

ORDINANCE NO.: 5113

AN AMENDED ORDINANCE to create Chapter 39; to repeal and recreate section 2-2(b)(14); to repeal section 2-2(b)(23); to amend sections 4-181 and 4-182(a)(4); to amend various sections of Chapter 6; to repeal and recreate sections 10-394(7) and 10-757(17); to amend certain sections in Chapter 10, Article IV; to repeal and recreate Chapter 10, Article VIII; to amend section 32-134(b)(5); to amend sections 40-103 and 40-107; to repeal and recreate Chapter 40, Article VI of the Code of Ordinances of the City of La Crosse relating to the creation of special event permit policies and procedures.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Chapter 39 is hereby created to read as follows:

ARTICLE I. – IN GENERAL

Sec. 39-1. - Purpose.

The City of La Crosse encourages and supports community events that occur within the city limits because they serve an important role in enhancing the City's quality of life and can provide benefits to the community. The City's goal is to encourage and help coordinate special community events, while regulating these events in a positive manner to ensure the health and safety of participants in the event, efficient management of City services and the protection of public lands and facilities.

Such events are allowed subject to the reasonable requirements contained in City ordinances and the established policies and procedures. Proper planning, review and coordination with the City will ensure that special events are executed as efficiently and safely as possible. During the City's review and oversight in this process, the City will address traffic and parking issues, health and safety issues related to the participants and the public, effects upon neighboring properties, fire potential, explosions, disorder and other dangers to persons or property, preservation of peace and order, sanitation and the overall safeguarding of the public. The City will also consider the potential diversion of public safety, emergency and other services from their regular and necessary duties, and the additional costs of providing public services necessary to protect the public health, safety and welfare associated with special events.

The City also recognizes that marches and public assemblies held for the purpose of conveying messages protected by the Constitution play an important role in enhancing the public life of citizens as well as the interrelationship between citizens and their government. To that end, the City will similarly review requests to hold marches and public assemblies in the context of the safety and welfare of the community and the availability of resources, but will do so in an expedited and abbreviated manner to ensure that those wishing to hold and/or participate in such events may do so with unreasonable delays or restrictions.

Sec. 39-2. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person or authorized representative of the event organizer who signs an application for a special event or for a march or public assembly and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with the provisions of this Chapter, their application and the Special Events Policies and Procedures. Where a purported applicant is not a legal entity or organization, the applicant will be the individual signing the permit application.

Business days means those days in which municipal offices are open for conducting City business and does not include Saturday, Sunday or holidays in which the City is closed for business.

Event means a special event, a march or a public assembly.

Event coordinator means the individual identified by the event organizer that will be on-site, or available, at all times during the special event, march or public assembly to address problems as well as implement directions from City officials during the event.

Event organizer or organizer means the person that arranges, plans, coordinates or takes other substantive actions to gather persons for a special event, march or public assembly. The determination of whether someone is an event organizer shall be based upon common understanding and definitions of the words “organize”, “organizer”, “arrange”, “plan” and “coordinate” with the ultimate determination based upon the totality of the circumstances after considering all relevant factors, including, but not limited to, the following:

- (1) Whether the person establishes or takes substantive actions to establish the date for such special event, march or public assembly.
- (2) Whether the person plans or coordinates or takes substantive actions to arrange, plan or coordinate the activities associated with the special event, march or public assembly.
- (3) Whether the person plans or coordinates or takes substantive actions to arrange, plan or coordinate the activities of persons to assist with the operation of the special event, march or public assembly.
- (4) Whether the person erects or arranges, plans or coordinates or takes substantive actions to arrange, plan or coordinate the erection of temporary structures, placement of barricades or cones, signs or other structures or objects to facilitate the special event, march or public assembly.
- (5) Whether the person advertises and promotes the event by means of traditional advertisements, banners, flyers, web-based promotion, social media or other means.
- (6) Whether the person creates or causes another to create original content related to the advertisement or promotion of the special event, march or public assembly.
- (7) Whether the person pays any costs or expenses for the purpose of the special event, march or public assembly.
- (8) Whether the person receives revenue from the special event, march or public assembly, directly or indirectly, by admissions, concessions and sales of other products or services.

Event organizer does not include persons which solely advertise or promote a special event, march or public assembly as part of a contract or agreement for advertising services, such as a newspaper who accepts advertisement for an event, a convention and visitors bureau, tourism bureau or persons who merely pass along information pertaining to an event through word of mouth, social media or otherwise. Event organizer does not include persons that provide sponsorship through the provision of money, goods or services, whether in

exchange for advertising or not, for a special event, march or public assembly within a separately identified organizer.

Extraordinary services means reasonable and necessary services provided by the City which specifically result from the special event, march or public assembly. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a non-event day. Extraordinary services will normally be those services requiring City employees to be specifically assigned to tasks in support of the special event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police personnel and services, fire personnel and services, traffic control, parks services, street department personnel and services and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services and the proper administration of this Ordinance and policy.

In partnership with the City means where the City has engaged, will engage or is currently engaging in at least fifty percent (50%) of the event organizer activities.

March means a group of persons, of any number, moving from one place to another on a public way or public place, which requires a street closing or otherwise requires police officers to stop, reroute or alter the normal flow of vehicle or pedestrian traffic because marchers are unlikely to comply with traffic regulations and controls. A march is for the purpose of conducting activities which are protected by the Constitution. All circumstances which do not meet the specific definition of a march will be reviewed as a special event. A parade does not constitute a march and shall be reviewed as a special event under Article II of this Chapter.

Neighborhood block party means a gathering of abutting neighbors and their relatives and friends, with an anticipated attendance under 100 people, held within a public way of a residential neighborhood, which has been temporarily closed for the gathering.

Parade shall mean any parade, procession or group walk, run or bike tour/race including the staging areas; not including a funeral procession, presidential or gubernatorial procession or military convoy.

