

ORDINANCE NO. 2610

**ORDINANCE TO CREATE SECTION 152-23 OF THE
MUNICIPAL CODE OF THE CITY OF NEW BERLIN TO ESTABLISH A
SPECIAL EVENTS PERMIT**

The Common Council of the City of New Berlin do ordain as follows:

SECTION I

Section 152-23 of the Municipal Code of the City of New Berlin is hereby created to read as follows:

152-23 SPECIAL EVENT PERMIT.

(1) DEFINITIONS

- a. CLASS I – A Special Event which may have the attributes of a Class II event but in addition meet the following criteria: more than five-hundred (500) people (any/all personnel including volunteers, vendors and attendees) attend; one or more roadways will need to be blocked off (The City Clerk may determine the event to be a Class II depending on the closure and the size of the event); City resources and/or staff are to be utilized beyond their normal required duties. Any activities under Class II permits are permissible under the Class I permit.
- b. CLASS II – A Special Event in which more than one-hundred fifty (150) people (this includes any/all personnel, volunteers and attendees) and any of the following occurs: alcohol is sold or served as a publically open event; the event will include amplified music or outdoor entertainment; any direct or indirect charge for food, merchandise or services; donations are solicited/collected.
- c. “Special Event” is any event held in the City that requires the use of public streets, right-of-ways, sidewalks or City property or are otherwise likely at the discretion of the City to create substantial impacts on the operations of the City, surrounding neighbors or neighborhoods . Special events include but are not limited to sporting events, festivals, fairs, parades, walks, runs/marathons, bike-athons, races, markets, block parties, exhibitions, motion picture filming and other events similar in nature. “Special Events” can also be classified as any event that may require public safety and City services above and beyond their normal functions. Events held on private property that are open to the public may require a special event permit if the event has a significant impact on the City’s operations and residents.

(2) PERMITS REQUIRED

- a. No person or organization shall conduct a Special Event as defined herein within the City of New Berlin without first having obtained a Special Event Permit. Permits are valid only for the dates, times and locations specified in the Permit application. This provision shall apply to all events proposed after the date of the

adoption of this ordinance whether or not the event in question has been a reoccurring event within the City.

- b. A Park Rental permit may be required depending on the Special Event location and is available through the Recreation Department.
- c. Permits for Vendors. All vendors operating as part of a Special Event permit obtained under this section shall obtain and display a Direct Sellers Permit and abide by the provisions under Section 152-5 of the Municipal Code. Food trucks and mobile vendors are also required to obtain a Direct Sellers Permit under this section.
- d. Charitable Solicitors. All charitable solicitors operating as part of a Special Event Permit obtained under this section shall obtain and display a Charitable Solicitors Permit and abide by the provisions under Section 152-6 of the Municipal Code.
- e. Permits for Sale of Beer/Wine. The sale of beer and/or wine requires a Temporary Class “B” license available through the City Clerk’s Office and there must be either a licensee or a person holding an operator’s license onsite in accordance with Sections 125.17(1), 125.32(2), and 125.68(2), Wisc. Stats.
- f. Loudspeaker Permit. Special Events containing amplified music are required to obtain a Loudspeaker Permit from the Police Department and abide by the provisions under Section 152-9 of the Municipal Code. Any variance to the hours outlined in this permit must be approved by the Common Council.
- g. Fireworks. Special Events using fireworks must obtain a permit from the Fire Department and requires Common Council approval. Fireworks Permit applicants must abide by the provisions under Section 124-12(I) of the Municipal Code.
- h. Road Closures. Special Events requiring a road closure must obtain a road closure permit from the Police Department.
- i. A zoning permit from the department of Community Development and/or the Plan Commission to the extent required under Chapter 275 of the Municipal Code
- j. Sign permit(s) shall be applied for with the department of Community Development pursuant to Municipal Code Chapter 275-61.

(3) APPLICATION

- a. Application Requirements.
 - i. Application for a Class I Special Event Permit shall be filed with the City Clerk’s office at least 90 days prior to the proposed event.(An application will not be deemed to have been filed until it is complete and contains all of the information required under this ordinance.)
 - ii. Application for a Class II Special Event Permit shall be filed with the City Clerk’s office at least 45 days prior to the proposed event.
 - iii. Permit fees shall be set from time to time by resolution of the Common Council.
 - iv. The application shall include the following:
 - 1. The name, address and phone number of the person, entity or organization sponsoring the event.
 - 2. The name and address of the Special Event sponsor’s contact or agent.
 - 3. The name, date, time and location of the event in question.
 - a. Special Events in residential neighborhoods may require notification of adjacent neighbors.

4. A description of the event and its purpose.
5. The estimated maximum number of participants, spectators and vendors at the proposed event.
6. Whether alcohol will be sold or served at the event.
7. Whether food and/or merchandise will be sold at the event.
8. Plans and description of the following, as necessary for the event:
 - a. Amplified music or entertainment and the hours;
 - b. Fireworks;
 - c. The use of public streets or right-of-ways;
 - d. Parking size and location;
 - e. Electricity and lighting plan;
 - f. Erecting tents, canopies or temporary structures;
 - g. Temporary fencing locations;
 - h. Waste/recycling collection and disposal;
 - i. Portable restrooms and hand wash stations.
9. Additional items to consider:
 - a. Additional security personnel;
 - b. Emergency plan for inclement weather;
 - c. Potable water for consumption on site;
 - d. Medical/first aid kits.
10. Certification that by signing the application, the applicant is authorized to act on behalf of the event sponsor(s).
11. Applicant's acknowledgement that by signing and submitting the application they accept and comply with the provisions of Section 152-23(4).

b. Application Process.

- i. Upon receipt of an application for a permit, the City Clerk shall immediately distribute the complete application to the following departments for review: Police, Fire, Buildings & Grounds, Recreation, Community Development and Streets. Department review and comments shall be returned to the City Clerk within fifteen (15) days of distribution of the application.
- ii. Permit Review.
 1. The City Clerk shall review all comments and recommendations provided by the Departments and determine if the event requires Board or Commission approvals. The City Clerk will follow up with the applicant to ensure the appropriate licenses and permits are obtained for the event.
 2. The Department of Community Development will review applications to determine if a temporary use permit may be required according to section 275 of the Municipal Code. Additionally, Plan Commission or the Community Development Authority approval may be required for an event that is not customarily a permitted use under the current zoning of the property.
 3. The City Clerk will send any permits that pertain to the sale of alcohol, merchandise, or food on City property to the Parks, Buildings and Grounds Commission for approval.

4. Common Council approval may be required depending on the size and scope of the special event.
5. The City Clerk will issue or deny the permit dependent on whether the applicant has fulfilled the requirements as set forth by the Departments and, if applicable, the boards and commissions.

(4) PERMIT CONDITIONS

- a. **Liability Insurance.** The group sponsoring the event is required to supply the City with a Certificate of Liability Insurance at least thirty (30) days prior to the event. The Certificate shall be written on a per occurrence basis and while the amount of coverage will vary depending on the size and nature of the event, the minimum coverage required by the City is \$1,000,000.00 and \$2,000,000.00 in the aggregate. The City also requires evidence of a Policy Endorsement naming the City of New Berlin and any and all of its officers and employees as an Additional Insured on a primary and non-contributory basis. The City Clerk may waive the insurance requirement depending on the size and scope of the event.
- b. **Indemnification.** The applicant and Event Sponsor(s) shall agree to hold the City, its officers, employees, agents and contractors harmless against all claims, liability, loss, damage or expense (including but not limited to actual attorney's fees) incurred by the City for any damage or injury to person or property caused by or resulting directly or indirectly from the activities for which the permit is granted. Any change to coverage requires City approval.
- c. **City Services.** All requests by the applicants for City services must be made at the time of application. The applicant shall be responsible for reimbursement to the City for any city personnel, services, equipment, and facilities provided for the Special Event. Reimbursement costs shall be calculated to include wages, overtime and fringe benefits and is due within thirty (30) days of receipt of invoice. The City reserves the right to require full or partial payment of estimated costs in advance. All permit, signage and barricade costs are due prior to the special event.
- d. **Cleaning/Damage Deposit.** The applicant may be required to submit to the City a deposit of \$200 for a Class I event depending on the size and number of attendees. The deposit will be refunded to the applicant after an inspection of the premises is conducted and the City determines there is no loss or cleaning costs. The applicant shall be fully responsible for necessary cleanup associated with the permitted event, which must be completed no later than twelve hours after the conclusion of the event. The City reserves the right to retain the entire deposit if cleanup is not satisfactorily completed in the timeframe specified.
- e. **Site Requirements.**
 - i. All tents, canopies or temporary structures over 120 square feet require Community Development Department approval and must apply for a permit with the Fire Department.
 - ii. Electricity requirements will be reviewed by the Community Development Department's Inspection Services to determine if an inspection is needed. Electric service must meet all City of New Berlin code requirements.
 - iii. Attendees and staffing shall not exceed the maximum number, which can reasonably attend at the location of the Special Event.
 - iv. It is the responsibility of the Special Event Sponsor for arranging any inspections required to meet these standards or requirements prior to the

event. . Any fees for such inspections shall be the responsibility of y the Special Event Sponsor.

- f. Notification to Residents. The City may require that the permit holder provide written notice fifteen (15) days in advance of the Special Event to any property owners or tenants as determined during the City Departments' review. Notice shall, include the type of event, name of the Special Event sponsor(s), date, time and location, Event Coordinator's name and contact information during the event.

(5) TERMINATION OF AN EVENT

The City reserves the right to shut down a special event that is in progress if it is deemed a public safety hazard and/or public nuisance by Police Services and/or Fire Department and/or there is a violation of City Ordinances, State Statutes or the terms of the Applicant's permit. The City Clerk and/or his/her designee may revoke an approved Special Event Permit. Note: there are also revocation, enforcement and penalties provided for in Article X in Section 275-66, 67, 68, and 69. If the zoning permit / temporary use permit is revoked their ceases to be an event.

(6) DENIAL OF PERMIT

- a. The event will disrupt traffic within the City beyond practical solution.
- b. The event will create a likelihood of endangering the public.
- c. The event will interfere with access to emergency services.
- d. The location or time of the Special Event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
- e. The event will require the diversion of City resources that would unreasonably affect the maintenance of regular City service levels.
- f. The application contains incomplete or false information.
- g. The application fails to provide proof of insurance when required.
- h. Inadequate provision for garbage or debris removal.
- i. Inadequate provision of temporary restroom facilities.
- j. Inadequate provisions for parking.
- k. A denial of a permit by the Parks Buildings and Grounds Commission where the event is no longer viable.
- l. A denial of a temporary use permit by the Department of Community Development or the Plan Commission/Community Development Authority.
- m. Applicant fails to submit the required fees and/or deposit.

SECTION II

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION III

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin and shall indicate the date and number of this ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____,
2018.

Countersigned:

APPROVED:

David Ament, Mayor

Daniel Green, City Clerk