

MASS GATHERINGS ORDINANCE

This Ordinance is adopted pursuant to the exercise of Village Powers.

I. DEFINITIONS.

The following words and terms, whenever used in this Division, shall be interpreted as herein provided:

- A. Person means any natural person or persons, corporation, partnership, joint venture, union, association, society, club, fraternity, sorority, social or religious organization or committee.
- B. Mass Gathering means any outdoor or open-air gathering of five hundred (500) or more persons.
- C. Sponsor means to allow, permit, conduct, hold, maintain, encourage, organize, or promote a mass gathering.
- D. Permittee means the person to whom a permit is issued under this Ordinance.
- E. Security Guard means any person clearly identified as security personnel, provided such person does not consume alcoholic beverages while on duty at the mass gathering.
- F. Attendee means any natural person participating in a mass gathering.
- G. Fence means any barrier or partition with principal dimensions of height and length clearly defining the perimeters of a mass gathering and designed to control ingress and egress. A fence shall include but not be limited to existing buildings, walls, hedges and structures.
- H. Day means a twenty-four (24) hour period.

II. PERMIT REQUIRED.

It shall be unlawful for any person to sponsor a mass gathering unless a permit has been obtained from the Town of Oxford for the sponsoring of such a mass gathering.

III. APPLICATION FOR PERMIT.

Written application for a permit to sponsor a mass gathering shall be made to the Town Board. The application must be submitted at least 60 days prior to the date upon which the mass gathering is to be held. Such application shall be on forms provided by the Town and shall have attached thereto plans, documents, and other material required by this Ordinance. The application shall be forwarded to the appropriate Town Board personnel for an investigation with reference to all applicable Town ordinances and laws. The permit application shall contain the following information:

- A. The name, address and telephone number of the person or person requesting the permit;
- B. The name and address of all persons acting as sponsors of the mass gathering;
- C. The name, address and telephone number of the person acting as chairperson or otherwise responsible for the conduct of the mass gathering;
- D. The purpose of the mass gathering and the estimated number of attendees;
- E. The date or dates the mass gathering is to be conducted and the hour or hours the mass gathering will commence and terminate;
- F. The number, type (flush type or portable chemical), and location of toilet facilities to be provided for use during the mass gathering;
- G. The name and address of any concessionaires or vendors doing business at the mass gathering;
- H. Whether any live or recorded music will be provided;
- I. Whether alcoholic beverages will be sold at the mass gathering;
- J. A statement as to the number and type of refuse collection containers that will be available at the mass gathering;
- K. A statement explaining the availability of adequate lawful parking within the immediate area of the mass gathering; Parking on Town Roads adjacent to area is strictly prohibited.
- L. A statement explaining arrangements made for the presence of security guards;

- M. A site plan indicating the location of fencing and points of ingress to and egress from the mass gathering;
- N. Four copies of white background prints of a map drawn to scale, showing:
 - 1. The legal description of the site,
 - 2. The location of the site relative to the nearest state highway or interstate highway,
 - 3. The location of the automobile parking spaces and of all other areas to be used for other uses incidental to the outdoor mass gathering,
 - 4. All interior access ways,
 - 5. The location and detail plans of all buildings and structures on the site or to be erected on the site, including any bandstands, stages or other facilities for performers or speakers,
 - 6. The location of any loudspeakers,
 - 7. The location of all toilet, medical, drinking and other facilities and refuse containers.
- O. A statement explaining the applicant's legal interest in the mass gathering site and submission of evidence by deed, lease, or other document verifying such interest;
- P. 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 the application in the case of an individual, 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.

IV. CONDITIONS PRECEDENT TO GRANTING OF PERMIT.

No permit shall be issued under this Ordinance unless the following conditions are met:

- A. Toilet facilities: The applicant shall provide a minimum of one toilet facility for each seventy-five (75) attendees. Toilet facilities shall be located within the mass gathering perimeters or within one hundred (100) feet thereof, and be identified as open for use by attendees. Toilet facilities shall be in compliance with all state and local regulations.
- B. Waste Management: Refuse collection containers shall be placed within the perimeters of the mass gathering and at the point or points of egress from the mass gathering. Containers shall be durable and non-absorbent. Heavy-weight paper or plastic sacks designed specifically for storage of refuse may be used. The total capacity of the containers shall be a minimum of thirty (30) gallons for each fifty (50) attendees.
- C. Clean-up: The applicant shall post a clean-up deposit or bond in the amount of \$1,500 per 500 people and for each additional 500 people or part thereof, bond shall be increased in \$1,500 increments to secure compliance with Section VI.
- D. Traffic and parking control: The applicant shall have made provisions for adequate lawful parking within the immediate area of the mass gathering site so that traffic will not be disrupted and so that emergency vehicles shall have access to the site. Absolutely no parking is permitted on adjacent town roads.
- E. Security and public safety: The applicant shall provide at least two clearly identified licensed security guards for every (500) attendees or fraction thereof approved in the permit. Such security guard(s) shall be in attendance from one hour before and until one hour after the time of the mass gathering, as approved for any given day.
- F. Mass gathering site: The mass gathering site shall be fenced in such a manner so that attendees are familiar with the lawful perimeters of the site, and also to assist the sponsor in restricting the mass gathering to those persons invited to attend. The size of the proposed site shall be large enough to reasonably accommodate the number of attendees.
- G. Interest in mass gathering site: The applicant shall demonstrate a legal interest in the mass gathering suite by means of a deed, lease agreement, or other document stating such interest.

- H. If the assembly is to continue during the hours of darkness, illumination shall be provided sufficient to light the entire area of the assembly but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly. The plans, if any to illuminate the location of the assembly including the source and amount of power and location of lamps.
- I. 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 500 persons shall be provided. Plans for telephone service including the source, numbers and location of telephones.
- J. Fire protection shall be provided, 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 sufficient emergency personnel to efficiently operate the required equipment. The plans for the fire protection including the number, type, and location of all protective devices including extinguishers, and the number of emergency fire personnel available to operate the equipment.
- K. All reasonably necessary precautions shall be taken to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. Plans shall be provided for sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers.
- L. 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 service.

V. ISSUANCE OR DENIAL OF PERMIT; APPEAL.

- A. Issuance. The Town Board or its designee shall issue a permit within 60-days following receipt of the application for a permit if, based upon an evaluation of the information provided under Sections II and IV of this Ordinance or information obtained by an investigation made by the Town, it is determined that the proposed mass gathering complies with the requirements of this Ordinance, all other Town Ordinances and applicable state law. The permit issued by the Town Board or its designee shall detail the following:
 - 1. Dates and hours of operation of the mass gathering;
 - 2. Number of attendees permitted at the mass gathering;

3. Size of the proposed site;
4. Number and location of toilet facilities required in connection with the mass gathering;
5. Size and location of refuse collection containers required in connection with the mass gathering;
6. Notice that the permittee shall be responsible for clean up pursuant to Sec. VI;
7. Number and location of parking spaces or parking areas required in connection with the mass gathering;
8. Number of security guard(s) required in connection with the mass gathering;
9. Location and type of fencing required in connection with the mass gathering;
10. A list of all other permits, licenses, or registrations required by the Town in order to hold a lawful gathering, including, but not limited to Alcoholic Beverage License and all other licenses/permits from State, County, Town or other Government agencies.
11. The sound of the mass gathering shall not carry unreasonably beyond the enclosed boundaries of the event.
12. Notice that issuance of a mass gathering permit does not constitute waiver of requirements imposed under other Town ordinances or state law.

13. **The permit holder, or any organizer, shall obtain an insurance policy in an amount of \$5 million dollars worth of coverage for up to 500 people and an additional \$1 million dollars of coverage per additional 100 people based on the number of attendees set forth in the permit. The insurance policy may not be cancelable, and shall provide coverage against liability for death, injury, or disability of any human, or for damage to property arising out of the temporary outdoor mass gathering. The insurance policy must be an "occurrence" policy, or its equivalent which provides for payment of claims made during the 180-day period after the scheduled termination of the event. Town of Oxford shall be named as an additional insured under the policy. The permit for the temporary outdoor mass gathering shall be voided by the Town Board if the permit holder does not file proof of the non-cancelable insurance required by this section with the Town Board at least thirty days before the first day of the event. A copy of the permit shall be provided to the Marquette County Sheriff's Department, Marquette County EMS and the Oxford Fire Department. The policy must include the Township as a named insured and a copy of the policy must be provided to the Town Clerk at least 10 days before the event.**
- B. Denial. The Town Board or its designee shall deny a permit within 5 days following receipt of the application for a permit if any information supplied by the applicant is false or intentionally misleading, if issuance of a permit violates or will cause a violation of the terms of the applicant's lease arrangements for use of the mass gathering site, or if the proposed mass gathering violates any of the conditions of this ordinance, or any Town or county ordinance, or any applicable state law. Such denial shall be in writing and shall enumerate the specific reason or reasons for the denial. Notice of the denial shall be given to the applicant by personal service or by U.S. Mail, first class postage prepaid.
- C. Appeals. The denial of a permit by the Town Board or its designee pursuant to the provisions of this Ordinance may be appealed to the Town Board by the applicant. Such appeal shall be in writing, filed with the Town Board within five (5) days of the mailing or personal service of the decision of the Town Board and must specify objections to the decision of the Town Board. The Town Board shall within five (5) days act upon the appeal by conducting a hearing and making a decision on such appeal. The Town Board shall notify the applicant personally of the time and place of said hearing. If the Town Board determines that a permit should not be issued, then it shall inform the applicant of its decision in writing specifying its reasons therefore. All decisions of the Town Board shall be final and reviewable only in the courts in accordance with applicable law.

