

 <p>CITY OF APPLETON POLICY</p>	<p>Title: SPECIAL EVENTS</p>	
<p>Department: Legal & Administrative Services</p>	<p>Policy Source: Office of the City Clerk</p>	<p>Audience: City employees, residents, visitors, event applicants/permit holders</p>
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I. PURPOSE

The City values the importance of community gatherings, large and small, as a key driver of quality of life in the Fox Cities. The purpose of this policy is to outline a clear and equitable process for special event organizers while also capturing necessary information for City staff to make informed decisions on use of resources and considerations to issue permits for safe and successful events.

II. POLICY

Events, gatherings, and planned occurrences on City property or in City rights-of-way that surpass the normal and ordinary use of such property may be considered special events and subject to review and permitting. *Certain events, while held on private property, may still require extraordinary services from the City or pose safety risks to the public and would benefit from review by the Special Events Committee and require a Special Event permit.*

III. DISCUSSION

It is recognized that special events of all size benefit the community. At the same time the City has numerous considerations when reviewing a special event such as: safety to

the public, preservation of life and property and compliance with the Municipal Code, County Ordinances, State Statutes, federal law and relevant City policies. These items are of paramount importance and will be heavily weighted in review of Special Event proposals in accordance with this policy.

Event organizers should have a consistent and streamlined process to follow when considering, applying for, and executing their events. Responsibility for the process and oversight of event permitting rests with the City of Appleton; responsibility for planning and execution of the special event is that of the event organizer(s).

Events and programs will be evaluated on the details – not the content – of the event in question and City staff will exercise discretion in reviewing each event on a case-by-case basis.

Costs of providing community events must be proportionally borne by event organizers and the City's taxpayers, though the City's goal is not to achieve 100% cost recovery for events and programs.

Impacts of events vary widely depending on expected attendance, location, and attributes of the event. Events should meet community expectations for provision of public safety resources and level of emergency preparedness based on the scale, complexity, and risk environment presented by the event.

The City must have sufficient notice prior to a special event so that the City may adequately evaluate the potential impact the event may have on resources of City Departments, City-owned properties and facilities, and ultimately on the public. Applications for special events must be submitted forty-five (45) days prior to the start of the event.

IV. DEFINITIONS

Anticipated attendance means an objective estimate made by an applicant of the maximum number of people that will attend at a given time. This may also be construed as peak attendance at the event.

Applicant means the person applying for the special event permit.

Days means calendar days.

Multiple day event means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval (e.g., an event occurring on a consecutive Saturday and Sunday or an event occurring every other Tuesday), at the

same start and end time and at the same location. One special event license will be issued for a multiple day event.

Normal and ordinary use means the way City owned property should normally and ordinarily be used, as established by the department of that jurisdiction (e.g., a ball diamond complex's normal and ordinary use is for baseball/softball games, a public street's normal and ordinary use is for vehicular traffic, a sidewalk's normal and ordinary use is for pedestrian use). Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.

Special event or **event** means any planned occurrence in the public right-of-way or on public property including, but not limited to, parades, gatherings, festivals and athletic events which are not within the normal and ordinary use of the place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may be a single day event or a multiple day event. A special event does not include block parties as defined by the Department of Public Works Block Party Policy.

Special Event Permit Application Form or **application** means the application available from the Office of the City Clerk that must be completed and filed in the Office of the City Clerk no later than forty-five (45) days prior to the event.

Special Event Permit means the permit issued by the City Clerk on the recommendation of the City Special Events Committee.

Special Events Committee or **Committee** means the committee comprised of City employees representing the following City departments: Health, Human Resources – Risk Management, Fire, Legal & Administrative Services, Parks & Recreation, Police, Public Works, and Valley Transit.

V. PROCEDURES

A. PERMIT REQUIREMENTS

1. APPLICATION. To obtain a special event permit, the applicant must file a completed application with the Office of the City Clerk a minimum of forty-five (45) days prior to the event and pay the application fee.

