

**TOWN OF OAK GROVE
ORDINANCE NO. 2009 - 02**

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TOWN OF OAK GROVE ORDINANCE NO. 2009 - 02

The Town Board of the Town of Oak Grove finds that is in the best interest of the public health, safety, and welfare to regulate Special Events to assure that proper public facilities, including road access, police and fire protection, and other health and safety facilities can be provided to such Special Events, and to assure that such Special Events do not unreasonably disturb surrounding areas, therefore, the Town Board of the Town of Oak Grove hereby ordains as follows:

12.11. Purpose.

In recognition of the limited resources of the Town of Oak Grove to provide services, it is the purpose of this ordinance to regulate Special Events and other assemblies of people that are temporary in nature, which are likely to need health, sanitary, fire, police, transportation, parking and utility services in excess of those regularly provided in the Town of Oak Grove in order that the health, safety and welfare of assemblies of large numbers of people and for all persons in the Town of Oak Grove, residents and visitors alike, may be protected. It is not the purpose of this article to regulate family gatherings.

12.12. Definitions.

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

- A. **COMMERCIAL USE** – A commercial use shall be a properly zoned established commercial use within the Town that has sufficient area, facilities, parking and structures that have been designed and constructed as a public building. The building must be or have been inspected and approved by the Department of Commerce, Safety and Buildings, and maintain the proper licenses and insurance.
- B. **SPECIAL EVENT** – Any temporary public gathering where the public is provided entertainment, gains entry by payment of an admission charge, and/or congregates at any location or event, within the limits of the Town of Oak Grove. This includes but is not limited to, shows, concerts, rodeos, fairs, exhibitions, carnivals, sporting events, races and horse shows.
- C. **SPECIAL EVENT - PRIVATE-** A Private Special Event is defined as an event, celebration or gathering on private property that is not for profit and involves the property owners' family or relatives to celebrate or hold an event such as, but not limited to, birthdays, graduations, weddings, anniversaries, garage sales, auctions, home comings, cook outs, block parties, etc. These would be gatherings typical of residential neighborhoods that would have no commercial or business orientation and not requiring any special needs such as major liability insurance, security, liquor licenses or other needs typical to commercial, business or occupational uses.

- D. TOWN - The Town of Oak Grove
- E. PERSON – Any individual natural human being, partnership, corporation, firm, company, association or group.

12.13 Exemptions.

These sections regulating Special Events do not apply to:

- A. Any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum, permanently established place of assembly, commercially zoned uses for Special Events for which it is reasonably anticipated that the number of persons attending will not exceed the maximum seating capacity of the structure. Where the assembly is held as provided in the Life Safety Code NFPA 101 and where the special event is not anticipated to generate substantially more than average traffic or patronage as a result of its regular and average use.
- B. Commercial zoned properties are not required to have a permit under this ordinance, but may not hold more than 4 Special Events in a 12 month period.
- C. Special Events occurring on Town property.
- D. Private Special Events or family gatherings such as graduations, weddings, receptions, anniversaries, birthdays, religious, farm or household auctions, retirement or any other family gathering of friends and family residing on the property as defined under section 12.12 of this ordinance. Parking and all other safety measures of the State, County and Town must be complied with and shall be the responsibility of the person(s) holding the Private Event.

12.14. Permit Required; General Regulations.

- A. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize or manage an actual or reasonably anticipated Special Event unless a permit to hold the Special Event has first been issued by the Town of Oak Grove Board of Supervisors.
 - (1) A permit to hold a Special Event issued to one person shall permit that person to engage in any lawful activity in connection with the holding of the permitted Special Event.
 - (2) The Pierce County Sheriff, Prescott Fire Department, Emergency Medical Services and Town officials shall at all times be allowed on the grounds to enforce the terms of this chapter, any permit issued hereunder, and any applicable federal, state, or local law.

- B. The permittee shall not permit the sound of the Special Event to carry unreasonably beyond the enclosed boundaries of the location of the Special Event. Live or recorded music, if played, shall be limited to the hours between 10:00 a.m. and 6:00 p.m.
- C. The hours of the Special Event shall be limited so as to practically allow time for entry and exit from the event area during daylight hours. No Special Event shall start before 10:00 a.m. or continue beyond 6:00 p.m. or at sunset, whichever is earlier. Gates shall not be open to the public more than 1 hour before the Special Event.
- D. The Town shall notify in writing the Town residents within 1500 feet and all parcels that abut the location of the proposed Special Event. The applicant shall submit to the Town a list of all owners and addresses along with unsealed stamped addressed envelopes of all persons or properties that abut or are within 1500 feet of the boundary of the parcel, lot or site of the Special Event. The date and time of the proposed Special Event and of the date and time of the Town Board meeting at which the application for a Special Event will be considered shall be mailed to all persons or properties within 1500 feet or that abut the Special Event site.
- E. A permittee shall be limited to 4 1 day Special Events per year.
- F. In the event of dry conditions or a Department of Natural Resources fire ban on outside burning, the Prescott Fire Chief may prohibit the Special Event or may require more stringent fire protection than required by this article.
- G. The Town shall not issue any alcohol beverage licenses for Special Events.
- H. There shall be no overnight camping or RV parking on the grounds of a Special Event.

