

ORDINANCE NO. 2016-06

An Ordinance Relating to the Festival Celebration Permit

SECTION 1. Section 7-14-1 of the Municipal Code of the City of Cedarburg is hereby amended as follows:

SEC. 7-14-1 FESTIVAL CELEBRATION PERMIT

(a) The annual Winter, Strawberry, and Wine & Harvest Festivals, and Oktoberfest activities which occur within the corporate city limits of the City of Cedarburg shall be subject to the following rules and regulations:

- (1) **Festivals of Cedarburg, Inc.** is defined as an independent corporation organized for charitable purposes under section 501(c)(3) of the Internal Revenue Code. Festivals of Cedarburg, Inc. was organized for the purpose of planning festivals and events in the City of Cedarburg, which enhance the vitality and economic well-being of the City while fostering civic, cultural, and educational interests.~~operating subcommittee of the Cedarburg Chamber of Commerce.~~
Festival Committee. Day to day operation of the festivals shall be conducted by the Executive Board and staff of Festivals of Cedarburg, in collaboration with the Festival Committee which shall be comprised of any number of volunteers from groups or businesses participating in the festivals and from the community at large. The President of Festivals of Cedarburg, Inc. or an assignee shall preside over Festival Committee meetings.
- (2) **A Common Council liaison** shall be appointed to the Festival Committee by the Mayor.
- (3) **The President** of Festivals of Cedarburg, Inc. is authorized to execute such documents as are necessary to conduct the festival, subject to the terms and conditions outlined below.
- (4) **Map.** Each application for a Festival Celebration Permit shall include a map designating the area and boundaries of the festival.
- (5) **Fermented Malt Beverages, Wine Coolers, and Wine.** For each unlicensed location at which fermented malt beverages, wine coolers and wine will be sold, an application for a Temporary Class B License shall be filed with the City Clerk at least fifteen days~~two weeks~~ prior to the event. Each location shall have an operator licensed by the City of Cedarburg present at all times when dispensing fermented malt beverages, wine coolers and wine. All sales, possession and consumption of fermented malt beverages, wine coolers and wine shall be within a designated and restricted area at each licensed location.
- (6) **Regulation of Commercial Activities.**
 - (a) The purpose of festivals is to provide a congenial atmosphere for the enjoyment of the citizens of the City and surrounding communities; to attract visitors and tourists to the City; to further the economic interests of the businesspersons and community groups within the City; to enhance economic development through tourism; to promote the festivals in

furtherance of and in a manner consistent with the public health, safety, welfare, tranquility and interest.

- (b) Public property. It shall be unlawful for any person, firm or organization to vend, sell, dispose, or offer to vend, sell, dispose or display any goods, wares or merchandise on any public sidewalk, public way, street, alley or within the public right of way within the festival area as defined in this ordinance without first having entered into a written contract with ~~obtained a permit from the Festivals of Cedarburg, Inc.-Committee~~ for that purpose, and having paid a license fee therefore, as set by said Committee. ~~The Festivals Committee of Cedarburg Inc. shall offer rental of street space in front of a business to the owner of the business-, prior to offering it to another vendor, if, in the determination of Festivals of Cedarburg, Inc., the business owner has been compliant with prior contracts.-~~
- (c) ~~Application~~The contract for the permit to vend, sell, dispose or display merchandise, goods or wares shall be made in writing ~~to with the FFestivals of Cedarburg, Inc.-Committee at least thirty (30) days~~ prior to the festival. ~~The application~~contract shall contain the name of the applicant if an individual, the names of partners if a co-partnership, or the names of principal officers if a corporation, club or charitable institution. The Committee shall be authorized to designate where such merchandise, goods or wares are to be so displayed and sold.

(b) **Procedure.**

- (1) Application for a Festival Celebration Permit shall be filed with the City Clerk thirty (30) days prior to the festival and shall contain such information as the City Clerk may require. The permit shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. The Festival Committee or its authorized representative shall provide the City Clerk with a complete list of sponsors and participants at the time of making application, as well as a plan for approval showing the location of booths on public property. Per Policy PR-4, the final plan is required four (4) weeks prior to the festival.
- (2) Upon receipt of an application for a permit, the City Clerk shall review the information given on the application for conformity with the provisions of this Section. The City Clerk shall distribute the application and accompanying materials to the Police Department, Public Works Department, Treasurer's Office, Park and Recreation Department and Fire Department. If the applicable requirements are clearly and unambiguously met in the City Clerk's opinion, he shall make a recommendation on the application to the Common Council.
- (3) The Common Council shall review the application and the City Clerk's recommendation and either deny the permit, approve the permit or approve the permit conditionally. There shall be a fee of Three Hundred Dollars (\$300) fee for such permit. The permit shall be signed by the City Clerk and shall be issued to Festivals of Cedarburg, Inc. who, in turn, shall issue identification permits to each vendor approved by the Festival Committee. These permits shall be prominently displayed by all vendors during the festival period.
- (c) **Conditions of Permit.** In addition to any other conditions imposed by the Common

