

ORDINANCE

Ordinance No. O09-2017-95

A LARGE ASSEMBLY ORDINANCE FOR ASHLAND COUNTY AMENDING O11-2016-86

The Board of Supervisors of the County of Ashland ordains as follows:

- 1) Purpose of Ordinance. The purpose of this Ordinance is to regulate certain assemblages of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the County, in order that the health, safety and welfare of all persons in the County may be protected.
- 2) Unincorporated Areas. This Ordinance shall be effective in all unincorporated areas of Ashland County, Wisconsin. This Ordinance shall not be effective in incorporated municipalities within Ashland County.
- 3) License Required. No person shall permit, operate, conduct, direct, act as an entrepreneur for, organize, manage or provide a location for an actual or reasonably anticipated assembly for 750 or more people, on public or private property in Ashland County, which continues or can reasonably be expected to continue for 12 or more consecutive hours, unless a license to hold the assembly has first been issued by Ashland County's Large Assembly Committee (the "Committee"). When determining the length of time an assembly is meeting, once an assembly of 750 persons or more has begun meeting, it shall be deemed to continue meeting unless a period of 12 consecutive hours or more intervenes, during which the assembly vacates the property.
- 4) Application. The application for a license to hold an assembly of 750 or more people in Ashland County which continues or can reasonably be expected to continue for 12 or more consecutive hours, shall be made in writing to the Committee at least 30 days in advance of the date of such assembly. The Applicant, by way of the Application and the documents which accompany the Application, shall prove to the Committee that the Applicant will:
 - a. Furnish, at the Applicant's expense, before the assembly commences, each of the items required by this Ordinance; and
 - b. Comply with each of the other requirements of this Ordinance and other County Ordinances.
- 5) Procedure. A person seeking to obtain a large assembly license from the Committee shall:
 - a. Obtain an application form for a large assembly license (the "Application") which is available on Ashland County's website at www.co.ashland.wi.us or at the Ashland County Clerk's office at the Ashland County Courthouse, 201 Main Street West, Ashland, Wisconsin 54806; and
 - b. File the Application which has been properly and fully completed and signed with the required filing fee in the office of the Clerk of Ashland County at its above address. Such Application and the documents which accompany the Application shall demonstrate how the Applicant will comply with each of the requirements of the Ordinance.
 - c. Upon the County's receipt of a completed Application, the Committee will promptly meet to initially review the submitted Application and the documents accompanying it to determine whether the Application and such submissions contain all of the items and information required by this Ordinance.
 - d. In the event the Committee determines the Application is incomplete or otherwise deficient, the Committee will seek to have the Applicant promptly notified of the deficiency so the Applicant can cure such deficiencies.

- e. When the Committee determines the Application which has been filed is complete, the Committee will proceed to review, confirm and investigate the representations and information in the Application to the extent the Committee deems is necessary or appropriate to do so.
- f. Absent extraordinary circumstances, the Committee is to complete its work and act on the Application within 30 days of its receipt of a fully completed Application. Although the Committee has 30 days from its receipt of a fully completed Application to act on an Application, it is the goal of the Committee to act sooner than 30 days if it is reasonably possible to do so.
- g. In the event the Applicant informs the Committee that unusual circumstances exist or that a hardship exists which results in the Applicant desiring to hold a large assembly within less than 30 days from the date of filing a completed Application and the Applicant provides substantiation of the same, the Committee may, in its discretion, do its best to expedite its review, evaluation and investigation of the Application in less than the amount of time it would normally spend on the same so action on the Application can be taken sooner.

6) Identity of Applicant. The Application shall state:

- a. The name of each Applicant for the license, if a natural person, and if the Applicant is not a natural person, the Application shall identify the name of the entity, whether the Applicant is a corporation, partnership, limited liability company or other entity and in what jurisdiction the Applicant was incorporated or formed, the physical address of the Applicant, the mailing address of the Applicant, the telephone number of the Applicant and the Applicant's e-mail address. The Application shall set forth the name of a contact person for the Applicant and an indication as to how the Committee can best quickly communicate with the Applicant or its agent in the event the Committee determines the Application is incomplete or is otherwise deficient and needs to be supplemented or revised so that it is complete. If the Application is being made by a natural person, either that person or that person's agent shall sign the Application. If an agent is signing on behalf of an individual person, the Application shall be accompanied by a writing signed by the natural person authorizing the agent to sign on that person's behalf. If the Application is being made by an entity, the Application shall reflect the name of the signer and the signer's position in terms of being an employee, member, agent, officer or representative of the Applicant together with the capacity in which the signer is signing.
- b. The physical address of the location of the anticipated assembly, the legal description of all real estate on which the assembly is to be held, the name or names of the owner or owners of such real estate, the address of each owner and their telephone number and e-mail address. The Application shall set forth the name of a contact person for the property owner and an indication as to how the Committee can best quickly communicate with the property owner or the owner's agent in the event it is determined that the Committee has questions or needs additional documents or information pertaining to the Application.
- c. If the Applicant is the owner or an owner of the real estate upon which the assembly is to be held, the Application shall be accompanied by a copy of the deed, vesting document, current real estate tax statement or other document accurately reflecting the current ownership of the real estate.

