

WAUPACA COUNTY CODE OF ORDINANCES
Chapter 13
Licenses and Permits

13.01 DANCES AND DANCE HALLS

- A.** This ordinance shall not apply to any local municipality in the County which by its own ordinance regulates dance halls and public dances as defined in Section B below.
- B.** The term “public dance” or “public gathering” as used in this ordinance shall mean any dance or entertainment to which the public is invited or admitted and some fee, ticket, or sum of money, or anything of value is charged, demanded, accepted or received from those present, or beverages, intoxicants, food or other refreshments are sold. The term “public gathering” or “public dance” shall not be construed to apply to activities conducted in a school or church which are held under the sponsorship and supervision of school or church authorities. Any nationally known lodge or non-profit state chartered organization or chapter of a State Veterans organization, where admission is limited to only members and their families or invited guests or any private wedding dance are exempt from the provisions.
- C.** “Dance Hall” as used in this ordinance refers to any building or area where entertainment is provided or permitted for the purpose of dancing.
- D.** Section D hereof shall not apply to any tavern where the bartender on duty can oversee the dancing taking place, if the gathering occurs in the room in which the permanent bar is located, and the entire premises does not exceed an area of 800 square feet including the area occupied by the bar.

13.02 ANNUAL LICENSE

- A.** No person shall permit a public gathering for the purpose of dancing or entertainment except on premises duly licensed to be used for such gatherings under the provisions of this ordinance.
- B.** Application for an annual license to comply with this ordinance shall be made in writing directed to the County Board, filed in the County Clerk’s Office and shall be accompanied by a license fee of \$100.00. A single-use license to be used for the purpose of a one-time event may be purchased for \$25.00.
- C.** Licenses granted under this ordinance shall expire on December 31 of each year. Licenses are non-transferable.

- D. Application for a license for a public dance or public entertainment may be made by a petition signed by the owner or tenants of the premises for which a license is sought, directed to the County Clerk and accompanied by the appropriate license fee. Such license shall be granted by the Waupaca County Law Enforcement Committee in case a majority of the same votes in favor thereof, and shall be denied otherwise. If a license is denied, the applicant may appeal the application to the next session of the County Board.
- E. As a condition precedent to the issuance of an annual license, the applicant shall agree that there shall be no nude dancing upon the premises so licensed. If nude dancing is commenced after the issuance of the license, it shall be grounds for the revocation thereof.

13.03 No person or corporation required to have a license by this ordinance shall hold or permit to be held any such public gathering or dance unless at least five (5) business days before the time when the same shall commence, he/she shall notify the Sheriff of Waupaca County in writing that such dance will be held and shall in such notice state when the same will start and the place where it will be held, and the number of persons reasonably expected to attend.

Thereupon the Sheriff of Waupaca County or his/her designated agent shall:

- A. Designate the number of Deputy Sheriffs he/she feels are necessary to properly maintain order at said dance; and
- B. Require a deposit of money sufficient to reimburse said Deputy Sheriffs at the schedule of pay then in effect for deputies for Waupaca County.
- C. Any applicant who feels aggrieved by the Sheriff's decision may, after complying with the Sheriff's requests, appeal as set forth in Section 13.09 of this ordinance.

13.04 Upon receiving notice that a public dance or public gathering is to be held and the reimbursement fee is paid, the Sheriff shall assign a Deputy Sheriff(s) of the County to attend and supervise such dance, and such officer, unless excused by the Sheriff, shall attend and maintain peace and order.

13.05 Each Deputy Sheriff, while engaged in the performance of his/her duties, shall enforce all laws of the State, County and Municipality. In the event the Deputy Sheriff deems such gathering has become unruly, disorderly, or in violation of the law, the Sheriff or his/her designee may order the event discontinued and those present to disburse.

13.06 Each Deputy Sheriff shall receive the hourly rate of pay established for Deputies of Waupaca County in effect at the time of his/her employment. If the Sheriff

cannot secure Deputy Sheriffs for any given place or event at the above rate of pay, the applicant for the permit may agree to supplement the rate of pay to secure such Deputy Sheriffs.

13.07 The Waupaca County Law Enforcement Committee may require the Sheriff to inspect the premises where the event will be held to ensure public safety. The Waupaca County Law Enforcement Committee shall cancel the license of any such premises which has been disapproved by the Sheriff or his/her deputy until such time as safety concerns are alleviated to the satisfaction of the Waupaca County Law Enforcement Committee.

13.08 The following rules and regulations shall govern the conduct, operation and management of all public dances and places of entertainment:

A. All premises licensed hereunder shall be closed and the entertainment or dancing discontinued on or before 1:00 a.m. and no such activity shall be permitted between such hour and 8:00 a.m., unless previously approved by the Waupaca County Law Enforcement Committee.

B. No person under the influence of liquor or drugs to such an extent that he/she is unable to care for his/her own safety and the safety of others, and no person whose conduct or speech is vulgar, indecent or obscene, shall be permitted to attend or participant in any public dance or public entertainment, or enter or remain on the same premise as such dance or public entertainment.

C. No person shall disturb or disrupt a public dance or place of entertainment held and conducted in accordance with this ordinance by fighting or other means in the dance hall or on the premises where such dance or entertainment is being held.

D. All premises subject to regulation by this ordinance shall maintain proper lighting in the parking lots adjacent to said premises or halls or place of public dance or entertainment is in progress during the hours of darkness.

E. The premises on which the public entertainment or dance is conducted shall meet the State Code for safety and sanitation and have adequate "off highway" private parking.

13.09 Upon complaint in writing filed with the County Sheriff by any Deputy Sheriff or any other individual, that any person holding a license pursuant to this ordinance has violated any provision of this ordinance or has knowingly permitted the violation thereof at any public dance or public gathering held on the premises covered by his/her license, the Sheriff or his/her designee may require the license holder of the establishment to show cause why his/her license should not be revoked. Upon receiving the recommendation from the Sheriff or his/her

designee to revoke a license, the Chairman of the Waupaca County Law Enforcement Committee shall schedule a time to hear this matter within not more than ten (10) nor less than three (3) days. Notification of the time, date, and place of hearing shall be personally delivered to the license holder, his or her employee or a member of his/her family that is at least fourteen (14) years old. The Chairman of the Waupaca County Law Enforcement Committee shall at the time and place fixed by said notice, have the complainant and all witnesses produced by him, and all persons present on behalf of the licensee, and may compel the attendance of absent witnesses by subpoena as in criminal cases. The District Attorney or his Deputy, if requested by the Chairman, shall appear for the County. The hearing may be adjourned by the Chairman from time to time, not exceeding thirty (30) days in all, and shall suspend such license until the next meeting of the Waupaca County Law Enforcement Committee. The Committee shall review the evidence taken before the Chairman (which shall be reduced to writing for that purpose) and may on notice to the complainant and the licensee hear additional evidence. The Committee may revoke the license if they find the licensee has violated any of the provisions of this ordinance or permitted the violation thereof on premises covered by his/her dance hall license, otherwise, they shall reinstate such license if suspended by the Chairman. After the revocation of a dance hall license, no license shall be granted for the premises covered by the license revoked, nor to the person to whom it was issued, for a period of six (6) months. If the licensee so desires, he may appeal the decision to the County Board at which time the County Board will act and review the decision of the Waupaca County Law Enforcement Committee and either confirm, alter or reverse.

HISTORY AND SOURCE OF ORDINANCE:

County Board Proceedings, August 11, 1964, page 45
Recreated, County Proceedings, April 15, 1975, page 15
Amended, County Board Proceedings, August 17, 1976, page 57
Amended, County Board, September 26, 2006

13.10 CLOSING HOURS OF CLASS “A” AND “B” ESTABLISHMENTS:

- (1) Premises licensed for either Class “A” or “B” sale of liquor or fermented malt beverages shall be closed for business as follows:
 - (A) Between 1:00 a.m. and 8:00 a.m.
 - (B) Between 2:00 a.m. and 8:00 a.m. during that time of the year for which the standard time is advanced under Sec. 175.095, Wis. Stats.
 - (C) Between 3:00 a.m. and 8:00 a.m. on January 1 of each year.

13.11 SOLICITORS:

- (1) No person shall go in or upon a private residence in the county for the purpose of soliciting from the occupants thereof, or to canvas for orders for goods, wares, merchandise or services of any character or description, or for the purpose of offering to give or furnish, or giving or furnishing any goods, wares, merchandise, or services to any such occupants, to induce or invite an order, without first having applied for and received a solicitor's license to do so from the Sheriff's Department.

- (2) The terms of this ordinance shall not be held to include newsboys, nor the acts of resident merchants, business men, insurance agents, or employees residing in Waupaca County in taking orders in the houses of their customers for goods held in stock in established places of business within Waupaca County or at established agencies, nor the acts of said merchants, business men and employees in delivering such goods, merchandise or insurance policies in the regular course of business, nor to solicitations of sales made by residents of Waupaca County for charitable purposes, nor shall it apply to farmers or truck gardeners residing in the State of Wisconsin, who shall vend, sell or dispose of, or offer to sell, vend or dispose of the products of the farm or garden occupied or cultivated by him, provided further that nothing contained in this ordinance shall be held to prohibit any sale required by statute or by order of any Court, or to prevent any person from conducting a bona fide auction sale pursuant to law.

- (3) Any person desiring to secure such a solicitor's permit shall apply therefor, in writing over his or her signature, to the Sheriff's Department of Waupaca County on forms provided by the County of Waupaca, and such application shall state:
 - (a) the name and address of the applicant;
 - (b) the name and address of the person, firm, or corporation by whom employed;
 - (c) the length of service of such applicant with such employer;
 - (d) the place of residence and nature of the employment of the applicant during the preceding year;
 - (e) the nature or character of the goods, wares, merchandise, or services to be offered by the applicant;
 - (f) the personal description of the applicant;

- (g) such application shall be accompanied by such credentials and other evidence of the good moral character and identity of the applicant as may be reasonably required by the Sheriff's Department. No solicitor's permit shall be issued to any person until that person's fingerprints are on file with the Waupaca County Sheriff's Department.
- (4) If the Waupaca County Sheriff's Department shall determine after reasonable investigation that the application is sound and the applicant is of good moral character and proposes to engage in a lawful and legitimate commercial or professional enterprise, he shall then issue the permit applied for, which permit shall expire on the 31st day of December of the year in which the permit shall have been issue.
- (5) It is the duty of the Sheriff of Waupaca County and all of his deputies to enforce all the provisions of this ordinance. It shall be the duty of the Waupaca County Sheriff's Department to enforce the provisions of this ordinance and the Sheriff or any of his Deputies is hereby authorized to execute an affidavit or complaint or verification on behalf of Waupaca County for the violation of any of the provisions of this ordinance. Any member of the Sheriff's Department who shall inexcusably fail or neglect to enforce any of the provisions of this ordinance shall be subject to suspension or dismissal from the Department by the Sheriff of Waupaca County, Wisconsin.

HISTORY AND SOURCE OF ORDINANCE:

County Board Proceedings, August 9, 1966, page 41

13.12 REGULATION OF LARGE ASSEMBLAGES OF PEOPLE:

- (1) **PURPOSE:** It is the purpose of County Board of Supervisors of Waupaca County to regulate the assemblage of large numbers of people in transportation and utility services regularly provided in Waupaca County, in order that the health, safety and welfare of all persons in Waupaca County, residents and visitors alike, may be protected.
- (2) **LICENSE REQUIRED:**
 - (a) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 5,000 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the licensing committee of the County Board as hereinafter constituted, application for which must be made at least

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.

- (b) As used in this legislation:
 - (1) Person means any individual natural human being, partnership, corporation, firm, company association, society or group;
 - (2) Assembly means a company of persons gathered together at any location at any single time for any purpose.
 - (c) A separate license shall be required for each day and each location in which 5,000 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100.00.
 - (d) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets or permit to assembly at the licensed location more than the maximum permissible number of people.
 - (e) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
 - (f) This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
 - (g) This ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of this County.
- (3) **CONDITIONS FOR ISSUING LICENSE:** Before he may be issued a license, the applicant shall first:
- (a) Determine the maximum number of people which 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 and provided that,

where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality;

- (b) Provide proof that he will furnish at his own expense before the assembly commenced:
 - (1) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;
 - (2) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assemble at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day;
 - (3) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
 - (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 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;
 - (5) Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people,

together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;

- (6) If the assembly is to continue during the hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonable beyond the boundaries of the enclosed location of the assembly;
- (7) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
- (8) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 people;
- (9) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this municipality, sufficient to provide camping accommodations for the maximum number of people to be assembled;
- (10) Security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;
- (11) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards or the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this county, and sufficient emergency personnel to efficiently operate the required equipment;
- (12) All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;
- (13) A bond, filed with the Clerk of this County, either in cash or underwritten by a surety company licensed to do business in

Wisconsin at the rate of \$1.00 per person for this maximum number of people permitted to assemble, which shall indemnify and hold harmless this county or 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.

(4) APPLICATION:

- (a) Application for a license to hold an actual or anticipated assembly of 5,000 or more persons shall be made in writing to the committee at least 30 days in advance of such assembly;
- (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 the application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or 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, age, residence and mailing address of all persons required to sign the application by sub. (4)(b) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation;
 - (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 name, residence and mailing address of the record owner(s) of all such property;
 - (3) Proof of ownership 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 an assembly of 5,000 or more persons;
 - (4) The nature or purpose of the assembly;

- (5) The total number of days and/or hours during which the assembly is to last;
- (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, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight;
- (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 assemble 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 toilets and lavatory facilities including the source, number and locations, 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 the location of the assembly including the source and amount of power and the location of lamps;
- (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;
- (16) The plans for telephone service including the source, number and location of telephones;

- (17) The plans for camping facilities, if any, including facilities available and their location;
 - (18) The plans for security including the number of guards, their deployment, and their names, address, credentials and hours of availability;
 - (19) 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;
 - (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
 - (21) The plans for food concessions and concessionaire who will be all allowed to operate on the grounds including the names and addresses of all concessions and their license or permit numbers.
- (d) The application shall include the bond required in sub.(3)(b)13., and the license fee.
- (5) **ISSUANCE:** The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.
- (6) **LICENSING COMMITTEE.** The issuing of licenses shall be controlled by a committee of three individuals to be named by the Chairman of the County Board and to be known as the Licensing Committee.
- (7) **REVOCAION:** The license may be revoked by the committee at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with.
- (8) **ENFORCEMENT.**
- (a) The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
 - (b) The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

13.13 PENALTY

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code of Ordinances; and in addition, the license of such violator may be revoked.

HISTORY AND SOURCE OF ORDINANCE:

County Board Proceedings, August 3, 1970, page 56

Section 13.10, Regulation of Sale of Fermented Malt Beverages repealed August 19, 2014