

12.05 SPECIAL EVENT LICENSE.

The City of Dodgeville recognizes that special events can bring many benefits to the community. At the same time, the City must have sufficient notice prior to a special event so that the City can evaluate the potential impact the event might have on resources of City departments, City owned properties and facilities, and on the public. Because events have unique characteristics with different potential impacts on City services, the issuance of a license is considered on a case-by-case basis and in accordance with this Section.

(a) DEFINITIONS. As used in this section, the following terms have the following meaning:

- (1) "Applicant" means the person applying for the special events license.
- (2) "City Property" includes all buildings, parks, parking lots, streets, sidewalks and other rights-of-way and any other property owned, leased, managed or controlled by the City of Dodgeville
- (3) "Extraordinary services" means reasonable and necessary services provided by the City which specifically result from the special event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a non-event day. Extraordinary services will normally be those services requiring city employees to be specifically assigned to tasks in support of the special event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police protection, traffic control, fire monitoring, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this Section. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for extraordinary services where sufficient advanced notice of the event is provided.
- (4) "Multiple day event" means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval), at the same start and end time and at the same location (e.g., an event occurring on a consecutive Saturday and Sunday from 9:00 am until 5:00 pm or an event occurring three Tuesdays in a row from 5:00 pm until 8:00 pm) One special event license will be issued for a multiple day event.
- (5) "Normal and ordinary use" means the way City property should normally and ordinarily be used. Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.
- (6) "Public right-of-way" shall mean all highways, streets, alleys, sidewalks and public parking lots within the City of Dodgeville.
- (7) "Special event" or "event" means a temporary gathering of people for a planned occurrence on City property such as, but not limited to, festivals, concerts, demonstrations, rallies, performances, parades and athletic events, which are not within the normal and ordinary use of that place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may also occur on private property if it will affect, impact or interfere with the normal and ordinary use of City property by the general public within the vicinity of the event and/or will require the use of extraordinary services. A special

event may be a single day event or a multiple day event. The City Clerk-Treasurer or designee shall have the exclusive authority to determine whether or not a license is required for any particular event should there be a question about whether an event meets this definition. The following events are excluded from meeting the definition of being a special event:

- a. Funeral processions;
- b. Events organized solely by the City and where the City is the applicant;
- c. Events which enter into a separate and specific agreement, which is approved by the Common Council, to hold the event pursuant to the terms of the individual agreement. The Council is authorized to modify the terms or requirements of this Section within such an agreement, provided the modifications meet the spirit if not the letter of this Section.

(b) LICENSE REQUIRED.

- (1) License Required. No person or entity acting as an event organizer shall set up for, hold, or conduct a Special Event within the municipal boundaries of the City of Dodgeville without first obtaining a Special Event license.
- (2) License Submittal Date.
 - a. License requests are deemed submitted to the City when the City Clerk-Treasurer receives the application form, application fee and proof of insurance.
 - b. License requests must be submitted at least thirty (30) calendar days prior to the event for events involving the use of a public right-of-way or if the applicant intends to request a waiver of costs for extraordinary services; for events not involving a public right-of-way or a requested waiver of costs, the license request must be submitted at least fourteen (14) calendar days prior to the event.
 - c. Applicants requesting the closure of any public right-of-way or a portion of it within the City of Dodgeville must meet with designated City staff within seven (7) days of submitting the application, to be scheduled by City staff.
- (3) Application form. License requests must be submitted on an application form supplied by the City Clerk-Treasurer. The form must be complete and must contain a detailed map or diagram indicating the specific location and layout of the event. The map must also include any proposed street closure of any public right-of-way and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable.
- (4) Application Fee. A license application fee shall be as provided in Sec. 25.045. The fee is due in full for a license request to be deemed submitted to the City. The application fee is non-refundable unless the application is denied because it is submitted late. Events sponsored entirely by a registered non-profit organization or government entity are exempt from paying an application fee.
- (5) Insurance. Applications must be accompanied by a certificate of insurance showing that the applicant is covered by general liability insurance by an insurance company licensed to do business in Wisconsin in the minimum amount of \$300,000 for the injury or death of one person, \$50,000 for property damage, and an aggregate of \$1,000,000 coverage for the event. Additional insurance may be required depending on the nature of the event

and as determined by the City, which will be communicated to applicant by the City Clerk-Treasurer at least ten (10) calendar days prior to the event. If additional insurance is required, the applicant must provide the City Clerk-Treasurer with a certificate of insurance in the required amounts at least five (5) calendar days prior to the event. All certificates of insurance must list the City of Dodgeville as an additional insured.

- (6) Additional Licenses, Permits and Fees. The applicant is solely responsible for ensuring the event has all other necessary license, permits and variances prior to the event including, but not limited to, alcohol licenses, vendor permits, noise variances, etc.
- (7) Applicant Requirements. Applicants must be at least 18 years of age or older. If the applicant is a corporate or government entity, the application must be signed by an authorized agent of the entity. The applicant must agree to indemnify, defend and hold harmless the City of Dodgeville as it pertains to the event.
- (8) Public Right-of-Way Closing. If the City grants a Special Events license that involves the closing of any public right-of-way in the City of Dodgeville, the applicant must notify in writing all owners and occupants of property located on or adjacent to the public right-of-way to be closed. The notice must include a description of the event, the public right-of-way that will be closed, the dates and time of closure and any related parking restrictions. The applicant must submit a draft notice with the application and a proposed list of owners/occupants that will be provided with the notice. Upon granting of the Special Events license, the City will approve the notice of public right-of-way closure and list of those to be notified, with any revisions. The applicant shall deliver the notice to the owners/occupants within five (5) calendar days of the Special Event and provide the City with an affirmation that such delivery has been made before the event.
- (9) Acceptance of Application. Applications not meeting the requirements of this Section shall be denied by the City Clerk-Treasurer.
- (10) Application Review. Applications are reviewed by employees from the following City departments: City Clerk-Treasurer, Fire, Parks & Recreation, Police, EMS, and Public Works. Each department will recommend either approving or denying the application. The City Clerk-Treasurer will issue the license only upon receiving a recommendation for approval from all departments. Each department must recommend approving or denying an application based on the information relevant to that department. A department's decision to recommend approving or denying an application may be based on, but is not limited to, the following:
 - a. Use of department resources,
 - b. Costs to the department,
 - c. Any perceived public health or safety problems related to the department or jurisdiction covered by the department,
 - d. If the applicant has a history not complying with this Section, including past failures to pay the application fee or costs, and/or other applicable rules or regulations. If a recommendation for denial is made by a department, an explanation must be provided to the City Clerk-Treasurer who will then provide them to the applicant upon their request.
- (11) Priority. All license requests are accepted first come, first served. For purposes of determining the priority of an application, any amendment, revision or resubmittal of a

license application shall become the date the license request is submitted to the City Clerk-Treasurer.

- (12) Waiver. Some or all of the license requirements may be waived in cases where the United States Secret Service or other government entity notifies the City of a proposed event in which it will be assisting with security details. It will be at the discretion of the City Clerk-Treasurer which requirements will be waived.

(c) SAFETY

- (1) Security. All events must have at least one designated head of security who must, at minimum, be:
- a. 18 years of age or older,
 - b. At the event for the duration of the event,
 - c. Reachable by phone at all times during the event by the City, and
 - d. Able to call 911 during the event.
- (2) Additional Safety Features. The Police, Fire, EMS, or Public Works Department may require the applicant to have additional safety features at an event, in which case the City Clerk-Treasurer will let the applicant know what additional safety features the event will need at least seven (7) calendar days prior to the event. If the applicant declines to provide the additional security features, the application may be denied.

(d) SET-UP AND CLEAN-UP

- (1) Set-Up. Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted by the department head or designee with jurisdiction over the location of the event.
- (2) Markings. No markings, including temporary markings, shall be allowed on City property for an event.
- (3) Portable Toilets. It is the responsibility of the applicant to ensure a reasonably adequate number of portable toilets are available during the event.
- (4) Waste and Recycling Receptacles. It is the responsibility of the applicant to ensure reasonably adequate number of waste and recycling receptacles are present during the event.
- (5) Clean-Up. It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was in prior to the event. All clean-up efforts must be completed within four (4) hours after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event. During and following a special event, the applicant of the event shall be responsible for the cleanup of all streets, sidewalks and alleys within the area of the special event.
- (6) ADA Compliance. It is the responsibility of the applicant to ensure the event is ADA compliant to the extent legally required, and that all associated rules, ordinances, statutes and codes are complied with.

(e) COSTS FOR EXTRAORDINARY SERVICES.

- (1) City Costs. If an event will require extra ordinary services, the City shall require that the applicant pay for the services if the costs to the City to provide the services exceeds \$500.00. The City will make a reasonable effort to notify the applicant prior to the event

if extraordinary services totaling over \$500 will be provided by the City. The City may request a surety bond from the applicant for the amount of the anticipated costs. Failure of the applicant to provide the City with a surety bond upon request may result in the application being denied.

- a. If the estimated costs for the event exceed \$500.00, the license for the event shall not be issued unless a bond to secure the payment of the estimated costs is filed with the City Clerk-Treasurer.
- b. If the total costs for extraordinary services exceeds \$500.00, an itemized statement of the costs shall be provided to the applicant within thirty (30) calendar days after the event, who shall pay such costs within thirty (30) calendar days.
- c. Within the thirty (30) calendar days of receipt of the statement of costs, the applicant may appeal the statement of costs to the Finance Committee, who shall determine the actual costs relating to the event.

(2) Waiver of Costs. Costs may only be waived by the Finance Committee, who shall hear an applicant's request for waiver at its next regular meeting. If the Finance Committee denies a request for the waiver of costs, that decision may be appealed to and heard by the Common Council with the recommendation of the Finance Committee being provided to the Council. A waiver of the payment requirement for all or part of the costs for extraordinary services shall be based upon a consideration of the following:

- a. Whether the applicant is a tax exempt organization.
- b. The total costs for the event.
- c. Whether the event was sponsored by a unit of government.
- d. Whether the event is protected speech under the First Amendment to the US Constitution.

(f) RESTRICTING USE OF PUBLIC RIGHT-OF-WAY. To encourage the integrity, comprehensiveness and success of a special event, the Administration & Personnel Committee may suspend otherwise permissible uses of any public right-of-way, such as city street, alley, or sidewalk. Upon receipt of an application that contains a request to suspend otherwise permissible uses of a public right-of-way, the City Clerk-Treasurer shall immediately forward copies to the Administration & Personnel Committee, which shall convene to consider the application and give notice of the meeting to the applicant. Before granting an application for license that includes restricting permissible uses of a public right-of-way, the Administration & Personnel Committee shall consider the recommendations made by the Police Chief, Fire Chief, EMS Chief, Director of the City's Public Works Department, and Street Superintendent and shall consider the risks to public safety based upon the following:

- (1) The location of the request for the restriction of permissible uses of the public right-of-way.
- (2) The duration of the request.
- (3) The time of day of the request.
- (4) The subject matter, ideology, opinion or perspective of the applicant shall not be considered in determining whether to grant a restriction of permissible uses of the public ways.

- (g) EMERGENCY ACCESS. All events shall be conducted and maintained in a manner that will allow an emergency vehicle an unobstructed access lane at least 18 feet wide and continuous over the entire length of any street within the area where the event takes place.
- (h) NO UNAUTHORIZED VENDING. During an event there shall be no vending in the area of the special event except vending permitted by the applicant. The applicant shall be responsible for ensuring that all authorized vendors are easily identifiable as such.
- (i) DISCRIMINATION PROHIBITED. No applicant shall discriminate against any vendor, customer, event participant or other person by reason of race, color, creed, handicap, age, sex, religion, national origin, ancestry, marital status, or other form of discrimination prohibited by the laws of the State of Wisconsin or United State of America.
- (j) TERMINATION OF LICENSE. A special event license may be terminated by City before or during the event if the health, safety and welfare of the general public appears to be endangered by activities generated as a result of the event or if the event is in violation of this section or of any of the conditions of the permit or regulations adopted by the Common Council resolution. The City Clerk-Treasurer, Fire Chief, EMS Chief, Police Chief or Director of the City's Public Works Department shall have the authority to terminate the license.
- (k) APPEALS. If an application is denied, the applicant may request the application be submitted to Common Council for review and a final determination of whether to grant the license. In deciding the appeal, the Common Council may consider the following:
 - (1) If the application was not fully completed and/or failed to include necessary attachments and/or contained a material falsehood or misrepresentation;
 - (2) If the applicant asserts that he/she cannot or will not pay the application fee and/or that he/she cannot or will not pay the costs for extraordinary services and the Common Council determines that the fee and/or costs are not waived;
 - (3) If the applicant is not legally competent to sign the application or to be held responsible for his/her actions;
 - (4) If the applicant has, on prior occasions, been required to pay for extraordinary services or damage to City property and has not paid in full for such services or damage;
 - (5) If the event would conflict with previously planned events and programs or the unavailability of sufficient City resources for the proposed event;
 - (6) If the event would present a grave or unreasonable danger to the health, safety or welfare of the persons expected to participate in the event, the area in which the event will occur, the community as a whole, or City property and resources required to be involved with the proposed event;
 - (7) If the number of persons expected to participate in the event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to a lack of sufficient open area, streets, offsite parking, or traffic controls.
 - (8) If activities reasonably expected to occur at the intended event are prohibited by law.
- (l) COMPLIANCE. The applicant is responsible for ensuring that the event complies with this Section and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park rules, health laws, fire codes, and liquor licensing regulations. Any person who violates any provision of this Section shall, upon conviction, be subject to a penalty as provided for in §25.04 of this Code, in addition to being subject to any other applicable civil or criminal penalties.