

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

**SPECIAL EVENTS ORDINANCE**

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

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

**5-24-2: INTENT**

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

**5-24-3: DEFINITIONS**

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

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

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

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

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

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

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

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

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

**5-24-5: EXCEPTIONS**

The requirements of this chapter shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

- A. The Town Board may deny an application for a special event permit if it is determined that:
1. Health, safety, public and private property, or natural resources would be adversely impacted.
  2. The application conflicts with another event as described in ordinance.
  3. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect;
  4. The application fails to meet any of the standards set forth in this ordinance.

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5. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to heavy traffic congestion;
  6. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town roads or property;
  7. The applicant has failed to pay costs, fees, or deposits for a previous special event permit within the preceding five (5) years; or the applicant has failed to pay the Town for damages arising from a previous special event held by the applicant, regardless of when such event was held; or
  8. The applicant has failed to abide by the requirements or conditions of previous special event permits within the preceding five (5) years.
- B. If an application is denied the application fee shall not be refunded; any other deposits will be refunded.

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

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

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

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

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

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

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

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

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

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

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

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

**5-24-17: INDEMNIFICATION AND HOLD HARMLESS CLAUSE:**

**INDEMNIFICATION AND HOLD HARMLESS**

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

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

In connection with the holding of the event for which a permit is issued, an applicant shall:

- A. Comply with all of the terms and conditions of the permit;
- B. Comply with all applicable Town ordinances, State, County, and federal laws
- C. Permit inspection of its records and special event facilities by the Town Board for the purpose of determining the applicant's compliance with the terms and conditions of the permit.

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

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

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

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

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

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

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

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

**5-24-23: SEVERABILITY**

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

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

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

- A. Adopted            March 12, 2013
- B. Amended           January 13, 2015

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest: \_\_\_\_\_  
Sarah FitzGibbon, Town Clerk

\_\_\_\_\_  
Hope Oostdik, Chairperson

\_\_\_\_\_  
David Schroeder, Supervisor I

\_\_\_\_\_  
James Colegrove, Supervisor II