

4.13 PUBLIC ASSEMBLAGE ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

The purpose of this section is to provide regulations for assemblage in order to protect the public health, safety and welfare from the potential adverse effects which may arise from the assemblage of large groups of people, upon premises not regularly used for or developed to regularly accommodate such events or gatherings. Such regulations are intended to protect against: traffic congestion; the overcrowding of lands; the potential for fires, explosion, riot, disorder or other dangers to persons or property; the diversion of public health, safety and emergency services from regular necessary duties; the additional cost to the community of providing public services necessary to protect the public health, safety and welfare arising from such temporary assemblies; to promote the preservation of public peace and order; and the furtherance of sanitation and the safeguarding of the public health as provided in Wis. Stat. §§ 59.54(6), 59.56(12)(b), 947.06.

SECTION II. DEFINITIONS

A. "Public Assemblage" or "Assembly" means a temporary gathering of persons assembled together at any location at a single time, which is open to the general public and organized, produced or sponsored by a person or persons; is not ordinarily conducted on a daily or regular normal average use basis as a lawful use of the premises upon which such event is to occur; cannot be held completely within the confines of a building(s) on such premises; and for which event the number of persons attending will at any time exceed the maximum occupancy of the building(s) on the property or will substantially exceed the normal patronage and traffic otherwise attending such premises. Such assemblies include, but are not limited to, festivals, carnivals, athletic or contest tournaments, concerts, picnics and fairs.

B. "Person" means any individual natural human being, partnership, corporation, firm, company, association, society or group.

C. "Public Assemblage Licensing Review Committee" is composed of: County Administrator, County Board Chair, Corporation Counsel, County Clerk, Sheriff (or designee), Land Services Director, and Health Officer.

SECTION III. LICENSE REQUIRED

A. No person shall permit, maintain, promote, conduct, advertise, undertake, organize, manage, or sell or give tickets to any actual or reasonably anticipated assembly of 1,000 or more people, which continues or can reasonably be expected to continue for 6 or more consecutive hours and shall occur between the hours of noon and midnight, whether on public or private property, unless a license to hold the assembly has been issued by the Public Assemblage Licensing Review Committee, application for which must be made at least 90 days in advance of the assembly. 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.

B. A separate license shall be required for each day and each location for any actual or reasonably anticipated assembly of 1,000 or more people; each separate license shall require payment of a separate license fee.

C. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to, nor permit persons to assemble at the license location at any time than as is specified in the license.

D. The licensee shall not permit sound to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

E. A license issued under this section shall specify the days upon which the event shall occur. Such license shall also specify the dates and hours during which pre-event setup and post-event takedown operations may occur. Licensee shall not sell tickets nor allow public access during event set up and takedown operations.

SECTION IV. CONDITIONS FOR ISSUING LICENSE

Before an applicant may be issued a license the applicant shall first:

A. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly, and provided that where the assembly is to continue overnight the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county and municipality where the event is located; and

B. Provide proof that the applicant will furnish at his or her own expense before the assembly commences:

1. 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, at least one at or near four opposite points of the compass;

2. Potable water, meeting all federal and state requirements 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 per day and water for bathing at the rate of at least 10 gallons per person per day;
3. Separate enclosed toilets for males and females, 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 at least one toilet for every 150 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; and a continuous supply of soap and paper towels shall be provided with each toilet;
4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;
5. Paramedics and/or Emergency Medical Technicians (EMT) to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one Paramedic/EMT for every 800 people, together with an enclosed covered structure where treatment may be rendered, containing a separately enclosed treatment room and at least one emergency ambulance available for use at all times; treatment room may be mobile and ambulance must be within ten (10) minutes away;
6. If the assembly is to be continued during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;
7. A free parking area sufficient to provide off-street parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons. Such parking areas

shall be specified within the application. All temporary parking facilities shall be maintained free of dust or mud and all dirt or mud tracked onto the public right-of-way shall be cleared and removed within 2 hours following the close of the event on any day. The Sheriff's Department shall post temporary parking-related regulations on public streets for assemblies only if determined necessary by the Sheriff for public traffic safety or as may be directed by the Public Assemblage Licensing Review Committee within the license approval process;

8. A minimum of one working emergency telephone;
9. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of Douglas County, sufficient to provide camping accommodations for the maximum number of people to be assembled;
10. Security guards, must be duly sworn, off-duty Wisconsin peace officers licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled with a minimum of 3 law enforcement officers, and at the rate of at least 1 additional officer for every 500 people over 1000, as set forth in the license;
11. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and Ordinances of Douglas County, and sufficient emergency personnel to efficiently operate the required equipment;
12. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. The sound level at the property line of the assembly shall not exceed 70 decibels on the A scale slow response, to be determined by a qualified law enforcement officer;
13. A bond, filed with the County Clerk of Douglas County, either in cash or underwritten by a surety company licensed to do business in Wisconsin in the amount of \$10,000 per day, which shall indemnify and hold harmless Douglas County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

14. Compliance with all other State and Municipal Code Provisions. No assembly shall occur unless all other necessary municipal permits, licenses and approvals applicable to the assembly activities have been granted and any license granted under this subsection shall be conditioned upon the licensee obtaining all such other licenses, permits and approvals.

SECTION V. APPLICATION

A. Application for a license to hold an actual or reasonably anticipated assembly of 1,000 or more persons shall be made in writing to the Public Assemblage Licensing Review Committee at least 90 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 and sworn to or affirmed by the person making application. In the case of a corporation, by all officers; in the case of a partnership, by all partners; or by all officers of an unincorporated association, society or group or, if no officers, by all members of such association, society or group.

C. The application shall contain and disclose:

1. The name, address and home and business telephone numbers of the authorized representative of the applicant who shall be responsible for the conduct of the assembly and available to Douglas County at all times for all communications and necessary contacts;
2. The name, age, residence, telephone number and mailing address of all persons required to sign the application by this section and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation;
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. 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 all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons;
5. The nature or purpose of the assembly;

6. The total number of days and/or hours during which the assembly is to be held;
7. Dates and times of planned setup and takedown operations;
8. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of Douglas County if the assembly is to continue overnight;
9. The maximum number of tickets to be sold, if any;
10. Records of ticket sales and attendance from last year event held, if applicable;
11. The plans of the applicant to limit the maximum number of people permitted to assemble;
12. The plans for fencing the location of the assembly and the number and locations of gates contained in such fence;
13. The plans for supplying potable water including the source, amount available and location of outlets;
14. The plans for providing toilet and lavatory facilities including the source number and location, type, and the means of disposing of waste deposited;
15. The plans for holding, collection, and disposing of solid waste material;
16. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
17. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;
18. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, routes between highway access and interior roads and routes between highway access and parking lots;

19. The plans for telephone service including the source, number and location of telephones;
20. The plans for camping facilities, if any, including facilities available and their location;
21. The plans for security including the number of guards, their deployment, credentials and hours of availability;
22. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
23. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
24. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the types and number of vendors and their license or permit numbers;
25. 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.

D. The application shall include the bond required herein, and a nonrefundable license administration and review fee payable to Douglas County in the amount of \$100.00 for each day wherein there is reasonably anticipated to be an assembly of 1,000 or more people. In addition, an assembly licensee shall be responsible for and pay to Douglas County a fee for all law enforcement and fire services provided by Douglas County for the assembly. Such law enforcement and fire services assembly fee shall not exceed the actual cost of providing the services. Such fee shall be paid to Douglas County by the licensee within 10 days of the date of itemized invoice for same prepared by Douglas County subsequent to the assembly. Prior to any Public Assemblage Licensing Review Committee approval of an assembly license, the Sheriff and Fire Chief of the municipality where the event is located shall review the application and report to the Public Assemblage Licensing Review Committee their respective findings as to the reasonable estimates of the costs of providing law enforcement and fire services reasonably required by the assembly. The licensee shall provide the Sheriff and Fire Chief with all information necessary to determine the level of services required. After reviewing such reports, upon which the applicant may be heard, the Public Assemblage Licensing Review Committee shall specify as a condition of the license, that the applicant deposit with Douglas County security in the form of a bond, letter of credit or cash deposit, in form approved by Douglas County Corporation Counsel in an amount determined to be

sufficient to guarantee payment for the anticipated cost of providing such assembly law enforcement and fire services. Such security deposit shall be made by the licensee no later than 10 days prior to the assembly. Such security deposit shall entitle Douglas County to draw upon same forthwith upon any default in payment by the licensee after services invoice, with any remaining balance of any cash deposit to be returned to the licensee. Any determined deficiency for such service fees beyond the security deposit shall be a debt of the licensee to Douglas County, collectible by Douglas County in an action at law, which shall also entitle Douglas County to all costs of collection, including attorney fees and further, shall also constitute a lien against the assembly premises to be placed upon the tax roll for such premises. If the Douglas County Health Officer reports the need for an extra (non-staff) registered sanitarian for the assembly, the above terms and provisions pertaining to law enforcement and fire services and costs shall likewise apply to such extra sanitarian services and costs.

SECTION VI. APPROVAL OR DENIAL OF APPLICATION

A. Upon receipt of a completed application, the County Clerk shall submit the application for review to the Public Assemblage Licensing Review Committee, which shall approve, conditionally approve or deny the license within 45 working days of its filing. The Public Assemblage Licensing Review Committee shall issue the license if the application complies with all terms and provisions of this ordinance.

B. Grounds for denial of the application shall include, but are not limited to the following:

1. Any false or misleading statements set forth upon the application.
2. The assembly is of such a size or nature so as to require the diversion of so great a number of municipal law enforcement or fire services so as to deny reasonable law enforcement or fire services to Douglas County as a whole.
3. The time, size and nature of the assembly would unduly disrupt the safe and orderly use of any street or public place or material portion thereof, which is ordinarily subject to congestion or traffic at the proposed time or substantially interrupts the safe and orderly movement of traffic.
4. The vehicles, temporary structures, sanitary facilities, tents, equipment or other materials used in the assembly do not comply with or meet all applicable health, fire or safety requirements.
5. The assembly will interfere or conflict with another assembly for which an application had been previously filed or with a construction or public works project.

6. The conduct of the assembly will be contrary to law, including noise regulations.
7. Either the applicant or a proposed assembly were previously licensed for a prior assembly under this section and violated any term of this section while operating under such license.
8. Federal, State or local emergency orders have been issued prohibiting public gatherings of the size applied for by the applicant.

SECTION VII. APPEAL OF APPLICATION DENIAL

Any applicant who has been denied an assembly license may, upon written request within 5 days of denial, have the denial reviewed by the Douglas County Executive Committee, which shall either affirm or reverse the initial action on the application. Such determination by the Douglas County Executive Committee shall constitute final action.

SECTION VIII. EXEMPTIONS

This ordinance shall not apply to:

A. Any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or other permanently established place of assembly for assemblies for which the number of persons attending will not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

B. This ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances, resolutions and regulations of Douglas County.

SECTION IX. REVOCACTION

The license may be revoked by the Douglas County Executive Committee at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, any conditions previously met ceases to be complied with, or if Federal, State or local emergency orders have been issued prohibiting such gatherings.

SECTION X. INDEMNITY

The assembly license application shall contain a statement that: "The applicant agrees to indemnify and save harmless Douglas County from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, arising in any way as a consequence of the granting of a license for an assembly." No license may be issued unless the applicant has agreed to the terms of this statement on the written application.

SECTION XI. INSURANCE

Each applicant for a public assemblage license shall furnish to Douglas County, no later than 10 days prior to the assembly, a certificate of insurance written by a company licensed in the State of Wisconsin, approved by the Douglas County Corporation Counsel, and covering any and all liability or obligations which may result from the operations by the applicant's employees, agents, contractors or subcontractors, and including workers' compensation coverage in accordance with Wisconsin state law. The certificate shall provide that the company will furnish Douglas County with a 10-day prior written notice of cancellation, nonrenewal or material change. The insurance shall be written in comprehensive form and shall protect the applicant and Douglas County against any claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, 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 \$1,000,000.00 aggregate coverage.

SECTION XII. ENFORCEMENT

A. The provisions of this ordinance may be enforced by way of injunctive relief and all other remedies available at law and in equity in any court of competent jurisdiction.

B. The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

C. Any person who violates any provision of this section, or who violates any condition upon which s/he is granted a license shall be subject to a forfeiture of not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

SECTION XIII. SEVERABILITY

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION XIV. PREVIOUS INCONSISTENT ORDINANCES

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION XV. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication.

Dated this 15th day of May, 2003

Amendments: January 19, 2012
 June 17, 2021