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Posted:

ORDINANCE NO. 2020-006
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF LINN, WALWORTH COUNTY, WISCONSIN, CHANGE 10.2 PUBLIC AMUSEMENTS TO SPECIAL EVENTS

§ 10.2 Special Events

Purpose
The purpose of these Administrative Regulations, which may be updated annually by the Town of Linn, is to implement the provisions per Section 10-2 of the Town of Linn Code of Ordinances.

These Regulations apply to all Special Events held in the Town and include information regarding the application procedure, bases for issuing permits, fees (application and cost recovery for township services), and the appeals process.

Event sponsors are encouraged to contact the Town of Linn Clerk's Office at 262-275-6300 for assistance in completing applications and/or to answer questions that may arise.

I. Definitions

Definitions used herein shall be in addition to and/or consistent with those set forth in per Section 10-2 of the Town of Linn Code.

A. **Applicant** refers to the person or group sponsoring or organizing an Event and applying for an Event permit required under per Section 10-2 of the Town of Linn Code (hereinafter "per Section 10-2").
B. **Athletic Competition** means an event involving sports, games, or exercises which is reasonably anticipated to obstruct the normal flow of traffic on a public property or otherwise limit public access to public property. Examples include but are not limited to the running/biking/walking/mix of all, or vehicle race.
C. **Barricade** is defined as a sawhorse, metal gate, barrel or other approved barrier set up by the Town or otherwise permitted in Section 10-2 of these regulations as a warning to block the passage of pedestrian and/or vehicular traffic from a designated area.
D. **A block party** means an outdoor public event organized by the residents of a neighborhood or residential block and held upon a Town right-of-way for social or entertainment purposes.
E. **Business Day** refers to normal Town work hours occurring Monday through Friday, excluding holidays.
F. **Town** means the Town of Linn.

G. "A Community Event" is an annual one-day community or neighborhood event organized for celebrating community arts, recreation or culture or to commemorate a holiday, season or special day to the community.

H. **Cost recovery** refers to administrative and departmental costs charged by the Town to an applicant in conjunction with an event permitted under Section 10-2 and these regulations.

I. **Event Permit** means any written authorization issued as required by Section 10-2 and these regulations that authorizes the performance of a specified act or acts on a street or other Town property.

J. **First Amendment Activity** includes all expressive and associate activity that is protected by the United States and Wisconsin Constitutions, including speech, press, assembly, and/or the right to petition.
For purposes of Section 10-2 and these regulations, commercial advertising that is regulated by the Zoning ordinance or elsewhere in the code, is excluded from this definition.

K. **Parade** for purposes of Section 10-2 and these regulations means a march, procession, organized movement, or motorcade consisting of persons, vehicles, or a combination thereof

1. That is held with an intent to attract attention
2. That takes place upon roads and streets within the Town or the park
3. That interferes or tends to interfere with the normal flow or regulation of pedestrian or vehicular traffic or does not comply with normal and usual and usual traffic, regulations or controls

L. **Participant** in a Special Event refers to those individuals, including but not limited to the Applicant, who take part in the activities of the Special Event.

M. **Person** means any person, firm, partnership, association, corporation, society, company, or organization of any kind.

N. **Public Assembly** means a group activity including but not limited to a demonstration, march, meeting, parade, protest, rally, or vigil which involves the expression of opinions or grievances of persons for a common purpose as a result of prior planning and which has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, parks, sidewalks, or other public grounds within the Town or does not comply with normal and usual traffic, regulations or controls; or which occupies any public area open to the general public to the exclusion of others.

O. **Public Safety Services** are those services provided by the Police Department, the Fire Department or the Department of Emergency Medical Services.

P. **Sidewalk** is any area or way set aside or open to the public for pedestrian traffic, whether it is paved or not.

Q. **Special Events**

1. A Special Event shall include but not be limited to a parade, public assembly, performance, meeting, contest, exhibit, athletic competition or presentation, community event, block party, or ceremony. Said event is to be held
    a. wholly or partially on property owned or maintained by the Town which is designated by the Town for First Amendment Activity or in a traditional public forum
    b. on a street or sidewalk located within the Town and will likely result in the obstruction of such streets or sidewalks or will likely compromise the ability of the Town to respond to a public safety emergency
    c. on any other property, but requires for its successful execution the provision and coordination of Town services to a degree over and above that which the Town routinely provides.
2. The definition of Special Event is not intended to include
    a. An activity held solely on private property and which does not otherwise require for its successful execution the provision and coordination of Town services to a degree equal to and/or over and above that which the Town routinely provides
    b. Programmed activities provided or managed by the Town, i.e. recreational and senior center programs
    c. Any event that would otherwise fall within the definition of a Special Event held in a park but which involves fewer than 25 people at the same time within a circumscribed 100-foot radius and does not interfere with regular use of the park by the public (but provisions of Section 10-2 may still apply)
    d. First Amendment Activity on Town streets or sidewalks (including those in parks) that will not likely result in the obstruction of Town streets or sidewalks nor compromise the ability of the Town to respond to a public safety emergency
    e. Permitting of Sports Fields, Sports Facilities, or Park Shelters, Recreation or Senior Centers, Churches or Rummage Sales, Schools, Funerals, or usages otherwise governed by the Code.

R. **Street** is any paved or unpaved road, thoroughfare, avenue, boulevard, parkway, drive, or other public way set aside or open for purposes of vehicular traffic, including any berm, shoulder or median strip thereof

S. **A** Traditional **Parade** is one which has been conducted on or about a certain date on a similar route and in connection with a particular holiday for at least the past five years

T. **Traffic Control** is defined as those activities performed by the Police Department during a Special Event that relate to the orderly flow of pedestrian, vehicular and other forms of movement along public rights-of- way.

II. Event Permit Applications

All event permit applications shall be available for pick-up or mailing upon request by calling 262-275-6300, Ext. 10. They may also be downloaded from the Town's website.

A. Applications shall be submitted to the Town of Linn Clerk, PO Box 130, Zenda, WI 53195, in person, by mail, by fax (262) 275-8261 or by e-mail to clerk@townoflinn.com. Applications shall be time-stamped by the Clerk's Office upon receipt and processed in the order they are received unless otherwise regulated herein. All review time periods discussed in this Section III shall begin to run only upon the Town's receipt of a fully-completed application. For example, it is not acceptable to skip portions of the application or to write in "same as last year" in blanks.

B. If an application is returned to an applicant for failure to fill in all sections as applicable, the time-stamping and preference order discussed in this subsection shall be restarted upon the return of the completed application to the Clerk's Office.

   1. Permits for First Amendment Activity intended to respond to current events and depending on a timely response shall be evaluated no later than five business days from the receipt of a completed permit application by the Clerk's Office.

      The applicant shall designate the activity as one involving spontaneous speech in the application. If the Town does not have the opportunity to completely review the requested permit application before a permit is issued under these expedited circumstances, the Town reserves the right to modify the permit duration, route, or location of the Special Event based upon content-neutral public safety concerns including but not limited to accommodations for pedestrians, vehicular traffic, staffing availability, and emergency vehicle access.

   2. An application for a Traditional Parade as defined in these Regulations shall be given a preference to continue on the same date and route for the purpose of protecting the expectations and enjoyment of the public. It is requested that a completed application for the Traditional Parade be provided to the Town no later than 45 days prior to such Event.

   3. Otherwise applications shall be submitted to the Clerk's Office at least ten (10) weeks and not more than one hundred eighty (180) business days before the date and time at which the Event is proposed to commence.

   4. Special Events (including those taking place on private property) that will involve temporary requested on-street parking for extended exhibition

viewing must also obtain a Special Event Permit pursuant to these Regulations. Absent overriding public safety traffic or emergency vehicle access concerns prohibiting temporary parking at the location desired, permits will be issued for those events that

a. run no more than five (5) days
b. request exhibition viewing parking only during off-peak (after 6:00 p.m.; not conducted between 1:00 a.m. and 9:00 a.m.) and weekend hours
c. involve no more than one lane of blocked traffic at a time. During any closures, there must be an open/available lane in the same direction for traffic to continue.
d. if signage is desired by the applicant to identify times/dates/locations temporary parking is permitted for the event, the applicant shall work with the Town's Highway Superintendent which shall identify appropriate locations for such signage and shall notify the applicant if any additional permissions/sign variances are required prior to the posting thereof. All signage costs and removal shall be the responsibility of the applicant.
e. The information requested in the written permit application shall include the following and shall be updated by applicant in a timely fashion should circumstances change prior to the Event
    1. Application information including the name, address, and telephone number of the person(s) and, if applicable, the organization seeking to conduct the Event and billing address
    2. A description of the event as well as the requested date(s) and hours
    3. The location of the event and, if applicable, a Route and Traffic Plan detailing plans for categories listed in the application, including but not limited to the proposed route to be traveled, including the starting point and the termination point, notification to the Town regarding bus route changes, and parking availability for the event.
    4. If roads and/or sidewalks will be closed, the applicant will be required to explain how motorists and business owners and residents will be notified in advance of the event
    5. If the event is taking place on private property, written authorization from the owner will be required, including approximate number of participants in the event
    6. Whether any animals and/or vehicles will be involved in the event and the type of animals and description of the vehicles
    7. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed to be traversed

8. A proposed Site Plan, including the location of structures, electrical, sanitation, and plumbing and the location by street of any assembly areas for the event
9. The time at which any unit of an event will begin to assemble at such area
10. If the event is designed to be held by or on behalf of an individual or organization other than the applicant, a letter from said person/group shall be filed with the permit authorizing the applicant to file for the said permit on his/ her/its behalf.
11. A description of any sound systems, or other electrical or other devices to be used in connection with the event, including a list of entertainers /band/ performers.
12. If applicable, the estimated/approximate number of spectators
13. Whether alcohol is planned to be served. Event organizers are required to secure necessary authorizations from appropriate county, state or federal authorities
14. A designation of any public services, facilities or equipment to be utilized and a description of event access for persons with disabilities and security plans, if any.
15. If an Applicant wishes to use Town equipment that is made available to the public, it shall be necessary to pay the hourly or flat fee rental rates set by the Town.
16. Alternatively, a permit holder may procure barricades from an outside source so long as type and placement are approved by Highway Superintendent
17. Information as to whether any food, beverages or other concessions will be sold within a "special event area" or "concession venue." Any plans to sell concessions must be separately reviewed by the Police Department.
18. A clean-up plan must be provided. Applicant is expected to clean up after the event. Applicant may provide personnel for cleaning up or may contact the Town's Highway Superintendent according to the rates set by the Town. The Applicant shall also address separate receptacle use for recyclables.
19. If insurance is required as set forth in Section VIII herein, a copy of the certificate listing the Town of Linn as an additional insured and a signed indemnification statement
20. A listing of marshals or volunteers for Traditional Parades. Traditional parade holders are expected to provide twenty parade marshals to assist with staffing street closings at the direction of the police. Please see Exhibit A-2 for more information on costs if volunteers are not provided.

III. Permit Issuance

A. The Town of Linn Board shall issue a permit as provided for herein when, after a consideration of the application and all other information that is obtained, it finds that

1. The proposed event is appropriate for the size and use for which the requested location has been established or designated
2. The proposed event will not interfere with a previously permitted event or previously approved construction or maintenance work.
3. The proposed event will not substantially or unnecessarily interfere with traffic in the area contiguous to the event, or that, if the activity will substantially interfere with traffic, there will be sufficient Town resources available at the time to mitigate the disruption.
4. The proposed event is scheduled to occur during normal operating hours of the Town for the location requested. Operating hours of facilities are posted therein or may be obtained from the applicable department in charge of said facility
5. The applicant has obtained all necessary approvals, permits, or licenses from other governmental agencies or otherwise required pursuant to this code or state or other applicable law. The Police Department will endeavor to notify the applicant of permits or licenses required by the Town Code, but applicant must determine what approvals, permits or licenses are required by other governmental agencies
6. The noise levels anticipated for the proposed event comply with the applicable Section of the Town Code
7. The applicant has complied with the application requirements including but not limited to permit fees, cost recovery, insurance and indemnification requirements where applicable
8. The application is complete and does not contain misrepresentations of fact
9. The concentration of persons, animals, and vehicles at public assembly points of the event or during a continuous procession will not unduly interfere with property, fire and police protection of, or ambulance service to, areas contiguous to such public assembly or processional areas
10. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas.

B. Event organizers shall be responsible for provided adequate toilet facilities throughout an event venue as required by the Town.

C. Application for fireworks permits must be made with the Fire Department. Application for such permits must be accompanied by proof of insurance as required under Section VIII herein.

D. If a special event will include animals, at least one week prior to the event, the applicant or coordinator shall provide the Police Department with a health

certificate for each animal to participate as well as the name of a local veterinarian who shall provide care for an injured or sick animal, a copy of the handler's licenses required under federal and/or state law, and verify access to an animal ambulance.

E. It is recommended that no advertising of the Event commence until the Applicant receives final permit approval

IV. Denials

A. No permit shall be denied based solely on the applicant or content of protected speech scheduled to occur at a special event.

B. All denials shall be in writing and shall state the specific reason for such denial. The denial shall be provided in person to the applicant or shall be mailed to the applicant or other person so designated on the permit application at the address set forth therein within the response time frames set forth in Section III of these Regulations.

C. In denying an application for an event permit, the Town of Linn Police shall, where possible, propose measures to cure the defects in the permit.

D. If the permit is denied due to another event occurring at the same time and location, the Town may authorize the conduct of the event at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall notify the Clerk's Office of its acceptance within three (3) days after notice of the denial.

E. An alternate event permit shall conform to the requirements of, and shall have the effect of, an event permit issued under Section 10-2 and these Regulations.

V. Appeal Procedure

A. Any applicant shall have the right to appeal the denial of a special event permit to the Town of Linn Board. The denied applicant shall make the appeal within three (3) business days after receipt of the denial by filing a written notice with the Clerk's Office. The Town shall act upon the appeal and render a written decision within fifteen (15) business days following receipt of the appeal.

VI. Fees: Event Permit Application and Cost Recovery

A. Application fees - Event Permit application fees shall be nonrefundable and shall be set by the Town.

B. Cost Recovery for Town Departmental Services: Some Special Events will require the applicant to pay fees (in addition to the application fee) for Town services as described herein. The applicant shall work with the Town to set up a Cost Recovery plan that will cover departmental charges incurred by the Town relating to any required police traffic control provided by the Police, Emergency Medical Services if applicable, as well as other set-up and cleaning activities provided by the Highway Superintendent. Cost Recovery shall consider the requirements of Section 10-2 of the Town of Linn Code.

The Town will provide the applicant with a Cost Recovery Invoice detailing all fees due prior to the event. A schedule of general fees and specific costs for major categories of Special Events is set by the Town. Payment in full for estimated cost recovery is required four (4) days before an event is to begin. If any payment is due for events subject to the exigency exception for First Amendment activity, such applicant may pay such costs on the day of the Event. Permits will not be issued until payment has been received.

C. **Use of volunteers** - The Police Department will work with applicants to determine ways to reduce the need for Town services with the use of volunteers if possible. The use and placement of volunteers are subject to the discretion of the Police Department. To the extent permitted under applicable Wisconsin labor law, organizers will be allowed to hire security guards for security functions related to the special event.

D. **Additional Charges**

1. Property or Equipment Damage. Within thirty (30) days after the completion of a special event, the Town shall transmit to the applicant (individual or group) an itemized bill setting forth any verifiable damages or loss to Town equipment or property known by Town to be caused by said applicant during a special event. If the applicant refuses to pay such bill, the Town reserves the right to seek legal recourse permitted under applicable law for recovery of said damages.
2. The Town reserves the right to assess additional costs for litter and refuse collection to the extent that the applicant fails to meet its obligations as set forth in its Clean-up Plan required pursuant to these Regulations. Charges shall be determined by the Highway Superintendent after he or she receives the verified time sheet of the foreperson in charge of said clean-up. The current applicable hourly rates for Town personnel shall be charged, and an itemized bill shall be sent to the applicant.

   If the applicant refuses to pay such bill, the Town reserves the right to seek legal recourse permitted under applicable law for recovery of said damages.
3. As set forth in Section 10-2 of the Code, the Town shall also charge Special Event applicants and/or sponsors for all optional services specifically requested in writing by such applicant/sponsor, including but not limited to requests for public safety or highway personnel and/or for the use of Town equipment. These costs are for those services requested over and above routine/required cost recovery items.
4. Any fees required in obtaining other permits needed for an event (such as to allow pyrotechnics or alcohol) are not included in the

calculations associated with the special event permit itself and shall be paid separately.

5. Refunds: If it is determined that applicant overpaid for cost recovery, the Town will refund money to the applicant within 60 (sixty days) of the event.
6. The Town shall not charge any fees for police protection that is required due to potential public response to speech content.
7. If a special event does not fit within the classifications set forth in Section I, the Chief of Police shall determine whether and to what extent the traffic control services of police (including the need for barricades) are reasonably necessary for a special event. The Chief of Police shall base this decision on the following objective criteria
   a. The location, duration, route, time and date and expected size of the event.
   b. The expected sale or service of alcoholic beverages;
   c. The number of streets and intersections blocked and what portion of the streets are planned to be used for the event
   d. Whether bridges or main arteries shall be involved in the Event route
   e. The need to detour or preempt citizens' travel on and use of the streets and sidewalks.
8. As set forth in Section III (e)(15) herein, barricades specifically requested by a permittee may be provided through the Town's Highway Department for a set fee or by the permittee from an outside source so long as type and placement of the barricades are approved by the Police Department. If provided by the Highway Superintendent, delivery and/or pick-up fees will apply.
9. An applicant is responsible to notify the Clerk's Office immediately upon the postponement or cancellation of an event. Applicants will be charged for Town services provided in advance of the event up through the time of notification.

VII. Penalties for violations

a. Any person found to be in violation of any provision hereof, or any rule, regulation or order made hereunder, shall be subject to a penalty as provided by the Town.
b. The Town may, at the discretion of the Chief of Police or the Chief's designee, cause the event to cease, be terminated, or shut-down after the commencement of the event if the event is not executed in accordance with the terms of the application and permit approved and issued by the Town of Linn. Additionally, the Chief of Police or Chief's designee may stop, terminate, or shut-down the even at any time up to and after the commencement of the event if the carrying on of the event poses an immediate and substantial risk of serious bodily harm or damage to property of members of the public.

VIII. Insurance and Indemnification

A. General liability Insurance - Due to the risk of personal injury and property damage under certain circumstances, insurance will be required under the following conditions:

1. All Athletic Competition Events.
2. Any Special Event involving animal(s), fireworks, automobile(s) or other vehicle(s), including but not limited to watercraft, aircraft, or motorcycles, or the sale of food. Additionally, requests made by applicants to use the following Town equipment: sound equipment, show-mobile, trans-stage, or trans-bleachers. Where required, the applicant or, if applicable, the organization/sponsor shall maintain insurance in the amount specified below to cover the entire duration of the event.

The applicant shall provide to the Clerk's Office a certificate of insurance duly executed by the officers or authorized representatives of a responsible and non-assessable insurance company, evidencing the following minimum coverage(s) and specifically identifying TOWN as an additional insured, which insurance shall be noncancelable, except upon thirty (30) days prior written notice to TOWN.

	Individual Occurrence	**Aggregate**
General Liability		
Bodily injury including death	$500,000.00	$1,000000.00
Property damage	$ 50,000.00	$ 100,000.00

All policies must be made on an occurrence basis. Claims-made policies are not acceptable.

B. Liquor Liability - Where the applicant, on behalf of any other persons, organizations, firms or corporations on whose behalf application is made, seeks to hold a Special Event involving the sale of alcoholic beverages and has otherwise been granted all necessary permits for such purpose, the applicant shall maintain a policy or policies of Liquor Liability Protection with limits of not less than $1,000,000. Such insurance shall be evidenced on the certificate of insurance provided to the Police Department.

C. Where insurance is required per subsection (a) or (b), the applicant on behalf of himself/herself or any other persons, organizations, firms or corporations

on whose behalf the application is made, by filing a permit application shall represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the Town harmless against liability, including court costs and attorney's fees, and attorney's fees on appeal, for any and all claims for damage to property, or injury to, or death of persons arising from the sponsor's activities authorized by the Special Event permit. In such circumstances, a specific Indemnification Statement shall be attached to the application.

Dated at the Town of Linn, Wisconsin, this 10th day of February, 2020.

TOWN OF LINN

BY: James R Weiss
James Weiss, Chairman

ATTEST

Rose Miller
Rose Miller, Clerk