

**CITY OF ELKHORN
CHAPTER 12**

12.10 Annual Events, Special Events, Other Events

(1) Definition

a. REGULARLY PLANNED ANNUAL EVENTS. Events that occur as part of local charitable or athletic occurrences on the public right of way on an annual basis at the same or nearly the same time each year (e.g. Annual Elkhorn Festival of Summer, Christmas Parade).

b. SPECIAL EVENTS. A “special event” is a temporary entertainment and/or 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.

c. OTHER EVENTS. Any event requested or demanded by any individual or group for the purpose of exercising First Amendment rights related to political, religious or other speech, which requires the City’s attention in the form of police protection, traffic control or crowd maintenance; any of which that are to extent that the City must plan in order to adequately protect citizenry or participants in such event from harm or other safety concerns.

d. PERMIT. A document issued to an individual, group or entity seeking to hold any one of the three (3) types of occurrences identified in sections a, b and c above. The permit shall be issued in writing on a standard form supplied by the City. A special event is any planned occurrence on the public right-of-way or public premises including, but not limited to, parades, gatherings, festivals and athletic events which is not within the normal and ordinary use of the public premises or place which, by nature of the event, may have a greater impact on City Services or resources than would have occurred had the event not taken place.

(2) Events Staff Review Team

- a. Events Staff Review Team shall consist of representatives of the City Clerk, Department of Public Works, Police, Fire, Parks and Recreation; additional City staff as necessary.
- b. In the event of “Other Events”, the Events Staff Review Team may require the person or representative of the group making application for an Events Permit to be presented when meeting regarding the application for a permit, so that

information needed fairly assess the traffic and safety or other protective actions to be assessed. Failure to attend or refusal to attend to provide such necessary information may result in denial of the permit requested.

- c. The Events Staff Review Team shall recommend either approval with conditions as appropriate to ensure a safe event or deny the application and state its reasons for denial. No denial shall be based in any way upon the content of the speech or nature of the organization, except that the City shall not issue a permit for an event, which by its nature is intended to violate Wisconsin Statutes.
- d. The City Clerk shall be the sole office authorized to issue such a permit after compliance with this Ordinance.
- e. Permit Shall be issued to an applicant unless:
 - 1) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location without adequate notice preventing the City from, with reasonable diligence, time to prepare adequate protections or the applicant refuses or fails to meet the financial obligation caused by the event. No permit will be issued that requires the violation of federal or state law regarding the public's general right to access state highways, the interstate system or county roadways. The applicant shall be solely responsible for providing the City adequate notice in order to obtain closures as required by the state for any such area in the event the federal, state or county authorities require closure of any roadway; or
 - 2) The concentration of persons at the event would interfere with proper fire and police protection of, or other emergency service to or through, the event or to areas adjacent to the event's location in a manner that cannot be overcome by reasonable planning and application of resources; or
 - 3) Another permit has already been granted for substantially the same time and/or location; or
 - 4) The size or time of the event would require so great a diversion of City police as to prevent normal police protection of the City or to prevent adequate police protection at another previously scheduled City-wide event; or
 - 5) The event is reasonably likely to cause injury to persons or property and there is inadequate time for planning for crowd control of participants; or
 - 6) Adequate sanitation or other necessary Health facilities will not be available at the event; or
 - 7) There is insufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected; or
 - 8) The time, size or nature of the event is incompatible with the regularly conducted activity at that location so that such regularly conducted activity is effectively prevented to the City's citizens; or
 - 9) The proposed use or event will have a significant adverse long term or permanent environmental impact; or
 - 10) The event is strictly for commercial or financial gain.
- f. If the recommendation is denial, the applicant may appeal in writing to the Legislative and Regulatory Committee. The Legislative and Regulatory Committee shall review the application and the recommendation for denial from

the Events Staff Review Team and render a decision, based upon the criteria set forth herein.

(3) Annual Events, Special Events, Other Events Application

- a. Applications are available at the City Clerk's office.
- b. For "Regularly Planned Events", a completed, signed application form must be filed with the City Clerk at least 45 days prior to the event being held. For "Special Events" and "Other Events", a completed, signed application form must be filed with the City Clerk. Applications shall be filed in sufficient time to obtain any permits required by authorities beyond the City of Elkhorn, including but not limited to the State of Wisconsin Department of Transportation for any necessary street or other closure or other permits. Otherwise, permit applicants shall be required to provide notice sufficient to the City with reasonable diligence to obtain adequate police protection and crowd control, preferably at least 45 days in advance. The City will make reasonable accommodation to applicants unable to meet this requirement such that are possible and consistent with the applicant's ability to recompense the City for the actual costs incurred by the City to accommodate the size and nature of the event or occurrence planned.
- c. Fee schedule
 - 1) Application Fee - \$50.00 (non-refundable) This fee is determined based upon the actual average man-hours of expense incurred by the City to process any such application.
 - 2) Temporary Fermented Malt Beverage and/or Wine License - \$10.00 (if needed)
 - 3) Temporary Bartender Operator's License - \$10.00 (if needed)
 - 4) Street Closure - \$25.00
 - 5) Electric Hook – Up - \$50.00 (If needed)
 - 6) Deposit - \$100.00 (Deposit is refundable if the route or location of the event is returned to its original state as determined by the Events Staff Review Team)
 - 7) Reimbursement for support services equal to the current labor scale for each department needed.
 - 8) As a condition to approval of an application, the applicant shall agree to pay, within 20 days of billing, any additional actual costs, such as reimbursement for support services.
- d. Events Application includes the following:
 - 1) Date of Event
 - 2) Name of Organization
 - 3) Contact Person and address
 - 4) Certificate of Insurance
 - 5) Street Closure for Special Event with map of streets to be used and the direction of the route, if necessary.
 - 6) Parking Arrangements, if necessary.
 - 7) Toilet Facilities, if necessary, applicant indicates number available.
 - 8) Support Service requested (i.e. police, banners, street sweeping, etc.)

- 9) Sketch of proposed layout plan of areas
- 10) Separate "Special Class B License" required if beer or wine is sold. Licensed Bartender or Temporary Licensed Bartender is required. Application available at City Clerk's office. Must accompany the Special Events application.
- 11) Selling in City Parks permit is required if selling in a City park. Application available at City Clerk's office. Must accompany the Special Events application, if applicable.
- 12) Security personnel – one Police Officer is required for every 300 people present if alcohol is available, or one Police Officer for every 600 people if alcohol is not available. The Events Staff Review Team may modify these ratios, if deemed necessary.

e. Exemptions

- 1) Events and activities sponsored and/or supported by the City or any of its Departments and any other local taxing jurisdiction are exempt from the fees established herein.
- 2) Such events are exempt from fees and labor costs only. Completion of application and insurance is required.

(4) Insurance Requirements

- a. It is hereby agreed and understood that the insurance required by the City of Elkhorn is primary coverage and that any insurance or self insurance maintained by the City of Elkhorn, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the clean up period after the event.
- b. General Liability Coverage
 - 1) Commercial General Liability
 - a) \$1,000,000 general aggregate
 - b) \$1,000,000 products – completed operations aggregate
 - c) \$ 500,000 personal injury and advertising injury
 - d) \$ 500,000 each occurrence limit
 - 2) Claims made form of coverage is not acceptable.
 - 3) Insurance must include
 - a) Premises and Operations liability;
 - b) Blanket Contractual liability;
 - c) Personal injury;
 - d) Explosion, collapse and underground coverage;
 - e) Products/Completed Operations;
 - f) The general aggregate must apply separately to this project/location.
- c. Business Automobile Coverage – If used before, during or after the event
 - 1) Limits - \$250,000 each person/\$500,000 each accident for Bodily Injury and \$100,000 for Property Damage OR \$500,000 Combined Single Limit for Bodily Injury and Property Damage each accident.
- d. Workers Compensation and Employers Liability – If required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.

- 1) Must carry coverage for Statutory Workers Compensation and Employers Liability limit of: \$100,000 each accident; \$500,000 Disease Policy Limit; \$100,000 Disease – Each Employee
- e. Liquor Liability – If the event holder is selling alcoholic beverages then Liquor Liability with the limits and coverage of \$500,000 each occurrence/\$500,000 aggregate must be carried.
- f. Additional Insured – On the General Liability Coverage, Comprehensive Automobile Coverage and Umbrella Coverage, the City of Elkhorn and its officers, Council members, agents, employees, and authorized volunteers shall be Additional Insureds.
- g. Endorsement – The Additional Insured Policy endorsement must accompany the Certificate of Insurance.
- h. Certificate of Insurance – A copy of the Certificate of Insurance and endorsement must be on file with the City Clerk.

(5) Termination of Event Permit

A Permit for an event in progress may be terminated by the Chief of Police or designee if the safety of the public is imminently endangered by activities generated during the event, if the participants engage in violent, riotous, disorderly or destructive behavior causing injury to persons or damage to property, or if there is a major violation of the conditions of the permit such that standards of issuance are no longer met. A Permit for an event in progress may be terminated by the Fire Chief or designee, if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety.

(6) Penalty

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Section 25.04 of this Municipal Code.

(7) Severability

Any portion of this Ordinance which is determined to be unconstitutional or in violation of state or federal law shall be excised from the Ordinance and the remainder of the Ordinance shall remain in full force and effect, and fully enforceable by the City of Elkhorn at all times, unless specifically overturned by a court judgment or injunctive action.