

**Title 5 Chapter 24
TOWN OF LAKE MILLS SPECIAL EVENTS ORDINANCE**

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SPECIAL EVENTS ORDINANCE

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31 **5-24-1: SHORT TITLE**

32 This chapter shall be known and may be cited as the “SPECIAL EVENTS” ORDINANCE

33 **5-24-2: INTENT**

34 The intent of this Special Events Ordinance is to protect private property within the Town of Lake Mills, to
35 protect public facilities, roads and natural resources; to promote and protect public health and safety; and,
36 to allocate time and space for multiple and competing uses of Town resources and facilities. The ordinance
37 regulates time, place and manner with respect to the exercise of activities and authorizes the holder to use
38 or occupy Town facilities as authorized, subject to the rights retained by the Town, including continuing
39 rights of access and physical entry for inspection, monitoring, or for any other purpose consistent with any
40 right or obligation of the Town of Lake Mills.

41 **5-24-3: DEFINITIONS**

42 As used in this chapter the following words have the following meanings, unless the context clearly
43 requires otherwise:

44 **DESIGNATED REPRESENTATIVE:** A person who will be responsible and on site during the event.

45 **PERMIT:** A permit issued by the Town pursuant to this chapter.

46 **PERSON:** Means a natural person, sole proprietorship, partnership, limited liability company (LLC),
47 corporation, association or the owner of a single –owner entity.

48 **QUALIFIED / APPOINTED INDIVIDUAL:** A Person (or persons) the Town Board declares as able to
49 assist with crowd control, traffic, and other issues arising from said event.

50 **SPECIAL EVENT OR EVENT:** A planned occurrence to which the public or a substantial portion
51 thereof is invited to attend, either by express invitation or by implication. This includes but is not
52 limited to the following activities: touring exhibitions, concerts, performances of dance, music, drama,
53 and comedy, sporting exhibitions or contests such as relays, fishing contests or tournaments, triathlons,
54 marathons, bike rides and races, festivals, fairs, automotive displays, performances of skill, and
55 regattas.

56 **VESSEL:** Means a boat or ship including boats propelled by motors, oars or poles and sailboats.

57 **5-24-4: PERMIT REQUIRED**

58 No person shall stage, hold, present, or conduct a special event within the Town without a valid permit
59 issued in accordance with this and other Town ordinances. Whether an activity is a special event or an
60 event that requires a permit shall be determined by the Town Board, and such determination shall represent
61 the final decision of the Board with regards to that activity.

62 **5-24-5: EXCEPTIONS**

63 The requirements of this chapter shall not apply to:

- 64
65 A. An indoor special event of any kind.
66 B. A special event held by the Town.
67 C. Large family gatherings and yard/garage sales.

68 **5-24-6: APPLICATION FOR PERMIT**

- 69
70 A. An application for permit can be obtained from the Town Clerk.
71 B. The applicant or a designated representative shall attend all meetings of the Town Board at which the
72 application will be reviewed.

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- 73 C. An application for permit will be filed with the Town Clerk not less than sixty (60) days or more than
74 one year prior to the special event's start date.
75 D. A permit issued pursuant to this chapter does not eliminate the need for the applicant to obtain any
76 other required permits or licensing from the Town, the State of Wisconsin, Jefferson County, City of
77 Lake Mills or other surrounding municipalities of which the event will occur within said boundaries.
78 E. Applications shall be processed by the Town clerk in order of receipt.
79 F. The Town Board may also modify any other requirement of this chapter with respect to such an
80 application if necessary to comply with applicable law.

81 **5-24-7: FEES & DEPOSITS**

- 82
83 A. A nonrefundable application fee is required when the application is filed. The application fee is to
84 cover the administrative costs of processing the application.
85 B. If services are provided by the Town and or to insure cleanup and other damages to public property a
86 security deposit may be required in the form of a cash deposit in an escrow account, bond, letter of
87 credit or similar instrument must be provided in an amount determined by the Town Board and the
88 type of security will be at the Boards discretion.
89 C. If the application includes a request to use any Town property or any Town service in connection with
90 the special event, then before the permit is issued the applicant shall pay to the Town any charges, fees,
91 or deposits required by the Town in connection with the use of the requested Town property or the
92 provision of the requested Town service.

93 **5-24-8: INVESTIGATION OF APPLICATION**

- 94
95 A. Upon receipt of completed application, with all information required, and the payment of the
96 application fee, the Town clerk may transmit copies of the application to:
97 1. Town of Lake Mills Police Department
98 2. Jefferson County Sheriff's Department.
99 3. Town of Lake Mills Board.
100 4. Adjacent municipalities if applicable.
101 5. EMS
102 6. Fire protection district.
103 7. Any other person or agency which the Town Board determines should properly investigate and
104 comment upon the application.

105 **5-24-9: STANDARDS FOR ISSUANCE OF PERMIT**

- 106
107 A. The Town Board shall issue a permit when it is determined that:
108 1. The application (including any required attachments and submissions) is complete and signed by
109 the applicant;
110 2. The applicant has paid the application fee, and any other fees and deposits required
111 3. The application does not contain a material falsehood or misrepresentation;
112 4. The application complies with all of the requirements of this ordinance;
113 5. The applicant is legally competent to contract under Wisconsin law;
114 6. The applicant or the person on whose behalf the application is made has not previously damaged
115 Town property or failed to pay in full for such damage, and the applicant does not have other
116 outstanding and unpaid debts to the Town, and is not in violation of any Town ordinance including
117 but not limited to Town ordinance 2-8.
118 7. The proposed special event will not conflict with:

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- 119 a. A special event for which a permit has previously been issued;
120 b. A proposed special event the application for which was received by the Town Clerk prior to
121 the time of the submission of the applicant's application;
122 c. A Town sponsored event
123 d. An annual special event which is reasonably expected to be held again, but for which an
124 application has yet to be submitted
- 125 8. The holding of the proposed special event will not cause significant disruption in the ability of the
126 Town to deliver or provide essential governmental services
- 127 9. Adequate sanitation and other required health facilities are or will be made available at or
128 sufficiently near to the proposed special event area(s)
- 129 10. Sufficient parking is available near the site of the proposed special event to accommodate the
130 number of vehicles reasonably expected for the event, or an acceptable transportation and parking
131 plan to provide adequate parking for the proposed special event has been submitted and approved
132 by the Town Board
- 133 11. The proposed special event will not pose a danger to the public health, safety or welfare;
134 12. The proposed special event will not adversely impact the Town culturally, economically,
135 environmentally and or socially.
- 136 B. Special regulations based on type of event:
- 137 1. Events which have a designated route within the Town, including but not limited to Duathlons,
138 Triathlons, races, rides, runs or walks:
- 139 a. For tours and rides where no racing is involved, normal traffic rules shall apply and be obeyed.
140 b. Where variance from normal traffic rules is necessary such as with road races, a police officer
141 or other qualified individual shall direct traffic to insure safety and provide smooth traffic flow.
- 142 1. No detours of vehicular traffic will be allowed.
143 2. The route will be one way with no out and back courses unless approved by Town Board.
144 3. Events may be limited to daylight hours only
145 4. Courses shall be marked with temporary signage, fast dissipating material or removable
146 tape and must not be misleading to other vehicular traffic.
147 5. Courses must be approved by the Town Board and cannot be changed without prior
148 approval of the Town chairperson.
149 6. A public notification plan and cleanup plan will be provided within the application.
150 7. The Town Board may require applicant to place additional volunteers or qualified
151 individuals to monitor dangerous hills, curves, blind intersections or other dangerous areas
152 on requested route in addition to signage indicating danger areas
- 153 2. Races, Regattas, fishing tournaments, sporting events and exhibitions on the Waters of Rock Lake
154 are required to be permitted under Title 5, Chapter 2, (8) and must meet all permitting requirements
155 for the Wisconsin Department of Natural Resources.
- 156 3. For large group events at a single location refer to ordinance 3-5 Assemblage of Large numbers of
157 People.

158 **5-24-10: DENIAL OF PERMIT**

- 159 A. The Town Board may deny an application for a special event permit if it is determined that:
- 160 1. Health, safety, public and private property, or natural resources would be adversely impacted.
161 2. The application conflicts with another event as described in ordinance.
162 3. Information contained in the application, or supplemental information requested from the
163 applicant, is found to be false in any material respect;
164 4. The application fails to meet any of the standards set forth in this ordinance.
165 5. The time, route, or size of the event will substantially interrupt the safe and orderly movement of
166 traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a
167 time when it is usually subject to heavy traffic congestion;
168

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- 169 6. The location of the event will substantially interfere with any construction or maintenance work
170 scheduled to take place upon or along the Town roads or property;
- 171 7. The applicant has failed to pay costs, fees, or deposits for a previous special event permit within
172 the preceding five (5) years; or the applicant has failed to pay the Town for damages arising from a
173 previous special event held by the applicant, regardless of when such event was held; or
174 8. The applicant has failed to abide by the requirements or conditions of previous special event
175 permits within the preceding five (5) years.
- 176 B. If an application is denied the application fee shall not be refunded; any other deposits will be
177 refunded.

178 **5-24-11: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT**

179 The Town Board shall have the authority to impose such reasonable terms and conditions on a permit as
180 may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the
181 requirements of this ordinance and applicable law.

182 **5-24-12: NONDISCRIMINATION; CONTENT NEUTRALITY**

183 The Town Board shall uniformly consider each application for a permit upon its merits, and shall not
184 discriminate in granting or denying a permit under this chapter based upon race, creed, color, religion,
185 national origin, ancestry, sex, age, veteran status, sexual orientation, or physical or mental disability.

186 **5-24-13: DECISION BY TOWN BOARD**

- 187
- 188 A. The Town Board shall approve, deny or conditionally approve an application by written notice to the
189 applicant,
- 190 B. If an application is denied, the Town Board shall clearly set forth in writing the grounds for denial and,
191 where feasible, shall propose measures to cure the defects that lead to the denial of the application.
192 When the basis for denial is the prior receipt of a competing application for the same time and place,
193 the Town Board may suggest an alternative time or place for the special event which is the subject of
194 the application which was denied.
- 195 C. In the event an application is conditionally approved, the Town Board shall clearly set forth in writing
196 the conditions of approval.
- 197 D. At the conclusion of the permitted event, the Town Board shall review the event, and determine
198 whether or not to refund all, part or none of the deposit, if one was required. If the Town Board reviews
199 the concluded event and finds unforeseen costs occurred to the Town in direct relation to the permitted
200 event the costs shall be assessed to the applicant.

201 **5-24-14: NOTICE OF DECISION**

202 The Town Clerk shall notify the applicant of the Town Board's decision on the application. Notice shall be
203 given by mailing a copy of the Town Board's decision to the applicant by regular mail, postage prepaid, at
204 the address shown in the application. Notice is deemed to have been properly given upon mailing.

205 **5-24-15: EVENT PERMIT**

206 The completed, Board approved and signed application becomes the permit for the event.

207 **5-24-16: PERMIT NOT TRANSFERABLE**

208 A permit is nontransferable and not assignable. Any attempt to transfer or assign such permit voids the
209 permit.

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210
211 5-24-17: INDEMNIFICATION AND HOLD HARMLESS CLAUSE:

212
213 **INDEMNIFICATION AND HOLD HARMLESS**

214 Organizers of Special Events, Marches, and Public Assemblies shall be required to sign an
215 agreement in a form acceptable to the Town in which they agree to indemnify the Town of Lake Mills,
216 and its departments, and hold the Town and its departments, employees, and agents, harmless from
217 any liability to any person resulting from any damage or injury to property or any person which occurs
218 in connection with the permitted event proximately caused by any actions or inactions of the event's
219 organizer, their officers, employees, or agents, or any person under their control insofar as permitted
220 by law.

