

ORDINANCE # 05.06.2013-B

**TOWN OF FORT WINNEBAGO
SPECIAL EVENTS PERMIT ORDINANCE**

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, does ordain as follows:

SECTION 1. TITLE This Ordinance is entitled the "Town of Fort Winnebago Special Events Permit Ordinance." This Ordinance repeals and replaces any previously adopted Town Ordinance covering the subject matter of this Ordinance.

SECTION 2. AUTHORITY AND PURPOSE. The Town Board has the authority to promote and protect the health, safety and general welfare of the citizens and inhabitants of the Town and enacts that Ordinance for that purpose. This Ordinance is enacted pursuant to *Wis. Stats.*, Chapter 60.

SECTION 3. SPECIAL EVENT PERMITS.

(1) **General.** Any person operating, conducting or managing within the Town any outdoor dance, show, presentation, amusement, musical event or similar occurrence during which a public address system, instrument, amplifier, machine or other device which increases the volume of sound is to be used, must obtain a special event permit from the Town.

A license under this provision shall not be required for any small, private party event or gathering, namely, a party, event or gathering limited to no more than seventy-five (75) attendees which is not open to the general public and for which no products are sold to those attending and no admission fee is charged. However, a license may be issued for such small, private parties, events and gatherings.

(2) **Application.** An application for a Special Event Permit, along with the application fee, set by the Town Board, shall be filed with the Town Clerk, on forms provided by the Town Clerk, at least fourteen (14) days before the Town Board meeting in which the Application seeks to have the Board act on the application. The application shall be signed and sworn to by the applicant, if an individual; one partner, if a partnership; or by a duly authorized agent, officer or member, if a corporation or limited liability company. The application shall include:

- (a) The name, address and telephone number of the applicant;
- (b) The address of the premises where such event/activity is proposed to occur;
- (c) The date and period of time for which the permit is sought;
- (d) A general description of the type of event to be held on the premises;
- (e) A description of any equipment to be used for the amplification of noise/sound and steps to be taken to minimize noise/sound emanating from the premises;

- (f) If an evening event, a description of the outdoor lighting to be used and steps to be taken to minimize light emanating from the premises;
- (g) A description of measures to be taken to address toilet and sanitation needs for the event;
- (h) A description of measures to be taken to address parking for those attending the event;
- (i) Name, address, phone number and date of birth of the responsible person who will be present on the site during the event/activity.

In no event may Special Event Permits be issued for more than four (4) events/activities occurring on the same premises in any four (4) week period. Each 24-hour period included in any single event shall be deemed a separate event for purposes of determining the allowable number of events in any period.

(3) Notices. Each permit sought shall require a separate application. The Town Clerk upon receiving the application shall send a copy of the application to all landowners who own any parcel located within 300 feet of the premises, together with notice of the date that the Board is to hold a hearing to consider the application.

(4) Decision by Board. The application shall be referred to the Board and, if timely filed, the Board shall hold a hearing on the application at its next regularly scheduled meeting. The Board, in making a determination, shall consider the days of the week and hours during which the activity will be operated on the premises, the sufficiency of applicant's plan to address noise/sound and light emanating from the premises, parking, toilet and sanitation needs for the event and other likely impacts from the event, if any, on the neighborhood. Its determination shall be based upon whether the event, as proposed, is likely to cause significant interference with the use and/or enjoyment of neighboring properties or otherwise have an appreciable detrimental effect on the public health, safety or welfare. Denial may also be based on whether the proposed event would exceed the number of permissible events under par. (2). The subject matter of the proposed event/activity shall not be considered in determining whether to grant the permit. The Town Board may approve the application as presented, approve the application subject to limitations and conditions, or deny the application. If the application is denied, the Town Board shall set forth the basis for its denial.

SECTION 4. PENALTIES

- (1) First Offense.** Any person or entity who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$500.00, together with the costs of prosecution.
- (2) Subsequent Offense.** Any person or entity found guilty of violating this ordinance who shall previously have been convicted of a violation of this same ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution.

SECTION 5. SEVERABILITY

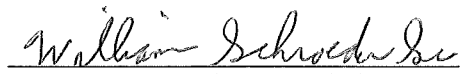
If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can be given effect without the invalid provisions or application and to this end, the provisions of this Ordinance are hereby declared to be severable.

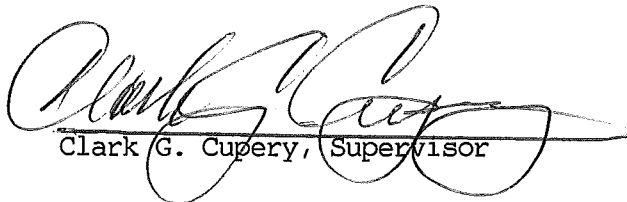
SECTION 6. EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by §60.80, *Wis. Stats.*

Adopted this 6th day of May, 2013


Bruce R. Walker, Supervisor


William Schroeder, Sr., Chairperson


Clark G. Cupery, Supervisor

Attest: 
Kristine Conway, Clerk

Published/Posted: May 30, 2013