12.15. Application

- A. Application for a permit to hold a Special Event shall be made in writing on a form provided by the Town and delivered to the Town Clerk at least 60 days before the proposed Special Event.
- B. The Town Board shall establish an application fee per Town fee schedule resolution to be paid at the time of filing an application and is non-refundable.
- C. The application shall contain:
 - (1) The address, legal description of the site and of all property upon which the special event is to be held.

- (2) The name, mailing address and telephone number of all persons applying for the Special Event permit and required signatures. In the case of a corporation, a certified copy of the articles of incorporation, together with the name, residence, mailing address and telephone number of each person holding 10% or more of the stock of said corporation.
- (3) Proof of ownership of all property upon which the Special Event is to be held. If the Special Event or a portion of the Special Event is held on a site or property which the applicant does not own, the property owner shall join in and sign the application and if the permit is granted, the Special Event sponsor and the property owner shall be named as permittee on the permit and shall be responsible for conducting the Special Event in compliance with all applicable laws and any conditions of the permit.
- (4) The nature and/or purpose of the Special Event.

- D. Security Deposit. The applicant shall provide a financial security, either a letter of credit or cash to reimburse the Town for unusual and/or extraordinary costs incurred by the Town which might arise by reason of granting the permit and promotion and conduct of the Special Event. The amount of the letter or credit or cash deposit shall be a minimum of \$7500 or as determined by the Town Board, giving consideration to the nature and size of the event. Proof of expenses incurred by the Town, or notice of the intent to file such proof, shall be submitted within 60 days following the Special Event to the applicant.
- E. Insurance. Prior to the time of granting the permit, the applicant shall provide a copy of a single limit liability insurance policy in the amount of \$1,000,000, covering bodily injury, property damages and personal injury (including Coverage's A, B and C) naming the Town of Oak Grove, Pierce County, Wisconsin, its agents, servants and employees as additional insured. Such policy shall be written by and agent licensed to do business in Wisconsin through a company having an A-plus rating in Best's Guide.
- F. Proof of compliance with Applicable Laws. As part of the application, the applicant shall submit evidence showing that the Special Event is in compliance with any and all local, county, state and federal laws and regulations regulating the gathering of large numbers of people.
- G. Site plans. The applicant shall submit site plans showing compliance detailed with all items and conditions for issuing the permit as specified and required below.
 - (1) Fencing. A fence completely enclosing the proposed location, of sufficient strength and height to prevent people in

excess of the maximum number permissible from gaining access to the event grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.

- (2) Sanitary Facilities and Potable Water. All sanitary facilities (toilets) and potable water facilities shall be provided for the Special Event required in the Building Code for places of public assembly, or other applicable Federal, State, County, or Local Regulation.
- (3) Solid Waste Disposal. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste, together with a plan for holding and a plan for collecting all such waste. Sufficient trash cans with tight-fitting lids and personnel to perform the task of collection shall be provided. Waste must be collected along designated traffic routes within one mile of the special event and on the grounds of the special event and parking lot at least once during the day of the event and at the completion of the event.
- (4) Traffic Control. A traffic control and circulation plan with provisions for, but not limited to, signing roads, parking of vehicles, prohibiting parking along road ways, emergency vehicle traffic, impoundment lots, towing vehicles and prohibition of pedestrian traffic. Such traffic plan shall be approved by the Town Board of Supervisors and County Traffic officials.
- (5) Parking. A parking area, inside the Special Event grounds sufficient to provide parking for the maximum number of people to be assembled at the rate of one parking space for every three persons. Parking along public and private roads outside of the enclosed event location before, during and after the Special Event shall be prohibited.
- (6) Centralized Information Office. The applicant shall provide a centralized office emergency contact center.

12.16. Required Information for Issuing Permit.

A. Before the applicant may be issued a permit, the applicant shall first:

- (1) Provide proof in written form that the applicant will furnish, at the applicant's expense, before, during and after the Special Event, the following:

