

**Resolution #90-2010**

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN  
ORDINANCE AMENDMENT #**

**Ordinance Amendment offered by Supervisors of the Large Assembly Committee.**

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES  
ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 12.04 of the General Code of Oneida County, Wisconsin, is repealed and recreated as follows:

**12.04 LARGE ASSEMBLIES, REGULATION OF.**

**(1) Intent. (a)** The purpose of this ordinance is to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in this County, in order that the public peace and good order, the health, safety and welfare of all persons in this County, residents and visitors alike, may be protected.

**(b)** It is the intent of the Oneida County Board of Supervisors that all sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Supervisors that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of this ordinance.

**(c)** This ordinance shall be effective in all unincorporated areas of Oneida County. This ordinance shall not be effective in any incorporated municipality of Oneida County unless the governing body of that incorporated municipality passes an ordinance expressly authorizing the enforcement of this chapter within its corporate boundaries, and forwards a copy of said ordinance to the Oneida County Clerk.

**(2) License Required. (a)** No person shall permit, maintain, conduct, undertake or manage an actual or reasonably anticipated assembly of 1,000 or more people which continues or can reasonably be expected to continue for 8 or more consecutive hours, of 5000 persons for 4 or more consecutive hours, or 10,000 or more persons for 1 or more consecutive hours, with or without an admission fee, whether on public or private property, unless a license to hold the assembly has first been issued by the governing body of this County as hereinafter provided; application for which must be made at least thirty (30) days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. Any person receiving a license under this ordinance shall, in preparation for, and while conducting the licensed assembly, comply with all applicable federal, state, and local codes of regulations, statutes, ordinances and other applicable laws. Such entities shall also ensure that all of their officers, board members, employees and agents shall comply with all such laws.

**(b)** As used in this ordinance:

(1) "Person" means an individual natural human being, partnership, corporation, firm, company, university, school, association, society or group;

52 (2) "Assembly" means a company of persons gathered together at any location at any single  
53 time for any purpose.

54 (3) "Law Enforcement Official" means the Oneida County Sheriff, deputy sheriff or deputized  
55 local police officer, police officer of another police or sheriff's department with jurisdiction or  
56 providing mutual assistance under the law, the Oneida County Emergency Management  
57 Director, Oneida County Clerk, Oneida County Department Director, Oneida County Zoning  
58 Director, Oneida County Corporation Counsel, Oneida County Solid Waste Administrator, any  
59 fire chief, assistant fire chief or other fire department official of a jurisdiction in which the  
60 assembly is being held, an employee of any department or agency named above, and any other  
61 local, county, state or federal employee whose responsibility it is to enforce public safety laws or  
62 other laws within a jurisdiction within which the assembly is being held.

63 (4) "Responsible Person" means a natural person or persons, of at least eighteen years of age,  
64 designated by the applicant, at least one of whom shall be at the assembly at all times during  
65 the assembly, and each of whom shall severally have authority to make decisions and to  
66 commit necessary financial resources as reasonably required by the county to ensure  
67 compliance with this ordinance, accept notices, summonses and other legal process issued with  
68 respect to violations of statutes, ordinances, regulations and other laws.

69 (c) A separate license shall be required for each event and each location in which an assembly  
70 of the size and duration regulated by this ordinance is held; the fee for each license shall be  
71 \$100.00.

72 (d) A license shall permit the assembly of only the maximum number of people stated in the  
73 license. The licensee shall not sell tickets to nor permit to assemble at the licensed location  
74 more than the maximum permissible number of people.

75 (e) The license shall not permit the sound of the assembly to carry unreasonably beyond the  
76 enclosed boundaries of the location of the assembly.

77 (f) The license shall not permit cinders, noxious odors, fumes or gases to unreasonably  
78 emanate beyond the property line of the assembly.

79 (g) This ordinance shall not apply to any regularly established, permanent place of worship,  
80 stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established  
81 place of assembly for assemblies which do not exceed by more than 250 people the maximum  
82 seating capacity of the structure where the assembly is held.

