

CHAPTER III

PUBLIC GATHERINGS, PUBLIC AMUSEMENTS AND PUBLIC SHOWS

SECTION 3.00. License Required.

3.01. No person shall promote, invite or suffer a gathering of more than one thousand (1,000) persons at any one time on such person's property within the Town of Spring Prairie, Walworth County, Wisconsin, unless a license or permit therefor shall be obtained as hereinafter provided and prescribed.

3.02. No person shall conduct, exhibit, operate or maintain within the Town of Spring Prairie, Walworth County, Wisconsin, any circus, caravan, carnival, play, game contest, theatrical performance, theater, concert, carousel, athletic event, shooting gallery of any kind, or any other public amusement or show, or any other exhibition, to which admission may be had by the payment of a fee whereby the purchase, possession or presentation of a ticket or token obtained for money, or other valuable consideration, or in which a charge is made indirectly for admittance, unless a license or permit therefor shall be obtained as hereinafter provided and prescribed.

SECTION 3.10. Exemptions. This Chapter shall not be deemed to require a license for gatherings and/or activities conducted within a structure in existence on the date of adoption of this ordinance where the attendance is limited by legal limits on capacity of the structure, or on premises where permitted by, and under the provisions of, an existing conditional use permit.

SECTION 3.20. Application. Written application, accompanied by a fee of \$250.00 to cover the investigation to be performed hereunder, shall be filed with the Town Clerk, setting forth in addition to such other information as the Town Board may require, the following information:

- a. Name, age, residence or permanent address of the applicant or of the principal officers of the firm, partnership, corporation or association which applicant represents, and of the person to whom the applicant shall designate as manager.
- b. Places of employment for two years previous.
- c. Place or places where the public gathering, amusement, show or exhibition is to be located or conducted, total area to be used, and the name and residence of the owner thereof.
- d. Specific nature of public gathering, amusement, show or exhibition for which the license is sought.
- e. Length of term requested for the license sought.

SECTION 3.30. Inspection. The Town Clerk shall refer any application filed under this section to the Town Board, Building Inspector, Walworth County Sanitarian, Walworth County Sheriff's Department and the Chief of the Fire Department which has jurisdiction over the premises to be used. These officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and is a proper place for the purposes for which it is to be used. Within thirty (30) days of receiving any application filed under this ordinance, the officials named above, with the exception of the Town Board, shall make a report of their

findings to the Town Board. Upon receipt of such reports, the Town Board shall proceed as follows:

3.31. At the option of the Town Board, a public hearing may be held at the regular meeting place of the Town Board and a notice of said meeting shall be published in a newspaper of general circulation in the Town of Spring Prairie at least ten (10) days before the date of said public hearing. At such public hearing, the Town Board shall hear all persons interested in the granting or denying of said license and may, if it sees fit, take testimony relative to the application. Such public hearing shall not be mandatory, but if held, the public hearing shall take place within sixty (60) days after filing the application.

3.32. Within thirty (30) days after the aforesaid public hearing, or within ninety (90) days after the filing of the application, whichever shall be last in time, the Town Board shall make a determination to either grant or deny the application. The license, if approved, shall be issued for the term requested in the application or for such other term determined by the Town Board.

SECTION 3.40. Restrictions on Granting Licenses. In making its determination on the license application, the Town Board shall take into consideration the information contained in the application, the reports of the officials required to make the same, the information presented at the public hearing, if any, the Town Board's inspection of the premises and investigation, and any other information assembled by the Town Board. In addition thereto, the following restrictions shall apply:

3.41. No license shall be issued under this Chapter unless and until it shall be found that all of the persons named in the application are of good moral character, that the proposed location complies with and conforms to all ordinances, health and fire regulations applicable thereto, and is a safe and proper place for the purpose for which it shall be used.

3.42. A license shall be refused to any applicant or applicants who shall have had a license issued by the Town of Spring Prairie revoked within two (2) years of the date of application, or to any person who has within five (5) years of the date of application been convicted of a felony. No applicant to whom a license has been refused shall make further application until a period of at least one (1) year shall have elapsed since the last previous rejection.

3.43. No license shall be granted to a person under twenty-one (21) years of age; no license shall be issued for any premises within a residential district; no license shall be renewed without full compliance with the procedures referred to above.

SECTION 3.50. Suspension and Revocation. The Town Board may at any time suspend for such period of time as it may think proper, but in no event longer than one (1) year, any license granted under the provisions of this ordinance for disorderly, immoral or objectionable conduct on the premises, or may at any time revoke any license for the violation by the licensee, his agents, or employees, of any of the rules, regulations, ordinances or laws of the Town of Spring Prairie, County of Walworth or State of Wisconsin governing or applying to public peace, safety, morals or general welfare. Notice of such suspension

or revocation and the reasons therefor, in writing, shall be served personally upon the person named in the application, or by mailing the same to the latest address given in the application. No refund of any portion of any fee paid hereunder shall be made, in any case.

SECTION 3.60. Penalties. Any person violating any provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$1,000.00, together with costs of prosecution. Every day of noncompliance shall be deemed a separate and distinct offense. Nothing set forth herein shall effect the suspension and revocation of any license or the application for or the granting of a restraining order or injunction prohibiting the public gathering, amusement, show or exhibition for which the license is sought.