

TOWN OF DUNN

ORDINANCE #11-4

**AN ORDINANCE REGULATING THE ASSEMBLY OF PERSONS
IN THE TOWN OF DUNN, DANE COUNTY, WISCONSIN**

Section 1: Title/Purpose

This ordinance is entitled the "Town of Dunn Ordinance Regulating The Assembly of Persons". The purpose of this ordinance is to regulate the assembly of persons in the Town of Dunn, Dane County, Wisconsin, by providing standards of conduct, proper protection, order, safety, health and welfare of persons assembled and the persons or property within said Town of Dunn, and it is enacted in the public interest and pursuant to the powers granted town governments by the State of Wisconsin.

Section 2: Authority

The Town Board of the Town of Dunn has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1988-1989) Wis. Stats., to regulate, control license, register or permit in the Town of Dunn persons engaged in certain uses, these activities, businesses and operations at certain locations in the Town of Dunn, to assess these persons with appropriate fees for the licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

Section 3: Adoption of Ordinance

The Town Board of the Town of Dunn has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance, persons engaged in certain uses, activities, businesses and operations in the Town of Dunn, to regulate by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Dunn, to assess these persons with appropriate fees for the licenses, registrations or permits and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

Section 4: Coverage

This ordinance is applicable to the regulation of the assembly of persons that at any given time exceeds four thousand (4,000) persons in any one (1) place or area or any area contiguous thereto. This ordinance shall not apply to the assembly of persons the duration of which, including the necessary time to assemble and disperse, is not longer than one (1) calendar day, or twelve (12) consecutive hours, if extending

into two (2) calendar days and in addition thereto does not allow of provide for the lodging or camping of a part of those persons so assembling at or near the place of assembly.

Section 5: Definitions

The following word or words when used in this ordinance shall have the following meaning:

(1) The word "person" shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or their agent or assign.

(2) The word "Town" shall be construed to mean the Town of Dunn, Dane County, Wisconsin.

(3) The words "Town Board" shall be construed to mean the Town Board of the Town of Dunn, Dane County, Wisconsin.

(4) The word "Clerk" shall be construed to mean the Clerk of the Town of Dunn, Dane County, Wisconsin.

Section 6: Permit Required

No person shall use, allow, lease, let or permit any property situated in the Town of Dunn, Dane County, Wisconsin, to be used for the assembly of four thousand (4,000) persons, or more, in accordance with the provisions of Section 1.02 above, without first obtaining from the Town Board a written permit authorizing said assembly.

Section 7: Application For Permit

Application for such permit shall be addressed to the Town Board and filed with the Clerk at least thirty (30) days prior to the date of the contemplated assembly. Said application shall be in writing, whether printed or typewritten, dated and signed by the sponsor or sponsors of the assembly or event, and all the owners of the lands or premises where said assembly will be held. the signatures of all applicants shall be verified and the seal of the verifying official shall be affixed thereto.

(1) The application shall include without exception the following:

(a) The names, addresses and occupations of all persons sponsoring the assembly or event, and if said sponsor or sponsors are a corporation, association, company, or group, the names and addresses of all officers, directors, or members thereof, together with the name and address of an agent who shall reside in Dane County, Wisconsin, who shall be authorized to and shall agree in writing to accept notices and legal documents with respect to any suits, legal actions, or violations of any laws, regulations, or ordinances.

(b) The complete legal description of the land or lands to be used for such event or assembly, together with the number of acres proposed to be used therefore; the zoning classification of said lands; the number of acres of woodlands, open lands, and marsh or wet lands.

(c) The location of or proximity of any lakes, ponds or streams.

(d) The date or dates of the assembly or event, and the hours of the day or night that same shall remain open for participation or activity.

(e) The names and addresses of all persons having an ownership interest in the lands proposed to be used for such assembly or event and if any ownership interest shall be held by a corporation, association, company, or group, the names and addresses of all the officers, directors, or members thereof.

(f) An estimate of the minimum number of persons expected to assemble or attend such event, together with an estimate of the minimum number of motor vehicles, including automobiles, cycles, and buses, that may be using the premises or area during such assembly on any one (1) day and or collectively.

(g) A statement as to the nature and/or activity of the assembly or event; whether an admission fee will be charged and the amount of such fee, if any; whether any persons will be lodging or staying on the premises overnight or during nighttime hours; whether food and lodging will be provided for any of the persons assembled on the premises, and what beverages, if any, will be dispensed in the area.

(h) A statement of what buildings or structures will be erected on the premises or moved onto same prior to or during the assembly or event.

(i) A statement disclosing the facilities to be used to charge and control admissions to the assembly or event, and if an advance sale of admissions will be or has been made, the number and extent of same, including the states and countries in which same has been or will be offered for sale.

(j) A statement disclosing the barriers or fences erected or to be erected, that will safeguard any and all adjacent property from the overflow, encroachment or trespass of the persons assembled.

(2) The following documents shall be filed with the application:

(a) A scale map or maps of the assembly area showing the present public roads now serving the proposed site; the present buildings located thereon; all adjacent residences within 1,000 feet from the boundaries of the described lands in the application; the woodlands, open lands, wet lands or marshes and lakes, ponds and streams; proposed overnight camping, lodging or bivouac area, together with the number of acres therefor; proposed motor vehicle parking area, together with the number of acres therefor, and the illumination or lighting to be provided therefor: the specific location and width of all means and land strips for ingress and egress to the parking areas and other necessary parts of the assembly area requiring vehicular travel, together with the illumination or lighting to be provided therefor; the location of all water wells and toilet facilities; the location of the proposed buildings or structures to be erected for the purpose of the assembly or event and the nature or use of each building.

(b) A plan and/or drawing showing the method to be used for collection and disposal of human waste, sewage, garbage and trash, and the equipment and facilities that are available and will be provided therefor, including a copy of the contract or contracts with any private or public firm or corporation that has been retained or will be retained to provide equipment or services therefor.

(c) A plan or drawing showing the system and method to be used for the supply, storage and distribution of water.

(d) A plan showing the telephone communication

facilities to be provided and the type and number of any radio or short wave device to be used in connection therewith, along with the facilities for sending and receiving mail or postal material.

(e) A plan showing the location of any sound amplifier, loud-speaker, or sound equipment, together with a statement disclosing the power or strength of such equipment.

(f) A plan showing the location of first aid stations, emergency helicopter landing area, if any, and ambulance facilities, if any, along with a statement of the names and addresses of medical doctors that will be available, on call, for emergency treatment, if necessary.

(g) A plan showing the precautions to be used for fire protection, the equipment provided therefor and the location of same on the premises.

(h) A plan or drawing showing the location of electrical facilities and the lighting system to be used on the premises.

(i) A statement specifying the number and experience of police that will be provided and be on duty, who shall be wearing their usual and normal police uniform.

(j) A statement showing the precautions to be used to prevent the sale, distribution and use of narcotics, marijuana, opium, mescaline or any other unlawful substance or liquid.

(k) The names and addresses of any entertainer, or group of entertainers, that will appear at such assembly or event.

(l) A statement describing the precautions to be used to prevent any immoral or indecent conduct on the part of the entertainers or persons attending said assembly or event.

(m) A verified statement signed by the sponsor, or its designated resident agent, and the owner of the premises, that they will individually and collectively endeavor to prevent and will not foster or encourage the violation of any laws of the United States or State of Wisconsin or any ordinance of the County of Dane or Town, and that they will immediately report any such violation to the proper authorities; and further that they will be present at the assembly and will investigate same daily and continually, either personally or by designated responsible agent, who shall also sign such verified statement and be likewise responsibly committed thereto.

(n) A verified statement that the applicant will immediately by verified statement submit in writing to the Clerk and addressed to the Town Board any change in plans, estimates, facts or statements made in the application, that have subsequent to the filing of the application made the statements or plans submitted therein to be misleading or untrue.

(o) A verified statement disclosing the nature and extent of the advertising or publicizing of the assembly or the event, together with the names of the magazines or publications in which same has been or will be, to the knowledge of the applicant, advertised or publicized.

(p) A verified statement by the applicant that trained and experienced uniformed police will be provided or allowed on the entire premises in the number and tour of duty as determined by the Town Board, who shall at all times wear their usual uniform and equipment for ordinary police duty.

(q) A verified statement signed by the sponsor, its designated resident agent and the owner or owners of the

premises, that they will, individually or collectively, provide adequate and proper health and sanitation facilities, including portable water and proper healthful food; adequate and capable police protection and traffic patrol; readily available adequate first aid facilities, ambulance service and medical personnel; proper garbage and sewage disposal on a daily basis; proper illumination and lighting facilities; and that they will hold the said town harmless from any and all costs that it may have to pay on behalf of the persons attending said assembly, damages caused thereby, or resulting therefrom, including judgements, settlements of controversies, court costs and attorneys' fees, thereby holding said Town harmless from any expense whatsoever in regard thereto.

(r) A surety bond by a responsible bonding company acceptable to the Town in the penal sum of \$1,000,000.00, specifically stating that it will pay said Town the sum or sums in legal currency of the United States of America expended or incurred by said Town for police protection, traffic control, fire protection, ambulance service, transportation and communication expense, sewer and garbage collection and disposal, food and water provided, medical expense, poor relief or welfare granted, judgments obtained against said Town, costs of repairing any road, highway or other Town property to restore same to the condition in which it was prior to the holding of the event or assembly of persons thereto, and all court costs, legal expenses and attorneys' fees incurred in the enforcement of this ordinance or resulting from the assembly or event. Said bond shall remain in full force and effect until released by order of the Town Board, but not longer than six (6) years from the date of the last day of the assembly of persons attending said event.

Section 8: Standards Provided By Sponsors/Owners Of Land

(1) The premises described in the application shall be of sufficient size and terrain to accommodate the anticipated attendance or the attendance that could be reasonably expected to attend same as determined by the Town Board.

