

**ORDINANCE 2019-1**

**AN ORDINANCE REGULATING SPECIAL EVENTS IN THE CITY OF ARCADIA,  
WISCONSIN.**

The Common Council of the City of Arcadia, Wisconsin, do ordain as follows:

SECTION 1. Section 328 of the City of Arcadia Code of Ordinances is created to read:

“Chapter 328

SPECIAL EVENTS, REGULATION OF

§ 328-1. Title.

The title of this chapter shall be the "Special Event Permit Ordinance."

§ 328 -2. Purpose and intent.

The purpose and intent of this chapter is to protect the public interest and promote the general health, safety, and welfare of the City by establishing rules and a permit process in order to hold a special event on any property within the City so as to address potential impacts on the general public of a special event, including without limitation noise, light, dust, traffic, parking, and other public health safety and welfare concerns. Further, the purpose and intent of this chapter is to promote the economic welfare and general prosperity of the community by safeguarding and preserving property values by addressing potential impacts of a special event.

§ 328 -3. Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

§ 328 -4. Applicability; administration.

This chapter is intended to apply to all persons within the City, and its provisions shall be administered by the City Common Council, or other City officials designated by the City Common Council. This chapter does not apply to any event which is sponsored by the City, to single-day park shelter rentals, or to any persons who have a written, special-events agreement with the City for use of public property.

§ 328 -5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT** — Any person applying for a special event permit.

**PARK SHELTER RENTAL, SINGLE-DAY** - Any rental of a City park shelter, from the City, for exclusive use for one day, that does not require additional City services.

**PARTICIPANT EXPECTANCY** – The total amount of people expected to attend the event over the life of the event. The same person attending the event on separate days shall be counted as a new attendant on each day.

**PERSON** — Any natural person, firm, partnership, association, corporation, company, governmental entity, or organization of any kind.

**PRIMARY OFFICERS** – Any executive officer of the corporation.

**SPECIAL EVENT** — Any temporary event or activity occurring on public or private property that may interfere with or differs from the normal and ordinary use of the property or adjacent public or private property which the City determines would require City services beyond those normally provided on a daily basis by the City.

§ 328 -6. Permit requirements.

- A. No person shall conduct a special event within the City of Arcadia without first having obtained a special event permit. A special event permit may be issued to any applicant by the City of Arcadia Common Council or its designee.
- B. Applicant shall have initial meetings with the directors of each of the City departments that they are requesting service of. These meetings shall take place before the applicant files the special event permit. Such meetings shall initiate in accordance with the following schedule;
  - a. Participant expectancy of 10,000 people or less; at least thirty (30) days before submitting application.
  - b. Participant expectancy of 10,001 - 25,000 people; at least forty-five (45) days before submitting application.
  - c. Participant expectancy of 25,001 people or more; at least sixty (60) days before submitting application.
- C. Any person may file an application for a special event permit. Application for a special event permit shall be filed with the Clerk-Treasurer at least thirty (30) days prior to the proposed event date. If an application is filed less than thirty (30) days prior to the proposed event, the City may attempt to process the application but is not obligated to do so. Payment is required for the application fee (refer to § 328-12 of this Ordinance) at the time of submittal.
- D. 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, by all officers of an applicant corporation, by a general partner of an applicant partnership or by all officers of any applicable unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

E. The application shall contain and disclose:

- (1) The name and 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 City at all times for all communications and necessary contacts. The authorized representative or their designated representative(s) must be on-site and available at all times during the event.
- (2) The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certificate of status together with the name and mailing address of the corporation or its primary officers. A valid state driver's license or identification card shall be submitted and kept on record.
- (3) 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.
- (4) Proof of ownership of all private 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.
- (5) A description of the special event. Applicant shall express if the special event will last consecutive days or take place over a length of time on specific days. If the latter, applicant shall submit information on the total event or apply for separate permits.
- (6) The total number of days and/or hours during which the special event is to last, including setup and takedown operations.
- (7) 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.
- (8) The maximum number of admission tickets to be sold, if any.
- (9) If necessary, the plans of the applicant to limit the maximum number of people permitted to assemble.
- (10) Any plans for fencing the location of the special event and the gates contained in such fence or other means of assuring that those attending the special event stay within the bounds of the event.

