ORDINANCE NO.: ______

AN ORDINANCE to create Chapter 39 of the Code of Ordinances of the City of La Crosse regarding Special Events.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Chapter 39 is hereby created to read as follows:

Sec. 39-1. - Purpose.

The City of La Crosse encourages and supports community events that occur within the city limits because they serve an important role in enhancing the City's quality of life and can provide benefits to the community. The City's goal is to encourage and help coordinate special community events, while regulating these events in a positive manner to ensure the health and safety of participants in the event, efficient management of City services and the protection of public lands and facilities.

Such events are allowed subject to the reasonable requirements contained in City ordinances and the established policies and procedures. Proper planning, review and coordination with the City will ensure that special events are executed as efficiently and safely as possible.

Sec. 39-2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person or authorized representative of event organizer who signs a Special Event Application and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these provisions, their application and the Special Events Policies and Procedures. Where a purported applicant is not a legal entity or organization, the applicant will be the individual signing the permit application.

Event coordinator means the individual identified by the event organizer that will be on-site, or available, at all times during the special event to address problems as well as implement directions from City officials during the special event.

Event organizer means the person, entity or organization that is conducting a community event and accepts the responsibility for said event. Event organizer may also be referred to as applicant or host.

Neighborhood block party means a gathering of abutting neighbors and their relatives and friends, with an anticipated attendance under 100 people, held within a public way of a residential neighborhood, which has been temporarily closed for the gathering.

Parade shall mean any parade, march, procession or group walk, run or bike tour/race including the assembly areas; not including a funeral procession, presidential or gubernatorial procession or military convoy.

Person shall mean any natural person, firm, corporation, association, club, partnership, society or any other organization of every nature whatsoever.

Public property means municipal buildings, parks, green spaces, bridges, streets and other public way, public easements, parking lots and structures and any other property owned, leased or controlled by the City of La Crosse, unless specifically exempted by these provisions.
Public way means any public street, road, boulevard, alley, lane, highway or sidewalk; including those portions of any public place under the control of the public which have been designated for use by motor vehicles.

Special event means a temporary planned occurrence on public or private property when the general public is invited and which is not within the normal and ordinary use of the property or which, by nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. Special events include, but are not limited to, parade, march or procession of any kind including a group walk or run or bicycle tour or race; demonstration, exhibition or rally; festivals and carnivals; outdoor concerts; charity fundraisers and similar events that include any of the following: alcohol beverages, food and/or merchandise vendors, outdoor music, the closure of streets or public way.

Sec. 39-3. - Permit required.

(a) No person shall conduct a special event as defined herein within the City of La Crosse without first obtaining a special event permit in compliance with the provisions of this Article. Permits are valid only for the dates, time and location specified in the permit. This provision shall apply to all events proposed after the effective date of this ordinance [insert date] whether or not the event in question has been a reoccurring event within the City.

(1) Exceptions:
   a. Students going to and from school or participating in educational activities or school sporting events entirely on school grounds.
   b. Events organized solely by, or in partnership with, the City. However, those events that have a great impact on City services are subject to requirements contained in section 39-4 but are exempt from fees. Events in which the City participates only as a sponsor are not exempt from these regulations of this Chapter.
   c. Events held solely at the La Crosse Center, including those that require special parking restrictions and/or may require expansion of its alcohol license.
   d. Neighborhood block parties that do not require City services or licenses/permits other than a short-term street privilege permit pursuant to section 40-107.
   e. Youth, intramural and league sporting events that do not require City services or licenses/permits (not including park use or facility permit).
   f. Private events in City park or facilities not requiring City services or other licenses/permits (not including park use or facility permit).
   g. Events held entirely on private property not requiring City services or other licenses/permits.
   h. Events on property otherwise exempt from City permitting requirements such as events wholly contained on property owned by the State of Wisconsin or Board of Regents.
   i. Farmers Markets permitted by the La Crosse County Health Department not requiring City services or other licenses/permits.

(b) A Parks, Recreation & Forestry park use or facility permit may be required depending on the location of the special event and is not provided for in this permit process.

(c) The approval of any special event application shall always be contingent upon the approval of all other necessary permits and licenses not provided for in this permit process.

