

**TOWN OF WHEATON**  
**CHAPTER 13**  
**EVENT AND PRODUCTION REGULATION ORDINANCE**

**13.01 TITLE AND PURPOSE**

The title of this Ordinance is the “Town of Wheaton Event and Production Regulation Ordinance.” The purpose of this Ordinance is to control, regulate and limit certain events, assemblies, or productions in the Town of Wheaton.

**13.02 AUTHORITY**

The Town Board of the Town of Wheaton, Chippewa County, Wisconsin, has the specific authority under §349.185 Wis. Stats., to adopt this Ordinance.

**13.03 DEFINITIONS**

- a) **Assembly.** When a company of persons gathered at any location at any single time for any purpose and for which an admission or other fee is charged or where refreshments or other products are sold.
- b) **Assembly Attendees.** Assemblies are not limited to only people as attendees, in some instances, assembly attendees will include people and any such animal associated with the assembly. For example, the assembly attendees for a Horse Show would include the person(s) necessary to handle and manage the horse(s) and the horse(s).
- c) **Assembly Grounds.** Includes all areas associated with an assembly such as but not limited to performance area(s), spectator area(s), vendor area(s), toilet area(s), parking area(s) and camping area(s).
- d) **Clerk.** The Town of Wheaton Clerk.
- e) **County.** Chippewa County
- f) **Environmentally Sensitive Areas.** These areas include but are not limited to areas mapped and adopted by the Town of Wheaton as environmentally sensitive, DNR mapped wetlands, and FEMA mapped floodplains.
- g) **Extraordinary Services.** Those services provided by the Town of Wheaton which are above and beyond its normal capabilities and requirements of providing public safety that cause a measurable burden upon Town of Wheaton personnel and material. Such services shall include but are not limited to fire, ambulance, garbage services and administration of this ordinance.
- h) **Light Pollution.** Any adverse effect of manmade light including, but not limited to, light trespass, up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.
- i) **Person.** Any natural person, firm, partnership, association, corporation, or organization of any kind.
- j) **Special Event Campground** as defined in Chapter DATCP 79 which is licensed and operated solely in conjunction with a licensed assembly.
- k) **Town.** Town of Wheaton elected or appointed officials.

**13.04 LICENSE REQUIRED**

An assembly license shall be required where it is reasonably expected that 1,000 or more persons will assemble for more than 4 hours, whether on public or private property. Application for an assembly

license must be made with the Town at least 180 to 360 days in advanced of the assembly. A license to hold an assembly issued to one person shall permit that person to engage in any lawful activity in connection with the holding of the licensed assembly.

- a) A separate license shall be required for each day and each location where it is reasonably expected that 1,000 or more persons will assemble. The fee for an assembly license shall be set by resolution and may change over time.
- b) Concurrent with the filing of an application for an assembly license, the licensee shall pay an administration and review fee (Review Fee) to the Town. The Review Fee shall be based on the maximum number of attendees at the proposed assembly. The Review Fee shall be set by resolution and may change over time. The Review Fee shall be deposited into in an Administrative Escrow Account (Escrow Account) established by the Town. Such Escrow Account shall be used to pay a consultant(s), or a subcontractor(s) hired by the Town to administer and review the application and other submittals as required by this ordinance. If the Escrow Account falls below one half of the original amount deposited the Clerk will notify the licensee that the town will suspend all activities related to this account until such time that the Escrow Account has been replenished to the original amount deposited. When the Town or designee deems the assembly license application complete, any remaining balance in the Escrow Account will be returned to the applicant.
- c) An assembly license shall permit the assembly of only the maximum number of people stated in the license.
- d) The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
- e) This ordinance shall not apply to any regularly established, permanent place of worship, athletic field, auditorium, or other similar permanently established place of assembly where the maximum seating capacity of the structure is not exceeded by more than 250 people.
- f) This ordinance shall not apply to assemblies sponsored by the Town of Wheaton, occurring upon Town of Wheaton public property.

### **13.05 REGULATIONS**

No assembly license shall be issued unless the licensee complies with the following conditions:

- a) The licensee shall indicate the maximum number of people who will be assembled or admitted to the location of the assembly provided;
  - 1. The maximum number of people shall not exceed 1 person per 15 square feet of space in the spectator area located in the assembly grounds.
- b) At the licensee's expense and 180 to 360 days in advance of a proposed assembly the licensee shall provide the Town evidence of the following;
  - 1. A controlled parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least 1 parking space for every 4 persons.
    - i. Unless otherwise approved by the Town of Wheaton the licensee shall not offer, manage, or conduct offsite parking or satellite parking areas.
  - 1. A traffic control plan for the ingress and egress of motor vehicles to minimize the effect of the assembly to Town of Wheaton roads impacted by the assembly.
  - 2. Potable water, tested to meet all federal, state, and local specifications requirements conveniently located throughout the grounds sufficient to provide facilities for the maximum number of people permitted. Water fountains or single service drinking