VI. POST-GATHERING PROCEDURES.

- A. Clean-up. The applicant shall be responsible for placing all refuse in appropriate containers, and for its removal within forty-eight (48) Hours following the conclusion of the mass gathering. The applicant shall be responsible for the removal.
- B. Post-gathering inspection. Within forty-eight (48) hours following the conclusion of the mass gathering, the Town Board shall cause an inspection to be made at the mass gathering site to determine compliance with Sec. VI A.
- C. Deposit, refund of bond termination. If the permittee has complied with Sec. VI A, the Town Board shall authorize return of the clean-up deposit or termination of the clean-up bond. The clean-up deposit shall be returned within five (5) days from such authorization.
- D. Non-compliance with Sec. VI A. effect. If, upon inspection, the Town Board determines that the permittee has failed to comply with Sec. VI A the Town Board may cause trash and debris at the site to be placed in appropriate containers, making it ready for removal. The permittee shall be responsible for the cost of such clean-up. After notice and hearing as hereafter provided, the Town may order forfeiture of the clean-up deposit or bond and apply all or a portion of the same towards the clean-up cost incurred by the Town.
- E. Clean-up deposit or bond forfeiture. The Town Board shall, prior to ordering forfeiture of any clean-up deposit or bond, give notice to the permittee. Such notice shall be by certified mail without return receipt. Permittee may, within five days of the mailing of said notice, file a written request with the Town Board for an administrative hearing. Failure to request a hearing shall be considered prima facie proof of failure to comply with Sec. VI A and shall result in forfeiture of the clean-up deposit or bond.
- F. Hearing. Upon request for an administrative hearing, the Town Board shall schedule a time at which the permittee may present evidence indicating by a preponderance of the evidence that the permittee complied with the terms of Sec. VI A. Reasonable notice of said hearing shall be provided to permittee.

G. Decision. If the Town Board determines that the permittee has met his burden of proof, then it shall order the clean-up deposit or bond returned to the permittee. If the Town Board determines that the permittee has not met the burden of proof, then it shall order the clean-up deposit or bond forfeited to the Town. All decisions of the Town Board shall be final and reviewable only in the courts in accordance with applicable law.

VII. NECESSITY FOR OTHER PERMITS.

Obtaining a permit under this Ordinance shall not excuse any person from compliance with any other applicable statute, ordinance, or regulation, or the necessity of obtaining any other permit or license required by law.

VIII. PERMIT NOT TRANSFERABLE.

No permit issued under the provisions of this Ordinance shall be transferable.

IX. PERMITTEE OR HIS DESIGNEE PRESENT AT ALL TIMES.

The permittee or his designee shall be present at the mass gathering site during the entire period, from one half-hour prior to the scheduled mass gathering time to one hour after the close of the mass gathering, as approved for any given day.

X. FAILURE TO COMPLY WITH PERMIT.

It shall be unlawful for any person granted a permit pursuant to the terms of this ordinance to violate any of the terms or conditions enumerated in such permit. The permit may be revoked by the Town Chairman or his designee at any time if there is a violation(s) of any of the term(s) of the permit.

XI. REFUSAL TO OBEY ORDER TO DISPERSE.

Any person who refuses to obey a lawful order of a police officer to orderly disperse from a mass gathering site shall be in violation of this Ordinance.

XII. NO PERMIT-EFFECT.

No person shall knowingly participate in or attend a mass gathering unless a written permit has been obtained from the Town Board. Upon oral or written notice from a police officer of the Town of Oxford or Marquette County Sheriff's Department that no permit has been issued for the mass gathering, any person who refuses or fails to orderly disperse shall be in violation of this Ordinance.

XIII. ADMISSION.

The permittee shall not admit any person to a mass gathering if such admission results in a greater number of person present than allowed by permit. The permit holder shall keep an accurate count of persons and vehicles entering and leaving the mass gathering site.

XIV. PROXIMITY TO SCHOOL, CHURCHES, HOSPITALS, ETC.

No mass gathering shall be held in a location which is closer than one thousand (1000) feet from any school when in session, church or synagogue when services are being held, hospital or nursing home, unless the gathering is sponsored by the affected school(s), church(es), synagogue(s), hospital(s), or nursing home(s).

XV. PENALTY.

Any person who violates any provision of this Ordinance or any provision of a permit granted hereunder, shall upon conviction thereof, be fined not less than five hundred (\$500.00) per violation.

XVI. SEVERABILITY.

If any Section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Oxford hereby declares that it adopted this Ordinance and each portion thereof irrespective of the fact that some portion may be declared invalid or unconstitutional.

PROCEDURE FOR APPLYING FOR A PERMIT.

Individuals wishing to apply for a Mass Gathering Permit may do so by contacting a Town Board Member or Town Clerk.

FEE: \$500.00 Application Fee - **non-refundable**
 \$500.00 Permit Fee - **if approved.**

THIS ORDINANCE shall be effective upon its adoption and public posting pursuant to State Statute.

ADOPTED by the Town Board this 13th day of March, 2002.

Hollis Elliott, Chairman

Greg Goodhue, Supervisor

Keith Wohlfert, Supervisor

ATTESTED BY:

Mary P. Walters, Clerk

Revised: April 13, 2011