(d) All permits required as part of said special event shall be displayed or have available for display upon request of any enforcer or any person.
Sec. 39-4. - Application.

(a) Application for special event permits shall be filed with the City Clerk, on forms provided by the City, no less than sixty (60) days prior to the proposed event including application for all other necessary permits and/or licenses related to said special event.

(b) Applicants are encouraged to submit application as far in advance of an event as possible, but no application shall be accepted more than one (1) year prior to the proposed date of the event.

(c) A special event application shall include the following:

(1) Event Organizer: Name, address, phone number, email and website.
   a. Each officer and/or member of said entity or organization must provide personal data information and are subject to a criminal background check.
   b. Applicant shall present to the City Clerk for examination and/or to be photocopied, when applicable:
      i. Nonprofit Tax Exempt Designation/Number
      ii. Wisconsin Seller Permit

(2) Event Coordinator: Name, address and phone number/email including any other method by which the City can contact the event coordinator during the special event.

(3) Event Information: Name, location(s) and/or route traveled, date and time including schedule of set up and take down, description of event including anticipated attendance and any entry fee.
   a. If the event is in a City park or facility, approval by the Board of Park Commissioners.
   b. If the event is to be held on private property, a notarized authorization from the property owner stating that the applicant has permission to use said property is required.
   c. If the event is to include a parade or procession of any kind, the following information must be provided: date when the parade is to be conducted and its duration; the assembly area, starting point, the route to be travelled and termination point; the number and size of units comprising the parade.

(4) Any additional information as may be requested by the City including, but not limited to:
   b. Event Schedule.
   c. List of vendors including food/goods being offered for sale.

(5) Insurance as provided in Section 2-2(b)(14).

(6) Indemnity and Hold Harmless and Disclaimer.

(7) Any additional information which any member of the Special Event Review Staff finds reasonably necessary to the enforcement of this article.

Sec. 39-5. – Classes of Permit and Fees.

(a) There shall be the following classifications of special event permits:

(1) Class I: Single day event -
   a. without use or closure of public way and no outdoor music.
   b. with use or closure of public way only (500 or fewer participants).
   c. with use or closure of public way only (501+ participants).
   d. with use or closure of public way and/or outdoor music.

(2) Class II: Multiple day event -
   a. without use or closure of public way and no outdoor music.
   b. with use or closure of public way only (500 or fewer participants).
   c. with use or closure of public way only (501+ participants).
   d. with use or closure of public way and/or outdoor music.
(b) Permit fees shall be in the amount established by resolution and are non-refundable.

(c) All permit fees shall be paid to the Director of Finance/Treasurer at the time of application.

(d) The special event permit fee identified herein is separate from other permit or license fees required to hold said special event. Examples of other permits or licenses fees include those for temporary alcohol license, temporary structure permit, carnival permit, fireworks permits.

(e) The City, where good cause is shown, may consider an application which is filed less than sixty (60) days before the date of such event is proposed to be conducted; however, the permit fee will be double. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials. In no situation will a license be granted when submitted less than fifteen (15) days in advance.

Sec. 39-6. – Clean Up Bond.

In addition to permit fees, a $100 cash deposit is required at the time of application for any event on City-owned property or public right-of-way. If there is no damage to repair or clean up required, the deposit shall be returned. If there is damage to City property or clean up required after an event, the deposit will not be returned and any additional fees over and above the deposit will be invoiced to the event organizer following the event’s conclusion.

Sec. 39-7. – Payment for additional municipal services.

In addition to permit and license fees, applicant shall be responsible for reimbursement of additional City services including, but not limited to, personnel services, equipment and facilities provided for the special event when municipal services were increased because of the event. An invoice shall be sent to the applicant following the event conclusion. Payment is due within thirty (30) days of invoice. The City reserves the right to require advance full or partial payment of estimated municipal service costs.

Sec. 39-8. – Application process/investigation.

(a) Upon receipt of a complete application and payment of the required fee, the City Clerk shall distribute the application to the following departments for their review: Police; Fire Prevention and Building Safety; Parks, Recreation & Forestry; Engineering and Public Works; Streets; Municipal Transit Utility; Parking Utility and La Crosse County Health (hereinafter “Special Event Review Staff”). Department review including a recommendation as to whether a permit shall be granted or denied shall be returned to the City Clerk as soon as reasonably practicable but no more than thirty (30) days following distribution of the application.

