

Chapter 40

SPECIAL EVENT PERMITS

40.01 Special Event Permits

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(A) Purpose. This Section is enacted to regulate and control outdoor and indoor/outdoor special events and activities incidental to special events within the Village of Paddock Lake to the extent that the health, safety, and general welfare of the public and the good order of the Village can be protected and maintained. It is recognized that special events may include multiple activities which are subject to additional Village licensing requirements. A Special Events Permit does not authorize the sale or dispensing of alcoholic beverages without an appropriate license.

(B) Definitions.

(1) Single Special Event Permit Term. A permit issued for a period of time up to twenty-four (24) consecutive hours authorized by the Reviewing Authority. No more than six (6) Single Special Event Permits shall be issued to a Special Event Organizer in any calendar year and no Single Special Event Permits shall be issued more frequently than once every thirty (30) days..

(2) Recurring Special Event Permit Term. A permit issued for a period of three hundred sixty-five (365) days commencing on the first day of April and ending on the 31<sup>st</sup> day of March the following calendar year. Recurring Special Event Permits may be issued to a Special Event Organizer where the special event is located in the PR-1 or I-1 zoning districts within the Village where the Special Event Organizer and the location of the special event historically has hosted numerous activities which would be considered special events under this Ordinance. Recurring Special Event Permits shall only be issued to the owner of the property or to a lessee or licensee of the owner where such lessee or licensee has exclusive right to the use and possession of the property. In the event that a Recurring Special Event Permit is issued for a qualifying premises and someone other than the permittee under the Recurring Special Event Permit seeks to hold a special event, a separate Single Special Event Permit must be sought by the lessee or licensee of the party which is the permittee under the Recurring Special Event Permit. By way of illustration, in the event that a Recurring Special Event Permit is issued to the owner of a particular parcel and the

owner allows another person, firm or organization to have an activity which would be considered a special event under this Ordinance, the organizer of that activity must make application as a Special Event Organizer for a Single Special Event Permit and cannot conduct a special event under the Recurring Special Event Permit issued by the Village for such property. It is recognized by the Village that the holder of a Recurring Special Event Permit may not be in a position at the time of application for such permit to provide a description of all of the activities and/or dates for such activities for a calendar year due to the addition, cancellation or change of dates for such activities. As such, the holder of a Recurring Special Event Permit shall, not less than thirty (30) days before the proposed special event, notify the Village Clerk/Treasurer of the date, time and general description of such special event and the periodic updating of special event information under a Recurring Special Event Permit shall be a condition of the permit pursuant to paragraph (I), below.

(3) Reviewing Authority. The Reviewing Authority for special events shall be the Village Board of Trustees unless such authority is delegated in whole or in part by the Village Board to the Village Clerk/Treasurer or to a committee of the Village Board established for such purpose.

(4) Special Event. An event, program or activity occurring on a scheduled date, lasting no longer than twenty-four (24) hours (in the case of a single special event) or consisting of reoccurring consecutive or non-consecutive days (in the case of a recurring special event), to which the general public is solicited or otherwise encouraged to attend that may or may not require Village services. Types of Special Events include, but are not limited to, concerts, parades, festivals, marches, ceremonies, tournaments, exhibitions, expositions, fairs, live music performances, markets, fundraisers or shows.

(5) Special Event Organizer. An approved applicant for a special event. A Special Event Organizer must be the owner, lessee or licensee of the real property upon which the special event is to take place.

(6) 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 section 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 only those activities described in the permit. No special event permit shall be required for a private event on single family residential property.

(D) Exceptions.

(1) A special event organized and approved by the Village of Paddock Lake.

(2) Activities which would otherwise be described as a special event which have been organized and approved pursuant to a lease or other agreement between an Event Organizer and the Village of Paddock Lake.

(3) Events using parks or public places as a result of or preparation for fire or other disasters or practices or exercises for disaster management.

(4) Fireworks Display. A Village permitted fireworks events not requiring public services.

(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 Village Clerk/Treasurer 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 date(s) 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 section. The operational plan must address the Permit Standards (Section H) and Permit Conditions (Section I) of this section;

(5) Describe all Village services required, if any;

(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 Seventy-five (\$75.00) Dollars 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 One Hundred Fifty (\$150.00) Dollars 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 Village 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 non-profit

organization or religious organization upon authorization of the Reviewing Authority responsible for use of the Village property.

(G) Review. Applications for Special Event Permits shall be referred by the Clerk/Treasurer to the Department of Public Works, Kenosha County Sheriff's Department, contracted Fire Department, and any other affected Village Department for review and written comment. Within ten (10) days of receiving the application the Village and any other affected Department shall send their comments to the Clerk/Treasurer 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. Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing.

(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, taking into consideration all land use regulations for the location, including zoning and any Conditional Use Permit requirements.

(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 Village.

(3) The activity or use will be in compliance with applicable Federal, State, County and Village 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 or surrounding areas by the general public and is consistent with uses in the surrounding neighborhood.

(6) The activity or use will not entail an unusual, extraordinary or burdensome expense to

the Village which is not recovered in the permit fees or charges.

(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 Village laws, rules and regulations including licensing conditions and operational requirements.
- (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 Village 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 section.
- (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 must be amended to reflect additions when applicable.

(10) Have separate, clean and immediately accessible toilet facilities for each sex on the premises.

(J) Village Services. Special events provide recreational programs which are an enhancement to the quality of life for the residents of the Village to which the Village may contribute Village services. If the special event will require the use of Village equipment or services, the Special Event Organizer shall pay the actual cost, as determined by the Village staff, for the use of such equipment or services.

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 Village services identified. The cost for use of Village venues with regularly established fees, for protective services provided by the Kenosha County Sheriff's Department and the Fire Department, as well as costs paid to third parties 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 Village 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) If the special event will occur partially or entirely on Village of Paddock Lake property, 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:

(i) General Aggregate—Two Million  
(\$2,000,000.00) Dollars.

(ii) Each Occurrence—One Million



(\$1,000,000.00) Dollars.

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

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

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

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

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

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

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

(ii) Two Million (\$2,000,000.00) Dollars 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 Five Thousand (\$5,000.00) Dollars. 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 Village and shall provide that should any of the described policies be canceled before the expiration date thereof, the issuing company will mail ten (10) days written notice to the certificate holder.

(3) Additional Named Insured Endorsement. For special events requiring insurance coverage, the Village must

be named as an additional insured on the Commercial General Liability, Automobile Liability, Liquor Liability and the Umbrella Liability. The Special Event Organizer shall provide the Village with a copy of the Endorsement(s) naming the Village as an additional insured.

(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 ten (10) days' prior written notice to the Village. The Special Event Organizer shall provide the Village 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 Village may carry. The Special Event Organizer shall provide the Village 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 Village that the Insurer may have arising out of the special event. The Special Event Organizer shall provide the Village 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 and when alcohol is served obtaining State required licenses embodied in Chapter 11 of the Code of General Ordinances.

(N) 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 Kenosha County Sheriff's 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 Chapter, 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.

(O) Operational Regulation. A special event must be

operated in strict compliance with the terms of this Section, 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 Section.

(P) Enforcement. The enforcement of this Section shall be under the jurisdiction of the Village Building Inspector, Fire Department and Kenosha County Sheriff's Department, who shall have the authority to inspect a special event to determine compliance with this Section.

(Q) 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 Section, upon providing permit holder with a reasonable time, not to exceed ten (10) days, in which to file a written request with the Village Clerk/Treasurer to be heard in said matter, and show cause why the proposed action should not be taken. However, a permit may be administratively suspended by an Enforcing Authority identified in paragraph (P) 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 Section. In such cases, an opportunity for a post-removal hearing shall be provided following the foregoing provisions for an appeal.

(R) Penalty. Any person, firm, corporation or permittee who violates any provision of this Section, shall, upon conviction, forfeit not less than Two Hundred (\$200.00) Dollars and not more than Five Hundred (\$500.00) Dollars, 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 non-payment of their forfeiture.