- cups shall be available and dispensed in a sanitary manner. Reuse of single service drinking cups is prohibited.
3. If fencing is installed to limit access to the assembly grounds, there shall be at least four exits, which shall be equally spaced to the degree possible, unless otherwise approved by the Town of Wheaton.
  4. Separate enclosed toilets shall meet federal, state, and local specifications, conveniently located throughout the grounds sufficient to provide facilities for the maximum number of people to be assembled. Each designated area shall have hand washing sinks with a continuous supply of soap and towels as required by federal, state, or local requirements.
  5. A sanitary plan for disposing of solid waste, in compliance with state and local laws and regulations, for the maximum number of people to be assembled, at the rate of at least 2.5 lbs. per person per day.
    - ii. The plan shall contain methods for holding and for collecting all such waste at least once a day of the assembly.
  6. An "After Event Clean Up Schedule" describing the methods for collecting and disposing of debris and litter inside the assembly grounds and campground(s) and within all road right of ways at a distance of one mile from the assembly grounds and/or campgrounds
  7. A recycling plan to sufficiently process recycled materials, for the maximum number of people to be assembled, at the rate of at least 2.5 lbs. per person per day.
    - i. The plan shall contain methods for holding and for collecting all such materials at least once a day of the assembly.
    - ii. The plan shall meet content and specifications as established by Chippewa County through its county recycling program.
  8. At all times during the assembly there shall be;
    - i. A registered nurse or emergency medical technician (EMT) on site.
    - ii. An enclosed covered structure for medical treatment and ambulance service staffed by qualified medical providers.
    - iii. A private telephone with the medical facility.
  9. When the number of persons exceeds 10,000, there shall be a minimum of two on-site ambulances and four EMTs. When the number of persons exceeds 30,000, there shall be a third on-site staffed ambulance.
  10. Fire protection plan including
    - i. Alarms, extinguishing devices, fire lanes and fire escapes sufficient to meet all state and local standards including the Wisconsin Administrative Code and Town ordinances.
    - ii. On-site fire response equipment with an engine of not less than 750 gallons per minute capacity and brush buggy support vehicle with 250 gallons per minute capacity and sufficient personnel to efficiently operate such equipment.
  11. There shall be one (1) licensed bartender for each separate beverage station that is serving alcohol.
  12. At all times during the assembly no sound greater than 70 decibels, measured at the boundaries of the assembly area, by a qualified person with a calibrated decibel meter shall be allowed.

- i. The Town reserves the right to require, at intervals and locations to be determined by the Town, qualified independent person(s), approved by the Town to measure, record and make available to the Town a log of such measurements.
  - ii. Amplified sound systems including but not limited to, entertainment speakers, loudspeakers and PA systems shall not be used between the hours of midnight and 6:30 am except for emergency purposes or with approval from a Town Official or designee.
- 13. If the assembly is to continue during hours of darkness,
  - i. Lighting fixtures shall be professionally designed and installed to provide the minimum value of lighting necessary for comfort, safety, and identification of features.
  - ii. To minimize light pollution and lighting trespass, open air lighting fixtures shall be fitted with cutoffs to restrict emission of light above the horizontal plane
  - iii. Unless otherwise permitted, two hours after the assembly has concluded all open-air assembly lighting, except those necessary for safety and security, shall be switched off.
- 14. If the assembly is to continue overnight, a separate special event camping permit shall be required for each night where it is reasonably expected that camping will occur. The fee for a special event camping permit shall be set by resolution and may change over time.
  - i. Unless otherwise approved by the Town, the applicant shall not offer, manage, operate, or conduct camping and/or camping related facilities outside the boundary of the assembly grounds.
  - ii. Special event camping facilities shall be in compliance with all State and local requirements pursuant to the Wisconsin Administrative Code, DATCP 79 and this ordinance.
  - iii. The special event campground shall be used only for overnight camping. Only those amenities and facilities necessary to support overnight camping shall be allowed within the boundary of the special event campground.
- 15. For gatherings of 1,000 persons there shall be a minimum two law enforcement officers.
  - i. Thereafter, there shall be both law enforcement officers and security guards, each at a ratio of one to 800 persons assembled for events where alcoholic beverages are served or allowed and one to 1,600 persons for events where no alcoholic beverages are served or allowed.
  - ii. Law enforcement officers shall be duly sworn law enforcement officers in the state.
  - iii. Security personnel shall be either state law enforcement officers or private guards licensed in the state.
- 16. There shall be a method of informing assembly attendees of weather watches or warnings immediately upon receipt of said warnings. The warning system must be heard throughout the assembly grounds, parking areas and special event campground.

