

# Special Event permits.

## Purpose.

The City recognizes that special events help define the City's image, build community, drive economic activity and enhance the overall quality of life. The purpose of this article is to set forth a permitting process including criteria for Special Events as well as the cost recovery for events held on private property but utilizing city services. The provisions established below are meant 1) to protect, preserve and promote the safety and welfare of the general public including but not limited to ensuring the physical safety of residents and visitors; providing for emergency, medical, fire, traffic operations, and other elements associated with the Special Event; 2) provide authority and cost recovery for utilization of city services for events held on private property.

## Definitions.

- "Applicant" means the person, sponsor, promoter, operator or any of their respective agents, representatives or contractors who file a written application for a Special Events Permit.
- "City Destination Venue" means property owned, leased or under control of the City and associated with a City facility including the following: Centennial Plaza at City Hall, Farmer's Market, etc., and similar venues attracting events for the general public.
- "City Produced Event" means a Special Event in which the City is a participant in organizing, planning, or implementing.
- "City Services" means additional services (fire, police, public works, engineering, etc.) arising as a direct result of the Special Event and/or required to preserve the health, safety, and welfare of the community.
- "City Services Fee" means the funds an Applicant is to pay for the cost of City Services.
- "Event Coordinator" means the individual identified by the Special Event sponsor that will be on-site at all times during the Special Event to address problems as well as implement directions from City officials during the Special Event.
- "Event Operating Plan" means a plan developed by the Applicant and includes a (1) logistical event layout (site map identifying placement of entertainment, food vending, portable restrooms, fencing, electrical plan, water access and usages, waste management, first aid station, or additional medical care facilities as required upon City review; lighting plan, including location, hours of use and power source; access to event and to parking, if located separately, etc.), (2) traffic plan, (3) parking plan, (4) security and safety plan (including crowd control/security personnel including number and responsibilities; access for emergency vehicles and personnel), (5) Sound control and amplification, location, size and number of speakers and amplifiers and any other plan deemed necessary by the City Clerk to review a Special Events Application.
- "Parade" means any planned procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.
- "Residential Block Party" means a Special Event in which the neighbors on a residential

street wish to have their block barricaded off for a neighborhood even And is not open to the public. The City reserves the right to determine the duration and specific location of such block party/or other even and appropriate traffic closures. Bonafide Non-profit Organization. Organizations must be a registered 501(c)(3) organization with current exempt status.

- “Special Event” means a unique activity, occurring for a limited or fixed duration, and having an impact to public property that impedes, obstructs, impairs, interferes or disrupts normal or usual use of City property, facilities, or right-of-way. Special Event includes activities originating outside of the City limits and entering into the City resulting in an impact to public property exceeding the established capacity of such property. The term does not include the rental of a park or other city facilities that are available to the general public for rental on a regular basis unless that rental impacts a public property by exceeding its stated capacity or requiring additional City Services.
- “Special Events Permit” or “Permit” means the City’s written authorization to hold a Special Event or Street Event.
- “Street” means the entire width between the boundary lines of every public right-of-way designed or maintained for vehicular traffic.
- “Street Event” means either a Parade or Street Festival, or both.
- “Street Festival” means a planned gathering of persons and property occupying or using a fixed location on one or more streets for a party, celebration, gathering, or similar happening that is likely to substantially interfere with the normal use of one or more Streets.

## **Authority.**

The City Clerk may adopt, revise or rescind rules, regulations, departmental policies and procedures, create or alter programs and take action regarding the Special Event Permits including criteria that does not conflict with this code, council-adopted policies, or federal or state laws.

## **Exceptions. This section does not apply to:**

- A City Produced Event.
- The rental of a park or other city facilities that are available to the general public for rental on a regular basis unless that rental impacts a public property by exceeding its stated capacity or requires additional City Services.
- Funerals and funeral processions.
- Students going to and from school or participating in educational activities or school sporting events, provided such activity is under immediate direction and supervision of the proper school authority.
- Events held on State Fair Grounds.
- Events held on Private Property unless the event requires City Services.

## **Permit Required.**

A Special Event Permit is required when an event:

- Impedes, obstructs, impairs, interferes or disrupts normal or usual use of City property, facilities, or right-of-way; or
- Requires the use of any City Services that would not be necessary in the absence of the Special Event.

- For all Street Events unless specifically exempted in this section.

## Posting of Permit.

Special Event Permits must be kept on the premises during the event and made available upon request by any authorized City official.

## Regular or Recurring Events.

Special Events held on a regular or recurring basis at the same location, and having similar implications on the provision of services, may file a single application for a Special Events Permit that would include a proposed Event Operational Plan covering all such Special Events during an identified 12 month period. The ability to file a single application for a regular or recurring event will be determined by variables such as, but not limited to, location of event, expected attendance, traffic control requirements, security needs, and time of day of the event. (If approved in whole, the city reserves the right to terminate the event pursuant to **subsection XX.**)

## Other licenses and permits required.

The issuance of a Special Events Permit under this section does not satisfy the requirement to obtain any other license, permit, inspection, or approval required by this Code or other governmental entities or organizations.

## Restrictions and Limitations.

- Special Event Permits may not be sold, transferred or assigned.
- Only one Special Event permit per applicant per month shall be allowed, unless approved by the License and Health Committee of the Common Council, as provided in **subsection (XX).**
- The City reserves the right to limit the size of the event pursuant to **Sec. XX.**

## Application.

An Applicant seeking a Special Events Permit must file an application in the form and manner provided by the City Clerk for that purpose and accompanied with the appropriate documents and permit fee. An application will not be considered complete unless of the required information is submitted. A complete application must be filed not less than 90\* calendar days before the first date of the proposed date of the Special Event. The application must be signed by the Applicant for the Special Event and must include at a minimum the following information:

- The name and contact information of the Applicant seeking to conduct the Special Event. If it is an entity, local, regional or national headquarters, information shall be provided as well as the name of the individual making application on behalf of such entity, identifying in what capacity and under what authority such person is representing the entity.
- The name, and contact information of the Event Coordinator and employee or agents who will be present and in charge during the entire Special Event including setup and breakdown, and including the specific day and times such employee(s) or agent(s) will be present.
- A description of activities planned during the Special Event.

- The number of attendees (including peak attendance and peak time for attendance) expected to attend the Special Event, including participants and spectators.
- The location, requested date(s) and time of the Special Event.
- A proposed Event Operating Plan in accordance to the location, type, and size of the Event. (not required if application is being made solely for City Services).
- Such other information as the City Clerk or Common Council may deem reasonably necessary and from time to time require.

*\*During the initial 90 days following the effective date of this ordinance this timeframe shall be reduced to 30 days.*

## **Additional Application Requirements.**

- For Special Events that include a Street Event or Block Party, written consent from representatives of at least 50% of the occupied lots that abut the portion of the Street to be closed.
- Copies of applications for all required permits and authorizations from governmental entities, including the City.\*
- A copy of any certificate of insurance that may be required which complies with the requirements set forth in this section.\*
- Any other information which the City Clerk finds reasonably necessary to make a determination as to whether a permit meets the requirements of this article.

*\*In certain circumstances, the City Clerk may accept an application as complete without the submittal of these documents, but in no case may the permit be issued or services provided prior to submittal and approval of these documents.*

## **Insurance Required.**

In the event the Special event includes alcohol, a road closure, and/or has an anticipated attendance of more than 150 people (does not include residential block parties), the application shall be accompanied by a certificate of insurance for comprehensive general liability and automobile liability in at least the following limits of coverage:

<b>Type of Policy</b>	<b>Liability Limits</b>
Comprehensive/General Bodily Injury	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage	\$500,000 each occurrence \$500,000 aggregate
Automobile Liability (Operation of owner, hired and non-owned motor vehicles) Bodily Injury and property Damage Combined Single Limit	\$1,000,000 each occurrence

The certificate of insurance shall have an endorsement to indemnify and hold the City of West Allis harmless from any or all damages, judgments and claims which may be asserted against the City by reason of any damages or injuries sustained by any person or to any property by the parade or street event or participants therein. The certificate of insurance shall also provide that the City be reimbursed for any damages or injury which it sustains by reason of said parade or street event or by the acts of any participant. The certificate of insurance shall be approved as to form by the City Attorney.

## Indemnification.

The applicant and Event Sponsor(s) shall have an endorsement to indemnify the City in accordance with 6.031(7) of this Code.

## Process and Review.

Upon receipt of a completed application, the City Clerk shall provide the complete application to the following departments – local Alderperson, Attorney, Building Inspection and Neighborhood Services, City Administrator, Communications, Engineering, Health, Fire, Police, and Public Works. Departments shall review and provide comment within 30 calendar days of receipt. An absence of comments by a Department within 30 days shall constitute no objection to the application.

The City, in reviewing the application, shall consult any other state, county or local body as necessary for assistance in evaluating the application in order to promote the safety, health, welfare and security of the residents of the City of West Allis and the persons attending the Special Event.

## Fees.

The fees shall be paid at the time the application is filed and be in accordance with the current fee resolution. Estimates for the City Services Fee shall be communicated to the applicant by the City Clerk after consultation with the appropriate City Departments.

- The applicant shall, at the time the application is filed, pay a five hundred dollars (\$500) special event permit fee except as below.
- When a Special Event is foreseen to involve the City's direct costs for providing city services in excess of \$500, a City Services Fee is also required. The amount of the fee will be based upon the estimated costs the City will incur arising out of its services attributable to the Special Event in accordance with **section XX** and with the City's policies. Such costs will be based upon needs directly associated with the Special Event, and not on the basis of possible disruption, reaction or activities of others. City Services Fees must be paid to the City no later than 10 business days prior to the date of the Event. Failure to timely pay the City Services Fee will result in the automatic cancellation of the event. The City Clerk may waive the timing requirement if extenuating circumstances exist. City Service Fees include but are not limited to: \$50 per employee per hour (includes police, fire, public works and engineering staff costs only); Equipment Fees – A minimum delivery and set up charge of \$50; and \$50 per employee per hour thereafter; Barricades \$25 for 1-5 sets; \$50 for 6-10; \$100 for more than 10; Temporary No parking signs \$15 per sign; Benches - \$5 each; Platforms \$35 each
- Cleaning/Damage Deposit. The applicant may be required to submit to the City a cleaning/damage deposit of \$200 per day for each scheduled day of the event (or a portion thereof), two weeks prior to the starting date of the event. The deposit shall be refunded to applicant, if, upon inspection, all is in order, or a prorated portion thereof as may be necessary to reimburse the City for loss or cleaning costs. The City reserves the right to retain the entire deposit if cleanup is not completed to the satisfaction of the Public Works Department in the time frame as specified in the permit. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the permitted event to be completed within twelve (12) hours after the conclusion of the event.
- Fee Exceptions –  
*Block Parties.*  
The fee for neighborhood block parties shall be \$25. No equipment fees are charged.  
*Neighborhood Cleanups.*

No fees are charged.

*Bonafide Non-profit Organizations.*

Non-profit organizations shall pay the equipment fees but the deliver fees shall be waived. Special Event Permit Fees may be charged.

*Schools and Other Governmental Agencies.*

A Special Event conducted by the WAWM School District, other governmental agencies or organizations financially supported by such shall be exempt from fees in this section.

- Refund. Permit fee payments may be refunded, except for a fifty dollar (\$50) permit processing fee, if notification of cancellation of the parade/street event by the applicant is received by the City Clerk at least ten (10) calendar days prior to the scheduled event or if the event is cancelled by the pursuant to section **XX**.
- The applicant shall be responsible for any cost incurred by the City of West Allis as described in subsection (XX), over and above the City Services fee paid prior to the event occurrence and will be billed for the excess within thirty (30) days after the completion of the event. Failure to pay the amount billed may be used as a basis to deny applications. The City Attorney is authorized to commence an action to collect the unpaid amount.
- Any unused portion of the deposit will be refunded to the applicant within thirty (30) days after the completion of the parade or event.

## **Issuance or Denial.**

- (a) Standard for Issuance. The City Clerk shall issue a special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the City Clerk finds that any of the standards for denial listed in **subsection XX** exist.
- (b) Standard for Denial. The City Clerk shall deny an application for an event permit and notify the applicant in writing of such denial and the reasons therefor where:
  - The proposed event is held for the for the sole purpose of advertising any product, goods, wares, merchandise or commercial establishment and is designed to be held purely for private profit, does not benefit the City's image, and/or is contrary to the mission, vision, and values of the City.
  - The time, route or size of the event will unreasonably disrupt the movement of other traffic and/or the health, safety and welfare of the neighborhood where the event is requested to take place.
  - The event is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the line of movement and the areas and crowds contiguous thereto that allowing event would deny reasonable police protection to the City.
  - The proposed event will interfere with another event for which a permit has been issued.
  - The applicant has outstanding costs relating to a previous event permit.
  - The applicant or persons associated with the current application have been involved in previous Special Events which have not been compliant with the requirements and conducts provided in this code and/or the city has received complaints regarding previous events disrupting the health, safety, and welfare of the neighborhood.
  - The information contained in the application is found to be false or nonexistent in any material detail.
  - The insurance required under **subsection (X)** has not been provided or has not been approved by the City Attorney.
  - The applicant refuses to agree to abide by or comply with all conditions of the permit.
  - The number of permitted street events set forth in **subsection (X)** has been met.

- The event will disrupt traffic within the City beyond practical solution.
- The event will create a likelihood of endangering the public.
- The event will interfere with access to emergency services.
- The location or time of the Special Event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
- The event will require the diversion of City resources(s) that would unreasonably affect the maintenance of regular City service levels.
- The applicant fails to provide proof of insurance.
- Inadequate provision for garbage or debris removal.
- Inadequate provision of temporary restroom facilities.
- Inadequate provisions for parking.
- Denial of a park permit by the City Public Works Department, West Allis/West Milwaukee Recreation Department, or the Milwaukee County Parks Department.
- Applicant fails to submit the required fees and/or deposits.

## **Cancellation.**

If, after issuing a special event permit, an emergency arises which may threaten the health, comfort or safety of the general public or the participants of the event, the City may cancel the permit and prohibit the proposed event.

## **Appeal Procedure.**

Upon a denial by the City Clerk of an application made pursuant to **section (X)**, the applicant may appeal from the Clerk's determination within ten (10) days from the date of notification by filing with the City Clerk a written notice of appeal for hearing by the License and Health Committee at its next meeting. Upon such appeal, the License and Health Committee may reverse, affirm or modify, in any regard, the determination of the City Clerk.

## **Officials to be Notified.**

Upon issuance or denial of the permit the City Clerk shall notify the local Alderpersons, Attorney, Building and Neighborhood Inspections, City Administrator, City Clerk, Communications, Engineering, Health, Fire, Police, and Public Works.

## **Conduct and Requirements.**

**Noise.** Amplified music, public address systems, loudspeakers, or other amplification devices must end by 10:00 p.m. (Note: The City reserves the right to shut down or limit the amplified music pursuant to 9.09(5) of this Code.)

**Sufficient Staffing and Security.** The Special Event Sponsor shall provide sufficient staffing to provide assistance with crowd control, parking, sanitation, and medical services.

An event coordinate or one representative of the applicant shall be on site during the event at all times and responsive to contact from City Departments as necessary.

All other licenses and permits required have been applied for, paid and issued; and required inspections have been complied with, including but not limited to food, alcohol, tent, electrical, site requirements, electrical, etc.

Special Event Permits may not be sold, transferred or assigned.

If special event is a parade –

- No vehicle in a parade shall be operated in such a manner that the tires of the vehicle break traction or squeal due to unnecessary acceleration.
- No vehicle in a parade shall be operated in such a manner that any of the tires of the vehicle leave the ground while accelerating.
- No person may sell, give away, possess or use along a parade route, any device which is designed to make noise and is sufficiently loud so as to frighten or startle an animal in the parade, propel a projectile or create an offensive odor. A parade route means the streets of the parade route approved, pursuant to this section, and shall extend twenty-five (25) feet from the curb line of said streets.

## **Penalty.**

- (a) Any person convicted of violating any of the provisions of this ordinance shall forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation, together with the costs of prosecution and, in default of payment thereof, the defendant's operating privileges shall be suspended pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.
- (b) Each day's violation shall constitute a separate offense.