

Chapter 200
Large Gatherings and Assemblies Regulated

- | | |
|---|------------------------------|
| § 200-1. Regulating large gatherings or assemblies | § 200-5. Issuance |
| § 200-2. License required | § 200-6. Revocation |
| § 200-3. Conditions for issuing license | § 200-7. Enforcement |
| § 200-4. Application | § 200-8. Severability |

[HISTORY: Adopted by the Village Board of the Village of Fall Creek on 7-24-2007. Amendments noted where applicable.]

§ 200-1. Regulating Large Gatherings or Assemblies.

- A. It is the purpose of the Village to regulate the assemblage of large numbers of people in one location, in excess of those normally and customarily needing services to attend to their health, safety, sanitary, fire and police protection, transportation, and utility needs in order that the health, safety, and welfare of all persons in the Village may be protected. This Ordinance is adopted pursuant to the authority vested in the Village Board pursuant to §61.34(1), Wis. Stats.

§ 200-2. License Required.

- A. Except as otherwise provided in this ordinance, no person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, or sell or give tickets to an actual or reasonably anticipated assembly of 200 or more people which continues or can reasonably be expected to continue for eight (8) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Fall Creek Village Board.
- B. As used in this legislation:
- (1) person means any individual natural human being, partnership, corporation, firm, company, association, society or group;
 - (2) assembly means a company of persons gathered together at any location at any single time for any purpose.
- C. A license shall be required for which 200 or more people assemble or can reasonably be anticipated to assemble; the fee for such license shall be \$100.00. Organizations which have been in existence for six (6) months and which have a state or federal charter or which are certified as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code are exempt from payment of a license application fee.
- D. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

§ 200-3. Conditions for Issuing License.

Before the applicant may be issued a license, the applicant shall first:

- A. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location.
- B. The applicant shall provide proof in such form as is satisfactory to the Village of ability to provide, at the applicant's sole expense, each of the following in accord with the standards set forth in this section.
 - (1) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate as determined in accordance with the ratios provided in Comm 55.32, Wisconsin Administrative Code (including any subsequent amendments).
 - (2) Water closets, urinals, lavatories and drinking facilities, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet per 50 females and one toilet per 75 males.
 - (3) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and trash cans with tight fitting lids and personnel to perform the task;
 - (4) Building Inspector shall inspect and approve of all buildings before they may be used for the event.
 - (5) One emergency medical technician or First Responder licensed to practice in Wisconsin for every 1,000 people together with and enclosed covered structure where treatment may be rendered. There shall be provided an enclosed covered structure for medical treatment. In addition, assemblages exceeding 5,000 persons shall have at least one emergency ambulance available for use at all times for each 5,000 persons;
 - (6) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

§ 200-3 FALL CREEK CODE – LARGE GATHERINGS & ASSEMBLIES REGULATED § 200-3

- (7) Off street parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
- (8) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons. If cellular telephones will work at the location applied for, no “hard-line” connections shall be required;
- (9) If the assembly is to continue for 18 or more consecutive hours, camping facilities in compliance with all state and county requirements as set forth in the Wisconsin Administrative Code and the Eau Claire County Code sufficient to provide camping accommodations for the maximum number of people to be assembled;
- (10) An overall plan to provide adequate safety for the event will be approved by the Police Chief. Private security personnel shall not be used. Law enforcement officers, generally at the ratio of one officer per one-hundred (100) people, as determined in § 200-3.A. as the maximum number of people which will be assembled, shall be hired by the Fall Creek Police Department. The entire cost of wages and benefits for the law enforcement officers, as well as any other necessary cost for the security, shall be the financial responsibility of the petitioner. Number of officers can be amended per the discretion of the Police Chief. Petitioner shall be required to submit a bond for the estimated cost of security at least 30 days before the event. At the discretion of the Village Board, tax exempt organizations under § 501 (c) (3) of the Internal Revenue Code may, upon request made to the Board, be exempted from all or part of the cost of wages, salaries, and other security expenses and cost of bonding under this subsection.
[Amended 8-14-2008]
- (11) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment;
- (12) All reasonably necessary precautions to insure the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. The sound level at the property line of the assembly shall not exceed 70 decibels on the A scale slow response between the hours of 8:01 a.m. and 10:59 p.m. There shall be no amplified music sound between the hours of 11:00 p.m. and 8:00 a.m. without prior approval from the Village Board.
- (13) A statement, filed with the clerk of the Village of Fall Creek and approved by the Village Attorney, which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this

license, from any cost incurred in cleaning up any waste material produced or left by the assembly and for any other claims arising from a violation of the Ordinance.

