

TOWN OF UNION

ORDINANCE NO: 2016-__-__

THE TOWN BOARD OF THE TOWN OF UNION DOES ORDAIN AS FOLLOWS:

I.

Section 1-1.0460 of the Municipal Code of the Town of Union is hereby amended to add the following:

3-1.1240	Large Assembly or Camping Facility License Violations	Class A -1,000.00
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II.

Section 1-1.0465 C. of the Municipal Code of the Town of Union is hereby amended to add the following:

3-1.1240 C. Large Assembly or Camping Facility Licenses .

III.

Section 2.1-2.0545. of the Municipal Code of the Town of Union is hereby amended to add the following:

2.1-2.0545 P. At any place where official signs prohibit stopping or parking or any area temporarily designated “No Parking” by the Chair or any supervisor designated by the Chair during periods and in locations where heavy traffic is anticipated because an event or attraction.

2.1-2.0545 Q. At any place where official signs prohibit the parking of vehicles identified by height, length, or type.

IV.

Article 3-1.12 of the Municipal Code of the Town of Union is hereby repealed and recreated to read as follows:

3-1.1220 Preamble. The Town of Union has been the location of occasional large gatherings, among them Music Festivals. In the past few years Music Festivals have increased from one to three and many thousands of people

attend each one. There are other locations in the Town where more than a thousand people have attended events. Wonderful as some may be, large gatherings are an imposition on the residents of the Town who live in moderate proximity to such events, and their needs in the areas of health, sanitary, fire, police, transportation and utility services far exceed those regularly provided in the Town for its residents.

Event traffic can impede, and in some cases actually prevent, residents and their guests from having access to their property. Sound escaping from such events can make normal living impossible, impairing normal conversations, preventing common in-home entertainments such as enjoying television, radio, and recordings, and making it impossible for residents and their children to sleep until after the event is concluded. Uncontrolled lighting invades the living rooms and bedrooms of neighbors. Such events have, on occasion, attracted people who do not respect the property and privacy of neighbors of the event, resulting in a panoply of dangerous or indecent improprieties occurring on neighboring properties.

The Town Board has heard from neighbors and from event sponsors, and has concluded that regulation of such events is necessary if events and Town residents are to coexist. Existing ordinances, such as those addressing nuisance and traffic issues, only provide for penalties imposed for past acts. The Board has concluded that such events should be civilized by regulating the grounds where such events occur and regulating activities central and peripheral to the core activities of the event. It is the purpose of the Board to regulate the assemblage of large numbers of people in order that the health, safety, comfort, and welfare of all persons in the Town, residents and visitors alike, may be protected.

3-1.1230 Definitions. As used in 3-1.1220 through 3-1.12200:

- A. "Assembly" means a company of 100 or more persons gathered together at any location at any single time for any purpose.
- B. "Assembly grounds" means the entire contiguous area used for the assembly except camping facilities. It shall have at least four gates, two of which must be connected to approved roadways suitable for ingress and egress by vehicular traffic. The gates will be located so as to disperse, rather than concentrate people leaving the grounds.
- C. "Camping facility" means a licensed special event campground operated to accommodate persons attending, participating in, supporting, or providing goods or services at a licensed assembly, including a regularly operating campground which increases its capacity to exceed 100 campsites during a licensed assembly.
- D. "Health Department" means the Eau Claire City-County Health Department.
- E. "Person" means any individual natural person, partnership, corporation,

firm, limited liability company, company, association, society or group.

3-1.1232 Exemptions. This Article shall not apply to any regularly established, permanent place used exclusively for worship, or to any assembly at a place or event where the programming, performance, or other purpose for the meeting is conducted inside an enclosed building, or to any licensed campground which is open for business at least 75 consecutive days each year except on those days when it becomes a camping facility defined in §3-1.1230 C.

3-1.1240 A. Assembly License Required. No person shall hold an assembly of 1,000 or more people which continues or can reasonably be expected to continue for 4 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Clerk, application for which must be made at least 60 days in advance of the assembly. All conditions of the License must be complied with. 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, except as may be limited by the terms of the license. Assembly activities shall cease no later than 12:00 midnight, unless, within the application, a later closing time is requested and it is approved by the Board.

