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twelve (12) months of the date of its revocation. A suspension shall not be for less than ten (10) days, nor more than ninety (90) days from the date of suspension. Any part of the money paid for any license revoked or suspended shall be forfeited and not refunded.

3. The Common Council may, after the hearing described in Subsection I., revoke the Public Entertainment License upon sufficient proof that the Licensee has permitted or suffered the licensed premises to be conducted by himself, his employees, patrons or others in violation of health regulations or in a disorderly or improper manner, or in violation of the laws of the State, or rules and regulations of the Common Council, or for any reasons set forth in Subsection 12.05 H.2.

J. Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.

12.06 SPECIAL EVENT PERMIT

A. Purpose. This ordinance is enacted to regulate and control Special Events and activities incidental to Special Events within the City of Kenosha to the extent that the health, safety, and general welfare of the public and the good order of the City can be protected and maintained. It is recognized that Special Events may include multiple activities which are subject to multiple municipal city licensing requirements. A permit issued pursuant to this section shall authorize all activities which would otherwise require a separate license to be issued pursuant to one or more of Sections 5.04, 6.05, 12.02, 12.03, 12.04, 12.05, 13.03, 13.035 or 14.025 of the Code of General Ordinances.

B. Definitions.

1. Permit Term. A period of time up to five (5) consecutive days or an approved number of reoccurring nonconsecutive dates authorized in a calendar year.

2. Special Event. An event, program or activity occurring on a scheduled date requiring one or more licenses issued pursuant to Sections 5.04, 6.05, 12.02, 12.03, 12.04, 12.05, 13.03, 13.035, or 14.025 of the Code of General Ordinances, lasting no longer than five (5) consecutive days or consisting of reoccurring nonconsecutive days, to which the general public is solicited or otherwise encouraged to attend and requiring authorized use of any City-owned or City-controlled property including streets, parking lots, lands, select public facilities or City parks that may or may not require City services. Types of Special Events include, but are not limited to, concerts, parades, festivals, athletic events, marches, ceremonies, tournaments, exhibitions, expositions, fairs, markets, or shows.

3. Special Event Organizer. An approved applicant for a Special Event.

4. Reviewing Authority. The Reviewing Authority for Special Events located in City parks shall be the Board of Park Commissioners. The Reviewing Authority for Special Events located on all other City owned property shall be the Board of Public Works.

5. Vendor. A person, firm, party or business entity who as part of a Special Event, offers anything for sale, trade, use or reuse, including but not limited to, articles, food, produce, beverage, goods, service, art, craft or product; or interacts with potential customers in or around the Special Event, taking names for the purpose of making future sales, offering applications or materials for future sales, or in any other participating operation or attempting to publicly sell or offer for sale any such article or service.

C. Permit Required. A Special Event Permit shall be required under this Ordinance prior to and as a condition of any person, party, firm or corporation undertaking a Special Event. A Special Event Permit shall be issued in the name of the Special Event Organizer, who shall be responsible for the conduct and supervision of all activities authorized under the Special Event Permit, whether or not said Special Event Organizer is present at the Special Event location. However, this does not preclude enforcement of statutory or ordinance violations against individuals conducting the activities under such permit. A Special Event Permit issued pursuant to this section shall authorize all activities which would otherwise require a separate License or Permit to be issued pursuant to Sections 5.04, 6.05, 12.02, 12.03, 12.04, 12.05, 13.03, 13.035 or 14.025 of the Code of General Ordinances.

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D. Exceptions.

1. A Special Event organized and approved pursuant to a contract between the Special Event Organizer and the City of Kenosha, which requires compliance with the Standards For Permit Issuance and the Permit Conditions of this ordinance, which operates subject to the terms and conditions of the approved contract.

2. Activities which would otherwise be described as a Special Event which have been organized and approved pursuant to a lease agreement between an Event Organizer and the City of Kenosha.

3. An event operated pursuant to City Licenses issued pursuant to the Code of General Ordinances which will permit all planned activities upon written permission of the Reviewing Authority responsible for use of the City Property.

E. Application. Application for a Special Event Permit shall be fully completed, properly executed, and filed not more than three hundred sixty-five (365) days and not less than thirty (30) days prior to the Special Event with the Department of Administration on a form designed for that purpose. The application shall:

1. Identify the Special Event Organizer's name, address and telephone number(s);

2. Set forth the exact dates and times of the Special Event;

3. Describe the specific location of the premises for which a Special Event Permit is sought, including a scaled site plan, detailing locations for vending, entertainment, stages, portable restrooms, tents, parking, garbage collection, etc.;

4. Include an operational plan describing the Special Event and detailing actions the Special Event Organizer will take to support the objectives of this Ordinance. The operational plan must address the Permit Standards (Section H) and Permit Conditions (Section I) of this Ordinance;

5. Describe all City Services required;

6. Any other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the Special Event Permit should be issued.

F. Permit Application Fee. If filed forty-five (45) days or more prior to the Special Event, the non-refundable permit fee shall be one hundred dollars (\$100.00) per event application. If filed less than forty-five (45) days, but at least thirty (30) days prior to the Special Event, the non-refundable permit fee shall be five hundred dollars (\$500.00) per event application. The following types of Special Events are exempt from paying the licensing fee if the application is filed forty-five (45) days or more prior to the date of the Special Event:

1. A Special Event presented by the City of Kenosha pursuant to designated City funding in the annual budget or an authorizing Resolution approved by the Common Council shall be deemed to be a Permitted Special Event.

2. Activities sponsored and organized by an accredited school, school system, college, bonafide youth organizations, bonafide veteran's organization, church or bonafide religious organization upon authorization of the Reviewing Authority responsible for use of the City Property.

G. Review and Appeal. Applications for Special Event Permits shall be referred by the Department of Administration to the Department of Public Works, Department of Community Development and Inspection, Police Department, Fire Department, and the Kenosha County Health Department and any other affected City Department for review and written comment. Within ten (10) days of receiving the application the Department of Public Works, the Department of Community Development and Inspections, Police Department, Fire Department and any other affected City Department shall send their comments to the Department of Administration to be forwarded to the Reviewing Authority for consideration. Upon the conclusion of the ten (10) day Departmental review period, the Reviewing Authority shall complete its review and grant, grant with conditions or deny the application within twenty-eight (28) days. An application not granted or denied by the Reviewing Authority within twenty-eight (28) days shall be deemed granted.

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Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing. The decision of the Reviewing Authority may be appealed to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days following, but not including, the date of the written denial. The appeal will be heard at a regularly scheduled meeting of the Common Council as soon as practicable. However, to be heard at a given Common Council meeting, the notice of appeal must be filed a minimum of two (2) business days prior to said meeting, not including the day of the scheduled meeting.

H. Standards For Permit Issuance. The Reviewing Authority shall consider the following standards for permit issuance and grant a permit only upon finding that:

1. The proposed Special Event is incidental to an appropriate recreational or cultural use of the location.
2. The operational plans submitted by the Special Event Organizer will promote the health, safety and general welfare of the public and the good order of the City.
3. The activity or use will be in compliance with applicable Federal, State, County and City laws, rules and regulations.
4. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.
5. The activity or use will not unreasonably interfere with the use of the location by the general public.
6. The activity or use will not entail an unusual, extraordinary or burdensome expense to the City which is not recovered in the permit fees or charges.
7. The area which is the subject of the application is not reserved for another use on the date(s) requested.

I. Permit Conditions. Because all Special Events are unique and independent in terms of type, purpose, location, size, duration and participation, presenting unique issues and circumstances and challenges with regard to the health, safety and general welfare of the public, the Reviewing Authority, as a condition of issuance, may adopt reasonable operational rules, regulations and requirements for the Special Event. Notwithstanding the foregoing, the following Permit Conditions are applicable to all Special Events:

1. Compliance with applicable Federal, State, County and City laws, rules and regulations including licensing conditions and operational requirements contained within Sections 5.04, 6.05, 12.02, 12.03, 12.04, 12.05, 13.03, 13.035 and 14.025 when a Special Event activity would otherwise require a License or Permit issued pursuant to one of those Sections by the Special Event Organizer and vendors.
2. Execution of an Indemnity and Hold Harmless Agreement.
3. Provide private security for traffic, parking and/or crowd control.
4. Clean up area immediately following use.
5. Supervise all persons using the location under authority of the Special Event Permit to ensure compliance with the Permit Conditions.
6. Reimbursement to the City of costs incurred in enforcing Permit Standards and Conditions.
7. Procure and maintain one (1) or more liability insurance policy(ies) written by one (1) or more insurance company(ies) licensed to do business in the State of Wisconsin as required by paragraph L of this Ordinance.
8. Procure any other license or permit required for the activity.
9. No later than fourteen (14) days prior to the event, submit a list of all vendors who will be vending during the Special Event. If a Special Event consists of reoccurring non-consecutive days, the vendor list

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must be amended to reflect additions when applicable.

J. City Services. Special Events provide recreational programs which are an enhancement to the quality of life for the residents of the City to which the City may contribute City Services. If the Special Event will require the use of City equipment or services, exclusive of a showmobile or snow fencing, the Special Event Organizer shall pay the cost, as determined by the City Staff, for the use of such equipment or services as follows:

1. Actual costs up to \$500.00 for a Special Event lasting ten (10) days or more.
2. Actual costs up to \$250.00 for a Special Event lasting five (5) to nine (9) days.
3. Actual costs up to \$150.00 for a Special Event lasting up to four (4) days.

This may include, but is not limited to, equipment rental; equipment installation; personnel costs for set up and tear down; and waste removal. As a condition of approval of an application, the applicant shall pay, at the time the application is filed, the cost of any City Services identified. The cost for use of City Venues with regularly established fees, for a showmobile, for snow fencing, for Protective Services provided by the Kenosha Police Department and the Kenosha Fire Department, as well as costs paid to third parties, even if charged by the City, such as utility charges and insurance premiums, shall be the sole responsibility of the Special Event Organizer. All charges shall be paid in full within thirty (30) days of billing.

A Special Event presented by the City of Kenosha pursuant to designated City funding in the annual budget or an authorizing Resolution approved by the Common Council shall be exempt from paying the costs described herein.

K. Issuance. To assure that conditions and insurances are in place throughout the Special Event, proof of insurances required pursuant to paragraph L., shall be a condition of issuance.

L. Insurance.

1. The Special Event Organizer shall, at a minimum, procure and maintain during the term of the Special Event occurrence based insurance policies, hereinafter specified insuring the Special Event and all associated Special Event activities. The Reviewing Authority may require additional coverages and/or increased coverage when deemed necessary.

a. Commercial General Liability:

General Aggregate - Two Million Dollars (\$2,000,000.00)

Each Occurrence - One Million Dollars (\$1,000,000.00)

b. Automobile Liability: (When required as a permit condition)

Combined single limit coverage for bodily injury and property damage per accident in the amount of One Million Dollars (\$1,000,000.00).

c. Liquor Liability Coverage (When alcohol is approved for the Special Event)

General Aggregate - One Million Dollars (\$1,000,000.00)

Each Occurrence - One Million Dollars (\$1,000,000.00)

d. Umbrella Liability in the following amounts over the Commercial General Liability and Automobile Liability amounts listed herein: (When required as a permit condition)

Two Million Dollars (\$2,000,000.00) per person

Two Million Dollars (\$2,000,000.00) aggregate

The Commercial General Liability coverages required herein may be subject to a deductible or self-insured retention. If the Commercial General Liability insurance coverage policy has a deductible or self-insured retention, said deductible or self-insured retention cannot exceed \$5,000.00. The Umbrella Liability policy shall not contain exclusions or exceptions not present in the General Liability insurance policy.

2. Certificate of Insurance. The insurance coverages listed above shall be verified by a Certificate of Insurance issued to the City and shall provide that should any of the described policies be canceled before

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the expiration date thereof, the issuing company will mail ten (10) days written notice to the certificate holder.

3. Additional Named Insured Endorsement. City and the Reviewing Authority must be named as additional insureds on the Commercial General Liability, Automobile Liability, Liquor Liability and the Umbrella Liability. The Special Event Organizer shall provide the City with a copy of the Endorsement(s) naming the City and the Reviewing Authority as additional insureds.

4. Cancellation Endorsement. All insurance policies maintained pursuant to this section will provide by endorsement that they may not be terminated nor may coverage be reduced except after (10) days' prior written notice to the City and the Reviewing Authority. The Special Event Organizer shall provide the City and the Reviewing Authority with a copy of the Cancellation Endorsement.

5. Primary Insurance Endorsement. All policies maintained pursuant to this section will provide by endorsement that said policies are primary, not contributing with and not supplemental to the coverage that the City or Reviewing Authority may carry. The Special Event Organizer shall provide the City and the Reviewing Authority with a copy of the Primary Coverage Endorsement.

6. Waiver of Subrogation Endorsement. All policies maintained pursuant to this section shall by endorsement, waive all claims of subrogation and/or contribution against the City or the Reviewing Authority the Insurer may have arising out of the Special Event. The Special Event Organizer shall provide the City and the Reviewing Authority with a copy of the Waiver of Subrogation Endorsement.

M. Laws. There must be strict compliance with all applicable laws, specifically including the Fire Prevention Code and related permit requirements embodied in Chapter 3, Good Order and Conduct Ordinances embodied in Chapter 11, the Noise Ordinances embodied in Chapter 23, and when alcohol is served obtaining State required licenses embodied in Chapter 10 of the Code of General Ordinances.

N. Safety. The Special Event Organizer shall assure the safety of vendors and attendees of the Special Event by periodically each day inspecting the event location, said inspection specifically including but not limited to, reviewing electrical connections, reviewing the condition of electrical conductors and cables, and mitigating potential trip hazards.

O. Protective Service Accessibility. At any time during the application review process or during the operation or maintenance of the Special Event, the Special Event Organizer and every affected Vendor shall comply with the orders or directives of members of the Police Department or Fire Department regarding the keeping of accessibility lanes open for potential and actual emergency response. Failure to comply with such lawful orders or directives is a violation of this Ordinance, which may result in the closure of a portion of the Special Event, closure of the entire Special Event, and/or citations appropriate under the Code of General Ordinances.

P. Operational Regulation. A Special Event must be operated in strict compliance with the terms of this Ordinance, the approved application and supporting documentation and all permit conditions adopted by the Reviewing Authority. Failure to do so shall be subject to an order to suspend and terminate the Special Event or Event activities at the sole discretion of the enforcement authorities in furtherance of this Ordinance.

Q. Enforcement. The enforcement of this Ordinance shall be under the jurisdiction of the Public Works Department and Kenosha Police Department, who shall have the authority to inspect a Special Event to determine compliance with this Ordinance.

R. Suspension or Revocation of Permit. The Reviewing Authority may suspend or revoke any Permit issued hereunder which is operated contrary to the terms of a Permit issued under this Ordinance, upon providing Permit holder with a reasonable time, not to exceed ten (10) days, in which to file a written request with the City Clerk/Treasurer to be heard in said matter, and show cause why the proposed action

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should not be taken. However, a Permit may be administratively suspended by an Enforcing Authority identified in paragraph Q without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety or welfare, where the Special Event is not operated in conformance with representations made in the application and the approved permit contrary to the provisions of this Ordinance. In such cases, an opportunity for a post-removal hearing shall be provided following the foregoing provisions for an appeal.

S. Penalty. Any person, firm, corporation or permittee who violates any provision of this Ordinance, shall, upon conviction, forfeit not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00), plus costs of prosecution, in addition to all applicable surcharges and assessments. A person may be incarcerated in the County Jail for not more than ninety (90) days for nonpayment of their forfeiture.

12.07 PENALTIES

Anyone violating any of the provisions of this Chapter, upon conviction thereof, shall be subject to a forfeiture not to exceed Five Hundred (\$500) Dollars, plus the payment of the costs of prosecution, and in default of the timely payment thereof, shall be committed to the County Jail until such forfeiture has been paid, but for a period not to exceed sixty (60) days.