

ORDINANCE N^o 02-09-01

ASSEMBLAGE ORDINANCE

AN ORDINANCE TO REGULATE THE ASSEMBLAGE OF LARGE NUMBERS OF PEOPLE, REQUIRING A LICENSE THEREFORE, TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ALL PERSONS, RESIDENTS AND VISITORS, AND TO IMPOSE PENALTIES AND ENFORCE THE SAME AGAINST ANY PERSON FOR ANY VIOLATION OF SUCH ORDINANCE.

The Board of Supervisors of Buffalo County amends the Assembly Ordinance adopted 8-3-1970, as amended 4-20-1993, and restates it in its entirety, ordaining as follows:

I. INTENT

A. It is the purpose of the Buffalo County Board 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 Buffalo County, in order that the health, safety and welfare of all persons in Buffalo County, residents and visitors alike, may be protected.

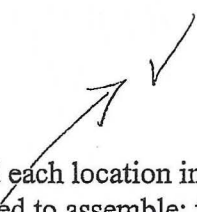
B. It is the intent of this Buffalo County Board that all sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of this Buffalo County Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

II. LICENSE REQUIRED

A. Except as otherwise provided in this ordinance, no person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, or sell or give tickets to an actual or reasonably anticipated assembly of 2,000 or more people which continues or can reasonably expected to continue for eight (8) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Buffalo County Board, application for which must be made at least 30 days in advance of the assembly.

B. As used in this legislation:

1. person means any individual natural human being, partnership, corporation, firm, company, association, society or group;
2. assembly means a company of persons gathered together at any location at any single time for any purpose.

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- C. A separate license shall be required for each day and each location in which 2,000 or more people assemble or can reasonably anticipated to assemble; the fee for each license shall be \$100.00. Organizations which ~~that~~ have been in existence for six (6) months and which have a state or federal charter or which are certified as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code are exempt from payment of a license application fee.
- D. 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 to assemble at the licensed location more than the maximum permissible number of people.
- E. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly. There shall be no amplified music or other sound between the hours of 2:30 and 8:00 a.m.
- F. This ordinance shall not apply within the municipal limits of any Village or City.

III. CONDITIONS FOR ISSUING LICENSE

anyone applicant
Before ~~he~~ 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 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. Provide proof that *the applicant* ~~he~~ will furnish at *their* ~~his~~ own expense before the assembly commences:
1. 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 as determined in accordance with the ratios provided in Comm 55.32, Wisconsin Administrative Code (including any subsequent amendments)
 2. Water Closets, urinals, lavatories and drinking facilities, 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, as determined in accordance with the ratios provided

in Comm 55.32, Wisconsin Administrative Code (including any subsequent amendments)

3. 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 trash cans with tight fitting lids and personnel to perform the task;
4. One emergency medical technician or First Responder licensed to practice in Wisconsin for every 1,000 people together with and enclosed covered structure where treatment may be rendered. There shall be provided an enclosed covered structure for medical treatment. In addition, assemblages exceeding 5,000 persons shall have at least one emergency ambulance available for use at all times for each 5,000 persons;
5. 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 foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;
6. Off street parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
7. 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 separate line and receiver for each 1,000 persons;
8. If the assembly is to continue for 18 or more consecutive hours camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code sufficient to provide camping accommodations for the maximum number of people to be assembled;
- ✓ 9. Security guards, either Wisconsin law enforcement officers or security guards holding a Wisconsin permit, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;
10. 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;

11. All reasonably necessary precautions to insure the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly; There shall be no amplified ~~music or other~~ sound between the hours of 2:30 and 8:00 a.m.
12. A bond, filed with the clerk of Buffalo County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of \$1.00 per person for the maximum number of people permitted to assemble, 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, from any cost incurred in cleaning up any waste material produced or left by the assembly and for any other claims arising from a violation of the Ordinance. Upon the completion of the clean up from the assembly, the bond shall be refunded, less any costs incurred by the county for clean up or because of other violations of the Ordinance.

The requirement of a bond shall not apply to assemblies organized by a municipality, a school, or an organization which ~~that~~ has been in existence for six (6) months and which have a state or federal charter or which are certified as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code.

13. Certificates of insurance coverage issued by bonafide insurance companies licensed to transact business in the State showing that such companies have insured such applicant and such assembly in the following ways:
 - a. A comprehensive public liability policy with a maximum limit for all claims in the amount of \$2,000.00 and containing a medical payment coverage guaranteeing payment of all medical bills incurred within one year of injury by any person by reason of any injury on such premises during such assembly to a maximum of \$5,000 per person, such policy to have a minimum limit of \$500,000 per person for bodily injury liability and \$500,000 for property damage liability per person.
 - b. A fire legal liability policy with a maximum limit of \$2,000,000.
 - c. Workmen's compensation insurance as required by Wisconsin

Law.

IV. APPLICATION

- A. Application for a license to hold an actual or anticipated assembly of 2,000 or more people shall be made in writing to the County Clerk at least 30 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 individual making application in the case of an individual; natural human being, 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 or group.
- C. The application shall contain and disclose:
1. the name, age, residence and mailing address of all person required to sign the application 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;
 2. 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 owners(s) of all such property;
 3. proof of ownership of all property upon which said 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
 - the total number of days and/or hours during which the assembly is to last;
 6. 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 ordinances of the municipality if the assembly is to continue for 18 or more hours
 7. the maximum number of tickets to be sold, if any;

? (4.) reserved
for future
use.

8. the plans of the applicant to limit the maximum number of people permitted to assemble;
- 9 Any plans for fencing the location of the assembly and the gates contained in such fence;
10. the plans for supplying potable water including the source, amount available and location of outlets;
11. the plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;
12. the plans for holding, collection, and disposing of solid waste material;
13. 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 services;
14. the plans, if any, to illuminate the locations of the assembly including the source and amount of power and the location of lamps;
15. the plans for parking vehicles including the size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
16. the plans for telephone service including the source, number and location of telephones.
17. the plans for camping facilities, if any, including facilities and their location.
18. the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
19. 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;
20. the plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;

21. the plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.

D. The application shall include the bond required and the license fee.

V. ISSUANCE

A. LICENSE FEES.

1. Fees to Accompany Application License fees shall accompany the license application. If a license is granted, the County Clerk shall issue the applicant a receipt for his license.

2. Refunds No fee paid shall be refunded, unless the license is denied.

B. GRANTING OF LICENSES Unless otherwise designated, licenses required by this ordinance shall be issued by the County Clerk only with the approval of the County Board.

C. PROCESSING OF LICENSES. The application for a license shall be processed within 30 days of receipt of the completed application and shall be issued if all conditions are complied with.

D. FORM OF LICENSE All licenses issued hereunder shall show the dates of issue and expiration and the activity licensed and shall be signed by the County Clerk.

E. RECORD OF LICENSES. The County Clerk shall keep a record of all licenses issued.

F. DISPLAY OF LICENSES All licenses hereunder shall be displayed upon the premises for which issued, and shall be displayed to any officer of the County upon request.

G. COMPLIANCE WITH LAWS REQUIRED It shall be a condition of holding a license under this ordinance that the licensee comply with all laws of this State and all ordinances of this County. Failure to do so shall be cause for suspension or revocation of the license.

H. TRANSFER OF LICENSE All licenses issued hereunder shall be personal to whom issued, and no license shall be transferred without the consent of the Board.

- I. **CONSENT TO INSPECTION** An applicant for license under this ordinance thereby consents to the entry of peace officers or authorized representatives of the County upon the licensee's premises at all reasonable hours for the purpose of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions all things found therein in violation of this ordinance or State law.

VI. **REVOCATION**

The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

VII. **ENFORCEMENT**

- A. The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.
- B. 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.
- C. Any person who violated this ordinance shall forfeit not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

Submitted for adoption on _____ by the Buffalo County Law Enforcement Committee.

absent
Steve Weiss

Claire Waters
Claire Waters

David G. Ernst
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Rudy Christ
Rudy Christ

absent
James R. Alf