B. Camping Facility. No person shall operate a camping facility unless a license to do so has first been issued by the Clerk, application for which must be made at least 60 days in advance of the assembly. All conditions of the License must be complied with.

3-1.1245 License fee.

A. Assembly Grounds. A separate license shall be required for each assembly grounds where 1,000 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$1,500, except that the fee is waived for organizations exempt from Federal Income Tax by Sec. 501(C)(3) of the Internal Revenue Code. A separate license must be obtained for each day of an assembly. Camping may be permitted on an assembly grounds and be included in the assembly license, provided the application for the assembly license is supplemented with the additional information required for a camping facility license and that the proposed camping area on the assembly grounds meets all the requirements for a camping facility.

B. Camping Facility. A separate license shall be required for each camping facility contained within a single continuous enclosure. The fee for each license shall be \$1,000. A separate license must be obtained for each seven day period during which the camping facility rents or licenses campsites. If a camping facility permits or presents entertainment or other programming, and 1,000 or more persons who are not camping at the facility attend the entertainment or

programming, the camping facility becomes an assembly grounds and shall be licensed as such.

3-1.1250 Traffic control for any assembly or camping facility. The Eau Claire County Sheriff or designee shall determine the number of deputies needed to provide law enforcement services, including but not limited to, traffic control on public highways and may charge a fee to one or more licensees under this ordinance to recover its direct and indirect costs for providing said services. Traffic control in support of an assembly or camping facility shall not unreasonably prevent residents whose homes are within any traffic control perimeter from having unobstructed, free ingress and egress to and from their homes. Family members and invitees of residents shall have the same unobstructed, free ingress and egress to and from the resident's home. The licensee of any large assembly shall distribute vehicle passes to all residences within the traffic control perimeter.

3-1.1260 Number of persons attending to be limited.

A. Assembly grounds: A license shall permit the assembly of not more than the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the assembly grounds, more than the number of attendees stated in the license.

B. Camping facility: A license shall permit the rental of not more than the maximum number of campsites approved by the Health Department and stated in the license.

3-1.1270 Volume of sound restricted. A. The sound level at the property line of the assembly grounds shall not exceed 75 decibels on the A scale slow response sustained for any period of five minutes between the hours of 10:01 a.m. and 11:59 p.m. There shall be no amplified music between 12:00 midnight and the following 10:00 a.m.

B. The sound level at the property line of any camping facility shall not exceed 75 decibels on the A scale slow response sustained for any period of five minutes between the hours of 10:01 a.m. and 10:29 p.m. The sound level at the property line of any camping facility shall not exceed 70 decibels on the A scale slow response sustained for any period of five minutes between the hours of 10:30 p.m. and 12:00 midnight. There shall be no amplified music at any camping facility between 12:00 midnight and the following 10:00 a.m.

C. Applicant shall furnish the Town with the telephone numbers of at least two people capable of reducing the volume of sound to a lawful level within three minutes of receiving a telephone call reporting excessive volume of sound.

3-1.1271 Location of Performances. No performance can take place within 300

feet of any part of any residential building, unless the occupant, whether owner or tenant, of each such building consents in writing to the location of such a performance site. Such consents shall be filed with the Clerk before such a performance can occur.

3-1.1272 Lighting restrictions. It is the intent of the Board permit reasonable uses of lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, to conserve energy and resources to the greatest extent possible, and to help protect the natural environment from the effects of night lighting.

3-1.12100 License – Contents of assembly application.

A. Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the Clerk by filing ten copies of the application and any supporting documents with the Clerk. Application for the license should be made at least 120 days before the proposed assembly, but must be made at least 60 days in advance of the assembly. The Clerk shall immediately forward copies of the license application for information and comment to the health department, the county planning & development department, each supervisor of the Town, and the Township Fire Department.

B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual natural human being, by the President and any other officer who will attend the assembly, if a corporation is the applicant, by the managing member if there is one, or if not, by all the members of a Limited Liability Company who will attend the assembly, by all general partners in the case of a partnership, by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

C. The application shall contain and disclose:

1. The name, residence and mailing address of all persons required to sign the application by paragraph B. and the mailing address and street address of any organization which is the applicant, and, if applicable, the state of registration, the registered agent and registered office of the organization.

2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner(s) of all such property and owner(s) or holder(s) of any unrecorded leaseholds or vested property interests therein, if known.

3. Proof of ownership by the applicant of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the

record owner(s) of all such property that the applicant has permission to use such property for and assembly of 1,000 or more people.

4. The nature and purpose of the assembly.

5. The total number of days and hours during which the assembly is to take place.

6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly.

7. The maximum number of tickets to be sold, if any.

8. The plans of the applicant to limit the maximum number of people permitted to assemble.

9. The plans for fencing the location of the assembly and the gates contained in such fence.

10. The plans for supplying potable water including the source, amount available and location of outlets.

11. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.

12. The plans for holding, collection, and disposing of solid waste material.

13. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.

14. The plans, if any, to illuminate any part of the location of the assembly including the source and amount of power and the location of lamps and of any illuminated signs; prior to approval, the Board shall determine that the plan reasonably meets the goals set forth in section 3-1.1272.

15. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots, and an emergency evacuation plan for vehicles and people.

16. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

17. The plans for sound control and sound amplification.

18. The plans for food concessions.

19. Copies of all other permits and approvals required, including but not limited to, zoning and sanitary permits.

20. The names and addresses of all owners of land within 660 feet of the boundaries of the proposed assembly site,

D. The application shall include the certificate of insurance required in 3-

1.12105, and the license fee stated at 3-1.1250.

3-1.12105 License – Conditions for issuance. After approval but before an assembly license may be issued, the applicant shall first:

A. Determine the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly.

B. If the assembly is open to the public, without regard to whether an admission fee is charged, the applicant shall state whether attendees will be allowed to carry firearms. If carrying of firearms will be prohibited, the applicant will provide documentation of how notice will be provided consistent with the requirements of Wis. Stats. § 943.13(1m)(c)3 and (2)(bm).

C. Provide proof that the applicant will furnish, at applicant's own expense, before the assembly commences:

1. Except on those portions of boundaries where the Board determines that fencing will not contribute to achieving the purposes stated in this paragraph, all areas of the licensed premises where people, whether attendees, employees, volunteers, vendors, etc. are permitted to be, shall be enclosed by features of the land which act as a natural barrier or by fencing on the licensed premises of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, and to prevent people from leaving the grounds by a route other than through official gates. There shall be no barbed wire or equivalent within six feet of the ground. Unless Wisconsin law permits the consumption of alcohol throughout the festival grounds notwithstanding the presence of minors, alcoholic beverages can only be served and consumed within fenced enclosures with adequate monitoring to restrict minors from entering the area and prohibiting alcoholic beverages from being taken from the fenced area.

2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day, unless approved drinking water transport vehicles are available to transport and dispense an adequate supply of safe drinking water. One approved drinking water fountain or faucet shall be available for each 1,000 persons up to 10,000 with one additional for each additional 3,000 persons or fraction thereof. Single service drinking cups shall be available and dispensed in a sanitary manner at each water faucet that is not a water fountain. Use of single service drinking cups by more than one person is prohibited.

3. Separate enclosed toilets for males and females, meeting all state and local regulations, conveniently located throughout the grounds, sufficient to provide facilities in compliance with the following, except that individual

portable toilets, available to any gender, may be substituted:

a. For events where alcohol is available 1 water closet and 2 urinals for up to 600 males and one water closet for each additional 600 males or fraction and one urinal for each additional 300 males or fraction.

b. For events where alcohol is available 3 water closets for up to 600 females and one additional water closet for each additional 150 females or fraction.

c. For events where alcohol is not available, 1 water closet and 1 urinal for 600 males and one water closet for each additional 600 males or fraction and one urinal for each additional 500 males or fraction.

d. For events where alcohol is not available, 2 water closets for up to 600 females and one water closet for each additional 250 or fraction.

e. A sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations.

f. The provision of portable handwash stations consisting of water under pressure, a wastewater storage tank, soap, and individual service towels, or hand sanitizer dispensers, shall be provided for each 5 water closets or urinals.