- (11) The plans for supplying potable water, if any, including the source, amount available and location of outlets. Supporting vendor contracts shall be provided by the Applicant to the City upon request by the City.
- (12) The plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited. Supporting vendor contracts shall be provided by the Applicant to the City upon request by the City.
- (13) The plans for holding, collection and disposing of solid waste material by a hauler licensed in the State of Wisconsin. Supporting vendor contracts shall be provided by the Applicant to the City upon request by the City.
- (14) The plans, if any, to illuminate the location of the special event, including the source and amount of power and the location of lamps.
- (15) 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. There shall not be any parking on unimproved City property unless expressly approved by the City prior to the special event.
- (16) The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability. Supporting vendor contracts shall be provided by the Applicant to the City upon request by the City.
- (17) The plans for fire protection, 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.
- (18) The plans for emergency medical service, including access routes for emergency vehicles.
- (19) The plans and copy of licenses for sound display, sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers.
- (20) 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 complete lists of their licenses, permits, and registrations.
- (21) The plans, if any for temporary power to the property if not properly serviced.
- (22) Any other plans or specifications need by the City to make a proper determination on the issuance of the special events permit.

- F. Failure to provide all the information required under this chapter may result in the City being unable to process the application within the time provided under this chapter. No application shall be considered filed until the City Clerk or his or her designee determines that the information in the application is complete and sufficient for filing purposes as required under this section.
- G. Upon receipt of both the application for a permit and the fee, the Clerk-Treasurer shall review the information given on the application for conformity with the provisions of this section. The Clerk-Treasurer shall distribute the application and accompanying materials to the related departments for review and comment. If the applicable requirements are satisfied, the Clerk-Treasurer will then forward the application to the Common Council.

The Common Council shall review the application and either deny the permit, approve the permit, or approve the permit with conditions. The permit shall be signed by the Mayor or his/her designee and shall be issued to the applicant.

§ 328 -7. Permit conditions.

Any person or applicant for a special event shall satisfy all of the following permit conditions, if applicable:

- A. Liability insurance. The person or applicant and each special event sponsoring group or vendor shall be required to supply the City with a certificate of insurance with coverage in the amount of not less than \$1,000,000 combined single limit per event and naming the City as an additionally insured party. Those events that will be required to provide the insurance and indemnification include but are not limited to: 1) an event that includes alcohol; or 2) an event that is anticipated to have attendance greater than 100 people per day; or 3) an event that includes a road closure. Proof of insurance shall be submitted to the City a minimum of 10 days before the start of the event. The applicant shall also be required to notify the City in the event there is a modification of any of the terms of the insurance coverage. Such notification shall be provided not less than two weeks prior to the effective date of that modification or termination.
- B. Indemnification. The person or applicant shall agree to indemnify, defend, and hold harmless the City, its employees, and agents against all demands, claims, liabilities, losses, damages or expenses, including but not limited to reasonable attorney's fees, incurred by the City for any damage or injury to person or property caused by or resulting from in any way the activities for which the permit is granted. No permit may be issued unless the person or applicant has agreed to this indemnification in writing and in a manner confirming its enforceability.
- C. City services. All requests by applicants for City services will be made to the Common Council or their designee. The applicant shall be responsible for reimbursement to the City for any City personnel, services, equipment, and facilities provided for the special event in the following circumstances for special events: 1) when deemed necessary by the City, or 2) when requested by the applicant and approved by the City. For City personnel, including

local Police Department security services, the reimbursable costs associated with the event shall include wages, overtime, and fringe benefits. City services and costs shall be determined and allocated per §328.12 of this Ordinance.

- D. Police Department security services. Where in the City's reasonable discretion the circumstances of the event require a security presence due to the scope and nature of the event, the City of Arcadia Police Department shall be utilized to provide the required security. Said security presence will be over and above the normal policing which would be provided; however, it is subject to emergent needs for policing which may otherwise exist at the time of the event. The Chief of Police or his/her designee shall advise the Common Council in deciding the level of coverage necessary to provide adequate security for an event covered under this chapter. The applicant shall be required to reimburse the City of Arcadia for security-related services in accordance with Subsection C above.
- E. Cleaning/damage deposit. The applicant shall be required to submit to the City a cleaning/damage deposit as determined by the Common Council per §328 not less than two (2) weeks prior to the starting date of the event. The cleaning/damage deposit may be refunded to the applicant, if, upon inspection, the property is in a substantially similar condition to what existed prior to the commencement of the event, or a prorated portion thereof as may be necessary to reimburse the City for loss or cleaning costs. The City reserves the right to retain the entire deposit if cleanup is not completed satisfactorily in the time frame as specified in the permit. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the permitted event to be completed within 24 hours after the conclusion of the event, or if a longer amount of time is required to complete the cleanup in a manner acceptable to the City, as approved by the Common Council prior to issuance of the permit. Glass bottles are prohibited from all special events on public property, unless otherwise allowed by a majority vote of the Common Council.
- F. Licenses required. All vendors operating a revenue-generating business as part of a special event permit obtained under this Code section shall obtain and display any and all required City permits for the duration of the event.
  - a. Only those vendors on the applicant's list of sponsors and participants shall be allowed to receive permits subject to permit application requirements.
  - b. Applicants that intend to serve beer or alcohol at an event are responsible for obtaining all required permits for serving alcohol beverages shall comply with all applicable laws. All bar locations on site serving beer and/or alcohol must have at least one individual, who shall be the supervisor, who holds an operator's license in accordance with Wis. Stats. §§ 125.17(1), 125.32(2), and 125.68(2) and who shall remain on the premise at times when beer and/or alcohol is served.

- c. Applicants that intend to play music at their event must obtain the proper licenses from the proper performance rights organizations and shall be prepared to display the license when requested by the City and shall provide a copy of such license agreement to the City.
  - d. Vendors wishing to serve food items must also obtain any required permit or license.
  - e. The applicant and all vendors shall comply with any other applicable State of Wisconsin statutes and Trempealeau County ordinances and shall be responsible for any additional required licenses or requirements.
- G. Applicant representative. The applicant shall have at least one representative on site during the event to coordinate events and enforce guidelines and standards on behalf of the City and the County or State Health Department and shall also provide the City with a list and schedule of primary contacts for the event. The applicant shall also provide sufficient staffing to provide assistance with crowd control, parking, and sanitation. The determination of what constitutes sufficient staffing will be made in conjunction with City officials.
- H. Inspections required. All tents must be installed under the Wis. Admin. Code ch. 314, and National Fire Protection Association, Chapter 25. The applicant shall be responsible for reimbursing the City for any and all fire inspections required in association with the proposed event. Wiring shall be installed by a licensed electrician, but only upon issuance of a temporary permit after payment of appropriate fees. All wiring shall be installed by an electrician with a valid license in the State of Wisconsin or be inspected by the state certified inspector prior to being energized. Failure to obtain inspections may result in the termination of the event.
- I. Termination of event. The City reserves the right to shut down a special event that is in progress if it is deemed to be a public safety hazard by the Chief of Police or a fire hazard by the Fire Department or there is a violation of City ordinances, state statutes or the terms of the applicant's permit. The Chief of Police or Chief of the Fire Department shall notify the Applicant of the violation and reason for shutting down the special event. The Common Council or their designee may revoke an approved special event permit if the Applicant fails to comply in good faith with the provisions of the permit prior to the event date. Good faith shall constitute an opportunity for the Applicant to remedy the failure of provisions.

§ 328 -8. Denial of permit.

- A. The City Council may require the applicant to revise and amend their application for reconsideration prior denying the special event permit.
- B. Reasons for denial of a special event permit may include, but are not limited to:
  - a. The event will disrupt traffic within the City beyond a reasonably practical solution.

- b. The event will create a likelihood of endangering the public.
- c. The event will interfere with access to emergency services.
- d. The length, location, or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents
- e. The event will require the diversion of City resources that would unreasonably affect the maintenance of regular City service levels.
- f. The application contains incomplete or false information.
- g. The applicant fails to provide proof of insurance.
- h. The applicant fails to agree to the indemnification requirements in this chapter.
- i. Inadequate provision for garbage or debris removal.
- j. Inadequate provision of temporary restroom facilities.
- k. Inadequate provisions for parking that interferes with provision of emergency services.
- l. The event conflicts with another event in the area

C. The Common Council shall notify the Applicant of its decision fourteen (14) days or more, prior to the special event.

§ 328 -9. Violations and penalties.

Any person, applicant, organization, vendor, firm, or corporation violating any of the requirements of this chapter shall be subject to a forfeiture as defined in § 1-3 of the City of Arcadia Municipal Code. Each day a violation continues shall be considered a separate offense. In addition, the City may enforce this section by way of injunctive relief and all other remedies available at law and in equity.

§ 328 -10. Notification to property owners or tenants.

The City may condition any special event permit on a requirement that the person or applicant give not less than seven (7) days, written advance notice of the event and its probable impact to any adjoining property owners or tenants who will be immediately impacted by the event.

§ 328 -11. Appeal.

Any person denied a permit may appeal the denial through the appeal procedure provided under the provisions of Wis. Stat. ch. 68.



§ 328 -12. Permit fees: review deposit.

- A. Concurrent with the filing of any application for a special event permit, the applicant shall pay a nonrefundable permit application fee in the amount of \$100.
  
- B. In addition, a special event permittee shall be responsible for and pay the City for any additional city and police services provided by the City for the special event. Such city and police event fee shall not exceed the actual cost of providing the services. Before any Common Council approval of a special event license, City department directors, including the Operations Superintendent and the Police Chief, shall review the application and provide to the Common Council their reasonable estimates of the costs of providing public works, police, and other City services reasonably required by the special event. The permittee shall provide the City with all information necessary to determine the level of services required. After reviewing such reports, upon which the applicant may be heard, the Common Council shall require as a condition of the permit that the applicant deposit with the City security in the form of a letter of credit or cash deposit, in form approved by the City Attorney in an amount determined to be sufficient to guarantee payment for the reasonable estimate of the anticipated cost of providing such special event police, and other City services. Such security deposit shall be filed with the City no later than fourteen (14) days before the special event. Such security deposit shall entitle the City to draw upon same forthwith upon any default in payment by the permittee after services invoice, with any remaining balance of any cash deposit to be returned to the permittee. Any determined deficiency for such service fees or fees accrued beyond the security deposit shall be a debt of the permittee to the City, collectible by the City in an action at law, which shall also entitle the City to all costs of collection, including attorney fees and, further, shall also constitute a special charge under Wis. Stat. § 66.0627, which shall become a lien against the special event premises to be placed upon the tax roll for such premises, if the special event takes place on private property. If the Operations or Park and Recreation Department reports the need for extra staff for the special event, the above terms and provisions pertaining to police, and costs shall likewise apply to such extra operations, parks, or sanitary services and costs.
  
- C. Damage deposit for damage to City parks. Any permittee for a special event to be held in a City park shall pay a damage deposit in an amount determined by the City in consultation with the Operations and Park and Recreation Departments based on the anticipated cost to restore the park to its condition before the event. Such anticipated cost shall be based on the size of the event, the number of people attending the event, vehicles, structures or other equipment used in the event, and other similar factors that may cause damage to the park. The deposit shall not be based on the sponsor or content of the event.”

SECTION 2. This Ordinance #2019-1 shall take effect upon passage and publication as provided by law.

ADOPTED at a regular meeting of the City of Arcadia Common Council this 6<sup>th</sup> day of March, 2019.

CITY OF ARCADIA

By:   
Robert Reichwein, Mayor

ATTEST:   
Angela Berg, Clerk

Adopted: March 6, 2019  
Published: March 13, 2019