17. If environmentally sensitive area exists within the boundary of the assembly, there shall be a plan to protect environmentally sensitive areas from damage by assembly attendees. The plan shall include at least the following:
  - i. Methods to inform, educate, and/or make assembly attendees aware of the environmentally sensitive area(s).
  - ii. Methods to control assembly attendees from entering or accessing environmentally sensitive area(s).
  - iii. When it is necessary for assembly attendees to cross environmentally sensitive area(s) the plan shall include the location, practices, and methods to safely allow assembly attendees to cross environmentally sensitive area(s) and methods to minimize the impact of such crossings to the environmentally sensitive areas.
18. A financial guarantee shall be required in the form of a letter of credit, which shall guarantee payment for the cost of providing extraordinary services or any other assembly related cost incurred by the Town of Wheaton. Such letter shall be forfeited on the sole direction of the Town of Wheaton, in the event of any default or violation hereunder by the licensee. The letter of credit for an assembly where alcohol is served or allowed shall be set at \$3.00 per person for the maximum number of people permitted to assemble. The letter of credit for an assembly where alcohol is not served or allowed shall be set at \$1.50 per person for the maximum number of people permitted to assemble. The licensee shall list the Town of Wheaton as a certificate holder on the licensee's liability insurance, which shall indemnify or hold harmless the Town of Wheaton or any of its agent, officers or employees from any liability or causes of action which might arise by reason of granting this license and for legal fees incurred in defense of such action and from any cost, expenses or claims incurred or against the Town of Wheaton for any reason whatsoever arising from the assembly licensed under this article. In addition, the licensee, for itself, shall agree to indemnify, defend, and hold the Town of Wheaton and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the Town of Wheaton on account of injury to or death of any person or any damage to property caused by or resulting from activities for which the permit is granted.

### **13.06 APPLICATION**

- a) No application shall be accepted, until the Town determines that the information in the application is complete and sufficient.
- b) The application shall contain.
  1. A statement made, sworn or affirmed upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the licensee and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by all officers in the case of a corporation or limited liability company, by all partners in the case of a partnership or limited liability partnership by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group. The application shall contain and disclose:
  2. The name, age, address, telephone numbers and email addresses of all persons required to sign the application under subsection (1) above and, in the case of a

corporation or limited liability company a certified copy of their articles (and current Certificate of Good Standing from the State of Wisconsin) together with the name, age, residence telephone number, email address and mailing address of each person holding five percent or more of the stock of such entity; also the name, age, residence, telephone number, email address, and mailing address of the registered agent. The application shall also contain a home phone number at which at least one of the licensees, or authorized agent, can be contacted on a 24 hour per day basis during the time of the assembly for which a license is granted.

3. The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of the record owner(s) of all such property.
4. Evidence of ownership of all property upon which the assembly is to be held or a written statement made upon oath or affirmation by the record owner(s) of all such property that the licensee has permission to use such property for an assembly. This subsection shall not apply to publicly owned lands.
5. Written detailed description of the nature and purpose of the assembly.
6. The dates and total number of days or hours during which the assembly is to last, including setup and takedown operations.
7. The maximum number of persons which the licensee shall permit to attend at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly, if the assembly is to continue overnight.
8. Site Plan shall include the following
  - i. Four paper copies and one electronic (PDF) copy of a site plan drawn to scale and formatted to a 22-inch by 34-inch print size showing (as applicable)
  - ii. The location of circulation patterns (roads/pathways), parking area(s), performance area(s), spectator area(s), vendor area(s), medical facilities, toilets, and camping area(s).
    1. All areas shall include dimensions (length and width) and a total area in square feet.
  - iii. Notes, dimensions, and details to describe and locate the parking area(s), the maximum number of parking stalls, circulation patterns (roads), and entrances/exits.
  - iv. Notes, dimensions, and details to describe and locate all interior roads.
  - v. Notes, dimensions, and details to describe and locate all pedestrian pathways.
  - vi. Notes, dimensions, and details to describe and locate Special Event Campground(s) including the total number of campsites, camping/sleeping areas, campsite parking areas and associated support facilities. Parking areas shall indicate the type and maximum number of vehicles per campsite.
  - vii. Notes, dimensions, and details to describe the number and location of toilet facilities.
  - viii. Notes, dimensions, and details to describe and locate environmentally sensitive area(s).
9. The maximum number of tickets to be sold, if any.
10. The plans to limit the maximum number of people permitted to assemble.