4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2½ pounds of solid waste per person per day, together with a plan for holding in approved solid waste storage containers and a plan for collecting all such waste at least once each day of the assembly, and approved solid waste storage containers,

5. That conditions 2, 3 and 4 must be installed or provided for at least one day before the assembly and shall be approved in writing by the director of the city - county health department or designated representative, said designation to be in writing,

6. Provide, at applicant's expense, at least one emergency ambulance available for use at all times, staffed by two E.M.T.'s,

7. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly in accord with section 3-1.1272.

8. Prior to opening the campground grounds to assembly attendees, the name and address of all food vendors on the premises shall be furnished to the Clerk or Chair.

9. Uniformed security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, or directly employed by the commercial establishment applying for the assembly license, sufficient to provide adequate security for the maximum number of people to be assembled: For the first 3,000 people attending the assembly, at least one security guard for every 750 people, unless alcohol is served and then

at least two security guards for every 500 people. At least one security guard shall be provided for every 1,000 people in excess of the first 3,000. *Applicant shall also provide the Clerk at least three telephone numbers which can be used to contact one or more security guards at all times during the assembly.*

10. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and of the Town, and sufficient emergency personnel to efficiently operate the required equipment,

11. A plan for motor vehicle ingress and egress on public roads and highways expected to be affected by the event,

12. A certificate of insurance, filed with the Clerk, or a general liability policy naming the Town as an additional insured in the face amount of at least \$3,000,000 governing the entire period of the license, which shall indemnify and hold harmless the Town and any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly, or damage done to public or private property.

13. A master security plan, including uniformed security on foot during the entire event, diagramed traffic flow patterns and provision for patrolling the parking area.

3-1.12110 License – Contents of application - camping facility.

A. Application for a license to operate a camping facility shall be made in writing to the Clerk by filing ten copies with the Clerk at least 60 days in advance of such assembly. The Clerk shall immediately forward copies of the license application to the health department, the county planning & development department, each Supervisor of the Town, and the Township Fire Department.

B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual natural human being, by the President and any other officer who will attend the assembly, if a corporation is the applicant, by the managing member if there is one, or if not, by all the members of a Limited Liability Company who will attend the assembly, by all general partners in the case of a partnership, by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

C. The application shall contain and disclose:

1. The name, residence and mailing address of all persons required to sign the application by paragraph B. and the mailing address and street

address of any organization which is the applicant, and, if applicable, the state of registration, the registered agent and registered office of the organization.

2. The address and legal description of the property which will be designated a camping facility, together with the name, residence and mailing address of the record owner(s) of all such property and owner(s) or holder(s) of any unrecorded leaseholds or vested property interests therein, if known.

3. Proof of ownership by the applicant of all property upon which the camping facility will be operated or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for and assembly of 1,000 or more people.

4. The total number of days during which the camping facility will be in operation.

5. The maximum number of campsites which will be on the camping facility and a map showing those campsites.

6. The plans for fencing the location of the camping facility and the gates contained in such fence.

7. The plans for supplying potable water including the source, amount available and location of outlets.

8. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.

9. The plans for holding, collection, and disposing of solid waste material.

10. The plans, if any, to illuminate any part of the camping facility including the source and amount of power and the location of lamps.

11. The plans for security.

12. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

13. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.

14. Copies of all other permits and approvals required, including but not limited to, zoning and sanitary permits.

D. The application shall include the certificate of insurance required in 3-1.12115, and the license fee stated at 3-1.1250.

3-1.12115 License – Conditions for issuance. After approval, before a camping facility license may be issued, the applicant shall first:

A. Provide proof that the applicant will furnish, at applicant's own expense, before the assembly commences:

1. All areas of the licensed premises where people, whether attendees, employees, volunteers, vendors, etc. are permitted to be, shall be enclosed by

features of the land which act as a natural barrier or by fencing on the licensed premises of sufficient height and strength to prevent people from entering or leaving the camping facility except through designated gates. The fence shall have at least two gates which must be connected to approved roadways suitable for ingress and egress by vehicular traffic. There shall be no barbed wire or equivalent within six feet of the ground. Unless Wisconsin law permits the consumption of alcohol throughout the festival grounds notwithstanding the presence of minors, alcoholic beverages can be served pursuant to a license issued for that purpose and consumed only within fenced enclosures with adequate monitoring to restrict minors from entering the area.

2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for occupants of the camping facility. Single service drinking cups shall be available and dispensed in a sanitary manner at each water faucet that is not a water fountain. Use of single service drinking cups by more than one person is prohibited.

3. Separate enclosed toilets for males and females, except that individual portable toilets, available to any gender, may be substituted. There shall be handwash stations consisting of water under pressure, a wastewater storage tank or approved wastewater disposal system, soap, and individual service towels, or hand sanitizer dispensers, shall be provided for each 5 water closets or urinals.

4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people who will occupy the camping facility of at least 2½ pounds of solid waste per person per day, together with a plan for holding in approved solid waste storage containers and a plan for collecting all such waste at least once each day of the assembly, and approved solid waste storage containers,

5. That conditions 2, 3 and 4 must be installed or provided for at least one day before the assembly and shall be approved in writing by the director of the city - county health department or designated representative, said designation to be in writing,

6. At least one emergency ambulance available for use at all times, staffed by two E.M.T.'s,

7. The gates in the fence shall be illuminated so the facility may be safely entered and exited.

8. Applicant shall also provide the Clerk at least two telephone numbers which can be used to contact one or more security guards at all times between noon on the day before the assembly commences and noon on the day after the assembly terminates.

9. The camping facilities shall comply with all state and local requirements, including including, but not limited to, DHS 178 Wisconsin

Administrative Code, ordinances of the county and of the Town, and board of health regulations. All camping facilities must be inspected, approved and licensed by the health department before the facilities can be used for camping,

a. Only those camping facilities fully developed and approved by the health department prior to the date of the assembly will be issued a license.

b. At least one uniformed security guard as provided in 3-1.12105 C.10. must be provided for each camping facility between 6:00 a.m. and 3:00 p.m. and at least two uniformed security guards for every 500 sold campsites or fraction thereof from 3:00 p.m. to 6:00 a.m.

c. Campsite density must be approved by the health department at the time of application.

10. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county and of the Town, and sufficient emergency personnel to efficiently operate the required equipment,

11. A certificate of insurance, filed with the Clerk, or a general liability policy naming the Town as an additional insured in the face amount of at least \$3,000,000 governing the entire period of the license, which shall indemnify and hold harmless the Town and any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly, or damage done to public or private property.

12. Prior to opening the campground grounds to assembly attendees, the name and address of all food vendors on the premises shall be furnished to the Clerk or Chair.

3-1.12119 Application Processing. A. Initial Review. The Board shall conduct an initial review of the submitted application to determine if it is complete or if additional information or documents are necessary for it to properly evaluate the application. The applicant or applicant's representative must attend the initial review. If the Board determines that the application is incomplete, it may request the applicant to submit additional information. Once no additional information is deemed necessary the Clerk shall schedule the application for a hearing under paragraph B. 1. below.

B. Board Action. 1. Notice and Hearing. Following the initial review and once the application is complete, the Clerk shall place a public hearing for the application for a license under this ordinance on the agenda for a regular meeting of the Board. If a special meeting is requested by the applicant, the applicant shall pay the costs incurred for the special meeting. The Clerk shall post public notice of the hearing, shall publish notice of the hearing in the Eau

Claire Leader-Telegram, and shall mail notice of the hearing to all owners or tenants of land within 660 feet of the boundaries of the proposed assembly site, and shall post on the proposed licensed premises a sign visible and legible from the abutting roadway which informs the public that application has been made for a large assembly license or a camping facility license, and the date, time, and place of the hearing before the Board, at least fifteen (15) days prior to the date scheduled for the hearing. At the public hearing, the Board shall take information from the applicant shall hear public comment on the license.

2. The Board shall consider the application and other evidence before it, and whether the applicant, or any person previously operating a large assembly or event, campground has committed any violation of any Town or County ordinance or State Law related to the previous agreement of a prior such event.

3. Board Decision. Following the public hearing, the Board shall review the complete application and comments made at the public hearing. The Board may take immediate action or set a date within 20 days for a meeting at which time it shall make a final decision on the license.

3-1.12120 License – Issuance. The application for either license, once complete, shall be processed within 15 business days of receipt and, if approved by the Board, shall be issued if all conditions are complied with.

3-1.12125 All terms, plans and conditions of this chapter, except as provided for in 3-1.12100 B. 5., must be completed 10 days prior to the date of the assembly and if the same are not completed, the license shall be revoked unless the Chair or designee agrees in writing to extend the completion date.

3-1.12130 License – Appeal and Revocation. A license may be summarily revoked by the Clerk or Chair if any condition perilous to life or limb persists more than one hour after notification of the condition is given to the apparent person in charge.

A. Any person affected by a license condition, order, or license revocation issued under this Article or upon denial of an application for a license, may request and shall be granted a hearing on the matter before the Board, provided such person shall file with the Clerk, a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty days of granting a licence hereunder, notwithstanding conditions to be fulfilled later, within thirty days of the date the notice and order are served on the applicant or ~~upon~~ within 30 days ~~upon~~ of denial of an application for a renewal. Upon receipt of the petition, the Clerk shall set a time and place for a hearing before the Board and shall give the petitioner written notice thereof. Filing a notice of appeal will not stay

implementation of the grant, denial, or order appealed from.

B. After the hearing, the Board by a majority vote, shall make findings as to whether the provisions of this Article have been complied with, and shall sustain, modify or withdraw the notice under sub, (4), or grant or deny the license or license renewal, and the petitioner shall be notified within ten days in writing of such findings.

C. The proceedings of the hearing, including detailed findings of fact and conclusions of law, and the decision of the Board shall be in writing and entered as a matter of public record in the office of the Clerk. Such record shall also include a copy of every notice and order issued in connection with the case. In addition, the Board may employ a person capable of producing a verbatim transcript of the proceeding at the cost of the party requesting the hearing.

D. Appeal. A person aggrieved by any decision of the Board made under this Article, may, within 30 days after the filing of the decision in the office of the Clerk, commence an action seeking the remedy available by certiorari. The court shall not stay the decision appealed from, but may, with notice to the board, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

3-1.12140 Enforcement of provisions. The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

3-1.12150 Violation deemed nuisance. The holding of an assembly in violation of any provision or condition contained in this chapter is a public nuisance and may be abated as such.

3-1.12160 Right of entry for inspection. The Officers and supervisors of the Town, Eau Claire County sheriff's department, the Eau Claire City - County Health Department, and the Township Fire Department shall at all times be allowed on the grounds to enforce the terms of this chapter, as provided in 1.12.010, and to maintain law and order at the assembly.

3-1.12170 Violation — Penalty. Any person who violates 3-1.1240 of this chapter or who violates any condition upon which he is granted a license shall, upon conviction, forfeit not less than \$500.00 nor more than \$10,000.00, together with the costs of prosecution and in default of such forfeiture and

costs, shall be imprisoned in the Eau Claire County jail until said forfeiture and costs are paid, but not to exceed 40 days for each violation. Each six hour period of violation shall be considered a separate offense.

[This section not published or codified] The Clerk is directed to codify this ordinance within the Municipal Code.

[This section not published or codified] All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

[This section not published or codified] The provisions of this Ordinance are severable. If any part or provision of any section, clause, or provision hereof is invalid or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Dated this 3rd day of November, 2016.

Fred Belay
Town Board Chairperson

Beverly Christopherson, Town Clerk