

CHAPTER 37  
REGULATION OF PUBLIC GATHERING

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37.01 INTENT. It is intended hereby to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation, and utility services regularly provided in Sheboygan County in order that the health, safety, and welfare of all persons in Sheboygan County, residents and visitors alike, may be protected.

37.02 LICENSE REQUIRED.

(a) When Required. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, hold, undertake, organize, manage, sell, or give tickets to an actual or reasonably anticipated assembly of five thousand (5,000) or more people which continues or can reasonably be expected to continue for eight (8) or more consecutive hours, or when any actual or reasonably anticipated assembly of five thousand (5,000) or more people is reasonably expected to continue during the hours of darkness, whether on public or private property, unless a license to hold the assembly has first been granted by the Law Enforcement Committee. Written application for such license must be made at least sixty (60) days in advance of the proposed assembly date. The Law Enforcement Committee shall adopt appropriate written criteria to be employed in making the determination whether to grant such license.

(b) Definitions.

(1) **"Person"** means any individual, partnership, corporation, firm, company, association, co-venturees, society, group, or any combination of same.

(2) **"Assembly"** means a company of persons gathered together at any location at any single time for any purpose.

(c) Duration of License and Fee. A license required pursuant to this Ordinance shall remain valid for not longer than forty-eight (48) consecutive hours and a license shall be required for each location of the proposed assembly. The fee for each license shall be One Hundred Dollars (\$100.00).

(d) Maximum Persons. A license shall permit the assembly of only the maximum number of persons stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(e) Sound Control. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(f) Exclusions from License. This Ordinance shall not apply to any permanent and regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum, fairgrounds, road racing areas when used exclusively for that purpose, or other similar permanently established place of assembly for assemblies which exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held, nor to government sponsored fairs held on regularly established fairgrounds, nor to county-underwritten or sponsored Farm Progress Days, nor to assemblies required to be licensed by other Ordinances, Resolutions, and regulations of Sheboygan County.

37.03 CONDITIONS FOR ISSUING LICENSE. Before the applicant may be issued a license, the applicant shall first:

(a) Determination of Size of Assembly. 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 in consideration of the nature 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 municipality.

(b) Assurances. Provide proof that the applicant is able to and will furnish at the applicant's own expense before the assembly commences:

(1) Fencing. 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 have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.

(2) Drinking Water. 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 (1) gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day.

(3) Toilet Facilities. 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 (1) toilet for every two hundred (200) females, and at least one (1) toilet for every three hundred (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; a lavatory with running water under pressure, and a continuous supply of soap and paper towels shall be provided with each toilet.

(4) Sewage Disposal. 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 two and one-half (2-1/2) pounds 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 for the assembly and sufficient trash cans for tight-fitting lids and personnel to perform the task.

(5) Medical Services. Physicians and nurses licensed to practice in Wisconsin sufficient 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 (1) physician for every one thousand (1,000) people and at least one (1) nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one (1) emergency ambulance available for use at all times.

(6) Lighting. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least

five- (5-) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

(7) **Parking.** A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.

(8) **Telephones.** Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one (1) separate line and receiver for each one thousand five hundred (1,500) persons.

(9) **Camping Accommodations.** 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 this municipality sufficient to provide camping accommodations for the maximum number of people to be assembled.

(10) **Security Guards.** Security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers, or private guards licensed in Wisconsin sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every seven hundred fifty (750) people.

(11) **Fire Protection.** 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 this municipality and sufficient emergency personnel to efficiently operate the required equipment.

(12) **Noise.** All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(13) **Clean-up.** A method of cleaning up the premises and otherwise restoring them to the condition they were in prior to the assembly.

(14) **Bond.** A bond filed with the Clerk of Sheboygan County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of Five Dollars (\$5.00) per person for the maximum number of people permitted to assemble with a total maximum of One Hundred Thousand Dollars (\$100,000.00) which shall indemnify and hold harmless this municipality 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.

#### 37.04 APPLICATION.

(a) **To Whom Made.** Application for a license required pursuant to this Ordinance shall be made in writing to the Law Committee of the Sheboygan County Board at least sixty (60) days in advance of the proposed assembly date.

(b) **By Whom Made.** 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 individual making application in the case of a natural person; by all officers in the case of a corporation; by all partners in the case of a partnership; or by all officers of an unincorporated association, society, or group, or if there be no officers, by all members of such association, society, or group.

(c) **Contents of Application.** The application shall contain:

(1) **Names of Parties.** The name, age, residence, and mailing address of all persons required to sign the application by Subsection 37.04(2), above, 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 ten percent (10%) or more of the stock of said corporation.

(2) Location of Assembly. 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.

(3) Owner's Consent. 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 five thousand (5,000) or more persons.

(4) Purpose. The nature or purpose of the assembly.

(5) Term. The total number of days and/or hours during which the assembly is to last.

(6) Size of Assembly. 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 the location of the assembly by the zoning ordinance of the municipality if the assembly is to continue overnight.

(7) Ticket Sales. The maximum number of tickets to be sold, if any.

(8) Plans. a separate plan of the applicant for each of the following:

- to limit the maximum number of people permitted to assemble;
- fencing and location of the assembly and gates contained in such fence;
- supplying potable water including the source, amount available, and location of outlets;
- providing toilet and lavatory facilities, including the source, number, location, type, and the means of disposing of waste deposited;
- holding, collecting, and disposing of solid material;
- 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;
- to illuminate the location of the assembly, including the source and amount of power and the location of lamps;
- parking vehicles, including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- telephone services including the source, number, and location of telephones;
- camping facilities, if any, including facilities available and their location;
- security including the number of guards, their deployment, and their names, addresses, credentials, and hours of availability;
- 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;
- sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers;
- food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

(d) Bond and Fee Must Accompany Application. The application shall include the bond required in Subsection 37.03(2)(n), above, and the license fee.

37.05 ISSUANCE OF LICENSE. The application for a license shall be processed and a determination on granting shall be made within twenty (20) days of receipt thereof. The Law Committee shall during such processing and determination period schedule a public hearing on said application. At such hearing, the applicant and any interested party may appear and present reasons or evidence as to whether or not the license shall be granted.

37.06 REVOCATION. A license granted pursuant to this Ordinance may be revoked by the Law Committee upon notice of such proposed revocation of the licensee and following a public hearing on such proposed revocation. The Law Committee shall establish written criteria to be used in the determination of whether such revocation shall be made.

37.07 ENFORCEMENT.

(a) Injunction. The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.

(b) Abatement as Nuisance. The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.

37.08 PENALTY.

(a) In addition to the enforcement provision set forth in Section 37.07, above, for violation of any condition of the license, the licensee may be required to forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. The violation of each condition of the license shall be constructed to be a separate offense.

(b) Any person required to obtain a license pursuant to this Ordinance who violates the provisions of this Ordinance may be required to forfeit such sums in like manner as provided in Subsection (a) above.

(c) In addition thereto, any person may also be required to pay any damages found to arise out of the violation of this Ordinance or the conditions of said license.

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History: