such police and fire services special event fee shall not exceed the actual cost of providing the services. Such fee shall be paid to the Town by the licensee within 10 days of the date of itemized invoice for same prepared by the Town subsequent to the special event. The licensee shall provide the Board with all information necessary to determine the level of services required. After reviewing such reports, upon which the applicant may be heard, the Town Board shall specify as a condition of the license, that the applicant deposit with the Town security in the form of a bond, letter of credit or cash deposit, in form approved by the Town Attorney in an amount determined to be sufficient to guarantee payment for the anticipated cost of providing such special event police and fire services. Such security deposit shall be made by the licensee

no later than 10 days prior to the special event. Such security deposit shall entitle the Town to draw upon same forthwith upon any default. in payment by the licensee after services invoice, with any remaining balance of any cash deposit to be returned to the licensee. Any determined deficiency for such service fees beyond the security deposit shall be a debt of the licensee to the Town, collectible by the Town in an action at law, which shall also entitle the Town to all costs of collection, including attorney fees and further, shall also constitute a lien against the special event premises to be placed upon the tax roll for such premises.

(10) APPROVAL OR DENIAL OF APPLICATION. Upon receipt of a completed application, the Town Clerk shall submit the application for review to the Town Board, which shall approve, conditionally approve or deny the license within 45 working days of its filing. The Town Board shall have the authority to modify the time and place or specified activities of a special event to facilitate crowd control in the interests of relieving congestion and promoting public safety. The Town Board shall issue the license if it complies with all terms and provisions of this section. Grounds for denial of the application shall include:

- A. Any false or misleading statements set forth upon the application.
- B. The special event is of such a size or nature so as to require the diversion of so great a number of municipal police or fire services so as to deny reasonable police or fire services to the Town as a whole.
- C. The time, size and nature of the special event would unduly disrupt the safe and orderly use of any street or public place or material portion thereof, which is ordinarily subject to congestion or traffic at the proposed time or substantially interrupts the safe and orderly movement of traffic.
- D. The vehicles, temporary structures, sanitary facilities, tents, equipment or other materials used in the special event do not comply with or meet all applicable health, fire or safety requirements.
- E. The special event will interfere or conflict with another special event for which an application had been previously filed or with a construction or public works project.
- F. The conduct of the special event will be contrary to law, including noise regulations.
- G. Either the applicant or a proposed special event were previously licensed for a prior special event under this section and violated any term of this section while operating under such license.

(11) APPEAL OF APPLICATION DENIAL. Any applicant who has been denied a special event license may, within 30 days of denial, have the denial reviewed by the Circuit Court Judge, by filing a writ of certiorari in the Chippewa County Circuit Court. Said Circuit Court Judge shall either affirm or reverse the initial action on the application. Such determination by the Circuit Court Judge may be appealed to the Wisconsin Court of Appeals and Wisconsin Supreme Court, as per the Wisconsin Rules of Civil Appellate Procedure.

(12) ENFORCEMENT. Any person who violates any provision of this section or who violates any condition upon which a special event license is granted shall be subject to a

forfeiture of not less than \$500.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense. In addition, the Town may enforce this section by way of injunctive relief and all other remedies available at law and in equity. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect. [Amended 6/6/00]

Adopted 5/2/00
Amended 6/6/00