



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By DOLAS
Re: Amending Chapter 14 of the Code of Ordinances adding Article V Special Event Permit.

ORDINANCE NO. 2023-09
Introduced: May 30, 2023
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, does ordain as follows:

Section 1. That Neenah Municipal Code, Chapter 14 Streets, Sidewalks, and Other Public Places is hereby amended by adding Article V Special Event Permit so as to now read as follows:

CHAPTER 14 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE V. SPECIAL EVENT PERMIT

Sec. 14-125. Purpose.

The purpose of Special Events is to promote, elevate and highlight the City of Neenah as a desirable community in which to visit, work, and have fun in. These events, organized by individuals, private groups and not-for-profit organizations serve an important role in showcasing the City’s quality of life and can provide benefits to the community as a whole. This section is to provide reasonable restrictions for special events, in order to protect public health, safety and welfare, while making the application process simple for applicants.

Sec. 14-126. Definitions.

Applicant means the organizer of a special event, who applies for a permit under this Section.

Class A High-Impact Event is a designation for an event that meets any of the following criteria:

- a. The crowd size exceeds 200 attendees at any one point in time.
- b. A Travel Lane is to be closed except if a Permit for the Event has been approved within the two previous years and the plan footprint remains unchanged or if the Event satisfies the criteria of a Class C designation.
- c. A municipal code variance is required except if a Permit for the Event has been approved within the two previous years and the parameters of the municipal code variance remains unchanged.

- d. Intoxicating beverages are to be served or consumed in association with the Event.
- e. A complaint or grievance has been formally filed against it, whether presently or historically.
- f. A financial hardship condition exists per Sec. 14-132(c).

Class B Low-Impact Event is an event designation assigned if a "Class A" or "Class C" designation does not apply.

Class C Small Neighborhood Event is an event designation that shall apply to any neighborhood celebration, block party, wedding, graduation party, rummage sale, or other like event in which all of the following conditions are met:

- a. The Organizer is an individual, small nonprofit or neighborhood association which resides within the City of Neenah City limits.
- b. The crowd size does not exceed 200 attendees at any one point in time.
- c. The Event does not take place on, close off, or block a Major Street.
- d. No structures, including but not limited to, tents, canopies, portable restrooms, and stages are placed within the roadway.
- e. The Event does not require a municipal code variance.

Event means an organized gathering which occurs on a limited basis including, but not limited to, festivals, exhibitions, concerts, celebrations, ceremonies, parades, marches, rallies, walkathons, and tournaments.

Major Street means any principal arterial street, minor arterial street, or collector street as defined and mapped by the Department of Transportation functional classification system.

Organizer means any person, firm, partnership, association, corporation company or organization of any kind organizing an Event within the City.

Special Event Coordinator means the person, or committee, appointed by the Mayor who will coordinate between applicants and City departments, ensuring appropriate departmental approval of special events applications.

Travel Lane means the portion of the roadway designated and intended for through travel of vehicles, specifically excluding shoulders, sidewalks, terraces and parking lanes. The edge of a travel lane may be delineated by a solid white painted edge line where present; or the edge of a pavement where no marked edge line is present, and parking is permitted.

Temporary Designated Outdoor Refreshment Area (TDORA) means a specific temporary area as described in 4-108 (2), (3), that is applicable to a Class A High Impact event, that extends the geographic area where open alcoholic beverages may be carried and consumed during the event.

Sec. 14-127. Permit Required.

No person shall conduct, manage, or engage in a special event unless a required permit has been approved by the appropriate entity regarding the event type. Any person seeking to offer goods and/or services at a special event is responsible for verifying that the required permit has been approved as described herein prior to participating in the event. Neither the City's review of any permit application nor its subsequent issuance of a permit shall be construed as acceptance by the City or its representatives of any liability or responsibility for any damage relating to the special event.

Sec. 14-128. Exemptions.

This article shall not apply to funeral processions, governmental agencies acting within the scope of their functions, or Class C Small Neighborhood Events as defined in Section 14-126.

Sec. 14-129. Application.

- a. *Deadlines.* An application for a special event permit shall be filed with the Special Event Coordinator in the following timeframes:
 1. For a Class A event, not less than 45 days before the event is to take place.
 2. For a Class B event, not less than 20 days before the event is to take place.
 3. Late applications. The City, where good cause is shown, may consider an application that is filed after the expiration of the filing period, and provided that the entity authorized to issue the Permit has sufficient time to review the application and issue a Permit. The authority granted by Article III, Section 4-66 of the Neenah Municipal Code to the Mayor to issue permits after a late filing shall apply to permits issued under this article.
- b. *Filing and Contents.* The applicant shall submit the application form prescribed by the Special Events Coordinator, which shall set forth the following information:
 1. The name, address, telephone number, and e-mail address of the person seeking to conduct such event.
 2. The name, address, telephone number, and e-mail address of the applicant.
 3. The dates of the special event. If the special event consists of a series of consecutive or successive days or times event occurring in the same location, include all applicable dates/times.
 4. A detailed map identifying all relevant information including but not limited to:
 - a. The event location or route to be traveled, the starting and termination points, and any other important points along the route;
 - b. The portions of the sidewalk, street, or other right-of-way proposed to be included or utilized in the event;
 - c. The location of any tents or other structures;
 - d. The location of any vendors not located within a tent or other structure;
 - e. Points of ingress and egress;
 - f. Any location at which alcohol will be sold; and
 - g. Any other significant information to be noted.

5. How much time is needed to set up prior to the event and how much time is needed to tear-down after the event.
 6. A written description of the event location or route to be traveled, the starting point, the termination point, and any other important points to be noted. The written description should match the map provided.
 7. A written description of the assembly areas for such event. Streets and nearest intersections should be used in describing the location. The written description should match the map provided.
 8. The approximate number of attendees anticipated, whether any animals or vehicles will be included in the event, the type of and number animals, a description and number of the vehicles and a description of how the animals and vehicles will be utilized.
 9. The start and end time of the event. For any event beginning prior to 10:00 a.m. or continuing past 10:00 p.m., the applicant must indicate whether any necessary permits have been obtained pursuant to applicable City noise ordinances (see Article IV Division 3).
 10. If multiple activities will occur during the special event, a list of times when any activity of the event will begin, as well as the time when participants are expected to begin gathering at all assembly areas.
 11. Whether alcohol beverages will be served and/or consumed in connection with the event, the locations of such activities, and whether all necessary licenses have been obtained.
 12. A crisis management plan is required if the Emergency Management policy that is provided by the City (See Article II Section 6-19 et seq) will not be followed.
 13. Any additional information which the Special Event Coordinator finds reasonably necessary to determine whether a permit should be issued: any such request for further information shall be communicated sufficiently ahead of time so as not to unreasonably delay the application approval process or the Event itself.
- c. *Insurance and indemnification.* Proof of insurance and indemnification is required for all events. The applicant shall furnish a certificate of insurance and indemnification meeting the requirements set by the resolution of the Common Council.
- d. *Application fee and Late application fee.* A nonrefundable application fee to cover the administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed, in accordance with the City of Neenah Fees for Services Schedule. If submitted late, the late application fee shall additionally apply as set forth in the City of Neenah Fees for Services Schedule.

Sec. 14-130. Permit Requirements.

Completed applications for a special event permit shall be filed with the Special Events Coordinator and shall acknowledge and provide the following:

- a. Special Events must comply with all applicable City ordinances and requirements, including but not limited to traffic rules, street closures, park rules, state health laws, fire codes, building codes, zoning, food service, and fermented malt beverage and liquor license requirements.

- b. The applicant shall identify a designated person who may be contacted at any time by any City representative, such as police, fire, or public works, regarding the event.
- c. The Special Events Coordinator shall refer the application for review and comment by the following City departments: clerk, police, fire, public works, and parks and recreation.
- d. The approval of any special event permit application shall also be conditioned upon the approval of all other necessary permits, licenses, and inspections when any one or more of the following conditions applies:
 - 1. A temporary extension of existing licensed premises for outdoor event or TDORA (fermented malt beverages and/or intoxicating liquor license) as defined in Article IV Section 108;
 - 2. A temporary designated outdoor refreshment area license for special event (fermented malt beverages and/or intoxicating liquor license) as defined in Article IV Section 107:
 - 3. Temporary Class "B" license for the sale of fermented malt beverages;
 - 4. Temporary Class "B" license for the sale of wine;
 - 5. Tents erected for use at the special event;
 - 6. Food peddler license;
 - 7. Park rental permit;
 - 8. Fireworks displays requiring a permit by the Neenah Menasha Fire Rescue; and
 - 9. Any other permit or license required by ordinance of the City of Neenah.
- e. The applicant shall use all reasonable efforts to ensure that participants and attendees comply with all City ordinances, traffic rules, park rules, state health laws, fire codes, and other licensing requirements.

Sec. 14-131. Regulations.

Applicants shall also comply with, and applications shall address the regulations set out in this section. Supporting material, if required, must be attached to the application. Additional information may be required upon review by the Special Events Coordinator. Any such request for additional information shall be conveyed sufficiently ahead of time so as not to unreasonably delay the application approval process or the Event itself.

- a. Parking
 - 1. The applicant shall take all reasonable precautions to minimize adverse effects from the Special Event on the neighborhoods directly affected by parking and traffic related concerns.
 - 2. The application shall indicate areas reserved for off-street parking, or which the applicant reasonably expects to be utilized by event participants and attendees for off-street parking.
- b. Security. The applicant shall ensure through coordination with the Neenah Police Department that all necessary and appropriate security and safety is provided for the event. The Police Department may be required, at its discretion, to be directly involved in the Special Event, with the costs of any Extraordinary Services to be borne by the Special Event applicant if required by the Common Council.

- c. Toilets and sanitation facilities. The applicant shall provide, at the applicant's cost, sufficient toilet and sanitation facilities for the estimated maximum daily peak number of expected attendees during the special event.
- d. Illumination. If the special event is to continue during hours of darkness, it shall provide all necessary lighting to reasonably ensure the safety of event attendees.
- e. Refuse and Recycling Removal. The applicant shall make all reasonable efforts to:
 - 1. Pick up litter and refuse during the event, and for removing all litter and refuse accumulated during the event within twenty-four (24) hours after the conclusion of the event. The event organizer is responsible not only for the event grounds but will also take all reasonable measures for the removal of litter and refuse attributable to the event from any affected and surrounding neighborhoods and properties.
 - 2. Provide adequate recycling receptacles and pick up all recyclable materials and dispose of same in accordance with Chapter 287, Wisconsin Statutes, and related administrative rules contained in Wisconsin Administrative Code, Chapters NR 542-549.
- f. Notification. If the special event will require closing or partially closing one or more streets, the applicant shall provide reasonable advance notice, as supplied by the Special Events Coordinator, to residents and/or businesses abutting or enclosed within the location of the special event at least ten (10) days in advance of the event; and shall confirm the approval of such street closures with the Department of Public Works, the Neenah Police Department, and the Neenah-Menasha Fire Department.
- g. Traffic Control. Barricades or other traffic control shall be required for street closures or pursuant to a security plan. Barricades may be available for rent from the City with costs of any Extraordinary Services to be borne by the Special Event Organizer. All barricades used for a special event shall meet standards set forth in the Manual on Uniform Traffic Control Devices. The organizer shall coordinate all required use of barricades with the Department of Public Works.
- h. Service Fees. Services may be requested by the applicant or required by the City. The Organizer shall agree to pay fees for services provided by the City for the Event, which fees shall be billed to the Organizer by the City after conclusion of the event. All applicable service fees shall be set forth in the City of Neenah Fees for Services Schedule or as charged by the applicable department providing services.

Sec. 14-132. Administration

- a. Authority. The Special Event Coordinator shall review the comments and recommendations submitted by the City staff and shall approve, modify and approve, approve with conditions or deny the application. The Special Event Coordinator shall notify the applicant of this decision within 5 business days of making the decision.
- b. Standards. To the extent permitted by law, the Special Event Coordinator may base the decision regarding an application for a special event permit on one or more of the following:
 - 1. A prior experience of the applicant in holding any event, or holding the special event, which is the subject of application, will be considered and may impact the issuance of special event permits. The Special Events Coordinator may deny an application for a permit if the applicant has on prior occasions made material misrepresentations regarding the nature or scope of any event or activity previously permitted, has held prior special events without proper

permitting or licensing, or has violated the terms of a prior permit issued to or on behalf of the applicant.

2. A permit may be denied, or conditions placed thereon, based upon considerations of the health, safety, and welfare of the community, and of the anticipated costs to the City of holding such an event.
 3. The application is not fully completed or applicant failed to include additional information as requested.
 4. The application contains material falsehood or misrepresentations.
 5. The applicant is not legally competent to sign a contract, or to be held responsible for applicant's actions.
 6. The intended special event, use or activity would present an unreasonable danger to the health and safety of individuals expected to participate in the event, the neighborhood in which the event will take place, or City property and resources required to be involved with the proposed event.
 7. Activities expected to occur at the intended special event are prohibited by law;
 8. The intended special event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to lack of sufficient open areas, streets, offsite parking, or traffic controls.
 9. Failure to provide an insurance certificate as required.
- c. Hardship. If an Event Organizer can meet all the other, non-monetary conditions for issuance of a permit but lacks sufficient funds to pay the fees for same, the applicant may apply for any available grants or a waiver of the applicable fees and costs. Upon such waiver application, the Special Event Coordinator may request a financial disclosure statement from the Organizer and may consider any and all information therein disclosed in making a determination regarding the hardship waiver. Any decision of the Special Event Coordinator to deny a hardship waiver request shall be subject to the appeal process in Section 14-133 hereof.

Sec. 14-133. Appeal.

- a. Any person aggrieved by any decision of the Special Event Coordinator relating to the granting, denial, suspension, cancellation of a special event permit may appeal the decision to the Public Services and Safety Committee. Such appeal shall be filed with the Special Event Coordinator within (30) thirty days after the action taken or the notification to the applicant of the decision regarding the special event permit.
- b. Upon receipt by the Special Event Coordinator of a signed statement of appeal hereunder, the Public Services and Safety Committee shall hold an appeal hearing where the aggrieved party may be heard concerning their appeal. The Public Services and Safety Committee shall issue a determination upholding or overruling the action of the Special Event Coordinator orally at the appeal hearing. The appellant will be notified in writing within 3 days thereof.

Sec. 14-134. Event Cancellation.

The Special Event Coordinator, Chief of Police, or his designee, the Chief of Fire, or his designee, or the Director of Public Works, or his designee, may suspend or cancel a special event permit at any time and without prior notice if:

- a. The applicant fails to comply with any conditions placed on the permit;
- b. The applicant violates the requirements of this article or any other applicable federal, state, local laws;
- c. Conditions exist which would adversely affect public health or safety;
- d. Conditions exist that would place facilities, grounds, or other natural resources at a substantial risk of damage or destruction if the special event were permitted to take place.

Sec. 14-135. Penalty.

In addition to any other penalty, any person convicted of violating any of the provisions of this article or any of the conditions of the permit issued in accordance with this article shall be subject to a forfeiture as provided by Sec. 1-20 of Chapter 1, Article II, the Neenah Municipal Code.

Sec. 14-136. Public conduct during event.

- a. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any event or with any person, vehicle or animal participating or used in an event.
- b. Driving through event. No driver of a vehicle shall drive between the vehicles or persons comprising an event when the vehicles or person are in motion and are conspicuously designated as a parade unless directed to do so by a traffic official.
- c. Parking on event route. The Chief of Police or Traffic Engineer may prohibit or restrict the parking of vehicles along a highway or part of a highway constituting a part of the route of an event and shall post signs to that effect; and no person shall park or leave unattended any vehicle in violation of such restriction. No person shall be liable for parking on a street unposted in violation of this section. Vehicles in violation of this subsection may be towed at the owner's expense.
- d. Damage to Property. The Organizer shall reimburse the City for any and all damage caused to City property as a result of the event, and shall hold harmless and indemnify the City for any and all claims by third parties from damage to other, private property resulting from the event.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not otherwise affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Lendrum/Weber

Adopted: June 7, 2023 Council Meeting


Approved: 7-1-1 with Boyette Nay,
Borchardt Excused

Published: June 11, 2023

Approved:


Jane B. Lang, Mayor

Attest:


Charlotte K. Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

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