

**CITY OF WEST ALLIS
ORDINANCE O-2023-0033**

**ORDINANCE TO AMEND SPECIAL EVENT PERMIT RULES REGARDING
VENDORS, BLOCK PARTIES, AND NOTICE OF STREET CLOSURE**

AMENDING SECTIONS 6.032 AND 9.84

WHEREAS, applicants for special event permits can close down a street with signatures from occupants of at least 50 percent of the residential and commercial units on that street; and

WHEREAS, it is important for all occupants on a street to receive notice of a street closure for a special event; and

WHEREAS, block parties are intended to be social events for neighbors and not markets for vendor sales; and

WHEREAS, the best way to regulate vendors at special events is through the special event sponsor;

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. (Reserved).
2. "Block party" means a special event in which a street is closed, there is no sale of personal services or merchandise from a temporary location on the special event premises, and invitees are primarily people who reside on or near the special event premises.
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. (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 Community Services Unit.

(c) Application

- 1. Type and Fees
 - a. Special Event Fees. Any person seeking a special event permit that is not for a block party shall complete an official application, submit it to the city clerk, and pay the nonrefundable special event application processing fee listed on the Fee Schedule. If the person submits the application less than 30 days prior to the commencement of the special event, the person shall pay the expedited processing fee listed on the Fee Schedule in addition to the regular processing fee.
 - b. Block Party Fees. Any person seeking a special event permit for a block party shall complete an official application, submit it to the city clerk, and pay the nonrefundable block party application processing fee listed in the Fee Schedule. If the person submits the application less than 7 days prior to the commencement of the block party, the person shall pay the expedited processing fee listed on the Fee Schedule in addition to the regular fee.
- 2. Information Required. An application is not complete until 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 food or 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. ~~(Reserved)~~ The names of all vendors who will offer for sale personal services or merchandise from a temporary location on the special event premises.
 - g. For a special event that closes a street:
 - i. ~~a~~ 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, and
 - ii. An indication that all occupants on the closed portion of the street will be notified of the special event at least 7 days prior to the special event through door hangers, mail, or any method that ensures all occupants receive notice of the special event's date and time .
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 may estimate the department's charges associated with the special event. ~~If a department's estimated direct costs to provide staffing and equipment for a special event exceeds \$500, that~~ A department may require payment for its direct costs by notifying the city clerk of the estimated amount if any of the following applies:-
 - i. The department's estimated direct costs to provide staffing and equipment for a special event exceeds \$500
 - ii. Any vendors offer for sale personal services or merchandise

from a temporary location on the special event premises

- b. If the total estimated direct costs for all departments is less than \$1,000, the city clerk shall notify the sponsor, prior to issuing the special event permit, of the estimated direct costs and that the sponsor will be invoiced for the actual direct costs after the event. If the total estimated direct costs for all departments exceed \$1,000, the city clerk shall require prepayment of the total estimated direct costs at least 7 days prior to the commencement of the special event.
- c. In determining staffing and equipment for a special event, the departments shall consider all the following:
 - i. The anticipated peak attendance.
 - ii. Whether food or 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 whether to collect direct costs of staffing and equipment, the departments may not consider the content of any message at the special event.
- 2. The city clerk shall determine if the applicant owes any delinquent fees, charges, or other debts to the City.
- (e) Permit Issuance and Appeal
 - 1. (Reserved).
 - 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. Any estimated direct costs for which the city clerk has required prepayment remain unpaid.
 - d. Any delinquent fees, charges, or other debts to the City owed by the applicant remain unpaid.
 - e. The clerk has received a prior pending application or has issued a different special event permit for the same premise during overlapping times and dates.
 - 4. Due Process upon Denial. If the clerk has not issued a special event permit 7 days prior to 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, except as stated in subsection (d)(1)(D).
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.
6. At least 7 days prior to the special event, the sponsor shall provide notice to all occupants of a closed street of the special event date and time through door hangers, mail, or another method that ensures all occupants are informed of the special event's date and time.
7. The sponsor shall be vicariously liable for any law violations committed by any vendors offering for sale personal services or merchandise from a temporary location on the special event premises.

(g) Settlement of Direct Costs. 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. (h), any department that provided an estimate of direct costs for staffing and equipment for the special event and is seeking reimbursement shall file with the city clerk an invoice showing the actual direct costs for staffing and equipment provided on premises during the special event.

1. The city clerk shall apply any prepayment for that special event to the actual direct costs incurred by all departments seeking reimbursement, and then refund any excess prepayment to the sponsor or invoice the sponsor for any remaining balance.
2. 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: **AMENDMENT** “9.84 Transient Merchant” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.84 Transient Merchant

1. License Required. No person may conduct a business that engages in the sale of personal services or merchandise from a temporary location without first obtaining a transient merchant license.
2. Exceptions. No license is required under this section if any of the following applies:
 - a. The person is a permanent merchant who has continuously operated an established place of business in the City for at least 6 months.
 - b. The person is an auctioneer registered under [Wis. Stat. Ch. 480](#) and conducting an auction sale.
 - c. The person is a resident of this state selling produce or other perishable products at retail or wholesale.
 - d. The person is a minor operating a stand in compliance with [Wis. Stat. 66.0416](#).
 - e. The person is renting space at the Farmers Market.
 - f. The person is selling goods at wholesale to dealers in such goods.
 - g. The person is selling agricultural products which the person has grown.
 - h. The person is delivering newspapers, fuel, dairy products, bakery goods or similar goods to regular customers on established routes.
 - i. The person is engaging in a transaction initiated by the buyer specifically requesting a home visit.
 - j. The person is holding a sale required by law.
 - k. The person is any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of that organization.
 - l. The person is operating under a special statewide peddler's license under [Wis. Stat. 440.51](#).

m. The person is upon a special event premises permitted under WAMC 6.032.

3. Application Process. The application process in [WAMC 9.50](#) is adopted, except as modified below:
 - a. The application shall include all the following:
 - i. Nature of the business to be conducted and a brief description of the goods and services offered.
 - ii. Make, model, and license plate number of any vehicle to be used by the applicant in the conduct of the business.
 - iii. Names of the last 3 municipalities in which the applicant conducted similar business.
 - iv. Proof of a retail sales tax permit if required by Wis. Stat. 77.52.
 - b. No premises description is required for this license, but the applicant shall disclose the location(s) from which the business will be conducted and the proposed dates and times instead of a premises description.
4. Regulations. Any person who engages in the sale of personal services or merchandise from a temporary location, with or without a license, shall:
 - a. Specifically disclose, upon request, what portion of the sale price of goods or services being offered will actually be used for a charitable purpose, expressed as a percentage of the sale price of the goods.
 - b. Not produce sound that is audible from 100 feet away.
 - c. Maintain the area around the person free from rubbish or litter, regardless of whether the person was the source of that rubbish or litter.
 - d. Conduct business only from property upon which the person has a legal right to occupy and that has been disclosed in the license application.
 - e. Maintain open ingress and egress to adjacent properties
 - f. Refrain from approaching any person occupying a vehicle.
 - g. Engage in displaying or selling goods or services only from the location set forth in the license, if applicable.
 - h. Conduct business only between the hours of 9 a.m. and 9 p.m., except by appointment.
 - i. Upon initially making contact with another person on that person's private property, state the licensee's name and the purpose of the solicitation.
 - j. Accurately represent the purpose of any solicitation.
 - k. Remain at least 300 feet away from the Farmers Market during the hours that the market is open for business, unless the person is otherwise authorized by the Farmers Market.
 - l. During the dates established for the Wisconsin State Fair, remain outside an area bounded by the north City limits, the east half of South 84th Street, the north half of West Greenfield Avenue and the west half of South 77th Street.
 - m. Remain at least 500 feet away from the Wisconsin State Fair grounds on the days in which the Wisconsin State Fair is occurring if the person is selling admission tickets.
 - n. When using a vehicle:
 - i. Not remain on the same block in an area zoned residential for more than 1 hour per day, unless specifically authorized through a special

- event or community event.
- ii. Display the person's transient merchant license, if any, on the person's vehicle.
 - iii. Display the person's name and telephone number on the person's vehicle in lettering not less than 4 inches high.
 - iv. Remain at least 300 feet from any school grounds.
 - v. Remain at least 100 feet from any licensed restaurant, unless the vehicle is lawfully parked on private property or the person has written permission from the restaurant licensee's owner or agent to park on a street within 100 feet of the licensed restaurant.
 - o. Remain at least 100 feet away from any permitted special event premises, unless the person is otherwise authorized by the special event organizer.

5. Discipline Process. The discipline process in [WAMC 9.51](#) is adopted.

SECTION 3: **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

_____.

| | AYE | NAY | ABSENT | ABSTAIN |
|-----------------------|------------|------------|---------------|----------------|
| Ald. Vince Vitale | _____ | _____ | _____ | _____ |
| Ald. Ray Turner | _____ | _____ | _____ | _____ |
| Ald. Tracy Stefanski | _____ | _____ | _____ | _____ |
| Ald. Marty Weigel | _____ | _____ | _____ | _____ |
| Ald. Suzzette Grisham | _____ | _____ | _____ | _____ |
| Ald. Danna Kuehn | _____ | _____ | _____ | _____ |
| Ald. Thomas Lajsic | _____ | _____ | _____ | _____ |
| Ald. Dan Roadt | _____ | _____ | _____ | _____ |
| Ald. Rosalie Reinke | _____ | _____ | _____ | _____ |
| Ald. Kevin Haass | _____ | _____ | _____ | _____ |

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis