

STATE OF WISCONSIN

WAUKESHA COUNTY

VILLAGE OF HARTLAND

ORDINANCE NO. 867-21

AN ORDINANCE REPEALING §10-206 THROUGH §10-232
OF THE VILLAGE OF HARTLAND CODE OF ORDINANCES
REGULATING PUBLIC DANCES AND CONCERTS AND CREATING AN ORDINANCE
REGULATING THE ISSUANCE OF SPECIAL EVENT PERMITS

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

SECTION 1: §10-206 through §10-232 of the CODE OF ORDINANCES OF THE VILLAGE OF HARTLAND are hereby repealed and replaced with the following regulating the issuance of Special Event Permits:

§ 10-206. Preamble.

The Village of Hartland hereby determines that, as it is necessary to protect the health, safety and welfare of persons and property within the Village of Hartland, special events and related activities shall be regulated.

§ 10-207. Definitions.

The following terms are hereby defined:

PERSON — Any individual natural human being, partnership, corporation, firm, company, association, limited-liability company, society or group.

SPECIAL EVENT — Any activity, which occurs upon public or private property that will affect the standard and ordinary use of public streets, public parks, rights-of-way, or sidewalks, and/or which requires extraordinary levels of village services. This may include, but is not limited to, fairs, festivals, sporting events, foot runs, bike races, markets, parades, exhibitions, auctions, and dances.

§ 10-208. Permit; when required.

Prior to application, no person shall allow or conduct a special event unless a permit has first been issued.

A. Applications for special event permits shall be made to the Village Clerk, on forms provided by the Village of Hartland, and shall include at a minimum all of the following information:

- (1) The name, address and telephone number of the applicant;
- (2) The names, addresses and telephone numbers of all of the partners, if the applicant is a partnership;
- (3) The names, addresses and telephone numbers of all of the officers and directors if the applicant is a corporation, or members if the applicant is a limited-liability company;

(4) The location at which the event is to be conducted;

(5) Details related to the nature of the event, including:

(a) Whether or not music will be provided;

[1] Music for special events shall terminate at 9:00 p.m. if the event is held Sunday through Thursday and at 11:00 p.m. if the event is held on a Friday, Saturday or holiday weekend.

(b) Whether or not alcoholic beverages will be served;

(c) Whether merchandise will be sold;

(c) The anticipated number of event attendees;

(d) Hours and/or days of operation for the special event;

[1] All special events as defined herein shall cease operation no later than 10:00 p.m. Sunday through Thursday and no later than 12:00 midnight on Friday, Saturday, or a holiday weekend.

(e) An event site plan that documents the location of:

[1] Vendors of consumable food or beverages;

[2] Generators;

[3] Parking accommodations (both off- and on-site); and

[4] Proposed road closures, if any;

[5] Structures (e.g. bounce house, event tents, etc.);

[6] Portable toilets.

(f) The Village Administrator, in consultation with Village staff, may include specific conditions which require cleanup of public and private property in the vicinity of the location of the special event that may be littered and reimbursement to the Village for expenses incurred related to increased police, fire or other emergency services provided by the Village at the special event. A cash deposit, to be determined by resolution by the Village Board of Trustees from time to time, may be required as a condition to assure such cleanup is satisfactorily accomplished within 24 hours and that the Village is adequately reimbursed for the increased police, fire or other emergency services provided by the Village at the special event. Said sum shall be used by the Village to offset any costs which it may incur in completing the cleanup or in providing increased police, fire or other emergency service, and the balance of the deposit, if any, should be refunded upon final inspection and accounting by Village staff. In the event insufficient funds are available to offset costs, the Village reserves the right

to seek reimbursement through any means available to the Village. There will be no reissuance or new issuance of special events permits to the applicant or his or her organization until such payments are made.

(6) A contact person who will be available at all times during the special event and that person's cell phone number which must be accessible throughout the special event;

(7) Applicant to deliver notice to property owners and tenants within a five-hundred-foot radius of the special event site at least two weeks prior to the Village Board meeting where the special event permit will be considered. Such notice shall inform property owners and tenants within a five-hundred-foot radius of the special event site of the day and time of the special event and the day and time of when the special event permit will be considered by the Village Board (property list to be provided by the Village); applicant must provide evidence of providing such notice, such as an affidavit, and a copy of the notice to the Village Clerk;

(1) If the special event will take place completely within a village park and will not result in the closure of any village roadway, the notice requirements described § 10-208(7) shall not apply.