(a) LATE APPLICATIONS. Late applications result in an automatic denial of the special event permit.

- (b) ADDITIONAL RESERVATIONS/PERMITS/LICENSES. Applications must be complete and all relevant information enclosed in the application including additional reservations, licenses, or permits are required.
 - (c) MAP/ROUTE/DIAGRAM OF EVENT. A detailed map or diagram indicating the specific location must be submitted with the application. The map should also indicate any proposed street closures and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable. Event routes must be submitted with the application regardless of historical precedent. Proposed routes may be altered after the permit has been issued only at the discretion of the Police Department and the Department of Public Works.
2. STREET CLOSURE. Street closures will be reviewed on a case-by-case basis, with an emphasis on minimizing the impact to traffic flow on collector and arterial roadways.
- (a) COUNTY HIGHWAYS. Closure of county highways or their detour routes require approval of the county.
 - (b) INTERSTATES OR STATE HIGHWAYS. Closure of interstates or state highways or their detour routes require approval from the Wisconsin Department of Transportation. These approvals may require a pre-approved detour route capable of commercial motor vehicle traffic.
 - (c) TRAFFIC CONTROL PLAN. Applicants or their contractor must provide an acceptably prepared Traffic Control Plan (TCP) for review and approval six (6) weeks prior to the event for roadways or their detour routes defined as interstates, highways, or arterial roadways, or four (4) weeks prior to the event for other roadways. Roadway designations are defined in the City of Appleton's Temporary Traffic Control Manual. The plan must comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, latest edition, and the City of Appleton's Temporary Traffic Control Manual, latest edition. Temporary traffic control devices/services must be provided by a contractor which has extensive experience in the industry and is approved in advance of the event. It is the responsibility of the applicant or their contractor to ensure that the approved temporary traffic control devices are:
 - 1) Assembled and delivered to the appropriate locations by noon on the day prior to the event, (unless a different time is pre-approved by City of Appleton staff).
 - 2) Properly configured in accordance with the approved TCP.

- 3) Removed from the roadway immediately following the end of the event.
- 4) Removed from the city rights-of-way within forty-eight (48) hours of the end of the event.

Road closures will use temporary traffic control devices, including barricades, temporary signs, and cones. When deployed on the public right-of-way, these constitute official traffic control devices. They shall not be removed or modified without permission from the City of Appleton or their designee.

3. INSURANCE. Events are required to have adequate levels of insurance as determined by the City's Risk Manager and based on the size and type of the event. Pertinent applicants must provide a valid certificate of insurance covering all liability with their application *and must list the City of Appleton as an additional insured.*
4. FOOD SERVICE. Events offering food to attendees shall describe the food service being offered and provide a list of food vendors with the application. Copies of food vendor's Health Licenses may also be required. Any updates to the vendor lists shall be submitted to the Health Department two (2) weeks prior to the event. Food vendors that are not pre-approved may not participate in the event.
5. SAFETY/SECURITY. Events must have a designated head of security and may be required to have additional security personnel at the rate of one (1) security person for every 300 persons present if alcohol is available for consumption, or for every 600 persons present if alcohol is not available for consumption. The City of Appleton has the discretion to modify these ratios as they deem necessary, and the applicant will be notified of the modification as soon as reasonably possible.
Security at a special event must meet the standards determined by the Appleton Police Department or must be provided by a contractor approved by the Appleton Police Department.
 - (a) HEAD OF SECURITY. The head of security must, at minimum, be (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) reachable by phone at all times during the event by any City employee, (iv) able to call 911 during the event, (v) able to contact and instruct the security personnel, as applicable, during the event, and (vi) be trained as a crowd manager per the adopted Fire Code.
 - (b) SECURITY PERSONNEL. Security personnel must, at minimum, be: (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) able to call 911 during the event, (iv) reachable at all times by

the head of security during the event, (v) be able to act on instructions from the head of security, or any other authorized person, in case of an emergency, and (vi) be trained as a crowd manager per the adopted Fire Code.

- (c) **ADDITIONAL REQUIREMENTS.** In the event the City of Appleton has a reasonable and justifiable reason to request the applicant have additional safety features at the event beyond what is provided for in the application on *supplemental form SE-03*, the Department(s) must let the applicant and the City Clerk know what additional safety features the event will need at the time the application is reviewed by the Department. *If the applicant refuses to provide, or cause to be provided by an approved contractor, the additional safety features recommended by the City of Appleton, the Department(s) may recommend denying the event/application per section VI. A. 2., and the applicant may appeal pursuant to section VI. A. 3.* *There are some circumstances in which the City of Appleton may deem it appropriate to provide additional equipment or services outside of the items noted on the application for a special event to uphold the safety of the public and preservation of life and property. These determinations made solely by the discretion of the City of Appleton, will not incur costs or fees to be borne proportionally by the applicant.*

6. SET-UP, TOILET FACILITIES, AND CLEAN-UP.

- (a) **SET-UP TIME.** Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted in writing by the Department(s) with jurisdiction over the location of the event.
- (b) **MARKINGS.** Any instructions or information about or pertaining to an event applied directly to City property, such as streets, sidewalks and curbs, must be no more than twelve (12) inches in height and two (2) feet in length. Only white, temporary (lasting no longer than [30] days), water-based marking paint or landscape chalk is permitted to be used.
- (c) **TOILETS.** It is the responsibility of the applicant to ensure the adequate number of toilets are available at the event.
- (d) **WASTE RECEPTACLES.** It is the responsibility of the applicant to ensure the proper number of waste receptacles are present at the event.
- (e) **CLEAN-UP.** It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was prior to the event. All clean-up efforts must be completed *expeditiously and no later than* four (4) hours

after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event.

B. FACILITY RESERVATIONS

1. Facility reservations related to special events are on a first-come, first-served basis and may be made no more than one (1) year in advance; subject to sections V. B. 2. below.
2. Organizations/groups/individuals that have reserved a City park/facility for a special event have forty-five (45) days after the date of the special event to make reservations for the same location, day or weekend for the following year, *subject to the Park/Facility Reservation policy, ~~which requires a special event application to be on file with the Office of the City Clerk prior to the reservation being finalized.~~* After forty-five (45) days the City park/facility will be open for the public to reserve.

C. PARADES

1. Applicants for parades must complete the supplemental parade questionnaire (SE-08) and submit it with their special event application.
2. Parade routes should seek to have minimal impact on traffic disruption in the proposed area. All parade routes are subject to review, modification and approval by way of the Special Events Committee.
3. The approved safety plan for the parade provided by the Appleton Police Department, must be adhered to. Failure to comply may result in citations or denial of future applications.
4. Throwing and distributing items from parade entries to spectators including, but not limited to, pamphlets, fliers, toys, stickers, food, or candy is prohibited.
5. Parade units may not operate in a reckless or dangerous manner.

D. CITY ELECTRICITY (DPW)

1. *Use of power outlets in City street light poles and tree planters (hereafter referred to as City Outlets) is not allowed unless specified as part of an approved Special Event Permit or otherwise approved by the City Traffic Engineer.*
2. *The maximum current draw available per duplex outlet is sixteen (16) amps, or two thousand (2,000) watts in total, including both the upper and lower half of*

the outlet. Exceeding this limit will likely blow a fuse and the City Outlet in question will be without power for the remainder of the event.

3. *City Outlets will be checked before and after each event. The costs associated with replacing blown fuses and/or making electrical repairs due to electrical overdraw will be the responsibility of the Special Event Permit holder.*
4. *All City Outlets have ground fault circuit interrupt (GFCI) protection. Any devices that will be plugged into a City Outlet should be checked prior to the event at a different location, to ensure that they do not trip a GFCI.*
5. *Extension cords plugged into City Outlets must comply with all of the following:*
 - (a) Outdoor rated, 3-wire,*
 - (b) 12 gauge or heavier,*
 - (c) No longer than 25 feet.*

Use of unacceptable extension cords may result in power being shut off.

6. *Nothing can be taped to City poles, as many types of tape leave residue that can damage the pole finish. Costs associated with any tape residue removal will be the responsibility of the Special Event Permit holder.*

E. FEES

1. **APPLICATION FEE.** The application fee is due upon submittal of a special event application to the Office of the City Clerk. *See Appendix 1 Fee Schedule.*
2. **POLICE INVESTIGATION FEE.** A background check of all applicants will be conducted by the Police Department. The fee for the background check is in addition to the application fee and must be paid at the time the application is submitted. *See Appendix 1 Fee Schedule.*
3. **CITY EVENTS.** Events where the applicant is an official, employee or designated agent of the City acting on behalf of the City will not incur any fees. *These City-sponsored events may have precedence over other events.*
4. **PERMIT FEES.** Charges for park facilities, food sales permits, Street Occupancy Permits, tent permits, etc., are to be paid in addition to the fees discussed in this policy. *Permit fees are due at the time the related permit application is submitted.*
5. **METER BAG FEES.** A Meter Bag application (*form SE-09*) shall be submitted at the time of the special event application submittal. Charges for meter bags are to be paid per the DPW Downtown Parking and Meter Bag Policy in addition to

the fees discussed in this policy.

6. *CHARGEBACK FOR CITY SERVICES. Special events incurring the use of City Services including but not limited to security, traffic control, and City equipment will be charged back for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.*

Events with a historic or projected attendance of approximately ten thousand (10,000) people or more, will require a Special Event Service Agreement with the City. The Special Event Service Agreement establishes event costs to be borne by the applicant. Failure to reach and/or complete a Special Event Service Agreement will result in the applicant being charged for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.

- (a) Event organizers may request an estimate of fees prior to the event.*
- (b) Invoices for services rendered will be sent within forty-five (45) days after the event has concluded.*
- (c) Applicants for events in which the total anticipated services rendered exceeds five-thousand dollars (\$5,000) may be required to pay a portion of the anticipated fees for services rendered two (2) weeks in advance of the event.*
- (d) Failure to pay invoices by the time specified may result in the denial of future permit applications.*

7. **NON-REFUNDABLE.** All fees are non-refundable. Advance payments for services may be refunded pursuant to section V.F.2. below.

F. EVENT CANCELLATION.

1. The Mayor or designee may cancel an event without prior notice for any condition affecting public health, safety, or welfare of the City, or any condition that would affect facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.
2. *The applicant/organizer of the event should provide ample notice of intent to cancel any planned special event to the Office of the City Clerk. Event cancellation by the organizer does not guarantee availability of the venue, or resources to reschedule the event. Events that pre-paid for anticipated services rendered will receive a refund of the pre-paid amount for an event cancellation if the notice of cancellation is received by the City Clerk forty-eight (48) hours prior to the commencement of the event.*

- G. **COMPLIANCE.** The applicant is responsible for ensuring that the event complies with this policy and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park and trail rules, health laws, fire codes, City facility reservation policies and procedures, and alcohol licensing regulations. Failure to comply resulting in the City providing *additional services will result in the applicant being billed for the City provided services at the rate(s) outlined in Appendix 1 Fee Schedule.*
- H. **PRECEDENT.** Nothing in this policy shall take precedence over any applicable statutes or ordinances.