Public assembly means an organized public gathering or group of persons, of any number, which is reasonably anticipated to obstruct the normal flow of vehicular or pedestrian traffic upon a public way or the normal use of a public place because those assembled will not comply with the traffic regulations or controls, or with other public place use laws or policies, and will be located in one place, but does not meet the definition of march. A public assembly is for the purpose of conducting activities which are protected by the Constitution. All circumstances which do not meet the specific definition of a public assembly will be reviewed as a special event.

Public right-of-way, public way and right-of-way means the surface and space above and below an improved or unimproved public street, road, boulevard, alley, lane, highway or sidewalk, bicycle lane, trail or path, public grounds or land dedicated to public use, or any part thereof; including those portions of any public place under the control of the public which have been designated for use by motor vehicles.

Special event means a temporary planned occurrence on public or private property and involves at least one of the circumstances listed below:

- (1) Exclusive use of all or part of all or part of waterways, or City-owned facilities, within the City boundaries such as buildings, parks, open spaces, streets, parking lots, athletic fields, etc., but does not include normal park shelter rentals or La Crosse Center rentals.
- (2) Will involve the closing of a public way; not including neighborhood block parties pursuant to section 40-107.
- (3) Over 200 people at any one time attending the event on private property, except those situations meeting the definition of a public assembly.
- (4) City ordinances and rules require public safety support by City employees.
- (5) Will require extraordinary services by any City department.
- (6) Hours of the event extend beyond those otherwise adopted in City ordinances.
- (7) Alcohol beverages and/or food will be served or sold, merchandise or other items are sold and/or outdoor music is provided.

Examples of special events include, but are not limited to, parade or procession of any kind including a group walk or run or bicycle tour or race; festivals and carnivals; outdoor concerts; sporting events and competitions; air shows; charity fundraisers and similar events that include any of the following: alcohol beverages, food and/or merchandise vendors, outdoor music, the closure of streets or public way.

Sponsor means a person who contributes financially toward an event in effort to promote awareness and visibility.

39-3. – Extraordinary services.

In addition to permit and license fees, applicant shall be responsible for reimbursement of extraordinary services including, but not limited to, personnel services, equipment and facilities provided for the event when municipal services were increased or disrupted because of the event.

- (1) The City may require that event organizer pay all costs for extraordinary services provided by the City for the event, with the total costs incurred to be invoiced to the organizer within thirty (30) days after the conclusion of the event.
- (2) The City may require the event organizer pay less than the costs for extraordinary services provided by the City depending upon the unique circumstances of the event, with the remaining actual costs to be waived. Any amounts required to be paid shall be invoiced to the organizer within thirty (30) days after the conclusion of the event.
- (3) The City may waive all costs for extraordinary services provided for the special event. Requests for waiver will be reviewed and shall consider the event sponsors are making good faith efforts to minimize adverse effects on the health, safety and welfare of the community and as a result minimizing the need for City employee involvement, the burden the special event places on the City's taxpayer's as a whole and the financial condition of the event organizers.
- (4) The City reserves the right to require advance full or partial payment of estimated extraordinary service costs. The amount of the deposit shall be based upon the cost estimate for the extraordinary services which may be incurred. The permit shall not be issued until the event organizer complies with any required deposit.
- (5) If the actual costs for extraordinary services provided exceeds the deposit and has not been waived, then the difference shall be invoiced to the event organizer. If the actual

costs for extraordinary services provided is less than the amount of funds deposited in advance, then any unused amount must be reimbursed to the organizer within thirty (30) days after the conclusion of the event.

Sec. 39-4. – Indemnification and Hold Harmless.

Applicant, on behalf of event organizer, shall be required to sign an agreement in a form acceptable to the City in which they agree to indemnify the City and its departments and hold the City and its departments, employees and agents harmless from any liability to any person resulting from any damage or injury to the property or any person which occurs in connection with the permitted event proximately caused by any actions or inactions of the event's organizer, their officers, employees or agents or any person under their control insofar as permitted by law.

Sec. 39-5. – Enforcement and Revocation.

The enforcement of this Chapter shall be under the jurisdiction of the Police Department and Fire Department who shall have the power to inspect to determine compliance with this article.

A permit may be revoked by the Mayor, Police Department or Fire Department when necessary to protect the health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or by a major change in the conditions forming the basis of the standards of issuance or due to the noncompliance of this Chapter, this Code or applicable State or Federal laws.

Sec. 39-6. – Appeal.

The revocation or denial of a permit under this Chapter may be appealed to the Judiciary & Administration Committee after providing the applicant with an opportunity for hearing. Chapter 68 of the Wisconsin Statutes does not apply.

Secs. 39-7 - 39-10. - Reserved.

ARTICLE II. – SPECIAL EVENT

Sec. 39-11. - Permit required.

- (a) No person shall conduct a special event as defined herein within the City without first obtaining a special event permit in compliance with the provisions of this Article. Permits are valid only for the dates, time and location specified in the permit. This provision shall apply to all events proposed after the effective date of this ordinance [insert date] whether or not the event in question has been a reoccurring event within the City.
- (b) The following events are exempt from the provisions of this Article unless otherwise specified:
 - (1) Events organized solely by, or in partnership with, the City; however, compliance with section 39-12 shall be required. Events in which the City participates only as a sponsor are not exempt from the regulations of this Article.
 - (2) Events held solely at the La Crosse Center, including those that require special parking restrictions and/or may require expansion of its alcohol license.

