

## CHAPTER 12

### Licensing and Regulation of Amusement Parks

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#### **SEC. 7-12-1 INTENT.**

- (a) It is the intent of the Town Board of the Town of Caledonia to protect the peace, health and general welfare of the citizens of Caledonia through the licensing of amusement parks. A license required under this Chapter is required for the following reasons:
- (1) An amusement park is a gathering place for large numbers of people with potential for boisterous, raucous or riotous behavior;
  - (2) An amusement park may be the source of noise, odors or other things offensive to the repose of citizens living in the area or present at the park;
  - (3) An amusement park may generate high volumes of traffic on area roads and streets;
  - (4) An amusement park may attract prostitutes, pickpockets, gamblers and other undesirable or criminal persons.
- (b) The issuance of a license under this Chapter in no way certifies or attests to the safety of any structure, equipment or grounds of an amusement park.

#### **SEC. 7-12-2 DEFINITION OF AMUSEMENT PARK.**

"Amusement park" as used herein shall mean an establishment wherein one (1) or more shows, riding devices, devices for the testing of skill, carnival shows or other activities or equipment for the amusement or entertainment of the public are maintained and operated.

**SEC. 7-12-3 LICENSE REQUIRED.**

No person, firm or corporation shall operate an amusement park within the Town of Caledonia without first obtaining a license to do so from the Town Board of the Town of Caledonia as hereinafter provided.

**SEC. 7-12-4 APPLICATIONS; FEES.**

- (a) Applications for a license to operate an amusement park within the Town of Caledonia shall be submitted in writing to the Town Board and shall set forth the following:
  - (1) Name, residence or office address of applicant.
  - (2) Description of the premises to be used.
  - (3) Zoning of the premises to be used.
  - (4) Statement of the nature of the proposed operation, including a description of all machinery, equipment and other facilities to be used, the type of buildings and land improvements to be constructed and used, together with a sketch of the area in which such establishment will be operated showing the public access highways and any other pertinent data which applicant deems material.
  - (5) A description of the surrounding property and its use.
  - (6) Hours of intended operation.
- (b) The application shall be accompanied by a fee of One Hundred Fifty Dollars (\$150.00) to defray the costs of publication, investigation and public hearing, if any.

**SEC. 7-12-5 PUBLIC HEARING.**

Upon receipt of an application submitted as provided in Section 7-12-3, the Town Board shall personally inspect the premises for which a license is requested and shall set a date for a public hearing upon such application, which said date shall not be more than fifteen (15) days after receipt of the application by the Town Board. The public hearing shall be held at the Town Hall in the Town of Caledonia, and a notice of said meeting shall be published at least five (5) days before the date of said public hearing. At such hearing, the Board shall hear from all persons interested in the granting or denying of said license and may, if it seems fit, take testimony relative to the application.

**SEC. 7-12-6 DETERMINATION BY TOWN BOARD.**

- (a) Within five (5) days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the peace, health, safety and general welfare of the public of the Town of Caledonia.
- (b) The Town Board shall, therefore, grant or deny the license in accordance with such determination. The Town Board may issue limited licenses hereunder which will permit

certain specified types of entertainment, rides, shows, etc., under certain prescribed conditions in such amusement park. The issuance of such license shall not permit the use of any facilities other than those specifically set forth in said license, and all unspecified facilities and activities shall be prohibited.

**SEC. 7-12-7 TERM OF LICENSE.**

Such license shall have an indefinite term and shall exist for as long as such amusement park is operated. In the event the licensed operation is changed to another operation, in whole or in part, or in the event the licensed operation has been discontinued for more than one (1) year, another

license shall be applied for and granted pursuant to the terms hereof as a condition precedent to such changed operation or the resumption of the discontinued operation.

**SEC. 7-12-8 DENIAL OF LICENSE.**

In the event a license is denied for the operation of an amusement park with respect to any particular parcel of realty, no application for such operation on the same parcel of land, or any part thereof, may be filed within one (1) year from the date of such denial.

**SEC. 7-12-9 CONDITIONS OF OPERATION.**

Every such amusement park, including all premises in connection therewith, shall be maintained and operated so as to meet the following conditions:

- (a) 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.
- (b) No intoxicating liquor or fermented malt beverage shall be sold or consumed on said premises unless a license therefor is granted by the Town.
- (c) No immoral or disorderly conduct shall be allowed on said premises.
- (d) 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 Town Board specifically permits the same.
- (e) 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 exits from said premises and by such traffic regulations as may be necessary.
- (f) The premises shall be subject to inspection by the Town Board or any member thereof at any time.

**SEC. 7-12-10 PENALTY.**

- (a) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance,

shall be subject to a forfeiture as prescribed in Section 1-1-6, together with the costs of prosecution, and in default of payment thereof be imprisoned in the County Jail of Racine County for a term of not more than thirty (30) days or until such judgment is paid; and every day of violation shall constitute a separate offense.

- (b) In case any premises are used as an amusement park in violation of this Chapter, an action in the name of the Town of Caledonia may be instituted to enjoin such violation or intended violation, and this remedy shall be in addition to other remedies set forth in this Chapter.

**SEC. 7-12-11 LICENSE REVOCATION.**

- (a) Any license granted pursuant to the terms hereof may be revoked by the Town Board after due hearing for the following reasons:
  - (1) A false statement in the application for license.
  - (2) Failure on the part of the licensee to operate and maintain the amusement park and improvements thereon in strict accordance with the terms of the application and the terms and conditions of the license, whichever is more restrictive.
  - (3) Violation of any of the conditions for amusement park operation specified in Section 7-12-9 hereof.
  - (4) If the operation of such amusement park has become detrimental to the health or general welfare of the public in the area in the vicinity of such park.

Notice of hearing to revoke a license issued hereunder shall be given to the licensee at least five (5) days before the date set for hearing by mailing such notice to the licensee at the address shown on the application for license. Applicant shall be entitled to appear personally or by attorney and present his defense to the proposed revocation of such license. The Town Board shall have three (3) days after such hearing to make a determination of the issue of revocation. If such Board shall find that any of the grounds specified in this Chapter as grounds for revocation exist, the Town Board shall forthwith revoke such license and notify the licensee by mail addressed to the licensee at the address shown in the application. Licensee shall forthwith cease and desist from further operation of the amusement park.