(2) If the special event will result in the closure of any village roadway, notice as described in § 10-208(7) shall be provided to all property owners and tenants which occupy the properties along that portion of the street designated to be closed during the special event.

(3) The Village Board, in its sole discretion, may request that a public hearing be scheduled to allow for village residents and village business owners to provide comment regarding the proposed special event. The applicant shall reimburse the Village for the cost of posting notices for the public hearing.

(8) Proof of insurance, subject to Village Administrator approval, based on potential degree of risks posed by the special event. A special event permit application may be considered and approved without submittal of proof of insurance, but under no circumstances shall a special event permit be issued without acceptable proof of insurance having been provided to the Village no later than twenty (20) days prior to the event.

(9) Signage and proposed location for such signage;

(10) Such other information as may be required by Village Staff or the Village Board to process the application.

B. Completed applications shall be submitted to the Village Clerk at least 60 days prior to the scheduled date of the special event.

C. Upon receipt of a completed special event permit application, the Village Clerk shall refer said application to the Village Administrator for his or her review.

(1) The Village Administrator shall instruct all potentially affected Village departments to review the completed special event permit application and provide a report with recommendations concerning all phases of the proposed special event.

The Village Administrator shall then refer the special event permit application along with any Village department recommendations to the Village Board of Trustees for consideration. If the special event is to be held in a village park, the special event permit application shall first be referred to the Village Park and Recreation Board for consideration. If approved by the Village Park and Recreation Board, the special event permit shall be referred to the Village Board of Trustees for consideration. At the direction of the Village Board of Trustees, the Village Clerk may issue the special event permit.

(2) If the special event permit is approved by the Village Board, the applicant shall deliver notice to the property owners within a five-hundred-foot radius of the special event site at least three weeks prior to the special event. Such notice shall contain information regarding the day and time of the special event and any road closures that will be required as a result of the special event. (property owner list to be provided by the Village). Applicant must provide evidence of mailing, such as an affidavit, and a copy of the notice to the Village Clerk;

§ 10-209. Basis for Denial.

Upon receipt of the special event permit application along with any Village department recommendations, the Village Board may deny the special events permit for any of the following reasons:

- (1) If the special event will occupy or interfere with Village streets on a workday during hours when and at places where the flow of vehicular or pedestrian traffic will be unusually delayed;
- (2) If it is for a proposed special event that would involve violation of law or of any applicable village ordinances;
- (3) If the granting of the special event permit would conflict with another street use permit or special event permit already granted or for which application is already pending, or if the application does not contain the information required;
- (4) If reasonably anticipated utilization of public services, including police and fire protection, by the proposed special event 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 Village;
- (5) If the proposed special event will so substantially hinder the movement of police, fire and other emergency vehicles as to create substantial risk to persons and property;
- (6) If it appears that the proposed special event is so poorly organized that participants therein are likely to engage in aggressive, destructive or otherwise unlawful activity, or

that previous events of this type or sponsored by the same applicant were so poorly organized that police plans for traffic and/or crowd control were impaired;

(7) If the Village Board, after consultation with Village staff, determines that the proposed special event will not serve to benefit the Village of Hartland community.

§ 10-210. Permit expiration.

All permits approved under this chapter are effective for only the times and dates specified within the application and further shall expire upon the cessation of event activities as identified on the approved special events permit application.

§ 10-211. Termination of event permit.

A special event permit for an event in progress may be terminated by the Chief of Police, the Fire Chief, or the respective designee of each if public safety is compromised or threatened by activities generated during the event, if the participants engage in violent, riotous, disorderly or destructive behavior causing injury to persons or damage to property, or if there is a violation of the conditions of the permit such that conditions of issuance are no longer met.

§ 10-212. Violations and penalties.

Any person who shall violate any provision of this chapter or any rule or regulation made under this chapter shall be subject to a penalty as provided in § 1-3 of this Code.

SECTION 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held 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 affect the validity of the remainder of such ordinance.

SECTION 3: This ordinance shall take effect and be in full force from and after its passage and publication.

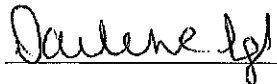
Passed and approved this 25 day of Oct., 2021.

VILLAGE OF HARTLAND

By: 

Jeffrey Pfannerstill, Village President

ATTEST:



Darlene Igl, Village Clerk