- (a) Emergency Medical Services. A plan to provide emergency medical services adequate to serve both participants in the special event and attendees.
- (b) Security. Plans for internal security shall provide for security guards, either regularly employed duly sworn, off-duty Wisconsin peace officers or private guards, licensed and bonded in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled. The applicant shall provide a plan for external law enforcement and security to provide adequate security for the Town of Oak Grove and its residents. The plan shall be subject to approval by the Oak Grove Town Board and the Pierce County Sheriff. Perimeters of the Special Event grounds shall be patrolled by required security personnel to prevent people in excess of the maximum number permissible from gaining access to event grounds and to ensure that adjoining private property is not harmed. Plans for internal and external security must state the number and deployment of security personnel and their names, addresses, phone numbers, credentials and hours of availability. Security Guards shall be subject to a background check.
- (c) Fire protection. Measures shall be taken with the Prescott Fire Department to provide fire protection for the Special Event. The applicant shall contact the Prescott Fire Inspector and have an inspection of the Special Event done prior to the Event being allowed.
- (d) Noise. All reasonably necessary precautions to ensure that the sound of the Special Event does not carry beyond the enclosed boundaries of the event location. Plans for sound control and sound amplification, if any, including number, location and owner of amplifiers and speakers, shall be provided by the applicant.
- (j) Concessions. Plans for food concessions and such other concessions as may be allowed to operate on the grounds, including the names, residence and business addresses and telephone numbers of all concessionaires and their license and/or permit numbers. Food and beverage booths shall comply with food handling health regulations as determined by Federal, State and Local Laws and regulations. A copy of the food handler's health certificate to open shall be provided to the Town.

12.17. Approval or Denial of Application.

Upon receipt of a completed application, the Town Clerk shall submit the application to the Town Board. The Town Board shall approve, conditionally approve or deny the permit application within the following time frame: 30 days of filing the application. If a permit application is denied, the Town board shall provide reasons for the denial in writing to the applicant within 48 hours of the Town Board's decision. The Town Board shall issue the permit if it complies with all terms and provisions of this ordinance. Grounds for denial shall include, but not be limited to:

1. Any false statements set forth in the application.
2. The Special Event is of such a size or nature so as to require the diversion of so great a number of police, fire, or EMS personnel as to deny reasonable police, fire, and EMS personnel to the Town as a whole.
3. 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 or substantially interrupts the safe and orderly movement of traffic.
4. 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.
5. The Special Event will interfere or conflict with another Special Event for which an application has been previously filed or with a construction or public works project.
6. The conduct of the Special Event will be contrary to federal, state, county, or local law including noise regulations.
7. Either the applicant or a proposed Special Event were previously issued a permit for a Special Event under this ordinance and violated any term of this ordinance while operating under such permit.
8. The proposed Special Event will have an unreasonable adverse impact or will cause undue hardship, disturbance or disruption to residents or owners of property adjacent or near the site of the proposed Special Event.

12.18. Adjustment of Requirements

In consideration of the nature of the proposed Special Event, the Town Board may require that the applicant comply with other conditions in order to protect the health, safety and welfare of those attending and of all persons in the Town of Oak Grove. The Town Board may adjust these requirements or add conditions where required to address the public health and safety considerations identified in this ordinance.

12.19. Issuance of Permit.

- A. The application for a permit shall be processed within 30 days of receipt by the Town Clerk of a complete application including any required fees, and the permit shall not be issued until the Town Board of the Town of Oak Grove has approved the permit and the applicant has filed written proof of compliance with the requirements for issuance of the permit. If special Town Board or Plan Commission meetings are needed to decide

upon the application, the applicant shall be responsible to pay all costs associated with holding the special meeting.

- B. Any permit issued under this article is subject to the applicant's compliance with the conditions of this article and subject to the applicant's compliance with all other conditions required by the Town Board at the time of approval.

12.20. Revocation of Permit.

The permit may be revoked by the Town Board at any time if any of the conditions necessary for issuing the permit or contained in the permit are not complied with or if any conditions shall cease to be complied with.

12.21. Appeal of Denial or Revocation.

Any applicant who has been denied a Special Event permit, or whose permit has been revoked, may, upon written request within five days of denial or revocation, have the denial reviewed by the Pierce County Circuit Court, which shall either, affirm or reverse the Town Board's action on the permit application/revocation. As an alternative to Circuit Court, the applicant may commence review proceedings under Wis. Stat. Chapter 68.

12.22. Enforcement; Violations and Penalties.

- A. This ordinance may be enforced by an injunction or any other lawful remedy by any court of competent jurisdiction, and any holding of a Special Event in violation of this ordinance shall be deemed a public nuisance and may be abated as such.
- B. Penalty. In addition to an injunction any person, firm or corporation who or which violates any of the provisions' of this article shall, upon conviction thereof, be required to pay forfeiture of \$1,000- \$2,500 for a first offense, \$2,500- \$5,000 for a second offense, and \$5,000-\$10,000 for a third or continued offense in addition to the costs of the Town to administer prosecution. Each violation of any condition of this article shall constitute a separate offense.

12.23. Liberal Construction

The provisions of this ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town. If there is a conflict between this ordinance and any other ordinance or law of the Town, county or state, the most restrictive requirements shall govern.

12.24. Severability

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

12.25. Effective Date

This ordinance shall be effective after adoption by the Town Board and publication as required by law.

Adopted this 18th day of May, 2009

Town of Oak Grove

By: Gerald Kosin, Town Chair

Attest: James Allen, Town Clerk

Date Public Hearing: May 18, 2009

Date Adopted: May 18, 2009

Date Published: June 4, 2009