(b) The City, in reviewing the application, may consult any other state, county or local body as necessary for assistance in evaluating the application in order to promote the safety, health, welfare and security of the residents of the City of La Crosse and the persons attending the special event.

(c) Upon receipt of each application from the City Clerk, the Police Department shall conduct an investigation of the applicant and statements made on such application.

(d) Applications will be considered in the order received.

Sec. 39-9. - Issuance of License.

Upon receiving favorable recommendation provided for in section 39-8, the City Clerk shall issue a permit to applicant authorizing the special event in accordance with its application and provisions of this Article.
Upon issuance of a special event permit, the City Clerk shall send a copy thereof to the Mayor, special event review staff and the council member of the district where the special event will be located.

The City Clerk shall refuse to license the applicant if it is determined, pursuant to investigation referenced in section 39-8, that:

1. The application contains any material omission or materially inaccurate statement.
2. Complaints of material nature have been received against the applicant by authorities of the last cities, villages and towns, in which the applicant conducted similar business.
3. The proposed special event reasonably appears, due to the event’s nature, location, anticipated number of attendees or other factors, to present a threat to public safety or health, or would otherwise be unlawful.
4. The proposed special event is of such a nature or duration that it cannot reasonably be accommodated in the requested location.
5. The conduct of the proposed special event will likely substantially interrupt normal flow of vehicular and/or pedestrian traffic in the proposed location and cannot be reasonably accommodated by the City.
6. The proposed special event is of such a size or nature requiring the diversion of so great a number of police officers or other emergency services as to deny reasonable emergency services to the City as a whole.
7. The proposed special event conflicts with or interferes with another special event for which a permit has already been granted.
8. The applicant was convicted of a crime, statutory violation or ordinance violation; the nature of which is directly related to the applicant’s ability to engage in the conduct for which the permit is required.
9. Applicant fails to comply with requirements of any reviewing department provided for in section 39-8.
10. The applicant failed to comply with any application provision pursuant to section 39-4.
11. Applicant failed to pay the fees pursuant to section 39-5.

The City Clerk shall provide written notice of any denial of permit within thirty (30) days of receipt of an application. If the application is denied, the notice shall state the reason for denial.

In lieu of denying a permit, the City Clerk may authorize modifications suggested by any processing City official. The applicant may accept such modifications by immediately notifying the clerk, in writing, of such acceptance.

**Sec. 39-10. - Policies and Procedures.**

Special events must comply with all applicable Federal and State laws, City ordinances and the Special Event Policies and Procedures adopted herewith by the Common Council.

The City Clerk, or designee, has the authority to modify the Special Event Policies and Procedures as necessary.
Sec. 39-11. - Parade Regulations and Public Conduct.

(a) Parade Regulations.

(1) Participants. No person who leads or participates in a parade shall disobey, or encourage others to disobey, the parade regulations or public conduct policies.

(2) No candy, gum, balloons or other objects shall be thrown or disbursed from parade floats or vehicles.

(b) Public Conduct.

(1) Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade, assembly, walk/run or procession or with any person, vehicle or animal participating or used in a parade.

(2) Driving through parade. No person shall drive a vehicle between the vehicles or persons comprising of a parade when such vehicles or persons are in motion and are conspicuously designated as a parade; unless safely directed through by emergency personnel.

(3) Parking on parade route. The chief of police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation there.

Sec. 39-12. – Enforcement and Revocation.

The enforcement of this article shall be under the jurisdiction of the Police Department and Fire Prevention and Building Safety who shall have the power to inspect to determine compliance with this article.

A permit may be revoked by the Mayor, Police Department or Fire Prevention and Building Safety when necessary to protect the health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or by a major change in the conditions forming the basis of the standards of issuance or due to the noncompliance of this article, this Code or applicable State or Federal laws.

Sec. 39-13. – Appeal.

The revocation or denial of a permit may be appealed to the Judiciary & Administration Committee, which shall make a recommendation to the Common Council after providing the applicant with an opportunity for hearing.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect of January 1, 2020.

________________________________________
Timothy Kabat, Mayor

________________________________________
Teri Lehrke, City Clerk

Passed:
Approved:
Published: