

CHAPTER 12

Licensing and Regulation of Amusement Parks
(Repealed and Recreated 2022-11; 06/06/22)

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SEC. 7-12-1 DEFINITIONS.

- (a) 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:

Festival — Includes any festival, exhibition, parade, museum, amusement park, carnival, circus, organized bike ride or walk in a public right-of-way, or any indoor or outdoor music concert which is:

- (1) Open to the public.
 - (2) Temporary in nature (i.e., not lasting more than 15 days in one calendar year).
 - (3) Intended or is reasonably anticipated that 750 or more people in total will attend.
- (b) Events lasting more than 15 days shall be considered permanent in nature and, while not subject to licensing under this Chapter, shall be subject to all other applicable ordinances, laws and regulations.

SEC. 7-12-2 INTENT.

It is the intent of the Village Board to regulate Festivals to provide for the health, safety and welfare of all persons, residents and visitors alike, who attend Festivals in the Village.

SEC. 7-12-3 LICENSE REQUIRED; APPLICATION; FEES.

- (a) **Required; Fee; Term.** No person or entity shall promote, operate, conduct or maintain a Festival in the Village without a license for such Festival or in a manner contrary to the terms of this Chapter or any other applicable ordinance, law or regulation. A minimum nonrefundable fee as provided in by Resolution of the Village Board from time-to-time shall be charged for the license and shall be submitted by the applicant to the Village Clerk with a written application. The Village Board may provide for a double permit fee for late applications or applications made after the fact. The application shall be submitted not less than 45 days before the proposed Festival, except the Village Clerk may waive such required timeframes for applications made in year 2022. The Village Board may also reduce the required application timeframe at its discretion. The application shall be in a form prescribed by the Village Clerk. Any license issued shall be for the date of the Festival indicated in the License application and a separate license is needed for each Festival.
- (b) **Reimbursement Agreement.** If it is determined the Village will incur administrative costs or costs associated with providing fire, police, utility and emergency services as a result of the Festival, which costs exceed the minimum license fee, the Village Board may require a reimbursement agreement and deposit in an amount sufficient to pay all of the expenses which will be incurred by the Village prior to the issuance of any license hereunder.
- (c) **Review Process.** The Village Clerk shall complete a background check on the applicant and any agent thereof. Applications shall be referred to the Fire Chief for an investigation and report of ride safety, tents and other matters within its jurisdiction and to the Building Inspector for review of matters within its jurisdiction. Such reports and information may be considered by the Village Board in acting on the license, subject to Wis. Stats. Sec. 111.321 et Seq. Approval, conditional approval or denial of applications shall be made by the Village Board following review and recommendations by the Chief of Police, Fire Chief, Public Services Director, Building Inspector, Legislative and Licensing Committee of the Village, and the Racine County Health Department.
- (d) **Application Requirements.** The applicant shall include the following information in the application:
 - (1) Name, address and date of birth of the applicant and, if such application is made in a representative capacity, the name, address and place of business of the applicant, and references, if required by the Village. Applications for an entity shall designate an individual as agent who shall be responsible for compliance with the laws and ordinances related to the licensee's activities.
 - (2) Address, telephone number and description of the proposed Festival site.
 - (3) A description of the uses, activities, business or operations to occur on the Festival site as part of the Festival, the Festival events scheduled, the hours and dates of operation of the Festival, projected attendance in total and the projected largest attendance at any one time.

- (4) Name, address and place of business of any vendor that will sell or distribute any food, drink or other product or who will operate any ride, carnival or other entertainment at the Festival.
- (5) A description of any proposed construction plans for the site to accommodate the Festival, including descriptions of temporary structures, such as tents and bleachers, if any.
- (6) A description of the parking facilities and parking supervision, with access roads for vehicular traffic designated, and projected largest number of vehicles anticipated at any one time.
- (7) A proposed security plan for maintaining order and preserving the safety of the persons attending the Festival, as well as for the security and safety of property and persons near the proposed Festival site, which shall include a description of any proposed private security guards, police and fire protection, rescue and emergency squad protection and the communication system to be utilized to ensure proper communication in the event of an emergency.
- (8) A description of the utility and sanitary services necessary to operate the Festival, which shall include a description of the electrical and water services to be utilized, as well as toilet facilities.
- (9) A description of proposed disabled facilities, which shall include a description of disabled parking and access.
- (10) If alcohol beverages are to be sold or consumed, a description of the proposed vending site, the hours of operation for selling or serving of alcohol beverages and the proposed means of preventing minors from frequenting or loitering near the areas where alcohol beverage are served or consumed. Note: A separate alcohol beverage license or permit must be applied for an obtained from the Village.
- (11) The applicant's agreement to indemnify and hold harmless the Village, its agents, officers and employees from any and all liability which may arise from occurrences at the Festival, including any claims or damages arising out of conduct or violation of law by vendors.
- (12) A certificate of insurance including an endorsement or an insurance commitment naming the Village, its agents, officers and employees as named insureds on the applicant's policy of general liability insurance for the Festival, with limits of liability not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate as well as at least \$100,000 for property damage per occurrence. Insurance covering liquor liability shall be required if alcohol beverages are sold or consumed on the site.
- (13) Proof of required state licenses and inspections, if amusement rides are on the site.

SEC. 7-12-4 ADDITIONAL INFORMATION.

The Police Chief, Fire Chief, Public Services Director, Legislative and Licensing Committee, and Village Board may require the applicant to supplement the application or provide additional information which is necessary to fulfill the intent of this Chapter.

SEC. 7-12-5 LICENSE TRANSFERABILITY AND LIMITATIONS.

Any license obtained by an applicant for a Festival is not transferable from one person or entity to another and is limited to events, days and hours specified by the Village Board.

SEC. 7-12-6 SEPARATE PERMITS; LIABILITY FOR VIOLATIONS; VENDOR CONTRACTS.

- (a) No separate Village direct seller's permit or amusement license is required of any vendor named in the application and under contract with the Festival license holder, except permits and licenses necessary to sell and serve alcohol beverages. Note: Separate food sales and other health related permits may be required by the Racine County Health Department.
- (b) The Festival license holder shall be directly liable to the Village for violation of any law or any damage arising out of any violation of any law by any vendor under contract with the license holder.
- (c) All contracts pertaining to vendors at the Festival must be on file with the Clerk before the commencement of the Festival. No vendor shall be permitted to operate at the Festival who has not been named by the applicant and who does not have a written contract with the Festival license holder.

SEC 7-12-7 SECURITY BOND.

As a condition of the issuance of a license under this Chapter, the Village Board may require the applicant to deposit cash or a surety bond in an amount sufficient to secure the full and complete performance of all obligations of the applicant and all conditions upon which the license was issued.

SEC. 7-12-8 APPLICABILITY OF OTHER LAWS, REGULATIONS AND ORDINANCES.

Except as set forth in Sec. 7-12-6, the applicant and any vendor under contract with the applicant shall comply with all other applicable laws and regulations, including the building code and zoning code of the Village.

SEC. 7-12-9 APPROVAL, DISAPPROVAL, SUSPENSION AND REVOCATION OF LICENSE.

- (a) The Village Board shall approve, conditionally approve or deny the license application. The Village Board shall have the right to deny any license application which does not comply with this Chapter or when the proposed Festival poses a threat to the health, safety or welfare of any person in the Village. The Village Board may approve the application and grant the license on such conditions it imposes for purposes of protecting the health,

safety and welfare of persons in the Village. Conditions may include, but are not limited to the following:

- (1) Said premises shall be closed to and vacated by the public between the hours of 12:00 midnight and 9:00 a.m. of each day although the board may require the activities on site to cease earlier than 12:00 midnight and begin later than 9:00 a.m. depending on site and surrounding conditions.
 - (2) No disorderly conduct shall be allowed on said premises.
 - (3) No public address or loud speaker system shall be operated on said premises, nor shall any music be used in connection with the operation of said amusement park unless the license issued by the Village Board specifically allows the same.
 - (4) All vehicles leaving said premises shall be required to stop immediately before entering a public street or highway, and the licensee shall enforce such condition by signs at all exists from said premises and by such traffic regulations as may be necessary.
- (b) A license may be suspended or revoked by the Village Board upon a determination that the applicant has failed to comply with this Chapter, any condition imposed under this Chapter or violation of any other applicable law or regulation. The Police Chief or Fire Chief may suspend the operation of any Festival, or any part thereof, upon a determination that it is operating in violation of this Chapter or any other law or regulation and such violation poses a threat to the health, safety or welfare of persons in the Village. Such suspension shall remain in effect until the Village Board can meet and consider the matter.

SEC. 7-12-10 INSPECTION PRIOR TO OPENING.

Before any Festival may be opened, inspections shall be conducted to assure the health, safety and welfare of all persons in the Village and adherence to the license issued under this Chapter. Such inspections shall be conducted by the Village Fire Chief, Police Chief, Building Inspector, and/or Public Services Director. Proof of required state inspections shall be required to be provided to the Village as a part of this inspection process.

SEC. 7-12-11 PENALTY; NUISANCE.

- (a) Any person violating the provisions of this Chapter shall upon conviction pay a forfeiture of not less than Two Hundred Dollars (\$200.00), but not to exceed Five Hundred Dollars (\$500.00), and the cost of prosecution for each and every offense, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed the number of days provided by Wisconsin Statute. Each and every day such violation exists shall be counted as a continuing daily violation.
- (b) The use of any premises in violation of this ordinance is hereby declared a nuisance and the Village may proceed against such nuisance as allowed per ordinance or the Wisconsin Statutes and the Village may institute an action to enjoin such violation or intended violation in the Racine County Circuit Court.

SEC. 7-12-12 TO 7-12-15. RESERVED FOR FUTURE USE.