- d. If the assembly is to be held, in whole in or part, on real estate not owned by the Applicant, the Application shall be accompanied by a legible document signed by the owner or owners of the real estate establishing that the Applicant has the consent and permission of the owner or owners of the real estate to hold the planned assembly on their real estate. The statement signed by the owner or owners of the real estate shall contain a statement indicating that the owner recognizes that the owner may be liable or responsible if the large assembly held on the owner's property violates an ordinance or ordinances of Ashland County.

7) The Application shall:

- a. State the nature and purpose of the assemblage.
- b. Specify each day the assembly will be held together with a statement indicating between what hours on each day the assembly will be held.
- c. State the maximum number of persons which the Applicant shall permit to assemble at any time, not to exceed the maximum capacity which can reasonably be assembled at the planned location, considering the nature of the assembly and the resources available for persons attending the assembly.
- d. The maximum number of tickets or entry passes the Applicant will sell or issue.
- e. A statement explaining what plans the Applicant will implement to prevent the assembly from exceeding the maximum number permitted by the license.

8) Site Plan to be Provided. The Application shall be accompanied by a written site plan of the property where the large assembly is anticipated to be held which meets the criteria set forth in this section. The site plan need not be drawn to scale but shall be sufficiently clear to be understandable by an average person and shall depict:

- a. The site where the large assembly is anticipated to be held with an indication of the approximate dimensions of the site and any prominent geographic features.
- b. The fence lines or boundary lines referred to in Section 9.a of this Ordinance.
- c. The location of each entrance/exit to the assembly area.
- d. Which direction on the site plan is North.
- e. Each highway or driveway providing access to or from the assembly site with the name of such highway or driveway, if any, shall be labeled.
- f. The parking area for the parking of vehicles of attendees and an indication of the capacity of the parking area.
- g. If the assembly will continue after sundown:
 - I. The location of each light in the enclosed meeting area; and
 - II. The location of each light in the parking area.
- h. The location of each toilet.
- i. The location of each potable water facility.
- j. The location of each solid waste container and disposal site.
- k. The location of the medical treatment facility.

- l. If camping will be allowed, the location of the camping area or areas and the capacity of each.
 - m. The location of any fire protection or other emergency services.
 - n. The location of each telephone to summon emergency assistance.
- 9) The Application shall contain:
- a. Fence or Other Boundary. A detailed description of the fence or other boundary the Applicant intends to install or erect which completely encloses the proposed location of the assembly area which is of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. The fence or boundary shall have at least four gates with at least one gate at each of the four points of the compass (North, South, East and West) with each of such gates to be of suitable size and characteristics to allow it to be opened and used as a means of access by a fire truck, ambulance or other emergency vehicle.
 - b. Enclosed Toilets. The Applicant's plans for the provision of enclosed toilets which shall meet all applicable regulatory requirements, conveniently located in the assembly site to provide toilet facilities for the maximum number of people to be assembled. The applicant will comply with Chapter 29 of the International Plumbing Code.
 - c. Potable Water. The details pertaining to the arrangements the Applicant will make for the provision of potable water meeting all applicable requirements sufficient to provide drinking water for the number of people to be assembled at the rate of one gallon per person for each day of the meeting.
 - d. Parking. The Applicant's plans for the provision of parking facilities at or near the site, including the number of parking spaces available. One parking space is to be provided for each four persons planned to be in attendance at the assembly. If the assemblage is expected to continue beyond sundown, the description of parking facilities shall describe what lighting is provided in the parking areas.
 - e. Solid Waste Disposal. The Applicant's plans for collecting and disposing of solid waste in compliance with applicable regulatory requirements, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding, collecting and disposing of the same, including trash cans or receptacles.
 - f. Medical Structure. The Applicant's plans for providing an enclosed covered structure for medical treatment staffed by medical personnel.
 - g. Communication. The Applicant's plans to provide a means of communication by private telephone line or if adequate cell phone coverage is available at the assembly site to summon emergency services or assistance if needed. The Applicant's plans to provide adequate reserved parking spaces for emergency vehicles.
 - h. Lighting. If the assembly is to be continued during hours of darkness, the Applicant's plans to provide illumination sufficient to adequately light the entire area of the assembly and the parking area at a rate of at least five foot candles.
 - i. Camping Facilities. If the assembly is to continue overnight, the Applicant's plans to provide camping facilities which shall comply with applicable regulatory requirements, sufficient to provide accommodations for the maximum number of people anticipated to remain overnight. Campground operation will comply with ATCP 79.
 - j. Security. Security guards, either regularly employed duly sworn off-duty Wisconsin peace officers or private guards licensed in Wisconsin or in another state.