- (3) Neighborhood block parties that do not require extraordinary services or licenses/permits other than a short-term street privilege permit pursuant to section 40-107.
 - (4) Youth, intramural and league sporting events that do not require extraordinary services or licenses/permits other than a park use or facility permit.
 - (5) Private events in City park or facilities not requiring extraordinary services or other licenses/permits other than a park use or facility permit.
 - (6) Events held entirely on private property not requiring extraordinary services or other licenses/permits.
 - (7) Events on property otherwise exempt from City permitting requirements such as events wholly contained on property owned by the State of Wisconsin or Board of Regents.
 - (8) Farmers Markets permitted by the La Crosse County Health Department not requiring extraordinary services or other licenses/permits.
- (c) The City Clerk shall have the exclusive authority to determine whether or not an event meets the definition of a special event and whether or not a permit is required for any particular event.
 - (d) A Parks, Recreation & Forestry park use or facility permit may be required depending on the location of the special event and is not provided for in this permit process.
 - (e) The approval of any special event application shall always be contingent upon the approval of all other necessary permits and licenses not provided for in this permit process.
 - (f) All permits required as part of said special event shall be displayed or have available for display upon request of any enforcer.

Sec. 39-12. - Application.

- (a) Application for special event permits shall be filed with the City Clerk, on forms provided by the City, no less than sixty (60) days prior to the proposed event including application for all other necessary permits and/or licenses related to said special event.
- (b) Applicants are encouraged to submit application as far in advance of an event as possible, but no application shall be accepted more than one (1) year prior to the proposed date of the event.
- (c) A special event application shall include the following:
 - (1) Event Organizer: Name, address, phone number, email and website.
 - a. Each officer and/or member of said entity or organization must provide personal data information and are subject to a criminal background check.
 - b. Applicant shall present to the City Clerk for examination and/or to be photocopied, when applicable:
 - i. Nonprofit Tax Exempt Designation/Number
 - ii. Wisconsin Seller Permit
 - (2) Event Coordinator: Name, address and phone number/email including any other method by which the City can contact the event coordinator during the special event.
 - (3) Event Information: Name, location(s) and/or route traveled, date and time including schedule of set up and take down, description of event including anticipated attendance and any entry fee.

- a. If the event is in a City park or facility, approval by the Board of Park Commissioners.
 - b. If the event is to be held on private property, a notarized authorization from the property owner stating that the applicant has permission to use said property is required.
 - c. If the event is to include a parade or procession of any kind, the following information must be provided: date when the parade is to be conducted and its duration; the staging area, starting point, the route to be travelled and termination point; the number and size of units comprising the parade.
- (4) Any additional information as may be requested by the City including, but not limited to:
- a. Map of Special Event Area: presence of/sale of alcohol, stages, temporary structures, vendors, carnival, portable toilets, garbage/recycling receptacles and dumpsters, fencing, exit locations for fenced events, accessible paths for wheelchairs, handicap parking, street/alley/right-of-way closures.
 - b. Event Schedule.
 - c. List of vendors including food/goods being offered for sale (due no less than 14 days prior to the event).
- (5) Insurance as provided in Section 2-2(b)(14).
- (6) Indemnity and Hold Harmless as provided in Sec. 39-4.
- (7) Any additional information which any member of the Special Event Review Staff finds reasonably necessary to the enforcement of this article.

Sec. 39-13. – Classes of Permit and Fees.

- (a) There shall be the following classifications of special event permits:
- (1) Class I: Single day event -
 - a. without use or closure of public way and no outdoor music.
 - b. with use or closure of public way only – one city block or less.
 - c. with use or closure of public way only – greater than one city block.
 - d. with use or closure of public way and/or outdoor music.
 - (2) Class II: Multiple day event -
 - a. without use or closure of public way and no outdoor music.
 - b. with use or closure of public way only – one city block or less.
 - c. with use or closure of public way only – greater than one city block.
 - d. with use or closure of public way and/or outdoor music.
- (b) Permit fees shall be in the amount established by resolution and are non-refundable.
- (c) All permit fees shall be paid to the City Treasurer at the time of application.
- (d) The special event permit fee identified herein is separate from other permit or license fees required to hold said special event. Examples of other permit or license fees include those for temporary alcohol license, temporary structure permit, carnival permit, fireworks permits.
- (e) Fees for extraordinary services as set forth in Sec. 39-3.
- (f) The City, where good cause is shown, may consider an application which is filed less than sixty (60) days before the date of such event is proposed to be conducted; however, the permit fee will be double. This provision shall not apply should there be insufficient time to

process the application as determined by the appropriate processing City officials. ~~In no situation will~~ Only in unforeseen circumstances may a license permit be granted when submitted less than fifteen (15) days in advance.

Sec. 39-14. – Clean Up Bond.

In addition to permit fees, a \$100 cash deposit is required at the time of application for any event on City-owned property or public right-of-way. If there is no damage to repair or clean up required, the deposit shall be returned. If there is damage to City property or clean up required after an event, the deposit will not be returned and any additional fees over and above the deposit will be invoiced to the event organizer following the event's conclusion.

Sec. 39-15. – Application process/investigation.

- (a) Upon receipt of a complete application and payment of the required fee, the City Clerk shall distribute the application to the following departments for their review: Police; Fire; Parks, Recreation & Forestry; Engineering and Public Works; Streets; Municipal Transit Utility; Parking Utility and La Crosse County Health (hereinafter "Special Event Review Staff"). Department review including a recommendation as to whether a permit shall be granted or denied shall be returned to the City Clerk as soon as reasonably practicable but no more than thirty (30) days following distribution of the application.
- (b) The City, in reviewing the application, may consult any other state, county or local body as necessary for assistance in evaluating the application in order to promote the safety, health, welfare and security of the residents of the City and the persons attending the special event.
- (c) Upon receipt of each application from the City Clerk, the Police Department shall conduct an investigation of the applicant and statements made on such application.
- (d) Applications will be considered in the order received.

Sec. 39-16. - Issuance of License Permit.

Upon receiving favorable recommendation provided for in section 39-15, the City Clerk shall issue a permit to applicant authorizing the special event in accordance with its application and provisions of this Article.

Upon issuance of a special event permit, the City Clerk shall send a copy thereof to the Mayor, special event review staff and the council member of the district where the special event will be located.

The City Clerk shall refuse to license the applicant if it is determined, pursuant to investigation referenced in section 39-15, that:

- (1) The application contains any material omission or materially inaccurate statement.
- (2) Complaints of material nature have been received against the applicant by authorities of the last cities, villages and towns, in which the applicant conducted similar business.
- (3) The proposed special event reasonably appears, due to the event's nature, location, anticipated number of attendees or other factors, to present a threat to public safety or health, or would otherwise be unlawful.

- (4) The proposed special event is of such a nature or duration that it cannot reasonably be accommodated in the requested location.
- (5) The conduct of the proposed special event will likely substantially interrupt normal flow of vehicular and/or pedestrian traffic in the proposed location and cannot be reasonably accommodated by the City.
- (6) The proposed special event is of such a size or nature requiring the diversion of so great a number of police officers or other emergency services as to deny reasonable emergency services to the City as a whole.
- (7) The proposed special event conflicts with or interferes with another special event for which a permit has already been granted.
- (8) The applicant was convicted of a crime, statutory violation or ordinance violation; the nature of which is directly related to the applicant's ability to engage in the conduct for which the permit is required.
- (9) Applicant fails to comply with requirements of any reviewing department provided for in section 39-15.
- (10) The applicant failed to comply with any application provision pursuant to section 39-12.
- (11) Applicant failed to pay the fees pursuant to section 39-13.

The City Clerk shall provide written notice of any denial of permit within thirty (30) days of receipt of an application. If the application is denied, the notice shall state the reason for denial.

In lieu of denying a permit, the City Clerk may authorize modifications suggested by any processing City official. The applicant may accept such modifications by immediately notifying the clerk, in writing, of such acceptance.

Sec. 39-17. - Policies and Procedures.

Special events must comply with all applicable Federal and State laws, City ordinances and the Special Event Policies and Procedures adopted herewith by the Common Council.

The City Clerk has the authority to modify the Special Event Policies and Procedures as necessary with the City Clerk's discretion.

Secs. 39-18 - 39-25. - Reserved.

ARTICLE III – MARCH OR PUBLIC ASSEMBLY

Sec. 39-26. - Permit Required.

- (a) No person shall set up for, hold or conduct a march or public assembly, as defined herein, within the City without first obtaining a March or Public Assembly permit in compliance with the provisions of this Article.
- (b) The following public assembly or marches do not require a permit:
 - (1) Groups of fifty (50) people or fewer may hold a public assembly in a City park, other similar City-owned property or private property without a permit.
 - (2) Marches and public assemblies on sidewalks that do not obstruct the normal flow of pedestrian traffic do not require a permit.
 - (3) Protests, marches and public assemblies in response to breaking news where such protest, march or public assembly is a spontaneous and immediate (within twelve (12) hours of the event occurring) response to a current event.

- (c) The City Clerk shall have the exclusive authority to determine whether or not an event meets the definition of a march or public assembly and whether or not a permit is required for any particular event.
- (d) All permits required as part of said event shall be displayed or have available for display upon request of any compliance officer.

Sec. 39-27. – Application.

Applications for any march or public assembly shall be filed with the City Clerk, on forms provided by the City, no less than five (5) business days prior to the proposed event. An application for a march or public assembly shall include the following:

- (1) Event Organizer: Name, address, phone number, email and website.
- (2) Event Coordinator: Name, address and phone number/email including any other method by which the City can contact the event coordinator during the special event.
- (3) Event Information: Name, location(s) and/or route traveled, date and time including schedule of set up and take down, description of event including anticipated attendance and any entry fee.
- (4) Indemnity and Hold Harmless as provided in section 39-4.

Sec. 39-28. - Fees.

- (a) Permit fees shall be in the amount established by resolution and are non-refundable. In lieu of the permit fee, the event organizer may submit with the application a request that fees be waived, including those for extraordinary services, and provide in detail the reasons for the financial hardship and any other reasons for the request.
- (b) All fees shall be paid to the City Treasurer at the time of application.
- (c) The permit fee identified herein is separate from other permit or license fees necessary to hold the event. Examples of other permit or license fees include those for temporary alcohol, temporary structure permit, carnival permit, fireworks permit.
- (d) Fees for extraordinary services as set forth in section 39-3.
- (e) The City, where good cause is shown, may consider an application which is filed less than five (5) business days before the date of such event is proposed to be conducted; however, the permit fee will be double. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

Sec. 39-29. – Application process/investigation.

- (a) It shall be the policy of the City to review permit applications for marches and public assemblies solely on the basis of their effect on the health, safety and welfare of the community. The City does not discriminate against any particular group or type of speech expected to be present when reviewing and acting upon any march and/or public assembly permit application.

- (b) Upon receipt of a complete application and payment of the required fee, the City Clerk shall distribute the application to the following departments for their review: Police; Fire; Parks, Recreation & Forestry; Engineering and Public Works; Streets; Municipal Transit Utility; Parking Utility and La Crosse County Health (hereinafter "Special Event Review Staff"). Department review including a recommendation as to whether a permit shall be granted or denied shall be returned to the City Clerk as soon as reasonably practicable but no more than three (3) days following distribution of the application.
- (c) The City, in reviewing the application, may consult any other state, county or local body as necessary for assistance in evaluating the application in order to promote the safety, health, welfare and security of the residents of the City and the persons attending the event.
- (d) The City's review of any permit application and/or its subsequent issuance of a permit shall not be construed as acceptance by the City or its representatives of any liability or responsibility for any injury or damage relating to the march or public assembly. Marches and public assemblies are temporary in nature and do not vest any permanent rights.
- (e) The City's decision related to march and public assembly permit applications shall include a requirement that the application fee be paid or that the fee is waived, a requirement that the costs for extraordinary services be paid by the event organizer(s) or that the costs are waived and a requirement that any other condition(s) allowed by law and which are necessary to ensure the health, safety, and welfare of the community shall be incorporated into the terms of any approved permit.