(2) The existing public roads shall be adequate to accommodate the local residents and the people that can be reasonably expected to assemble or attend the event.

(3) The applicants and owners of lands, and or directors and officers of same, shall be of good moral character and citizens of the United States of America.

(4) The assembly or event shall not pollute the air, streams, ponds or lakes in the area, and shall not deny the adjacent land owners or residents of the Town the free and unrestricted use of their homes and property.

(5) The Town Board shall be reasonably assured that such assembly or event will not create a nuisance in the area resulting from, but not limited to, the use of sound equipment and amplifiers, lights or odors, and the collection of human waste, sewage, trash or human conduct, such as morals and decency.

(6) Adequate parking shall be provided for all motor vehicles, so that no vehicle shall be parked, except in cases of emergency, within the right of way of any public highway in the vicinity of the assembly.

(7) The sponsors shall provide a register of all persons that remain on the premises for camping or overnight attendance, where the assembly or event is held, which shall contain the name, age and address of each and every person and the date that they expect to leave the premises permanently. Such persons shall be camped, billeted, or bivouaced in a separate designated exclusive area and the motor vehicles of said persons shall be parked in a separate designated exclusive area for parking.

(8) The area shall be zoned by the County of Dane, State of Wisconsin, so as to permit the assembly or event.

(9) All buildings and structures erected shall be constructed in accordance with the building ordinance of the Town and the regulations of the Industrial Commission of the State of Wisconsin and the laws of this state.

(10) All water and food used or dispensed on the premises shall comply with the standards relative thereto as provided by rules and regulations of the Department of Health and Social Services, State of Wisconsin, and all sanitary facilities shall comply therewith.

Section 9: Permits And Recommendations Required

The applicant shall provide the Town and file with the Clerk the following:

(1) Written permit or letter from the Dane County Zoning Director permitting or stating that the proposed assembly or event is not contrary to the Dane County Zoning Ordinance.

(2) Written permit or letter from the Dane County Traffic Department stating that the proposed assembly will not create a traffic problem beyond the ability of said department to control, or the recommendation of said department as to the necessary additional personnel and equipment to properly control the traffic situation that may be created thereby.

(3) Written permit or letter from the Wisconsin State Patrol stating that the proposed assembly will not create a traffic problem beyond the ability of said department to control, or the recommendation of said department as to the necessary additional personnel and equipment to properly control the traffic situation that may be created thereby.

(4) Written permit or letter from the Wisconsin Department of Natural Resources stating that the proposed assembly is not contrary to the regulations or laws of the State of Wisconsin that are applicable to said department, or stating the conditions that must be met in order to comply therewith.

(5) Written permit or letter from the Wisconsin Department of Health and Social Services stating that the proposed assembly is not contrary to the regulations of said department or laws of the State of Wisconsin that are enforceable by said department or stating the conditions that shall be met in order to comply therewith.

(6) Written statement from the Town Building Inspector that building permits have been issued for the construction of proposed buildings and structure to be erected on the premises.

(7) Any provision or requirement of this section that, because of the nature of the proposed assembly or event may be unnecessary, unreasonable, or unobtainable, may be waived by the Town Board.

Section 10: Permit Fees

The applicant shall pay to the Town the sum of \$100.00 as and for a fee for said permit, which shall be paid and submitted with the application therefor, but shall be returned to the applicant if a permit is not issued.

Section 11: Denial of Permit

The Town Board may deny the issuance of a permit for the proposed assembly or event if any of the provisions of this ordinance are not complied with by the applicant or in their good judgment that the holding of the event or assembly, as and where proposed, could not be accomplished in good order or properly controlled and that the health, safety, and welfare of all persons involved may not be able to reasonably protected and guaranteed.

Section 12: Right of Injunctive Relief

The Town Board or the Town may maintain and prosecute an action at law in the name of said Town in any court of competent jurisdiction to compel compliance with this ordinance or enjoin the sponsors or owners of the premises from holding said assembly or event.

Section 13: Penalties

Any person violating any provisions of this ordinance, including the officers, directors, or members of any corporation, firm, association, or group, shall upon conviction thereof forfeit a sum not less than \$100.00 nor more than \$500.00 and upon failure to pay same shall be imprisoned in the Dane County jail not more than six (6) months or until such forfeiture is paid.

Section 14: Lien Against Lands of Owner

Any person, by contract or otherwise, that allows any assembly of persons upon lands owned or controlled by said person without obtaining a permit therefor or contrary to the provisions of this ordinance, shall be liable to the Town for any and all damages to the Town as specified and enumerated in Section 7(2)(r) - surety bond, together with the costs and attorneys' fees of prosecution thereof. A bill of costs and damages shall be submitted to the person owning said lands for payment thereof by the Clerk, after order therefore by the Town Board, and if said amount or amounts are not paid within thirty (30) days from the submitting of same, said amount shall be placed on the next succeeding tax roll as a special assessment against said lands.

Section 15: Separability

Any provision of this ordinance adjudged by the courts to be invalid or unconstitutional shall not affect the validity of the other provisions hereof.