

ORDINANCE NO. 2022-03

ORDINANCE TO AMEND SEC. 18-57 AND CREATE SEC. 18-80 OF CHAPTER 18 OF THE MUNICIPAL CODE SPECIAL EVENT PERMIT

THE VILLAGE BOARD OF THE VILLAGE OF KEWASKUM, WASHINGTON COUNTY, WISCONSIN, DO
ORDAIN AS FOLLOWS:

Section 1. That Section 18-58 of the Municipal Code of the Village of Kewaskum, relating to
Special Event Permit, should be created as follows:

Sec. 18-57. - Licenses and permit fees.

A license shall be required for the sale of each of the following or the conduct of the business or
activity at the indicated license fee:

- 1) *Alcohol beverages.* As set out in section 6-72 of this Code.
- 2) *Animals.* As set from time to time by the village board.
- 3) *Auctions.* As set from time to time by the village board per day.
- 4) *Auctioneers.* As set from time to time by the village board per year.
- 5) *Bicycles.* As set from time to time by the village board; nonexpiring during the ownership of
the bicycle by the licensee.
- 6) *Dance hall.* As set from time to time by the village board.
- 7) *Dance permit.* As set from time to time by the village board.
- 8) *Junk and salvage dealers.* As set from time to time by the village board.
- 9) *Direct sellers.* As set from time to time by the village board.
- 10) *Soft drink/snack vending machines.* As set from time to time by the village board.
- 11) *Pawnbrokers and secondhand and jewelry dealers.* As set from time to time by the village
board.
- 12) *Special Event Permit.* As set out in Section 18-80 of this Code.

Sec. 18-80 – Special Event Permit

A. *Definitions.* Special event is any activity which occurs upon public property that will affect the
standard and ordinary use of public streets, rights-of-way, or sidewalks, and/or which requires
extraordinary levels of village services. This may include, but is not limited to, fairs, festivals,
sporting events, foot runs, bike-a-thons, markets, parades, exhibitions, auctions, dances, and
motion picture filming. Special events shall further be classified as either being public special
events or private special events:

- (1) A "public special event" shall be defined as a special event which honors service to
the United States, the State of Wisconsin or the Village of Kewaskum and/or
commemorates an historical event or person significant to our nation, state or
community.
- (2) A "private special event" shall be defined as a special event utilized for social or fund-
raising purposes or as part of a sporting event, or any special event that would not be
considered a "public special event".

- (3) *Exemptions.* Funerals and funeral processions; Students going to and from school or participating in educational activities or school sporting events, provided such activity is under immediate direction and supervision of the proper school authority; events sponsored by the village or a village agency.
- B. *Village Services.* The applicant shall be responsible for reimbursement to the village for any village personnel, services, equipment, and facilities provided for the special event. Reimbursable costs shall be calculated to include wages and overtime. An invoice shall be sent to the applicant, within 15 days following the event. Payment is due within 30 days of invoice. The village reserves the right to require full or partial payment of estimated costs in advance. Generally, "public special events" will be exempt from this section.
- C. *Police Department Security Services.* A "private special event" where a picnic license has been issued by the Village of Kewaskum and anticipates at least 200 people in attendance shall have at least one uniformed Kewaskum Police Department police officer present at the event from 6:00pm until closing. Said security presence will be over and above normal policing provided to the community; however, it is subject to emergent needs for policing which may otherwise exist at the time of the event. The chief of police or his designee shall be the sole determiner of the level of coverage necessary to provide adequate security for an event covered under this article. The permit holder shall be required to reimburse the Village of Kewaskum for security related services in accordance with subsection (B) above.
- D. *Cleaning/damage deposit.* The applicant may be required to submit to the village a cleaning/damage deposit of \$200.00 per day for each scheduled day of the event (or a portion thereof), two weeks prior to the starting date of the event. The deposit shall be refunded to applicant, if, upon inspection, all is in order, or a prorated portion thereof as may be necessary to reimburse the village for loss or cleaning costs. The village reserves the right to retain the entire deposit if cleanup is not completed satisfactorily in the time frame as specified in the permit. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the permitted event to be completed within 12 hours after the conclusion of the event.
- E. *Liability insurance.* The special event sponsor is required to obtain insurance for special events that include alcohol, have more than 150 people per day or involve a road closure. Proof of comprehensive general liability insurance with coverage of not less than \$1,000,000.00 which names and endorses the village, its officers, agents, employees, and contractors as an additional insured party shall be submitted to the village no later than 20 days before the event. The applicant shall notify the village in the event there is a modification of any of the terms of the insurance coverage. Such notification shall be provided not less than two weeks prior to the effective date of that change. Any change to coverage requires village approval.
- F. *Indemnification.* The applicant and event sponsor(s) shall agree to hold the village, 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

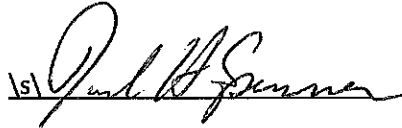
the village for any damage or injury to person or property caused by or resulting directly or indirectly from the activities for which the permit is granted.

- G. *Limitation or termination of special event.* The village may limit the size of, or shut down a special event if it is deemed to be a public safety hazard or public nuisance by the police or fire department, or there is a violation of village or county ordinances, state statutes or the terms of the applicant's permit. The village may limit or shut down any amplified music at an event if complaints are received by the police department from neighboring citizens. The village administrator or designee may revoke an approved picnic license if the applicant fails to comply with the provisions of the permit prior to the event date.

Section 2. Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

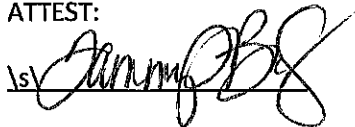
Section 3. This Ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted by the Village Board of the Village of Kewaskum, Washington County, Wisconsin, this 7th day of March 2022.


A handwritten signature in cursive script, appearing to read 'David H. Spenner', written over a horizontal line.

David Spenner
Village President

ATTEST:


A handwritten signature in cursive script, appearing to read 'Tammy Butz', written over a horizontal line.

Tammy Butz
Village Clerk