Sec. 39-30. - Issuance of License.

Upon receiving favorable recommendation provided for in section 39-29, the City Clerk shall issue a permit to applicant authorizing the march or public assembly in accordance with its application and provisions of this Article.

Upon issuance of a March or Public Assembly permit, the City Clerk shall send a copy thereof to the Mayor, special event review staff and the council member of the district where the event will be located.

The City Clerk shall refuse to license the applicant if it is determined, pursuant to investigation referenced in section 39-29, that:

- (1) The application contains any material omission or materially inaccurate statement.
- (2) Complaints of material nature have been received against the applicant by authorities of the last cities, villages and towns, in which the applicant conducted similar business.
- (3) The proposed event reasonably appears, due to the event's nature, location, anticipated number of attendees or other factors, to present a threat to public safety or health, or would otherwise be unlawful.
- (4) The proposed event is of such a nature or duration that it cannot reasonably be accommodated in the requested location.
- (5) The conduct of the proposed event will likely substantially interrupt normal flow of vehicular and/or pedestrian traffic in the proposed location and cannot be reasonably accommodated by the City.
- (6) The proposed event is of such a size or nature requiring the diversion of so great a number of police officers or other emergency services as to deny reasonable emergency services to the City as a whole.

- (7) The proposed event conflicts with or interferes with another event for which a permit has already been granted.
- (8) The applicant was convicted of a crime, statutory violation or ordinance violation; the nature of which is directly related to the applicant's ability to engage in the conduct for which the permit is required.
- (9) Applicant fails to comply with requirements of any reviewing department provided for in section 39-29.
- (10) The applicant failed to comply with any application provision pursuant to section 39-27.
- (11) Applicant failed to pay the fees pursuant to section 39-28.

The City Clerk shall provide written notice of any denial of permit within three (3) business days of receipt of an application. If the application is denied, the notice shall state the reason for denial.

Before any March or Public Assembly permit is denied in whole or in part, the City shall make all reasonable efforts to discuss with the applicant the proposed event and its effect upon the public safety, and shall provide or suggest to the applicant reasonable alternative dates, times, locations or other terms, conditions and parameters of the march or public assembly, to the extent that any such alternatives, terms or conditions may be reasonably carried out while protecting the public's health, safety and welfare.

SECTION II: Sec. 2-2(b)(14) is hereby repealed and recreated as follows:

(14) Special event permit (Chapter 39).

- a. Prior to issuance of a permit, applicant shall provide the City Clerk with the following evidence of insurance:
 - i. Comprehensive general liability insurance in the amount of not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage.
 - ii. Automobile liability insurance in the amount of not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage. Said policy shall cover all owned, non-owned and hired vehicles.
 - iii. For events that include a Temporary Class B Alcohol License, liquor liability insurance in the amount of not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage.
- b. Said insurance policy shall be in force and effect at the time such event is to take place, and shall, by the acceptance of the permit, be deemed to agree to indemnify, defend and hold the City harmless for all damages of any variety. The coverage shall contain no special limitations on the scope of protection afforded to the City.
- c. Said policy must be endorsed naming the City of La Crosse, its elected and appointed officials, officers, employees or authorized representatives or volunteers as additional insured. Proof of insurance coverage must contain the additional insured endorsement (via ISO endorsement CG2010, CG 2033 or insurer's equivalent for general liability coverage); a statement alone on the certificate is not sufficient.
- d. If a special event organizer is self-insured, it must provide evidence of alternative proof of coverage, in a form acceptable to the City Clerk. The City shall be named as an additional insured.

- e. In addition to insurance, organizers of special events shall be required to sign an agreement in which they agree to indemnify the City, and its departments, and hold the City and its departments, employees and agents, harmless from any liability to a person resulting from any damage or injury to property or any person which occurs in connection with the permitted event proximately caused by any actions or inactions of the event's organizer, their officers, employees or agenda, or any person under their control insofar as permitted by law.

SECTION III: Sec. 2-2(b)(23) is hereby repealed.

SECTION IV: Section 4-181 is hereby amended to read as follows:

Sec. 4-181. - Application.

Application for a Temporary Class "B"/"Class B" License shall be made in writing on the form prescribed by law and filed with the City Clerk who may grant the same after appropriate review by the La Crosse County Health Department, Police Department and Fire Department – ~~Fire Prevention and Building Safety~~. Said application shall be filed with the City Clerk not less than ~~15~~ sixty (60) days prior to the event. A fee in the amount established by resolution shall accompany each application.

SECTION V: Section 4-182(a)(4) is hereby amended to read as follows:

- (4) Fermented malt beverages, wine and other refreshments must be served in disposable containers, either paper or plastic, or aluminum cans.

SECTION VI: Section 6-1 shall remain unchanged except for the following:

~~Circus means a commercial variety show featuring animal acts for public entertainment.~~

Kept means to keep, own, possess, care for or harbor.

SECTION VII: Section 6-8 shall be amended to read as follows:

Sec. 6-8. - Animals and species prohibited within the city.

- (a) The species named in this section and vicious or wild animals as defined in section 6-1 are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance within the City and may not be kept by any person within the City limits of La Crosse. Species prohibited by this section are: livestock, including all cattle, horses, mules and donkeys, sheep and goats and swine; and also all mink, foxes, skunks, raccoons, pigeons, geese, ducks, poisonous snakes, alligators, crocodiles and other wild animals as defined in section 6-1. This section does not apply to: ~~agricultural zoned districts of the City and animals permitted in connection with lawful uses therein or wild animals as permitted in section 6-9.~~

(1) Agricultural zoned districts of the City and animals permitted in connection with lawful uses therein.

(2) Wild animals as permitted in section 6-9.

(3) Animals under the control of a licensed carnival, circus or menagerie per section 10-299.

- (4) A public zoo or aquarium.
- (5) Animals under the control of a person authorized by the Department of Natural Resources.
- (6) Animals under the control of a veterinarian for the purpose of providing medical treatment to a prohibited animal.

(b) The following animals shall be prohibited except as provided by their respective sections:

- (1) Chickens per section 6-16.
- (2) Bees per section 6-18.
- (3) Certain domesticated animals including miniature cows, ponies or donkeys; sheep, goats and swine; alpaca or llama; chickens, ducks and geese; and semi-domesticated reindeer are only allowed at permitted special events pursuant to Chapter 39 of this Code.

SECTION VIII: Section 6-9(a) shall be amended to read as follows:

Sec. 6-9. - Wild or vicious animals.

(a) No person shall keep or permit to be kept on such person's premises any wild or vicious animal for display or for exhibiting purposes, ~~whether gratuitously or for a fee.~~ This section shall not be construed so as to apply to a zoo, theatrical exhibit. apply to:

- (1) Animals under the control of a licensed carnival, circus or menagerie per section 10-299.
- (2) A public zoo or aquarium.
- (3) Animals under the control of a person authorized by the Department of Natural Resources.
- (4) Animals under the control of a veterinarian for the purpose of providing medical treatment to a prohibited animal.

SECTION IX: Section 10-394(7) shall be recreated to read as follows:

- (7) Any person with a food stand/mobile food unit vending at a permitted special event pursuant to Chapter 39, with permission from event organizers, so long as they are on the grounds under the control of the event organizers other than parade routes;

SECTION X: Section 10-757(17) shall be recreated to read as follows:

- (17) Any person vending goods at a permitted special event pursuant to Chapter 39, with permission from event organizers, so long as they are on the grounds under the control of the event organizers other than parade routes;

SECTION XI: Sec. 10-102(5) is hereby amended to read as follows:

- (5) No licensee of an outdoor cabaret shall be permitted to provide music, dancing or singing from 10:00 p.m. to 10:00 a.m., ~~except the Common Council shall establish the time restrictions for a special event outdoor cabaret.~~

SECTION XII: Sec. 10-102(10) is hereby repealed and (11) renumbered as follows:

~~(10) Prior to the issuance of the special event outdoor cabaret license by the Clerk, the applicant shall furnish evidence of insurance as provided in section 2-2.~~

(4410) Outdoor cabaret licensees must provide sufficient sanitation facilities to accommodate the anticipated capacity.

SECTION XIII: Section 10-138(a) is hereby amended, 10-138(a)(3) is hereby repealed and 10-138(b) is hereby amended to read as follows:

(a) License fees shall be in the amount established by resolution. There shall be ~~three~~ two classes of cabaret licenses designated as:

~~(3) *Special event outdoor cabaret.* Special event outdoor cabaret licensees shall be permitted to conduct an outdoor cabaret as defined in section 10-100; however, such license shall be for a period not exceeding one day, and may exceed the noise levels established in this Code, provided the sounds emanating from the outdoor cabaret are reasonable under the circumstances, subject to Common Council approval.~~

(b) ~~Except for the special event outdoor cabaret license, each license shall terminate on June 30 next following its issuance.~~

SECTION XIV: Section 10-140(e) is hereby repealed as follows:

~~(e) All property owners within 1,000 feet of the proposed licensed premises for a special event outdoor cabaret license shall receive notice of the application. A license shall only be granted following approval by a two-thirds vote of the Common Council.~~

SECTION XV: Chapter 10, Article VIII is hereby repealed and recreated to read as follows:

Sec. 10-276. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Admission means a form of payment to gain admittance such as ticket fee, button fee, entrance fee.

Carnival means a traveling funfair including amusement rides, inflatables, attractions and games.

Circus means a public entertainment provided by a traveling company consisting of a variety of performances including acrobats, trapeze artists, clowns and trained animals.

Menagerie means a temporary collection of live animals for public display.

Sec. 10-277. - License required.

(a) No person shall exhibit any circus, carnival or menagerie of any kind without first having obtained a license therefor; except as provided as follows:

(1) Events held within the confines of the La Crosse Center under contract with the La Crosse Center and the City of La Crosse.

- (2) Events offering only one (1) carnival attraction (i.e. one amusement ride or one inflatable) and is offered free of admission or other charge.
- (b) No circus, carnival or menagerie shall be conducted without being part of a Special Event pursuant to Chapter 39 of this Code.

Sec. 10-278. - Application.

- (a) Application for a circus, carnival or menagerie shall be filed with the City Clerk, on a form provided by the City, no less than sixty (60) days prior to the event.
- (b) The application shall contain the following information:
 - (1) Operator: name, address, phone number, email and website.
 - a. Each officer and/or member of said entity or organization must provide personal data information and are subject to a criminal background check.
 - (2) Show Information: location, date, time and description of animals, if applicable.
 - (3) Manager/Person in Charge: name, address, phone number and email.
 - a. Manager/person in charge must provide personal data information and is subject to a criminal background check.

Sec. 10-279. - License fees.

The license fee required for a circus, carnival or menagerie shall be in the amount established by resolution, paid at the time of application is non-refundable.

Sec. 10-280. – Clean up bond.

In addition to the license fee, a \$250.00 cash deposit is required at the time of application to guarantee clean up and proper disposal of all rubbish, trash and other material deposited in the streets or public way of the City or upon the grounds where the exhibition is held. If the City determines the cleanup is satisfactory, the City Clerk shall refund the bond. In the event damages are caused on public property or cleanup is required, the cost of either or both shall be itemized and deducted from the bond, and the balance returned. Any fees over and above the deposit will be invoiced to the operator.

Sec. 10-281. - Insurance.

Every circus, carnival or menagerie shall provide additional liability insurance as provided in section 2-3.

Sec. 10-282. – Application process/investigation.

Upon receipt of a completed application and payment of the required fee, the City Clerk shall distribute the application to the following departments for review: La Crosse County Health, Police and Fire Departments. Each department shall review each application and the operation and provide a recommendation as to whether the license shall be approved or denied. The Police Department shall also conduct an investigation of the applicant and statements made on such application.

Sec. 10-283. - Issuance of license.

Upon receipt of approval by the reviewing departments, the City Clerk shall issue a license for such circus, carnival or menagerie.

Sec. 10-284. – Enforcement and Revocation.

The enforcement of this article shall be under the jurisdiction of the Police Department and Fire Department who shall have the power to inspect to determine compliance with this article.

A license may be revoked by the City Clerk upon the advice of the La Crosse County Health Officer, Chief of Police or Fire Chief that any state or local law has been violated by the holder of said license or its agents or servants.

Sec. 10-285. - Street damage.

Nothing herein shall relieve any licensee from damages done to any City street or other public ground.

SECTION XVI: Section 32-134(b)(5) shall be amended to read as follows:

Sec. 32-134. - General prohibitions.

(b) Measurement of noise.

- (5) Sounds emanating from ~~the annual Oktoberfest celebration at both the north and southside grounds,~~ events held at the southside Oktoberfest grounds, in Copleland Park and events or in Riverside Park are exempt from the provisions of this section but shall be subject to any conditions provided for within the permission to hold such event. ~~For any other event, a special event outdoor cabaret may be permitted to exceed the noise levels established in this section in accordance with chapter 10, article IV.~~

SECTION XVII: Section 40-103 shall remain unchanged except for the following:

Sec. 40-103. – Definitions.

Applicant means a ~~tenant or property owner who is applying~~ person authorized to apply for a new or renewal street privilege permit in a public right-of-way; including a property owner or tenant or special event applicant or organizer.

Neighborhood block party and block party means a gathering of abutting neighbors and their relatives and friends, with an anticipated attendance under 100 people, held within a public way of a residential neighborhood, which has been temporarily closed for the gathering.

Public right-of-way, public way and right-of-way means the surface and space above and below an improved or unimproved public street, road, boulevard, alley, lane, highway or sidewalk, bicycle lane, trail or path, public grounds or land dedicated to public use, or any part thereof; including those portions of any public place under the control of the public which have been designated for use by motor vehicles.

Special event has the same meaning as provided in section 39-2 of this Code.

SECTION XVIII: Section 40-107 shall be amended to read as follows:

Sec. 40-107. - Short-term street privilege permits.

Short-term street privilege permits for the use of public ways may be granted to applicants by the Board for the purpose of encumbering the public way ~~with materials or equipment necessary in and about the construction, reconstruction, maintenance, repair or demolition of any building or structure, or part thereof, or appurtenances thereto,~~ provided such applicant has complied with the other requirements of this article and has obtained ~~a building or wrecking~~ all necessary permits as required by this Code. Short term permits required hereunder shall be issued by City staff on behalf of the Board. Other short term permits may be issued by the Board. The Board may, in addition to the other requirements of this article, prescribe additional conditions and restrictions for any permit issued hereunder.

- (1) Neighborhood ~~Block parties, special events and other recreational uses.~~ The City Engineer Director of Engineering & Public Works may ~~order the issue a~~ short term permit to temporarily ~~closing of~~ close a public way for the purpose of authorizing a ~~street closure,~~ neighborhood block party or other special event to be held thereon.
 - a. ~~Before ordering~~ authorizing any temporary ~~street closing use or closure,~~ the City Engineer following Departments shall be consulted: ~~with the Police, and Fire Departments, Streets and Traffic Engineering & Public Works.~~ The City Engineer ~~may decline to order the~~ A temporary street closing closure may be denied for good cause, including, but not limited to, his determination that the ~~street closing use or closure~~ would cause or tend to cause unreasonable traffic congestion, result in a disturbance of the peace, or endanger the public health, safety or welfare.
 - b. ~~The block party or s~~Street closing closures for neighborhood block parties shall be limited to one City block, ~~unless otherwise approved by the Board.~~ Arterial streets, major collector streets and streets with bus routes may be unacceptable for block parties or other special events.
 - c. ~~The applicant must be a resident residing on the block for which the permit is applied.~~
 - dc. Neighborhood block parties and other special events in the public way shall start no earlier than 10:00 a.m. and shall ~~terminate~~ conclude no later than 11:00 p.m. unless otherwise approved. ~~Amplified noise or music is prohibited at such parties, unless appropriate approval is obtained in accordance with this Code.~~
 - d. Noise in excess of the noise control levels as provided for in Sec. 32-134 of this Code is prohibited at such events.
 - e. Barricades are available without a fee if picked up, set and returned by the applicant. ~~If b~~Barricades are required for Saturday or Sunday activities, they must be picked up at the Municipal Services Building, 2000 Marco Drive, Isle La Plume, prior to 3:00 p.m. on the Friday before the event, and returned no later than 3:00 p.m. on the Monday immediately after the event. If, for mid-week activities,

~~b~~Barricades for mid-week events should be picked up prior to 3:00 p.m. on the day preceding the event and returned by 3:00 p.m. on the day following the event.

1. Applicant must post a \$100.00 deposit to ensure return of the barricades and for the clean-up of public property. Deposit will be returned upon satisfactory inspection of the location of the cleanup and return of barricades.
2. ~~Barricades shall be placed at each block end to close the street to vehicular traffic, and advance "Road Closed Ahead" signs shall be placed along the street edge in advance of the closed street.~~ Traffic control materials shall be placed at the end of each block to close the street to vehicular traffic, or as otherwise directed by the Street Department.
3. ~~After Following the conclusion of the block party or street closure has ended, the barricades and advance signs~~ any traffic control materials that are being picked up by the Street Department shall be placed on the boulevard area, off the street surface and not obstructing a sidewalk or crosswalk, and shall be placed so as not to be visible to motorists.
4. ~~All debris, paper, cups, food remains, etc., shall be removed from the public right-of-way prior to 9:00 a.m. on the day following the block party.~~
4. Applicant will be responsible for reimbursement of extraordinary services including delivery, set up and pick up of barricades and signage; if necessary.

~~f. All residents abutting the street to be closed must be contacted by applicant and provide written consent to the closure of the public way.~~

f. No fire, tent or any other structure is permitted in the public right-of-way which in the judgment of the City Director of Engineering & Public Works could cause damage to any City property or structure.

~~gh.~~ gh. No alcohol beverages shall be consumed on any public right-of-way. ~~The obtaining of this~~ Being issued a permit under this section does not relieve any individual or party from any ordinance, including, without limitation, noise and alcohol ordinances of the City.

hi. Access to the block must be given on the public way being used at the request of any motorist.

ij. All garbage and ~~debris, paper, cups, food remains, etc.,~~ shall be removed from the public right-of-way prior to 9:00 a.m. on the day following the ~~block party event~~.

jk. The City Director of Engineering & Public Works may require additional provisions or instructions at ~~his~~ the Director's discretion.

l. Applications.

1. Neighborhood Block Party. Applications must be made in writing, on forms provided by the City, providing name of applicant including address and phone number; the date and time of event; purpose of event and description of public way being requested. Applications shall be filed with the City Clerk's Office no less than thirty (30) days in advance of said event.

(i) The applicant for a neighborhood block party permit must be a resident of the block for which the permit is applied.

(ii) All residents/businesses abutting the public way to be closed must be contacted by applicant and provide written consent to the closure of the public way with the application.

2. Special Events. Applications for events defined as a special event pursuant to Chapter 39 of this Code shall be filed in accordance with section 39-12.

m. A permit may be revoked by the Engineering & Public Works, Police Department or Fire Department when necessary to protect the health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or by a major change in the conditions forming the basis of the standards of issuance or due to the noncompliance of this article, this Code or applicable State or Federal laws.

SECTION XIX: Chapter 40, Article VI is hereby repealed and recreated to read as follows:

DIVISION I – GENERALLY.

Sec. 40-156. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway has the meaning set forth in Wis. Stat. § 340.01(22) and also includes areas owned by the City which are used principally for pedestrian or vehicular traffic including streets, sidewalks, alleys, trails, paths or any other public ways.

Parade shall mean any parade, procession or group walk, run or bike tour/race including the assembly areas.

Sec. 40-157. - Purpose.

The governing body of the La Crosse recognizes that the highways of the City La Crosse are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for the processions and parades which do not substantially interfere with the public's right to travel on such highways. This article is intended to regulate and control parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the City of La Crosse.

Sec. 40-158. - Compliance with regulations.

- (a) Permittee. A permittee under this article shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the State and City of La Crosse.
- (b) Participants. No person who leads or participates in a parade shall disobey, or encourage others to disobey, parade regulations or public conduct policies.
- (c) No candy, gum, balloons or other objects shall be thrown or disbursed from parade floats or vehicles.

Secs. 40-159—40-164. - Reserved.

DIVISION 2. - PERMIT

Sec. 40-165. - Permit required.

No person shall form, direct, marshal, lead or participate in any parade on any highway under the jurisdiction of the City of La Crosse unless a special event permit has been obtained in advance as provided for in Chapter 39; provided, however, that upon notification to the Chief of Police, a parade on sidewalks and footways, of not more than 20 people who move not more than two abreast and which does not substantially hinder normal use of the sidewalk or footway and conforms with traffic control devices and other traffic regulations, may be conducted without a permit.

Sec. 40-166. - Exemptions from permit requirement.

A permit is not required for assembling or movement of a funeral procession, Presidential or Gubernatorial procession or Military Convoy.

Sec. 40-167. - When application must be made.

A written application for a special event permit for any parade on the highways under the jurisdiction of the City of La Crosse shall be made by one of the organizers to the City Clerk on a form provided by said officer no less than sixty (60) days prior to the parade.

Sec. 40-168. - Basis for discretionary denial of permit.

The application may be denied:

- (1) If it is for a parade that is to be held on a work day during hours when, and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume.
- (2) If it is for a parade that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
- (3) If sufficient parade marshals are not provided as to reasonably ensure the orderly conduct of the parade.
- (4) If proposed route for conducting parade involves a street or highway under construction or detour route.
- (5) If it is made less than sixty (60) days in advance of the time the parade is scheduled to commence.
- (6) If it is for a parade that is primarily for private or commercial economic gain.
- (7) If it is for a parade which would involve violation of Federal, State or local laws relating to use of highways or of other applicable regulations of the City of La Crosse.
- (8) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
- (9) If more than one assembly area or more than one dispersal area is proposed.
- (10) Failure to receive permit under Wis. Stat. § 84.07(4).
- (11) The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality.

- (12) The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
- (13) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (14) The conduct of the parade or public assembly is reasonably likely to cause injury to persons or property.

SECTION XX: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION XXI: This ordinance shall take effect of January 1, 2020.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Nikki M. Elsen, Deputy City Clerk

Passed: 10/10/2019
Approved: 10/14/2019
Summary Published: 10/19/2019