ORDINANCE #15-11

AMENDING CHAPTER 106 DE PERE MUNICIPAL CODE
REGARDING SPECIAL EVENTS AND PENALTIES

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN

AS FOLLOWS:

SECTION 1: Section 106-6(a), Special Events, is hereby created to read as follows:

(a) Special Events. This section applies to any public event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, athletic event, show or other similar display which interferes with the usual flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the usual use of parks or other public grounds.

(1) Definitions.

A. Low Hazard Event. Special events involving no physical activity by participants, no severe exposure of spectators to hazards, and no alcoholic beverages. Low hazard events shall include, but not be limited to, indoor and outdoor meetings, small theatrical performances, estate sales and auctions.

B. Medium Hazard Event. Special events involving limited physical activity by participants, no severe exposure of spectators to hazards, and crowd sizes of less than 10,000 persons. Medium hazard events shall include, but not be limited to, dances, animal shows, political rallies, flea markets, and parades with no floats.

C. High Hazard Event. Special events involving major physical activity by participants, moderate to severe exposure of spectators to hazards, and/or crowd sizes of over 10,000 persons. High hazard events shall include, but not be limited to, events with more than 20 lbs of propane, and/or liquid petroleum (LP), and/or deep fat fryers, circuses and carnivals with rides, parades with floats, marathons or similar races, vehicle races and fireworks displays.

D. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

(2) Permit Required. No person, organization or entity shall conduct, manage, engage in, or participate in a special event unless a permit has been obtained from the City Clerk-Treasurer. The special event permit shall be in addition to any underlying permit requirement (i.e. parade permit; park use agreement).
(3) *Exceptions.* This section shall not apply to funeral processions or to neighborhood block parties in compliance with §22-8 of this Code. Any event sponsored by a governmental agency or entity shall be required to obtain all necessary permits required for the activity sponsored, but no permit fee shall be required.

(4) *Application.*

A. *Filing and Contents.* An application for a special event permit shall be filed with the Clerk-Treasurer not less than 60 days before the proposed date of the event on a form to be provided by the Clerk-Treasurer unless the permit request is for 1st Amendment expression purposes, in which case the application shall be filed within 7 calendar days of the event. The application shall set forth the following information:

1. The name, addresses, and contact information of the person seeking to conduct such event.
2. The name, addresses, and contact information of the event coordinator and the on-site contact.
3. The date when the event is to be conducted.
4. The hours such event will start and terminate, including set-up and take-down times.
5. The event location or route to be traveled, the starting point, and the termination point, if applicable.
6. The approximate number of persons who, and animals and vehicles which, will constitute such event; the type of animals; and description of the vehicles, if applicable.
7. A statement as to whether the event will occupy all or a portion of the width of any streets, including the names of the streets so affected.
8. Whether any alcoholic beverages and/or food will be served and/or consumed in conjunction with the event, the locations of such activities, and whether the necessary licenses have been obtained.
9. Any additional information which the Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.

B. *Late Applications.* The Clerk-Treasurer, where good cause is shown, may consider any application which is filed less than 60 days before the date such event is proposed to be conducted. Permit fees for processing late applications shall be doubled.

C. *Fees.*

1. A non-refundable application fee to cover the administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed according to the schedule of fees adopted by resolution of the common council.
2. The application fee may be refunded by the Common Council for events sponsored by charitable organizations located in the City which have IRS section 501(c) status.

3. Fees for services provided by the City for the event will be assessed to the permit applicant and paid prior to the start of the event.

D. **Insurance and Indemnification.** No proof of insurance or indemnification is required for low hazard events. For medium and high hazard events, the applicant shall furnish a certificate of insurance in an amount of Two Million Dollars per occurrence, Two Million Dollars aggregate, naming the City of De Pere as an additional insured. Higher insurance limits may be required for high hazard events as determined necessary by the City Attorney.

(5) **Additional City Services.** If the special event will require more than the minimal use of any City equipment or services, the applicant shall pay the actual costs for the use of such equipment or services. This may include, but is not limited to, police services, fire/rescue services, barricades and the like. As a condition of the approval of any application, the applicant shall agree to pay, within 30 days of billing, the costs of any additional City services.

To ensure public safety for the event and the City, the City reserves the right to require special events to maintain minimum levels of dedicated fire/EMS services and police/security services throughout the duration of the event. Estimated minimum services will be determined prior to the event (see guidelines), but may reasonably increase or decrease as actual event conditions change to ensure public safety. Actual public safety services shall be determined in the sole discretion of the police/fire chief or their respective designee. Outside vendors may be retained for such services; however, City approval of such vendors and services shall be obtained prior to the event.
City of De Pere Fire Rescue Department  
Emergency Fire/Medical Resource Guidelines for Special Events

Emergency Fire/Medical Resources Matrix for Special Events is a guideline used to determine appropriate emergency medical resources for Special Events in the City of De Pere. The need for multiple or additional resources based on Special Risk Considerations will be determined by the Fire Chief or his/her designee and will be communicated to event organizer/sponsor. Costs associated with these resources are the responsibility of the event organizer/sponsor.

- Required resource. Multiple resources may be considered dependent on Special Risk Considerations.
- Recommended resource intended to ensure safety of participants.

<table>
<thead>
<tr>
<th>Event Type</th>
<th>Anticipated Maximum Crowd Size</th>
<th>Knowledge of 911 Access and CPR</th>
<th>Basic First Aid Station(s)</th>
<th>First Aid Station(s) Including Nurse</th>
<th>ALS 2 Ambulances</th>
<th>Firefighting Team(s) 4 Firefighters 1 Supervisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Event Requiring a Special Event Permit</td>
<td>Less than 4,000</td>
<td>●</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,000 to 10,000</td>
<td>●</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>10,000 to 50,000</td>
<td>●</td>
<td>●</td>
<td>✓</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td></td>
<td>Over 50,000</td>
<td>●</td>
<td>●</td>
<td>✓</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>

Special Risk Considerations which may affect the required fire/medical resources needed include but are not limited to:

- Night vs. Daytime
- Location/Geography/Multiple Locations
- Alcohol availability/use
- Weather/Time of Year
- Length of Event
- Problems encountered with Event in past
- Type of Event
- Fireworks/Pyrotechnics
- Audience Demographics
- General Admission/Reserved Seating

* Special Events organizers can utilize private providers in lieu of City services. If a private provider is used, a medical plan must be submitted to and authorized by the Fire Department at the time of application.
City of De Pere Police Department  
Public Safety and Security Resource Guidelines for Special Events

Security Matrix for Special Events is a guideline used to determine appropriate resources for Special Events in the City of De Pere. The need for multiple or additional resources based on Special Risk Considerations will be determined by the Police Chief or his/her designee and will be communicated to event organizer/sponsor. Costs associated with these resources are the responsibility of the event organizer/sponsor.

- Required resource. Multiple resources may be considered dependent on Special Risk Considerations.
- Recommended resource intended to ensure safety of participants.

<table>
<thead>
<tr>
<th>Event Type</th>
<th>Anticipated Maximum Crowd Size</th>
<th>4-9 Officers Plus 0-1 Supervisors</th>
<th>9-14 Officers Plus 1-2 Supervisors</th>
<th>14-21 Officers Plus 2-3 Supervisors</th>
<th>21-30 Officers Plus 3-6 Supervisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Event</td>
<td>Less than 4,000</td>
<td>★</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,000 to 10,000</td>
<td></td>
<td>★</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>10,000 to 50,000</td>
<td>N/A</td>
<td>N/A</td>
<td>★</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Over 50,000</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>★</td>
</tr>
</tbody>
</table>

Special Risk Considerations which may affect the required police resources needed include but are not limited to:

- Night vs. Daytime
- Alcohol availability/use
- Length of Event
- Type of Event
- Audience Demographics
- Location/Geography/Multiple Locations
- Weather/Time of Year
- Problems encountered with Event in past
- Fireworks/Pyrotechnics
- General Admission/Reserved Seating
(6) **Standards for Issuance.** The Clerk-Treasurer shall issue the permit when, from a consideration of the application, consultation with other City departments as necessary, and from such other information as may otherwise be obtained, it appears that:

A. The applicant has complied with all of the application requirements of subsection (4).

B. The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic in the vicinity of its location.

C. The conduct of the event will not require the diversion of so great a number of police officers as to prevent normal police protection to the City.

D. The concentration of persons, animals, and vehicles at the event will not unduly interfere with proper fire and police protection of or ambulance service to areas in the vicinity of the event.

E. The conduct of the event will not unduly interfere with the operation of hospitals, schools, or other public institutions.

F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

G. The special event will not conflict or interfere with another special event for which a permit has already been granted.

H. There are a sufficient number of parking spaces within a reasonable distance to accommodate the number of vehicles expected.

I. Adequate sanitation or other necessary health facilities will be available at the event.

J. The conduct of the event is not reasonably likely to cause injury to persons or property.

K. The applicant has no history of non-compliance with any City or State regulation pertaining to the activities covered by this section.

(7) **Action upon Application.** The Clerk-Treasurer shall provide written notice of the issuance or denial of the permit within 30 days of receipt of an application, unless the permit request is for 1st Amendment expression purposes within a public forum, in which case the written notification shall be provided within three (3) days of application. If the application is denied, the notice shall state the reasons for the denial.

(8) **Appeal Procedure.** Any person aggrieved may appeal the denial of a special event permit as provided in §106-2(g) of this Code.

(9) **Notice to City and Other Officials.** Immediately upon the issuance of a special event permit, the Clerk-Treasurer shall send a copy thereof to the Mayor, Common Council members, and city departments involved in the permitting process.

(10) **Duties of Permittee.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
SECTION 2: All subsequent sections of §106-6 shall be renumbered accordingly.

SECTION 3: Section 106-7, Penalties for non-compliance with this Chapter, is hereby created to read as follows:

Any person who violates this chapter shall be subject to such forfeiture as determined by resolution of the common council. Each act of violation and each day upon which a violation occurs or continues constitutes a separate offense.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall take effect on and after passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17th day of March, 2015.

APPROVED:

__________________________________
Michael J. Walsh, Mayor

ATTEST:

__________________________________
Shana L. Defnet, Clerk-Treasurer

Ayes: 5
Nays: 1
Publication Date: March 25, 2015
Effective Date: March 25, 2015