- (14) Certificates of insurance coverage issued by bonafide insurance companies licensed to transact business in the State, listing the Village as an additional insured, showing that such companies have insured such applicant and such assembly in the following ways:
 - a. A comprehensive public liability policy with a maximum limit for all claims in the amount of \$2,000,000 and containing a medical payment coverage guaranteeing payment of all medical bills incurred by any person by reason of any injury on such premises during such assembly to a minimum limit of \$500,000 per person for bodily injury liability and \$500,000 for property damage liability per person.
 - b. A fire legal liability policy with a maximum limit of \$2,000,000.
 - c. Workmen's compensation insurance as required by Wisconsin Law.
- (15) In the event that the applicant or any other person with his or her permission or that of the owner of the premises seeks to sell alcoholic beverages for consumption on the premises, the requisite licenses and bartender operator permits shall be obtained from the Village and the area of the premises designated for sale and consumption of alcoholic beverages shall be fenced in, subject to the approval of the Police Department.

§200-4. Application

- A. Application for a license to hold an actual or anticipated assembly of 200 or more people shall be made in writing to the Village Clerk:
 - (1) at least 30 days in advance of such assembly AND
 - (2) at least 15 days in advance of the regularly scheduled Village Board meetings (generally scheduled the second Thursday of each month) or at least 15 days in advance of a specially called meeting, for which the applicant is responsible to pay compensation for the President and Trustees as specified in §60-6.
- 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, natural human being, by all officers in the case of a corporation, by all partners 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 or group.

C. The application shall contain and disclose:

- (1) 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;
- (2) the address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;
- (3) proof of ownership of all property upon which said assembly 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 their permission to use the property in question for the purpose of holding an assembly regulated under this ordinance,
- (4) the total number of days and/or hours during which the assembly is to last;
- (5) the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue for 18 or more hours;
- (6) the maximum number of tickets to be sold, if any;
- (7) the plans of the applicant to limit the maximum number of people permitted to assemble;
- (8) any plans for fencing the location of the assembly and/or fencing the beer gardens, and the gates contained in such fences;
- (9) the plans for supplying potable water including the source, amount available and location of outlets;
- (10) the plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;
- (11) the plans for holding, collection, and disposing of solid waste material;
- (12) the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance services;

§ 200-4 FALL CREEK CODE – LARGE GATHERINGS & ASSEMBLIES REGULATED § 200-5

- (13) the plans, if any, to illuminate the locations of the assembly including the source and amount of power and the location of lamps;
- (14) the plans for parking vehicles including the size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- (15) the plans for telephone service including the source, number and location of telephones;
- (16) the plans for camping facilities, if any, including facilities and their location;
- (17) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
- (18) 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;
- (19) the plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
- (20) the plans for food 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;
- (21) a scaled overall layout/diagram of the entire grounds.

D. The application shall include the certificate of insurance and the license fee.

§ 200-5. Issuance.

A. License Fees.

- (1) Fees to accompany application. License fees shall accompany the license application. If a license is granted, the Village Clerk shall issue the applicant a receipt for his license.
- (2) Refunds. No fee paid shall be refunded, unless the license is denied.

B. Granting of Licenses. Unless otherwise designated, licenses required by this ordinance shall be issued by the Village Clerk only with the approval of the Village Board.

C. Processing of licenses. The application for a license shall be processed at the next regularly scheduled Village Board meeting, or if requested by the applicant, at a specially called meeting (for which the applicant is responsible to pay compensation for the President and Trustees as specified in §60-6.) and shall be issued if all conditions are complied with.

§ 200-5 FALL CREEK CODE – LARGE GATHERINGS & ASSEMBLIES REGULATED § 200-8

- D. Form of license. All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the Village Clerk.
- E. Record of licenses. The Village Clerk shall keep a record of all licenses issued.
- F. Display of licenses. All licenses hereunder shall be displayed upon the premises for which issued, and shall be displayed to any officer of the Village upon request.
- G. Compliance with laws required. It shall be a condition of holding a license under this ordinance that the licensee comply with all laws of this State and all ordinances of this Village. Failure to do so shall be cause for suspension or revocation of the license.
- H. Transfer of license. All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.
- I. Consent to inspection. An applicant for license under this ordinance thereby consents to the entry of peace officers or authorized representatives of the Village upon the licenses premises at all reasonable hours for the purpose of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions all things found therein in violation of this ordinance or State law.

§ 200-6. Revocation.

The license may be revoked by the governing body of this municipality, or it's agent, at any time if conditions are dangerous to public health or safety.

§ 200-7. Enforcement.

- A. The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.
- B. The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.
- C. Any person who violated this ordinance shall forfeit not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

§200-8. Severability Clause

Each of the provisions, clauses, paragraphs and sections of this Ordinance shall have an independent existence and should any provision, clause, paragraph or section of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, said declaration shall be deemed to have no effect upon the remainder of this Ordinance.