221 **5-24-18: DUTIES OF APPLICANT**

222 In connection with the holding of the event for which a permit is issued, an applicant shall:
223 A. Comply with all of the terms and conditions of the permit;
224 B. Comply with all applicable Town ordinances, State, County, and federal laws
225 C. Permit inspection of its records and special event facilities by the Town Board for the purpose of
226 determining the applicant's compliance with the terms and conditions of the permit.

227 **5-24-19: POSTING OF PERMIT**

228 A permit shall be continuously posted in a conspicuous location at the site of the special event throughout
229 the duration of the special event by the applicant or in cases of events without a central location the
230 designated representative shall carry the permit during the event.

231 **5-24-20: SUSPENSION OR REVOCATION OF PERMIT**

232
233 A. A permit issued pursuant to this chapter may be suspended or revoked by the Town Board or designee
234 thereof, after granting said permit, for the following reasons:
235 1. Fraud, misrepresentation or a false Statement of material fact contained in the permit application;
236 2. A violation of any Town, State, County, or federal law or regulation;
237 3. A violation of any of the terms and conditions of the permit;
238 4. A violation of any of the provisions of this ordinance
239 5. Any unforeseen, unanticipated, or uncontrollable circumstance if the Town Board determines that
240 holding the special event under such circumstance would pose a threat to the public health, safety
241 or welfare; or
242 B. In connection with the suspension of a permit, the Town Board may impose reasonable conditions.
243 C. The Town Board or designee thereof, shall have the authority to summarily suspend a permit during a
244 special event if it appears to the Town Board that a applicant has violated one or more of the terms and
245 conditions of a permit or any applicable law and, based upon the available information, the Town
246 Board, in consultation with the police chief, reasonably determines that such violation results in an
247 immediate threat to the public health, safety and welfare. Further, there will be no appeal to the Town
248 Board regarding a summary suspension of a permit issued by the events manager pursuant to this
249 subsection.
250 D. If permit is suspended or revoked, refund of any deposits submitted will be determined by motion of
251 the Town Board.

252 **5-24-21: PENALTIES; INJUNCTIVE RELIEF**

253

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- 254 A. It is a misdemeanor offense for any person to violate any provision of this chapter. Any person
255 convicted of having violated any provision of this chapter shall be punished as set forth in Title 1
256 Chapter 5 of this code.
- 257 B. The staging, holding, presenting, or conducting of a special event without a valid permit issued
258 pursuant to this chapter may be enjoined by the Town in an action brought in a court of competent
259 jurisdiction. Failure to obtain a permit may result in a fine of not less than \$500.
- 260 C. Violations of this permit shall constitute forfeit of part or all of the deposit by motion of the Town
261 Board
- 262 D. Violations of this permit causing additional costs due to Town police presence, damages of Town
263 property including but not limited to roadways, signage, equipment, etc. shall be reviewed by the Board
264 and may be assessed to the applicant as necessary.

265 **5-24-22: RULES AND REGULATIONS**

266 The Town Board shall have the authority from time to time to adopt, amend, alter, and repeal
267 administrative rules and regulations as may be necessary for the proper administration of this chapter. Such
268 regulations shall be adopted in accordance with the procedures established by Title 1 Chapter 18 of this
269 code.

270 **5-24-23: SEVERABILITY**

271 If any provision of this ordinance is found invalid or unconstitutional or if the application for the Ordinance
272 to any person or circumstances is found to be invalid, such invalidity shall not affect the other provisions
273 contained herein or the application of this Ordinance which can be given effect without the invalid or
274 unconstitutional provision of application

275 **5-24-24: ADOPTION AND AMENDMENTS**

276 This ordinance shall be in full force and effect from its date of adoption and publication as provided by law.

- 277
- 278 A. Adopted March 12, 2013
- 279 B. Amended None
- 280

281

282 Adopted this _____ day of _____, 20____.

283

284

285

286 Attest: _____

287 Robin Untz, Town Clerk

288

Hope Oostdik, Chairperson

David Schroeder, Supervisor I

James Colegrove, Supervisor II

294

295