

VILLAGE OF TWIN LAKES

ORDINANCE NO. 2021-10-1

An Ordinance Creating Chapter 8.90 Of The Twin Lakes Code Of Ordinances Pertaining To Special Events

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

SECTION I

Chapter 8.90 of the Twin Lakes Code of Ordinances, pertaining to special events in public places, is hereby created to read as follows:

“Chapter 8.90

SPECIAL EVENT PERMITS

Sections:

- 8.90.010 Purpose.**
- 8.90.020 Definitions.**
- 8.90.030 Permit Required.**
- 890.040 Exceptions.**
- 890.050 Permit process.**
- 890.060 Standards for Issuance of Special Event Permits.**
- 890.070 Authority of chief of police.**
- 890.080 Liability Insurance.**
- 890.090 Permit fees.**
- 890.100 Fees for Municipal Services.**
- 890.110 Regulations.**
- 890.120 Revocation of permit.**
- 890.130 Violations.**
- 890.140 Enforcement.**
- 890.150 Penalties for offenses.**
- 890.160 Disrupting a special event.**

8.90.010 Purpose.

The purpose of this policy is to provide reasonable restrictions for special events, as defined in this chapter, in order to protect the public health, safety and welfare from the potential adverse effects which may arise from such special events or the large number of persons attracted to such special events upon premises not regularly used for or developed to regularly accommodate such events or gatherings. Such regulations are intended to protect against traffic congestion, the overcrowding of lands, the potential for fires, explosion, riot or disorder or other dangers to persons or property, the diversion of public health, safety and emergency services from regular necessary

duties, and the additional cost to the community of providing public services necessary to protect the public health, safety and welfare arising from such special events; and to promote the preservation of public peace and order, the furtherance of sanitation and the safeguarding of the public health.

8.90.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

Describes any person who initiates the process of applying, has applied for, or that has received, a permit to conduct a special event pursuant to the terms of this chapter.

BLOCK PARTY

A special event that will occur, in full or in part, within any public right-of-way.

DISRUPT

Means any activity, verbal or nonverbal, with the intent to disturb or interrupt the orderly course of a special event, or any activity, verbal or nonverbal, undertaken with knowledge that the natural consequences of the person's actions would be to disturb or interrupt the orderly course of a special event.

PERSON

Any individual, group of individuals, firm, company, association, society, partnership, corporation, or any other legal entity.

PUBLIC PROPERTY

Means real property owned or controlled by the Village, including, but not limited to, sidewalks, streets (including county highways within the Village), alleys, parks, rights of way, and public buildings.

SPECIAL EVENT

Any event that is open to the general public and occurring on or proceeding along a public street, public right-of-way, including sidewalks, or public property (parks, buildings, facilities) of the village, that is produced or sponsored by a person or organization, which event is extraordinary in that it is not ordinarily conducted on a daily or regular basis as a lawful use of the premises upon which such event is to occur. Extraordinary use of public property includes any exhibition, show, outdoor festival, concert, social gathering, block party, street dance, flea market, fundraiser, non-school-district athletic events, run/bike/walk road race, closing of streets, parade, noise generating events that continue past 11:00 P.M., entertainment and other similar events sponsored by an individual or organized group having a similar or common purpose or goal.

890.030 Permit Required.

A. No person shall sponsor, organize, control, conduct or hold a special event of any kind without obtaining a special event permit.

B. Parade permits. No organization or group of individuals, excluding other branches of government, shall sponsor any parade upon any of the public streets of the Village of Twin Lakes

without obtaining a permit from the Village.

890.40 Exceptions.

This section shall not apply to funeral processions or government agencies acting within the scope of their functions.

890.050 Permit process.

A. The sponsor or promoter of any special event is required to make application for a special event permit to the Village Clerk for review by the Village Board and/or any of its designated departments or agencies no less than 4 weeks prior to the date(s) of the planned event on an application form to be provided by the Village Clerk. The Village reserves the right to require additional information that it deems appropriate and necessary for its review after the submission of the application. The Village further reserves the right to modify the event application or the number of days required herein for filing or notification when appropriate under the circumstances.

B. The application for a special event permit shall be reviewed by appropriate officials of the Village for compliance with this section and all other laws and ordinances, for scheduling conflicts, for special services required, and for any further information required. Further, for the purposes of public safety and welfare, the Chief of Police is authorized to require and order the temporary closing of streets and/or the temporary prohibition of parking along such streets during the special event and shall direct the posting of proper warning signs in connection with said special event, as the Chief determines to be necessary.

C. A special event permit may be approved with special conditions placed on the applicant if warranted. Issuance of the special event permit is contingent on the possession of any other permits or licenses required by local or State laws and regulations. The Board of Trustees may, in its reasoned judgment and subject to applicable legal limitations, deny any special event permit application that will, in the Board's reasonable determination, in any way jeopardize the safety, health, well-being, or property of special event attendees or others.

890.060 Standards for Issuance of Special Event Permits.

A. In making its determination, the Board of Trustees will consider, among other criteria:

- (1) The applicant's successful experience in holding prior special events;
- (2) The applicant's capacity to adequately manage the special event it is seeking to hold;
- (3) Any exceptional demands placed upon the Village's infrastructure by the special event and the Village's ability to respond to an emergency or disaster;
- (4) The time of the year that the special event will be held and whether more than one special event is being applied for in the same time period;
- (5) Whether the special event will unreasonably interfere with or detract from the promotion of the public health, welfare, safety, and recreation;
- (6) Whether the special event will entail unusual, extraordinary or burdensome expense by the public or unusual or burdensome police protection or activity;
- (7) The impact the special event will have upon public or others' private property;
- (8) All costs which will be incurred by the Village as a result of the special event;
- (9) The additional planning, preparedness, and mitigation efforts required of the

Village's emergency response and public safety agencies; and,

- (10) Whether the use or frequency of the proposed special event will unreasonably deprive the public of the general use of the subject park or public facilities, or unreasonably deprive or interfere with the use of the remainder of the park or its facilities by the public.

890.070. Authority of chief of police.

The Chief of Police is authorized to temporarily restrict, direct, and regulate motor vehicle traffic, motor vehicle parking, and movement of pedestrians during a special event, as necessary for the safety of the public.

890.80. Liability Insurance

The applicant or special event sponsoring shall supply the Village with a certificate of insurance demonstrating the required level of insurance coverage in addition to providing the Village with a copy of the insurance policy endorsement language demonstrating that the Village, its officers, agents, employees and contractors are named and endorsed as an additional insured party. Certificate must show Comprehensive General Liability Insurance with coverage for contractual liability with limits no less than \$1,000,000 each occurrence for comprehensive general liability insurance and, \$2,000,000 aggregate limits for bodily injury and property damage, unless otherwise specified by the Village. The Village Board may require a higher limit depending upon the details of the special event, which may include:

- (1) A special event that includes alcohol, or,
- (2) A special event that is anticipated to have attendance greater than 100 people per day, or,
- (3) A multi-day special event.

Proof of this insurance is required to be turned into the Village no less than ten (10) days prior to the start of the special event. If any modifications occur to the insurance terms, the applicant must also notify the Village immediately. Any change to coverage requires Village approval. Also, if coverage is canceled or no longer meets the Village's requirements, the special event permit will be rescinded. The applicant shall also agree to hold the Village, its officers, employees, agents, and contractors harmless against all claims, liability, loss, damage, or expense (including but not limited to actual attorney's fees) incurred by the Village for any damage or injury to a person or property caused by or resulting directly or indirectly from the activities for which the special event permit is granted.

890.090. Permit fees.

The fees for application and issuance of a special event permit shall be established from time to time by the Village Board.

890.100. Fees for Municipal Services.

If it is determined by the appropriate officials of the Village of Twin Lakes that additional materials or personnel costs shall be required for the purpose of maintaining the general health, safety and welfare of attendees or participants in the special event, or the community in general, the Village reserves the right to require reimbursement of such costs. If reimbursement is required, the holder of the permit shall deposit with the Treasurer a sum of money to be determined by the Village to be a reasonable estimate of the costs required. After the conduct of the special event the

holder of the permit shall be required to pay the Village any additional amount determined to be due in reimbursement of the Village's costs within thirty (30) days. In the event that the sum of money so deposited in advance exceeds the funds needed, the Village shall refund any excess deposit within thirty (30) days after the holding of said special event. Services and Village personnel covered by this section shall include but not be limited to additional police, fire, rescue squad, and public works personnel.

890.110. Regulations.

A. Hours of operation. Special event permits shall specify the hours during which pre-event setup and post-event takedown operations may occur and no such operations may be conducted other than as so specified.

B. Sanitary facilities and potable water. Adequate numbers of sanitary facilities and potable water facilities shall be provided for the special event by the event organizer for every 100 people estimated to be in attendance. Restrooms located in public parks shall be kept open during the special event and shall be cleaned during and upon completion by the special event organizer.

C. Solid waste. The special event organizer shall be responsible for the holding, collection and disposing of solid waste material.

890.120. Revocation of permit.

The Village reserves the right to revoke any special event permit after it is issued if it is determined that the applicant misrepresented information provided in the application, omitted information in the application which may have resulted in a denial by the Village, or where the applicant failed to comply with conditions imposed in the approval of the permit by the Village. Upon revocation, the special event permit shall become null and void.

890.130. Violations.

The following shall be deemed to constitute a violation of this chapter:

- A. Failure to obtain a permit for a special event for which a permit is required.
- B. Failure to present a special event permit to an enforcement officer upon request of such officer.
- C. Refusal to permit an enforcement officer to inspect the premises covered by the permit during the event.
- D. Failure to comply with permit conditions or to undertake actions for the control of traffic, parking, noise, lighting, refuse and the like.
- E. Failure to comply with any other requirement or restriction imposed by this chapter.

890.140. Enforcement.

A. Any police officer is authorized to require any person operating a special event to produce its permit for inspection.

B. If such person does not have a special event permit, any police officer is authorized to immediately close the special event and to issue citations to the violator or violators, in the officer's reasonable discretion.

C. If such person has a special event permit, but is in violation of the terms of the person's special event permit, any police officer is authorized to require the person to immediately correct the violation. The police officer is also authorized to issue a citation to the violator, in the officer's reasonable discretion. If the person is unwilling or unable to immediately correct the violation, the police officer is authorized to immediately close the special event and is authorized to issue a

citation to the violator(s), in the officer's reasonable discretion.

890.150. Penalties for offenses.

A. For each violation of a provision of this chapter, the person violating the same shall be subject to a fine of not more than \$500 each day for each separate violation, plus applicable court costs.

B. The Village may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

890.160. Disrupting a special event.

It shall be unlawful for any person who is not a law enforcement officer acting in the course of his or her official peace keeping duties to knowingly disrupt a special event.”

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect immediately upon passage and publication as provided by law, and the Village Clerk/Treasurer shall so amend the Village of Twin Lakes Code of Ordinances, and shall indicate the date and number of this creating Ordinance therein.

Dated this 18 day of October, 2021.

ATTEST:

VILLAGE OF TWIN LAKES

Sabrina Waswo
Sabrina Waswo, Village Clerk

Howard K. Skinner
Howard K. Skinner, Village President

Members Voting:

5 Aye
— Nay
2 Absent
— Abstained