

ORDINANCE

SUBJECT: REGULATIONS AND LICENSING OF LARGE ASSEMBLIES

COMMITTEE: JUDICIARY AND LAW COMMITTEE

FIRST CONSIDERATION: October 20, 2011

FINAL CONSIDERATION: November 14, 2011

ORDINANCE # 99 - 11/11 **PUBLICATION DATE** November 26, 2011

The County Board of Supervisors of La Crosse County does ordain as follows:

**AN ORDINANCE TO AMEND S. 13.03 OF CHAPTER 13 OF THE GENERAL CODE OF
LA CROSSE COUNTY, WISCONSIN ENTITLED
"REGULATIONS AND LICENSING OF LARGE ASSEMBLIES"**

ANALYSIS

The purpose of this ordinance is to amend the regulations relating to large assemblies to recognize changes that have occurred since the passage of the original ordinance in 1994. The jurisdiction of this regulation covers the unincorporated areas of the county except for a town that has adopted similar regulations and a town that has its own police department.

The fees charged for a large assembly license (\$100 for a 1 or 2 day assembly and an additional \$100/day for each day in excess of 2 days) have been deleted from the ordinance and moved to the Master Fee Schedule that is presented to the County Board along with the annual budget. Instead of stating the amount of the fees in the ordinance, language has been added that the fees shall be determined by the County Board and subject to change from time to time.

Also, deleted from the ordinance is a requirement that the location be completely enclosed by a fence. The Sheriff's Department felt that the fencing requirement was not necessary and should be deleted.

The Sheriff's Department recommended that a medical professional that shall be on duty at all times during a large assembly shall be one of the following: a registered nurse, emergency medical technician (EMT), or a 1st Responder. An emergency medical technician intermediate (EMTI) was deleted from the list of medical personnel and the basic level EMT and 1st Responder were added. There is also a change in the requirement for ambulances at large assemblies. When the number of persons attending a large assembly is expected to exceed 10,000, this ordinance reduces the number of required ambulances on site from 2 to 1 and the number of EMT's from 4 to 2. Also deleted from the ordinance is the requirement that 3 ambulances be on site when the crowd is expected to exceed 30,000.

The ordinance deletes telephone requirements that were required for large assemblies. For instance, public pay phones, private telephone lines in the medical facility and other private line requirements have been deleted in recognition of the widespread use of cell phones that are readily available to persons attending a large assembly and personnel providing medical treatment. When this ordinance was adopted, cell phones were not widely available and the advancement of phone technology has eliminated the need for land lines. Also deleted is the requirement for a telephone service plan.

Added to the ordinance is a requirement that the applicant provide 1 licensed bartender for each separate beverage station that is serving alcohol.

As a part of the application process for obtaining a large assembly license, the applicant must receive prior approval from the Public Works and Infrastructure Committee if the event is to be held in a

County Park. If the event is to be held in an unincorporated area of the county other than a county park, the applicant must submit with the application a written resolution or letter from the town board or town clerk confirming that the town has approved the event. The Sheriff's Department will confer with other county departments to ensure that the event complies with state and local codes.

The names, addresses and hours of availability of medical personnel will no longer be required as a part of the application for a large assembly license. Also, deleted is the requirement that names, addresses, credentials and hours of availability of security personnel need to be provided to the Sheriff's department. However, the name of person in charge of security for the event and the name and phone number of the contact person are required.

Also, prior to submitting an application, the plans for fire protection must be submitted to the applicable local fire department and the date that the fire plan was submitted to the local fire department must be included with the application.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

ORDINANCE #99 - 11/11

**AN ORDINANCE TO AMEND S. 13.03 OF CHAPTER 13
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN ENTITLED
"REGULATIONS AND LICENSING OF LARGE ASSEMBLIES"**

County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Section 13.03 of the County Code is amended to read:

13.03 REGULATION AND LICENSING OF LARGE ASSEMBLIES.

(1) Authority. This section is adopted pursuant to authority granted in s. 59.02, 59.56(12)(b), and 175.20, Wis. Stats.

(2) Purpose. The purpose of this section is to regulate the assemblage of people in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in La Crosse County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected.

(3) Jurisdiction. The jurisdiction of this section shall apply to all unincorporated areas in the County except to any town that has adopted a similar regulation under s. 60.23(10), Wis. Stats. or has its own police department.

(4) Definitions.

(a) "Assembly" shall mean a company of persons gathered together at any location at any single time for any purpose and for which an admission or other fee is charged or refreshments or other products are sold.

(b) "Extra Ordinary Services" shall mean those provided by La Crosse County above and beyond its normal capabilities and requirements of providing public safety, that cause a measurable burden upon County personnel and material. Such services shall include extra police protection, traffic control or refuse collection, and the administration of this ordinance.

(c) "Person" shall mean any individual, corporation, firm, partnership, association, organization, university, school, or agent thereof, or any group acting as a unit as well as individually, and shall also mean an executor, administrator, trustee, receiver or other representative appointed according to law.

(5) License Required. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to any actual or reasonably anticipated assembly of 1000 or more people which continues or can reasonably be expected to continue for 4 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the La Crosse County Sheriff, application for which must be made at least 45 days in advance of the assembly. A license to hold an assembly issued to 1 person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(6) Regulations.

(a) A license shall be required for each day and each location in which 1000 or more people assemble or can reasonably be anticipated to assemble. The fee for an assembly of 1 or 2 days shall be determined by the County Board and shall be subject to change from time to time. An additional fee per day shall be charged for each day of an assembly in excess of 2 days as determined by the County Board.

(b) 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.

(c) The licensee shall not permit the sound of the assembly to unreasonably carry beyond the enclosed boundaries of the location of the assembly.

(d) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, auditorium, coliseum, race track or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(e) This section shall not apply to the following: government-sponsored fairs held on regularly established fairgrounds, assemblies required to be licensed by other County ordinances and regulations, and assemblies held in any city or village or in any town that has adopted a similar regulation.

(7) Conditions for Issuing License. No license hereunder shall be issued unless and until the applicant complies with the following conditions:

(a) The applicant shall indicate the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number of people shall not exceed 1 person per 15 square feet of space in the spectator area located in the assembly grounds 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 other ordinances of the County.

(b) The applicant shall provide proof that he/she will furnish the following at his/her own expense prior to the commencement of the proposed assembly:

1. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of persons assembled. Drinking fountains shall be available or if faucets are used for dispensing drinking water, then single service drinking cups shall be available and dispensed in a sanitary manner. Reuse of single service drinking cups is prohibited.

2. Separate enclosed toilets for males and females shall meet federal, state, and local specifications, particularly Comm. 55.32 Administrative Code, conveniently located throughout the grounds sufficient to provide facilities for the maximum number of people to be assembled. Each designated area shall have hand washing sinks with a continuous supply of soap and towers as required by federal, state, or local requirements.

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 sufficient trash cans with tight fitting lids and personnel to perform the task.

4. A registered nurse, emergency medical technician (EMT) or 1st Responder shall be on duty at all times during the assembly. There shall be provided an enclosed covered structure for medical treatment. When the number of persons exceeds 10,000, a minimum of 1 ambulance and 2 EMTs shall be provided by the applicant on site.

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

6. There shall be provided a controlled 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 1 parking space for every 4 persons.

7. There shall be provided 1 licensed bartender for each separate beverage station that is serving alcohol.

8. If the assembly is to continue overnight, camping facilities shall be provided and shall be in compliance with all State and local requirements pursuant to the Wisconsin Administrative Code and this Code, sufficient to provide camping accommodations for the maximum number of people to be assembled.

9. Security guards shall be provided by the applicant at a ratio of 1 to 800 persons assembled. Peace officers may be provided at the discretion of the Sheriff and shall be certified law enforcement officers in the State of Wisconsin. Security personnel shall be either Wisconsin peace officers or private guards licensed in the State.

10. Fire protection, including alarms, extinguishing devices and fire lanes and escapes shall be provided and be sufficient to meet all state and local standards for the location of the assembly pursuant to the Wisconsin Administrative Code and this Code and sufficient emergency personnel to efficiently operate the required equipment.

11. All reasonably necessary precautions shall be provided to insure that the sound of the assembly will not unreasonably carry beyond the enclosed boundaries of the location of the assembly.

12. Bond. No license shall be issued unless the applicant deposits with the County Sheriff a bond, either in cash or underwritten by a surety company licensed to do business in the State, at the rate of \$2.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the County or any of its agents, officers, servants or employees from any liability or causes of action which might arise by reason of granting this license and for the legal fees incurred in the defense of such actions and from any costs, expenses or claims incurred by or against La Crosse County for extra ordinary services required as a result of a licensed event.

13. Insurance. Prior to the issuance of the permit by the Sheriff, each applicant shall furnish evidence of a liability insurance policy in the amount of not less than \$500,000 per occurrence and \$1,000,000 annual aggregate, and such insurance shall be in force and effect at the time the event is to take place. Evidence of insurance shall include a Certificate of Insurance naming the County of La Crosse as an additional insured in connection with said event.

14. The applicant shall provide a method of informing the attending public of weather conditions by a loud speaker system that can be heard throughout the grounds, parking areas and campground. The applicant shall monitor the National Weather Service weather reports and the loud speaker and use the loud speaker to timely inform all persons attending of approaching weather.

(8) Application.

(a) Application for an event to be held in a county park requires the prior approval of the Public Works and Infrastructure Committee.

(b) At the time the application is submitted, the applicant shall provide the Sheriff with a certified copy of the town board resolution from the town wherein the event is to be held or a letter from the town clerk confirming that the applicant has met all town requirements and that the town has approved and authorized the event.

(c) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the La Crosse County Sheriff at least 45 days in advance of such assembly. The Sheriff or his/her designee will be responsible for conferring with the County Zoning and Health Departments to ensure that the large assembly complies with state and local codes and regulations.

(d) 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, 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 are no officers, by all members of such association, society or group.

(e) The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application in sub. (8)(b) 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 10% or more of the stock of such corporation; also the name, age, residence and mailing address of the registered agent.

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 owner of all such property.

3. 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 of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons.

4. The nature or purpose of the assembly.

5. The total number of days or hours during which the assembly is to last.

6. The maximum number of people which the applicant shall permit to assemble at any time, not to exceed 1 person per 15 square feet of space in the spectator area of the assembly grounds, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County, if the assembly is to continue overnight.

7. The maximum number of tickets to be sold, if any.

8. The plans of the applicant to limit the maximum number of people permitted to assemble.

9. If applicable, the 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, collecting and disposing of solid waste material.

13. The plans to provide for medical facilities including the location and construction of a medical structure.

14. The plans, if any, to illuminate the location 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, the points of highway access and the interior roads including routes between highway access and parking lots.

16. The plans for camping facilities, if any, including facilities available and their location.

17. The plans for security including the number of guards, the name of the security company or person in charge of security and the name and phone number of the contact person.

18. Prior to submitting an application, 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 shall be submitted to the local fire department. This information shall be included with the application including the date it was submitted to the local fire department.

19. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

20. 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.

(f) The application shall include the bond required in sub. (7)(b)13, the Certificate of Insurance required in sub. (7)(b)14, and the license fee required in sub. (6)(a).

(9) Issuance. The license shall be issued within 20 days of receipt of the application, provided all conditions of this section have been met and the plan is presented setting forth all the requirements of this section.

(10) Expenses for Extra Ordinary Services.

(a) In order to recoup the expenses for extra ordinary services of La Crosse County for the administration of this ordinance, as well as the extra costs incurred for police protection, traffic control and refuse collection at a facility conducting an event, the Sheriff shall submit a bill for such services to the event licensee following the end of the event.

(b) The event licensee shall be responsible for reimbursing La Crosse County for the extra ordinary expenses within 30 days after each event. Failure by the licensee to pay the bill submitted by the Sheriff within such time shall result in the forfeiture of the cash or surety bond required in sub. (7)(b)13 in the amount of the bill for the extra ordinary services.

(11) Enforcement.

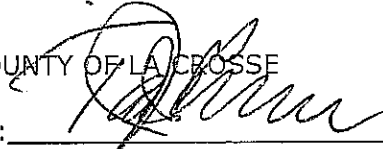
(a) Injunction. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

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

(c) Penalty. Any person who violates this section or who violated any condition upon which he/she is granted a license may be subject to a forfeiture of not less than \$500 nor more than \$1,000. Each day of violation shall be considered a separate offense. In addition, the court may revoke the license or licenses of the person or persons convicted.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

COUNTY OF LA CROSSE

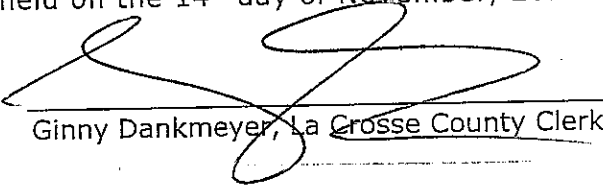
By: 
Tara Johnson, County Board Chair

By: 
Ginny Dankmeyer, County Clerk

PASSED: November 14, 2011
PUBLISHED: November 24, 2011

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 14th day of November, 2011.


Ginny Dankmeyer, La Crosse County Clerk