11. The plans for fencing, if any, including the location within the assembly and exits.
12. The plans for supplying potable water, including the source, amount available and location of outlets.
13. The plans for providing toilet and lavatory facilities, including the source, maintenance schedule, number, location, and type.
14. The plans for holding, collection, and disposing of solid waste material.
15. The plans for collecting, removing recyclable materials.
16. The plans to provide for medical facilities including
  - i. The location of such facilities
  - ii. The name, address, and hours of availability of medical staff.
  - iii. Provisions for ambulance service.
  - iv. Provisions for telephone service including the source, quantity, and location of telephones.
17. The plans, if any, to illuminate the assembly, including
  - i. The source and amount of power.
  - ii. The location, size, and output value of lamps.
  - iii. The methods, which will assure that lighting will not shine unreasonably beyond the boundaries of the assembly.
18. The plan for traffic control for ingress and egress of motor vehicles to minimize the effect of the assembly on all Town roads or highways impacted by the event.
19. The plans for parking vehicles, including.
  - i. Size and location of lots.
  - ii. Points of highway access and interior roads including routes between highway access and parking lots.
20. Security plan, including.
  - i. The number of law enforcement officers and security guards.
  - ii. Deployment schedules,
  - iii. The names, addresses, credentials, and hours of availability of security staff.
21. Fire protection plan, including
  - i. The number, type and location of all protective devices including equipment, alarms, and extinguishers.
  - ii. The number of emergency personnel available to operate the equipment.
22. Sound and sound amplification control plan, if any, including
  - i. Number, location and power of amplifiers and speakers
  - ii. The methods to assure that such sound will not exceed 70 decibels measured at the boundaries of the assembly.
23. The plans for all food and beverage concessions and concessionaires who will be allowed to operate on the grounds, including their names, addresses, and license or permit numbers.
24. The plans and specific description for each of any other type of vendor or amusement or entertainment provider who will be allowed to operate on the grounds, including the names and addresses of all such vendors and their license or permit numbers, if any.
25. The plans to simultaneously inform all assembly attendees of weather watches or warnings immediately upon receipt of such warnings and that such warnings will be heard throughout the grounds, parking areas and Special Event Campground.

26. The plan to postpone or cancel assemblies because of weather or other circumstances, including the criteria which will be used, the name(s) address, and phone number of the person(s) who will be responsible for such decisions, how law enforcement will be consulted, and how the Town and attendees will be informed.
- c) Expenses for Extraordinary Services.
1. To recoup expenses for extraordinary services the Clerk shall submit an invoice to the licensee for such services within sixty (60) days of the end of the assembly.
  2. The licensee shall reimburse the Town of Wheaton for the extraordinary expenses within thirty (30) days of receipt of such invoice. Failure by the licensee to pay such invoice shall result in the forfeiture of the cash or surety bond required in sub. 13.05 (b) 17 in the amount of the invoice for the extraordinary services.

### **13.07 INSURANCE**

Each licensee shall furnish the Town at least ninety (90) days in advanced of the assembly, a certificate of insurance written by a company licensed in the State of Wisconsin, approved by the Town of Wheaton Attorney, and covering any and all liability or obligations which may result from the operations by the licensee's employees, agents, contractors or subcontractors, and including workers compensation coverage in accordance with Ch. 101 Wis. Stat. The certificate shall provide that the licensee will furnish the Town of Wheaton with a ten (10) day prior written notice of cancellation, nonrenewal or material change. The insurance shall be written in comprehensive form and shall protect the licensee and the Town of Wheaton against claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the licensee, its employees, agents, contractors and subcontractors. The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of at least one million dollars (\$1,000,000) per person with ten million dollars (\$10,000,000) in the aggregate.

### **13.08 ISSUANCE OF ASSEMBLY LICENSE**

- a) The assembly license shall be issued by the Town within ninety (90) days, unless the time is extended by mutual agreement with the applicant. The ninety (90) day period shall commence with the submission of a complete application, all fees, and all required submittals of this ordinance.

### **13.09 APPEAL OF APPLICATION DENIAL**

Any applicant who has been denied a license may, within thirty (30) days of denial, have the denial reviewed by the Circuit Court Judge, by filing a Writ of Certiorari in the Chippewa County Circuit Court. Said Circuit Court Judge shall either affirm or reverse the initial action on the application. Such determination by the Circuit Court Judge may be appealed to the Wisconsin Court of Appeals and Wisconsin Supreme Court, as per the Wisconsin Rules of Civil Appellate Procedure.

### **13.10 PENALTIES**

Any person who violates any provision of this ordinance or who violates any condition upon which an assembly license is granted shall be subject to a forfeiture of not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000). Each day of violation shall be considered a separate offense. In addition, the Town of Wheaton may enforce this ordinance by way of injunctive relief and all other remedies available at law and in equity.



**13.11 SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**13.12 EFFECTIVE DATE**

This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Code of Ordinances as provided by law.

Adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2022 by Town of Wheaton Board of Supervisors.

\_\_\_\_\_  
Town Board Supervisor

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Town Board Supervisor

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Town Board Supervisor

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Town Board Supervisor

\_\_\_\_\_  
Town Board Chair

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ATTEST: Town Clerk