

**CITY OF WEST ALLIS
ORDINANCE O-2021-0192**

**ORDINANCE TO REMOVE SPECIAL EVENT PERMIT EXEMPTION FOR CLASS B
LICENSEES**

AMENDING SECTION 6.032

WHEREAS, the common council finds that a special event permit is a proper and necessary requirement for any events in public space held by Class B licensees;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “6.032 Special Events” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6.032 Special Events

(a) Definitions. In this section:

1. “Class 1 special event” means a special event that includes at least one of the following features: alcohol is available for consumption, electronically amplified outdoor sound is utilized, or more than 400 square feet of ground is covered by a tent or other temporary structure that provides shelter from the elements.
2. “Class 2 special event” means any special event that is not a Class 1 special event.
3. “Coordinator” means the sponsor or individual(s) identified by the sponsor that will be on-site at all times during a special event and are authorized to ensure compliance with this section.
4. “Direct costs” means those costs incurred by a department to provide staffing and equipment for a special event, including:
 - a. Wages and fringe benefits of city employees or contractors performing work for the special event
 - b. A reasonable rental rate for any city equipment provided for the special event
 - c. An administrative charge equal to 10% of staffing and equipment expenses
5. “Organize” means set up for, hold, arrange for, or maintain.
6. “Person” means any individual, firm, organization, association, or corporation.
7. “Public property” means any right-of-way or land owned or controlled by a federal, state, or local government.
8. “Special event” means any organized gathering of at least 21 people that impedes the normal use of public property by persons not attending the event.
9. “Sponsor” means the person who holds a permit to organize a special event.

(b) Permit Required. No person may organize a special event without a valid special event permit, unless:

1. The person is an entity that has taxing authority;
2. The special event is a funeral or funeral procession;
3. ~~The premises is an extension of an existing Class "B" license under Wis. Stat. § 125.26(1)(Reserved);~~
4. The person has been issued a park use permit under West Allis Policy and Procedure #2107 Park Regulations and Permits; or
5. The special event is authorized by the West Allis Police Department Crime Prevention Bureau.

(c) Application

1. Type and Fee

- a. Regular. Any person seeking a special event permit shall complete an official application, submit it to the city clerk at least 45 days prior to the commencement of the special event, and pay a nonrefundable \$50 special event application processing fee.
- b. Expedited. Any person seeking a special event permit shall complete an official application, submit it to the city clerk 15 to 45 days prior to the commencement of the special event, and pay a \$200 expedited special event application processing fee.

2. Information Required. An application is not complete until the all of the following is filed with the city clerk:

- a. The name, mobile phone number, and email address of the sponsor or, if the sponsor is not an individual, the individual submitting the application on behalf of the sponsor.
- b. The name and mobile phone numbers of all coordinators.
- c. The location and description of the special event premises. The application shall list an address or block number and include a map or diagram of the special event premises.
- d. The dates and times during which the special event is scheduled to take place, and any alternative dates in case a special event is postponed.
- e. A description of the characteristics of the special event, including:
 - i. Maximum capacity of people on the premises and expected peak attendance.
 - ii. Whether alcohol will be available for consumption and the type of alcohol license that will cover the premises.
 - iii. Whether electronically amplified outdoor sound will be utilized.
 - iv. Whether more than 400 square feet of ground will be covered by a tent or other temporary structure that provides shelter from the elements.
- f. For a class 1 special event, a certificate of insurance for the duration of the special event indicating endorsements and liability coverage amounts consistent with city policy.
- g. For a special event that closes a street, a street closure consent form signed by occupants of at least 50 percent of the residential and commercial units on the closed portion of the street

3. Indemnification. The sponsor shall indemnify and hold harmless the City against any and all liability and loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of rights-of-way by the sponsor or its employees, agents, or contractors arising out of the rights and privileges granted by a special event permit.
4. Transferability. A sponsor may not transfer a special event permit to another person.