- 10) Compliance with Ashland County's Noise Ordinance. The Application shall contain or be accompanied by:
- a. A written statement from the Applicant which states that:
 - I. The Applicant has reviewed Ashland County's Noise Ordinance and is familiar with it.
 - II. The anticipated large assembly will be conducted in a manner that complies with Ashland County's Noise Ordinance.
 - III. A description of what measures the Applicant will take to assure that the large assembly will be conducted in a manner that complies with Ashland County's Noise Ordinance.
 - b. If the anticipated assembly will be held on property that is not owned by the Applicant, the Application shall be accompanied by a written statement from the owner of the property where the assembly will be held which provides that:
 - I. The property owner has reviewed Ashland County's Noise Ordinance and is familiar with it.
 - II. 11. The property owner understands that if Ashland County's Noise Ordinance is violated, the property owner, in addition to the assembly operator, can be cited for violating such Ordinance.
- 11) Application and License Fee. A completed Application for large assembly license shall be accompanied by payment of a license fee in the amount of \$1,000 which is intended to help defray Ashland County's expense in processing the license. The license fee is not refundable unless the Application which has been filed is withdrawn prior to the time of the first Committee meeting. Upon approval of the application, a permit fee of \$500 will be payable to Ashland County Clerk before a license will be issued.
- 12) Liability Insurance Required. The Applicant shall file with the Committee a certificate of insurance evidencing the fact that the Applicant and assembly are covered by a comprehensive general liability insurance policy providing a minimum of \$1,000,000 aggregate coverage.
- 13) Bond. The Applicant shall post a cash or corporate surety bond with the Committee in the amount of Ten Thousand Dollars (\$10,000.00), which bond shall be available to indemnify and hold the County and any of its agents harmless from any liability or causes of action which may arise by granting the license and from any cost or expense in connection with cleaning up or disposing of waste material produced or left behind by the assembly. If the bond is a cash bond which has been posted and it is determined by the Committee that there are no damages to pay and there is no waste material to be disposed of, the cash bond will be returned to the Applicant.
- 14) Possible Exceptions from Ordinance. The Committee may, upon request by an Applicant, grant an exception to the Applicant from a requirement of this Ordinance if the Committee makes an affirmative finding that granting such exception is consistent with public health, safety and welfare. An Applicant's request for an exception shall set forth what exception the Applicant is seeking, the reasons for the requested exception together with what alternative, if any, the Applicant suggests be adopted or used to address the need that that requirement of the Ordinance is intended to address. The granting of an exception is in the sole discretion of the Committee.

15) Exclusions to Applicability of Ordinance.

- a. This Ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other permanently established place of assembly which does not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is being held; and
- b. Government sponsored fairs held on regularly established fairgrounds nor to assemblies licensed by other laws and regulations of the County.

16) Definitions. When used in this Ordinance, the following words shall have the following meanings:

- a. "Application" shall mean and refer to the Application for a large assembly license from Ashland County.
- b. "Committee" shall mean and refer to the Large Assembly Committee of Ashland County.

17) Liability. The Application shall contain a statement which provides that:

- a. The Applicant, in deciding to conduct a large assembly, assumes and accepts the duties, responsibilities and obligations that go along with it, including those imposed by this Ordinance; and
- b. Ashland County does not, by the issuance of a large assembly license, endorse, support or approve of the planned assembly; and
- c. The Applicant hereby agrees to protect, defend, indemnify and hold Ashland County and its Committee, supervisors, officers, employees, agents, attorneys and representatives harmless from any claim, action or cause of action for any damages, losses, costs, expenses, fees, charges, injuries, death and liability associated with, related to or arising from the intended large assembly.

18) Severable. If a Court of competent jurisdiction determines that any section or provision of this Ordinance is unconstitutional or is invalid for any other reason, such unconstitutional or invalid section or provision of this Ordinance shall be declared invalid and be severed from the balance of this Ordinance and shall not affect the validity of the remainder of this Ordinance.19) Enforcement. The Ashland County Sheriff's Department is authorized, directed and empowered to administer and enforce this Ordinance.20) Compliance with the License. A person who or an entity which has been issued a large assembly license by the Committee shall assure that the large assembly is operated and conducted in accordance with the representations the Applicant made to the Committee. It shall be a violation of this Ordinance for a large assembly license holder to manage, allow or permit a large assemblage to be conducted or operated in a manner inconsistent with or contrary to representations the license holder or its agent made to the Committee in the Application or in documents which accompanied the Application.21) Violations.

- a. A person who violations this Ordinance is subject to a forfeiture not to exceed \$1,000 per day plus the costs of prosecution and, in default thereof, may be incarcerated in the County Jail for not more than 30 days. Each day a violation of this Ordinance occurs constitutes a separate violation.
- b. This Ordinance may be enforced by injunction in any Court of competent jurisdiction.

Dated at the City of Ashland, Wisconsin this 14th day of September, 2017.

Pat Brown
W. Williams
Carl Kudger
Kathy S. Schutte
Mark Cox
Laura Muley
Timmy W...
Matt J...
Ruby K...
Clarence Campbell

Ken ...
al R ...
George M...