83 (h) This ordinance shall not apply to government financially sponsored fairs such as are held on  
84 regularly established fairgrounds nor to assemblies required to be licensed by other ordinances  
85 and regulations of this County.

86 (i) An applicant shall execute and file with the County Clerk's Office:

87 (1) An agreement which shall indemnify and hold harmless this County or any of its agents,  
88 officers, officials, servants and employees from any liability or causes of action which might  
89 arise by reason of granting this license;

90 (2) Certificates of insurance issued by insurance companies licensed to transact business with  
91 the State of Wisconsin providing that the applicant and the assembly are covered by a  
92 comprehensive general liability policy providing a minimum coverage of \$2,000,000 aggregate  
93 coverage; fire legal liability policy in the amount of \$2,000,000; and worker's compensation  
94 insurance as required by Wisconsin law.

95

96 **(3) Conditions for Issuing.** Before a license may be issued pursuant to this ordinance, the  
97 applicant shall first demonstrate compliance with the following requirements:

98 (a) Indicate the maximum number of people which will be assembled or admitted to the location  
99 of the assembly, provided that the maximum number shall not exceed the maximum number  
100 which can reasonably assemble at the location of the assembly in consideration of the nature of  
101 the assembly and provided that, where the assembly is to continue overnight, the maximum  
102

103 number shall not be more than is allowed to sleep within the boundaries of the location of the  
104 assembly by the zoning or health ordinances of this County.

105 **(b)** Provide proof that the applicant will furnish at his/her own expense before the assembly  
106 commences:

107 (1) A fence or other easily recognizable boundary marking system that completely encloses the  
108 proposed location; a fence may be required by the Large Assembly Committee if it is reasonably  
109 determined to be necessary to protect the health, safety and welfare of the attendees, the  
110 community, and/or neighboring property owners;

111 (2) Potable water, meeting the purity and safety standards of Wisconsin Admin. Code Chapter  
112 NR 809, for safe drinking water of less than the maximum contaminant level goals as set forth  
113 therein, sufficient to provide safe drinking water for the maximum number of people to be  
114 assembled;

115 (3) Separate enclosed toilets for males and females, meeting all state and local specifications,  
116 in numbers sufficient to comply with the requirements of Table 55.32, Wisconsin Admin.Code  
117 Chapter COMM 55, conveniently located throughout the grounds, together with an efficient,  
118 sanitary means of disposing of waste matter deposited; a supply of running water and a  
119 continuous supply of soap, or other type of hand washing station that is reasonably effective  
120 and sanitary, and paper towels shall be provided with each toileting area;

121 (4) A reasonable, sanitary and legal means of disposing of waste water from any portable water  
122 stations, portable washing stations and showers, with such waste water to be stored in  
123 containers of sufficient size that they need not be emptied more often than once every 24 hours,  
124 with no such waste water to be stored in uncovered containers, or to be stored in containers  
125 comprised of materials that are not reasonably durable and reasonably capable of resisting  
126 cutting, puncturing, rupturing and leaking;

127 (5) A sanitary method of disposing of solid waste, in compliance with state and local laws and  
128 regulations, sufficient to dispose of the solid waste production of the maximum number of  
129 people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day,  
130 together with a plan for holding and a plan for collecting all such waste at least once each day of  
131 the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;

132 (6) An emergency medical station capable of providing emergency treatment and first aid to the  
133 assemblage. Such station shall be staffed with personnel trained to, at minimum, the  
134 proficiency of a Wisconsin certified emergency medical technician (CEMT), at a level of two staff  
135 persons for an assembly of up to five thousand persons expected to assemble, and an  
136 additional staff person for each additional 2,500 people or portion thereof expected to assemble,  
137 and at least one emergency ambulance on site at all times whenever 10,000 or more people are  
138 assembled. The applicant shall also have a demonstrated means of contacting local  
139 emergency service providers in the event of an emergency that exceeds the capabilities of the  
140 onsite medical station;

141 (7) If the assembly is to continue during hours of darkness, illumination sufficient to light the  
142 main activity area of the assembly, toileting and washing areas, and areas of ingress, egress  
143 and parking at levels sufficient to ensure safety, but not to shine unreasonably beyond the  
144 boundaries of the location of the assembly.

145 (8) Reasonable parking for vehicles with space sufficient to provide parking space for the  
146 maximum number of people to be assembled at the rate of at least one parking space for every  
147 four persons.

148 (9) A minimum of either one hard wired telephone line, that shall be operational during the entire  
149 period that the event is being held or, in the alternative, the applicant may represent in writing  
150 that the applicant will have two (2) or more cellular phones that have been tested and found to  
151 function in the area and that will be in constant operation the entire period the event is held. The  
152 applicant shall include this phone number or numbers in the application. Additional wireless  
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154 communications devices may be used as necessary to ensure that the event operators can  
155 contact emergency services at all times;

156 (10) If the assembly is to continue overnight, camping facilities in compliance with all state and  
157 local requirements as set forth in the Wisconsin Admin. Code and ordinances of this County,  
158 sufficient to provide camping accommodations for the maximum number of people camping;

159 (11) Security guards sufficient to provide adequate security for the maximum number of people  
160 to be assembled. A primary security officer, who is a licensed security officer in the State of  
161 Wisconsin or has other similar credentials, shall be designated, whose name, address and  
162 telephone number shall be provided to local law enforcement. As a condition of the license,  
163 local law enforcement officials shall be granted access to the site to ensure public safety;

164 (12) Fire protection, including but not limited to alarms, extinguishing devices and fire lanes and  
165 escapes sufficient to meet all state and local standards for the location of the assembly as set  
166 forth in the Wisconsin Admin. Code, ordinances of the County, and any other applicable law;

167 (13) All reasonable necessary precautions to ensure that the sound of the assembly will not  
168 unreasonably carry beyond the boundaries of the location of the assembly; and that the use of  
169 sound amplification devices shall be prohibited and shall not be used between the hours of  
170 twelve o'clock midnight and eight o'clock a.m., except in emergency situations which otherwise  
171 require such use;

172  
173 **(4) Application. (a)** Application for a license to hold an actual or anticipated assembly of 1,000  
174 or more persons shall be made in writing, on the County's approved application form, to the  
175 County Clerk of this County at least thirty (30) days in advance of such assembly. Within three  
176 (3) business days after receipt of any application, the County Clerk shall send a copy of such  
177 application and the time, date and place of their meeting at which the application shall be  
178 considered to the chair of the town in which the proposed assembly will be held, and to each  
179 agency listed under the definition of law enforcement official herein. The clerk shall also notify  
180 the applicant of the date, time, and location of the meeting at which the Large Assembly  
181 Committee will consider the application. Failure to provide a copy of the application, or notice to  
182 the town chair or any law enforcement official as required herein shall not preclude issuance of  
183 a license to an applicant.

184 **(b)** The application shall contain a statement made upon oath or affirmation that the statements  
185 contained therein are true and correct to the best knowledge of the applicant and shall be  
186 signed and sworn to or affirmed by the individual making application in the case of an individual  
187 natural human being, by all officers in the case of a corporation, by all partners in the case of a  
188 partnership or by all officers of any unincorporated association, society or group or, if there be  
189 no officers, by all members of such association, society or group.

190 **(c)** The application shall contain and disclose:

191 (1) The name, residential and mailing addresses of all persons required by this ordinance to  
192 sign the application and, in the case of a corporation, a certified copy of the articles of  
193 incorporation together with the name, residence and mailing address of the primary officers of  
194 said corporation, and the name, residential and mailing addresses and telephone numbers of  
195 each responsible person as that term is defined herein;

196 (2) The address and legal description of all property upon which the assembly is to be held  
197 together with the name, residence and mailing address of the record owner(s) of all such  
198 property;

199 (3) Proof of ownership of all property upon which the assembly is to be held, or a valid, written  
200 lease executed by the property owner, and a statement made upon oath or affirmation by the  
201 record owner(s) of all such property that the applicant has permission to use such property for  
202 an assembly of 1,000 or more persons. If the property is owned by a corporation, proof that the  
203 person purporting to act for the corporation has actual authority of the shareholders of said  
204 corporation to authorize the use of the corporate real estate for the proposed purpose;

- 205 (4) The nature or purpose of the assembly;
- 206 (5) The total number of days and/or hours during which the assembly is to last;
- 207 (6) The maximum number of persons which the applicant shall permit to assemble at any time,
- 208 not to exceed the maximum number which can reasonably assemble at the location of the
- 209 assembly, in consideration of the nature of the assembly, or the maximum number of persons
- 210 allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances
- 211 of the County if the assembly is to continue overnight;
- 212 (7) The maximum number of tickets to be sold, if any;
- 213 (8) The plans of the applicant to limit the maximum number of people permitted to assemble;
- 214 (9) The plans, including an accurate description of the means to be used, for marking the
- 215 boundaries of the location of the assembly;
- 216 (10) The plans for supplying potable water including the source, amount available and location
- 217 of outlets;
- 218 (11) The plans for providing toilet and lavatory facilities including the source, number and
- 219 location, type, and the means of disposing of waste deposited;
- 220 (12) The plans to provide for medical services and on-site first aide, to include the names and
- 221 hours of availability of the medical support personnel, and provisions for contacting emergency
- 222 medical service;
- 223 (13) The plans, if any, to illuminate the location of the assembly as required by this ordinance;
- 224 (14) The plans for parking vehicles including size and location of lots, how traffic flow and traffic
- 225 control is to be maintained, points of highway access and interior roads including routes
- 226 between highway access and parking lots;
- 227 (15) The plans for telephone service including the source, number and location of the hard wired
- 228 telephone;
- 229 (16) The plans for camping facilities, if any, including facilities available and their location;
- 230 (17) The plans for security including the number of guards and the name, address and
- 231 telephone number of the primary security officer, along with certification that such information
- 232 has been provided to local law enforcement agencies;
- 233 (18) The plans for fire and severe weather protection and emergency response, including onsite
- 234 capabilities to respond to fire or severe weather emergencies;
- 235 (19) The plans for sound control and sound amplification, if any;
- 236 (20) The plans for the sale, preparation and distribution of food and beverages, including a
- 237 statement as to whether alcohol will be allowed, and/or served, and whether it will be sold or
- 238 given away, and the method of disposal of solid waste, including but not limited to recyclables,
- 239 garbage, trash, rubbish or other refuse accumulated as a result of such activities. If any person
- 240 other than the person applying for the permit shall engage in the sale of food or beverages, the
- 241 names, addresses, and license or permit number of such persons shall be included on the
- 242 application. If such information is not known at the time of the application, a list shall be
- 243 provided at least 15 days prior to the start of the assembly. All recyclables, garbage, trash
- 244 rubbish and other refuse shall be stored in securely covered containers until removed from the
- 245 assembly area. Such containers shall be maintained in a sanitary condition, shall not be over-
- 246 filled, and shall be emptied at least once daily. Nothing herein shall be deemed to guarantee
- 247 the issuance of any alcohol beverage license, or be deemed to be a waiver of any requirement
- 248 for such license under any ordinance or other law.
- 249 (21) If any tattooing or body piercing shall take place at the assembly, the plans to ensure that
- 250 such practices are done in a safe and sanitary way, and in structures which have walls, ceilings
- 251 and floors which are not composed of fabric, vinyl, or any other easily pliable material that is not
- 252 durable, easily cleanable and which are such that there are no unreasonable openings to the
- 253 outdoors which would allow the entry of dust, airborne contaminants, insects or other pests.
- 254 Any such structures and artists shall also be licensed by the Oneida County Health Department,
- 255 unless the code providing for such licensure provides an exception to the licensing requirement.

256 (22) A map of the location of the assembly, which may be handwritten, but must be legible. The  
257 map need not be precisely to scale, but shall be reasonably close to scale. The map shall  
258 include all of those of the following things which will exist at the time of the assembly:  
259 1. Vehicular traffic routes.  
260 2. Fire Lanes.  
261 3. Parking areas.  
262 4. Camping areas.  
263 5. Admissions areas.  
264 6. Stage/performance areas.  
265 7. Vendor areas.  
266 8. Seating areas.  
267 9. Office headquarters.  
268 10. Emergency/medical stations.  
269 11. Security/law enforcement areas.  
270 12. Structures.  
271 13. Sanitary facilities.  
272 14. Potable water locations.  
273 15. Any areas containing combustible or hazardous materials.  
274 16. Fencing including accesses and gates."

275  
276 **(d)** The application shall include: the above information in sufficient detail to determine the  
277 applicant's compliance with the requirements for issuance of a license hereunder.  
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279 **(e)** Applicants applying for licenses for assemblies which are substantially similar to licensed  
280 assemblies previously held by the same applicant may attach a copy of the previous application,  
281 however, all differences between the previous assembly, and the assembly for which the  
282 application is being made, must be clearly described in writing in the application.  
283

284 **(5) Issuance.** The application for a license shall be processed within twenty (20) days of  
285 receipt. The application shall be reviewed by the Large Assembly Committee, with the  
286 assistance of law enforcement officials, to ensure compliance with this ordinance. The license  
287 shall be issued by the County Clerk if all conditions are complied with as determined by the  
288 Large Assembly Committee.  
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290 **(6) Revocation.** The license may be revoked by the governing body of Oneida County, the  
291 Large Assembly Committee, or any committee thereof designated by the governing body to so  
292 act at any time if any of the conditions necessary for the issuing of or contained in the license  
293 are not complied with, or if any condition previously met ceases to be complied with.  
294

295 **(7) Enforcement. (a)** The provisions of this ordinance may be enforced by injunction of any  
296 court of competent jurisdiction and by citation issued by local law enforcement officials or  
297 officers and/or by designated County enforcement personnel.

298 **(b)** The holding of an assembly in violation of any provision or condition contained in this  
299 ordinance or any license issued hereunder shall be deemed a public nuisance and may be  
300 abated as such.

301 **(c)** Any person, firm, company or corporation, which or who violates 12.04(2), or who violates  
302 any condition upon which license is granted may be fined not less than \$1,000.00 or more than  
303 \$10,000.00 for each violation. Each day of violation shall be considered a separate offense.  
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305  
306 Approved by the Large Assembly Committee this \_\_\_\_\_ day of October 2010.

307  
308 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_  
309

310  
311 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by  
312 the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

313 Offered and passage moved by: \_\_\_\_\_  
314 Supervisor  
315 \_\_\_\_\_  
316 Supervisor  
317 \_\_\_\_\_  
318 Supervisor  
319 \_\_\_\_\_  
320 Supervisor  
321 \_\_\_\_\_  
322 Supervisor

323  
324 \_\_\_\_\_ Ayes

325  
326 \_\_\_\_\_ Nays

327  
328 \_\_\_\_\_ Absent

329  
330 \_\_\_\_\_ Abstain

331  
332  
333 \_\_\_\_\_ Enacted

334  
335 by the County Board of Supervisors this \_\_\_\_\_ day of October 2010.

336  
337 \_\_\_\_\_ Defeated

338  
339  
340 \_\_\_\_\_

341 Mary Bartelt, County Clerk

341 Ted Cushing, County Board Chair

342  
343  
344 Drafted: September 1, 2010