



**City Attorney's Office**

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Memorandum: Carnival Permit Bond Requirement  
To: License and Health Committee  
From: Principal City Attorney Nicholas Cerwin

It has recently come to my attention that the City has not been enforcing the required bond provisions for certain entities applying for the Carnival Permits as required in West Allis Revised Municipal Code (hereafter "WA RMC") Section 9.09(10)(c). That section requires:

The permittee shall, in addition to payment of the permit fees established by the City, deposit with the City no later than ten (10) days prior to the first day of conducting any carnival activity and shall maintain for a period of thirty (30) days after the termination of activities under such permit as may be issued by the City, a cash bond in the sum of five thousand dollars (\$5,000.) or in lieu thereof shall post and maintain in full force and effect during said period a surety bond in the amount of five thousand dollars (\$5,000.). Such bond shall be issued by a surety company, approved by the City Attorney, and shall be in a form approved by the City Attorney.

WA RMC Section 9.09(10)(d) indicates that the bond "may be waived or reduced in amount or sooner canceled or returned by the Common Council when, in its reasonable judgment, the condition of or reasons for requiring the bond have been satisfactorily met." Additionally, under WA RMC Section 9.09(10)(e) "fees" for the Carnival Permit may be waived without Common Council intervention for, "churches where a carnival will be on church ground or the adjoining church/school grounds; within the BID and where the BID is the permit holder; and City-sponsored events." Subsection (e) does not grant the power to waive the bond without Common Council intervention, only the applicable fees.

Accordingly, the City Attorney's Office will be unable to approve a Carnival Permit unless or until 1) a bond is posted and approved pursuant to WA RMC 9.09(10)(c) or, 2) the Common Council takes action related to the Carnival Permit bonds for specific entities pursuant to WA RMC 9.09(10)(d).

Dated this 26<sup>th</sup> Day of April, 2018.

A handwritten signature in black ink, appearing to read "N. Cerwin", written over a horizontal line.

Nicholas S. Cerwin  
Principal City Attorney