(d) Application Processing

1. Upon receiving a completed application, the clerk shall forward the application to the police department, fire department, department of public works, health department, and city engineer.
 - a. Each department shall review the application received from the city clerk and estimate the department's charges associated with the special event.
 - b. Each department's estimated charges shall be the projected direct costs for providing the staffing and equipment for the special event as requested by the sponsor and/or deemed necessary by the department to protect the public health, safety, and welfare.
 - c. In determining staffing and equipment needs, the departments shall consider all the following:
 - i. The anticipated peak attendance.
 - ii. Whether alcohol is available for consumption.
 - iii. Whether outdoor amplified sound is utilized.
 - iv. Particular characteristics of the special event including layout, sight lines, nearby population density, parking availability, and other relevant factors.
 - d. In determining staffing and equipment needs, the departments may not consider the content of any message at the special event.
2. The clerk shall determine if the sponsor, coordinator, or any person who has an ownership interest in the sponsor owes any delinquent fees, charges, or other debts to the City.
3. Within 15 days after receiving the a regular special event permit application, or as soon as practicable after receiving an expedited special event permit application, all City departments shall supply the city clerk with the amount of the estimated charges.
4. If a City department does not timely respond to the city clerk, the city clerk may proceed with processing the application without collecting an advance deposit.

(e) Payment for Estimated Charges, Permit Issuance, and Appeal

1. Estimated Charges Payment. The payment for the estimated charges shall be made at least 7 days prior to the event or the application will be considered withdrawn.
2. Issuance. The city clerk shall issue a special event permit to the sponsor or its agent unless the applicant is disqualified.
3. Disqualifiers. A person is not eligible for a special event permit if any of the following applies:
 - a. In the 3 years prior to the date of application, the sponsor or coordinator failed to comply with the requirements of this section.

- b. The special event permit application contains false information.
 - c. The estimated charges computed by any City department remain unpaid.
 - d. Any delinquent fees, charges, or other debts to the City owed by the sponsor, coordinator, or any person who has an ownership interest in the sponsor remain unpaid.
 - e. The clerk is processing or has issued a different special event permit for the same premise during overlapping times and dates.
4. Due Process upon Denial
- a. Regular application. If the clerk has not issued a special event permit upon a regular application at least 30 days after receipt of the application, the person whose application was not approved may apply for a writ of mandamus.
 - b. Expedited application. If the clerk has not issued a special event permit upon an expedited application at least 7 days prior to the scheduled commencement of the special event, the person whose application was not approved may apply for a writ of mandamus.
- (f) Conditions upon Permit. Upon issuance of a special event permit, each sponsor agrees to the following conditions:
- 1. The sponsor or at least one coordinator shall be on the special event premises at all times that the special event is open for attendees.
 - 2. The police department, fire department, or department of public works may increase or decrease the staffing or equipment on the premises during the special event based on the actual number of attendees in order to protect the public health, safety, and welfare, and the City may charge the sponsor up to the direct costs of an increase in staffing or equipment under this paragraph.
 - 3. The coordinator shall keep a copy of the special event permit and any other applicable permit or license on the premises for the duration of the special event.
 - 4. The coordinator shall answer at all times that the special event is open for attendees any calls to the mobile phone for the number listed on the application from a city official or employee.
 - 5. The sponsor and coordinator shall comply with all local, state, and federal laws.
- (g) Service Charge Settlement. Within 30 days after the final date indicated on the special event permit or the date on which a special event was closed under sub. (8), each department that incurred staffing and equipment costs for the special event may file with the city clerk an invoice showing the actual direct costs for staffing and equipment provided on premises during the special event.
- 1. If the total actual direct costs from all departments did not exceed the deposit for estimated charges, the city clerk shall apply the deposit to the due amount and refund any excess to the sponsor.
 - 2. If the total actual direct costs from all departments exceeded the deposit for estimated charges, the city clerk shall apply the deposit to the due amount and invoice the sponsor for the difference. The sponsor shall pay the invoiced amount within 30 days after the invoice date and simple interest shall accrue at 1% per month on the balance due for each month the invoice is delinquent.
- (h) Penalty

1. Forfeiture. Any person convicted of violating any of the provisions of this section shall forfeit not less than \$50 nor more than \$500 for each violation, together with the costs of prosecution.
2. Event Closure. A law enforcement officer may summarily invalidate a special event permit and close the special event:
 - a. If the event causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed;
 - b. If there is no sponsor or coordinator on the premises; or
 - c. If the sponsor or coordinator fails to correct noncompliance with a condition of a special event permit after advanced warning to the sponsor or coordinator and reasonable opportunity to comply with that condition.
3. Other Remedies. This section does not restrict the City from seeking any other remedies allowed by law.

Note: A special event permit is appropriate for any block party, church festival, concert, parade, carnival, or other large gathering.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL APRIL 07, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Hill, City Clerk, City Of West Allis



Dan Devine, Mayor City Of West Allis

