

CHAPTER 8 - OPEN AIR ASSEMBLY (Cr. Ord. No. 179, Am. # 40, § 2, 11-12-02) and (Cr. Ord. No. 179, Am. #48, § 2, 01-21-04)

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Section 1. Authority. This ordinance is enacted under the authority of Section 59.54 of Wisconsin Statutes.

Section 2. That the code of Ordinances of the County of Pepin be amended by adding a chapter to be numbered as follows: (Cr. Ord. No. 179, Am. #40 § 2, 11-12-02)

That the code of Ordinances of the County of Pepin be amended by changing language to certain parts of the ordinance as follows: (Cr. Ord. No. 179, Am. #48, § 2, 01-21-04)

8.01 - INTENT

- (1) The purpose of this ordinance is to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in this County, in order that the public peace and good order, the health, safety and welfare of all persons in this County, residents and visitors alike, may be protected.
- (2) It is the intent of the Pepin County Board of Supervisors that all sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of this ordinance.
- (3) This ordinance shall be effective in all unincorporated areas of Pepin County. This ordinance shall not be effective in any incorporated municipality of Pepin County unless the governing body of that incorporated municipality passes an ordinance expressly authorizing the enforcement of this chapter within its corporate boundaries, and forwards a copy of said ordinance to the Pepin County Clerk.

8.02 - LICENSE REQUIRED

- (1) No person shall permit, or allow or maintain, an assembly of 2,000 or more people which continues or can reasonably be expected to continue for 8 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the governing body of this County as hereinafter provided; application for which must be made at least twenty-eight (28) days in advance of the assembly. (Ord. No. 179, Am. #48, § 2, 01-21-04)
- (2) As used in this ordinance:
 - (a) Person means an individual natural human being, partnership, corporation, firm, company, association, society or group;
 - (b) Assembly means a company of persons gathered together at any location at any single time for any purpose.
- (3) A separate license shall be required for each event and each location in which 2,000 or more people assemble or can reasonably be anticipated to assemble; there shall be no fee for this separate license. (Ord. No. 179, Am. #48, § 2, 01-21-04)
- (4) 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.
- (5) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

- (6) This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
- (7) This ordinance shall not apply to government financially sponsored fairs such as are held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of this County.
- (8) An applicant shall execute and file with the County Clerk's Office:
 - (a) An agreement which shall indemnify and hold harmless this County 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;
 - (b) Certificates of insurance issued by insurance companies licensed to transact business with the State of Wisconsin providing that the applicant and the assembly are covered by a comprehensive general liability policy providing a minimum coverage of \$2,000,000.00 aggregate coverage, fire legal liability policy in the amount of \$2,000,000.00, and worker's compensation insurance as required by Wisconsin law. (Ord. No. 179, Am. #48, § 2, 01-21-04)

8.03 - CONDITIONS FOR ISSUING

Before a license may be issued pursuant to this ordinance, the applicant shall first demonstrate compliance with the following requirements:

- (1) Indicate 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 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 of the assembly by the zoning or health ordinances of this County.
- (2) Provide proof that the applicant will furnish at his/her own expense before the assembly commences:
 - (a) A fence or other easily recognizable boundary marking system that completely encloses the proposed location; a fence may be required by the Law Enforcement Committee if it is reasonably determined to be necessary to protect the health, safety and welfare of the attendees, the community, and/or neighboring property owners;
 - (b) 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);

- (c) Water closets, urinals, lavatories and drinking facilities, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities 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);
- (d) 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 sufficient trash cans with tight-fitting lids and personnel to perform the task;
- (e) An emergency medical station capable of providing emergency treatment and first aid to the assemblage. Such station shall be staffed with personnel trained and licensed to practice in Wisconsin to, at minimum, the proficiency of an emergency medical technician (EMT), at a level of one staff person per one thousand expected to assemble, to a maximum staffing requirement of 5 trained individuals. 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. The applicant shall also have a demonstrated means of contacting local emergency service providers in the event of an emergency;
- (f) If the assembly is to continue during hours of darkness, illumination sufficient to light the main activity area of the assembly at a level sufficient to ensure safety, but not to shine unreasonably beyond the boundaries of the location of the assembly. The toileting area shall be illuminated, sufficiently to allow for safe usage of the toilets and the hand-washing stations. In addition, the Law Enforcement Committee may require the lighting of parking areas and avenues of ingress and egress if reasonably necessary to protect public safety;
- (g) A parking area inside of the assembly grounds 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 4 persons;
- (h) A minimum of one hard wired telephone line, that shall be operational during the entire period that the event is being held. The applicant shall include this phone number in the application. Additional wireless communications devices may be used as necessary to ensure that the event operators can contact emergency services at all times;
- (i) If the assembly is to continue overnight, all camping facilities shall be in compliance with all local, county, and state requirements as set forth in both the Wisconsin Statutes and the Wisconsin Administrative Code and ordinances of this County, sufficient to provide camping accommodations for the maximum number of people camping;

- (j) Security guards, either Wisconsin law enforcement officers or security guards holding a Wisconsin permit, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people. As a condition of the license, local law enforcement officers shall be granted access to the site to ensure public safety;
- (k) Fire protection 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 the County;
- (l) The use of sound amplification devices shall be prohibited between the hours of 2:30 a.m. and 8:00 a.m., except in emergency situations which otherwise require such use;
- (m) For assemblies over 5,000 persons, a bond filed with the clerk of the County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of \$1.00 per person for the minimum number of people permitted to assemble, which shall indemnify and hold harmless this County or any of its agents, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left.

8.04 - APPLICATION

- (1) Application for a license to hold an actual or anticipated assembly of 2,000 or more persons shall be made in writing to the County Clerk of this County at least twenty-eight (28) days in advance of such assembly. (Ord. No. 179, Am. #48, § 2, 01-21-04)
- (2) 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 any unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.
- (3) The application shall contain and disclose:
 - (a) The name, age, residence and mailing address of all persons required to sign the application by §8.04(2) 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 the primary officers of said corporation;
 - (b) 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;

- (c) Proof of ownership of all property upon which the assembly is to be held, or a valid, written lease executed by the property owner, and 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 an assembly of 1,000 or more persons. If the property is owned by a corporation, proof that the person purporting to act for the corporation has actual authority of the shareholders of said corporation to authorize the use of the corporate real estate for the proposed purpose;
- (d) The nature or purpose of the assembly;
- (e) The total number of days and/or hours during which the assembly is to last;
- (f) 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 County if the assembly is to continue overnight;
- (g) The maximum number of tickets to be sold, if any;
- (h) The plans of the applicant to limit the maximum number of people permitted to assemble;
- (i) The plans, including an accurate description of the means to be used, for marking the boundaries of the location of the assembly;
- (j) The plans for supplying potable water including the source, amount available and location of outlets;
- (k) The plans for providing toilet and lavatory facilities including the source, number, location, and type, and the means of disposing of waste deposited;
- (l) The plans for holding, collection, and disposing of solid waste material;
- (m) The plans to provide for medical services and on-site first aid, to include the names and hours of availability of the medical support personnel, and provisions for contacting emergency medical service;
- (n) The plans, if any, to illuminate the location of the assembly as required by this ordinance;
- (o) The plans for parking vehicles including size and location of lots, how traffic flow and traffic control is to be maintained, points of highway access and interior roads including routes between highway access and parking lots;
- (p) The plans for telephone service including the source, number and location of the hard wire telephone;
- (q) The plans for camping facilities, if any, including facilities available and their location;

- (r) The plans for security including the number of guards and the name, address and telephone number of the primary security officer, along with certification that such information has been provided to local law enforcement agencies;
 - (s) The plans for fire and severe weather protection and emergency response, including on-site capabilities to respond to fire or severe weather emergencies;
 - (t) The plans for sound control and sound amplification, if any;
 - (u) 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.
- (4) The application shall include: the above information in sufficient detail to determine the applicant's compliance with §8.03(2)(a) through (l); the statement required in §8.02(8)(a); and the certificates required in §8.02(8)(b). (Ord. No. 179, Am. #48, § 2, 01-21-04)

8.05 – ISSUANCE (Ord. No. 179, Am. #48, § 2, 01-21-04)

The application for a license shall be processed within twelve (12) days of receipt. The application shall be reviewed by the Law Enforcement Committee, with the assistance of the Pepin County Public Health Department, the Sheriff's Department, Corporation Counsel and the Zoning Department, to ensure compliance with this ordinance. The license shall be issued by the County Clerk if all conditions are complied with as determined by the Law Enforcement Committee.

8.06 - REVOCAION

The license may be revoked by the governing body of Pepin County, the Law Enforcement Committee, or any committee thereof designated by the governing body to so act at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

8.07 - ENFORCEMENT AND PENALTIES

- (1) The provisions of this ordinance may be enforced by injunction of any court of competent jurisdiction and by citation issued by local law enforcement officers and/or by designated County enforcement personnel.
- (2) The holding of an assembly in violation of any provision or condition contained in this ordinance or any license issued hereunder shall be deemed a public nuisance and may be abated as such.
- (3) Any person, firm, company, or corporation, which or who violates §8.02(1), or who violates any condition upon which license is granted may be fined not less than \$1,000.00 or more than \$10,000.00 for each violation. Each day of violation shall be considered a separate offense.