

TOWN OF GRAND CHUTE  
ORDINANCE O-12-06, SERIES OF 2016

AN ORDINANCE AMENDING CHAPTER 456 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH REGULATES SPECIAL EVENTS IN THE TOWN OF GRAND CHUTE.

WHEREAS, The Special Events Committee identified various deficiencies in Chapter 456 of the Town of Grand Chute Municipal Code relating to special events; and,

WHEREAS, Chapter 456 provided no meaningful criteria for determining whether an event truly constitutes a special event; and,

WHEREAS, Chapter 456 failed to establish a requirement for additional permits, inspections or variances; and

WHEREAS, Chapter 456 failed to establish a provision for issuing permits for special events that acknowledges the Constitutional right to free speech, and

WHEREAS, the process of addressing the aforementioned deficiencies made it timely to review and address other elements of Chapter 456 requiring attention;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 456 of the Grand Chute Municipal Code is hereby amended and adopted as follows:

**[HISTORY: Adopted by the Town Board of the Town of Grand Chute 6-4-1996 (§§ 9.12 and 9.18 of the 1997 Code). Amendments noted where applicable.]**

**§ 456-1 Definitions.**

- A. Special events – Events that include, but are not limited to, fun runs, roadway foot races, fundraising walks, bicycle races, parades, carnivals, shows, gatherings, circuses, block parties, festivals, fireworks and/or involve one or more of the following factors:
- a. The event is to be conducted on public property or right-of-way; or the event is to be conducted on private property, and is open to the public and not within the normal and ordinary use of the property
  - b. The event will cause a significant impact on traffic congestion or traffic flow to and from the event over public streets or rights-of-way, or will significantly impact public streets or rights-of-way near the event.
  - c. The event is likely to create the need for town-provided emergency services, such as police, fire or medical aid.
  - d. The event will have a presumptive impact on neighboring properties.

- e. The nature of the event requires additional permits, inspections, or variances.
  - f. The event will be held at a town park, and expected attendance will exceed the maximum capacity set by the Park's Department. Such special event permit shall be in addition to any street, park use, or other regular permits as may be required by ordinance.
  - g. The Town reserves the right to deem an event a "Special Event".
- B. Highways or streets – For the purpose of this section, the words have the meaning set forth in Wis. Stats 340.01, and also include areas owned by the town, which are used primarily for pedestrian or vehicular traffic.
- C. Special Events Committee – A committee comprised of the Town Clerk or his/her designee, the Police Chief or his/her designee, the Fire Chief or his/her designee, and the Chief Building Inspector or his/her designee. The Town Clerk or his/her designee shall serve as the Committee Chair. The role of the Committee is to evaluate events to determine if they are in the best interest of the community and to assess issues such as the health and safety of the public and need for town services.
- D. Expressive activity – Conduct, the sole or principal object of which is the expression dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature, and picketing.

#### § 456-2 Permits.

- A. A special event permit or authorization from the Town is required for any event that meets the definition of special event, found in Sec 456-1.
- B. A special event permit is not required for the following, unless the event is deemed to have a significant impact on town services and/or the community:
1. Parades, athletic events or other special events that occur exclusively on town property and are sponsored or conducted in full by the Town of Grand Chute.
  2. Funeral and wedding processions.
  3. Military Convoys.
  4. Groups required by law to be so assembled.
  5. Gatherings not exceeding maximum capacity in a town park, unless merchandise or services are offered for sale or trade.
  6. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales.
  7. Garage sales and rummage sales.
  8. The exhibition of films or motion pictures.
  9. Other similar events and activities which do not directly affect or use town services or property.

10.A gathering for the specific purpose of expressive activity.

§ 456-3 Application.

- A. Any person desiring to sponsor a special event shall apply for a special event permit by filing an application with the Town Clerk at least forty-five (45) days prior to the date on which the event is to occur.
- B. Upon a showing of good cause, or at the discretion of the Special Events Committee, the Committee shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other town services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed.

§ 456-4 Permit fee.

- A. A fee will be required at the time of application for any special event permit necessitated by this chapter. The Town Board shall establish a list of approved fees. No permit shall be issued without payment of the basic permit fee(s).
- B. A special event permit filed after the forty-five (45) day application deadline shall be subject to an additional fee in accordance with the Town fee schedule.
- C. No permit fee shall be refunded after initiation of the permit approval process.

§ 456-5 Permit approval.

- A. All Special Events Committee representatives receiving a copy of a special events permit application shall recommend either approval or denial of the permit. Recommendations for denial of an application should include a reason for the denial. Each department head or his/her designee shall review the application based upon the following criteria:
  - 1. Impact on department resources
  - 2. Cost to the department
  - 3. Any perceived public health or safety problems
  - 4. Impact on town property
  - 5. The presumptive impact the event may have on neighboring properties.
- B. The Special Events Committee is authorized to approve or deny special event permits pursuant to criteria established in this section, unless one of the

conditions identified in Section C, below, exist. In such case, the matter shall be referred to the Town Board for approval or denial.

- C. Special events requiring Town Board approval include:
1. Events that may have a substantial impact on Town services and/or the community.
  2. Events that require the use of public roadways and/or public facilities and may exceed 500 people.
  3. An event that requires closure of an arterial roadway within the town and may have a significant impact on vehicle or pedestrian traffic.
  4. An event that may have a detrimental effect on the Town of Grand Chute.
  5. Fireworks.

§ 456-6 Town services deposit.

- A. In addition to the basic permit fee(s), the Town Clerk shall determine, upon recommendation of the Police Department, Fire Department and Public Works Department, the estimated direct and indirect event related costs for town resources.
- B. Upon approval of an application for a permit for a special event, the Town Clerk shall provide the applicant with a statement of the estimated cost of providing town personnel and equipment. The applicant/sponsor of the event must prepay these estimated costs for town services and equipment ten (10) days prior to the special events. Town services and equipment may include the use of police department employees for traffic and crowd control, town employees for pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required town service and the cost of operating the equipment to provide such services.
- C. If the actual cost for town services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the Town in a timely manner. If the actual cost for town services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

§ 456-7 Cleanup deposit.

- A. The Special Events Committee may require a cleanup deposit from an applicant/sponsor of an event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals,

water aid stations or any other event likely to create a substantial need for a cleanup.

- B. The cleanup deposit may be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.
- C. If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the Town for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

§ 456-8\_Permit conditions.

- A. Sponsors of Special Events must comply with all applicable town ordinances, traffic rules, park rules, state health laws, fire codes, and liquor licensing regulations.
- B. The Town may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. These conditions may include:
  - 1. Alteration of the time, place and manner of the event proposed on the event application.
  - 2. Conditions concerning the area of assembly and disbanding of an event occurring along a route.
  - 3. Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.
  - 4. Such other conditions as determined by the Town Board suitable for the specific event, that are reasonable or necessary, to protect the health, safety and general welfare of the Town and its residents and/or participants in the event.
- C. Further conditions on special events permits may include, but are not limited to:
  - 1. Requirements for the use of traffic cones or barricades.
  - 2. Requirements for the provision of first aid or sanitary facilities; including, but not limited to, portable toilets.
  - 3. Requirements for use of event monitors and providing notice of permit conditions to event participants.
  - 4. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety.
  - 5. Compliance with animal protection ordinances and laws.

6. Requirements for use of garbage containers, cleanup, and restoration of town property.
7. Restrictions on the use of amplified sound and compliance with noise ordinance, regulations and laws.
8. Notice to residents and/or businesses regarding any activity which would require a street closure or restrictions.
9. Compliance with restrictions on the sale and/or consumption of alcohol.
10. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Town.
11. Requirements regarding the use of town personnel and equipment.
12. Compliance with any other applicable federal, state or local law or regulation.

D. Street Closures – If special event requires any street(s) to be closed, the Event Organizer or their contractor shall be required to provide an acceptably prepared Traffic Control Plan (TCP) to the Special Events Committee for review and approval no less than 4 weeks prior to the event. The plan shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, latest edition. Temporary traffic control devices/services shall be provided by a contractor which has extensive experience in the industry and is approved in advance by the Special Events Committee.

§ 456-9 Grounds for denial of application.

The Town may deny an application for a special event permit if any of the following apply:

1. The applicant provides false or misleading information; the applicant fails to complete the application or to supply other required information of documents; or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit.
2. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property.
3. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or would present an unreasonable risk of injury or damage to property.
4. The event would have a presumptive impact on neighboring properties.
5. The event is deemed to be not in the best interest to the community.
6. The applicant has unpaid permit or services fees as outlined in 456-6

- B. In the event subsection 2. or 3., above, applies, the Town shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

§ 456-10 Appeal procedure.

- A. The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees or deposits imposed pursuant to Sections 456-6 and 456-7.
- B. The Town Board may hear the appeal on the record during a scheduled Town Board meeting. The Town Board will determine whether the permit shall be approved, reevaluated by the Special Events Committee, or denied. The decision of the Town Board is final.

§ 456-11 Revocation of permits.

- A. Any permit issued under this chapter may be summarily revoked by a representative from the Grand Chute Police or Fire Department at any time when, a representative from the Town determines the safety of the public or property requires such immediate revocation.
- B. The Town may also summarily revoke any permit issued pursuant to this chapter if the Town finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit.

§ 456-12 Violation-Penalty.

[Amended 12-20-2011 by Ord. No. 2011-30]

- A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.
- B. The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.

C. Any person or organization violating the provisions of this chapter shall be subject to a penalty of a fine as prescribed in the Uniform Forfeiture and Bond Schedules.

### END OF AMENDMENT

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 18 day of October, 2016

VOTED FOR: 5  
VOTED AGAINST: 0

TOWN OF GRAND CHUTE

David Schowalter  
David Schowalter, Town Chairman

Karen L. Weinschrott  
Karen L. Weinschrott, Town Clerk

Approved as to Form

Charles Koehler

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