VI. APPLICATION REVIEW

- A. **DEPARTMENT REVIEW.** Applications are reviewed by employees from the following City departments: Health, Human Resources (Risk Management), Fire, Legal & Administrative Services (Office of the City Clerk), Parks & Recreation, Police, Public Works, and Valley Transit. Each department will recommend approval or denial of the application by providing the Office of the City Clerk with the information behind their recommendation. The City Clerk will issue the license upon receiving a recommendation for approval of the application from all reviewing departments.
1. **RELEVANT EVALUATION.** Each department must recommend approving or denying an application based on the information relevant to that department. A department's decision to recommend approving or denying an application may not be based in any way on the content of any message associated with the event. A department's decision to recommend approving or denying an application may be based on, but is not limited to, the following:
- (a) Use of departmental resources,
 - (b) Costs to the department,
 - (c) Any perceived public health or safety problem,
 - (d) If the applicant or reoccurring event has a history of not complying with this policy and/or other applicable rules or regulations, which has or may have an impact on the department, and
 - (e) Use of City property *including risk and impact to resources and the environment* that is relevant to the department, and
 - (f) *Overlapping events or conflicting events.*
2. **DENIAL RECOMMENDATION.** If a recommendation for denial is made by a department, an explanation must be provided to the City Clerk which will then be provided to the applicant.

3. APPEALS PROCESS. If an application is denied for any reason, including an inability to pay required fees due to indigency, the applicant may request the application be submitted to the Common Council by way of the Safety and Licensing Committee for review and a final determination of whether to grant the permit.
 - (a) *LATE APPLICATIONS: The City Clerk shall follow the notification requirements of Sec. 9-26 of the Municipal Code for application denials; however, late applications for special events present unique constraints for applications to appeal a denial due to the potential for the lack of an opportunity for an appeal to be decided by the Common Council prior to the scheduled event. Late applications are those filed with the Office of the City Clerk within forty-five (45) days of the event.*
 - (b) *In the event of a late application, the City Clerk shall, without undue delay, notify the applicant of the automatic denial due to the untimely application, the City Clerk shall, without undue delay, notify City staff to conduct their Departmental reviews of the application in order for the Safety & Licensing Committee and Common Council to have all relevant information to consider when deciding to grant or deny the permit. City staff shall make a reasonable effort to complete their Departmental review of the event prior to the appeal being heard by the Safety & Licensing Committee and, if applicable, continue their review to update the Common Council at the subsequent meeting.*
 - (c) *Notwithstanding the aforementioned concerns related to late applications, an applicant waives their right to appeal a denial decision when there is not time to provide sufficient notice to the public for the appeal to be included in the agenda for the next regularly scheduled Safety & Licensing Committee meeting if the subsequent Common Council meeting is after the event date.*
 4. WAIVER. Some or all of the license requirements may be waived in cases where the United States Secret Service notifies the City of a proposed event in which it will be assisting with security details. It will be at the discretion of the Special Events Committee which requirements will be waived.
 5. TIMING OF REVIEW. *Applications deemed complete by all relevant City Departments will be reviewed in a timely manner. Absent exceptional circumstances, application review and permit issuance will be completed a minimum of fourteen (14) days prior to the commencement of the event.*
- B. SPECIAL EVENTS STAFF COMMITTEE. The Special Events Committee is comprised of City staff from the following City departments: Health, Human Resources (Risk

Management), Fire, Legal & Administrative Services (Office of the City Clerk), Parks & Recreation, Police, Public Works, and Valley Transit.

1. **PURPOSE.** The purpose of the Special Events Committee is for Committee members to plan, coordinate, and discuss the City resources that will be used for an upcoming special event, to discuss interdepartmentally any concerns or problems with a special event, and to generally provide the other City departments with information that may be relevant to approving and/or denying special event applications.
2. **MEETINGS.** The Committee meets once a month as determined by the City Clerk.
3. **ATTENDANCE.** City departments who recommend approving or denying special event applications should ensure at least one member of their department attends each Committee meeting.
4. **SPECIAL EVENT APPLICANTS.** Applicants may request to attend a Special Event Committee meeting to address questions or concerns with their proposed event. Requests must be made to the Office of the City Clerk and will be accommodated to the extent possible.