

LARGE ASSEMBLIES ORDINANCE FOR TOWNSHIP OF SOMERSET (99-4)

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SECTION 1 - Purpose.

It is the purpose of the Town Board of the Town of Somerset to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation, parking, and utility services regularly provided in the Town of Somerset in order that the health, safety and welfare of all persons in the Town of Somerset, residents and visitors alike, may be protected.

SECTION 2 - Definitions.

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

ASSEMBLY -- A company of persons gathered together at any location at any single time for any purpose.

PERSON -- Any individual natural human being, partnership, corporation, firm company, association or group.

SECTION 3 - Maximum number of persons permitted to assemble.

In recognition of the limited resources of the Town of Somerset to provide for the health, safety and welfare of assemblages of large numbers of people and for all persons in the Town of Somerset, residents and visitors alike, the maximum number of persons permitted to assemble at any one location or event shall be 5,000.

SECTION 4 - License required; general regulations.

A. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of 1,000 or more persons which continues or can reasonably be expected to continue for three or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Town Board of the Town of Somerset, application for which must be made to the Town Clerk at least 60 days in advance of the assembly.

(1) A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(2) It shall be the burden of the licensed person to provide proof of the actual number of people attending a licensed assembly.

B. A separate license shall be required for each day and each location at which 1,000 or more people assemble or can reasonably be anticipated to assemble. Such assemblies shall be limited to one day, and only one assembly may be allowed in the Town of Somerset in any one calendar month. In no case shall the time between assemblies requiring a license under this Ordinance be less than two weeks.

C. The fees for each license shall be \$150.00 and shall be non-refundable.

D. A license shall permit the assembly of only the maximum number of people stated in the license. In order that an event may be properly planned and executed, the licensee must sell or give away tickets. The licensee shall not sell or give away tickets to nor permit to assemble at the licensed location, more that the maximum number of people permissible.

E. A license shall be obtained for an actual assembly of 1,000 or more persons, or a reasonably anticipated assembly of 1,000 or more persons which continues or can reasonably be expected to continue for three or more consecutive hours at any regularly established place of business in the Town of Somerset.

F. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly. Live or recorded music, if played, shall be limited to the hours between 10:00 a.m. and 10:00 p.m. The sound level at the boundary of the assembly shall not exceed 70 decibels on the A scale slow response.

G. No assembly shall start before 10:00 a.m. or shall continue beyond 10:00 p.m. Gates shall be open to the public at 9:00 a.m.

H. The applicant, at the applicant's expense, shall inform residents of the Town of Somerset of the proposed assembly, of the date and time of the proposed assembly and of the date and time of the Town Board meeting at which the application for a license will be considered. This shall be done by publication in the Town of Somerset paper of record immediately after the time of filing the application for license. The applicant shall notify the Town of Somerset residents within 1/2 mile of the proposed assembly location by mail within 10 days after the filing of the application of the date and time of the proposed assembly and of the date and time of the Town Board meeting at which the application will be considered.

I. This Ordinance shall not apply to assemblies sponsored by the United Sates of America, the State of Wisconsin, St. Croix County or the Town of Somerset.

J. In the event of dry conditions or a Department of Natural Resources fire warning banning any outside burning, the Somerset Fire Chief may prohibit the assembly or require more stringent fire protection than required by this Ordinance.

SECTION 5 - Application for license.

A. Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the Town Clerk of the Town of Somerset at least 60 days in advance of such assembly.

B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed sworn to or affirmed by the individual making the application in the case of an individual natural human being, by all officers in the case of a corporation, by all partners in the case of an partnership or by all officers of an unincorporated association, society or group or, if there are not officers, by all members of such association, society or group.

C. The application shall contain and disclose:

(1) The name, age, residence, mailing address and telephone number of all persons required to sign the application in Subsection B and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence, mailing address and telephone number of major stockholders of said corporation.

(2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address and telephone number of the record owner(s) of all such property.

(3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of such property that the applicant has permission to use such for an assembly of 1,000 or more persons.

(4) The nature and/or purpose of the assembly.

(5) Written plans and proof of compliance with all items and conditions for issuing the license as specified and required by Section 6 below. Plans must contain the name, address and telephone number of providers of services. Such proof shall be confirmed by the Town Board of the Town of Somerset.

D. The application shall include the bond, insurance policy and license fee required by this Ordinance.

SECTION 6 - Conditions for issuing license.

A. Before the applicant may be issued a license, the applicant shall first:

(1) In conjunction with the Somerset Fire Chief, Town of Somerset Constable, St. Croix County Sheriff, Highway Patrol and County Zoning Administrator, determine the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed either the maximum number of person who can reasonably assemble at the location of the assembly in consideration of the nature of the assembly or 5000 people, whichever is less.

(2) Provide proof in written form that the applicant will furnish, at the applicant's expense, before, during and after the assembly, the following:

(a) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, two of which must be connected to approved roadways suitable for ingress and egress by vehicular traffic, at least one at or near four opposite points of the compass. Alcoholic beverages can only be served and consumed within fenced enclosures with adequate monitoring to restrict minors from entering the area and to prohibit alcoholic beverages from being taken from the fenced area.

(b) Potable water, meeting all federal and state requirement for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person. There shall be one fountain or faucet per 500 people conveniently located throughout the grounds of the assembly. Single service drinking cups shall be available and dispensed in a sanitary manner for all faucets used for dispensing drinking water. Reuse of single service drinking cups is prohibited.

(c) Separate enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of a least one toilet for every 250 persons, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations. Portable handwash stations consisting of water under pressure, a

wastewater storage tank, soap, and individual service towels shall be provided for each 5 water closets or urinals.

(d) Conditions (a), (b) and (c) above must be installed and/or provided for at least one day before the said assembly and shall be inspected and approved in writing by the Somerset Town Chairman or his designated representative, said designation to be in writing.

(e) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste, together with a plan for holding and a plan for collecting all such waste. Sufficient trashcans with tight-fitting lids and personnel to perform the task of collection shall be provided. Waste must be collected along designated traffic routes within one mile of the assembly and on the grounds of the assembly and parking lot at least once during the day of the event and at the completion of the assembly.

(f) Plans will include medical personnel licensed to practice in Wisconsin to provide medical care for the maximum number of people assembled at the rate of two Emergency Medical Technicians (E.M.T.) per 1000 persons or fraction thereof and at least one emergency ambulance available for use at all times, staffed by two E.M.T.'s. An enclosed medical structure shall be constructed for use by E.M.T. personnel. The names and addresses and hours of availability of physicians and nurses for emergency services shall be determined along with provision for emergency ambulance service.

(g) A traffic control and circulation plan with provision for, but not limited to, signing roads, parking of vehicles, prohibiting parking along roadways, emergency vehicle traffic, impoundment lot, towing vehicles and prohibition of unregulated pedestrian traffic. Such traffic plan shall be approved by the Somerset Town Board and county traffic officials.

(h) A designated area sufficient to provide parking of the maximum number of people to be assembled at the rate of one parking space for every four persons. Parking along public and private roads outside of the designated parking area before during and after the assembly shall be prohibited. The applicant shall make arrangements to tow illegally parked vehicles to an impoundment lot. Parking restrictions shall be printed on the tickets for the event.

(i) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 2,500 persons or fraction thereof.

(j) An external and internal security plan approved by the Somerset Town Board and St. Croix County Sheriff shall provide for:

[1] Uniformed security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed and bonded in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people, unless alcohol is served and then at least two security guards for every five hundred people.

[2] Patrolling of perimeters by uniformed security personnel to prevent people in excess of the maximum number permissible from gaining access to assembly grounds and to ensure that adjoining private property is not harmed.

(k) Fire protection, including number, type and location of alarms, extinguishing devices, fire lanes and escapes, sufficient to meet all state, county and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality and sufficient trained and accredited fire personnel to efficiently operate the required equipment. The applicant shall supply names, addresses and telephone numbers and credentials for fire personnel.

(l) All reasonably necessary precautions to ensure that the sound of the assembly does not exceed 70 decibels on the A scale at the boundaries of the enclosed assembly area. Plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers, shall be provided by the applicant.

(m) Plans for food concessions and such other concessions as may be allowed to operate on the grounds, including the names, residence and business addresses and telephone numbers of all concessionaires and their license and/or permit numbers. Food and beverage booths shall comply with food handling health regulations as determined by federal, state and local laws and regulations.

B. Tickets to the event shall be printed by a bonded ticket printer. All tickets must be consecutively numbered. Tickets not sold in advance may be sold at the gate on the day of the event commencing at 9:00 AM. The licensee shall contact the Town Clerk the day before the event and disclose ticket sales to date. A Town Board member or his/her designee shall have the right to inspect tickets to be sold at the gate the day of the event before the gate opens. If tickets are not properly accounted for, no additional tickets shall be sold at the gate. The licensee shall account for unsold tickets. The applicant shall provide the name, address and telephone number of the ticket printer.

C. The applicant shall provide a bond, either in cash or underwritten by a surety company licensed to do business in Wisconsin, to reimburse the town for unusual and/or extraordinary costs incurred by the town which might arise by reason of granting the license and promotion and conduct of the assembly. Proof of expenses incurred by the Town, or notice of intent to file such proof, shall be submitted within 60 days following the event to the applicant or bonding company. The amount of the bond shall be negotiated between the applicant and the Somerset Town Board, giving consideration to the nature and size of the event.

D. Prior to the time of granting the license, the applicant shall provide a certificate of single limit liability insurance written by an agent licensed to do business in Wisconsin, in the amount of \$ 1,000,000, covering bodily injury, property damages and personal injury, naming the Town of Somerset, St. Croix County, Wisconsin, its agents, servants and employees as an additional insured. Such policy shall indemnify and hold harmless the Town of Somerset, St. Croix County, Wisconsin, its agents, servants and employees from any liability or causes of action, which might arise by reason of granting this license.

E. The applicant shall provide a copy of an insurance policy, which will cover expenses incurred in the event that the assembly is canceled or postponed by either the applicant or the Town of Somerset.

F. The applicant, on the occasion of filing an application for such license, shall submit evidence that the applicant has complied with any and all local, county, state and federal laws and regulations regulating the gathering of large numbers of people, and specifically that the applicant has complied, if applicable, with fermented malt beverages and intoxicating liquor license requirements and has obtained such licenses.

G. The applicant shall provide a centralized office or information booth with a telephone at the assembly location to provide information regarding tickets, water, food, telephone locations, etc., and as an emergency contact center.

SECTION 7 - Issuance of license.

A. The application for a license shall be processed within 45 days of receipt by the Somerset Town Clerk, and the license shall not be issued until the Town Board of the Town of Somerset has approved the license and the applicant has filed written proof of compliance with the requirements for issuance of the license

B. In consideration of the nature of the proposed assembly, the Somerset Town Board may require that the applicant comply with other conditions in order to protect the health, safety and welfare of those assembled and of all persons in the Town of Somerset, visitors and residents alike.

C. Any license issued under this Ordinance is subject to the applicant's compliance with the conditions of this Ordinance and subject to the applicant's compliance with all other conditions required by the Town Board of the Town of Somerset at the time of approval.

D. The Town Board may consider requests for variances from any of the requirements of this Ordinance when an applicant can show that strict compliance with this Ordinance would cause exceptional and undue hardship by reason of the special nature of the proposed assembly or by reason of the fact that the circumstance make the requirements of this Ordinance unnecessary; provided that such variance may be granted without detriment to the public health, safety, or welfare and without impairing the intent and purpose of these regulations.

E. In the event that the applicant has complied with all the requirements of this Ordinance, the Town Board of the Town of Somerset shall issue such license to the applicant.

SECTION 8 - License contents.

The license shall contain the name of the licensee, the licensee's home and business addresses and home and business telephone numbers, the date, time and location of the assembly, the maximum number of people allowed to assemble and all other conditions required by the Town Board of the Town of Somerset with which the licensee must comply.

SECTION 9 - Revocation of license.

This license may be revoked by the Town Board of the Town of Somerset at any time if any of the conditions necessary for issuing the license or contained in the license are not complied with or if any condition previously met shall cease to be complied with.

SECTION 10 - Enforcement; violations and penalties.

A. This Ordinance may be enforced by an injunction by any court of competent jurisdiction; any holding of an event in violation of this Ordinance shall be deemed a public nuisance and may be abated as such.

B. Penalty. Any person, firm or corporation who or which violates any of the provisions of this Ordinance shall upon conviction thereof, be required to pay forfeiture of not less than \$ 5000 nor more than \$ 25,000 and the costs of prosecution. Each violation of any condition of this Ordinance shall constitute a separate offense.

SECTION 11 - Effective date

This Ordinance shall take effect and be in force from and after its passage and posting as provided by law.

Dated and adopted this 1st day of December, 1999.

Attest:

Ed Schachtner / Chairman / Town Board of Somerset



Jeri Koester / Clerk-Treasurer / Town Board of Somerset