Council, all Festival Celebration Permit holders shall fully comply with the following requirements:

- (1) Liability Insurance. To hold a valid permit, Festivals of Cedarburg, Inc. must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the City and its employees and agents harmless and indemnifying and defending the City, its employees and agents against all claims, liability, loss, damage or expense incurred by the City with adequate liability policy limits for any damage caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance in an amount prescribed in the *City's Schedule of Insurance Requirements* evidencing the existence of comprehensive general liability insurance (including contractual liability, product liability and liquor liability insurance with the City being named as an additional insured). The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, or nonrenewal or material change in the policy. Proof of insurance shall be submitted to the City Clerk a minimum of seven (7) days before the start of the event.
- (2) City Services. All requests by participants for city services must be made to the Festival Committee. The ~~Festivals of Cedarburg, Inc. Committee~~ will be responsible for reimbursement to the City for any city personnel, services, equipment and facilities provided for the festival in the following two circumstances: 1) when deemed necessary by the City or 2) when requested by the Festival ~~Committee~~ Committee or its authorized representative and approved by the City. For city personnel, the reimbursable costs associated with the festival shall include wages, overtime, and fringe benefits. An invoice shall be sent to the Festival Committee, if applicable, for city personnel, services, equipment and facilities within 15 days following the festival. Payment is due within 30 days of invoice. The City reserves the right to require full or partial payment of estimated costs in advance.
- (3) Cooperation with Law Enforcement Officials. To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Final plans for street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of ~~seventhree~~ thirtythree (73) days before the start of the event.
- (4) Clean-up. The permittee shall be fully responsible for all necessary cleanup associated with the licensed event to be completed within ~~2448~~ 24 hours after the conclusion of the event.
- (5) Use of City Hall Meeting Rooms. An application form, available from the City Clerk's Office, must be filled out for use of the meeting rooms in the lower level of City Hall. A designated Board member of the Festival Committee shall be responsible for lockup of City Hall after the festival.
- (6) Compliance with Other Regulations. The permittee shall comply with all applicable state and county regulations governing health and sanitation for establishments, if applicable, and any other applicable City regulations, including, but not limited to, regulations pertaining to the issuance of Temporary Class "B"

Retailers Licenses.

(7) Prohibition of Animals. No pets or animals of any kind shall be permitted within the festival area during festival hours, except such animals that are deemed medically necessary for the assistance of individuals.

(8) Utility terrain vehicle event. Each festival specified in Section 7-14-1(a) is hereby designated a Utility Terrain Vehicle event pursuant to Wis. Stat. § 23.33(4)(c)(2). Operation of utility terrain vehicles is restricted to public highways closed to general traffic and to persons designated by the City or by Festivals of Cedarburg, Inc. who also hold a valid driver's license. All operators of utility terrain vehicles in use during the 2016 Strawberry Festival shall have successfully completed an online ATV safety course offered or endorsed by the DNR or the internal training course offered by the Cedarburg Police Department prior to that Festival. Commencing with the 2016 Wine and Harvest Festival, all operators of utility terrain vehicles shall have successfully completed an online ATV safety course offered or endorsed by the department of natural resources.

(d) **Street Closure and Festival Hours.**

(1) For Strawberry Festival and Wine & Harvest Festival, Washington Avenue shall be closed from Western Avenue to ~~Bridge~~Sheboygan Road from 7:00 a.m. to ~~7~~8:00 p.m. on Saturdays, with local access for merchants and residents until 10:00 a.m. and from ~~9~~7:00 a.m. to ~~6~~8:00 p.m. on Sundays. In addition, the following streets shall be closed:

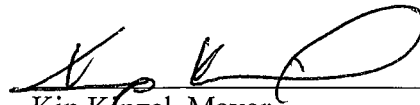
- (a) Cleveland Street from Washington Avenue west to Hanover Avenue.
- (b) Turner Street from Washington Avenue west to Hanover Avenue.
- (c) Center Street from Washington Avenue west to Hanover Avenue.
- (d) Columbia Road from Washington Avenue east to Portland Avenue.
- (e) Mill Street from Washington Avenue west to Hanover Avenue.
- (f) Mill Street from Washington Avenue east to the west driveway of N54 W6135 Mill Street parking lot.

If during the scheduled time of a festival the Fire Chief or Chief of Police or his designee determines that for safety or other public purpose reasons street closures must be amended, he shall provide notice to the Executive Director of Festivals of Cedarburg, Inc. Committee.

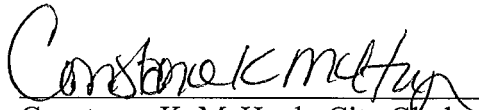
For closure of other streets not listed herein, a Street Use Permit can be obtained from the City Clerk's Office under Section 7-9-1 of the Code of Ordinances.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.


Passed and adopted this 13th day of June, 2016.


Kip Kinzel, Mayor

Countersigned:


Constance K. McHugh, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney